

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 12, 2006

(Published May 20, 2006, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 12, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Colvin Roy, Glidden, Remington, Benson, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, President Johnson.

Absent – Council Members Goodman, Hodges.

Lilligren moved to amend the agenda to delete consideration of the resolution relating to elected officials creating and maintaining City-supported blogs. Seconded.

Adopted upon a voice vote 5/12/06.

Absent – Goodman, Hodges.

Lilligren moved adoption of the agenda, as amended. Seconded.

Adopted upon a voice vote 5/12/06.

Absent – Goodman, Hodges.

Lilligren moved acceptance of the minutes of the regular meeting and adjourned session held April 28, 2006. Seconded.

Adopted upon a voice vote 5/12/06.

Absent – Goodman, Hodges.

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 5/12/06.

Absent – Goodman, Hodges.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271171)

2700 East Lake Street LLC (re Coliseum Building, 2700 E Lake St): Authorize deferral of principal & interest payments.

Village in Phillips-Phase 2: Authorize title registration on all land for development site.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271172)

Mpls Public Housing Board of Commissioners: City Council & Mayoral appointments of Dawn Stanton, Grace Lee, Judy Karon & Darlene Rogers.

COMMUNITY DEVELOPMENT & PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

REGULATORY SERVICES (271173)

Minneapolis One Stop Powerpoint presentation.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271174)

Sherman Associates, Inc (re Central Avenue Lofts, vicinity of southwest corner of Central Ave & 24th Ave NE): Central Ave Lofts TIF Plan, Modification No. 6 to Central Ave Redevelopment Plan, Modification No. 107 to Common Plans for mixed-use development.

ELECTIONS (See Rep):

ELECTIONS DEPARTMENT (271175)

2006 Elections: Designation of polling places.

Kids Voting Minneapolis: Endorsement and support of Kids Voting Minneapolis.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271176)

Public Health Advisory Committee: Appoint Dr. James Hart representing the University of Minnesota.

REGULATORY SERVICES (271177)

Mercury: Ordinance amending Title 3 of Code requiring registration of crematoria; requiring the furnishing of additional information from air pollutant emitters; limiting annual increases of mercury air emissions from existing stationary sources; including mercury within the definition of pollutant; prohibiting the sale and purchase of certain mercury containing devices and requiring certain signage for retailers of mercury-containing bulbs; requiring notification of hazardous materials remaining on certain sites; deleting the requirement that certain dead bodies be wrapped in sheets saturated with bichloride of mercury.

HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES

(See Rep):

CIVILIAN POLICE REVIEW AUTHORITY WORKING GROUP (271178)

Civilian Police Review Authority Working Group: Approve Work plan and Timetable; Conduct review of operations of Police Department's Internal Affairs Unit; Direct staff to work to optimize an Early Intervention System for police officers; Acknowledge designation of Deputy Chief Sharon Lubinski as Police Department's CRA Liaison.

INTERGOVERNMENTAL RELATIONS:

INSTANT RUN-OFF VOTING TASK FORCE (271179)

Final Report.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNICATIONS (271180)

Local Franchising: Resolution supporting local franchising.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271181)

Greater Metropolitan Area Foreign Trade Zone Commission: Amendment to joint powers agreement approving addition of the City of Rosemount & Dakota County.

COUNCIL MEMBER GLIDDEN (271182)

City of Mpls/Hennepin County Joint Childhood Lead Poisoning Prevention Work Group: Endorsing comments on Environmental Protection Agency's proposed rule on lead safe renovation.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (271183)

Safe City Initiative.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (271184)

Rental Dwelling License at 2728 Stevens Av: Concur with Rental Dwelling License Board of Appeals to revoke license held by Tom Nyakeriga for failure to meet licensing standards.

INSPECTIONS DEPARTMENT (271185)

Chapter 249 Property at 2126 26th Av N: Authorize rehabilitation, subject to conditions.

LICENSES AND CONSUMER SERVICES (271186)

Vannah Food Market (3501 23rd Av S): Grant Off-Sale Beer, Grocery and Tobacco Licenses, subject to conditions.

Gasthof Zur Gemutlichkeit (2300 University Av NE): Grant On-Sale Liquor Class B with Sunday Sales License (temporary expansion of premises), subject to conditions.

Liquor and Beer License Requirements: Ordinances amending Title 14 of the Code allowing licenses staff to deny applications that are incomplete due to the failure of the applicant to provide necessary information; and to not grant or renew a license for which there are financial claims by the City of State.

Licenses: Applications.

OLSON, FLOYD (271187)

Chapter 249 Property at 1626 E Lake St: Rehabilitation plan for property, with attachments.

POLICE DEPARTMENT (271188)

Stop on Red Program: Request direction on proceeding with contract with Redflex.

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

FIRE DEPARTMENT (271189)

Fire Department Emergency Medical Service Training: Accept Hennepin County Medical Center proposal to provide specialized training for all Emergency Medical Technicians; and Direct City Attorney to develop a five-year agreement.

REGULATORY SERVICES (271190)

Tenant Remedy Act Program: Accept \$200,000 from Family Housing Fund and execute Letter of Agreement; Authorize Court ordered activities; Approve appropriation.

Environmental Permit Fees: Ordinances adjusting environmental permit fees to the construction cost index and moving the fees to Chapter 91 in the Director's Fee Schedule; and adjusting and moving pollution control annual registration fees to Appendix J.

Graffiti: Ordinance amending Title 11, Chapter 226 of Code transferring graffiti abatement responsibility to Public Works; expanding summary abatement to include entire structure if any part is within 5 feet of right-of-way; changing notice and eliminating summary form for non-summary abatement; authorizing use of utility bill and assessment process; and utilizing civil, administrative adjudication process to engage in cost recovery and levy fines; Direct staff to report back in January 2007; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271191)

MnDOT Metro District Downtown Minneapolis Freeway Study Update: Receive and file presentations.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 4th Quarter, 2005 (see Petn. No. 270916).

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 1st Quarter, 2006 (see Petn. No. 271154).

XCELENERGY/NSP (271192)

Utility Pole: Install one (1) new pole for temporary service for 2 months on Emerson Av S at W Lake St, Design #Temp Pole.

Utility Pole: Install one (1) 55' pole at 2835 Park Av due to new bridge location. S.R. #493730.

Utility Pole: Install one (1) 30' pole near the alley at 3100 Girard Av S for new street light. W.O. #10789980.

Utility Poles: Install one (1) 50'/30 pole and two (2) 45'/4 poles to provide temporary power on 11th Av S from Washington Av to 2nd St S, Design #164139.

Utility Poles: Install two (2) 45'/4 poles in the alleys on 53rd St E between 41st Av S and 43rd Av S for new underground feeder cable, W.O. #10779157.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271193)

Dancing on Streets: Amend Title 17, Chapter 427 of Code relating to Streets and Sidewalks: In General repealing Section 427.240 entitled "Dancing on Streets."

Upgrades at Fire Stations: Authorize change order to contract with Northern Air Corporation for mechanical and electrical upgrades to 18 Fire Stations.

Edina Art Fair: Approve large block event to operate outside of time-frame allowed under ordinance.

Northstar Commuter Rail Design: Authorize two agreements with Northstar Corridor Development Authority to reimburse City for project design and construction work.

Solid Waste and Recycling Policy Issues: Approve policy considerations as presented in 30 Year Plan.

Property Acquisition: Authorize discussions with SKB Environmental Services for possible purchase of Malcolm Transfer Station for joint City/County facility.

Stormwater Management: Adoption of 2006 Minneapolis Stormwater Management Program and Annual Report.

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

PUBLIC WORKS AND ENGINEERING (271194)

Flood Area 27 Flood Mitigation Project and 28th Av S Reconstruction Project: Resolutions a) ordering work to proceed and adopting special assessments; and b) Requesting Board of Estimate and Taxation to issue and sell bonds; Comments.

2003 Street Renovation Program: Resolution closing out remaining 2003 Street Renovation Program, reallocating funds, requesting concurrence of Board of Estimate and Taxation, and authorizing amending contract with Lunda Construction Company.

I-35W/Trunk Highway 62: Resolution authorizing negotiation and execution of agreement with MnDOT relating to cost participation for I-35W/Trunk Highway 62 construction project.

Meter Reading: Authorize contract with First Point Energy Corp. to upgrade telephone automatic meter reading software and extend contract for annual maintenance and software enhancements through December 31, 2011.

Bid: Accept responsive bid of MacQueen Equipment, Inc. for cart tipper lifting systems.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (271195)

2006 Workers' Compensation Expenses - 1st Quarter: Receive and File.

REGULATORY SERVICES (271196)

Ordinance Chapter 38 - Living Wage and Responsible Public Spending Regulations: Receive and File recommended waiver criteria.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271197)

Legal Settlement: Dejuan Haggins v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (271198)

Computer-Aided Dispatch Services: Authorize acceptance of revenue from Hennepin County Medical Center, Minneapolis Park Board, and University of Minnesota Police (\$974,294).

COMMUNICATIONS (271199)

Utility Bill Insert: June 2006 insert promoting 311 and the services it provides.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (271200)

Guest Baggage Services: Authorize issuance of RFP to provide guest baggage services, effective August 1, 2006, for an estimated annual cost of \$50,000.

CONVENTION CENTER & PROCUREMENT (271201)

Bid OP# 6603: Accept low bid of Swanson & Youngdale for Wall Fabric and Installation.

COORDINATOR (271202)

New Central Library Project - Change Orders: Approve Change Order No. 6 increasing Contract Number C-19758 with Graham Penn-Co Construction, Inc. (\$111,761); Change Order No. 4 increasing Contract Number 019830 with Schindler Elevator Corporation (\$11,488); Change Order No. 7 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. (\$328,491); and Change Order No. 8 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. (\$174,730).

Organizational Capacity for Community Engagement: Approve plan and timeline to establish a staff task force.

HUMAN RESOURCES (271203)

Civil Service Commissioners: Reappointments of E. Maurice Nakumbe and Christine Siewert as Civil Rights Commissioners (3/1/06 - 2/28/09).

Minneapolis City Supervisors' Association: Execute 12-month collective bargaining labor agreement.

AFSCME Clerical Unit, Local #9: Execute 12-month collective bargaining labor agreement.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (271204)

Landmark Designation: Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery, 2925 Cedar Ave).

PLANNING COMMISSION/DEPARTMENT (271205)

Vacation:

Carol Sitarz (re block bounded by Stinson Pkwy NE, 22nd Ave NE, New Brighton Blvd and 19th Ave NE): public alley for additional yard space.

Rezoning:

City of Minneapolis (MPD 2nd Precinct, 1911 Central Ave NE);

RMF Group/Sheridan Development Company (re Grain Belt Housing Phase I, 1215 Marshall St NE and 130-135 13th Ave NE);

Wisconsin Province of the Society of Jesus & Urban Ventures Leadership Foundation (re Colin Powell Center/Cristo Rey High School) 2931 and 2933 Clinton Ave S.

FILED:

EXECUTIVE COMMITTEE (271206)

Minneapolis Department of Civil Rights: Designation of Michael Browne as Interim Civil Rights Director.

MAYOR (271207)

Interim Civil Rights Director: Receive and File effective date of 5/15/06.

PAM KARAHALIOS (271208)

Vacate that part of the east half of France Avenue southerly lying southerly of the westerly extension of the north line of Lot 10, Block 8, "Manhattan Park, Minneapolis, Minn." and northerly of westerly extension of the south line of lot 2, auditors subdivision no. 267. Lots 8, 9, 10; Block 8; Manhattan Park, Minneapolis, Minn. Used primarily as a driveway.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271209)

Minneapolis Employment & Training Program Summary Report for 2005.

MAYOR (271210)

City Engineer: Approve acceptance of outside employment by Klara Fabry; delegate duties and responsibilities to Steve Kotke. Delegation to expire June 30, 2006.

The following reports were signed by Mayor Rybak on May 17, 2006, 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 concurs with the recommendations of the City Council and Mayor to appoint the following individuals to the Minneapolis Public Housing Authority Board of Commissioners for three year terms of office, to expire 12/31/08:

City Council

Dawn Stanton (Ward 4) (new appointment)

Grace Lee (Ward 7) (reappointment)

Darlene Rogers (Ward 5) (reappointment)

Mayoral

Judy Karon (Ward 7) (reappointment)

Adopted 5/12/06.

Absent - Goodman, Hodges.

Comm Dev - Your Committee, having under consideration the Community Planning & Economic Development report recommending an amendment to the terms of the \$1.25 million loan to 2700 East Lake LLC for the Coliseum Building at 2700 E Lake St, now recommends that principal and interest payments be deferred for an additional four months and then interest only payments be made for twelve months to accommodate a lower than projected building cash flow.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the City to file an application for title registration on all land to be included in the Village in Phillips - Phase 2 Development Project, including but not limited to the following parcels: 2400, 2401, 2404, 2415, 2417, 2419 Bloomington Ave S and 2412 - 16th Ave S.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-243, authorizing the City to file an application for title registration of land designated for the Village In Phillips – Phase 2 Development Site (2400, 2401, 2404, 2415, 2417, 2419 Bloomington Ave S and 2412 – 16th Ave S), was adopted 5/12/06 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 2006R-243
By Goodman

Authorizing the City to file an application for title registration of land designated for the Village In Phillips – Phase 2 Development Site.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the Village in Phillips – Phase 2 approved developer, Powderhorn Residents Group, Incorporated (PRG), that portions of the development site are abstract property; and

Whereas, Minnesota law requires that the entire site should be registered as either Abstract or Torrens property;

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

That, that certain land owned by PRG at 2404 Bloomington Avenue South and those certain parcels of land owned by the City of Minneapolis at 2400, 2401, 2415, 2417, 2419 Bloomington Avenue South, and 2412 – 16th Avenue South should be registered as Torrens property with the Hennepin County Registrar of Title.

Be It Further Resolved that the City is authorized to file an application for title registration to be signed by the Mayor and the City Clerk, pursuant to Minnesota Statutes, Chapter 508.03(6), including, but not limited to the following parcels of land:

2400 Bloomington Avenue South	2401 Bloomington Avenue South
2404 Bloomington Avenue South	2415 Bloomington Avenue South
2417 Bloomington Avenue South	2419 Bloomington Avenue South
2412 – 16 th Avenue South	

Adopted 5/12/06.

Absent - Goodman, Hodges.

The **COMMUNITY DEVELOPMENT and PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

Comm Dev & PS&RS - Your Committee, having under consideration the operation of the City of Minneapolis' Department of Regulatory Services One Stop, a service to provide easy ways to work with the City when developing properties or businesses, now recommends approval of the following directives to City staff:

a) The City Coordinator is directed to prepare a plan outline to consolidate the City's development review operations within one clear line of jurisdiction and accountability. The departments of Public Works, Community Planning & Economic Development (CPED), Fire, Police and Regulatory Services are directed to work cooperatively in the development of this outline;

b) Within 30 days of adoption of this Council action, and pending completion of the review below and this plan outline, the City Coordinator shall appoint a Minneapolis One Stop Ombudsperson who can compel departmental review and action on matters or make a recommendation in the event a department fails to respond or act in a timely or complete manner, consistent with State law and City ordinances, as well as other recommendations based upon conduct and matters brought to their attention. The Ombudsperson will regularly meet with and make recommendations to the Minneapolis One Stop Executive Committee, comprised of the CPED Executive Director, Assistant City Coordinator Regulatory Services and Emergency Preparedness, Planning Director, Director of Inspections and the Director of Public Works;

c) The City Coordinator is directed to evaluate the merits of an organizational structure in which the Development Review Office is responsible for day to day operational control, and in which each department retains policymaking responsibilities;

d) The departments of Fire, Public Works, Regulatory Services and CPED are directed to review existing, and where necessary, establish new decision-making processes and criteria, performance standards and timelines for the City's development review processes. The establishment of these criteria, standards and timelines shall be incorporated into each of the departments' business and operational plans for 2007;

e) The City Coordinator is directed to prepare a staffing model, and operational budget for the Development Review Office, to be included in the City's budget proposal for the 2007 fiscal year;

f) The City Coordinator is directed to report back to the Community Development & Public Safety & Regulatory Services Committees no later than June 30, 2006, and on a quarterly basis thereafter, to address the City's progress in achieving the above directives.

Your Committee further recommends that the Department of Regulatory Services be directed to report back to the Public Safety & Regulatory Services Committee at their next meeting on the rates being charged to small business owners for Sidewalk Café Licenses, in comparison to larger businesses.

Adopted 5/12/06.

Absent - Goodman, Hodges.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the proposal by Sherman Associates, Inc, to redevelop the 2.25 acre site at 2316-2338 Central Ave NE, 900-24th Ave NE and 2323 Jackson St NE into a mixed-use, mixed-income project, now recommends passage of the accompanying resolutions:

a) Adopting the Central Avenue Lofts Tax Increment Finance (TIF) Plan, Modification No. 6 to the Central Avenue Redevelopment Plan, and Modification No. 107 to the Common Development and Redevelopment and Common Tax Increment Financing Plans; and

b) Authorizing the issuance of a "Pay-As-You-Go" Tax Increment Financing Note to Central Avenue Lofts Limited Partnership in a principal amount not to exceed \$1,100,000.

Your Committee further recommends approval of the proposed redevelopment contract business terms as described in the Community Planning & Economic Development (CPED) staff report, and that the proper City officers be authorized to execute a redevelopment contract with Central Avenue Lofts Limited Partnership, with Sherman Associates, Inc. as general partner, based on the terms contained in the CPED staff report, and all other necessary documents related to the above recommended actions.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

Resolution 2006R-244, adopting the Central Avenue Lofts Tax Increment Finance (TIF) Plan, Modification No 6 to the Central Avenue Redevelopment Plan, and Modification No 107 to the Common Development and Redevelopment and Common Tax Increment Financing Plans for development of 2316-2338 Central Ave NE, 900-24th Ave NE and 2323 Jackson St NE into a mixed-use, mixed-income project, was adopted 5/12/06 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 2006R-244
By Goodman and Ostrow

Adopting the Central Avenue Lofts Tax Increment Finance (TIF) Plan, Modification No 6 to the Central Avenue Redevelopment Plan, and Modification No 107 to the Common Development and Redevelopment and Common Tax Increment Financing Plans.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2. By Resolution duly adopted August 26, 1983, the City approved the Central Avenue Redevelopment Plan which was subsequently modified by Modifications 1 through 5. Further, by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment and Common TIF Plan (the "Common Plans"). The project area established by the Central Avenue Redevelopment Plan (the "Project Area") is geographically located within the Project Area established by the Common Plans (the "Common Project"). The parcels included in the proposed modification to the Central Avenue Redevelopment and Common Plans are intended to remain within the existing Project Area, but the new tax increment financing district is not being incorporated into the Common Project and will not be subject to the existing Common Project obligations and commitments. Rather, it is being created as a free-standing TIF district.

1.3. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed Central Avenue Lofts TIF Plan, Modification No 6 to the Central Avenue Redevelopment Plan, and a proposed Modification No 107 to the Common Plans ("collectively, the Plans"). The Plans create a new TIF district and modify the existing Central Avenue Redevelopment Plan to accommodate the activities and financing related to the proposed project, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the TIF district, indicate land uses, identify a budget for expenditures, reflect project activities and costs, and establish a housing TIF District, all pursuant to and in accordance with the Project Laws.

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

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

Section 2. Findings for the Adoption of the Plans

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.2. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise, as the proposed development facilitates rental and homeownership opportunities for low and moderate income households, and is necessary in order to finance a portion of the public redevelopment activities essential to implement the project, in order to relieve the current shortage of decent, safe, and sanitary housing for persons of moderate or low income and their families in Minneapolis; to enhance the city's tax base; to serve as an impetus for the provision

of needed community redevelopment; and further, that tax increment assistance is being utilized to subsidize the extraordinary cost of providing affordable rental housing at this site.

2.3. The Council further finds, determines and declares that the Central Avenue Lofts TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, and 469.1761, Subdivisions 1 and 2. The proposed district is located within the Central Avenue Redevelopment Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.4. The Council hereby finds, determines and declares that the City adopted a Unified Housing Policy which recognizes the serious shortage of affordable housing in Minneapolis and puts forth the goal to "grow the population and to have no net loss of housing across all income levels". The Unified Housing Policy also states the City will focus on linking incentives to housing opportunities in proximity to jobs and transit. Development of the project will benefit residents by providing more housing choices as the project will provide new quality housing to low and moderate income residents located directly on a major transit and central commercial corridor. Since there will be 14 units at or below 50% of Metropolitan Median Income (MMI), this project complies with the City Affordable Housing Policy, which would require at least 13 affordable units (i.e. 20% of 66). In addition, there will be 39 units affordable at or below 60% of area median income for a total of 53 low income (80%) affordable units. Eight units are being targeted for Section 8 residents. The sales price for each of the seven market rate ownership townhomes is estimated to be in the low to mid-\$200,000 range. For owner-occupied housing, 95% of the housing units must be initially purchased and occupied by individuals whose family income is less than or equal to the income requirement for qualified mortgage bond projects under Section 143 (f) of the Internal Revenue Code. Section 143 (f) states that the income requirement for 1-2 person households is 100% of the area median income, and for 3+ person households, is 115% of area median income. It is therefore found that the establishment of the Central Avenue Lofts TIF District is fully justified to facilitate public development activities and expenditures to lessen the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.5. According to Minnesota Statutes, Section 469.174, Subdivision 11, and Section 469.1761, in order to establish a housing TIF district, no more than 20% of the square footage of buildings that receive assistance from tax increments may consist of commercial, retail, or other nonresidential uses. It has been projected that the gross square footage of the Central Avenue Lofts building and townhome development will be 133,743 total square feet of which up to 15,118 square feet may be commercial space. This means that approximately 11.3% of the total square footage of the complete development may be attributable to the commercial space in the project.

2.6. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.7. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increment for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan. The public redevelopment activity, expenditures, and market values associated with the development proposed in the TIF Plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the proposed development in this TIF District could not occur solely through private investment within the foreseeable future. The Council further finds, determines and declares that the land in the Project Area and TIF District would not be made available for development without the financial aid to be sought.

2.8. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Central Avenue Lofts TIF District. Due to the level of required subsidy for this project, using a portion of the tax increment generated from this project to pay fiscal disparities is not financially viable and would stop the proposed project from developing. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.9. The Council finds additional public benefits will include provision of affordable housing units, tax base enhancement, economic integration, and increased neighborhood livability. The creation of this TIF district is in the public interest because it will facilitate the development of a mixed-income mixed-use rental and homeownership housing project that includes ground floor commercial space, and will provide needed housing for moderate and low income persons and families.

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

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

3.1. Based upon the findings set forth in Section 2 hereof, the Central Avenue Lofts TIF Plan, Modification No 6 to the Central Avenue Redevelopment Plan, and Modification No 107 to the Common Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

Resolution 2006R-245, authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$1,100,000 in connection with the Central Avenue Lofts Mixed-Use Project within the Central Avenue Redevelopment Project Area (2316-2338 Central Ave NE, 900-24th Ave NE and 2323 Jackson St NE), was adopted 5/12/06 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 2006R-245
By Goodman and Ostrow**

Authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$1,100,000 in connection with the Central Avenue Lofts Mixed-Use Project within the Central Avenue Redevelopment Project Area.

Whereas, the City of Minneapolis (the "City"), a Minnesota municipal corporation, acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Section 31 and Minneapolis Code of Ordinances, Title 16, Chapter 415, as amended, has certain powers, including without limitation the powers contained in Minnesota Statutes, Sections 469.001 to 469.047 (the "HRA Act"), and Minnesota Statutes, Sections 469.174 to 469.179 (the "Tax Increment Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted areas of the City and the development of development of housing for persons of low and moderate incomes, and in this connection the City is engaged in carrying out a redevelopment project known as the Central Avenue Lofts Redevelopment project (the "Project"); and

Whereas, pursuant to the HRA Act and Tax Increment Act, the City has approved Modification No. 6 (Central Avenue Lofts) to the Central Avenue Redevelopment Plan dated March 17, 2006, and adopted on May 12, 2006, and the Central Avenue Lofts Tax Increment Finance Plan dated March 17, 2006, and adopted May 12, 2006; and

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

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Central Avenue Lofts Limited Partnership, a Minnesota limited partnership, or its affiliated entity (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop an affordable housing project with approximately 66 rental units and 15,118 square feet of commercial/retail space;

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

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

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS**

**TAX INCREMENT LIMITED REVENUE NOTE
(Central Avenue Lofts Project)**

The CITY OF MINNEAPOLIS (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Central Avenue Lofts Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this TIF Note, being One Million One Hundred Thousand and No/100 Dollars (\$1,100,000), or such lesser amount as may equal the Public Development Costs, with interest at the TIF Note Rate, in the installments specified in this TIF Note, on the Payment Dates.

Capitalized terms not elsewhere defined in this TIF Note shall have the following meanings, and if not defined herein, shall have the meanings assigned them in the Contract:

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

"Contract" means that certain Contract for Private Redevelopment by and between the City and the Developer dated _____.

"District" means the Central Avenue Lofts Tax Increment Finance District as defined in the Central Avenue Lofts Tax Increment Finance Plan adopted by the City on _____, 2006 (the "TIF Plan").

"Improvements" shall have the meaning given to Minimum Improvements in the Contract.

"Interest Start Date" means the date when interest begins to accrue on the TIF Note, which date will be the date when the City has issued the Public Redevelopment Costs Certification.

"Maturity Date" means the earlier of (i) the final year of Tax Increment collection from the District as provided in the TIF Plan, or (ii) the date when the principal and interest amount of this TIF Note has been paid in full.

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

"Property" shall have the meaning given to it in the Contract.

"Public Redevelopment Costs" shall have the meaning given to it in the Contract.

"Public Redevelopment Costs Certification" means the certification of Public Development Costs to be issued by the City pursuant to Section 4.01(b) of the Contract.

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

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

"TIF Note Rate" means a 7% per annum interest rate, based upon a 360-day year, compounded semiannually.

On any Payment Date the Available Tax Increment will be expended in the following order:

- (1) Payment of interest which has accrued on the outstanding principal balance of this TIF Note since the last Payment Date (or the Interest Start Date if this is the first Payment Date). Any amount of accrued interest which is not paid on that date will be added to the outstanding principal balance of this TIF Note (capitalized).
- (2) Any remaining Available Tax Increment will then be used to pay principal on the TIF Note.

If the Developer is in default under the Contract, and such default has not been cured within the time period provided in the Contract, then the City may suspend payments on this TIF Note until the default is cured or the Contract and the City's obligations under this TIF Note are terminated. The City shall have no obligation to pay principal of and interest on this TIF Note from any source other than Available Tax Increment. Failure of the City to pay the interest on and the principal of this TIF Note shall not constitute a default hereunder so long as the City pays principal and interest hereon to the extent of the Available Tax Increment.

Interest shall accrue on this TIF Note from the Interest Start Date. Each payment under this TIF Note, whether a scheduled payment or any other payment, must be applied first to accrued unpaid interest and then to the unpaid principal amount of this TIF Note.

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

Each payment on this TIF Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and must be made by check or draft made payable to the Developer and mailed to the Developer at 1525 South 4th Street, Suite 201, Minneapolis, Minnesota 55404, or such other address as the Developer provides in writing to the City's notice address as set forth in the Contract or by wire transfer according to written wire transfer instructions from the Developer.

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

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

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

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

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

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

IN WITNESS WHEREOF, the City of Minneapolis, by action of its Mayor and City Council, has caused this TIF Note to be executed by the manual signature of the Finance Officer of the City; and has caused this TIF Note to be dated _____, 20____.

CITY OF MINNEAPOLIS

By _____
Patrick Born, City Finance Officer

Department Head Responsible
For Monitoring Contract:

CPED Director of Housing Policy
and Development

Approved as to form:

Assistant City Attorney

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

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

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

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

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

the taxing power of the City to pay the outstanding principal on the TIF Note or the interest thereon, or to enforce payment thereon against any property of the City. The TIF Note shall not constitute a payment thereon against any property of the City. The TIF Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

8. Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution, the TIF Note or the Redevelopment Contract, expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation other than the City and the Developer any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provision hereof or of the TIF Note and Redevelopment Contract; this resolution, the TIF Note, the Redevelopment Contract and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and the Developer.

9. Be It Further Resolved that in case any one or more of the provisions of this resolution, the TIF Note or the Redevelopment Contract shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this resolution, the TIF Note or the Redevelopment Contract.

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

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

Elections - Your Committee recommends passage of the accompanying Resolution designating polling places for the 2006 elections.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-246, designating polling places for the 2006 elections, was adopted 5/12/06 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 2006R-246

By Glidden

Designating polling places for the 2006 elections.

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated for the September 2006 Primary and November 2006 General and School Board Elections:

FIRST WARD

PRECINCT

- 1 - Golf Building, Columbia Park, 3300 Central Ave NE
- 2 - Waite Park, 1810 34th Ave NE
- 3 - Northeast Middle School, 2955 Hayes St NE (*in Media Center*)
- 4 - Audubon Park, 1320 29th Ave NE
- 5 - Windom Park Building, 2251 Hayes St NE (*Hayes & 23rd - School Annex*)
- 6 - Parker Skyview Highrise, 1815 Central Ave NE
- 7 - Tuttle School, 1042 18th Ave SE
- 8 - River Village, 2919 Randolph St NE
- 9 - Northeast Library, 2200 Central Ave NE
- 10 - Holland Highrise, 1717 Washington St NE

SECOND WARD

PRECINCT

- 1 - Heltzer Manor Highrise, 2121 Minnehaha Ave
- 2 - Brackett Park, 2728 39th Ave S
- 3 - Van Cleve Park, 901 15th Ave SE
- 4 - Coffman Union, 300 Washington Ave SE
- 5 - Sidney Pratt School, 66 Malcolm Ave SE
- 6 - St. Frances Cabrini Church, 1500 Franklin Ave SE
- 7 - Seward Square Apartments, 2121 9th St S
- 8 - Seven Corners Apartments, 1400 2nd St S
- 9 - Seward Towers East, 2910 Franklin Ave E
- 10 - Coyle Community Center, 420 15th Ave S
- 11 - Grace University Lutheran Church, 324 Harvard St SE

THIRD WARD

PRECINCT

- 1 - St Lawrence Catholic Church, 1203 - 5th St SE
- 2 - First Congregational Church of MN, 500 - 8th Ave SE
- 3 - Marcy Open School, 415 - 4th Ave SE
- 4 - Spring Manor Highrise, 828 Spring St NE
- 5 - St Marons Catholic Church, 219 - 6th Ave NE
- 6 - East Side Neighborhood Services, 1700 - 2nd St NE
- 7 - City View School, 3350 - 4th St N
- 8 - Farview Park, 621 - 29th Ave N
- 9 - Lynway Manor, 2415 - 3rd St N

FOURTH WARD

PRECINCT

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

FIFTH WARD

PRECINCT

- 1 - Minneapolis Urban League, 2100 Plymouth Ave N
- 2 - Jordan Park Middle School, 1501 30th Ave N
- 3 - Rainbow Terrace, 1710 Plymouth Ave N
- 4 - North Point Health & Wellness Center, 1315 Penn Ave N
- 5 - Lyndale Manor Highrise, 600 18th Ave N
- 6 - W. Harry Davis Academy, 1510 Glenwood Ave N
- 7 - Phyllis Wheatley Community Center – Bethune Park , 1301 10th Ave N
- 8 - Jordan New Life Community Church, 1922 25th Ave N
- 9 - Phyllis Wheatley Community Center – Bethune Park , 1301 10th Ave N
- 10 - River of Life Lutheran Church, 2200 Fremont Ave N

SIXTH WARD

PRECINCT

- 1 - Whittier International Elementary School, 315 26th St W
- 2 - Whittier Park, 425 26th St W
- 3 - Minnesota Church Center, 122 Franklin Ave W *(Use Pillsbury Ave Entrance)*
- 4 - First Christian Church, 2201 1st Ave S
- 5 - Franklin Library, 1314 Franklin Ave E
- 6 - Pentagon Highrise, 1415 22nd St E
- 7 - Ebenezer Towers, 2523 Portland Ave S
- 8 - Ebenezer Park Apartments, 2700 Park Ave

SEVENTH WARD

PRECINCT

- 1 - Bryn Mawr School, 252 Upton Ave S
- 2 - St. Paul's Episcopal Church, 1917 Logan Ave S
- 3 - First Unitarian Society, 900 Mount Curve Ave
- 4 - Jones Harrison Residence, 3700 Cedar Lake Ave
- 5 - Oak Grove Towers, 215 Oak Grove St
- 6 - Towers Apartments (Lobby Annex), 15 1st St S
- 7 - Heritage Landing, 415 1st St N
- 8 - Emerson Elementary School, 1421 Spruce Place
- 9 - Central Lutheran Church, 333 12th St S
- 10 - Augustana Health Care Center, 1007 14th St E
- 11 - Fire Station #1, 530 3rd St S

EIGHTH WARD

PRECINCT

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

NINTHWARD

PRECINCT

- 1 - Holy Trinity Lutheran Church, 2730 31st St E
- 2 - Anne Sullivan Communication Center, 3100 28th St E
- 3 - Spirit of the Lakes United Church of Christ, 2930 13th Ave S
- 4 - Little Earth of United Tribes NELC, 2438 18th Ave S
- 5 - Powderhorn Park Building, 3400 15th Ave S
- 6 - Corcoran Neighborhood Center, 3334 20th Ave S
- 7 - El Milagro Lutheran Church, 3751 17th Ave S
- 8 - Providence Place, 3720 23rd Ave S
- 9 - Longfellow Park, 3435 36th Ave S
- 10- Andersen School, 2727 10th Ave S (*use Andersen Lane entrance*)
- 11- Hiawatha Towers Highrise, Bldg #2, 2121 16th Ave S

TENTHWARD

PRECINCT

- 1 - Jefferson Elementary School, 1200 26th St W
- 2 - Ballentine VFW Post, 2916 Lyndale Ave S
- 3 - St. Mary's Greek Orthodox Church, 3450 Irving Ave S
- 4 - Bryant Square Park, 3101 Bryant Ave S
- 5 - Horn Towers Highrise, 3121 Pillsbury Ave
- 6 - First Universalist Church, 3400 Dupont Ave S
- 7 - Painter Park, 620 34th St W
- 8 - Walker Methodist Home, 3737 Bryant Ave S
- 9 - Church of New Life, 3536 Nicollet Ave
- 10- Temple Israel, 2324 Emerson Ave S (*use Fremont Ave entrance*)
- 11- Walker Library, 2880 Hennepin Ave

ELEVENTHWARD

PRECINCT

- 1 - Knox Presbyterian Church, 4747 Lyndale Ave S
- 2 - Washburn High School, 201 49th St W
- 3 - Mayflower Church, 106 Diamond Lake Road E
- 4 - Richfield Lutheran Church, 8 60th St W
- 5 - Pearl Community Center, 414 Diamond Lake Road E
- 6 - Diamond Lake Lutheran Church, 5760 Portland Ave S
- 7 - McRae Park Building, 906 47th St E
- 8 - Our Lady of Peace Church, 5426 12th Ave S
- 9 - Wenonah School, 5625 23rd Ave S

TWELFTHWARD

PRECINCT

- 1 - Bethlehem Covenant Church, 3141 43rd Ave S
- 2 - Dowling School, 3900 River Pkwy W
- 3 - St Peders Lutheran Church, 4600 42nd St E
- 4 - Hiawatha School, 4201 42nd Ave S
- 5 - Keewaydin Neighborhood Center, 3030 53rd St E
- 6 - Minnehaha United Methodist Church, 3701 50th St E
- 7 - Minnesota Veterans Home (Bldg. #17), 5101 Minnehaha Ave
- 8 - St. Helena Catholic Church, 3201 43rd St E (*use Parking lot entrance*)
- 9 - Trinity Lutheran Church of Minnehaha Falls, 5212 41st Ave S
- 10- Morris Park, 5531 39th Ave S
- 11- Nokomis Community Center, 2401 Minnehaha Pkwy E

THIRTEENTHWARD

PRECINCT

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

Elections - Your Committee recommends passage of the accompanying Resolution endorsing and supporting **Kids Voting Minnesota**.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-247, endorsing and supporting Kids Voting Minnesota, was adopted 5/12/06 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 2006R-247

By Glidden, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Remington, Benson, Colvin Roy, Hodges

Endorsing and supporting Kids Voting Minneapolis.

Whereas, with the ratification of the 26th amendment in 1971, that lowered the voting age to 18 years old, there was great hope and enthusiasm for the younger generation of this nation. It was hoped that young people would share a great voice in American democracy; and

Whereas, these great expectations have been met with declining political participation among youth; and

Whereas in 1998 fewer than one in five 18 to 24 year olds chose to vote; and

Whereas, in February 1999 "A Survey of Youth Attitudes Nationwide," commissioned by the National Association of Secretaries of State, found that young people aged 18-24 were dropping out of the electoral process for a number of reasons: they felt ignored by politicians, they felt their vote really didn't count, and they said they didn't get the kind of information they needed to vote; and

Whereas, that study found that young people lack interest, trust and knowledge when it comes to American government; and

Whereas, in 2000 roughly 37% of 18-24 year olds voted in the presidential election; and

Whereas, in 2004, 47% of 18-24 year olds citizens voted nationwide; and

Whereas, in Minnesota in 2004 nearly 200,000 18-24 year olds did not vote; and

Whereas, internationally the United States now ranks 139th out of 172 democracies in their rate of voter participation; and

Whereas, Kids Voting Minneapolis through its K-12, grade specific, learn-by-doing classroom lessons and activities and teacher training, prepares students for a lifetime of voting and civic participation in our democracy; and

Whereas, Kids Voting Minneapolis students are taught about their rights, responsibilities and privileges of voting and the importance of becoming an informed voter; and

Whereas, on Election Day students go to the official polls with their parents to vote on a specially designed Kids Voting Minneapolis ballot that includes many of the same candidates and issues that the official adult ballot contains; and

Whereas, research has confirmed the impact of the Kids Voting program on voting patterns and civic participation. In communities with Kids Voting programs, the voting rate for registered 18-year-olds is 14 % higher than their non-participating peers and adult voter turnout increases as much as 5%; and

Whereas, Minneapolis businesses, civic groups, governmental entities and volunteers have added their support to Kids Voting Minneapolis;

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

That the City Council does hereby endorse and support ***Kids Voting Minneapolis***. Support includes educating election judges about Kids Voting Minneapolis, delivering Kids Voting materials to and from polling places on election day, and coordinating election day activities to ensure a smooth process for kids and adult voters.

Adopted 5/12/06.

Absent - Goodman, Hodges.

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

HE&E - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to mercury, now recommends that the following ordinances be given their second reading for amendment and passage:

a. amending Title 3, Chapter 47 relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*, to require registration of crematoria; to require the furnishing of additional information from air pollutant emitters to the Minneapolis Air Quality Management Authority; and to limit annual increases of mercury air emissions from existing stationary sources.

b. amending Title 3, Chapter 48 relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, including mercury within the definition of pollutant.

c. amending Title 3 relating to *Air Pollution and Environmental Protection* by adding a new Chapter 57 relating to *Mercury Reduction*, prohibiting the sale and purchase of certain mercury containing devices and requiring certain signage for retailers of mercury-containing bulbs.

d. amending Title 9, Chapter 174 relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, adding a new Section 174.135 addressing notification of hazardous materials remaining on certain sites.

e. amending Title 11, Chapter 217 relating to *Health and Sanitation: Deaths and Burials*, deleting the requirement that certain dead bodies to be wrapped in sheets saturated with bichloride of mercury.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-039 amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*, amending Section 47.50 to require registration of crematoria; amending Section 47.100 to require the furnishing of additional information from air pollutant emitters to the Minneapolis Air Quality Management Authority; and adding a new Section 47.115 to limit annual increases of mercury air emissions from existing stationary sources, was adopted 5/12/06 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 2006-Or-039
By Benson
Intro & 1st Reading: 3/31/06
Ref to: HE&E
2nd Reading: 5/12/06

Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority.

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

Section 1. That Section 47.50 of the above-entitled ordinance be amended to read as follows:

47.50. Registration required. (a) No owner or operator of land, buildings, or structures shall install, construct, alter, or place in operation any:

- (1) Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour;
- (2) Commercial exhaust system with a discharge greater than five hundred (500) CFM;
- (3) Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater or combination of room heaters totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, catalytic combustor, or laminator;
- (4) Roof or ground mounted commercial HVAC equipment;
- (5) Commercial coffee roaster; ~~or~~
- (6) Pollution control device in or on any building or premises; or
- (7) Crematorium;

without first having registered the equipment and having paid the fees therefore as set forth in section 47.70.

(b) Each day of work of such construction, installation, or alteration in violation of this chapter shall constitute a separate offense.

(c) Exemption. Residential buildings and properties which have three (3) dwelling units or less are exempt from the provisions of this section.

Section 2. That Section 47.100 of the above-entitled ordinance be amended to read as follows:

47.100. Emission reporting. When requested by the Minneapolis Air Quality Management Authority, an air pollution emitter must furnish information to locate and classify air contaminant sources according to the type, level, duration, frequency, and other information as may be necessary to evaluate the source's effect on air quality and compliance with emission regulations, including the methods, practices and controls utilized by the emitter to reduce or eliminate emissions of hazardous air pollutants as defined in section 47.270.

Section 3. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.115 to read as follows:

47.115. Limit on increases in mercury air emissions from stationary sources. No stationary source required to register under section 47.50 shall increase annual emissions of mercury or mercury compounds to the air or water. Air emission increases that are both less than two pounds per year and less than twenty (20) percent of annual emissions from the stationary source shall be considered de minimis emissions for purposes of this section and shall not constitute a violation of this section. Stationary sources emitting mercury shall report their 2006 base year mercury emissions to the Minneapolis Air Quality Management Authority upon request pursuant to section 47.100 and shall report mercury emissions annually thereafter upon request. This section shall not apply to any stationary source in existence as of January 1, 2006 for which the operators have entered into an

approved agreement with the Minnesota Pollution Control Agency, the Public Utilities Commission or the Environmental Protection Agency providing for an elimination of emissions of mercury, provided that such agreement is abided by and fulfilled. Furthermore, any stationary source in existence as of January 1, 2006 will be seen to be in full compliance with this section if it fully utilizes Maximum Achievable Control Technology to treat emissions and installs and utilizes a Continuous Emissions Monitoring system within one year of the approval of such a system by the Minnesota Pollution Control Agency.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-040 amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, amending Section 48.10 to specifically include mercury within the definition of pollutant, was adopted 5/12/06 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 2006-Or-040
By Benson
Intro & 1st Reading: 3/31/06
Ref to: HE&E
2nd Reading: 5/12/06

Amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority.

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

Section 1. That the following definition provided in Section 48.10 (a) of the above-entitled ordinance be amended to read as follows:

48.10. Definitions. (a) The words used in this chapter shall have the meanings given in Minnesota Statutes and Minnesota Rules, except where the context clearly shows otherwise. Wherever the word “agency” or “Minnesota Pollution Control Agency” is used in Minnesota Rules as incorporated into this chapter by section 48.20, it shall be held to mean the City of Minneapolis. Wherever the word “director” is used in Minnesota Rules, as incorporated into this chapter by section 48.20, it shall be held to mean the director of operations and regulatory services or the director’s authorized agent. State definitions shall include, but shall not be limited to the following:

Pollutant means any “pollutant” defined in section 502(6) of the Clean Water Act. Pollutants may include, but are not limited to the following:

- (1) Residential, commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge).
- (2) Metals such as cadmium, lead, zinc, mercury, silver, nickel, chromium, copper and non-metals such as phosphorous and arsenic.
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-041 amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection* by adding a new Chapter 57 relating to *Mercury Reduction*, prohibiting the sale and purchase of certain mercury containing devices and requiring certain signage for retailers of mercury-containing bulbs (Sections 57.10, 57.20 and 57.30), was adopted 5/12/06 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 2006-Or-041
By Benson
Intro & 1st Reading: 3/31/06
Ref to: HE&E
2nd Reading: 5/12/06

Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection, by adding a new Chapter 57 relating to Mercury Reduction.

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 57 to read as follows:

CHAPTER 57. MERCURY REDUCTION

57.10. Findings. The council finds that it is in the public interest to protect the health, safety and welfare of persons in the area from toxic mercury pollution. The council finds that mercury from mercury containing devices has the potential to enter the solid waste stream resulting in mercury releases to air and water as such wastes are incinerated, deposited in landfills or otherwise disposed of. The council also finds that mercury discharges to water and air can concentrate in the food chain and deleteriously affect human health. The council further finds that the elimination of certain mercury containing devices which may enter the solid waste stream is in the public interest and that enactment of an ordinance prohibiting the sale of certain mercury containing devices and otherwise reducing mercury discharges and exposure is consistent with the state policy on mercury expressed in Minnesota Statutes Section 116.92.

57.20. Sale and purchase of certain mercury containing devices prohibited. Unless otherwise permitted or provided for by state, federal or other applicable law or regulation:

- (1) No person shall sell, purchase, install or reinstall within the city any sphygmomanometer device used to measure blood pressure that contains mercury.
- (2) No person shall sell or purchase within the city a gastrointestinal device containing mercury, including any device passed into the gastrointestinal tract commonly referred to as a Miller Abbott tube, cantor tube, bougie or feeding tube.
- (3) No person shall sell or install within a commercial or residential building in the city any thermostat that contains mercury, including any device commonly used to sense and, through electrical communication with heating, cooling or ventilation equipment, control room temperature.
- (4) No person shall sell or purchase within the city any barometer device used to measure atmospheric pressure that contains mercury.
- (5) No person shall sell or purchase within the city any psychrometer device used to measure relative humidity that contains mercury.
- (6) No public or private school in Minneapolis offering kindergarten, elementary, junior high school or high school classes shall purchase any of the items prohibited by this section or any bulk elemental mercury or mercury compounds for use in classrooms.

57.30. Retail notice requirements. Any person within the city that offers for sale at retail any fluorescent bulbs or other bulbs or lamps containing mercury shall post readily visible signage stating that the bulbs or lamps contain mercury, that they may not be placed in the waste stream and which references available lamp and bulb recycling programs offered by Hennepin County or other public or private entities. Such signage shall be developed, approved and annually updated by the deputy director of environmental management and safety and shall be required to be posted on or before July 1, 2007 by any qualifying retail establishment.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-042 amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, adding a new Section 174.135 addressing notification of hazardous materials remaining on certain sites, was adopted 5/12/06 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 2006-Or-042
By Benson
Intro & 1st Reading: 3/31/06
Ref to: HE&E
2nd Reading: 5/12/06

Amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau.

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

Section 1. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 174.135 to read as follows:

174.135. Notification to prevent exposure due to mercury or other hazardous materials in abandoned or vacated buildings. Prior to any change in use (including abandonment, boarding, vacating or closure) of a facility, building or structure in Group H (Hazardous) occupancies as defined in the Minnesota State Fire Code or as regulated by SARA Title III, notification of such change in use must be provided by the owner of the facility, building or structure or by the holder of a permit issued pursuant to section 174.30, to the fire marshal identifying all hazardous materials that remain on the site and the methods being used to secure those materials and prevent exposure. Violation of this section may result in a civil fine inclusive of any costs expended by the city to secure the building pursuant to Chapter 249. Additionally, any person who violates this section is guilty of a misdemeanor.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-043 amending Title 11, Chapter 217 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Deaths and Burials*, deleting Section 217.10 as obsolete the requirement that certain dead bodies be wrapped in sheets saturated with bichloride of mercury, was adopted 5/12/06 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 2006-Or-043
By Benson
Intro & 1st Reading: 3/31/06
Ref to: HE&E
2nd Reading: 5/12/06

Amending Title 11, Chapter 217 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Deaths and Burials.

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

Section 1. That Section 217.110 of the above-entitled ordinance be and is hereby repealed:

217.110. Preparation for shipment. In preparing for shipment the dead body of a person who has died of scarlet fever, measles, diphtheria, anthrax, erysipelas, tuberculosis, puerperal fever, whooping cough or typhoid fever, or any other contagious, infectious or communicable disease, must be wrapped in a sheet thoroughly saturated with a strong solution of bichloride of mercury, in the proportion of one ounce of bichloride of mercury to a gallon of water, and encased in an air-tight zinc, tin, copper or lead (lined) coffin, or in an air-tight (iron) casket, hermetically sealed, and all enclosed in a strong, tight wooden box; or the body must be prepared for shipment by being wrapped in a sheet and disinfected by a solution of bichloride of mercury as above, and placed in a strong coffin or casket, and said coffin or casket encased in a hermetically sealed (soldered) zinc, copper or tin case, and all enclosed in a strong outside wooden box of material not less than one and one-half (1 1/2) inches thick. Such body must not be accompanied by articles which have been exposed to the infection of the disease and shall not be shipped until after the same shall have been inspected by an inspector of the department of health, nor until a written permit to ship such body shall have been obtained from the department of health.

Adopted 5/12/06.

Absent – Goodman, Hodges.

HE&E - Your Committee recommends concurrence with the recommendation of the City Council to appoint Dr. James Hart representing the University of Minnesota, School of Public Health, to the Public Health Advisory Committee for a two-year term to expire December 31, 2007.

Adopted 5/12/06.

Absent – Goodman, Hodges.

The **HEALTH, ENERGY & ENVIRONMENT** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

HE&E & PS&RS – Your Committee, having established the Civilian Police Review Authority Working Group to address recommendations contained in the report “A Study of the Policy and Processes of the Minneapolis Civilian Police Review Authority”, now recommends the following:

- a. approval of the Work plan and Timetable (Petn No 271178).
- b. that a review of the operations of the Police Department’s Internal Affairs Unit be conducted by an outside, independent auditor. The Request for Proposals for the auditor, the respondents to the RFP, and interim and final reports of the auditor shall be reviewed by the Public Safety & Regulatory Services Committee.
- c. that staff from the Police Department, City Coordinator’s Office, Department of Human Resources, Department of Civil Rights, City Attorney’s Office and the Police Federation be directed to work to optimize an Early Intervention System for police officers.
- d. that the City Council acknowledges the designation of Deputy Chief Sharon Lubinski as the Police Department’s Civilian Police Review (CRA) Liaison.

Adopted 5/12/06.

Absent – Goodman, Hodges.

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

IGR - Your Committee, having under consideration the subject matter of legislation relating to local authority over the provision of cable and video services, now recommends passage of the accompanying resolution supporting local franchising.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-248, in support of local franchising, was adopted 5/12/06 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 2006R-248

By Hodges

In support of local franchising.

Whereas, in Congress, bills have either been introduced or drafted and discussed in committee that would prevent the City of Minneapolis from requiring providers of cable and video services that use City rights-of-way from having to obtain a franchise from the City and thus prevent the City from meeting local community needs; and

Whereas, these bills would nationalize franchising, setting a course toward preemption of all local authority over the provision of cable and video services within the community; and

Whereas, in the Minnesota Legislature, HF 1319 and SF 608 were introduced that would change the level playing field provisions in state law relating to the area served by cable service providers, which would present problems serving cable and video services to every neighborhood, thereby phone companies could choose to offer television service only in certain neighborhoods, instead of having to serve the cable franchisee's entire area, phone companies would be allowed to target the areas perceived to be most profitable, and "cherry-pick" the cable companies best customer areas; and

Whereas, these bills would reduce or eliminate financial and technical support that is critical to the City of Minneapolis and to the creation of local programs through public, educational and governmental access; and

Whereas, these bills eliminate any build-out requirements for any video service provider, thereby allowing providers to discriminate based on the wealth of the local neighborhoods they choose to serve; and

Whereas, these bills would deprive Minneapolis residents of the ability to address issues locally by removing to the state and federal government all customer service issues, transferring local enforcement of franchise issues to the federal bureaucracies and courts; and

Whereas, the City of Minneapolis supports competition, diversity and localism in media with a level playing field where everyone plays by the same rules to accomplish those goals; and

Whereas, local cable franchising allows for cities and towns around the country to exercise local authority, decision-making and consumer protection, to establish and support commercial-free community television, and to receive franchise fees that private companies pay as compensation for their use of local public rights-of-way; and

Whereas, under existing law telephone companies can enter the video market today as common carriers, as open video service providers, or under the same local franchising framework as cable companies; and

Whereas, the City objects to legislation that creates a subsidy to the telecommunications industry at the expense of the City's taxpayers;

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

That the City Council, for the reasons stated above, urge the Minnesota Legislature and the Minnesota Congressional Delegation and all other members of Congress to oppose all bills promoting state-wide franchising and preferential treatment of providers of cable and video services entering the market and to support legislation that encourages fair competition to all areas of the City and does not

reduce the compensation paid by franchised cable operators, including the funding of public, educational and governmental access television.

Be It Further Resolved that the City Council directs that this Resolution be forwarded immediately to the members of the Minnesota Congressional Delegation, State Legislators and other members of Congress and House of Representatives as deemed appropriate.

Adopted 5/12/06.

Absent - Goodman, Hodges.

IGR - Your Committee, having under consideration Greater Metropolitan Area Foreign Trade Zone Commission, a joint powers commission responsible for establishing, operating and maintaining foreign trade zones in the Minneapolis-St. Paul port of entry, now recommends that the proper City officer be authorized to execute an amendment to the Greater Metropolitan Area Foreign Trade Zone Commission joint powers agreement, approving the addition of the City of Rosemount and Dakota County as permanent members.

Adopted 5/12/06.

Absent - Goodman, Hodges.

IGR - Your Committee, having under consideration the Environmental Protection Agency's proposed rule on lead safe practices in renovation projects, now recommends passage of the accompanying resolution endorsing the City of Minneapolis/Hennepin County Joint Childhood Lead Poisoning Prevention Work Group's comments on the EPA's proposed rule on lead safe renovation, EPA-HQ-OPPT-2005-0049.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-249, endorsing the City of Minneapolis/Hennepin County Joint Childhood Lead Poisoning Prevention Work Group's comments on the Environmental Protection Agency's proposed rule on lead safe renovation, EPA-HQ-OPPT-2005-0049, was adopted 5/12/06 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 2006R-249
By Glidden, Gordon and Hodges

Endorsing the City of Minneapolis/Hennepin County Joint Childhood Lead Poisoning Prevention Work Group's comments on the Environmental Protection Agency's proposed rule on lead safe renovation, EPA-HQ-OPPT-2005-0049.

Whereas, the City of Minneapolis as a participant in the City of Minneapolis/Hennepin County Joint Childhood Lead Poisoning Prevention Work Group (Work Group) supports the Environmental Protection Agency's (EPA's) effort to further protect children from lead poisoning by introducing a rule to regulate lead in renovation, repair, and painting projects; and

Whereas, the City of Minneapolis also shares EPA's belief that renovation activities can create significant lead dust posing a hazard to occupants and that a voluntary program of lead-safe work practice compliance is not enough to protect families from lead-based paint hazards generated during renovation; and

Whereas, the City of Minneapolis supports the national goal of ending childhood lead poisoning by 2010; and

Whereas, the City of Minneapolis realizes that the recent peer reviewed research on lead-poisoning shows that levels less than 10 micrograms of lead per deciliter of blood can lead to a reduction in IQ and permanent damage to a child's nervous system leading to learning disabilities; and

Whereas, the City of Minneapolis understands that lead is especially dangerous to children between the ages of 0 and 6 as their nervous system is permanently impacted during development and has been known to affect the part of the brain involved with impulse control; and

Whereas, the City of Minneapolis knows that very small amounts of lead in a child's environment can lead to lead poisoning and that lead-poisoning is a preventable environmental disease; and

Whereas, the City of Minneapolis realizes that exposure to lead dust can also result in damage to kidneys, hearing, and has been linked to stomach cancer later in life; and

Whereas, Minneapolis has thousands of rental housing units, many of which are homes to young children; and

Whereas, the City of Minneapolis has a compelling interest in helping the EPA draft the most effective lead safe renovation rule possible;

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

That the City of Minneapolis fully endorses the City of Minneapolis/Hennepin County Joint Childhood Lead Poisoning Prevention Work Group's letter of April 10, 2006, commenting on the Environmental Protection Agency's proposed rule on lead safe renovation, EPA-HQ-OPPT-2005-0049.

Adopted 5/12/06.

Absent - Goodman, Hodges.

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

PS&RS - Your Committee, to whom was referred ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to *Liquor and Beer*, authorizing the Licenses and Consumer Services Division to deny applications that are incomplete due to the failure of the applicant to provide necessary information in a timely manner for staff to review the application; and to not grant or renew a license for which there are financial claims by the City or State, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. amending Chapter 360 relating to *In General*;
- b. amending Chapter 362 relating to *Liquor Licenses*;
- c. amending Chapter 363 relating to *Wine Licenses*; and
- d. amending Chapter 366 relating to *Beer Licenses*.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-044 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, adding new Sections 360.130 and 360.140 to authorize the Licenses and Consumer Services Division to deny applications that are incomplete due to the failure of the applicant to provide necessary information in a timely manner for staff to review the application; and to not grant or renew a license for which there are financial claims by the City or State, was adopted 5/12/06 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 2006-Or-044
By Samuels
Intro & 1st Reading: 4/14/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

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

Section 1. That Chapter 360 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 360.130 to read as follows:

360.130. Incomplete License Applications. (a) Any application for a license under Title 14 of this Code that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120) days may be administratively denied by the director of licenses. The director shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.

(b) If the application remains incomplete after being given thirty-day notice, the director shall send written notice that the application is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.

(c) An applicant may, prior to denial, send a written request to extend the application deadline. The director may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

Section 2. That Chapter 360 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 360.140 to read as follows:

360.140. Payment of taxes prerequisite to issuance, renewal of license. No license shall be granted, or renewed, for operation on any premises, on which taxes, assessments or other financial claims of the city or of the state are due, delinquent or unpaid. In the event an action has been commenced pursuant to the provisions of Chapter 278, Minnesota Statutes, questioning the amount or validity of taxes, the council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless a payment plan has been entered into or the liability is under litigation or appeal.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-045 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, repealing Section 362.370 entitled *Payment of taxes prerequisite to license*, was adopted 5/12/06 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 2006-Or-045
By Samuels
Intro & 1st Reading: 4/14/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

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

Section 1. That Section 362.370 of the above-entitled ordinance be and is hereby repealed.

362.370. Payment of taxes prerequisite to license. No license shall be granted for any sale of liquor in any building or place for which the real estate taxes or personal property taxes for personal property located on the premises and to be used in connection with the sale of liquor, are delinquent. Provided, that if in the judgment of the city council good cause is shown for failure to pay the taxes, and no objection is made by the city assessor, then a license may be granted notwithstanding the provisions of this section.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-046 amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, repealing Section 363.370 entitled *Payment of taxes prerequisite to license*, was adopted 5/12/06 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 2006-Or-046
By Samuels
Intro & 1st Reading: 4/14/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.

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

Section 1. That Section 363.370 of the above-entitled ordinance be and is hereby repealed.

363.370. Payment of taxes prerequisite to license. No license shall be granted for any sale of wine in any building or place for which the real estate taxes or personal property taxes for personal property located on the premises and to be used in connection with the sale of liquor, are delinquent. Provided, that if in the judgment of the city council good cause is shown for failure to pay the taxes, and no objection is made by the city assessor, then a license may be granted notwithstanding the provisions of this section.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-047 amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Licenses*, repealing Section 366.260 entitled *Payment of taxes prerequisite to license*, was adopted 5/12/06 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 2006-Or-047
By Samuels
Intro & 1st Reading: 4/14/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Licenses.

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

Section 1. That Section 366.260 of the above-entitled ordinance be and is hereby repealed.

366.260. Payment of taxes prerequisite to license. No “on sale” or “off sale” licenses and no renewals or transfers thereof, shall be granted for any building or place for which the real estate taxes or personal property taxes for personal property are delinquent. Provided, that if in the judgment of the city council good cause is shown for failure to pay the taxes, and no objection is made by the city assessor, then a license may be granted notwithstanding the provisions of this section.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee, having under consideration the application of Mannings Cafe Inc, dba Mannings Cafe, 2200 Como Av SE, for an On-Sale Wine Class E with Strong Beer License (expansion of premises to permanently expand the licensed premises for an outside dining area on private property) of sidewalk cafe) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee, having under consideration the application of Sea Salt Eatery LLC, dba Sea Salt Eatery, 4825 Minnehaha Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to legal review by the City Attorney's Office and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Vannah Food Market, 3501 23rd Av S, for Off-Sale Beer, Grocery and Tobacco Dealer Licenses, subject to conditions.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-250, granting the application of Vannah Food Market, 3501 23rd Av S, for Off-Sale Beer, Grocery and Tobacco Dealer Licenses, subject to conditions, was adopted 5/12/06 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 2006R-250

By Samuels

Granting the application of Vannah Food Market, 3501 23rd Av S, for Off-Sale Beer, Grocery and Tobacco Dealer Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Ali Leith Hussian and Luis Paucar, dba Vannah Food Market, 3501 23rd Avenue South, for an Off-Sale Beer License (new business) to expire April 1, 2007, subject to the following conditions:

- a. the licensee agrees not to install pay phones either inside or outside the store.
- b. the licensee shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies.
- c. "No Trespassing" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
- d. the licensee will create a system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people.
- e. The licensee agrees not to sell items commonly used by drug users and drug dealers. These items include glass pipes, "Brillo pads" or "Chore Boy", small zip lock type baggies, dice, tobacco rolling papers, single razor blades and blunt cigars.
- f. The licensee will not supply matches to non-tobacco customers.

- g. sale of single cigarettes and to minors under the age of 18 is prohibited.
 - h. the licensee shall keep all lights properly functioning and will add lights if recommended by the Police Department, SAFE or License Divisions.
 - i. noise from the business will be kept to a minimum.
 - j. all property and public areas within 100 feet of the property lines shall be patrolled daily for litter and debris control.
 - k. windows must be kept 70% clear of all signs. The 70% shall be within the three foot to six foot height range.
 - l. a minimum of two employees working at all times. One employee will monitor the exterior of the business and request persons not patronizing the business to leave and call 911 if they do not comply.
 - m. temporary signs cannot be placed on fences, building side walls, etc, without a permit.
 - n. the dumpster shall be screened and maintained with a tight fitting cover, and be regularly maintained to prevent it from overflowing.
 - o. snow shall be removed from sidewalks, both private and public, within four hours of a snow event.
 - p. grass and weeds shall be cut so they are maintained less than 8 inches in height.
 - q. licenses shall be renewed by the expiration date.
 - r. the interior of the store shall be kept clean at all times.
- Adopted 5/12/06.
Absent – Goodman, Hodges.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Gasthof Zur Gemutlichkeit, 2300 University Av NE, for an On-Sale Liquor Class B with Sunday Sales License (temporary expansion of premises), subject to conditions.
Adopted 5/12/06.
Absent – Goodman, Hodges.

Resolution 2006R-251, granting the application of Gasthof Zur Gemutlichkeit, 2300 University Av NE, for an On-Sale Liquor Class B with Sunday Sales License (temporary expansion of premises), subject to conditions, was adopted 5/12/06 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 2006R-251
By Samuels

Granting the application of Gasthof Zur Gemutlichkeit, 2300 University Av NE, for an On-Sale Liquor Class B with Sunday Sales License (temporary expansion of premises), subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE, for an On-Sale Liquor Class B with Sunday Sales License (temporary expansion of premises for May 19, 20, 26 & 27, 2006, and June 2, 3, 9, 10 & 17, 2006, 5:00 p.m. to 10:45 p.m.) to expire June 17, 2006, subject to the following conditions:

- a. the licensee agrees to provide a dedicated security staff to monitor tent entrances (at least one entrance and two dedicated mobile walkers) to monitor patron activity and ensure proper identification is checked to ensure all patrons are 21 years old or older, and that no patron is allowed to leave the expansion area or the licensed premises with a container(s) of any kind containing beverage alcohol. No security staff assigned to an entrance or as a mobile walker shall be allowed any other assignment such as bartender, bus tables, trash removal, etc.

b. the positioning of port-a-potties will be required to be in the parking lot in an area(s) near the tent entrances/exits and other areas to provide toilet services to patrons as they leave the expansion area and parking lot.

c. trash cans will need to be positioned near the tent entrances/exits and other locations throughout the parking lot to minimize the amount of trash leaving the parking lot.

d. this event will not be allowed to start, set up for, or be otherwise staged, except for the erection of the tent, on any other day of the week than those specified in the temporary license.

e. the licensee will be required to send out a trash collection crew to encompass the area surrounding the licensed premises and tent. The trash collection area will be bounded from 22nd Av NE to 3rd St NE to Lowry Av to 4th St NE back to 22nd Av NE, and will include trash removal from all of the border streets on both sides as well as both sides of those streets within the boundary. Trash collection will be conducted no later than 10:00 a.m. the following morning after each day of the event as specified in the temporary license. This condition does not override the ordinance requirement which states that the licensee must have the 100 feet from its premises cleaned of all trash by 3:00 a.m.

f. the licensee is expected to adjust event plans as deemed necessary by the licensee as well as by City staff in order to address any issues that may arise.

g. noise from the business and vehicles will be kept to a minimum.

Adopted 5/12/06.

Absent – Goodman, Hodges.

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

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-252, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/12/06 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 2006R-252

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

On-Sale Liquor Class B with Sunday Sales, to expire May 28, 2006

JWM Investments Inc, dba Mayslacks, 1428 4th St NE (temporary expansion of premises with outdoor entertainment, May 20, 21 through 26, 27, & 28, 2006, 3:00 p.m. to 10:30 p.m.)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007

Kiel Restaurants Inc, dba O'Brien's Decoy Pub & Smokehouse, 815 E Hennepin Av (change in ownership from Corbett Inc)

Corbett Inc, dba O'Brien's Decoy Pub & Smokehouse, 815 E Hennepin Av (new manager)

A La Salsa Enterprises LLC, dba A La Salsa Restaurant, 920 E Lake St (new business)

Liquor Catering Services, to expire August 1, 2006

Mintahoe Inc, dba Mintahoe, 1021 Bandana Blvd E, St. Paul (Minneapolis Central Library; new business)

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

Las Tapatias LLC, dba Las Tapatias, 349 E Lake St (internal transfer of shares)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

Al Vento Incorporated, dba Al Vento, 5001 34th Av S (internal transfer of shares).

Adopted 5/12/06.
Absent – Goodman, Hodges.

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

Adopted 5/12/06.
Absent – Goodman, Hodges.

Resolution 2006R-253, granting applications for Business Licenses, was adopted 5/12/06 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 2006R-253
By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 12, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271186):

Bowling Alley; Dance Hall; Dancing School; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Boarding House; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Indoor Food Cart; Food Market Manufacturer; Meat Market; Drive In Food Restricted; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Repair Garage; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Plumber; Pool Table; Public Market; Residential Specialty Contractor; Sign Hanger; Swimming Pool – Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 5/12/06.
Absent – Goodman, Hodges.

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

Adopted 5/12/06.
Absent – Goodman, Hodges.

Resolution 2006R-254, granting applications for Gambling Licenses, was adopted 5/12/06 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 2006R-254
By Samuels

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 applicable codes and ordinances:

Gambling Lawful Exempt

Church of St. Bridget, dba Church of St. Bridget, 3811 Emerson Av N (Bingo, Raffle, Paddlewheels, Tipboards June 4, 2006 at Sojourner Truth Academy, 3820 Emerson Av N)

Twin Cities Gay Mens Chorus, dba Twin Cities Gay Mens Chorus, 528 Hennepin Av (Raffle June 9, 2006 at The Depot, 225 3rd Av S).

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS – Your Committee recommends granting the following application for gambling license, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Class B

Edison Youth Hockey Association, dba Edison Youth Hockey Association, 2327 Arthur St NE (Site: Sullys Pub, 2519 Central Av NE)

Edison Youth Hockey Association, dba Edison Youth Hockey Association, 2327 Arthur St NE (Site: Whiskey Junction, 901 Cedar Av S).

Adopted 5/12/06.

Absent – Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

PS&RS - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Minnehaha Liquor, 2613 E Lake St.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-255, approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Minnehaha Liquor, 2613 E Lake St, was adopted 5/12/06 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 2006R-255

By Samuels

Approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Minnehaha Liquor, 2613 E Lake St.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on March 27, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 12 months, employees of Minnehaha Liquor sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute and the established compliance check policy and procedures of the City of Minneapolis;

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

That the Off-Sale Liquor License issued to Minnehaha Liquor be subject to adverse license action up to and include revocation, with the commencement of such adverse license action stayed through and including March 12, 2007, subject to full compliance with the following conditions, as more fully

set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

a. Minnehaha Liquor will require all customers to produce identification as listed in Minnesota State Statute 340A.503 Subdivision 6. This includes each and every customer, inclusive of known customers and those of obvious legal age to purchase alcohol. A known customer or a customer of apparent or even obvious legal age must be refused service should they be unable to present valid and legal identification for each and every purchase of alcohol. Should the Licensee faithfully and successfully comply with all provisions of this Agreement including maintaining a record of no underage alcohol sale infractions through and including March 12, 2007 this requirement shall expire effective March 13, 2007 as it applies to known customers of legal age and those of obvious legal age. It shall remain the responsibility and duty of the Licensee to prevent sales of alcohol to underage customers and to comply with all related ordinances, statutes and regulations.

b. Minnehaha Liquor will purchase, install and begin utilizing an electronic identification card reader for all sales within two weeks of the effective date of this Agreement. Should the purchase or delivery of such a card reader system be delayed beyond two weeks based on legitimate reasons out of the reasonable control of the licensee, the Commander of the Police License Investigation Division may grant an extension of this deadline if promptly requested. Minnehaha Liquor will scan/swipe all U.S. state-government issued driver's licenses or identification cards, or Canadian provincial-government issued driver's licenses or identification cards that are presented as proof of age.

c. This electronic identification card reader will have the capability to do the following:

Recognize and read U.S. state-government issued driver's licenses or state-government issued identification cards that contain a magnetic strip.

The ability to show whether the above identification is valid.

The ability to differentiate between valid and counterfeit identification.

Display the age and date of birth, as should be displayed on the identification, for the purposes of assuring the identification has not been altered.

Ability to store gathered electronic data gathered by the card reader.

Ability to download the above data to a personal computer.

The software used to achieve the download must be compatible with the suite of Microsoft products such as Access, Excel, and/or Word.

The above data will be open for examination by authorized representatives of the City of Minneapolis during regular business hours and without prior notification. Authorized representatives include, but are not limited to, Minneapolis Police Officers and City of Minneapolis Office of Licenses and Consumer Services employees.

The personal computer used to store the data will be equipped with a CD/DVD player that has the capability to record/download that data to a CD/R, CD/RW, DVD/R or DVD/RW disc.

The above data will not be purged without the authorization of the Deputy Director of Licenses and Consumer Services, the Commander of the Police License Investigations Division or supervisors of the above officials.

d. In the event that a customer presents legal identification that cannot be read by the card reader, i.e. a passport, Minnehaha Liquor will create a system to log each such sale and type of identification used. This log will record the name of the customer, the time and date of the transaction, and the type of identification presented and shall be open to the inspection described above.

e. Should the Licensee faithfully and successfully comply with all provisions of this Agreement including maintaining a record of no underage alcohol sale infractions through and including July 1, 2006, the City of Minneapolis will no longer require the licensee to maintain compliance with the above recommendations a, b & c.

f. Minnehaha Liquor will pay \$2,000 in financial sanctions to the City.

This payment is due prior to 2:00 p.m. on April 21, 2006.

g. If Minnehaha Liquor is unable to faithfully and promptly comply with the above referenced payment schedule, they must contact the Deputy Director of Licenses and Consumer Services or the Commander of the Police License Investigations Division in order to request an extension prior to the applicable installment due date. These two officials will have the final authority to grant or deny the requested extension for good cause.

h. The Off-Sale Liquor License of Minnehaha Liquor is suspended for a period of 30 days. Imposition of 28 days of suspension will be stayed and 2 days will be imposed. The 2 days of suspension have been chosen by Minnehaha Liquor and will include April 24, 2006 and April 25, 2006. Should the licensee violate any provision of this Agreement while it is in effect it shall be subject to additional adverse license action, including but not limited to the imposition of the remaining stayed license suspension period as well as the potential commencement of license revocation proceedings. Any sales of alcohol completed by the licensee occurring during a prescribed suspension period hereunder shall be considered unlicensed sales of alcohol in violation of state statute and Minneapolis ordinance.

i. All Minnehaha Liquor employees will attend professionally-presented alcohol server training. This training program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. All managers and owners who participate in the day-to-day operations of the business will attend a retail alcohol management course. This training program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. This training must be completed within 30 days of the date of the effective date of this Agreement. All employees, managers or owners hired or brought into the business after this initial training must attend an approved training class within 30 days of hire or approval as business owner.

j. A properly trained manager or owner must be on-site during business hours at all times.

k. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

l. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement and further agrees that these compliance checks can and will be conducted by both minor-aged decoys as well as decoys of legal age. It shall be a violation of this Agreement for the licensee to sell alcohol to a legal-age decoy if that decoy is not required to present age identification to complete the sale of alcohol regardless of the actual age of the decoy, consistent with any limitations or stipulations as detailed in paragraph a. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.

m. This 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 violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

n. This Agreement shall remain in effect through and including March 12, 2007.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine with Strong Beer License held by Cafeteria Las Tapatias, 349 E Lake St.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-256, approving Technical Advisory Committee recommendations relating to the On-Sale Wine with Strong Beer License held by Cafeteria Las Tapatias, 349 E Lake St, was adopted 5/12/06 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 2006R-256

By Samuels

Approving Technical Advisory Committee recommendations relating to the On-Sale Wine with Strong Beer License held by Cafeteria Las Tapatias, 349 E Lake St.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on March 29, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 13 months, employees of Cafeteria Las Tapatias sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

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

That the On-Sale Wine with Strong Beer License issued to Cafeteria Las Tapatias shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including March 12, 2007 subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

a. It is strongly suggested that Cafeteria Las Tapatias require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6. Cafeteria Las Tapatias has full knowledge of the consequences regarding any future incidents involving sale of alcohol to minors and understands that such incidents could lead to a revocation of their On-Sale Wine with Strong Beer License. Cafeteria Las Tapatias agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made.

b. Cafeteria Las Tapatias will pay the outstanding \$1,000 administrative fine resulting from the March 14, 2006 sale of alcohol to a minor.

c. Cafeteria Las Tapatias will pay \$2,000 in financial sanctions to the City.

d. Payment of the above referenced fine (as documented in recommendation number B) and financial sanctions (as documented in recommendation number C) will be made over a period of 10 months. Payment of \$300 must be made prior to 2:00 p.m. on each of the below listed dates: April 24, 2006; May 15, 2006; June 15, 2006; July 17, 2006; August 15, 2006; September 15, 2006; October 16, 2006; November 15, 2006; December 15, 2006; and January 16, 2007.

e. The On-Sale Wine with Strong Beer License of Cafeteria Las Tapatias is suspended for a period of 30 days. Imposition of 27 days of suspension will be stayed and 3 days will be imposed. The dates of this voluntary suspension have been chosen by Cafeteria Las Tapatias and will include April 4, 5 & 6, 2006. Any sale of alcohol during this time period will constitute a violation of this Agreement. Should the licensee violate any provision of this Agreement while it is in effect, it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period as well as the potential commencement of license revocation proceedings.

f. All Cafeteria Las Tapatias employees will attend professionally presented alcohol server training. This training program must be approved by the Licenses & Consumer Services Division. All managers and owners who participate in the day-to-day operations of the business will attend a retail alcohol management course. This training program must be approved by Licenses & Consumer Services and be completed within 30 days of the date of the TAC Agreement. Proof of the completed training shall be presented to the Police License Division within 35 days of the date of the TAC Agreement. All employees, managers or owners hired or brought into the business after this initial training must attend an approved training class within 30 days of hire or approval as business owner.

g. A properly trained manager or owner must be on site during business hours at all times.

h. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

i. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.

j. This 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 violations or subsequently-discovered violations of any federal, state or local laws, ordinances or regulations.

k. This Agreement shall remain in effect through and including March 12, 2007. It is understood between the parties that this Agreement shall bind only the present license and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the Off-Sale Beer License held by Nokomis Market, 3319 E 54th St.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-257, approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Nokomis Market, 3319 E 54th St, was adopted 5/12/06 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 2006R-257

By Samuels

Approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Nokomis Market, 3319 E 54th St.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on April 21, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 13 months, employees of Nokomis Market sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

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

That the Off-Sale Beer License issued to Nokomis Market shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including February 17, 2007, subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

a. Nokomis Market will surrender its Off-Sale Beer License and withdraw its application for the license in person at room 1 of City Hall. This surrender and withdrawal will take effect at midnight on May 20, 2006. No beer sales may be made after this time and date.

b. Nokomis Market will not reapply for an Off-Sale Beer License until February 17, 2007.

c. Prior to May 20, 2006, during which time Nokomis Market may continue to sell beer, it is strongly suggested that Nokomis Market require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6. Nokomis Market has full knowledge of the consequences regarding any future incidents involving sale of alcohol to minors and understands that such incidents could lead to a revocation of their Off-Sale Beer License. Nokomis Market agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made.

d. Nokomis Market will pay the outstanding \$1,100 administrative fine from the February 16, 2006 youth alcohol compliance failure, including the \$100 late penalty.

e. Nokomis Market will pay \$1,000 in cost recovery to the City.

f. Nokomis Market owes a total of \$2,100 in fines and financial sanctions to the City. Nokomis Market will satisfy this outstanding balance in three payments of \$700.00 each. The three payments will be due on the following dates: May 19, 2006; June 19, 2006; and July 19, 2006.

g. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

h. This 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 violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

i. This Agreement shall remain in effect through and including February 17, 2007. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee, having under consideration the property located at 2126 26th 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 property owner be authorized to rehabilitate the property, subject to the following conditions, and in accordance with the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk which are hereby made a part of this report by reference:

a. that staff of the Problem Properties Unit be directed to work with the property owner to develop a reasonable rehabilitation schedule for the property and an appropriate dollar amount of a performance bond to be posted for the property.

b. that rehabilitation work shall first begin on the exterior of the property.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee, to whom was referred back on March 10, 2006 and April 28, 2006 a report relating to the property located at 1626 E Lake St 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 property owner be authorized to rehabilitate the property, subject to the following conditions 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 will comply with Section 89.15 of the Minneapolis Code of Ordinances which requires that prior to being issued a permit to work on a vacant, boarded and/or condemned building, the applicant for a permit must deposit \$2,000 with the Director of Inspections. The property owner agrees and acknowledges that the funds held in escrow, set forth in paragraph "b" shall not be used to substitute for the requirement of Section 89.15. The property owner acknowledges that the requirements of Section 89.15 will not be waived.

b. the property owner shall submit to the Manager of the Problem Properties Unit a complete and comprehensive line item bid that outlines the scope of work and estimated cost on or before May 31, 2006. The bid must include timelines in place to complete the work within 120 days of the Council action. The bid must also include a description of each item to be completed, including the listed items below, and must include the person or company that will perform each item of work.

c. the property owner agrees to present a duly-issued letter of credit indicating access and availability of an adequate funding stream in the full amount of the estimated project cost to be presented to and accepted by City staff on or before May 10, 2006.

d. the property owner must obtain a certificate of code compliance for the property within 120 days and shall complete the rehabilitation of the property, in all respects complying with all applicable building and construction requirements and provisions of the Minneapolis Code of Ordinances.

e. in the event that a certificate of code compliance is not obtained or the rehabilitation has not been completed in 120 days, the property owner agrees that the City shall act on the letter of credit with the proceeds to be used as the City deems fit, in its sole discretion, to achieve prompt abatement of the nuisance condition.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS - Your Committee, having under consideration the City's Stop on Red Program and its contractual obligations with Redflex, now recommends that the following two options with regard to the contract with Redflex be sent forward without recommendation:

a. that the proper City officers be authorized to exercise the termination clause of the contract.

b. that the proper City officers be authorized to accept the offer from Redflex to reduce contractual payments by 60% and maintain the contract until an appellate decision has been received.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent – Goodman, Hodges.

PS&RS – Your Committee, having under consideration the City's Stop on Red Program and its contractual obligations with Redflex, now recommends the following:

a. that the proper City officers be authorized to offer Redflex a payment of \$1 per month to maintain the contract until an appellate decision has been received.

b. if this is not acceptable to Redflex, that the proper City officers be authorized to exercise the termination clause of the contract.

Samuels moved to amend the substitute report by deleting the figure "\$1" and inserting in lieu thereof "\$10,000". Seconded.

Lost upon a voice vote.

Absent – Goodman, Hodges.

The substitute report was adopted 5/12/06. Yeas, 10; Nays, 1 as follows:

Yeas – Colvin Roy, Glidden, Remington, Benson, Samuels, Hofstede, Ostrow, Schiff, Lilligren, Johnson.

Nays – Gordon.

Absent – Goodman, Hodges.

PS&RS – Your Committee, having under consideration the Rental Dwelling License held by Tom Nyakeriga for the property located at 2728 Stevens Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on March 14, 2006, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to submit the required management plan, pursuant to Section 244.2020(e) of the Minneapolis Code of Ordinances, and for failure to meet the licensing standard of conduct on licensed premises, pursuant to Section 244.2020(f) of the Code, as more fully set forth in said Findings which are on file in the Office of the City Clerk and are hereby made a part of this report by reference.

Adopted 5/12/06.

Absent – Goodman, Hodges.

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

PS&RS & W&M/Budget - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances adjusting environmental permit fees to the construction cost index and moving the fees to Chapter 91 in the Director's Fee Schedule; and adjusting and moving pollution control annual registration fees to Appendix J of the Code, now recommends that the following ordinance be given their second reading for amendment and passage:

a. amending Title 3, Chapter 46 relating to *Air Pollution and Environmental Protection: Minneapolis Solid and Hazardous Waste*.

b. amending Title 3, Chapter 47 relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*.

c. amending Title 3, Chapter 48 relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*.

d. amending Title 3, Chapter 50 relating to *Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules*.

e. amending Title 3, Chapter 54 relating to *Air Pollution and Environmental Protection: Storm Water Management*.

f. amending Title 5, Chapter 91 relating to *Building Code: Permit Fees*.

g. amending Appendix J relating to *License Fees Schedule*.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-048 amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Solid and Hazardous Waste*, amending Sections 46.30, 46.50 and 46.60 to adjust environmental permit fees to the construction cost index and move the fees to Chapter 91 in the Director's Fee Schedule, and adjust and move pollution control annual registration fees to Appendix J of the Code, was adopted 5/12/06 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 2006-Or-048
By Samuels
Intro & 1st Reading: 3/31/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Solid and Hazardous Waste.

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

Section 1. That Section 46.30 of the above-entitled ordinance be amended to read as follows:

46.30. Definitions. Wherever the word "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules, Chapter 7045, it shall be held to mean the City of Minneapolis. Wherever the word "director" "commissioner" is used in the regulations, it shall be held to mean the director of inspections assistant city coordinator of regulatory services or the director's assistant city coordinator's authorized agent.

Section 2. That Section 46.50 of the above-entitled ordinance be amended to read as follows:

46.50. Inspection and permit fees. The fees that shall be paid for inspecting the original plans and issuing permits for persons desiring to store, handle, or process any hazardous waste which was not generated at the same address shall be ~~one thousand dollars (\$1,000.00)~~ as established in the director's fee schedule pursuant to section 91.70. The fee for inspecting plans and issuing the original permit does not include the fee for issuing an annual storage and processing permit in case such permit is granted. Failure to obtain the permit prior to conducting the activity shall be deemed a violation and result in a doubling of permit fees.

Section 3. That Section 46.60 of the above-entitled ordinance be amended to read as follows:

46.60. Annual fee for storage and processing permit registration. The fees for the annual storage and processing permit registration for any person who stores, handles, or processes any hazardous waste which was not generated at the same address shall be ~~one thousand dollars (\$1,000.00)~~ as established in Appendix J. The annual fee shall be due and payable on ~~the date the original application is approved and on the first of each year thereafter~~ December 31 of each year. If registration is not received or postmarked on or before December 31 of each year, the applicant shall pay double the fees provided for such registration.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-049 amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*, amending Sections 47.10, 47.20, 47.30, 47.50, 47.70, 47.80, 47.240 and 47.310 to adjust environmental permit fees to the construction cost index and move the fees to Chapter 91 in the Director's Fee Schedule, and adjust and move pollution control annual registration fees to Appendix J of the Code, was adopted 5/12/06 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 2006-Or-049
By Samuels
Intro & 1st Reading: 3/31/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority.

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

Section 1. That Section 47.10 of the above-entitled ordinance be amended by adding thereto the definition of Abrasive Blasting in alphabetical sequence and repealing the definition of Sandblasting to read as follows:

47.10. Definitions. For the purposes of this chapter, the terms defined in this section shall have the following meanings:

Abrasive blasting: Any surface preparation using sand, grit, water, or other abrasive medium applied under pressure supplied by air, water, or other pressurized fluid.

~~*Sandblasting:* Any surface preparation using sand, grit, water, or other abrasive medium applied under pressure supplied by air, water, or other pressurized fluid.~~

Section 2. That Section 47.20 of the above-entitled ordinance be amended to read as follows:

47.20. State standards and regulations. (a) *Adopted.* There is hereby adopted as an ordinance of the city, Minnesota Rules (1997), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, and 7027 filed with the secretary of the state.

(b) *Regulations on file.* Three (3) copies of such rules marked "Official Copy" shall be filed in the office of the city clerk and remain on file in said office for use and examination by the public. The clerk shall furnish copies of said rules at cost to any person upon request.

(c) *Definitions.* Whenever the word "agency" or "Minnesota Pollution Control Agency" is used in the rules, it shall be held to mean the City of Minneapolis the director of inspections or the director's authorized agent. ~~Wherever the word "Commissioner" is used in the rules, it shall be held to mean the assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent.~~

Section 3. That Section 47.30 of the above-entitled ordinance be amended to read as follows:

47.30. Minneapolis Air Quality Management Authority. The Minneapolis Air Quality Management Authority shall have full jurisdiction to regulate and control atmospheric pollution as now or hereafter provided in Title 3, Chapter 47 of the Minneapolis Code of Ordinances. The Minneapolis Air Quality Management Authority shall be located within the environmental ~~management services~~ licensing inspections section of the ~~licensing inspections~~ department of operations and regulatory services and shall be under the supervision of the director of licensing inspections. The director of licensing inspections shall designate the technical, professional, and support staff that shall constitute the Minneapolis Air Quality Management Authority.

Section 4. That Section 47.50 of the above-entitled ordinance be amended to read as follows:

47.50. Registration required. (a) No owner or operator of land, buildings, or structures shall install, construct, alter, or place in operation any:

- (1) Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour;
- (2) Commercial exhaust system with a discharge greater than five hundred (500) CFM;
- (3) Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater or combination of room heaters totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, catalytic combustor, or laminator;
- (4) Roof or ground mounted commercial HVAC equipment;
- (5) Commercial coffee roaster;
- (6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises; without first having registered the equipment and having paid the fees therefore as set forth in section 47.70; or
- (7) Crematorium.

(b) Each day of work of such construction, installation, or alteration in violation of this chapter shall constitute a separate offense.

(c) Exemption. Residential buildings and properties which have three (3) dwelling units or less are exempt from the provisions of this section.

Section 5. That Section 47.70 of the above-entitled ordinance be amended to read as follows:

47.70. Annual registration fees for equipment. The fees for the annual registration required by section 47.50 of this chapter shall be as established in Appendix J. ~~forty-five dollars (\$ 45.00) per unit and forty-five dollars (\$ 45.00) for any combination of space heating equipment as set out in section 47.50(a) subd. (1).~~

Section 6. That Section 47.80 of the above-entitled ordinance be amended to read as follows:

47.80. When annual registration must be filed. Registration of equipment or devices as noted in section 47.50 of this chapter must be made on or before December 31 ~~September first~~ of each year. If registration is not postmarked or received on or before December 31 ~~October first~~ of each year, the applicant must pay double the fees herein provided for such registration.

Section 7. That Section 47.240 of the above-entitled ordinance be amended to read as follows:

47.240. Abrasive blasting Sandblasting permit required. No person shall abrasively blast ~~sandblast~~ any building, structure, or other architectural surface without having first received a permit from the Minneapolis Air Quality Management Authority. Permit costs shall be as established in the director's fee schedule pursuant to section 91.70.

- (1) Applications for abrasive blasting ~~sandblasting~~ permits shall be in such form as prescribed by environmental services management. Every application for a permit to abrasively blast ~~sandblast~~ a building, structure, or architectural surface four (4) stories in height or less shall be accompanied by a sworn statement that the applicant will notify at least forty-eight (48) hours prior to the commencement of any abrasive sandblasting all the occupants of every residential building of less than ten (10) dwelling units and the owners, managing agent, or occupants of every residential building of ten (10) or more dwelling units and every nonresidential structure located within a seventy-five (75) foot radius of the surface to be sandblasted. With respect to surfaces more than four (4) stories in height, environmental management, giving due consideration to the public interest, shall determine the radius of the notice. This notification shall be in writing and shall be by mail or electronic mail and shall include the following information:
 - a. Return address from the applicants last known permanent address.
 - b. Address of the location to be abrasively sandblasted.
 - c. The estimated date(s) of the abrasive sandblasting operations.
 - d. The estimated time period of the entire abrasive sandblasting operation.

e. The type of blasting material, and material to be abrasively sandblasted, including ~~and~~ lead and all material considered a hazardous waste under Minnesota Rules (1997), Chapters 7045 and 7046.

f. Analytical results of testing for material to be abrasively blasted for lead content. If results are not submitted with application the permit will not be issued until the city has tested material. The city has up to five (5) days to conduct this testing.

(2) Rescheduling abrasive blasting sandblasting operation. In the event the applicant cannot perform the abrasive blasting sandblasting on the estimated date(s) contained in the application or within seventy-two (72) hours thereafter the applicant shall notify environmental services management and the owners of the property or occupants twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting sandblasting operation.

(3) All required testing shall be performed by a ~~licensed lead inspector~~ qualified staff from lead hazard control as designated by Minneapolis Air Quality Management.

Section 8. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.310 to read as follows:

47.310. Permitting stage I vapor recovery system. No person shall install or convert to a stage I vapor recovery system within the City of Minneapolis without first having obtained a permit for an approved system as identified in section 47.280. The permit fee for an installation or conversion permit shall be as established in the director's fee schedule pursuant to section 91.70.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-050 amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, amending Sections 48.10, 48.20, 48.60, 48.125, 48.240, 48.270, 48.300 and 48.310 to adjust environmental permit fees to the construction cost index and move the fees to Chapter 91 in the Director's Fee Schedule, and adjust and move pollution control annual registration fees to Appendix J of the Code, was adopted 5/12/06 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 2006-Or-050

By Samuels

Intro & 1st Reading: 3/31/06

Ref to: PS&RS

2nd Reading: 5/12/06

Amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority.

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

Section 1. That the first paragraph of Section 48.10 (a) of the above-entitled ordinance be amended to read as follows:

48.10. Definitions. (a) The words used in this chapter shall have the meanings given in Minnesota Statutes and Minnesota Rules, except where the context clearly shows otherwise. Wherever the word "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules as incorporated into this chapter by section 48.20, it shall be held to mean the City of Minneapolis. Wherever the word "commissioner" "~~director~~" is used in Minnesota Rules, as incorporated into this chapter by section 48.20, it shall be held to mean the assistant city coordinator of regulatory services ~~director of operations and regulatory services~~ or the ~~director's~~ assistant city coordinator's authorized agent. State definitions shall include, but shall not be limited to the following:

Section 2. That Section 48.20 of the above-entitled ordinance be amended to read as follows:

48.20. State rules and statutes. (a) Minnesota Rules (2001), Chapters 4715, 4725, 7035, 7037, 7041, 7042, 7044, 7045, 7048, 7050, 7056, 7060, 7080, 7100, 7105, 7150, and 7151, and subsequent updates, are made part of this chapter as if fully set forth herein. Minnesota Statute 115.061 (2003), and subsequent updates, are made part of this chapter as if fully set forth herein.

(b) Three (3) copies of the adopted state standards and regulations marked "Official Copy" shall be filed in the Office of the City Clerk and Office of the Minneapolis Watershed Management Authority in the Environmental ~~Services Management~~ Section of the Department of ~~Operations and~~ Regulatory Services, and remain on file for use and examination by the public. The clerk shall furnish copies of these adopted state standards and regulations at cost to any person upon request.

Section 3. That Section 48.60 of the above-entitled ordinance be amended to read as follows:

48.60. Minneapolis watershed management authority. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the Environmental ~~Services Management~~ Section of the Department of ~~Operations and~~ Regulatory Services. The Minneapolis Watershed Management Authority is hereafter referred to as the "authority." The authority shall have full jurisdiction to regulate and control watershed pollution as now or hereafter provided in this Code. The authority shall be under the supervision of the ~~assistant city coordinator of~~ director of operations and regulatory services. The ~~assistant city coordinator of~~ director of operations and regulatory services shall designate the technical, professional, and support staff that shall constitute the Minneapolis Watershed Management Authority.

Section 4. That Section 48.125 of the above-entitled ordinance be amended to read as follows:

48.125. Registration of regulated substance storage. (a) No person(s) shall allow or maintain any storage of regulated substances in excess of two hundred fifty (250) gallons without first having registered such storage with the authority and paying the annual registration fee(s) required by section 48.310. A separate registration shall be required for each container of 250 gallons or more. For a site containing multiple smaller containers a registration shall be required for each multiple of 250 gallons rounded downward to the nearest whole number. All storage taking place at residential buildings or properties with three (3) or less dwelling units are exempt from registration fees.

(b) Liquid propane tanks used or stored at a single location for less than six (6) months shall be exempt from registration fees.

Section 5. That the first paragraph of Section 48.240 (a) of the above-entitled ordinance be amended to read as follows:

48.240. On-site remediation. (a) No person shall conduct or perform any on-site remediation of any soil, concrete, asphalt, rock, brick, cement, dirt, compost, water, or air without having obtained an on-site remediation permit from the authority. On-site remediation may include, but is not limited to: crushing, as defined by city ordinance section 389.90, grinding, pulverizing, excavation, removal, grading, outdoor storage, thermal evaporation treatment, closed chamber burning, microbial treatments, thin spreading, soil venting, soil capping, soil burning, or substance recovery systems.

Section 6. That Section 48.270 of the above-entitled ordinance be amended to read as follows:

48.270. Oil/water separators and sediment trap permit and registration fees. (a) No person(s) shall install, remove or maintain an oil/water separating device or sediment trap without notifying the authority and paying the permit and annual registration fee(s) as required by section 48.310.

(b) Each oil/water separator and sediment trap shall be cleaned by applicant(s) once a year or as required to maintain the integrity of the system, or as required by the authority. Records of this and other maintenance activities performed on the separator shall be kept on-site for not less than three (3) years. These records shall be made available to the authority upon written or verbal request.

Section 7. That Section 48.300 of the above-entitled ordinance be amended to read as follows:

48.300. Contaminated material storage. (a) Any and all manufactured materials that have been in contact with pollutants, including but not limited to lubricating oils, cutting fluids, and marking dyes, must be stored inside a building or structure in such a manner as to prevent deposition of pollutants to the land and discharge to the storm drains.

(b) No person(s) shall stockpile contaminated soil in excess of five (5) cubic yards without submitting an application and receiving a permit from the authority. To apply for an on-site contaminated soil storage permit from the authority, all such person(s) shall pay to the authority all permit fee(s) required by 48.310, and submit a plan and details of the proposed action. The soil must be placed on an impervious surface and covered with plastic and shall not be stored for more than ninety (90) days. Stockpiling is to be considered a temporary condition and at time of application plans must be submitted for final treatment or disposal of contaminated soil. Failure to obtain a permit or maintain the condition of the stockpile is a violation of this chapter.

Section 8. That Section 48.310 of the above-entitled ordinance be amended to read as follows:

48.310. Permitting and Annual Fees. (a) For the equipment specified below applicant(s) shall pay the permitting fee as established in the director's fee schedule pursuant to section 91.70 upon application and an annual fee as established in Appendix J each year the equipment/condition exists.

TABLE INSET:

Equipment/Condition	Permit/Filing Fee (<u>see director's fee schedule pursuant to section 91.70</u>)	Annual Fee (<u>see Appendix J</u>)
Aboveground storage tank		
Install/remove (48.120)	\$100.00	-
Abandonment (48.120)	\$250.00	-
Storage of regulated substances (48.125)	-	\$45.00 per 250 gallon increment/ or tank
Underground storage tank		
Out of service (48.150)	-	\$500.00
Install/remove (48.130 and 48.145)	\$100.00	-
Abandon in place (48.130 and 48.145)	\$250.00	-
Annual chemical inventory registration (48.160)	-	\$500.00
Contaminated site (48.230)		
Open leak site	-	\$300.00
CERCLIS/MERLA site	-	\$1,000.00
On-site remediation system, except wells (48.240)	\$500.00	\$500.00
Wells (48.260)	-	\$100.00
Construction, modification, reconstruction, sealing	\$100.00	-
Water supply well maintenance	-	\$125.00
Monitoring and recovery well maintenance	-	\$125.00
Oil/water separator (48.270)	-	\$45.00
<u>Sediment trap (48.270)</u>		
Industrial waste generator (48.280)	-	\$45.00
<u>Contaminated soil storage (48.300)</u>		

(b) The annual fee shall be due and payable on December 31st of each year. If registration is not postmarked on or before December 31st of each year, the applicant must pay double the fees provided for such registration. If registration is not postmarked or received on or before the expiration of the current registration, the applicant must pay double the specified fee and any applicable court costs.

(c) Failure to obtain the appropriate permit prior to beginning work will result in a double permit fee.

(d) Each day of failure to register shall constitute a separate violation of this Code.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-051 amending Title 3, Chapter 50 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules*, amending Sections 50.30, 50.40, 50.50, 50.60 and 50.70 to adjust environmental permit fees to the construction cost index and move the fees to Chapter 91 in the Director's Fee Schedule, and adjust and move pollution control annual registration fees to Appendix J of the Code, was adopted 5/12/06 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 2006-Or-051
By Samuels
Intro & 1st Reading: 3/31/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 3, Chapter 50 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules.

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

Section 1. That Section 50.30 of the above-entitled ordinance be amended to read as follows:

50.30. Definitions. (1) *Industrial waste* shall mean any solid, liquid or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated groundwater disposed into public sewers is industrial waste.

(2) *Domestic waste* shall mean any waste generated from sanitary facilities, including, but not limited to, sinks and toilets.

(3) All terms and definitions shall be as defined by the waste discharge rules, except wherever the word "council board" is used in the waste discharge rules, it shall be held to mean the City of Minneapolis. Wherever the words "regional administrator" are used in the waste discharge rules, it shall be held to mean the assistant city coordinator of director of operations and regulatory services or the director's assistant city coordinator's authorized agent.

Section 2. That Section 50.40 of the above-entitled ordinance be amended to read as follows:

50.40. Waste discharge permit and annual registration. Notwithstanding the permit requirements of the Metropolitan Council Environmental Services waste discharge rules, it shall be unlawful for any nondwelling discharger to discharge domestic waste into the Minneapolis sewer system without first obtaining a permit and registering with the City of Minneapolis. No permit or registration shall be issued unless the permit and annual fee established in section 50.70 ~~has~~ have been paid.

Section 3. That Section 50.50 of the above-entitled ordinance be amended to read as follows:

50.50. Annual industrial ~~Industrial~~ waste discharge permit and annual registration. No person shall discharge industrial waste into the sanitary sewer, within the boundaries of the City of Minneapolis without first filing ~~an~~ for a permit and obtaining an annual industrial waste discharge registration. No permit or registration shall be issued unless the permit fee and annual fee established by section 50.70 ~~has~~ have been paid.

Section 4. That Section 50.60 of the above-entitled ordinance be amended to read as follows:

50.60. Annual ~~direct~~ Direct storm drain discharge permit and annual registration. No person or facility shall discharge directly into a storm drain, any water used in a process, including cooling water, without first filing ~~a~~ for a permit and obtaining an annual direct storm drain discharge registration. No permit or registration shall be issued unless the permit fee and annual fee established in section 50.70 ~~has~~ have been paid.

Section 5. That Section 50.70 of the above-entitled ordinance be amended to read as follows:

50.70. Fees. (a) ~~The fees for permitting a discharge as for the annual registration required by sections 50.40, and 50.50, and 50.60 of this chapter shall be as established in the director's fee schedule pursuant to section 91.70. Upon application an annual fee shall be as established in Appendix J for each year the discharge exists.:~~

- ~~(1) Fifty dollars (\$50.00) for each unit discharging domestic waste into the sewer system;~~
- ~~(2) Fifty dollars (\$50.00) for each unit discharging industrial waste into the sanitary sewer; and~~
- ~~(3) Fifty dollars (\$50.00) for each unit discharging directly into the storm drain~~

~~(b) If registration is not postmarked or received on or before the expiration of the current registration, the applicant must pay double the specified fee and any applicable court costs.~~

~~(c) Each day of failure to register shall constitute a separate violation of this Code.~~

~~(b) The annual fee shall be due and payable on December 31 of each year. If registration is not received or postmarked on or before December 31 of each year, the applicant shall pay double the fees provided for such registration.~~

~~(c) Failure to obtain the appropriate permit prior to discharging will result in a doubling of permit fees.~~

~~(d) Each day of failure to register may constitute a separate violation of this Code.~~

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-052 amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Storm Water Management*, amending Sections 54.40 and 54.90 to adjust environmental permit fees to the construction cost index and move the fees to Chapter 91 in the Director's Fee Schedule, and adjust and move pollution control annual registration fees to Appendix J of the Code, was adopted 5/12/06 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 2006-Or-052

By Samuels

Intro & 1st Reading: 3/31/06

Ref to: PS&RS

2nd Reading: 5/12/06

Amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Storm Water Management.

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

Section 1. That Section 54.40 of the above-entitled ordinance be amended by adding thereto the definition of Assistant city coordinator of regulatory services in alphabetical sequence and repealing the definition of Director of regulatory services to read as follows:

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

Assistant city coordinator of regulatory services is the assistant city coordinator of regulatory services of the City of Minneapolis and the assistant city coordinator's duly authorized designees.

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

Section 2. That Section 54.90 of the above-entitled ordinance be amended to read as follows:

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

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

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

(d) *Annual site registration.* Any person(s), organization, company, group, or any other entity, public or private, in control of storm water management devices installed under this ordinance or existing prior to this ordinance shall register that site annually with the assistant city coordinator of director of regulatory services, remit an annual registration fee at the rate as established in Appendix J of eighty dollars (\$80.00) per storm water management device, plus forty dollars (\$40.00) for each additional device, and Submission and payment confirm that the site's storm water management devices have has been inspected, maintained and are is functioning satisfactorily. The annual fee shall be due and payable on December 31 of each year. If registration is not received or postmarked on or before December 31 of each year, the applicant shall pay double the fees provided for such registration. Failure to obtain the appropriate permit prior to discharging will result in a doubling of fees. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

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

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

(1) *Regular maintenance.* Regular maintenance of storm water management constructed facilities in accordance with the approved Plan shall be required unless the Plan is modified and approved by the city engineer (54.90(2)). All facilities shall be maintained in proper condition for sustained use, consistent with the performance standards for which they were originally designed.

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

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

(2) *Action upon non-compliance.* In the event maintenance does not conform to the approved Plan or to any instructions of the issuing authority, notice to comply shall be given to the responsible party in writing. After a notice to comply is given, in the determination of the issuing authority, the responsible party shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately. Failure of the responsible party to comply with the directives of Section 54.90(f)(1) will constitute a violation pursuant to Section 54.90(f)(2), and the issuing authority may proceed with the necessary maintenance of the site at the expense of the responsible party. The responsible party will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in Section 54.120.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-053 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, amending Sections 91.70, 91.900 and 91.910 to add environmental permit fees to Chapter 91 in the Director's Fee Schedule, was adopted 5/12/06 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 2006-Or-053
By Samuels
Intro & 1st Reading: 3/31/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.

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

Section 1. That Section 91.70 of the above-entitled ordinance be amended to read as follows:

91.70. Unit based permit fee adjustment; director's fee schedule. (a) The minimum fee as shown in section 91.40 and certificate, permit, service or other fees calculated on a unit item or other basis, as shown in sections 46.50, 47.240, 47.310, 48.310, 50.70, 91.15, 91.20, 91.35, 91.55, 91.105, 91.115, 91.120, 91.150, 91.190, 91.220, 91.270, 91.380, 91.390, 91.410, 91.465, 91.610, 91.620, 91.740, 91.750, 91.770, 91.780, 91.900, and 108.30, 389.70 and 389.105 shall be subject to automatic adjustment based on annual increases in the construction cost index (CCI) for the City of Minneapolis as published quarterly by the Engineering News Record. Such adjustment, rounded off to the nearest one (1) percent, shall be effective on April first of each year based on the construction cost index for the period ending December 31 of the preceding calendar year.

(b) The director of inspections shall publish, maintain and make available to the public via all readily available means, including posting to the city's designated Internet site(s), a schedule of all such fees referenced in subsection (a). Such schedule shall be titled the director's fee schedule and shall be promptly revised and updated by the director on April first of each year. The council shall approve the initial director's fee schedule to be effective April 1, 2004. Thereafter the director's fee schedule shall be subject to automatic annual adjustment pursuant to the terms of subsection (a) and shall be made available to the public at least thirty (30) days prior to going into effect.

Section 2. That Section 91.900 of the above-entitled ordinance be amended to read as follows:

91.900. Application and inspection fees. The fees for the permit required in Section 52.140 of Chapter 52 shall be paid pursuant to the schedule set forth in the tables below:

—TABLE A—

**EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(UTILITIES)**

Per lineal foot disturbed . . . \$0.10
Minimum fee . . . 25.00

—TABLE B—

**EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL)**

500 square feet or less . . . No fee
501 square feet or more . . . \$250.00

** Area is based on ground area disturbed

—TABLE C—

676 square feet or less detached garage . . . No fee
ALL OTHER CONSTRUCTION
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(SINGLE-FAMILY RESIDENTIAL)

500 square feet or less . . . No fee
501 to 3,000 square feet . . . \$75.00
3,001 square feet or more . . . 75.00
For each additional 1,000 square feet . . . 25.00

** Area is based on building footprint

—TABLE D—

EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(DEMOLITION ONLY)

Single-family residential . . . \$75.00
All others . . . 150.00
(If building permit is issued at same time as demolition permit, the fee will be waived.)

—TABLE E—

EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(MAINTENANCE PROJECTS)

Annual permit . . . \$250.00
Other Inspections and fees:
1. Inspection outside of normal business hours . . . \$75.00 per hour*
(minimum charge—two hours)

*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

91.900. Fees required. The director of inspections, before issuing any permit for erosion and sediment control shall require the payment by the applicant of such permit fees in the amount herein provided.

Section 3. That Chapter 91 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 91.910 to read as follows:

91.910. Basic fees. The fees for the permit required by section 52.140 shall be as established in the director's fee schedule pursuant to section 91.70 based on the following categories:

—TABLE A—

EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(UTILITIES)

Per lineal foot disturbed
Minimum fee as established by 91.40

—TABLE B—

EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL)

500 square feet or less
501 square feet or more
** Area is based on ground area disturbed

—TABLE C—

676 square feet or less detached garage . . . No fee
ALL OTHER CONSTRUCTION
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(SINGLE-FAMILY RESIDENTIAL)

500 square feet or less
501 to 3,000 square feet
3,001 square feet or more
For each additional 1,000 square feet

** Area is based on building footprint

—TABLE D—
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(DEMOLITION ONLY)

Single-family residential

All others

(If building permit is issued at same time as demolition permit, the fee will be waived.)

—TABLE E—
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES
(MAINTENANCE PROJECTS)

Annual permit

Other Inspections and fees:

1. Inspection outside of normal business hours per hour*

(minimum charge—two hours)

*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-054 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, to add Environmental Annual Registration entries at the end of Appendix J, was adopted 5/12/06 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 2006-Or-054
By Samuels
Intro & 1st Reading: 3/31/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule.

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

Section 1. That Appendix J of the above-entitled ordinance be amended by adding thereto the following Environmental Annual registration entries at the end of Appendix J to read as follows:

License	Ordinance	2004 Fee	2005 Fee	2006 Fee
<u>Environmental Annual Registration</u>				
<u>Storage and processing of hazardous waste not generated at the same address</u>	<u>46.60</u>		<u>\$1000.00 per site</u>	<u>\$1060.90 per site</u>
<u>Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour</u>	<u>47.70</u>		<u>\$45.00 each</u>	<u>\$47.74 each</u>
<u>Commercial exhaust system with a discharge greater than five hundred (500) CFM</u>	<u>47.70</u>		<u>\$45.00 each</u>	<u>\$47.74 each</u>

<u>Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, catalytic combuster, or laminator</u>	<u>47.70</u>	<u>\$45.00 each</u>	<u>\$47.74 each</u>
<u>any combination of space heating equipment as set out in section 47.50(a)</u>	<u>47.70</u>	<u>\$45.00 per unit</u>	<u>\$47.74 per unit</u>
<u>Roof or ground mounted commercial HVAC equipment</u>	<u>47.70</u>	<u>\$45.00 each</u>	<u>\$47.74 each</u>
<u>Commercial coffee roaster</u>	<u>47.70</u>	<u>\$45.00 each</u>	<u>\$47.74 each</u>
<u>Stage I vapor recovery or other pollution control device(s) in or on any building, equipment or premises</u>	<u>47.70</u>		<u>\$47.74 each</u>
<u>Storage of regulated substances for containers over 250 gallons</u>	<u>48.310</u>	<u>\$45.00 each</u>	<u>\$47.74 each</u>
<u>Storage of regulated substances in multiple containers smaller than 250 gallons</u>	<u>48.310</u>	<u>\$45.00 per 250</u>	<u>\$47.74 per 250 gallon increment</u>
<u>Out of service aboveground or underground tank</u>	<u>48.310</u>	<u>\$500 each</u>	<u>\$530.45 each</u>
<u>Annual chemical inventory registration</u>	<u>48.310</u>	<u>\$500 per site</u>	<u>\$530.45 per site</u>
<u>Contaminated open leak site</u>	<u>48.310</u>	<u>\$300 per site</u>	<u>\$318.27 per site</u>
<u>Contaminated CERCLIS/MERLA site</u>	<u>48.310</u>	<u>\$1000.00 per site</u>	<u>\$1060.90 per site</u>
<u>On-site remediation, except wells</u>	<u>48.310</u>	<u>\$500 each</u>	<u>\$530.45 each</u>

<u>Water supply well maintenance</u>	<u>48.310</u>	<u>\$125.00 each</u>	<u>\$150.00 each</u>
<u>Monitoring well maintenance</u>	<u>48.310</u>	<u>\$125.00 each</u>	<u>\$150.00 each</u>
<u>Industrial Waste Generator</u>	<u>48.310</u>	<u>\$45.00 per site</u>	<u>\$47.74 per site</u>
<u>Sediment trap</u>	<u>48.310</u>		<u>\$47.74 each</u>
<u>Oil/water separator</u>	<u>48.310</u>	<u>\$45.00 each</u>	<u>\$47.74 each</u>
<u>Discharge domestic waste into the sewer system</u>	<u>50.70</u>	<u>\$50.00 per connection</u>	<u>\$53.05 per connection</u>
<u>Discharge industrial waste into the sanitary sewer</u>	<u>50.70</u>	<u>\$50.00 per connection</u>	<u>\$53.05 per connection</u>
<u>Discharge directly into the storm drain system</u>	<u>50.70</u>	<u>\$50.00 per connection</u>	<u>\$53.05 per connection</u>
<u>Storm water management devices</u>	<u>54.92 (d)</u>	<u>\$80 per device, \$40 for each additional device</u>	<u>\$84.87 each</u>

Adopted 5/12/06.

Absent – Goodman, Hodges.

DIRECTOR'S FEE SCHEDULE
May 12, 2006

Fees subject to adjustment based on the Construction Cost Index (CCI)

Minneapolis Code of Ordinances, Section 91.70

Permit Type/Fee Description	Ordinance Section Number	2006
Environmental		
Storage and processing of hazardous waste not generated at the same address	46.50	\$1200.00 per site
Abrasive blasting permit	47.240	\$120.00 per site
Installation or conversion to a stage I vapor recovery system	47.310	\$180.00 per site
Aboveground and underground storage tank removal	48.310	\$120.00 per tank
Aboveground and underground storage tank installation	48.310	\$120.00 per tank
Aboveground and underground storage tank abandonment	48.310	\$300.00 per tank
On-site remediation, except wells	48.310	\$1200.00 each
Well construction	48.310	\$175.00 per well
Well sealing	48.310	\$175.00 per well
Well maintenance	48.310	\$150.00 per well
Oil/water separator	48.310	\$120.00 per device
Sediment trap	48.310	\$120.00 per device
Contaminated soil storage	48.310	\$180 per site
Discharging domestic waste into the sanitary sewer system	50.70	\$90 per event

Discharging industrial waste into the sanitary sewer system	50.70	\$90 per event
Discharging directly into the storm drain system	50.70	\$90 per event
After hours work construction, maintenance, demolition - private project	389.70	\$120 per day per site
After hours work for construction, maintenance, demolition – public works project	389.70	\$60 per day per site
Outdoor amplified sound until 10 p.m.	389.105	\$120 per day
Outdoor amplified sound extend hours (past 10 p.m.)	389.105	\$240 per day

Adopted 5/12/06.
Absent - Goodman, Hodges.

DIRECTOR'S FEE SCHEDULE

May 12, 2006

Fees subject to adjustment based on the Construction Cost Index (CCI)

Minneapolis Code of Ordinances, Section 91.70

Permit Type/Fee Description	Ordinance Section Number	2006
Erosion and Sediment Control		
Erosion and sediment control plan review and inspection fees (Utilities)		
Per lineal foot disturbed	91.910 Table A	\$0.13
Minimum fee	91.40	\$62.00
Erosion and sediment control plan review and inspection fees (Multi-family, Commercial, and Industrial)		
** Area is based on ground area disturbed		
500 square feet or less	91.910 Table B	No fee
501 square feet or more	91.910 Table B	\$315.00
676 square feet or less detached garage	91.910 Table C	No fee
Erosion and sediment control plan review and inspection fees (Single-family Residential)		
** Area is based on building footprint		
500 square feet or less	91.910 Table C	No fee
501 to 3,000 square feet	91.910 Table C	\$95.00
3,001 square feet or more	91.910 Table C	\$95.00
3,001 square feet or more, for each additional 1,000 square feet	91.910 Table C	\$30.00
Erosion and sediment control plan review and inspection fees (Demolition Only)		
**If building permit is issued at same time as demolition permit, the fee will be waived.		
Single-family residential	91.910 Table D	\$95.00
All others	91.910 Table D	\$190.00
Erosion and sediment control plan review and inspection fees (Maintenance Projects)		
Annual permit	91.910 Table E	\$315.00
Other Inspections and fees:		
Inspection outside of normal business hours. (Minimum charge 2 hours or total hourly cost to city which ever is the greatest.)	91.910 Table E	\$95 per hour

Adopted 5/12/06.
Absent - Goodman, Hodges.

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Graffiti Nuisance Property, transferring the graffiti abatement responsibility to the Public Works Department; expanding summary abatement to include the entire structure if any part is situated within five feet of the right-of-way; simplifying non-summary abatement by changing the notice and eliminating the consent form; including non-summary abatement of sensitive surfaces by entering into contracts with service providers and engaging in cost recovery for non-summary abatement by using the utility billing and assessment process; establishing an operating budget to be allocated from rollover funds, to be replenished from costs recovered; utilizing the civil, administrative adjudication process to engage in cost recovery and levy fines against property owners who do not cooperate with the City's abatement efforts; and engaging in a pilot project to test the efficacy of the statute allowing for civil suits to recover costs directly from graffiti vandals, now recommends the following:

- a. that said ordinance be given its second reading for amendment and passage.
- b. that staff be directed to report back to Committee in January 2007 with a report on the success of these initiatives.
- c. passage of the accompanying resolution transferring \$100,000 from the Department of Regulatory Services to the Public Works – Solid Waste Division.

Glidden moved that the report be amended by adding the following item "d":

"d. that staff from 311 and Communications be directed to report to the Ways & Means/Budget Committee with a public education plan for graffiti removal, including improvement of communication to the public about options for removal and ideas for proactive removal and resources. Such report shall include information on cost and budget implications". Seconded.

Adopted upon a voice vote.

Absent – Goodman, Hodges.

The report, as amended, was adopted 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-055 amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Graffiti Nuisance Property*, amending Sections 226.30 and 226.40 to transfer the graffiti abatement responsibility to the Public Works Department; to expand summary abatement to include the entire structure if any part is situated within five feet of the right-of-way; to simplify non-summary abatement by changing the notice and eliminating the consent form; to include non-summary abatement of sensitive surfaces by entering into contracts with service providers and engaging in cost recovery for non-summary abatement by using the utility billing and assessment process; to establish an operating budget to be allocated from rollover funds, to be replenished from costs recovered; to utilize the civil, administrative adjudication process to engage in cost recovery and levy fines against property owners who do not cooperate with the City's abatement efforts; and to engage in a pilot project to test the efficacy of the statute allowing for civil suits to recover costs directly from graffiti vandals, was adopted 5/12/06 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 2006-Or-055
By Ostrow
Intro & 1st Reading: 3/31/06
Ref to: PS&RS
2nd Reading: 5/12/06

Amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Graffiti Nuisance Property.

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

Section 1. That Section 226.30 of the above-entitled ordinance be amended to read as follows:

226.30. Definitions. For the purpose of this chapter, the terms defined in this section shall have the following meanings unless the context clearly indicates otherwise:

Graffiti. Any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public. "Open to the public", for the purposes of this paragraph, includes any public right-of-way, any publicly owned property, and any private property onto which the public is regularly invited or permitted to enter for any purpose.

Graffiti nuisance property. Property upon which graffiti has been placed and such graffiti has been permitted to remain for more than ~~twenty (20)~~ ten (10) days after the property owner of record has been given a written notification pursuant to this chapter.

Manager. A graffiti abatement manager shall be designated by the director of public works. The graffiti abatement manager shall be responsible for the administration of the graffiti nuisance abatement program under this chapter. In accordance with adopted procedures, the manager may appoint such officers, employees and agents as shall be authorized and necessary to enforce the provisions of this chapter. Such officers, employees and agents may perform such functions of the manager as described in this chapter as the manager may designate.

Occupant. Any person, lessee or sublessee, successor or assignee who has control over property.

Owner. Any person, agent, firm or corporation having a legal or equitable interest in a property. "Owner" includes, but is not limited to:

- (1) A mortgagor or holder of a contract for deed in possession in whom is vested:
 - a. All or part of the legal title to the property; or
 - b. All or part of the beneficial ownership and a right to present use and enjoyment of the premises.
- (2) An occupant who has control over the property/premises.

Permit. To knowingly suffer, allow, or acquiesce by any failure, refusal or neglect to abate.

Property. Any real or personal property and that which is affixed incidental or appurtenant to real property but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.

Structure. Anything constructed or erected with a more or less fixed location on the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, docks and any objects or things permanently attached to the structure.

Accessory structure. A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including but not limited to garages, sheds and fences.

Unauthorized. Without the consent of the owner or the occupant.

Section 2. That Section 226.40 of the above-entitled ordinance be amended to read as follows:

226.40. Procedures. (a) *Required graffiti abatement.* The owner or occupant of any property in the city shall remove, paint over or otherwise effectively abate any graffiti from such property within ~~twenty (20)~~ ten (10) days of the graffiti's appearance.

(b) *Procedures, forms and policies.* The graffiti abatement manager shall adopt procedures, forms, and written policies for administering and implementing the provisions of this chapter and obtain approval of such procedures, forms, and written policies from the city council.

(c) *Notification.*

- (1) Whenever the manager determines that graffiti exists in the city on any commercial structure, industrial structure, utility structure, residential ~~accessory~~ structure or any other structure of any kind ~~other than a structure or part of a structure which the manager knows or should know is being used principally as a residence~~, the manager may issue an abatement notice pursuant to the authority of this section.
- (2) The manager shall cause the notice to be served upon any known property owner, and any known occupant. Such owner or occupant shall have ~~twenty (20)~~ ten (10) days after the date of service of the notice in which to remove, paint over or otherwise effectively abate the graffiti.

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- (3) Service shall be accomplished by addressing the notice to the owner and occupant and sending it by personal service or by U.S. mail to the last known address of such owner or occupant based upon a certified list prepared by the manager. Service on the occupant may also be accomplished by posting the notice in a visible location on the subject property.
- (4) ~~The owner or occupant shall abate the graffiti and send written notice of the abatement to the manager within twenty (20) days after the date of service of the notice. The notice shall be sent by U. S. Mail to the address given on the graffiti abatement notice and shall state briefly how and when the graffiti was abated.~~
- (5)(4) If graffiti is not removed, painted over or otherwise effectively abated, the graffiti may be abated by or at the direction of the city as provided by this chapter or other provisions of this Code. The manager shall compute all ~~The costs of any abatement by or at the direction of the city, with the exceptions provided herein, may be assessed to the owner and will become a lien on the affected property. ~~The costs of abatement shall include, but not be limited to, the cost of any inspections, abatement mobilization or other expenses caused by the failure to comply with the notice provisions of the preceding paragraph also may be assessed to the owner and will become a lien on the affected property. In each case, the manager shall keep an accurate account of all costs incurred. All costs incurred by the city including, but not limited to, costs for and service of notices, The costs shall also include all departmental costs and expenses including overhead and allowance for time of city employees, expense of equipment used, and sums of money paid out for work done, shall be computed by the manager and shall be assessed, levied and collected as a special assessment under the procedures as set forth under section 227.100 of this Code, to the extent not inconsistent with the provisions of this chapter. The owner of the property shall be required to pay all costs of abatement as computed by the manager. The manager may bill the property owner for the costs of abatement by adding the charges to the property's utility services bill as set forth in section 509.870 or may assess and levy the charges as a special assessment pursuant to the procedures set forth in section 227.100. A property owner's utility services shall not be disconnected for failure to pay that portion of a utility services bill that represents the costs of graffiti abatement.~~~~
- (d) *Appeal.*
- (1) Within ~~twenty (20)~~ ten (10) days of the receipt of the notice, the property owner or occupant may appeal the notice from the manager ~~to the city council.~~
- (2) Upon receipt of the appeal request, the ~~city council~~ manager shall set the matter for hearing before ~~the council, a committee or subcommittee thereof, or a designated hearing officer~~ within twenty (20) business days. The property owner shall be entitled to be heard on all matters relating to graffiti and the process of abatement. If the ~~city council hearing officer, after hearing or after receiving the report of its designee,~~ finds the property to be a graffiti nuisance property, and the owner/responsible party has been given notice in accordance with subsections (c) and (d) above, the ~~city council designated hearing officer~~ shall specify when and under what conditions the graffiti shall be abated.
- (3) The manager shall designate one or more hearing officers. Such hearing officers shall render decisions on matters before them in an impartial manner. Such decisions shall be binding on the department.
- (4) At any hearing under this section:
- a. The applicant may appear in person or through a representative.
- b. The parties may present evidence, testimony, and oral and written argument, and they may cross-examine each witness appearing on behalf of the other party.
- c. The rules of evidence shall not apply. However, only reasonably relevant evidence shall be received and considered.

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- d. Burden of proof. The department bears the burden of proving that the property is a graffiti nuisance property and that the owner has been given notice in accordance with this section.
- (5) Following the hearing, the hearing officer shall prepare findings of fact, a decision, and reasons therefore. The hearing officer's decision shall be based upon competent evidence in the record.
- (e) *Abatement of graffiti in specific cases.*
- (1) The manager may without notice summarily abate any graffiti on any utility poles and cabinets including, but not limited to, traffic signs and lights or on any property owned by the city or on any property located in the public right-of-way, but privately owned. The right to summarily abate graffiti on such property shall be a condition of its permission to be in the right-of-way. Reasonable care shall be taken to avoid damage to such property.
- (2) The manager may without notice summarily abate any graffiti located anywhere on exterior walls and fences immediately abutting public streets and right-of-way or public property, or within five (5) feet of such street, right-of-way or public property, ~~provided, however:~~ The manager may summarily abate graffiti located on such walls and fences that is beyond five (5) feet of such street, right-of-way or public property provided that the graffiti is visible from the street, right-of-way or public property. The manager shall ensure (1) that such abatement shall not entirely penetrate the wall of any building nor impair the structural integrity of the structure involved; (2) that reasonable efforts are made to ~~promptly and reasonably restore the area that was subject to the summary abatement~~ avoid damage to the property; and, (3) that the wall is not in an area of a building that is designed for and used principally as a residence. In the case of a summary abatement without notice on private property or on private structures or equipment located in the right-of-way, the expense of such abatement and restoration shall be borne by the city.
- (f) *Abatement of graffiti generally.* Whenever the manager has reasonable cause to believe that there exists upon any structure any graffiti requiring abatement under this chapter, the manager may enter upon the property at all reasonable times to perform any duty imposed on the manager under this chapter, and to enforce the provisions of this Code. The following steps may be taken as to any property that is not being abated pursuant to the foregoing provisions or other provisions of this Code and for which an abatement notice has been issued pursuant to paragraph (c)(1) of this section.
- (1) ~~If the property containing graffiti is occupied, the manager shall first present proper credentials and give notice of the purpose of the manager to abate the graffiti. The manager may then abate the graffiti. In performing graffiti abatement, the manager shall not intentionally penetrate entirely the wall of any structure or impair the structural integrity thereof.~~
- (2) ~~If the property is unoccupied, the manager may abate the graffiti. The manager shall leave a notice of the graffiti abatement in a reasonable location on the property and mail notice to the last known address of the owner or occupant that was originally served with the notice to abate. In performing graffiti abatement, the manager shall not intentionally penetrate entirely the wall of any structure or impair the structural integrity thereof.~~
- (g) *Graffiti abatement consent forms:*
- (1) ~~The manager shall develop consent forms allowing the manager to enter onto property to abate the graffiti without prior notice from the manager, with financial responsibility for such abatement to be as agreed to in the consent form. The manager shall make these consent forms available to those eligible to participate.~~
- (2) ~~Property owners or occupants signing these consent forms will be issued stickers to be placed in a location on the subject property readily visible from premises open to the public, such as the public right-of-way or other publicly owned property. These stickers shall be issued on a yearly basis.~~

Adopted 5/12/06.

Absent – Goodman, Hodges.

**RESOLUTION 2006R-258
By Samuels and Ostrow**

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a. decreasing the appropriation for the Regulatory Services Agency in the General Fund (010-835-8510) by \$100,000 minus expenses paid from Regulatory Services before the effective date of this appropriation revision.

b. increasing the appropriation for the Public Works – Solid Waste Agency in the Solid Waste & Recycling Fund (770-664) by \$100,000 minus expenses paid from Regulatory Services before the effective date of the appropriation revision.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS & W&M/Budget - Your Committee, having under consideration the provision of specialized Emergency Medical Service training for the Fire Department, now recommends that the proper City officers be authorized to accept the only proposal received from Hennepin County Medical Center to provide said training to all of the Fire Department's Emergency Medical Technicians; and that the City Attorney be directed to develop a five-year agreement between HCMC and the Fire Department. Set pricing for the agreement will be \$98,232 annually for the first two years of the agreement. Prior to the start of the third year, the pricing structure will be reviewed and may be amended to reflect the overall cost of delivering the EMS training program to the Fire Department.

Adopted 5/12/06.

Absent – Goodman, Hodges.

PS&RS & W&M/Budget - Your Committee, having under consideration the implementation of a Tenant Remedy Act Program, now recommends the following:

a. that the proper City officers be authorized to accept \$200,000 from the Family Housing Fund and execute a Letter of Agreement.

b. authorize Court ordered activities associated with the Tenant Remedy Act Program.

c. passage of the accompanying resolution appropriating \$200,000 to the Department of Regulatory Services.

Adopted 5/12/06.

Absent – Goodman, Hodges.

**RESOLUTION 2006R-259
By Samuels and Ostrow**

Amending The 2006 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 Regulatory Services Agency in the Grants - Other Fund (060-835-8560) by \$200,000 and increasing the Revenue Source (060-835-8560) by \$200,000.

Adopted 5/12/06.

Absent – Goodman, Hodges.

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

T&PW - Your Committee, to whom was referred an ordinance amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: In General*, repealing Section 427.240, entitled "*Dancing on streets*", and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Ordinance 2006-Or-056, amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: In General* repealing Section 427.240 entitled "Dancing on streets", was adopted 5/12/06 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 2006-Or-056
By Gordon
Intro & 1st Reading: 2/24/06
Ref to: T&PW
2nd Reading: 5/12/06

Amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: In General.

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

Section 1. That Section 427.240 of the above-entitled ordinance be and is hereby repealed.

~~**427.240. Dancing on streets.** No person shall dance or engage or participate in any dancing upon any public street or highway in the city; and no person shall provide for, promote or conduct any dance or dancing upon any public street or highway in the city, except at a block party.~~

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW - Your Committee, having under consideration mechanical and electrical upgrades at 18 Minneapolis Fire Stations, now recommends that the proper City officers be authorized to execute Change Order No. 1 (final) to Contract No. C-22592 with Northern Air Corporation in the amount of \$91,439, for a revised contract total of \$1,090,739, for construction contingencies included as part of the original project budget. No additional appropriation required.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW - Your Committee, having under consideration an application for a large block event permit for the Edina Art Fair, to be held June 1, 2006 to June 4, 2006, now recommends that the block event be allowed to operate outside the time frame allowed under Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW - Your Committee, having under consideration the Northstar Commuter Rail Corridor, now recommends that the proper City officers be authorized to enter into two separate agreements with the Northstar Corridor Development Authority (NCDA) to reimburse the City of Minneapolis for:

- a) Project design work; and
- b) Construction work relating to utility relocation.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW - Your Committee, having under consideration the Solid Waste and Recycling Policy Considerations included as part of their 30 Year Plan, now recommends approval of the short-term, mid-term, and long-term policy directions, as set forth in Petn. No. 271193.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW - Your Committee, having under consideration the acquisition of property for a potential joint City Voucher Transfer Facility and County Household Hazardous Waste Drop-Off Facility, now recommends that the proper City officers be authorized to begin discussions with SKB Environmental Services for the possible purchase of the "Malcolm" Transfer Station (620 Malcolm Av SE), a 14 acre site located in the SEMI Industrial Area.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW - Your Committee, having under consideration the City of Minneapolis and Minneapolis Park and Recreation Board Stormwater Management Program and Annual Report, as set forth in Petn No. 271193, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the Minneapolis 2006 Stormwater Management Program and Report as the City's Stormwater Management Plan, pursuant to Chapter 2, Section 14, of the City of Minneapolis National Pollutant Discharge Elimination System (NPDES) Permit #MN0061018.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Resolution 2006R-260, adopting the Minneapolis 2006 Stormwater Management Program and Annual Report as the City's Stormwater Management Plan, was adopted 5/12/06 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 2006R-260

By Colvin Roy

Adopting the Minneapolis 2006 Stormwater Management Program and Annual Report.

Whereas, the City of Minneapolis is committed to improving the water quality in the lakes, wetlands, and streams; and

Whereas, on December 1, 2000, the City of Minneapolis was issued National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Permit #MN0061018 (Permit); and

Whereas, as required under the Permit, a public hearing was held on April 18, 2006; and

Whereas, the 2006 Stormwater Management Program and Annual Report will now be submitted to the Minnesota Pollution Control Agency;

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

That the Minneapolis City Council hereby adopts the 2006 Stormwater Management Program and Annual Report as the City's Stormwater Management Plan.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

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

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution:

a) Closing out the 2003 Street Renovation Program and decreasing the corresponding capital appropriations;

b) Reallocating excess Net Debt Bonds as a result of the project closeout to other projects;
c) Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already sold Net Debt Bonds; and

d) Authorizing the proper City officers to enter into a supplemental agreement with Lunda Construction Company for the completion of wall and trail change orders associated with the Cedar Lake Parkway Trail and extending the contract to November 15, 2006.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

Resolution 2006R-261, closing out the 2003 Street Renovation Program and decreasing corresponding capital appropriations, reallocating excess Net Debt Bonds, requesting concurrence of the Board of Estimate and Taxation in the reallocation, and authorizing a supplemental agreement with Lunda Construction for change orders associated with the Cedar Lake Parkway Trail and extending the contract to November 15, 2006, was adopted 5/12/06 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 2006R-261

By Colvin Roy & Ostrow

Amending The 2006 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the 2003 Street Renovation Program be closed out by reducing the following capital appropriations: Public Works Paving Construction Capital (4100-937-9372 project 03REN) decreased by \$3,304,165.28, Public Works Traffic Field Operations Capital (4100-943-9440 project B1697030) decreased by \$85,067.43 and Public Works Sewer Construction Capital (4100-932-9322 project 03SPR) decreased by \$145,000.00.

Be It Further Resolved that the excess Net Debt Bonds be reallocated with a Capital appropriation increase and revenue budget increase as follows:

- \$251,175.00 increase to Fund/Agency/Org: 4100-937-9386-BR040 and revenue source Fund/Agency/Org: 4100-937-9386-3846 (Cedar Lake Parkway Bridge);
- \$433,686.63 increase to Fund/Agency/Org: 4100-937-9372-PV037 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (35W Frontage Roads Paving);
- \$210,686.61 increase to Fund/Agency/Org: 4100-937-9372-22317 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (10th St S Paving);
- \$51.31 increase to Fund/Agency/Org: 4100-932-9322-22317 and revenue source Fund/Agency/Org: 4100-932-9322-3846 (10th St S Sewer);
- \$102,241.12 increase to Fund/Agency/Org: 4100-937-9372-26402 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (E. 50th St Paving);
- \$76,020.88 increase to Fund/Agency/Org: 4100-937-9372-26403 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (E. 50th St Paving);
- \$8,625.16 increase to Fund/Agency/Org: 4100-932-9322-26402 and revenue source Fund/Agency/Org: 4100-932-9322-3846 (50th St Sewer);
- \$10,698.46 increase to Fund/Agency/Org: 4100-932-9322-26403 and revenue source Fund/Agency/Org: 4100-932-9322-3846 (50th St Sewer);
- \$9,509.24 increase to Fund/Agency/Org: 4100-937-9372-A2235 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (6th St NE Alley Paving);
- \$126,072.45 increase to Fund/Agency/Org: 4100-943-9440-B1664 and revenue source Fund/Agency/Org: 4100-943-9440-3846 (Chicago Ave, 46th – 49th Traffic);

- \$181,275.06 increase to Fund/Agency/Org: 4100-937-9372-25304 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (E 38th St Paving);
- \$36,313.32 increase to Fund/Agency/Org: 4100-937-9386-A0238 and revenue source Fund/Agency/Org: 4100-937-9386-3846 (Glenwood Bridge);
- \$184,995.30 increase to Fund/Agency/Org: 4100-937-9372-28003 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Harrison St NE Paving);
- \$96,883.43 increase to Fund/Agency/Org: 4100-937-9372-42502 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Hennepin Ave S Paving);
- \$204,512.08 increase to Fund/Agency/Org: 4100-932-9322-42502 and revenue source Fund/Agency/Org: 4100-932-9322-3846 (Hennepin Ave S Sewer);
- \$67,929.30 increase to Fund/Agency/Org: 4100-943-9440-B1645 and revenue source Fund/Agency/Org: 4100-943-9440-3846 (Hennepin Ave S Traffic);
- \$145,332.70 increase to Fund/Agency/Org: 4100-937-9372-42501 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Hennepin/Lyndale Paving);
- \$277,253.81 increase to Fund/Agency/Org: 4100-937-9372-43501 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Hennepin/Lyndale Paving);
- \$7,826.83 increase to Fund/Agency/Org: 4100-937-9372-A0523 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Hennepin/Stinson Paving);
- \$21,330.02 increase to Fund/Agency/Org: 4100-937-9372-A0207 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (East Hennepin Paving);
- \$62,569.74 increase to Fund/Agency/Org: 4100-937-9372-34508 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Huron at Fulton Paving);
- \$6,327.12 increase to Fund/Agency/Org: 4100-937-9372-A0205 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (West Broadway Paving);
- \$67,181.65 increase to Fund/Agency/Org: 4100-943-9440-BUSLR and revenue source Fund/Agency/Org: 4100-943-9440-3846 (LRT Revisions Traffic);
- \$85,818.00 increase to Fund/Agency/Org: 4100-937-9372-PV025 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Fremont Ave N Paving);
- \$177,510.72 increase to Fund/Agency/Org: 4100-937-9372-PV011 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (Nicollet Ave South 46th - Minnehaha Paving);
- \$358,466.53 increase to Fund/Agency/Org: 4100-937-9372-PV013 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (15th Ave SE Paving);
- \$74,621.07 increase to Fund/Agency/Org: 4100-937-9372-PV014 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (LaSalle Paving); and
- \$249,319.17 increase to Fund/Agency/Org: 4100-937-9372-PV004 and revenue source Fund/Agency/Org: 4100-937-9372-3846 (CSAH Paving).

Be It Further Resolved that your Committee requests the concurrence of the Board of Estimate and Taxation in the reallocation of already sold Net Debt Bonds of \$3,534,232.71 from the 2003 Street Renovation Program (PV003) (4100-937-9372, 4100-932-9322 and 4100-943-9440) to the list of projects identified above.

Be It Further Resolved that the proper City officers be authorized to enter into Supplemental Agreement No 2 with Lunda Construction Company for the completion of wall and trail change orders associated with the Cedar Lake Parkway Trail, and extending the contract to November 15, 2006.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Approved by Mayor Rybak 5/12/06.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to execute Agreement No. 89244 with the Minnesota Department of Transportation (MnDOT) covering cost participation for frontage road, sanitary sewer, storm sewer, water main, and signal and signal interconnect construction by MnDOT on I-35W and Trunk Highway 62.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

Resolution 2006R-262, authorizing an agreement between the City of Minneapolis and the Minnesota Department of Transportation (MnDOT) covering cost participation in conjunction with the construction on Interstate 35W and Trunk Highway 62, was adopted 5/12/06 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 2006R-262
By Colvin Roy and Ostrow

Authorizing an agreement between the City of Minneapolis and the Minnesota Department of Transportation (MnDOT) covering cost participation in conjunction with the construction on Interstate 35W and Trunk Highway 62.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute MnDOT Agreement No 89244 with the State of Minnesota, Department of Transportation, to provide payment by the City to the State of the City's share of the costs of the frontage road, sanitary sewer, storm sewer, water main, signal and signal interconnect construction, and other associated construction to be performed upon, along and adjacent to Trunk Highway No 35W from 66th Street to 42nd Street and upon, along, and adjacent to Trunk Highway No 62 from Penn Avenue to Portland Avenue with credits for City purchased right-of-way, City furnished signal cabinet/controllers, and City performed water main construction under State Project No 2782-281 (T.H.35W=394).

Be It Further Resolved that the Mayor, the City Clerk and the Finance Officer are hereby authorized and directed for and on the behalf of the City to execute and enter into an agreement with the State of Minnesota, Department of Transportation, prescribed in the terms and conditions of said Cooperative Agreement contained in "State of Minnesota, Department of Transportation Cooperative Agreement, MnDOT Agreement No 89244," a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Approved by Mayor Rybak 5/12/06.

T&PW & W&M/Budget - Your Committee, having under consideration the Flood Area 27 Flood Mitigation Project and 28th Av S Reconstruction Project (38th St E to 40th St E), and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting special assessments in the amount of \$103,019.09 for the 28th Av S Reconstruction Project; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$103,000.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Resolution 2006R-263, ordering the work to proceed and adopting the special assessments for the 28th Av S Reconstruction Project, was adopted 5/12/06 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 2006R-263
By Colvin Roy and Ostrow**

**28th AV S (38th ST E TO 40th ST E) RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 4330**

Ordering the work to proceed and adopting the special assessments for the 28th Av S Reconstruction Project.

Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in Resolution 2006R-056, passed February 10, 2006.

Be It Further Resolved that the proposed special assessments in the total amount of \$103,019.09 for the 28th Av S Reconstruction Project, 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 for the 28th Av S Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as the assessment bonds are sold for, with collection to begin on the 2007 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2007 real estate tax statements.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

Resolution 2006R-264, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$103,000 for the purpose of paying the assessed cost of street improvements in the 28th Av S Street Reconstruction Project, was adopted 5/12/06 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 2006R-264
By Colvin Roy and Ostrow**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$103,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 28th Av S Street Reconstruction Project, Special Improvement of Existing Street No 4330, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with First Point Energy Corp. to upgrade telephone automatic meter reading software to the most current version at a cost not to exceed \$200,000.

Your Committee further recommends that the contract period for annual maintenance and software enhancements be extended through December 31, 2011 at an annual cost not to exceed \$60,000.

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

T&PW & W&M/Budget - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No. 6597 from MacQueen Equipment, Inc., in the amount of \$149,513, to furnish and deliver cart tipper lifting systems.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271194)

Adopted 5/12/06.

Absent – Goodman, Hodges, Hofstede.

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

W&M/Budget - Your Committee, having received the recommendation of the Executive Committee for the reappointment of E. Maurice Nakumbe (3/1/06 - 2/28/09), and the reappointment of Christine Siewert (3/1/06 - 2/28/09) to serve on the Minneapolis Civil Service Commission for three year terms, now recommends approval of said reappointments.

Adopted 5/12/06.

Absent - Goodman, Hodges.

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-265, authorizing settlement of the legal claim of Dejuan Haggins, was adopted 5/12/06 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 2006R-265

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of Dejuan Haggins v. City of Minneapolis, by payment of \$1,250 to Dejuan Haggins;

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

Resolution 2006R-266, approving construction change orders for contracts related to the New Central Library Project, was adopted 5/12/06 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 2006R-266

By Ostrow

Approving Change Orders for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order No. 6 increasing Contract Number C-19758 with Graham Penn-Co Construction, Inc. by \$111,761;

b) Change Order No. 4 increasing Contract Number 019830 with Schindler Elevator Corporation by \$11,488;

c) Change Order No. 7 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. by \$328,491; and

d) Change Order No. 8 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. by \$174,730.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

W&M/Budget - Your Committee recommends approval of the June 2006 utility billing insert promoting 311 and the services it provides.

Adopted 5/12/06.

Absent - Goodman, Hodges.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) to provide guest baggage services at the Minneapolis Convention Center, effective August 1, 2006, at an estimated annual cost of \$50,000, payable from the Convention Center Operations Fund and Agency (0760-MCC).

Adopted 5/12/06.

Absent - Goodman, Hodges.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6603 from Swanson and Youngdale, Inc. in the amount of \$108,440 for the removal and replacement of wall fabric at the Minneapolis Convention Center; and

It is further recommended that the proper City officers be authorized and directed to execute a contract for said services all in accordance with City specifications and contingent on approval of the Civil Rights Department.

Adopted 5/12/06.

Absent - Goodman, Hodges.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 12-month labor agreement with the Minneapolis City Supervisors' Association, effective January 1, 2006 through December 31, 2006.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-267, approving the terms of a 12-month labor agreement with the Minneapolis City Supervisors' Association, was adopted 5/12/06 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 2006R-267

By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis City Supervisors' Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis City Supervisors' Association (Petn No 271203), be approved.

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 12-month labor agreement with the AFSCME Clerical Unit, Local #9, effective January 1, 2006 through December 31, 2006.

Adopted 5/12/06.

Absent - Goodman, Hodges.

Resolution 2006R-268, approving the terms of a 12-month labor agreement with the AFSCME Clerical Unit, Local #9, was adopted 5/12/06 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 2006R-268

By Ostrow

Approving the terms of a collective bargaining agreement with the AFSCME Clerical Unit, Local #9 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the AFSCME Clerical Unit, Local #9 (Petn No 271203), be approved.

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

Adopted 5/12/06.

Absent - Goodman, Hodges.

W&M/Budget - Your Committee, having under consideration the Computer-Aided Dispatch services, now recommends that the proper city officers be authorized to receive revenue in the amount of \$974,294 over a five year period from the following:

Hennepin County Medical Center	\$504,130
University of Minnesota	\$168,040
Minneapolis Park Board	\$302,124

Adopted 5/12/06.

Absent - Goodman, Hodges.

W&M/Budget - Your Committee, having under consideration the Organizational Capacity for Community Engagement Resolution, adopted on February 24, 2006, now recommends approval of the plan and time line establishing a staff task force, under the direction of the City Coordinator, to complete the following tasks and report back to the Ways and Means/Budget Committee by September 12, 2006:

a) Review previously documented feedback on the effectiveness of City of Minneapolis community engagement activities, including the 2001, 2003 and 2005 City of Minneapolis Resident Surveys; Focus Minneapolis interviews, public review and comment; NRP evaluations, etc.;

b) Review previous reports and recommendations on community engagement in Minneapolis, including: Focus Minneapolis / McKinsey (2002), Community Engagement Staff Work Group (2003), Community Summit / Center for Neighborhoods (2003), Minneapolis Community Engagement Project / Community Leader Report (2004), Minneapolis Civic engagement: Immigrant and Refugee Community Input (2004), and Minneapolis Community Engagement Project / Quantum Change Report (2005);

c) Review selected local and national community engagement structures and best practices;

d) Interview the City's governmental partners and representatives of major stakeholder groups; and

e) Summarize findings and draft process and outcome recommendations for City Council.

Gordon moved that the report be amended by adding that staff also report back to Community Development Committee and to the Neighborhood Revitalization Program Policy Board. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/12/06.

Absent - Goodman, Hodges.

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

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Carol Sitarz (#1485) to vacate part of the public alley occurring within the block bounded by Stinson Pkwy NE, 22nd Ave NE, New Brighton Blvd and 19th Ave NE, for use as additional yard space, subject to retention of easement rights by Xcel Energy and Qwest, 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 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-269, vacating part of the public alley occurring within the block bounded by Stinson Pkwy NE, 22nd Ave NE, New Brighton Blvd and 19th Ave NE, was adopted 5/12/06 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 2006R-269

By Schiff

Vacating part of the public alley as dedicated in Auditor's Subdivision No. 332 (#1485).

Resolved by The City Council of The City of Minneapolis:

All that part of the public alley as dedicated in Auditor's Subdivision No. 332, described as follows: Beginning at the northeast corner of Lot 16, said Auditor's Subdivision No. 332, thence East 14 feet to the northwest corner of Lot 13, said subdivision, thence South 32 feet, thence West 14 feet at a right angle to the west line of Lot 13, thence North to the point of beginning, according to the recorded plat thereof, Hennepin County, Minnesota is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy or Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over the entire area to be vacated;

Qwest, subject to an easement over the entire area to be vacated;

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 easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Z&P – Your Committee, having under consideration the application of the City of Minneapolis (BZZ-2875) to rezone the property at 1911 Central Ave NE (2nd Police Precinct) from C1 to the C2 District to allow expansion of linear zoning for an adjacent parcel, now recommends that said petition be granted, notwithstanding the recommendation of Community Planning and Economic Development staff and the Planning Commission.

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

Schiff moved to amend the report to deny the petition to rezone. Seconded.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas - Glidden, Remington, Gordon, Hofstede, Schiff.

Nays - Colvin Roy, Benson, Samuels, Ostrow, Lilligren, Johnson.

Absent – Goodman, Hodges.

Ostrow moved to refer the report back to the Zoning and Planning Committee, with direction to City Attorney to report back on the issue of the 60-day rule. Seconded.

Adopted 5/12/06. Yeas, 8; Nays, 3 as follows:

Yeas - Colvin Roy, Glidden, Benson, Samuels, Hofstede, Ostrow, Lilligren, Johnson.

Nays - Remington, Gordon, Schiff.

Absent – Goodman, Hodges.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of RMF Group/Sheridan Development Company (BZZ-2851) to rezone the properties at 1215 Marshall St NE and 130-135 13th Ave NE from I1, R3 and R5 to the C1 and R5 Districts to permit 152 residential units in four buildings; one with ground floor retail, 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 5/12/06.

Absent – Goodman, Hodges.

Ordinance 2006-Or-057 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 1215 Marshall St NE and 130-135 13th Ave NE to the C1 and R5 Districts, was adopted 5/12/06 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 2006-Or-057
By Schiff
1st & 2nd Readings: 5/12/06

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 districts for the following parcels of land (1215 Marshall St NE and 130-135 13th Ave NE - Zoning Plate 9) to the C1 and R5 District, pursuant to MS 462.357, as follows:

A. Those parts of the following described properties: Lots 6, 7, 8 and 9, Block 11, ORTH AND HECHTMAN'S ADDITION TO THE CITY OF ST. ANTHONY, according to the recorded plat thereof and situate in Hennepin County, Minnesota. Together with: That part of Block 1, ORTH'S ADDITION TO THE TOWN OF ST. ANTHONY, which lies Northwesterly of a line 130.00 feet Northwesterly of, as measured at right angles to and parallel with the Southeasterly line of said Block 1, according to the recorded plat thereof and situate in Hennepin County, Minnesota. Which lie southwesterly of the following described line: Commencing at the most northerly corner of Lot 11, Block 11, said ORTH AND HECHTMAN'S ADDITION TO THE CITY OF ST. ANTHONY; thence southwesterly, on an assumed bearing of South 64 degrees 15 minutes 02 seconds West, along the northwesterly lines of Lots 9, 10 and 11, Block 11, said ORTH AND HECHTMAN'S ADDITION TO THE CITY OF ST. ANTHONY, a distance of 110.96 feet to the point of beginning of the line to be described; thence South 25 degrees 44 minutes 58 seconds East a distance of 168.49 feet; thence South 64 degrees 15 minutes 02 seconds West a distance of 132.06 feet; thence South 25 degrees 44 minutes 58 seconds East to the intersection with a line 130.00 feet northwesterly of, as measured at right angles to and parallel with the southeasterly line of Block 1, said ORTH'S ADDITION TO THE TOWN OF ST. ANTHONY, to the C1 District.

B. Those parts of the following described properties: Lots 3, 4, 5, 6, 7, 9, 10 and 11, Block 11 and all of vacated Twelfth Avenue Northeast, adjoining the Southeasterly line of Block 11, lying between the extensions across it of the Southwesterly and East lines of said Block 11, except that part thereof which lies Southeasterly of a line 130.00 feet Northwesterly of as measured at right angles to and parallel with the Northeasterly extension of the Southeasterly line of Block 1, ORTH'S ADDITION TO THE TOWN OF ST. ANTHONY, all in ORTH AND HECHTMAN'S ADDITION TO THE CITY OF ST. ANTHONY, according to the recorded plat thereof and situate in Hennepin County, Minnesota. Together with: That part of Block 1, ORTH'S ADDITION TO THE TOWN OF ST. ANTHONY, which lies Northwesterly of a line 130.00 feet Northwesterly of, as measured at right angles to and parallel with the Southeasterly line of said Block 1, according to the recorded plat thereof and situate in Hennepin County, Minnesota. Which lie northeasterly of the following described line: Commencing at the most northerly corner of said Lot 11; thence southwesterly, on an assumed bearing of South 64 degrees 15 minutes 02 seconds West, along the northwesterly lines of said Lots 9, 10 and 11, a distance of 110.96 feet to the point of beginning of the line to be described; thence South 25 degrees 44 minutes 58 seconds East a distance of 168.49 feet; thence South 64 degrees 15 minutes 02 seconds West a distance of 132.06 feet; thence South 25 degrees 44 minutes 58 seconds East to the intersection with a line 130.00 feet northwesterly of, as measured at right angles to and parallel with the southeasterly line of Block 1, said ORTH'S ADDITION TO THE TOWN OF ST. ANTHONY, to R5 District.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the Wisconsin Province of the Society of Jesus & Urban Ventures Leadership Foundation (BZZ-2869) to rezone the properties at 2931 and 2933 Clinton Ave S from I1 and R2B to the I1 District to permit a community center and private high school, 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 5/12/06.

Absent – Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

(Published 5/16/06)

Ordinance 2006-Or-058 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2931 and 2933 Clinton Ave S to the I1 District, was adopted 5/12/06 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 2006-Or-058
By Schiff
1st & 2nd Readings: 5/12/06

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 parcels of land to the I1 District (Zoning Plate 25), pursuant to MS 462.357:

A. That part of the south 32 feet of Lot 11, Block 1, F.A. Parker's Addition to Minneapolis (2931 Clinton Ave);

B. Lot 10, Block 1, F.A. Parker's Addition to Minneapolis (2933 Clinton Ave, Plate 25). The land referred to is situated in the State of Minnesota, County of Hennepin.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Approved by Mayor Rybak 5/12/06.

(Published 5/12/06)

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery) at 2925 Cedar Ave be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Layman's Cemetery as a local landmark.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-270, designating the Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery), located at 2925 Cedar Avenue South, as a Landmark, was adopted 5/12/06 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 2006R-270

By Schiff

Designating the Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery), located at 2925 Cedar Avenue South, as a Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on April 25, 2006 and recommended to the Standing Committee on Zoning and Planning that Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery), 2925 Cedar Avenue South, legally described as the South Half (S ½) of the Southwest quarter (SW ¼) of the Southwest Quarter (SW ¼) and all that is part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) lying South of the right of way of the Hastings & Dakota Railroad (also known as Chicago, Milwaukee & St. Paul Railroad) all in Section Thirty-six (36), Township Twenty-Nine (29), North of Range Twenty-four (24), West of the Fourth Principal Meridian, and comprising all the land heretofore known and platted as Minneapolis Cemetery, also known as Layman's Cemetery, be designated as a landmark; and

Whereas the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on April 25, 2006 and recommended to the Standing Committee on Zoning and Planning that Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery) meets designation criteria 1 and 2 for its association with broad patterns of social history and with the lives of significant local persons and groups; and

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did hold a nomination public meeting on August 17, 2004; and further did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on April 10, 2006; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in the letter of March 6, 2006; and

Whereas, on May 4, 2006 the Standing Committee on Zoning and Planning recommended designation as a landmark;

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

That Layman's Cemetery (Pioneers and Soldiers Memorial Cemetery), at 2925 Cedar Avenue South, is hereby designated as a landmark.

Adopted 5/12/06.

Absent – Goodman, Hodges.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of June, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 5/12/06.

Absent – Goodman, Hodges Samuels.

Benson introduced the subject matter of an ordinance amending Chapter 2 of the Minneapolis City Charter relating to *Officers - Elections*, which was given its first reading and referred to the Intergovernmental Relations Committee (placing on the 2006 ballot a proposal to eliminate city primary elections and allow for Instant Runoff Voting).

Benson moved to amend the Community Development and Ways & Means/Budget Council action of April 28, 2006 relating to environmental remediation grant applications by adding Riverside Market to the list of Hennepin County Environmental Response Fund grant requests, in the amount of \$149,700, as priority order number seven.

Benson further moved passage of the accompanying resolution amending Resolution No. 2006R-224, authorizing application to the Hennepin County Environmental Response Fund for various projects, passed April 28, 2006, by adding Riverside Market to the list of projects that the City of Minneapolis intends to act as the legal sponsor for. Seconded.

Adopted 5/12/06.

Absent - Goodman, Hodges, Samuels.

Resolution 2006R-271, amending Resolution No. 2006R-224 entitled, "Authorizing application to the Hennepin County Environmental Response Fund for various projects," passed April 28, 2006, by adding Riverside Market to list of projects that the City of Minneapolis intends to act as the legal sponsor for, was adopted 5/12/06 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 2006R-271

By Benson

Amending Resolution No. 2006R-224 entitled, "Authorizing application to the Hennepin County Environmental Response Fund for various projects," passed April 28, 2006.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by adding Riverside Market to the first "Whereas" paragraph, to read as follows:

"Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications to be submitted to Hennepin County on May 1, 2006: The Bridge for Runaway Youth, Van Cleve Court, Anishinabe Bii-Gii-Winn, Fusion (investigation), 3445 1st Ave S, Pacific Block (investigation), and Riverside Market; and."

Adopted 5/12/06.

Absent - Goodman, Hodges, Samuels.

Schiff introduced the subject matter of an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 249.25 to specify that the boarding and securing of qualifying buildings pursuant to Chapter 249 be inclusive of all openings to a building in addition to the first story and ground floor openings).

RESOLUTIONS

Resolution 2006R-272, declaring the week of May 21, 2006 as National Public Works Week, was adopted 5/12/06 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 2006R-272

By Colvin Roy, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, and Hodges

Declaring the week of May 21, 2006 as National Public Works Week.

Whereas, the United States Senate resolved in 1960 to affirm the first National Public Works Week to be held the third full week in May; and

Whereas, National Public Works Week is a celebration of men and women in North America who provide and maintain the infrastructure and services collectively known as public works; and

Whereas, the Minneapolis City Council seeks to recognize its Public Works employees who serve every day with dedication, in the interest of the public good; and

Whereas, Public Works employees provide and maintain a safe transportation system with the City traffic signals, signage, lighting, streets, bridges, and sidewalks, and

Whereas, Public Works employees provide and maintain a high quality water supply and effective sanitary and stormwater sewer systems; and

Whereas, Public Works employees provide the cost effective and efficient removal of municipal solid waste, yard waste, and recyclables; and

Whereas, Public Works employees efficiently provide equipment and property and building services;

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

That the City Council acknowledges the significant daily contribution that the employees within the Public Works Department of the City of Minneapolis provide to the citizens and businesses throughout the City during National Public Works Week.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-273, declaring the week of May 14, 2006 as Police Week and Declaring May 15, 2006 as Police Officers' Memorial Day, was adopted 5/12/06 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 2006R-273

By Colvin Roy, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, and Hodges

Declaring the week of May 14, 2006 as Police Week and Declaring May 15, 2006 as Police Officers' Memorial Day.

Whereas, the Congress of the United States of America has designated the calendar week of each year during which May 15 occurs as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day"; and

Whereas, the law enforcement officers are our guardians of life and property, defenders of the individual's right to be free, warriors in the war against crime, and dedicated to the preservation of life, liberty, and the pursuit of happiness; and

Whereas, it is known that every fifty three hours an American Police Officer will be killed in the line of duty somewhere in the United States, and every day, 44 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere;

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

That the week of May 14th to May 20th be declared Police Week and May 15th, 2006 as Police Officers' Memorial Day and call upon our citizens in this community to especially honor and show our sincere appreciation for the police officers of this city by deed, remarks, and attitude.

Be It Further Resolved that the City Council asks citizens make every effort to express their thanks to the men and women who make it possible for us to leave our home and families in safety each day and to return to our homes knowing we are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property, and government against all who would violate the law.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-274, honoring James G. Cook for his 27 years of service as Executive Director of Sabathani Community Center, was adopted 5/12/06 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 2006R-274

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring James G. Cook for his 27 years of service as Executive Director of Sabathani Community Center.

Whereas, James Cook joined Sabathani Community Center as Executive Director in 1979, joining the organization at a critical juncture as they purchased and renovated a former junior high school building; and

Whereas, under his leadership, Sabathani has become a gathering place and resource center for youth, children and families in South Minneapolis, serving over 50,000 people each year; and

Whereas, Sabathani provides valuable programs that meet basic needs while building capacity and enabling diverse populations to become more self-reliant; and

Whereas, these programs include Family Resource Services, Horizons Youth Program, Southside Community Directed Services, Life Skills Center, and Sabathani Senior Center; and

Whereas, in addition to its own programs, Sabathani collaborates with numerous community service and advocacy organizations, nearly 40 of which are housed in the Center; and

Whereas, Sabathani has also been responsive to immediate needs in the community, initiating the largest program for Gulf Coast survivors of Hurricanes Katrina and Rita in the state of Minnesota; and

Whereas, James Cook is a founding member and current chair of the Metropolitan Alliance of Community Centers; and

Whereas, through his work at Sabathani, James Cook has created a legacy of creativity, social change, and community empowerment; and

Whereas, James Cook is retiring as Sabathani Community Center celebrates its 40th anniversary;

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

That we thank James Cook for his 27 years of service as the Executive Director of Sabathani Community Center.

Be It Further Resolved that we wish James Cook happiness in his retirement and future endeavors.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-275, honoring Anthony Lopez for his Service to the City of Minneapolis and the Minneapolis Convention Center, was adopted 5/12/06 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 2006R-275

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring Anthony Lopez for his Service to the City of Minneapolis and the Minneapolis Convention Center.

Whereas, Anthony Lopez has served the City of Minneapolis for nearly nine years; and

Whereas, Anthony was promoted through the ranks from manager to executive director at the Minneapolis Convention Center, and has worked tirelessly at promoting the City of Minneapolis as a prime convention destination center during challenging financial times in the City; and

Whereas, Anthony led the development and implementation of the Convention Center expansion project, while continuing to provide excellent customer service during construction; and

Whereas, as executive director, Anthony brought a new focus and worked to create an environment of open communication for employee issues through an organizational assessment and the creation of a large number of employee involvement and development initiatives; and

Whereas, Anthony has framed and implemented innovative programs and structures to attract new and return customers to the Convention Center, such as the business center (which is now being replicated across the country), wireless service, and the Guest Services department; and

Whereas, Anthony Lopez embraced art in public spaces and community involvement with the installation of the artwall at the Convention Center; and

Whereas, Anthony has championed sound business planning and resource allocation to achieve defined, measurable results; and

Whereas, Anthony is highly respected by his staff, colleagues, elected officials and many others in this region;

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

That the City of Minneapolis recognizes and thanks Anthony Lopez for his years of dedication, leadership, and tireless efforts on behalf of our City and the Minneapolis Convention Center.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Resolution 2006R-276, congratulating the Library Board of Trustees and the staff of the Minneapolis Public Library, thanking all Minneapolis taxpayers and individuals and organizations who have contributed to the successful construction and opening of the new Minneapolis Central Library and declaring May 20, 2006 Minneapolis Central Library Day in the City of Minneapolis, was adopted 5/12/06 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 2006R-276

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Congratulating the Library Board of Trustees and the staff of the Minneapolis Public Library, thanking all Minneapolis taxpayers and individuals and organizations who have contributed to the successful construction and opening of the new Minneapolis Central Library and declaring May 20, 2006 Minneapolis Central Library Day in the City of Minneapolis.

Whereas, the Minneapolis Public Library, founded in 1885, links people in the city and beyond with the transforming power of knowledge; and

Whereas, the Minneapolis Public Library, an essential public institution for the active exercise of democracy and intellectual freedom, with a Central Library and 14 community libraries, helps shape a future where

- people of all ages successfully navigate information for work, study, and play; and
- the city, its businesses, and residents prosper; and
- each library is a vital center in dynamic and diverse neighborhoods; and
- cultural life is rich and varied; and
- literacy is widespread; and
- everyone is enlivened by the joy of discovery, reading, and
- lifelong learning; and

Whereas, the new Minneapolis Central Library is the community library for the fastest growing neighborhood in Minneapolis as well as the largest daily workforce in Minnesota; and

Whereas, the new Minneapolis Central Library, the premier public resource and archival library in Minnesota, will provide access to the third largest per capita collection of books and materials in any major city in the country; and

Whereas the new Minneapolis Central Library is a library for the future, promoting digital inclusion, offering a wireless environment, and providing the most extensive access to free internet computing in Minnesota; and

Whereas the new Minneapolis Central Library is a community learning commons bringing together print and digital resources, technology, skilled staff, and programs to support early literacy, positive youth development, information literacy, English language learning, and civic literacy; and

Whereas, the new Minneapolis Central Library designed by Cesar Pelli and Associates and Architectural Alliance is a beautiful civic gathering space that enriches the downtown streetscape and enlivens the urban landscape; and

Whereas the design of the new Minneapolis Central Library embraces sustainable design features and is an environmentally progressive building, that includes three green roofs, reduction of runoff by the recycling of rainwater and using state of the art energy efficient lighting; and

Whereas the Minneapolis Central Library was a successful project between the Library Board and Administration and the City of Minneapolis, completed on time and at budget, with no loss days due to injuries, which provided living wage jobs, and exceeded the City of Minneapolis' affirmative action employment goals for the project; and

Whereas, the opening of the new Minneapolis Central Library on May 20, 2006, is the most important celebration of civic space in a generation;

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

That we congratulate the Library Board of Trustees and the staff of the Minneapolis Public Library and that we thank all Minneapolis taxpayers and all the individuals and organizations who have contributed to the successful construction and opening of the new Minneapolis Central Library and declare May 20, 2006, Minneapolis Central Library Day in the City of Minneapolis.

Adopted 5/12/06.

Absent – Goodman, Hodges.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 5/12/06.

Absent - Goodman, Hodges.

Merry Keefe,
City Clerk.

Unofficial Posting: 5/16/2006

Official Posting: 5/19/2006

Corrections: 6/20/2006; 9/20/2006; 8/17/2007