

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 20, 2006

(Published October 28, 2006, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
October 20, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda as follows: a) to add a New Business item; b) to amend the order of business by considering the Resolution regarding the Minneapolis Police Department as part of the Public Safety & Regulatory Services Committee portion of the meeting; c) to add a Motion regarding La Vina Restaurant; and d) to amend the order of business by considering the item relating to the bus shelter franchise (Unfinished Business) following the meeting recess. Seconded.

Adopted upon a voice vote 10/20/2006.

Lilligren moved acceptance of the minutes of the regular meeting of October 6, 2006 and the adjourned session held October 6, 2006. Seconded.

Adopted upon a voice vote 10/20/2006.

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 10/20/2006.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271549)

Land Sale: 1905 & 1909 - 5th Ave N.

Slater Square Housing Project (1400, 1412, 1416 & 1425 Portland Ave S): Restructuring of Tax Increment Contribution Loan & Operating Subsidy Loan.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271550)

Land Sales:

1011 E 28th St; 805 - 26th Ave NE, with Lot subdivision.

Affordable Ownership Housing Development Program: Funding recommendations.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271551)

46th St & Hiawatha Ave Light Rail Transit Station Area: Authorizing Request for Proposals for preparation of Transit-Oriented Development Strategy & professional services contract.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271552)

Lake Street Council's Commercial Fix & Paint Program: Increase in CPED appropriation to continue program through 1/1/2007.

Parcel E Liner Project (Guthrie Theater implementation): Increase in CPED appropriation related to holding fee with extension of redevelopment contract.

Grain Belt Housing Project (1221 Marshall Ave): Increase in CPED appropriation related to land sale proceeds.

Environmental Remediation Grant Applications for Fall of 2006: Recommendations & priority listings for Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program, MN Department of Employment & Economic Development Contamination Cleanup Grant Program & Hennepin County Environmental Response Fund.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

PUBLIC WORKS AND ENGINEERING (271553)

Low Environmental Impact Cleaning Policy: Adopt Low Environmental Impact Cleaning Policy; with comments.

REGULATORY SERVICES (271554)

Arsenic: Ordinances amending Title 12, Chapters 244 and 248 of Code relating to Housing, adding requirements that tenants be notified of arsenic testing, removal and remediation in the South Minneapolis Neighborhood Soil Contamination Site; and establishing truth-in-housing disclosure requirements for environmental testing, removal or remediation; with comments.

HEALTH, ENERGY AND ENVIRONMENT and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

CRA WORKING GROUP (271555)

Civilian Police Review Authority: Request to amend CRA Administrative Rules to detail complaint dismissal processes; define misidentified officer; and require a sworn and signed statement from the complainant; and Passage of Ordinance amending Title 9, Chapter 172 of Code allowing for complaint dismissal after Preliminary Review; requiring that the Police Department notify the CRA when a dismissed officer is reinstated to the force; adding "any violation of the MPD Policy and Procedure Manual" to the list of types of alleged police misconduct that the CRA may investigate; and defining disciplinary decision and to establish the basis for the Police Chief's disciplinary decision.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271556)

Broadway School Based Clinic Program: Accept grant award of \$30,000 from Medtronic Foundation for mental health and other support services at Broadway Arts and Technology High School; and Approve appropriation.

Community Development Block Grant (CDBG) Public Service Funds: Recommendation of Public Health Advisory Committee for funding priorities for a competitive Request for Proposal for CDBG public service funds for period June 2007 through May 2009.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (271557)

Office of IGR's Five-Year Business Plan.

2007 State Legislative Agenda: Environmental issues; economic development issues.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (271558)

Community Policing Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (271559)

Rental Licenses: Ordinance amending Title 12, Chapter 244 of Code adding provisions to require additional information on rental license applications; to make violations of Minnesota Rule Chapter 1300.0120 and continuing violations of Chapter 244 and unpaid water bills grounds for license revocation or refusal to renew.

LICENSES AND CONSUMER SERVICES (271560)

Restaurant Miami (913 E Lake St): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Karma (315 1st Av N): Grant All Night Special Food License, subject to conditions.

Clampdown Parking Enforcement (1730 New Brighton Blvd): Deny renewal of Vehicle Immobilization License.

Taxicab Task Force: Approve Task Force Membership and Objectives.

Licenses: Applications.

POLICE DEPARTMENT (271561)

Safety/Security Cameras: Receive & File criteria for deciding which neighborhoods receive funding for implementation of cameras and other technology investments.

DOWNTOWN COUNCIL, ET AL. (271562)

Chief of Police: Comments relating to appointment of Timothy Dolan to serve as Chief of Police for a three-year term, beginning January 2, 2007 and expiring January 4, 2010.

PUBLIC SAFETY AND REGULATORY SERVICES and T&PW and W&M/Budget and Z&P (See Rep):

PUBLIC WORKS AND ENGINEERING (271563)

Meter Hooding Fees: Ordinance amending Title 18, Chapter 478 and Title 5, Chapter 93 of Code to adjust meter hooding fees.

TRANSPORTATION AND PUBLIC WORKS:

COUNCIL MEMBER Colvin Roy (271564)

Household Hazardous Waste (HHW) Collection: Correspondence from Board of Hennepin County Commissioners regarding joint HHW facility (See Petn No 271193, dated 5/12/06).

PUBLIC WORKS AND ENGINEERING (271565)

Quarterly Submittal of Traffic Zones, Restrictions, and Controls: Receive & file 3rd Quarter 2006 report.

50th St W & France Av S Parking Facility: Set public hearing for 11/9/06 to consider assessments payable 2007.

Solid Waste Management Options: Set public hearing for 11/9/06 to accept comments on start of 180-day process to evaluate options and future contract for collection of garbage for one-half of the City's dwelling units (MRI-side of City).

School Pedestrian Safety Program: Receive & file report.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 2nd Quarter, 2006 (See Petn No 271361).

XCELENERGY/NSP (271566)

Utility Pole: Install 1-55'3 pole at intersection of 2nd St S & 10th Av S to replace existing pole across street; Design #188060.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271567)

Public Sidewalk Repair and Construction: Resolution adopting assessments; Comments.

Plymouth Av Bridge Reconstruction Project: Increase contract with Lunda Construction, Inc. by \$55,909.77.

New Nicollet Mall (Washington Av S to 11th St S) Reconstruction Project: Adopt assessment roll for service charges.

Return the Warmth Program: \$2,500 award from Keep America Beautiful passed through the City to Pillsbury MST Public School.

Minneapolis Local Surface Water Management Plan: Adopt final plan.

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

PUBLIC WORKS AND ENGINEERING (271568)

Parking Ramp Control Equipment Replacement: Increase contract with Don Harstad Company by \$725,000 to provide credit card payment option and automation of ramp revenue control activities at 10th & Hennepin and Hilton Municipal Parking Ramps.

LynLake Municipal Parking Lots: a) Establish special assessment proceedings for payable 2007; b) Establish impact fees for 9/1/06 through 8/31/07; and c) Set public hearing for 11/9/06.

WAYS AND MEANS BUDGET:

BUSINESS INFORMATION SERVICES (BIS) (271569)

Minneapolis Wireless Contract Language: Receive and file finalized contractual language.

BUSINESS INFORMATION SERVICES (BIS)/FINANCE DEPT (271570)

Unisys Outsourcing Performance Analysis Project Update: Receive and file Excipio Consulting Report and staff response memo.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271571)

Legal Settlement: Michael Thunzi Davis v. the City of Minneapolis, et al.

Reimbursement of Legal Fees: Payment to The Hoffner Firm, Ltd. for legal services provided to Council Vice President Robert Lilligen in the amount of \$1,968.75.

BUSINESS INFORMATION SERVICES (BIS) (271572)

BIS Project Manager Position: Approve offer to Wayne Olhoft and Michael Rohricht at Step 6 for BIS Project Managers in the Business Information Services Department.

Govern Software License Agreement: Amendment to the License Agreement C00-15921 to include License Supplement No. 2 for the Special Assessments System Replacement.

COMMUNICATIONS (271573)

Utility Bill Inserts: Authorize November 2006 utility billing insert on behalf of the Public Works Field Services providing information about 348-SNOW and language Snow Hotlines.

COORDINATOR (271574)

New Central Library Project - Change Orders: Approve Change Order No. 1 increasing Contract Number C-22937 with Blue Rhino Studio (\$455); and Change Order No. 3 increasing Contract Number C-20072 with Graham Penn-Co Construction (\$4,868).

FINANCE DEPARTMENT (271575)

Accountant II Position: Approve hire of Vicki Stone at Step 5 for Accountant II position in the Finance Department.

GRANTS AND SPECIAL PROJECTS (271576)

2006 Operating Budget Resolution Footnotes: Amend 2006 Operating Budget resolution, Section 6 – Financial Schedules, Schedule 4 to replace MHFA with Third-party subrecipient/subgrantee.

HUMAN RESOURCES (271577)

Reclassified Position: Assistant Director, Purchasing: a) Approve position reclassification to grade 11, 510 points, effective October 20, 2006; and b) Passage of Salary Ordinance.

ZONING AND PLANNING (See Rep):

CITY COUNCIL (271578)

Interim Ordinance:

Uptown Height Moratorium:

Ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, by adding a new Chapter 581 providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan.

PLANNING COMMISSION/DEPARTMENT (271579)

Appeal:

Lucca Park (806 and 822 W 62nd St): re decision of the Planning Commission denying applications for a conditional use permit, variance and site plan review.

Rezoning:

Lucca Park (806 and 822 W 62nd St).

Minneapolis Institute of Arts (2509 3rd Ave S, 321 25th St E, & 2516 Clinton Ave S).

Jimmy's Auto Repair (2841 and 2845 16th Ave S).

Vacations:

Wells Fargo Bank (2701 Wells Fargo Way): Storm sewer and sanitary sewer easements, for the Wells Fargo Bank campus.

Minneapolis Institute of Arts (2509 3rd Ave S, 321 25th St E, & 2516 Clinton Ave S): Alley for accessory museum uses.

Small Area Plan:

38th Street Station Area Plan (vicinity of the 38th Street LRT station and Hiawatha Ave).

PLANNING COMMISSION/DEPARTMENT (271580)

Zoning Code Text Amendments:

Ordinance amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts, to state that sexually oriented uses shall not be subject to Minnesota Statute Section 617.242.

Ordinance and maps amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown District, to rezone portions of existing commercial, residential, office-residential, industrial, and downtown districts, their purpose, uses, floor area ratio premiums, and associated regulations to comply with the policies in the Downtown East/North Loop Master Plan.

COMMITTEE OF THE WHOLE:

BUILDING COMMISSION (271581)

MBC Building Security Presentation.

MBC Building Security PowerPoint Presentation.

UNFINISHED BUSINESS (See Rep):

MAYOR (271582)

Mayoral Veto: Letter explaining veto action relating to passage of ordinance amending Appendix G of Code relating to Bus Stop Shelters Franchise, transferring the Transtop bus shelter franchise to CBS Outdoor and extending the franchise termination date to 2015 (See report dated 10/6/2006).

FILED:

MINNESOTA STATE OFFICES-Auditor (271583)

City of Mpls, Management & Compliance report for yr ended 12/31/2005.

MINNESOTA STATE OFFICES-Auditor (271584)

Youth Coordinating Board, Mpls, Management & Compliance report, yr ended December 31, 2005.

YOUTH COODINATING BOARD (271585)

Youth Coordinating Board, Mpls, Annual Financial Report, yr ended December 31, 2005.

CAPITAL PARTNERS, LLC (271586)

Vacate unused alley, 12 feet in width, lying directly behind Washington Ave S at Cedar Ave, legally described behind buildings and parallel to main road. Lots 5, 6 & 7, Block 150, Town of Minneapolis, for redevelopment.

The following reports were signed by Mayor Rybak on October 24, 2006. 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 forwards without recommendation the recommendation of the Department of Community Planning & Economic Development (CPED) to authorize the sale of the property at 1011 E 28th St to Delores Holmes for \$3,000, by passage of the accompanying resolution, subject to the following conditions:

- a) That land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval; and
- c) That a conservation easement be placed on the parcel.

The sale conditions may be waived or amended with the approval of the Director of CPED.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/20/2006.

Comm Dev - Your Committee, having under consideration the property at 805 -26th Ave NE, now recommends passage of the accompanying resolutions:

- a) Approving the subdivision of a lot at 805 - 26th Ave NE;
- b) Authorizing sale of the west 22 feet of said property to Diane Krause for \$407; and
- c) Authorizing sale of the east 17 feet of said property to Rick Lein for \$315.

Adopted 10/20/2006.

Resolution 2006R-517, approving the subdivision of a lot at 805 26th Ave NE, was adopted 10/20/2006 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-517

By Goodman

Approving the subdivision of a lot at 805 26th Avenue Northeast.

Whereas, the City of Minneapolis, through its department of Community Planning & Economic Development ("CPED") has requested that a parcel of land located at 805 26th Ave NE and legally described as The East 39 feet of the West 91 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to the City of Minneapolis, be subdivided as follows:

VH-24A - 805 26th Ave NE (part): The West 22 feet of the East 39 feet of the West 91 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to Minneapolis.

VH-24B - 805 26th Ave NE (part): The East 17 feet of the West 91 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to Minneapolis; and

Whereas, CPED intends to convey the subdivided parcels listed above to the owners of the adjacent properties with the following parcels:

803 26th Ave NE: The East 25 feet of the West 52 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to Minneapolis;

809 26th Ave NE: The West 31 feet of the East 91 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 30, 2006, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., October 10, 2006 in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 10/20/2006.

Resolution 2006R-518, authorizing sale of land Disposition Parcel No VH-24A Vacant Housing Recycling Program at 805 - 26th Ave NE, (part of west portion), was adopted 10/20/2006 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-518

By Goodman

Authorizing sale of land Disposition Parcel No VH-24A Vacant Housing Recycling Program at 805 - 26th Avenue Northeast (west portion).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel VH-24A in the Holland neighborhood, from Diane M. Krause, hereinafter known as the Purchaser, the Parcel VH-24A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of VH-24A; 805 26th Ave NE (part): The West 22 feet of the East 39 feet of the West 91 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to Minneapolis; and

Whereas, the Purchaser has offered to pay the sum of \$407 for Parcel VH-24A, to the City for the land; and

Whereas, the City has determined the offer of \$407 to purchase the Parcel to be reasonable; and

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

Whereas, on October 3, 2006, the Planning Commission reviewed the land sale for consistency with the City's Comprehensive Plan and the results of that review were reported back to the City Council concurrent with this land sale authorization request; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 30, 2006, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on October 10, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for the VH-24A is hereby estimated to be the sum of \$407.

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

Adopted 10/20/2006.

Resolution 2006R-519, authorizing sale of land Disposition Parcel No VH 24B Vacant Housing Recycling Program at 805 - 26th Ave NE (part of east portion), was adopted 10/20/2006 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-519

By Goodman

Authorizing sale of land Disposition Parcel No VH 24B Vacant Housing Recycling Program at 805 - 26th Avenue Northeast (east portion).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel VH-24B in the Holland neighborhood, from Rick B. Lein, hereinafter known as the Purchaser, the Parcel VH-24B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of VH 24B; 805 26th Ave NE (part): The East 17 feet of the West 91 feet of Lots 14 and 15, Block 17, Menage's Supplement to East Side Addition to Minneapolis; and

Whereas, the Purchaser has offered to pay the sum of \$315, for Parcel VH-24B, to the City for the land; and

Whereas, the City has determined the offer of \$315 to purchase the Parcel to be reasonable; and

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

Whereas, on October 3, 2006, the Planning Commission reviewed the land sale for consistency with the City's Comprehensive Plan and the results of that review were reported back to the City Council concurrent with this land sale authorization request; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 30, 2006, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on October 10, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for the VH-24B is hereby estimated to be the sum of \$315.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser upon payment to the City of the purchase price thereof; provided, however, that this

Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 10/20/2006.

Comm Dev - Your Committee recommends approval of the following development projects to receive Affordable Ownership Housing Development Program funding, for a total funding commitment of \$1,301,250:

a) Up to \$260,000 for construction and/or affordability gap to the Franklin Steele Commons townhome project at 1900-08 Portland Ave S by Central Community Housing Trust and Hope Community as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

b) Up to \$360,000 for construction and/or affordability gap to The Nokoma Cooperative project at 1920-26 - 3rd Ave S by Plymouth Church Neighborhood Foundation as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

c) Up to \$180,000 for construction and/or affordability gap to the Plymouth Avenue townhome project at 1800 Plymouth Ave N by Mississippi Pathways, LLC and Olson Development Consulting, Inc as a general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

d) Up to \$471,250 for construction gap to the Homebuyer Initiated Program by City of Lakes Community Land Trust for scattered Minneapolis locations;

e) Up to \$30,000 for construction gap to ALPHA Community Development Corporation for a project at 1910 N 25th Ave.

Your Committee further recommends that the proper City officers be authorized to enter into related contractual agreements for these funds.

Adopted 10/20/2006.

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

Comm Dev, T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for preparation of a Transit-Oriented Development Strategy for the 46th St & Hiawatha Ave Light Rail Transit Station Area, and negotiate and execute a professional services contract in an amount not to exceed \$130,000, to be funded as previously appropriated as follows: \$30,000 Public Works; \$50,000 Department of Community Planning & Economic Development (CPED); and \$50,000 Metropolitan Council.

Your Committee further recommends that CPED be authorized to coordinate this City study and contract with any Hennepin County studies or funding for transportation, traffic and infrastructure analysis in the Hiawatha LRT Corridor.

Adopted 10/20/2006.

Approved by Mayor Rybak 10/23/2006.

(Published 10/24/2006)

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the Lake Street Council's Fix & Paint Program, a program to incent business owners to perform ongoing exterior upgrades to their buildings in the area of Lake St from the Mississippi River to Lake Calhoun and from 26th to 32nd St, now recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$49,000 to provide additional funding to continue this program through fiscal year 2007.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute a contract for professional services with the Lake Street Council to continue the Fix & Paint Program for another term, effective 1/1/2007.

Adopted 10/20/2006.

**RESOLUTION 2006R-520
By Goodman 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 Community Planning and Economic Development Agency in the Community Development 595 Levy Fund (SCD0-890-8933-SCDCC) by \$49,000, from available fund balance.

Adopted 10/20/2006.

Comm Dev & W&M/Budget - Your Committee, having under consideration the one-year extension of the redevelopment contract with Rottlund Company, Inc, for the Parcel E Liner project (as part of the implementation of the Guthrie Theater project), which required a holding fee of \$10,000 per month, now recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$120,000 to reflect the receipt of funds, and increasing the revenue budget.

Adopted 10/20/2006.

**RESOLUTION 2006R-521
By Goodman 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 Community Planning and Economic Development Agency in the Capital Projects Other (Non-TI) Fund (CPO0-890-8952) by \$120,000 and increasing the revenue source (CPO0-890-8490-3335) by \$120,000.

Adopted 10/20/2006.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Grain Belt Housing Project and the request of the Department of Community Planning & Economic Development for increased appropriation due to the City's fund exceeding its current 2006 appropriation due to higher than expect costs related to site preparation and disposition of the Phase I housing site (1221 Marshall); and the change needed with respect to the \$2,000,000 that the City will receive in land sale proceeds from Sheridan Development Corporation when they purchase the Phase I housing site, now recommends passage of the accompanying resolution increasing the CPED appropriation by \$35,000 in the Grain Belt Housing Fund, by \$2,000,000 in the Holmes District 5, 15, 26 Fund, and increasing the revenue budget.

Adopted 10/20/2006.

**RESOLUTION 2006R-522
By Goodman 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) Increasing the appropriation for the Community Planning and Economic Development (CPED) Agency in the Grain Belt Housing #132 Fund (CGH0-890-8952) by \$35,000, from the available fund balance;

b) Increasing the appropriation for the CPED Agency in the Holmes District 5, 15, 26 Fund (CPB0-890-8952) by \$2,000,000 and the revenue source (CPB0-890-8490-3485) by \$2,000,000; and

c) Increasing the appropriation for the CPED Agency in the Capital Projects Other (Non-TI) Fund (CPO0-890-8952) by \$2,000,000 and the revenue source (CPO0-890-8490-3485) by \$2,000,000.

Adopted 10/20/2006.

(Republished 11/11/2006)

Comm Dev & W&M/Budget – Your Committee, having under consideration the submission of environmental remediation grant applications for Fall of 2006, now recommends that the proper City officers be authorized to submit the following applications in the amounts indicated, and ranked in priority order, as follows:

Metropolitan Council Tax Base Revitalization Account Grant Requests:

1. 718 Washington Ave N - \$13,585
2. Longfellow Station - \$502,175
3. Aloft - \$44,400
4. 1209 Tyler St NE - \$157,000
5. 1361 Tyler St NE - \$690,000
6. 825 Glenwood - \$43,290
7. Pacific Block - \$526,500

Minnesota Department of Employment and Economic Development Grant Requests:

1. 718 Washington Ave N - \$78,375
2. Longfellow Station - 169,474
3. Aloft - \$256,170
4. 1361 Tyler St NE - \$225,000
5. 825 Glenwood - \$249,750
6. Pacific Block - \$991,354

Hennepin County Environmental Response Fund Grant Requests

1. Franklin Portland Gateway - \$162,000
2. Longfellow Station - \$90,000
3. Pacific Block - \$171,835
4. 1361 Tyler St NE - \$39,000

Your Committee further recommends passage of the accompanying resolutions authorizing the proper City officers to execute agreements to implement the Metropolitan Council Livable Communities Tax Base Revitalization Account Grant Program, Minnesota Department of Employment and Economic Development Contamination Clean Up and Investigation Grant Program, and the Hennepin County Environmental Response Fund.

Benson moved to amend the report by deleting the Pacific Block project from all priority lists for grant applications, and adding in lieu thereof the following language:

“The Pacific Block project is also being submitted to the Metropolitan Council for the amount of \$526,500; the Minnesota Department of Employment and Economic Development for the amount of \$991,354; and to Hennepin County for the amount of \$171,835, but is not ranked because of readiness issues.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/20/2006.

Resolution 2006R-523, authorizing submission of environmental remediation grant applications for Fall of 2006 to the Metropolitan Council Tax Base Revitalization Account for various projects, was adopted 10/20/2006 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-523
By Goodman and Ostrow

Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects.

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: Longfellow Station, 1209 Tyler St NE, Pacific Block, 1361 Tyler St NE, 825 Glenwood, Aloft, and 718 Washington Ave N; and

Whereas, the City intends to act as the legal sponsor for one or more of the above-referenced projects, which are more completely described in the Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on November 1, 2006; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/20/2006.

Resolution 2006R-524, authorizing submission of environmental remediation grant applications for Fall of 2006 to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects, was adopted 10/20/2006 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-524
By Goodman and Ostrow

Authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects.

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 contamination clean up applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on November 1, 2006: Longfellow Station, 1361 Tyler St NE, 825 Glenwood, Aloft, Pacific Block, and 718 Washington Ave N; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Clean Up Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/20/2006.

Resolution 2006R-525, authorizing submission of environmental remediation grant applications for Fall of 2006 to the Hennepin County Environmental Response Fund for various projects, was adopted 10/20/2006 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-525
By Goodman and Ostrow

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

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 November 1, 2006: 1361 Tyler St NE, Franklin Portland Gateway, Longfellow Station and Pacific Block; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/20/2006.

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

HE&E - Your Committee, to whom was referred an ordinance amending Title 12 of the Minneapolis Code of Ordinances relating to *Housing*, adding requirements that tenants be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site; and establishing truth-in-housing disclosure requirements for environmental testing, removal or remediation, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 244 relating to *Maintenance Code*.

b. Chapter 248 relating to *Truth in Sale of Housing*.

Adopted 10/20/2006.

Ordinance 2006-Or-112 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, adding a new Section 244.275 to require that tenants be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site, was adopted 10/20/2006 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-112
By Gordon
Intro & 1st Reading: 9/22/2006
Ref to: HE&E
2nd Reading: 10/20/2006

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

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

Section 1. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.275 to read as follows:

244.275. Tenant to be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site. (a) For the purpose of this section, the "South Minneapolis Neighborhood Soil Contamination Site" shall mean the area of South Minneapolis that has been or shall in the future be designated by the United States Environmental Protection Agency for testing, removal and/or remediation of arsenic contamination from residential properties.

(b) Any person allowing to be occupied or let to another for occupancy any dwelling unit located in the South Minneapolis Neighborhood Soil Contamination Site area shall provide to the tenant or lessee copies of all written or electronic information received from the United States Environmental Protection Agency (USEPA) or its agents or contractors concerning arsenic testing results, and removal or remediation activities pertaining to the leased premises.

(c) Information regarding environmental testing, removal and remediation required to be provided under this section shall be provided to the tenant or lessee at each of the following times:

- (1) Within thirty (30) days after the effective date of this section;
- (2) Within thirty (30) days of receiving new information from the USEPA or its agent or contractor; and
- (3) Prior to signing a lease for the premises or prior to agreement upon a tenancy, if no lease is provided.

(d) The property owner or the owner's representative shall retain an Arsenic Notification Advisory in a format prescribed by the City of Minneapolis, stating that the property owner has complied with all notification requirements under this section, the dates of compliance, and the signature of the tenant or lessee attesting to compliance. If there is a contract or lease for the tenancy, the Arsenic Notification Advisory must be attached thereto.

- (1) The property owner shall provide a copy of the Arsenic Notification Advisory to the Department of Inspections upon request of the Director of Inspections or their designee.

(e) Within ninety (90) days of the date of the last Environmental Protection Agency cleanup in the South Minneapolis Soil Contamination Site, Environmental Services will develop a recommendation on whether to sunset or alter this ordinance.

Adopted 10/20/2006.

Ordinance 2006-Or-113 amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to *Housing: Truth in Sale of Housing*, amending Sections 248.10 and 248.30 to establish truth-in-housing disclosure requirements for environmental testing, removal or remediation, was adopted 10/20/2006 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-113
By Gordon
Intro & 1st Reading: 9/22/2006
Ref to: HE&E
2nd Reading: 10/20/2006

Amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to Housing: Truth in Sale of Housing.

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

Section 1. That Section 248 of the above-entitled ordinance be amended to read as follows:

248.10. Definitions. For the purpose of this chapter the following terms shall mean:

Amended report: An amended disclosure report filed as a result of a reinspection of the subject dwelling or dwelling unit, conducted by the original evaluator, within the period of time the disclosure report is valid. The re-evaluation does not extend the expiration date of the original evaluation.

Available for sale: The implementation of any of the following actions including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale.

Certificate of approval: A certificate issued by the city verifying completion of the repairs required by section 248.80.

Cross connection: Any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture, or tank, receptacle, equipment or device through which it may be possible for nonpotable, used, unclean, polluted, or contaminated water or other substance to enter any part of such potable water system under any condition.

Design professional: A registered engineer or architect licensed to work in Minnesota.

Disclosure report: The written evaluation report, prepared and signed, by a person licensed as a Minneapolis truth-in-sale of housing evaluator pursuant to this chapter on a form in compliance with this chapter.

Dwelling: A building or portion of a building which is designed to be occupied for residential purposes but containing not more than two (2) individual dwelling units.

Dwelling unit: Any habitable room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Environmental testing, removal or remediation: Testing, removal or remediation of environmental contamination on residential property by the United States Environmental Protection Agency, the Minnesota Pollution Control Agency or other governmental agency or under the direction of such governmental agency.

Environmental testing, removal or remediation disclosure: Disclosure by the owner or representative of the owner as part of a truth-in-housing disclosure report of environmental testing, removal or remediation in a format prescribed by the City of Minneapolis.

Evaluation: An inspection of a dwelling or dwelling unit, performed by a licensed evaluator to determine the condition of the structural, electrical and mechanical systems as they relate to chapter 244 of the City of Minneapolis Housing Maintenance Code.

Evaluator: A person who holds a current license from the City of Minneapolis to conduct truth-in-sale of housing evaluations.

Information page(s): Any information page(s) that the city may require to be attached to the disclosure report or code compliance certificate or orders and provided to the owner and to the buyer.

Repair: To restore to a sound, acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

Replace or replacement: To remove an existing item or portion of a system and to construct or install a new item of a quality similar to that of the existing item when it was new. Replacement ordinarily takes place when repair of the item is impractical.

Required repair/replace item: A condition or defect as defined in section 248.80 of this chapter, that when identified on the disclosure report, must be repaired or replaced, then re-inspected and approved by a City of Minneapolis inspector or evaluator.

Time of closing: The time of execution of any document providing for the conveyance of title or possession of a dwelling whether or not absolute title is transferred including but not limited to conveyance by contract for deed.

Time of sale: The time when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of title or possession of a dwelling whether or not absolute title is transferred including but not limited to conveyance by contract for deed.

Section 2. That Section 248.30 of the above-entitled ordinance be amended to read as follows:

248.30. Seller Disclosure Required. (a) The truth-in-housing disclosure report, the code compliance orders or certificate of code compliance shall all contain a statement signed by the owner or representative of the owner:

- (1) As to any damage to the dwelling or its contents by:
 - a. Flooding.
 - b. Sewer backup due to flooding.
- (2) Any evidence of chronic water seepage of which the owner has experience or knowledge.
- (3) Age and condition of roof:
 - a. Currently leaking.
 - b. Patched.
- (4) That the professional opinion referenced in section 248.70 was obtained and will be provided to all prospective purchasers in first time condominium conversion.
- (5) As to whether there has been environmental testing, removal or remediation as defined in 248.10

(b) Further, no owner or representative of the owner shall sell such dwelling without providing to the buyer a statement of the nature, extent and cause of any water seepage or flooding of any portion of the property within the knowledge of the owner.

(c) All such reports and certificates or orders are deemed not valid without the signed statement.
Adopted 10/20/2006.

HE&E - Your Committee recommends passage of the accompanying resolution adopting Low Environmental Impact Cleaning Policy.
Adopted 10/20/2006.

Resolution 2006R-526, adopting Low Environmental Impact Cleaning Policy, was adopted 10/20/2006 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-526
By Benson and Gordon**

Adopting Low Environmental Impact Cleaning Policy.

Whereas, the City of Minneapolis is committed to ensuring a healthy environment for its citizens, visitors and employees; and

Whereas, the City of Minneapolis can use its purchasing power to create a greater demand and awareness of high quality, environmentally friendly products at a reasonable price; and

Whereas, the City of Minneapolis has passed resolutions related to green building standards and there exist State requirements for the purchasing of recycled products; and

Whereas, environmental considerations should be a part of normal purchasing decisions, consistent with standard practices such as safety, price, performance and availability; and

Whereas, environmentally sensitive cleaning products mean those products that minimize adverse impacts on health and the environment; and

Whereas, Green Seal, an independent, non-profit organization dedicated to safeguarding the environment has established minimum standards for low environmental impact cleaning products and procedures; and

Whereas, successful pilot programs utilizing low environmental impact cleaning products and procedures have been successfully completed in the City's own facilities; and

Whereas, City cleaning service providers include both City employees and external contractors primarily responsible for the cleaning of the interior of City facilities; and

Whereas, the City's Operating Departments and the Purchasing Department (having the primary responsibility for hiring of cleaning service providers, and the purchasing of cleaning product) have made strong efforts to reduce cleaning product impacts on the environment;

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

That the City will follow a Low Environmental Impact Cleaning policy.

Be It Further Resolved that the Purchasing Department, in cooperation with the City's Operating Departments, shall establish by January 1, 2007, and regularly update guidelines and specifications for purchase of environmentally sensitive cleaning products, and cleaning procedures regarding City facilities.

Be It Further Resolved that these products/procedures, to the extent practical, must meet the minimum standards established by Green Seal, or alternative standards determined by the Purchasing Department to be equivalent.

Be It Further Resolved that the Purchasing Department shall disseminate to all City departments information on these guidelines, low environmental impact product specifications and sample lists for standard cleaning products that are commonly purchased by departments.

Be It Further Resolved that if cleaning or disinfecting products must be used that do not meet the City's standards, Operating Departments must ensure that proper health and safety measures are utilized to limit human exposure and only the minimum product amounts are used and the product is disposed of properly. When applicable, bid specifications should require that suppliers, manufacturers and/or jurisdiction contractors and workers be trained in the proper use of cleaning and disinfecting products for worker health and safety, compliance with regulatory requirements, and cost-efficient product use and disposal.

Be It Further Resolved that nothing contained in this resolution shall be construed with requiring products that do not perform adequately, or not available at a reasonable price (within 10% of existing product cost) in a reasonable amount of time.

Be It Further Resolved that Low Environmental Impact Cleaning practices shall be a requirement as part of all new and renegotiated leases for office space utilized by the City of Minneapolis.

Be It Further Resolved that this resolution is effective January 1, 2007 and that Purchasing and Public Works shall report regularly to the Environmental Coordinating Team as to progress/challenges, including environmental benefits, safety concerns and pricing issues, and the first such report shall be no later than December 31, 2007.

Adopted 10/20/2006.

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

HE&E & PS&RS - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, and having received a final report with recommendations from the Civilian Police Review Authority Working Group that was tasked with responding to recommendations in the report entitled "A Study of the Policy and Process of the Minneapolis Civilian Police Review Authority", now recommends:

- a. That the Civilian Police Review Authority's Administrative Rules be amended, as follows:
 - i. To detail complaint dismissal processes.
 - ii. To define "misidentified officer".
 - iii. To require a sworn and signed statement from the complainant.
- b. That said ordinance be given its second reading for amendment and passage, which:
 - i. Allows for complaint dismissal after Preliminary Review.
 - ii. Requires that the Minneapolis Police Department (MPD) notify the Civilian Police Review Authority (CRA) when a dismissed officer is reinstated to the force.
 - iii. Adds "any violation of the MPD Policy and Procedure Manual" to the list of types of alleged police misconduct that the CRA may investigate.
 - iv. Defines "disciplinary decision" and to establish the basis for the Police Chief's disciplinary decision.

Your Committee further recommends that the subject matter of a special law granting the Civilian Police Review Authority subpoena power be referred to the Intergovernmental Relations Committee for inclusion in the City's legislative agenda.

Benson moved to divide the report so as to consider separately that portion relating to item "a", amending the CRA Rules. Seconded.

Adopted upon a voice vote.

Benson moved that the separated portion of the report be referred back to the Health, Energy & Environment Committee. Seconded.

Adopted upon a voice vote.

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

Adopted 10/20/2006.

Ordinance 2006-Or-114 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending Sections 172.20, 172.85, 172.130 and 172.185 to allow for complaint dismissal after Preliminary Review; to require that the Police Department notify the Civilian Police Review Authority when a dismissed officer is reinstated to the force; to add "any violation of the MPD Policy and Procedure Manual" to the list of types of alleged police misconduct that the CRA may investigate; and to define "disciplinary decision" and to establish the basis for the Police Chief's disciplinary decision" was adopted 10/20/2006 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-114
By Hodges
Intro & 1st Reading: 6/30/2006
Ref to: HE&E
2nd Reading: 10/20/2006

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

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

Section 1. That Section 172.20 of the above-entitled ordinance be amended to read as follows:

172.20. Scope of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers, including, but not limited to, the following:

- (a) Use of excessive force.
- (b) Inappropriate language or attitude.
- (c) Harassment.
- (d) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, disability or age or sexual orientation.
- (e) Theft.

- (f) Failure to provide adequate or timely police protection.
- (g) Retaliation for filing a complaint with the review authority.
- (h) Any violation of the Minneapolis police department's policy and procedure manual.

Section 2. That Chapter 172 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.85 to read as follows:

172.85 Dismissal after the Preliminary Review. (a) If after the preliminary review, the manager determines that further investigation is not warranted, the manager may request a dismissal from the chair of the board. The dismissal request must state the basis for the dismissal. The chair shall schedule a hearing for the dismissal.

(b) The manager may administratively dismiss complaints against misidentified officers, officers out-of-jurisdiction, and officers no longer with the Minneapolis police department. The manager shall notify the civilian review authority board of the administrative dismissal.

Section 3. That Section 172.130 of the above-entitled ordinance be amended to read as follows:

172.130 Disciplinary Decision. (a) Upon conclusion of the hearing and request for reconsideration process, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the chief of police, who shall make a disciplinary decision based upon this information. In all cases where the review authority sustained the complaint, the chief of police shall provide the review authority and the mayor with a written explanation of the reason(s) for that disciplinary decision. The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts by the Minneapolis police department's internal affairs unit or any other police officer, unit, or division.

In cases where the civilian review authority board has determined that specific facts constitute a violation of the Minneapolis police department policy and procedure manual, under no circumstances should the Minneapolis police department internal affairs unit or any other police officer, unit, or division be allowed to alter, augment, or revise the designation.

(b) In all cases where the review authority sustained the complaint, the chief of police shall do one of the following within thirty (30) days (except where noted) of receipt of the case from the review authority:

- (1) impose discipline and notify the review authority in writing that discipline has been imposed;
or
- (2) determine that no discipline will be imposed and notify the review authority in writing of such determination and the reasons for such determination; or
- (3) make a one time written request that the review authority reconsider the sustained finding;
or
- (4) submit in writing to the review authority a request for an extension of time, not to exceed an additional thirty (30) days, to take one of the actions in subparagraphs (1) through (3) with a statement of the reason for the extension and a proposed date by which one of such actions will be taken.

If the chief has determined that no discipline will be imposed pursuant to subparagraph (2), the review authority may require the chief (or his/her designee) to appear at a meeting of the full board, which shall be closed to the public pursuant to Minnesota Statutes Section 13D.05, subdivision 2, to discuss the basis for the determination.

If the chief has requested that the review authority reconsider a sustained finding, the chief or his/her designee shall appear before the entire review authority board to present the factual and legal basis on which the chief asserts that the complaint(s) should be not sustained. After the review authority has reconsidered the matter, the decision of the review authority shall be provided to the chief in writing. If the review authority again determines that the complaint(s) should be sustained, the chief may then take one of the actions specified in subparagraphs (1), (2) or (4), above.

(b)(c) The review authority shall provide notice to the complainant of the final disciplinary decision.

(d) The level of compliance with this section shall be included as an element of the chief's annual performance evaluation, pursuant to section 172.60(h) of this section. The civilian police review authority chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action.

Section 4. That Chapter 172 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.185 to read as follows:

172.185 Notification of officer's reinstatement. In the event that a dismissed officer has been reinstated to the Minneapolis police department, the chief of police shall provide notification to the civilian review authority of the officer's return to the department within thirty (30) days of the officer's reinstatement.

Adopted 10/20/2006.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept a grant award of \$30,000 from the Medtronic Foundation for school based clinic services (mental health and other support services) at the Broadway Arts and Technology High School, which serves primarily pregnant and parenting adolescents. Further, passage of the accompanying resolution appropriating \$30,000 to the Department of Health & Family Support.

Adopted 10/20/2006.

RESOLUTION 2006R-527

By Benson 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 Health & Family Support Agency in the Grants - Other Fund (060-860-8622) by \$30,000 and increasing the Revenue Source (060-860-8622 - Source 3720) by \$30,000.

Adopted 10/20/2006.

HE&E & W&M/Budget – Your Committee, having under consideration recommendations from the Public Health Advisory Committee on funding priorities for Community Development Block Grant (CDBG) Public Service Funds, now recommends:

HE&E - Concurrence with the recommendation of the Public Health Advisory Committee for funding priorities for a competitive Request for Proposal (RFP) for CDBG public service funds for the period of June 2007 through May 2009.

Funding Priorities are:

- a. Assure Maintenance of Health Safety Net for Underserved/Vulnerable Populations.
- b. Improve Early Childhood Well-Being.
- c. Violence Prevention and Safety.

Funding Principles are:

- d. Prevention.
- e. Eliminating Health Disparities.
- f. Resident-Community Engagement.

W&M/Budget - that the recommendation of the Public Health Advisory Committee be sent forward without recommendation.

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/20/2006.

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

IGR - Your Committee, having under consideration applications for three City Council appointments to the Metropolitan Sports Facilities Commission, for four-year terms to expire 1/3/2011, with one term to begin immediately to fill the unexpired term of Daniel Kenney (expires 1/1/2007), and two terms beginning 1/2/2007, now forwards without recommendation the following applicants:

- a) Patrick Clark
- b) William Glenn Haddeland
- c) Richard Jefferson (incumbent, whose term expires 1/1/2007)
- d) Richard Johnson
- e) Ezell Jones
- f) Charles Lutz
- g) Paul Rexford Thatcher, Sr
- h) Timothy Rose
- i) Michael Sable
- j) Jeffrey Seidel (incumbent, whose term expires 1/1/2007)
- k) Lisa Vecoli
- l) Robert Zagaros

Remington moved to amend the report by deleting the language, "forwards without recommendation the following applicants:" and inserting in lieu thereof, "recommends approval of the following appointments:

1. Charles Lutz, to fill the unexpired term of Daniel Kenney which expires 1/1/2007, and for a term beginning 1/2/2007 and expiring 1/3/2011;

2. Paul Rexford Thatcher, Sr, for a term beginning 1/2/2007 and expiring 1/3/2011 (replacing Richard Jefferson); and

3. Timothy Rose, for a term beginning 1/2/2007 and expiring 1/3/2011 (replacing Jeffrey Seidel)."

Seconded.

Hodges moved to divide the report so as to consider each candidate separately. Seconded.

Adopted by unanimous consent.

IGR - Your Committee, having under consideration applications for three City Council appointments to the Metropolitan Sports Facilities Commission, for four-year terms to expire 1/3/2011, with one term to begin immediately to fill the unexpired term of Daniel Kenney (expires 1/1/2007), and two terms beginning 1/2/2007, now forwards without recommendation the following applicants:

- a) Patrick Clark
- b) William Glenn Haddeland
- c) Richard Jefferson (incumbent, whose term expires 1/1/2007)
- d) Richard Johnson
- e) Ezell Jones
- f) Charles Lutz
- g) Paul Rexford Thatcher, Sr
- h) Timothy Rose
- i) Michael Sable
- j) Jeffrey Seidel (incumbent, whose term expires 1/1/2007)
- k) Lisa Vecoli
- l) Robert Zagaros

Remington moved to amend the report by deleting the language, "forwards without recommendation the following applicants:" and inserting in lieu thereof, "recommends approval of the following appointment:

Charles Lutz, to fill the unexpired term of Daniel Kenney which expires 1/1/2007, and for a term beginning 1/2/2007 and expiring 1/3/2011." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/20/2006.

IGR - Your Committee, having under consideration applications for three City Council appointments to the Metropolitan Sports Facilities Commission, for four-year terms to expire 1/3/2011, with one term to begin immediately to fill the unexpired term of Daniel Kenney (expires 1/1/2007), and two terms beginning 1/2/2007, now forwards without recommendation the following applicants:

- a) Patrick Clark
- b) William Glenn Haddeland

- c) Richard Jefferson (incumbent, whose term expires 1/1/2007)
- d) Richard Johnson
- e) Ezell Jones
- f) Charles Lutz
- g) Paul Rexford Thatcher, Sr
- h) Timothy Rose
- i) Michael Sable
- j) Jeffrey Seidel (incumbent, whose term expires 1/1/2007)
- k) Lisa Vecoli
- l) Robert Zagaros

Remington moved to amend the report by deleting the language, "forwards without recommendation the following applicants:" and inserting in lieu thereof, "recommends approval of the following appointment:

Paul Rexford Thatcher, Sr, for a term beginning 1/2/2007 and expiring 1/3/2011 (replacing Richard Jefferson)." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/20/2006.

IGR - Your Committee, having under consideration applications for three City Council appointments to the Metropolitan Sports Facilities Commission, for four-year terms to expire 1/3/2011, with one term to begin immediately to fill the unexpired term of Daniel Kenney (expires 1/1/2007), and two terms beginning 1/2/2007, now forwards without recommendation the following applicants:

- a) Patrick Clark
- b) William Glenn Haddeland
- c) Richard Jefferson (incumbent, whose term expires 1/1/2007)
- d) Richard Johnson
- e) Ezell Jones
- f) Charles Lutz
- g) Paul Rexford Thatcher, Sr
- h) Timothy Rose
- i) Michael Sable
- j) Jeffrey Seidel (incumbent, whose term expires 1/1/2007)
- k) Lisa Vecoli
- l) Robert Zagaros

Remington moved to amend the report by deleting the language, "forwards without recommendation the following applicants:" and inserting in lieu thereof, "recommends approval of the following appointment:

Timothy Rose, for a term beginning 1/2/2007 and expiring 1/3/2011 (replacing Jeffrey Seidel)." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/20/2006.

Declining to vote - Hodges, Hofstede.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, adding provisions to the Rental License applications to obtain information from the rental property owners to disclose the full names and addresses of all partners; and to add two new rental licensing standards that make violations of Minnesota Rules, Chapter 1300.0120 and continuing violations of Chapter 244 and unpaid water bills grounds for license revocation or refusal to renew, now recommends that said ordinance be given its second reading for amendment and passage.

Gordon moved to amend Section 244.1840 (1) of the ordinance by deleting the language contained in subdivision (a) and inserting in lieu thereof the following:

- "a. All partnerships, corporations, limited liability companies or other recognized business associations which own a dwelling required to be licensed under this chapter shall submit, upon request of the director of inspections or the director's designee, the name and address of all partners, shareholders or interest holders. If requested by the director of inspections or the director's designee, information regarding the names and addresses of all partners, shareholders or interest holders must be submitted in a sworn affidavit. Failure to provide this information upon request and in proper form may result in a \$500.00 fine or other appropriate enforcement action." Seconded.

Adopted upon a voice vote.

The report, with amended ordinance, was adopted 10/20/2006.

Ordinance 2006-Or-115 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Sections 244.1840 and 244.1910 to add provisions to the Rental License applications to obtain information from the rental property owners to disclose the full names and addresses of all partners; and to add two new rental licensing standards that make violations of Minnesota Rules, Chapter 1300.0120 and continuing violations of Chapter 244 and unpaid water bills grounds for license revocation or refusal to renew, was adopted 10/20/2006 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-115
By Gordon
Intro & 1st Reading: 8/4/2006
Ref to: PS&RS
2nd Reading: 10/20/2006

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

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

Section 1. That Section 244.1840 (1) of the above-entitled ordinance be amended to read as follows:

244.1840. Application for license. Within ninety (90) days after the effective date of this article, the owner of each rental dwelling shall make written application to the director of inspections for a license to carry on the business of renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this article shall make written application to the director of inspections for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen county area.
 - a. All partnerships, corporations, limited liability companies or other recognized business associations which own a dwelling required to be licensed under this chapter shall submit, upon request of the director of inspections or the director's designee, the

name and address of all partners, shareholders or interest holders. If requested by the director of inspections or the director's designee, information regarding the names and addresses of all partners, shareholders or interest holders must be submitted in a sworn affidavit. Failure to provide this information upon request and in proper form may result in a \$500.00 fine or other appropriate enforcement action.

Section 2. That Section 244.1910 of the above-entitled ordinance be amended by adding thereto new subdivisions (17) and (18) to read as follows:

244.1910. Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental license or provisional license.

(17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a Directors determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a Director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

(18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.

Adopted 10/20/2006.

PS&RS - Your Committee, having under consideration the application of Java J's Inc, dba, Java J's, 700 Washington Av N #100, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and a Sidewalk Cafe License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/20/2006.

PS&RS - Your Committee, having under consideration the application of Friends of the Revolution Inc, dba Auriga, 1930 Hennepin Av, for an On-Sale Liquor Class D with Sunday Sales License (upgrade from Class E with Sunday Sales) 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 10/20/2006.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Restaurant Miami, 913 W Lake St, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Remington moved to substitute a new resolution for the above-mentioned resolution. Seconded. Adopted upon a voice vote.

The report, with the substitute resolution, was adopted 10/20/2006.

Resolution 2006R-528, granting the application of Restaurant Miami, 913 W Lake St, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was adopted 10/20/2006 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-528

By Remington

Granting the application of Restaurant Miami, 913 W Lake St, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Afterbar LLC, dba Restaurant Miami, 913 W Lake St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2007, subject to the following conditions:

1. Full menu service must be made available during all hours of operation.
2. Food must be ordered from a special lounge menu or from the full menu prior to any beverage alcohol serve for any patron or patrons, in the lounge area.
3. Off street parking requirements for this establishment must be met at all times or the business must decrease capacity to match the number of patrons allowed to the number of off street parking stalls on site per calculations under the Zoning Code.
4. No dance floor area or any live entertainment shall be provided in the establishment unless a temporary license is granted in advance by the licensing department. The Council Members office of the Ward in which the establishment is located must also be notified in writing prior to the granting of any temporary expansion or entertainment license.
5. There shall be no bar area in the establishment per Title 14 of the Minneapolis Code of Ordinances.
6. This establishment shall maintain a 70/30 sales ratio for food to beverage alcohol sales and provide a written account of sales figures to the Licenses and Consumer Services office on a monthly basis for the first year of operations, then on a yearly basis or as deemed necessary by staff at the Licensing and Consumer Services office.
7. All litter within 100 feet of the exterior of the building housing the licensed premises must be picked up on a daily basis.
8. Noise from the establishment will be kept to a minimum by taking appropriate measures as required in 360.55 of the Minneapolis Code of Ordinances and as part of this requirement; noise coming from patrons of the establishment will be kept to a minimum so as to not disturb the peace and quiet of the residents of any dwelling unit.
9. The business agrees not to install payphones either inside or outside the establishment.
10. Follow all laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with on sale beverage alcohol license.
11. No pool/foosball table type amusement games will be allowed.
12. For the first six (6) months of operation, hours of operation will be limited, Sunday through Thursday to 11:00 pm for food and beverage alcohol sales. The door shall be locked and food and beverage orders shall end at 11:00 pm. All patrons must be out of the restaurant by 11:30 pm. On Thursday through Saturday, food and beverage alcohol sales shall end at Midnight (12:00 am). The doors are to be locked at Midnight and patrons must be out of the restaurant by 12:30 am. After six months of operation, a public hearing will need to be conducted. As long as there are no substantiated issues brought up at the public hearing which would give reason to maintain the restricted beverage alcohol sales hours, the hours for beverage alcohol sales may be allowed by City Council to be extended.
13. No beverage alcohol shall be poured (from taps/guns or the bottle) behind the high-top food service counter which is not located behind a screen/partition which obstructs view from patrons seated at the high-top food service counter.
14. The proposed sink underneath the high-top food service counter shall be removed or not used unless the sink is required by the health department.
15. Patrons seated at the high-top food service counter must order a meal, not just an appetizer, before being served any type of beverage alcohol.

Adopted 10/20/2006.

PS&RS - Your Committee, having under consideration the application of Karma Entertainment LLC, dba Karma, 315 1st Av N, for an All Night Special Food License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. The establishment will close at 2:00 p.m. and no additional patrons will be allowed to enter the establishment past 2:00 p.m.

b. Off-duty police officers will be retained during all hours of operation of the late night special food license.

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

Samuels moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 10/20/2006.

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

Adopted 10/20/2006.

Resolution 2006R-529, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/20/2006 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-529

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 C-2 with Sunday Sales, to expire January 1, 2007

Concept Eatery LLC, dba 112 Eatery, 112 3rd St N (expansion of premises)

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

Food Forward Inc, dba Cave Vin, 5555 Xerxes Av S (new shareholder/partner)

Off-Sale Beer, to expire April 1, 2007

William T & Deborah Rahn, dba Oak Grove Grocery, 218 Oak Grove St

Laurel B Enterprises Inc, dba House of Hanson, 433 14th Av SE

Bobby and Steves Auto World II LLP, dba Bobby & Steve's Autoworld, 1221 Washington Av S

Dave & Ron's Inc, dba Stop-N-Go, 1847 Johnson St NE

Good Choice Inc, dba 2746 Blaisdell Av

QT Superette Inc, dba Flag Foods, 2820 E 42nd St

MISR Inc, dba Market Express, 3159 Chicago Av

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

Village Wok Restaurant Inc, dba Village Wok Restaurant, 610 Washington Av SE

Shuang Cheng Inc, dba Shuang Cheng Restaurant, 1320 4th St SE

Lili-Nick, Inc, dba Tooties on Lowry, 2706 Lowry Av N.

Adopted 10/20/2006.

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

Adopted 10/20/2006.

Resolution 2006R-530, granting applications for Business Licenses, was adopted 10/20/2006 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-530
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 October 20, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271560):

Place of Amusement Class A; Bed & Breakfast Facility; Car Wash; Check Cashing; Confectionery; Farm - Produce Permits; Grocery; Food Manufacturer; Food Market Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Vending Machine; Fuel Dealer; Fuel Dealer Cash & Carry Only; Gasoline Filling Station; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Plumber; Rental Halls; Antique Dealer Class B; Suntanning Facility; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Tree Servicing; Wrecker of Buildings Class B.

Adopted 10/20/2006.

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

Adopted 10/20/2006.

Resolution 2006R-531, granting applications for Gambling Licenses, was adopted 10/20/2006 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-531
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

Nash Avery Foundation, dba Nash Avery Foundation, 2427 E Lake of the Isles Pkwy

Our Lady of Victory Catholic Church, dba Our Lady of Victory, 5155 Emerson Av N (Raffle October 29, 2006, Noon to 3:30 p.m. at Church Hall

Smile Network International, dba Smile Network Foundation, 1807 Colfax Av S (Raffle November 11, 2006 at Solera, 900 Hennepin Av

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle and Pulltabs November 18, 2006 at Church Hall.

Adopted 10/20/2006.

PS&RS - Your Committee, having under consideration the Vehicle Immobilization License held by C.P.E.S., LLC, dba Clampdown Parking Enforcement, 1730 New Brighton Blvd #249, and having held a hearing to consider whether adverse license action should be taken for continued violations of the Vehicle Immobilization Ordinance, non-payment of administrative citations, and violations of the Technical Advisory Committee Agreement adopted by the City Council March 10, 2006, now recommends that the renewal license application for a Vehicle Immobilization License be denied. (Petr No 271560)

Adopted 10/20/2006.

PS&RS - Your Committee, having directed staff to report back regarding the membership and scope of work for the Taxicab Task Force, now recommends approval of the following:

Task Force Membership (Representatives)

License Department Staff (3)

Meet Minneapolis (1)

Taxicab Company Owners (2)

Taxicab Drivers (2)

Minneapolis Advisory Committee on People with Disabilities (1)

Metro Economic Development Association (1)

Consultants (1)

Labor Industry (1)

New Taxicab Company Applicants (1)

Public Works Traffic Engineer (1)

Traffic Control (1)

City Attorney (1)

City Council (1)

Downtown Neighborhood Association (1)

Downtown Council (1).

Taxicab Task Force Objectives:

a. Establish criteria and method of issuing available licenses by November 22, 2006.

b. Improve the quality of taxicab service to all customers by January 3, 2007.

- Review current driver's license requirements, including training
- Taxicab vehicle requirements for maintenance, safety and special equipment needs for wheelchair access
- Establish standards for neighborhood service
- Use and placement of cab stands
- Review fares and rates
- Establish a staffing model to adequately respond to the current needs and demands of the industry.

Adopted 10/20/2006.

PS&RS - Your Committee, having under consideration a City Council directive passed July 21, 2006 that staff design a fair and open selection process for the future placement of safety/security cameras, now recommends that the following criteria for deciding which neighborhoods receive funding for implementation of cameras and other technology investments be received and filed:

1. **Need.** Using CODEFOR data, the Police Department will assess the rate of crimes that can be prevented, detected and deterred by the use of technology.

2. **Applicability.** After evaluating need, applicability will be considered as the next most important criteria in evaluating a technology proposal.

3. **Using Technology to Create Partnerships.** Priority for needed, applicable technology initiatives will be given to those projects whose implementation can be used to create a new partnership with business or community groups to address crime issues.

4. **Leveraging Available Infrastructure.** After looking at need, applicability and the ability to create partnerships, priority will be given to those projects which can best tap into existing infrastructure.

5. **Availability of supplemental funding.** The availability of funds will be considered, after the previously listed criteria, in evaluating a technology implementation for a given area.
Adopted 10/20/2006.

PS&RS - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to appoint Timothy Dolan to serve as the Chief of Police for a three-year term beginning January 2, 2007 and expiring January 4, 2010, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted 10/20/2006. Yeas, 12; Nays, 1 as follows:

Yeas - Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Johnson.

Nays - Remington.

The **PUBLIC SAFETY & REGULATORY SERVICES, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS, T&PW & W&M/Budget - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to parking meter removal and hooding fees, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Title 5, Chapter 93 relating to *Building Code: Safety Precautions: Protection of Public Property*, updating fees for the removal of parking meters to accurately reflect the City's costs, and authorizing the Director of Public Works to increase fees based on actual costs to the City.

b. Title 18, Chapter 478, relating to *Traffic Code: Parking, Stopping and Standing*, updating fees for the hooding of parking meters to accurately reflect the City's costs, and authorizing the Director of Public Works to increase fees based on actual costs to the City.

Ostrow moved to amend Section 93.100 of the ordinance by deleting the language "This fee may be increased by the Director of Public Works based on the actual cost to the City" and inserting in lieu thereof "These fees shall be increased as needed on an annual basis by the City Engineer based on the actual cost to the City". Seconded.

Adopted upon a voice vote.

The report, with the amended ordinance, was adopted 10/20/2006.

Ordinance 2006-Or-116 amending Title 5, Chapter 93 of the Minneapolis Code of Ordinances relating to *Building Code: Safety Precautions: Protection of Public Property*, amending Section 93.100 to update fees for the removal of parking meters to accurately reflect the City's costs, was adopted 10/20/2006 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-116
By Glidden
Intro & 1st Reading: 9/22/2006
Ref to: PS&RS and T&PW
2nd Reading: 10/20/2006

Amending Title 5, Chapter 93 of the Minneapolis Code of Ordinances relating to Building Code: Safety Precautions: Protection of Public Property.

Section 1. That Section 93.100 of the above-entitled ordinance be amended to read as follows:

93.100. Curb, paving or parking meters; how to remove. Whenever in the construction, alteration, repair or removal of any building, it shall be necessary to remove any of the paving or curb, or any parking meter, or meters, in the street in front of said building, or in the alley adjacent thereto, either for the purpose of making excavations or for setting derrick-posts, the director of inspections shall

not issue a permit for said proposed work until the applicant for such permit presents to the director of inspections a permit from the city engineer for the removal of said paving, curb or parking meter, or meters, together with a receipt from the city finance officer for the amount of money necessary, according to the estimate of the city engineer, to defray the expense of relaying said paving and resetting said curb and parking meters, and to defray the loss to the city of the public use of the parking spaces due to the removal of any parking meters. The estimate of loss to the city by reason of the removal of parking meters shall be: determined in accordance with the estimate of cost for loss of the use of parking meters as set forth in section 478.430.

	Per Day	Per Week
\$1.50 per-hour meter zone	\$20.50	\$104.50
1.00 per-hour meter zone	14.90	70.90
0.75 per-hour meter zone	12.10	54.10
0.50 per-hour meter zone	9.30	37.30
0.25 per-hour meter zone	6.50	20.50

For the period of their removal, estimated by the city engineer.
If hooded over the weekend: \$3.70 plus two-day fee.

The Removal and reinstallation cost of meter: ~~shall be \$33.00~~ one hundred dollars (\$100) per meter pole plus daily or weekly hooding/loss fees as set forth in section 478.430. These fees shall be increased as needed on an annual basis by the City Engineer based on the actual cost to the City.

Adopted 10/20/2006.

Ordinance 2006-Or-117 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.430 to update fees for the hooding of parking meters to accurately reflect the City's costs, was adopted 10/20/2006 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-117
By Glidden
Intro & 1st Reading: 9/22/2006
Ref to: PS&RS and T&PW
2nd Reading: 10/20/2006

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

Section 1. That Section 478.430 of the above-entitled ordinance be amended to read as follows:

478.430. Obstruction permits to hood meters. (a) Any person, company or corporation, having a need for special use of parking meter space to promote a civic cause, allow the city to carry out police powers, provide space for construction, maintenance or delivery activities deemed proper by the city engineer, shall make application to the city engineer for a permit to hood said meter, or meters, for the specified period of time, not to exceed ninety (90) days for each permit, and shall defray the expense to the city of the loss of the public use of the parking spaces due to the hooding. The loss to the city by reason of the hooding shall be ~~determined by the city council in accordance with section 93.100 of this Code of Ordinances of the city~~ based upon the hourly fee per meter charge per day at that location; ~~and~~ for the period of the hooding.

(b) "Hooding" of meters is the placing of city engineer approved hoods that physically cover up parking meter heads. Hooding is to be carried out exclusively by the public works department of the city and other authorized city representatives.

(c) Application for an obstruction permit shall be made to the city engineer's office not less than seventy-two (72) hours prior to the effective date of such permit, and shall:

- (1) State the purpose of the obstruction permit.
- (2) State the name of the person, persons or the authorized officer of the company or corporation applying for the permit with a twenty-four (24) hour phone number.
- (3) The location and number or numbers of the meter or meters.

(4) ~~(d)~~ The designated fee for the issuance of the permit shall be the ~~loss described in section 93.100, and whatever necessary costs for administration or enforcement~~ amount of money necessary, according to the estimate of the city engineer, to defray the loss to the city of the use of the parking spaces due to the hooding of the parking meters and whatever necessary costs for administration or enforcement. The fee shall include charge of twenty dollars (\$20.00) for the hooding of the meter(s) by public works personnel or other authorized city representatives. For those days in which the meter is not enforced the loss of use shall be a seven dollar (\$7.00) charge per day. The above fees may be increased by the Director of Public Works based on the actual cost to the City.

The permit, certificate or insignia issued shall be prominently displayed upon the vehicle parked in the hooded meter area, and shall state thereon, the place, date, meter numbers hooded, and identification of permit holder. The permit, certificate or insignia issued may be transferred from vehicle to vehicle, but shall not be transferable to anyone other than the person or persons designated in the application.

Adopted 10/20/2006.

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

T&PW - Your Committee, having under consideration assessments for the repair and construction of public sidewalks, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn. No. 271567.

Adopted 10/20/2006.

Resolution 2006R-532, adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 271567, was adopted 10/20/2006 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-532

By Colvin Roy

Adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 271567.

Whereas, a public hearing was held on October 10, 2006 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessment for the property identified as 2037 Riverside Av, Property ID 25-029-24-32-0073, be reduced by one-half, from \$1340.38 to \$670.19;

That the proposed assessment for the property identified as 923 Penn Av N, Property ID 20-029-24-14-0075, be reduced by \$273.60 (the cost of 2 sidewalk panels), from \$941.90 to \$668.30;

That the proposed assessment for the property identified as 1204 Knox Av N, Property ID 21-029-24-21-0073 in the amount of \$239.40 be waived and removed from the assessment rolls;

That the proposed assessment for the property identified as 1748 37th Av NE, Property ID 01-029-24-12-0002, in the amount of \$542.39 be waived and removed from the assessment rolls;

That the proposed assessments against the affected properties on the list dated August 16, 2006 set forth in Petn No 271567 in the total amount of \$1,364,839.28, and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$1,363,113.70 as a result of the above reductions and waivers, and hereby are adopted and levied.

Be It Further Resolved that the assessments of more than \$1500 be collected in ten (10) successive equal annual principal installments beginning on the 2007 real estate tax statements with interest.

Be It Further Resolved that the assessments of more than \$150 up to \$1500 be collected in five (5) successive equal annual principal installments beginning on the 2007 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2007 real estate tax statements with interest.

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

Adopted 10/20/2006.

T&PW - Your Committee, having under consideration the Plymouth Avenue Bridge Reconstruction Project, now recommends that the proper City officers be authorized to amend Contract No. C-22213 with Lunda Construction, Inc., increasing the contract in the amount of \$55,909.77, for a revised contract total of \$1,755,610.84, to provide for change orders and over-runs associated with the project. No additional appropriation is required.

Adopted 10/20/2006.

T&PW - Your Committee recommends passage of the accompanying resolution adopting the assessment roll for service charges to be imposed for collection in 2007 in the Downtown Special Service District for the New Nicollet Mall Reconstruction Project (from Washington Av S to 11th St S).

Adopted 10/20/2006.

Resolution 2006R-533, adopting the assessment roll for service charges to be imposed for collection in 2007 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project, was adopted 10/20/2006 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-533

By Colvin Roy

Adopting the assessment roll for service charges to be imposed for collection in 2007 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Whereas, Resolution 89R-412, passed September 29, 1989, established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992, and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995, and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings

generated by the said funding bonds, all as recited in Resolution 93R-430, passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

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

That the assessment roll listing the service charges in the amount of \$888,191 to be imposed for collection in 2007 and the affected properties, as prepared by the City Engineer, be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/20/2006.

T&PW - Your Committee, having under consideration the Keep America Beautiful "Return the Warmth" program, promoting the recycling of plastic bottles by schools throughout the nation, now recommends acceptance of the \$2,500 award from Keep America Beautiful (KAB), Sam's Club, and Pepsi-Cola to be passed through the City of Minneapolis, as the KAB affiliate, to the Pillsbury Math, Science, and Technology Magnet School in Northeast Minneapolis in recognition of their successful recycling effort.

Adopted 10/20/2006.

T&PW - Your Committee recommends passage of the accompanying resolution adopting the Minneapolis Local Surface Water Management Plan.

Adopted 10/20/2006.

Resolution 2006R-534, adopting the Minneapolis Local Surface Water Management Plan, was adopted 10/20/2006 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-534

By Colvin Roy

Adopting the Minneapolis Local Surface Water Management Plan.

Whereas, the City of Minneapolis is required to prepare a Local Surface Water Management Plan (LSWMP) in accordance with Minnesota Statute 103B and Minnesota Rules 8410; and

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

Whereas, on June 18th, 2004, Minneapolis Phase I LSWMP was received and filed by City Council; and

Whereas, on May 16, 2006, the Minneapolis City Council directed Public Works to submit the updated draft LSWMP to Bassett Creek Watershed Management Commission (BCWMC), Minnehaha Creek Watershed District (MCWD), Mississippi Watershed Management Organization (MWMO) and Shingle Creek Watershed Management Commission (SCWMC) for review and approval; and

Whereas, as requested by the watersheds, an extension of review period of 60 days was granted through September 25, 2006; and

Whereas, the SCWMC approved the Minneapolis LSWMP at its July 13, 2006 meeting; the BCWMC approved the Minneapolis LSWMP at its September 21, 2006 meeting; the MWMO approved the Minneapolis LSWMP at its September 19, 2006 meeting; the MCWD staff recommended conditional approval of the Minneapolis LSWMP at its October 5, 2006 meeting;

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

That the Minneapolis City Council hereby adopts the Minneapolis Local Surface Water Management Plan dated October, 2006.
Adopted 10/20/2006.

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

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase Contract C-22715 with Don Harstad Company by \$725,000, for a revised estimated expenditure of \$1,665,862, for parking ramp revenue control equipment necessary to allow credit card payment options and automation of revenue control activities at the 10th and Hennepin and Hilton Municipal Parking Ramps. The increase will be financed through the 2006-07 Ramp Capital Improvement Fund (7500-943-9464/ProjectNo. RMP01060).

Adopted 10/20/2006.

T&PW & W&M/Budget - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots Project, now recommends:

a) Passage of the accompanying resolution establishing the special assessment proceedings for payable 2007 for the Lyn/Lake Parking Facilities;

b) Establishment of impact fees for the Lyn/Lake Lots for the period of September 1, 2006 through August 31, 2007 at \$940 per stall for businesses that had licenses/permits to expand their businesses or City-approved plans to expand their businesses as of September 1, 1998, and \$1885 per stall for new businesses; and

c) That a public hearing be held on November 9, 2006 to consider the annual assessments.

Adopted 10/20/2006.

Resolution 2006R-535, establishing the special assessment proceedings for payable 2007 for the Lyn/Lake Parking Facilities, was adopted 10/20/2006 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-535
By Colvin Roy and Ostrow

Establishing the special assessment proceedings for payable 2007 for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities, and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2007 to be \$42,845.62, all as contained in Petn No 271568 on file in the office of the City Clerk;

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

That the proper City Officers are hereby directed to prepare proposed special assessments in the total amount of \$42,845.62 and to give notice of a public hearing to be held by the Transportation and Public Works Committee on November 9, 2006, in accordance with Minnesota Statutes, Section

459.14 and Minnesota Statutes, Chapter 429, to consider the amount proposed to be assessed to each benefited property for payable 2007.

Adopted 10/20/2006.

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

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

Adopted 10/20/2006.

Resolution 2006R-536, authorizing settlement of the legal claims of Michael Thunzi Davis, was adopted 10/20/2006 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-536
By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of Michael Thunzi Davis v. the City of Minneapolis, et al., by payment of \$4,500, payable to Michael Thunzi Davis and his attorney, Albert Goins; and

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

Adopted 10/20/2006.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney approving the request for the reimbursement of attorneys' fees (set forth in Petn 271571), payable to the Hoffner Firm, Ltd. in the amount of \$1,968.75 for legal services provided to Council Vice President Robert Lilligren.

Adopted 10/20/2006.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to offer Wayne Olhoft and Michael Rohricht, Step 6 of the salary scale for the position of BIS Project Managers in the Business Information Services Department.

Adopted 10/20/2006.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the License Agreement #C00-15921 with Govern Software, Inc. to include "License Supplement No. 2" for the Special Assessments System Replacement, at a cost of no more than \$249,565 paid for with Capital Long-Range Improvement Committee (CLIC) funding out of (6400-972-9725-M04SP00D and 6400-972-9725-M04SP00E).

Adopted 10/20/2006.

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 10/20/2006.

Resolution 2006R-537, approving construction change orders for contracts related to the New Central Library Project, was adopted 10/20/2006 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-537

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. 1 increasing Contract Number C-22937 with Blue Rhino Studio by \$455; and
- b) Change Order No. 3 increasing Contract Number C-20072 with Graham Penn-Co Construction by \$4,868.

Adopted 10/20/2006.

W&M/Budget - Your Committee recommends approval of the November 2006 utility billing insert on behalf of the Public Works Field Services providing information 348-SNOW and language Snow Hotlines, and messages about clearing snow from sidewalks and around garbage and recycling containers.

Adopted 10/20/2006.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution amending the 2006 General Appropriation Resolution by amending footnote "x".

Adopted 10/20/2006.

Approved by Mayor Rybak 10/23/2006.

(Published 10/24/2006)

RESOLUTION 2006R-538

By 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 to add the following language to the end of footnote "x", "to a third-party subrecipient/subgrantee", to read as follows:

"x) That proper City officers be authorized to execute and/or amend contracts to carry out the intent of the 2006 Consolidated Plan program allocations, as further detailed in the 2006 Adopted Budget book, Section 6 Financial Schedules, Schedule 4 - CDBG Program, to include CDBG, HOME, ADDI, ESG, and HOPWA entitlement grants to a third-party subrecipient/subgrantee."

Adopted 10/20/2006.

Approved by Mayor Rybak 10/23/2006.

(Published 10/24/2006)

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Assistant Director, Purchasing, from (grade 10 with 473 points) to Assistant Director, Purchasing, (grade 11 with 510 points), effective October 20, 2006.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said reclassified position.

Adopted 10/20/2006.

Ordinance 2006-Or-118 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, approving the reclassified position of Assistant Director,

Purchasing, was adopted 10/20/2006 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-118
By Ostrow
1st & 2nd Readings: 10/20/2006

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

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

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

Appointed Officials (CAP)
Effective: OCTOBER 20, 2006

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Assistant Director, Purchasing	510	11	A	\$70,491	\$74,201	\$76,427	\$77,911

Adopted 10/20/2006.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to hire Vicki Stone, at Step 5 of the salary scale for the position of Accountant II in the Department of Finance. Adopted 10/20/2006.

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

Z&P - Your Committee, having under consideration the appeal filed by Randy Noecker from the decision of the Planning Commission denying the following applications for: a) a conditional use permit for 42 dwelling units; b) a variance to reduce the front yard setback from the established setback of 29 feet to 17 feet to allow the building to be constructed; and c) site plan review, for a proposed condominium building at 806 and 822 W 62nd St (Lucca Park), now recommends that said appeal be denied, and the applications be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted. Adopted 10/20/2006.

Z&P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, adding a new Chapter 581 providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan (boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the

centerline of Hennepin Avenue between 32nd St W and 36th St W), and establishing a waiver process, now recommends that said ordinance be given its second reading for amendment and passage.
Adopted 10/20/2006.

Ordinance 2006-Or-119 amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, adding a new Chapter 581 providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan (boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right of way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W), was adopted 10/20/2006 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-119
By Remington
Intro & 1st Reading: 9/22/2006
Ref to: Z&P
2nd Reading: 10/20/2006

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 581 relating to Interim Ordinances: Providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan. The proposed boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right-of-way, 31st St W, Calhoun Pkwy E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W.

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 581 to read as follows:

Chapter 581. Providing for a moratorium on building construction that exceeds the maximum height permitted as of right by the zoning code in the area of the Uptown Small Area Plan. The proposed boundaries include all parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right-of-way, 31st St W, Calhoun Pkwy E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W.

581.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

581.20. Findings and purpose. The city council is concerned about the scale of development projects in the area of the Uptown Small Area Plan and has enacted an interim ordinance in order to allow for the completion of a study to inform future development in this area. The Uptown Small Area Plan, along with appropriate revisions to the city's official controls, can ensure that the height of new development in the area will not undermine the future orderly development of the area. The city finds that this interim ordinance should be adopted to protect this planning process and the health, safety, and welfare of the citizens.

581.30. Zoning study. All parcels with frontage on both Hennepin Ave and Franklin Ave W; parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right-of-way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W., are hereby declared to be an interim zoning study area with respect to building construction that exceeds the maximum height permitted as of right by the zoning code. The planning division of the community planning and economic development department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the neighborhood organization, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

581.40. Restrictions. For a period of six (6) months from the date of introduction of this ordinance on September 22nd, 2006, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for building construction that exceeds the maximum height permitted as of right by the zoning code shall be allowed or granted by any city department for the study area consisting of parcels with frontage on Hennepin Ave south of Franklin Ave W and north of 28th St W; parcels within the area bounded by 28th St W, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way, Humboldt Ave S, and Bryant Ave S; parcels within the area bounded by the Midtown Greenway/HCRRA right-of-way, 31st St W, Calhoun Parkway E, and Bryant Ave S; parcels within the area bounded by 31st St W, 32nd St W, Holmes Ave S, and Fremont Ave S; and parcels which lie partially or completely within an area 150 feet east and west of the centerline of Hennepin Avenue between 32nd St W and 36th St W. These restrictions shall not apply to the issuance of permits for any of the following:

- (1) Development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date of this interim ordinance;
- (2) Development for which complete applications have been received by the planning division of the community planning and economic development department prior to the effective date of this interim ordinance;
- (3) Development of a height permitted as of right by the zoning code or to remodeling or renovation of existing buildings that does not involve an expansion to any vertical dimensions of the building that exceed a height permitted as of right.
- (4) Applications for amendment of an approved planned unit development where the height of any building that exceeds the height permitted as of right would not be increased.

581.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 10/20/2006.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Randy Noecker (BZZ-3177) to rezone the properties at 806 and 822 W 62nd St from R1 to the R5 District for a proposed 42-unit condominium building and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 10/20/2006.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Wells Fargo Bank, NA to vacate three storm sewer and sanitary sewer easements, subject to the legal documents and descriptions and the acceptance of newly deeded easements for the now-completed construction of the new, 220,000 sq. ft., commercial building and related improvements on the Wells Fargo Bank campus at 2701 Wells Fargo Way (#1454), 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 storm sewer and sanitary sewer easements.

Adopted 10/20/2006.

Resolution 2006R-539, vacating storm and sanitary sewer easements at 2701 Wells Fargo Way, Hennepin County, Minnesota, was adopted 10/20/2006 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-539

By Schiff

Vacating storm and sanitary sewer easements at 2701 Wells Fargo Way, Hennepin County, Minnesota (#1454).

Resolved by The City Council of The City of Minneapolis:

That all that portion of the Public Water Main, Storm Sewer, and Sanitary Sewer Easement, as described in Abstract Document No.874071, and recorded May 10, 1967, at Hennepin County, Minnesota; is hereby vacated.

That all that portion of the Water Main Easement described in Abstract Document No.882606, as filed and recorded August 2, 1967, at Hennepin County, Minnesota; is hereby vacated.

That all that portion of the Water Main Easement described in Abstract Document No.882607, as filed and recorded August 2, 1967, at Hennepin County, Minnesota; is hereby vacated.

That all that portion of the Water Main, Public Sewers and Storm Drain easement, and all that portion of Storm Sewer Easement, all as described in Abstract Document No. 3627085 (Torrens No.1445433) & Abstract Document No. 4248492, and recorded November 22, 1976, at Hennepin County, Minnesota, is hereby vacated.

That all that portion of the Public Water Main, Storm Sewer, and Sanitary Sewer Easement, as described in Torrens Document No.1443764, and recorded October 14, 1981, at Hennepin County, Minnesota; is hereby vacated.

That all that portion of the described Public Water Main, Storm Sewer, and Sanitary Sewer Easement, as described in Torrens Document No.1445430, and recorded October 14, 1981, at Hennepin County, Minnesota; is hereby vacated.

That all that portion of the Public Water Main, Storm Sewer, and Sanitary Sewer Easement, as described in Abstract Document No.4677646, and recorded October 14, 1981, at Hennepin County, Minnesota; is hereby vacated.

That all that portion of the Public Water Main, Storm Sewer, and Sanitary Sewer Easement, as described in Abstract Document No.4677647, and recorded October 14, 1981, at Hennepin County, Minnesota; is hereby vacated.

Adopted 10/20/2006.

Z&P – Your Committee concurs in the recommendation of the Planning Commission relating to the applications of the Minneapolis Institute of Arts (BZZ-3064) for parking, storage and office space, as well as other accessory museum uses at 2509 3rd Ave S, 321 25th St E, and 2516 Clinton Ave S, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the properties at 2509 3rd Ave S, 321 25th St E, and 2516 Clinton Ave S from R2B and R4 to the OR3 District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate an alley that has not been constructed, by passage of the accompanying resolution.

Adopted 10/20/2006.

Ordinance 2006-Or-120 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2509 3rd Ave S, 321 25th St E, and 2516 Clinton Ave S to the OR3 District, was adopted 10/20/2006 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-120
By Schiff
1st & 2nd Readings: 10/20/2006

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

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

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

That part of Lots 1 to 6, Block 2, R.D. Beede's 1st Addition to Minneapolis; and the north half of Lot 1, Block 11, Geo. Galpins Addition to Minneapolis; and a vacated alley described as follows: the south 12 feet of Lots 1 and 2, Block 2, R.D. Beede's 1st Addition to Minneapolis; all according to the recorded plat thereof, on file at Hennepin County, Minnesota. (2509 3rd Ave S, 321 25th St E, and 2516 Clinton Ave S - Plate 20) to the OR3 District.

Adopted 10/20/2006.

Resolution 2006R-540, amending Resolution No. 2006R-299 entitled "Vacating the portion of the alley on the block bound by Clinton Ave S, 26th St E, 3rd Ave S, and 25th St E", passed May 26, 2006, was adopted 10/20/2006 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-540

By Schiff

Amending Resolution No. 2006R-299 entitled “Vacating the portion of the alley on the block bound by Clinton Ave S, 26th St E, 3rd Ave S, and 25th St E (#1483)”, passed May 26, 2006.

Resolved by The City Council of The City of Minneapolis:

By correcting the legal description to read as follows:

That all that part of the alley described as the south 12 feet of Lots 1 and 2, Block 2, R.D. Beede’s 1st Addition to Minneapolis, according to the recorded plat thereof, on file at Hennepin County, Minnesota is hereby vacated.

Adopted 10/20/2006.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Bertha Ruiz (BZZ-3184) to rezone the properties at 2841 and 2845 16th Ave S by adding the Transitional Parking Overlay (TPO) District to the existing R2B and I1 Districts to permit a minor auto repair shop 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 10/20/2006.

Ordinance 2006-Or-121 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2841 and 2845 16th Ave S by adding the Transitional Parking Overlay District to the existing R2B and I1 Districts, was adopted 10/20/2006 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-121

By Schiff

1st & 2nd Readings: 10/20/2006

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

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

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

That part of Block 001, Lot 7, Allan & Andersons Addition to Minneapolis (2841 and 2845 16th Ave S - Plate 26) by adding the Transitional Parking Overlay (TPO) District to the existing R2B and I1 Districts.

Adopted 10/20/2006.

Z&P – Your Committee, having under consideration the 38th Street Station Area Plan for the vicinity of 38th St and the Hiawatha Ave light rail line, now concurs in the recommendation of the Planning Commission that said Plan be adopted as a small area plan, as amended by the documents entitled “Recommended Changes to the 38th Street Station Area Plan” and “38th Street Station Area Plan supplemental changes”, dated July 8th and September 18th, 2006, respectively, and as an articulation of and amendment to the City’s comprehensive plan policies related to *Transit Station Areas*, subject

to review and approval by the Metropolitan Council, and subject to the changes and implementation directives outlined in said Plan.

Adopted 10/20/2006.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, relating to Section 549.330 regarding regulated uses, to state that sexually oriented uses shall not be subject to Minnesota Statute Section 617.242, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 10/20/2006.

Ordinance 2006-Or-122 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending Section 549.330 regarding regulated uses, to state that sexually oriented uses shall not be subject to Minnesota Statute Section 617.242, was adopted 10/20/2006 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-122
By Schiff
Intro & 1st Reading: 7/21/2006
Ref to: Z&P
2nd Reading: 10/20/2006

Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.

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

Section 1. That section 549.330 of the above-entitled ordinance be amended to read as follows:

549.330. Regulated uses. All sexually oriented uses shall be subject to the regulations of this article and shall not be subject to Minn. Statute Section 617.242.

Adopted 10/20/2006.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts* to rezone portions of existing commercial, residential, office-residential, industrial, and downtown districts, their purpose, uses, floor area ratio premiums, and associated regulations to comply with the policies adopted and set forth by the Minneapolis City Planning Commission and the Minneapolis City Council in the *Downtown East/North Loop Master Plan*, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 10/20/2006.

Ordinance 2006-Or-123 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending Sections 549.10, Table 549-1, 549.230, 549.350, 549.410, 549.430, 549.450, 549.460, and 549.510, to rezone portions of existing commercial, residential, office-residential, industrial, and downtown districts, their purpose, uses, floor area ratio premiums, and associated regulations to comply with the policies in the *Downtown East/North Loop Master Plan*, was adopted 10/20/2006 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-123
By Schiff
Intro & 1st Reading: 10/10/2003
Ref to: Z&P
2nd Reading: 10/20/2006

Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.

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

Section 1. That section 549.10 of the above-entitled ordinance be amended to read as follows:

549.10. Purpose. The downtown districts are established to provide a range of retail, entertainment, office, employment, residential, institutional and governmental activities of citywide and regional significance. The regulations recognize the unique qualities of downtown as the business and cultural center of the region, as a community of high-density residential choices, and as a place where the combined environment ~~to~~ attracts businesses, workers, shoppers, visitors, tourists, and residents.

Section 2. That the following portions of Table 549-1 of the above entitled ordinance be amended to read as follows:

Table 549-1 Principal Uses in the Downtown Districts

Use	B4	B4S	B4C	Specific Development Standards
COMMERCIAL USES				
Commercial Recreation, Entertainment and Lodging				
Hotel	P	P	P	
Indoor recreation area	P	P	P	
Outdoor recreation area	C	C	C	✓
Radio or television station	P	P	P	
Reception or meeting hall	P	P	P	
Regional sports arena			P	
Sports and health facility, <u>major</u>	P	P	P	
<u>Sport and health facility, minor</u>	P	P	P	
Theater, indoor	P	P	P	✓
PUBLIC SERVICES AND UTILITIES				
Bus turnaround	C	C	C	
Electric or gas substation	C	C	C	
Fire station	C	C	C	
Garage for public vehicles			C	
Heating or cooling facility	C	C	C	
Mounted patrol stable			C	✓
Passenger transit station	<u>C</u>	<u>C</u>	C	
Police station	P	P	P	
Post office	P	P	P	
Pre-trial detention facility, adult			C	✓
Pre-trial detention facility, juvenile			C	✓
Railroad right-of-way	C	C	C	
Regional financial service center	P	P	P	
Stormwater retention pond	C	C	C	
Street and equipment maintenance facility			C	

Telephone exchange	P	P	P
Water pumping and filtration facility	C	C	C

Section 3. That section 549.230 of the above-entitled ordinance be amended to read as follows:

549.230. Limitations on premiums. The following limitations shall apply to floor area ratio premiums:

- (1) A zoning lot shall not qualify for more than two (2) small urban open space premiums and two (2) large open space premiums. The urban open space premium may be obtained by providing adjacent indoor and outdoor open space that in combination meets the minimum size and dimensional requirements for an urban open space, and that meets all of the other standards for such open space.
- (2) A zoning lot shall not qualify for more than two (2) interior through-block connection premiums.
- (3) A zoning lot shall not qualify for more than four (4) skyway connection premiums.
- (4) A zoning lot shall not qualify for more than two (2) street level retail premiums.
- (5) A zoning lot shall not qualify for more than two (2) public art premiums.
- (6) A zoning lot shall not qualify for more than one (1) freight loading terminal premium.
- (7) A zoning lot shall not qualify for more than four (4) sidewalk widening premiums.
- (8) A zoning lot shall not qualify for more than two (2) mixed-use residential premiums. The gross floor area of the dwelling units and related elevator shafts and stairwells qualifying for the mixed-use residential premium shall not be included in the calculation of total gross floor area of the zoning lot.
- (9) A zoning lot may qualify for a historic preservation premium or as a sending site for transfer of development rights pursuant to Article III, Transfer of Development Rights, but not both.
- (10) A zoning lot shall not qualify for more than one (1) energy efficiency premium.
- (11) A zoning lot in the B4S-1 District shall not qualify for more than five (5) premiums.

Section 4. That section 549.350 of the above-entitled ordinance be amended to read as follows:

549.350. Location restrictions. (a) *Zoning district requirements.* Sexually oriented uses shall be permitted only in the B4, B4S and B4C Districts, subject to the provisions of this article, except as otherwise provided in this section. However, no sexually oriented use shall be permitted on any property with its main public entrance on Nicollet Avenue, on any property located north/northwest of the centerline of the Burlington Northern Railway right-of-way, nor on any property located east/southeast of the centerline of Fifth Avenue South. In addition, a massage parlor, rap parlor or sauna may be allowed as a conditional use in the C4 General Commercial District, subject to the provisions of this article and Chapter 525, Administration and Enforcement.

(b) *Distance requirements.* No sexually oriented use shall be allowed within one thousand (1,000) feet of a residence district or office residence district, or within five hundred (500) feet of a religious institution place of assembly, a child care center established prior to November 1, 1986, a public library, a public educational facility that serves persons age seventeen (17) or younger, or a school, grades K—12. Distances shall be measured in a straight line from the lot line of properties in a residence or office residence district and from the main public entrances of uses.

(c) *Spacing of sexually oriented uses.* Only one (1) sexually oriented use shall be allowed per block face.

Section 5. That section 549.410 of the above-entitled ordinance be amended to read as follows:

549.410. General district regulations. The following conditions govern uses in the B4 District:

- (1) *Drive-through facilities prohibited.* Drive-through facilities shall be prohibited.
- (2) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided that speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- (3) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use. The storage and dispensing of fuels and outdoor display is prohibited.

- (4) *Production, processing and storage.* Limited production and processing uses shall be limited to one thousand two hundred (1,200) square feet of gross floor area. Other production, processing and storage uses shall be limited to four thousand (4,000) square feet of gross floor area.
- (5) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. Principal parking garages shall have all parking spaces located entirely below grade except where the garage includes integrated transit facilities within the structure.

Section 6. That section 549.430 of the above-entitled ordinance be amended to read as follows:

549.430. Purpose. The B4S Downtown Service District is established to provide an environment that promotes the development of mixed-use neighborhoods in a higher density, transit- and pedestrian-oriented, urban environment for with a wide range of retail and office activities and high density residential uses and hotels. The B4S District also allows as well as supportive goods and services not allowed in the B4 District. The B4S District encourages residential uses and hotels.

Section 7. That section 549.450 of the above-entitled ordinance be amended to read as follows:

549.450. Building bulk requirements. The B4S District is divided into two subdistricts for building bulk requirements: In the B4S-1 District and the B4S-2 District. The minimum and the maximum floor area ratio of all structures in the B4S District shall be as specified in Table 549-5, B4S Downtown Service District Building Bulk Requirements, eight (8) for hotels and dwellings, and four (4) for all other uses. In the B4S-2 District the maximum floor area ratio of all structures shall be eight (8).

Table 549-5 B4S Downtown Service District Building Bulk Requirements

<u><i>B4S-1 District</i></u>	<u><i>B4S-2 District</i></u>
<u><i>Minimum floor area ratio</i></u>	<u><i>Minimum floor area ratio</i></u>
<u>2.0 (Non-residential)</u>	<u>2.0</u>
<u>2.0 (Dwellings & Hotels)</u>	
<u><i>Maximum floor area ratio</i></u>	<u><i>Maximum floor area ratio</i></u>
<u>4.0 (Non-residential)</u>	<u>8.0</u>
<u>8.0 (Dwellings & Hotels)</u>	

Section 8. That section 549.460 of the above-entitled ordinance be amended to read as follows:

549.460. General district regulations. The following conditions govern uses in the B4S District:

- (1) *Drive-through facilities permitted.* Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading prohibited in the B4S Districts.
- (2) *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided that speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- (3) *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use. The storage and dispensing of fuels and outdoor display is prohibited.
- (4) *Production, processing and storage.* Production, processing, and storage uses shall be limited to four thousand (4,000) square feet of gross floor area.
- (5) *Parking garages.* The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. Principal parking garages shall have all parking

spaces located entirely below grade except where the garage includes integrated transit facilities within the structure.

Section 9. That section 549.510 of the above-entitled ordinance be amended to read as follows:

549.510. General district regulations. The following conditions govern uses in the B4C District:

- (1) Drive-through facilities permitted. Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading.
- (2) Outdoor speakers permitted. Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- (3) Production, processing and storage.
 - a. In general. Production, processing and storage uses shall be limited to thirty thousand (30,000) square feet of gross floor area.
 - b. Hazardous materials. Warehousing and distribution uses shall not include the storage of hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use, except as provided in Chapter 535, Regulations of General Applicability, regarding the storage of Class I flammable liquids, flammable gases and flammable liquefied gases.
- (4) Parking garages. The ground floor of principal and accessory parking garages shall have commercial, residential, office, or hotel uses located between the parking garage and any public sidewalk except where frontage is needed to provide vehicular and pedestrian access to the facility. Principal parking garages shall have all parking spaces located entirely below grade except where the garage includes integrated transit facilities within the structure.

Adopted 10/20/2006.

MOTIONS

Samuels introduced the subject matter of an ordinance amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (to allow for administrative citations to be issued to violators; to include required fees as part of the director's fee schedule; to allow for assessments to be made against the property, and to allow for assessments and a connection to storm drain as a means for compliance; and removing the reference to the appeals process, and creating a new Rainleader Disconnect Program appeals and time extension appeals panel process). Schiff moved to amend the agenda to include under Motions the Wine License Application for La Vina Restaurant and Bar, 3404 Cedar Av S. Seconded.

Adopted 10/20/2006.

Schiff moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the application submitted by La Vina Restaurant and Bar, 3404 Cedar Av S, for an On-Sale Wine Class D with Strong Beer License. Seconded.

Adopted 10/20/2006.

Schiff moved to grant the application of La Vina Inc, dba La Vina Restaurant & Bar, 3404 Cedar Av S for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2007, subject to the following conditions:

- a. hours of operation shall be Monday through Thursday until 10:00 p.m.; and Friday through Sunday until 1:00 a.m.
- b. the licensee will work with the Department of Public Works and pay for installation of seasonal alley speed bumps.
- c. lighting will be improved and spaces between adjacent buildings controlled for crime prevention.

Seconded.

Adopted 10/20/2006.

RESOLUTIONS

Resolution 2006R-541, honoring David Nasby for his service as a member of the Minneapolis Private Industry/Workforce Council, was adopted 10/20/2006 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-541

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

Honoring David Nasby for his service as a member of the Minneapolis Private Industry/Workforce Council.

Whereas, David Nasby has a long and distinguished history as a member of the Minneapolis Private Industry/Workforce Council for 20 years, and as Chair for 18 years; and

Whereas, David has endured many iterations of employment and training programs over the years including Comprehensive Employment and Training Act (CETA), the Job Training Partnership Act (JTPA), and now the Workforce Investment Act (WIA); and

Whereas, David has played an integral role in developing an effective network of community based service delivery organizations within the City of Minneapolis; and

Whereas, under David's leadership, the Minneapolis Employment and Training Program has earned numerous awards, commendations, certificates of appreciation and recognition for outstanding service delivery, efficiency, and effectiveness; and

Whereas, David has earned the respect of his colleagues in employment in training for his unwavering commitment to the principles of locally controlled and community responsive service delivery system;

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

That we commend David Nasby for his years of outstanding service and his commitment to delivering world class employment and training services to the residents and employers in Minneapolis.

Be It Further Resolved that we wish David much happiness and good health in his future endeavors.

Adopted 10/20/2006.

Resolution 2006R-542, endorsing a leadership and accountability framework for ensuring Minneapolis is a Safe Place to Call Home and supporting principles for safe City leadership, for utilization by the Executive Committee and the Public Safety & Regulatory Services Committee to evaluate the performance of the Chief of Police and to be incorporated as appropriate in the Business Plan of the Minneapolis Police Department, was adopted 10/20/2006 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-542

By Glidden, Gordon, Hodges, Remington, Samuels, Ostrow, Lilligren, Schiff and Hofstede

Endorsing a leadership and accountability framework for ensuring Minneapolis is a Safe Place to Call Home.

Whereas, it is Minneapolis' goal to ensure our City is a "Safe Place to Call Home;" and

Whereas, the City's adopted strategies to make Minneapolis a "Safe Place to Call Home" include "Guns, Gangs, Graffiti Gone" and "Crime Reduction: Community Policing, Accountability & Partnership;" and

Whereas, crime in Minneapolis has increased in 2005 and 2006, with violent crimes involving guns such as homicide, robbery, and aggravated assault showing the largest increases; and

Whereas, the Minneapolis Police Department (MPD) must have a long-term strategy and vision for public safety throughout the entire city, as well as short-term solutions to emerging issues, in order to make Minneapolis a "Safe Place to Call Home;" and

Whereas, community faith in a police department that is managed internally with integrity and fairness is a key component to ensuring Minneapolis is a "Safe Place to Call Home," thus creating an environment where more people are willing to report crimes and cooperate with police investigations; and

Whereas, ensuring Minneapolis is a "Safe Place to Call Home" requires cooperation by multiple departments, the City Council, the Mayor, and organizational and community partners in setting shared criminal justice priorities;

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

That the City of Minneapolis supports the following principles for Safe City Leadership:

1. Incorporate the City's strategies of "Guns, Gangs, Graffiti Gone" and "Crime Reduction: Community Policing, Accountability & Partnership;" into the Department's five-year business plan.
2. Commit to working collaboratively with the Civilian Review Authority (CRA) to reach a shared goal of 100% MPD discipline of sustained CRA complaints and report jointly to the Council on a quarterly basis the number of IA and CRA complaints received, sustained, and the level of discipline imposed.
3. Review and report findings and recommendations to Public Safety & Regulatory Services regarding the MPD's early warning system to ensure it reflects best practices for identifying officers who may be having problems on the job, intervention systems for those officers, and post-intervention monitoring of identified officers. This early warning system should centralize data from a range of performance criteria that includes but is not limited to resident complaints.
4. Adhere to the Council-adopted plans to diversify the MPD workforce through hiring, promotion and appointment, and retention policies, including as described in the Federal Mediation Agreement.
5. Commit to end racial profiling as described by the Federal Mediation Agreement by continuing to collect data, adopt explicit policy and procedure to end racial profiling, provide anti-racism training for officers, and set goals for racial profiling tracking and reduction which shall be reported to Public Safety & Regulatory Services.
6. Implement a community policing plan and set long-term policy and practice changes to improve police-community relations with all communities, which includes working with the Council and Mayor to determine funding for the plan and presenting periodic reports on the plan to Public Safety & Regulatory Services.
7. Adopt department performance measures and outcomes that aren't solely about crime rates and reflect these in the Department's business plan. Such performance measures should include:
 - Case clearance rate goals
 - Arrest rate goals
 - Goals for number of cases charged
 - Develop performance measures to improve city and neighborhood livability as it relates to crime
8. Utilize, evaluate, and improve risk management practices to reduce city liability for police misconduct and other issues
9. Complete all items in the Federal Mediation Agreement and continue to provide regularly scheduled progress reports to Public Safety & Regulatory Services Committee.
10. Honor the Chief's commitment to ongoing communication with the Minneapolis City Council by attending the Public Safety and Regulatory Safety Committee as able and requested.

Be It Further Resolved that these principles will be utilized by the Executive Committee and the Public Safety & Regulatory Services Committee to evaluate the performance of the Chief of Police and will be incorporated as appropriate in the Business Plan of the Minneapolis Police Department.

Adopted 10/20/2006.

UNFINISHED BUSINESS

IGR - Your Committee, having under consideration ordinances amending the Minneapolis City Charter by establishing a Department of Public Works and creating the position of Director of Public Works, and having conducted a public hearing thereon, now concurs in the recommendation of the Minneapolis Charter Commission that the accompanying ordinances be given their second reading for passage by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes Section 410.12, Subd 7:

a) Chapter 3 relating to Powers and Duties of Officers as follows: Amending Section 4, amending the power of the executive committee on appointments and removals; Section 8, amending the existence of the City Engineer as the head of the Public Works Department by creating a Department of Public Works and a Director of Public Works; Section 9, amending the powers of the City Engineer and providing the duties and powers of the Director of Public Works; and Section 10, amending the maintenance of surveys, plans and estimates;

b) Chapter 8 relating to Public Highways and Bridges as follows: Amending Section 2, amending the way profiles and grades are maintained and the staff who will provide advice to the Commissioners; Section 6, repealing so that the City Engineer is not responsible for grading and construction of public ways; Section 7, amending so that the Director of Public Works cannot have interest in contracts; Section 8, amending who is prohibited from accepting bribes; Section 13, amending by providing duties of the Director of Public Works regarding the repair of sidewalks; Section 14, amending by providing the Department of Public Works is responsible for sidewalk repairs; and Section 22, amending the location of copies of plats;

c) Chapter 9, Section 5 relating to Water Works, amending the location for the preservation of records and the certification of the cost of construction;

d) Chapter 10 relating to Local Improvements—Assessments, as follows: Amending Section 1, amending the process for proposing suitable land for public improvements; Section 5, amending the street improvement process by having the Department of Public Works provide advice and assistance instead of the Engineer; Section 8, amending the local improvement process by having the Department of Public Works provide assistance instead of the Engineer; Section 10, amending the sidewalk building process by having the Department of Public Works provide a description of property and cost estimate instead of the Engineer; Section 15, amending who certifies that an improvement has been made by the owner of a property; and Section 29, amending who must work with the Auditor regarding improvements;

e) Chapter 16 relating to Parks and Parkways, as follows: Amending Section 2, amending the location for the filing of plats of the Park and Recreation Board; Section 3, amending the location for the filing of plats for land condemned by the Park and Recreation Board; and Section 15, amending reference to the process used by the City in building sidewalks and assessing for the construction; and

f) Chapter 19, Section 4 relating to Civil Service, amending the unclassified service to include the Director of Public Works and eliminate the City Engineer.

Adopted 10/20/2006.

ORDINANCE 2006-Or-124

By Glidden

Intro & 1st Reading: 8/18/2006

Ref to: IGR

2nd Reading: 10/20/2006

Amending Chapter 3 of the Minneapolis City Charter relating to Powers and Duties of Officers, amending the power of the executive committee on appointments and removals; amending the existence of the City Engineer as the head of the Public Works Department by creating a Department of Public Works and a Director of Public Works; amending the powers of the City Engineer and providing the duties and powers of the Director of Public Works; and amending the maintenance of surveys, plans and estimates (Charter Amendment No 161A).

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

Section 1. That Chapter 3, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Executive Committee. There is hereby established an executive committee consisting of the Mayor, the President of the City Council, and up to three additional members of the City Council to be chosen by the Council; provided, however, that not all of the members of the executive committee shall be of the same political party, unless the Mayor and all of the members of the City Council shall be members of the same political party. The executive committee shall establish its own rules and procedures. It shall be chaired by the Mayor.

Notwithstanding any other provision of this Charter or special law to the contrary, the executive committee shall have the exclusive power to appoint and remove during their terms of office the Police Chief, Fire Chief, ~~City Engineer~~, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, and any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any public board the majority of whose members are members of the City Council. An appointment or removal shall be effective only upon approval by action of the City Council taken in compliance with the requirements of Chapter 2, section 2, and Chapter 3, section 1 of this Charter. When considering an appointment or removal the executive committee shall follow procedures prescribed by ordinance or resolution of the City Council which may include provision for participation by members and committees of the City Council, but in the case of an appointment such procedures may not impose a limitation on the candidates to be considered by the executive committee.

All appointments by the executive committee shall be made from nominations submitted by the Mayor. If after three nominations or if within ninety days after a position becomes vacant, the Mayor has failed to gain an executive committee appointment and Council approval to fill the position, a majority of the executive committee may submit in writing to the Mayor a list of at least three qualified persons from which the Mayor shall nominate a person to fill the position. If that nomination fails of approval, the executive committee may submit a new list of three qualified persons and the Mayor shall again nominate from such list, and these steps shall be repeated until a nomination results in an appointment and in its approval by the Council. If the Mayor fails to nominate from a list within twenty days after receipt thereof, then a majority of the executive committee may appoint from such a list.

A person holding an office or seat filled by appointment by the executive committee who has not been reappointed and approved by the City Council within six months after expiration of his or her term shall vacate the office or seat and shall remain vacant until a new appointment is made and confirmed. The executive committee may designate someone to fill the vacated office on a temporary basis for a period not to exceed ninety days.

The executive committee may suspend without pay any officer appointed by it in the unclassified service for a period not to exceed five (5) working days at one time, and for longer periods with the approval of the City Council.

Further duties of the executive committee shall be only as prescribed by ordinance or resolution of the City Council.

Section 2. That Chapter 3, Section 8 of the Minneapolis City Charter be amended to read as follows:

Section 8. ~~City Engineer—Assistant Engineer~~ Department of Public Works – Director of Public Works—Compensation. There shall be appointed by the City Council a ~~City Engineer~~, who shall be a registered professional engineer. ~~The City Engineer may by and with the consent of the City Council employ such assistants as may be necessary. The City Engineer's office shall be at some convenient place in said city, and the City Council shall prescribe the duties and compensation of the City Engineer and the compensation of all assistants employed by the City Engineer.~~

~~The City Engineer may appoint an Assistant City Engineer who shall assist in the duties of the office, and act as City Engineer in the absence or inability of the City Engineer to act.~~

There shall be in the City of Minneapolis a department of the City to be known as the "Department of Public Works." The Director of Public Works shall be the head of such department and shall have the control, supervision and direction of all matters of such department. The Director of Public Works shall be appointed and removed by the City Council and Mayor as provided for in Chapter 3, Section 4, of this Charter. The Director of Public Works shall be neither in the classified service nor subject to the provisions of Chapter 19 of this Charter.

If the person appointed to the Director of Public Works is a member of the classified service, such person shall be deemed to be on leave of absence from such classified position while serving in such appointive position and upon termination of such service shall be returned to the permanent civil service classification from which such leave was taken and if no vacancy is available in such civil service classified position, seniority shall prevail and the person most recently certified to such position shall be returned to the civil service classification held by that person prior to such certification.

Section 3. That Chapter 3, Section 9 of the Minneapolis City Charter be amended to read as follows:

Section 9. The City Engineer Director of Public Works—Duties and Powers. The City Engineer Director of Public Works shall have supervision and general charge of all work done for the Department of Public Works. ~~city and of all work done on any street, highway or alley in the city, may direct the manner of performing such work, and the construction of all sidewalks, street crossings, bridges or other structures in or upon such streets, may suspend any such work or construction as shall not conform to the City Engineer's requirements or those of the City Council, and shall take care that the terms of all contracts for any work or construction in behalf of the city are fully complied with.~~

Section 4. That Chapter 3, Section 10 of the Minneapolis City Charter be amended to read as follows:

Section 10. City Engineer—Plans and Surveys Made by City Engineer—City Property. All surveys, profiles, plans and estimates made by the City Engineer or assistants, for the city; shall be the property of said city and shall be carefully preserved pursuant to records retention law. ~~in the office of the Engineer, open to the inspection of parties interested, and the same, together with all the books and papers pertaining to said office, shall be delivered over to [by] the City Engineer at the expiration of his or her term of office, to the City Engineer's successor or to the City Council.~~

Adopted 10/20/2006.

(Republished 1/13/2007)

ORDINANCE 2006-Or-125

By Glidden

Intro & 1st Reading: 8/18/2006

Ref to: IGR

2nd Reading: 10/20/2006

Amending Chapter 8 of the Minneapolis City Charter relating to Public Highways and Bridges, amending the way profiles and grades are maintained and the staff who will provide advice to the Commissioners; Repealing Section 6, “[City Engineer to Superintend All Grading and Construction of Public Ways.]”; amending to provide that the Director of Public Works shall have no interest in contracts; amending who is prohibited from accepting bribes; amending by providing duties of the Director of Public Works regarding the repair of sidewalks; amending by providing the Department of Public Works is responsible for sidewalk repairs; and amending the location of copies of plats (Charter Amendment No 162).

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

Section 1. That Chapter 8, Section 2 of the Minneapolis City Charter be amended to read as follows:

Section 2. Street Grades. The City Council shall have power to establish the grade of any street when such grade has not been established, and may by vote of two-thirds of the members of the Council [to] change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the ~~office of the City Engineer~~ Department of Public Works.

Whenever the grade of any street shall be established or changed by the City Council, the owner of abutting property may file with the City Clerk, within twenty days after said City Council shall so vote to establish or change the grade of any such street in front of any such abutting property, notice that the owner will claim damages by reason of such establishment or change of grade in front of the said abutting property, giving the description of the land and the buildings thereon, together with the amount of the value of such land and buildings, in the owner's judgment, and the amount of the alleged damages which such establishment or change of grade will, in the owner's judgment, cause to the said land and buildings, which notice shall be sworn to and shall be accompanied by the certificate of the City

Assessor of said city of the value in the City Assessor's judgment of such land and buildings, and of the damages which in the City Assessor's judgment such establishment or change of grade will cause to said land and buildings and said City Assessor shall examine said buildings and land, and said change of grade, as so voted, and make said certificate on the request of the owner of such property. After the expiration of said twenty (20) days and within thirty (30) days after the expiration of said twenty (20) days, if said City Council shall, from the amount of damages claimed by such notices, deem it unwise to establish such grade or to make such change of grade of such street, it may reconsider the vote by which such establishment or change of grade was made, which reconsideration of such vote shall be by a majority of all the members of said City Council. But if no such reconsideration of such vote shall be had within fifty (50) days after the vote of said City Council so establishing or changing the grade of said street, where damages are so claimed, or if on such reconsideration two-thirds ($\frac{2}{3}$) of the members of the Council shall again vote for such establishment or change of grade, then after the expiration of six months after the work of grading such street shall have been fully completed, said City Council shall appoint five free-holders of said city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of such abutting property and permanent buildings who have so filed such sworn notices and certificates of such City Assessor, and to assess the amount of such damages and compensation upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. It shall take at least four of said Commissioners to make any award of damages, and they shall be notified of their appointment, and vacancies in their number shall be filled in the same manner, and they shall take the same oath as is provided in the case of Commissioners appointed under Section three (3) of Chapter ten (10) of this Charter.

They shall give notice by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the lands and buildings which it is claimed shall have been damaged by such establishment or change in the grade of such street, and view the same, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay such compensation and damage, and that they will then and there hear such allegations and proofs as interested persons may offer, and such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time after having viewed the premises, and may for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of ~~the City Engineer~~ staff of the Department of Public Works and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose land or buildings shall have been damaged by such establishment or change of grade of such street. But if the remainder of such land or of the property on which said buildings stand, or the remainder of the lot or parcel connected therewith, shall be benefited by such establishment or change of grade of such street, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award the owner only the excess of the compensation or damages over and above such benefits. The said Commissioners shall then assess the amount of such compensation and damages so awarded upon the land and real property benefit[ed] by such change of grade, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land, or other real property so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisal and award, and if, in the judgment of said Commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said Commissioners shall also report to the City Council an assessment list containing their assessment

of such compensation and damages, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed thereon and the amount of the excess of such compensation and damages aforesaid, which they shall return unassessed. Said report shall be presented by said Commissioners to the City Clerk of said City, who shall give notice by one publication in the official paper of said City that said report and assessment list will be presented to said City Council for confirmation at the next meeting or session of said Council occurring at least one week after the publication of such notice, at which meeting or at any subsequent meeting or session of said Council, the City Council may act upon such report and hear any complaint touching any such award or assessment, or it may refer the matter to a committee of the Council to hear such complaints and report thereon. The Council may confirm such award and assessment, or either, or send the same back to the same Commission for further consideration; and the Commissioners may in such case again, upon giving notice, published once in the official paper of said City, meet at any time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessments and alter and revise the same as they shall deem just and again report the same to the City Council, who may thereupon confirm or annul the same, or said City Council may appoint a new Commission, with like powers, duties and obligations of the first Commission to make such assessment and awards, and to report the same to said City Council in like manner that the first Commission might do, and when the report and assessment lists are finally confirmed by the City Council, such confirmation shall make such award and assessment final and conclusive upon all parties interested. And the City Council shall proceed, at the same time or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the Commissioners in accordance with the assessment so confirmed, and cause to be made, and adopt, an assessment roll of the same which may be in any form which said City Council may adopt, and from which award and assessment as so confirmed by said City Council the owner of an affected parcel may appeal to district court by serving notice of appeal upon the Mayor or the City Clerk within thirty (30) days after the City Council has adopted the assessments and by filing the notice with the clerk of district court within ten (10) days after its service; and the City Clerk, under the instruction of the City Council, shall make and prepare all forms necessary to carry out the provisions of this Section. Provided, that no award shall be greater than the amount so claimed in the sworn notice so filed by any person with said City Clerk. And provided, further, that the damages and compensation so to be awarded shall be the damages and compensation which shall be apparent at the end of six (6) months after the final completion of the work of the grading of such street.

Section 2. That Chapter 8, Section 6 of the Minneapolis City Charter be and is hereby repealed:

~~Section 6. [City Engineer to Superintend All Grading and Construction of Public Ways.] The City Engineer, in addition to other duties, personally and by and through the assistants and employees under the City Engineer in the Engineering Department of the City and under the direction of said City Engineer shall superintend and have general charge and control of all work of grading, and the laying and construction of sidewalks and crosswalks, and of all work ordered by the City Council to be done, in or upon the public streets, avenues, alleys and public grounds in the City of Minneapolis, including the installing and maintaining of street signs and traffic signs and signals therein, and removing ice and snow therefrom, and of all work of sprinkling the public streets, highways, avenues, alleys and public grounds of the City with water, oil or other materials, and of all street sweeping, cleaning and flushing in the City, and of all equipment and machinery of the City or any subdivision thereof now or hereafter in use or usable for making or doing the street work and improvements above mentioned; and shall see that all sidewalks and streets in the City which have been graded and opened for traffic are kept clear of obstructions and in such repair as to be safe and passable; and the City Finance Officer shall cause to be kept correct books of account showing in detail the actual cost and expense of all street work done and street improvements made by the City Engineer or under the directions of the City Engineer under the provisions of this section; and the City Engineer shall, upon request, furnish the City Finance~~

Officer all data and information necessary to enable the City Finance Officer to properly keep such books of account and distribute all disbursements for said purposes to the proper City Funds.

Section 3. That Chapter 8, Section 7 of the Minneapolis City Charter be amended to read as follows:

Section 7. [Engineers Director of Public Works to Have No Interest in Contracts.] Neither the City Engineer Director of Public Works nor any assistants or employees in the Engineering Department of Public Works of the City shall be interested in any contract for any work to be done under their charge or for any materials furnished therefor; or shall be allowed or shall receive any compensation for the use of any vehicle or item of equipment owned by them or in which they shall have any interest, or for any material or labor furnished by them, except the salary and compensation allowed and paid them as officers or employees of the City and for defraying the cost and expenses incurred in the performance of their duties as officers or employees of the City; or shall receive directly or indirectly any commission, gratuity, money or valuable thing from any person doing work or furnishing material for any work or construction ~~under the charge of the City Engineer or done by~~ assistants or employees under the City Engineer of the Department of Public Works.

Section 4. That Chapter 8, Section 8 of the Minneapolis City Charter be amended to read as follows:

Section 8. Acceptance of Bribes. If any City Engineer or any other officer of the city shall have any interest in any contract work or construction done pursuant to this Chapter, all such contracts shall be void and all such work done, and material furnished or supplied for the use of the city shall be forfeited, and every such City Engineer or other officer who shall accept any gift or gratuity or any commission from any person having contracts with said city, or furnishing material or performing labor under the provisions of this Chapter, which contract, material or labor shall be under the charge or supervision of such Engineer or other officer, or subject to acceptance by ~~such officer, them, or either of them,~~ shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

Section 5. That Chapter 8, Section 13 of the Minneapolis City Charter be amended to read as follows:

Section 13. Sidewalk Repairs. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the City Engineer Director of Public Works to ~~ensure the~~ repair of the same within a reasonable time in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be carefully filed and preserved by the City Clerk; and the City Council shall once in each year, at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided for in Chapter ten of this Charter. In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the City Engineer Director of Public Works to ~~remove~~ ensure the removal of the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.

Section 6. That Chapter 8, Section 14 of the Minneapolis City Charter be amended to read as follows:

Section 14. Funds for Sidewalks. Monies to build or repair sidewalks, when the same shall be done by the City Engineer Department of Public Works or a city contractor under this Chapter may be advanced from the Permanent Improvement fund, to be reimbursed by the special assessment when collected.

Section 7. That Chapter 8, Section 22 of the Minneapolis City Charter be amended to read as follows:

Section 22. Council to Accept or Reject Plats. Whenever any person shall subdivide any lot or piece of ground within said city district that person shall cause the same to be surveyed and platted in accordance with the provisions of the general statutes of the State of Minnesota, and when the survey and plat are so completed and acknowledged, it shall be presented to the City Council. All plats

presented to said City Council for acceptance and approval must be drawn in triplicate on such material and of such size as the City Council may direct by ordinance. Said City Council may accept or reject said plats, or direct them to be changed or modified in such manner as it shall deem expedient. Whenever any plat is accepted and approved by said Council the City Clerk shall so certify upon one (1) of said plats, which shall be the original plat to be recorded, and certify the other two (2) to be copies of the one accepted and approved by the said City Council. The original plat and one (1) of said copies shall be presented to the Register of Deeds of Hennepin County for record and the other copy shall be filed in the ~~office of the City Engineer~~ Department of Public Works. Whenever said plats shall be presented to the Register of Deeds for record, as provided by the general statutes, the original plat so certified by the City Clerk as accepted and approved by the City Council shall be filed of record as the original plat; the other shall be certified by said Register of Deeds as a true and correct copy of the original plat. The plat filed as the original shall only be open to inspection in the presence of the Register of Deeds or one (1) of the Register of Deeds' deputies. The certified copy shall always be open to the inspection of the public during business hours. All the provisions of the general statutes, in respect to the manner of filing town plats, shall be applicable to said city or city districts, but said Register of Deeds shall exhibit to any person, free of cost, such original plat on request of any person.

Adopted 10/20/2006.

ORDINANCE 2006-Or-126
By Glidden
Intro & 1st Reading: 8/18/2006
Ref to: IGR
2nd Reading: 10/20/2006

Amending Chapter 9, Section 5 of the Minneapolis City Charter relating to Water Works, amending the location for the preservation of records and the certification of the cost of construction (Charter Amendment No. 163).

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

Section 1. That Chapter 9, Section 5 of the Minneapolis City Charter be amended to read as follows:

Section 5. Branch Pipes and Sewers. The City Council may at all times regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines both public and private.

The City Council may, too, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent future tearing up of streets or for any other reason, determine in the case of each main line, or of any specified portion of a main line, the location, number and manner of construction of such branch lines, providing in its discretion one (1) or more for each distinct lot or parcel of land, or one (1) for two (2) or more adjacent lots or parcels of land may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted, shall thereafter be preserved in the office of the ~~City Engineer~~ Department of Public Works, and may thereupon whether such main line has already been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by the private parties interested, from a connection with the main line to the line of the street. Whenever the City Council constructs one or more such branch pipes or sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs without regard to the valuation or frontage of such lot or parcel of land, but in case one (1) branch is to serve two (2) or more lots or parcels of land, it shall assess the whole cost of the same upon all the lots or parcels of land to be served by it, an equal sum per front foot without regard to valuation. The cost of such branches may be assessed and collected in advance of their construction as in case of other improvements, in which case the cost shall be estimated and fixed in manner substantially like the way pointed out by Section eight (8), Chapter ten (10) of this Charter, for the improvements therein specified, with such variances in the matters to be reported, and in the other

details as shall be suggested by the different character of the improvement; or such branches may be determined upon and forthwith constructed without prior estimate or other proceedings, in which case the actual cost of construction, ~~certified to by the City Engineer~~ and approved by the City Council shall be assessed, after the completion of the same, against the private property as above specified. In either case the assessment shall be made and collected substantially as provided in case of other improvements. The City Council may, however, in case it constructs any branch at the time it constructs the main line, assess in the manner above named the whole cost thereof, and add the same to and include it with the assessment for the main line.

The City Council may, subject to such terms, and under such regulations as it may fix, require all persons using an area or any space within the lines of any street, to permit to be laid within such area or space all necessary branch pipes, both water and gas, and branch sewers to a connection with other branches, and also to be laid therein inclosed in tubes or otherwise sufficiently protected, any and all electric and other wires it may at any time require laid beneath the surface of the street. And in the future no permits for the excavation or use of any area or space within the lines of a street shall be given except upon condition that it may be used by others in the manner and for the purposes above named; and to place therein any hydrant or other part of the water works of said city.

Adopted 10/20/2006.

ORDINANCE 2006-Or-127
By Glidden
Intro & 1st Reading: 8/18/2006
Ref to: IGR
2nd Reading: 10/20/2006

Amending Chapter 10 of the Minneapolis City Charter relating to Local Improvements — Assessments, amending the process for proposing suitable land for public improvements; amending the street improvement process by having the Department of Public Works provide advice and assistance instead of the Engineer; amending the local improvement process by having the Department of Public Works provide assistance instead of the Engineer; amending the sidewalk building process by having the Department of Public Works provide a description of property and cost estimate instead of the Engineer; amending who certifies that an improvement has been made by the owner of a property; and amending who must work with the Auditor regarding improvements (Charter Amendment No 164).

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

Section 1. That Chapter 10, Section 1 of the Minneapolis City Charter be amended to read as follows:

Section 1. Grounds for Public Improvements. Whenever the City Council shall consider it necessary to procure grounds for any public grounds, engine houses, markets, or public buildings, or for water works, or any water-power for water works, or the right to take from any dam or pond, reservoir or other part or portion of the waters of the Mississippi River, whether the same be private or public property or rights, any and all water necessary or convenient for the purpose of being forced through the conduits, aqueducts, mains, pipes or branch pipes in the City of Minneapolis, or through any part thereof, for the benefit and use of the inhabitants and people residing at or being in the City of Minneapolis, and for the use of said City; or the right to lay intake pipes from any pump station in the City of Minneapolis belonging to said water works, through any mill dam, mill pond, whether above, through or below water, or through the bed or bottom of any such mill dam or mill pond, or through any private real estate, whether same be water or land, or interests in any water power or water reservoir, and to lay and maintain said intake pipe or pipes, and to construct the necessary cribs and other protections of every kind necessary to lay or to protect any such intake pipe or pipes, anywhere in the Mississippi River, or the islands therein or land adjoining thereto; and the right to construct dams and reservoirs, and wing dams, anywhere in said river, whether within or above other dams, ponds or reservoirs, the City Council shall appoint a committee of not less than three of its members, who,

together with the City Engineer Department of Public Works, shall make examination and propose to the City Council a location and description of land suitable for such public grounds, engine houses, market, or other public building, or for water works as the case may be, and if for water works, the amount of water power deemed necessary to be taken and appropriated, and the most convenient manner of taking and using the same, and present to the City Council a plat of the land proposed to be taken, and in their report shall show, so far as the committee shall deem necessary, what canals, tunnels, buildings or structures can be used in the appropriation, and any other matter which the committee shall deem proper for the information of the Council, and such committee may present for the consideration of the Council more than one location and plat.

Section 2. That Chapter 10, Section 5 of the Minneapolis City Charter be amended to read as follows:

Section 5. Street Improvements. Whenever the City Council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now or hereafter exist, or to lower, raise, change the course of, or divert any stream of water, or any ditch or drain, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the City Engineer Department of Public Works to make and present to the Council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the Engineer Department of Public Works can readily ascertain the same, and such statement as may in the opinion of the Engineer Department of Public Works be proper to explain such plat and survey and the character and extent of the proposed improvement, and the Engineer's Department of Public Works' estimate of the cost of such improvement, if it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, and the City Council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement, if it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain.

When such plat and survey shall be finally adopted by the City Council, it shall be filed with the City Clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the City Council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvement.

The City Council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement, where it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Three or more of such Commissioners shall constitute a quorum and be competent to perform any duty required of such Commissioners; and they shall be notified of their appointment, and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of Commissioners appointed under section three of this Chapter. They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the City Clerk, for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and damage and the cost of making the improvement, where it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, and that they will then and there hear such allegations and

proof as interested persons may offer. And such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of ~~the City Engineer~~ an officer of the Department of Public Works and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award the owner only the excess of the compensation or damages over and above such benefits.

The said Commissioners shall then assess the amount of such compensation and damages so awarded, upon the land and property benefited by such proposed improvements, together with the expense and cost of making the improvements as fixed upon by the City Council, if such improvements consist in so lowering, raising, changing the course of or diverting any stream of water, ditch, or drain in said city, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisal and award, and if in the judgment of said Commissioners the whole amount of such compensation and damages, together with the cost of making such improvements, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation, damages and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and costs as aforesaid, which they shall return unassessed.

Said Commissioners shall, upon the completion of their said report, file the same with the City Clerk for presentation to the City Council, and thereupon it shall be the duty of said City Clerk to give notice to all interested parties by one (1) publication in the official paper of said city that the City Clerk will at the next meeting of the City Council, or as soon thereafter as practicable, present such report to said Council for their consideration and action, which said notice shall be published at least five (5) days before the presentation of such report to said City Council; such published notice shall contain descriptions of the several lots and parcels of land taken for such proposed improvements, and the amount awarded for the taking of each such lot or parcel, together with the names of the owner or owners of the same, so nearly as they can be readily ascertained. It shall also contain descriptions of the several lots or parcels of land upon which benefits have been assessed and the amount assessed against each such lot or parcel, together with the names of the owner or owners of the same, as nearly as the same can be readily ascertained.

Such report after its presentation to the Council shall lie over until the next regular meeting of the Council, which shall occur at least one week after the reception thereof, at which time, or at any meeting the City Council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the Council to hear such complaints and report thereon. The Council may confirm such award and assessment, or either, or annul the same, or send the same back to the same Commission for further consideration; and the Commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of said notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the City Council, who may thereupon confirm

or annul the same. Whenever the City Council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the City Council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the Commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost of improvement, and in and about the _____ as shown on the plat and survey of the same on file in the office of the City Clerk of said city. This levy is made conformably to the report and assessment of Commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of Owner If Known	Description of Land	Lot	Block	Amount	
				Dollars	Cents

Done at a meeting of the City Council this _____ day of _____ A.D. 19____.

President of the Council.

Attest:

City Clerk.

Section 3. That Chapter 10, Section 8 of the Minneapolis City Charter be amended to read as follows:

Section 8. Pavements, Water Mains, Sewers, Etc. Whenever the City Council shall determine to cause to be paved or repaved any street, lane or alley in said City, or any gutter or gutters along any such street, lane or alley or to lay, re-lay or extend any water mains or sewer pipes in or through such streets, lanes or alleys or any portion thereof, or to construct improvements in the public right-of-way in commercially zoned areas or to install street lighting, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the improvements, and the materials to be used therein, and thereupon it shall be the duty of the ~~City Engineer~~ Department of Public Works to make and present to the City Council an estimate of the cost of such improvements, a list of the several lots and parcels of land which will be benefited by such proposed improvements, and the names of the owners of the several parcels as nearly as the ~~City Engineer~~ Department of Public Works can readily ascertain the same; a brief minute of the reception of such report shall be made and published in a record of the proceedings of the City Council, which, except as otherwise provided in this section, shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the City Council which shall occur at least one week after the reception of such report; but the City Council in its discretion may direct the ~~City Engineer~~ Department of Public Works to advertise for and receive in the meantime bids for doing the work and furnishing the material required to construct and complete such improvement; and report the same to the Council at the meeting of the City Council to which such report is laid over, or at any subsequent meeting; the City Council may consider such estimate and list, and any further communications from the ~~City Engineer~~ Department of Public Works respecting the matter, and shall hold a public hearing, after giving notice by mail to the owners of the properties to be assessed and prior to contracting for or commencing with construction. The City Council may adhere to its resolution for making such improvements or may modify the character of the same, or abandon it. If the City Council shall determine to go on with such improvements, whether modified or not, it shall determine

what portion of the cost of such improvements is to be paid from city funds and what portion of the cost is to be levied as assessments against properties benefited by such improvements, and it may, either before or after having contracted for or commenced with the construction of such improvements, estimate and fix upon the cost of such improvements, may assess and levy the portion of such cost which is to be paid through assessments upon the same lots and parcels of land in the City as the Council shall deem benefited, in proportion to such benefits, irrespective of whether or not the property abuts on the improvement; the City Council by ordinance shall adopt a procedure providing for a public hearing to be held prior to the adoption of the assessments for any improvements. A notice of such hearing, including a statement of the amount of the proposed assessment, shall be required to be mailed to the owners of the property to be assessed. Included with the notice shall be a statement that if after the City Council adopts the assessments, the owner of the property is dissatisfied with the assessment against the property the owner may appeal to district court by serving a notice upon the Mayor or the City Clerk within thirty days after the City Council has adopted the assessments and by filing the notice with the clerk of district court within ten days after its service and the City Council shall cause to be made, and shall adopt an assessment roll thereof which shall be in any form which the City Council may deem proper.

The City Council may increase assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the improvement or any other particular, using the same procedure as required for holding a public hearing and notification of affected property owners as for the original assessment.

Section 4. That Chapter 10, Section 10 of the Minneapolis City Charter be amended to read as follows:

Section 10. Neglect to Build Sidewalks. Whenever the City Council shall have ordered the construction of any sidewalk, and the owners of the land along which such sidewalk is to be built shall refuse, or for the space of two weeks neglect to construct the same according to the order of the City Council, the ~~City Engineer~~ Department of Public Works shall report to the City Council a description of each lot or parcel of land along which such sidewalk has not been built, and estimate the cost of building such sidewalk along each of such lots and parcels. Such estimates shall not be binding upon the City Council, but advisory merely, and the Council may obtain any other information as to such cost, and the Council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land and thereupon the City Council shall assess and levy upon and against such lot and parcel of land so reported (after correcting mistakes, if any) along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the City Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of _____ a sidewalk along the _____ side of _____ from _____ to _____ in accordance with the resolution of the City Council, passed the _____ day of _____ A.D. 19_____, and duly published in the official paper of said city on the _____ day of _____ A.D. 19_____. The amount assessed against and levied against each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same parcel of land.

Name of Owner If Known	Description of Land	Lot	Block	Amount	
				Dollars	Cents

Done at a meeting of the City Council this _____ day of _____ A.D. 19_____.

President of the Council.

Attest:

City Clerk.

Section 5. That Chapter 10, Section 15 of the Minneapolis City Charter be amended to read as follows:

Section 15. Assessment Rolls. The City Clerk shall record all assessment rolls of special assessments in books to be kept by the City Clerk for that purpose, and shall, on or before the tenth day of October of every year, deliver to the County Auditor of said County of Hennepin all such assessments rolls not theretofore delivered, and the said County Auditor shall extend the assessments in proper column against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in like manner as state, county and other taxes are collected and the payments thereof enforced, and such assessments when collected shall be paid over by the County Treasurer to the City Finance Officer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the City Finance Officer.

The City Council may, by resolution, direct the County Auditor of Hennepin County, to cancel, on any record, where the same appears, any special assessments theretofore assessed and levied by said City Council, whether because the same be irregular or erroneous, or because the improvement, for the cost of which said special assessment shall have been assessed and levied, shall have been constructed by the owner of the property against which said special assessment shall have been assessed and levied, and in any such case of the cancellation of any such special assessment the Auditor shall make the necessary credits of the amounts of such special assessment so canceled on the proper books and to the proper officers. The City Council may provide by ordinance or resolution that the certificate of the ~~City Engineer~~ an officer of the Department of Public Works or other proper officer, that any improvement, for which any such special assessment shall have been made, has so been constructed by the owner of the property against which any such special assessment shall have been made, presented to the said County Auditor, shall be sufficient authority for said Auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in said certificate, and for authority in that case for the said Auditor to make said proper credits. The City Council may also direct, by resolution or motion, the said County Auditor to divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof.

When the total cost of any improvement, for which special assessments have been assessed and levied, shall be less than the total special assessments assessed, levied and collected for the same, said City Council may except as in this Charter otherwise provided, refund out of the permanent improvement fund to the owners of the real estate against which said special assessments have been made, who have paid the same, their proportionate share of the excess of such special assessments so collected over the total cost of such improvements. After any improvement has been ordered and the special assessments for the cost thereof have been assessed and levied, if any person or persons desirous of having such improvement constructed before the collection of such special assessment shall advance the cost of such improvement and pay the same to the City Finance Officer for the credit of the permanent improvement fund, such money so advanced to construct such improvement shall not be used or appropriated for any other purpose; that said City Council may then cause the immediate construction of such improvement and shall, when said special assessments assessed and levied to pay for the same are collected, cause the same to be paid to such person or persons advancing the money for the cost of such improvement.

Section 6. That Chapter 10, Section 29 of the Minneapolis City Charter be amended to read as follows:

Section 29. ~~City Engineer~~ Department of Public Works To Request Descriptions. When the City Council shall order any improvements or work which is to be paid for by special assessments on the abutting property, the ~~City Engineer~~ Department of Public Works of the City of Minneapolis shall make a written request of the County Auditor of Hennepin County for a list of the descriptions of lots or other parcels and blocks or other divisions of real estate or land lying upon or along the streets, lanes, alleys, avenues or other public grounds on which said improvements are to be made, together with the names of the respective owners of each of said lots or parcels of land or real estate so far as they can be ascertained by said Auditor from the records of the Auditor's office, and said ~~City Engineer~~ Department of Public Works may accompany such request with such plats or other information as may

be necessary to enable such Auditor readily and accurately to make such list. Upon the receipt of such request said County Auditor shall promptly make and return to said ~~Engineer~~ Department of Public Works such list of descriptions and owner's names called for. For making such list and for keeping all of the books which may be required of said Auditor under the various special assessment plans which have now or may thereafter be adopted by the City Council of the City of Minneapolis, which shall include every kind of entry whether ordered or requested by said City Council or any Court, said city shall pay said County Auditor the sum of five (5) cents for each entry of a special assessment entered by the Auditor upon the tax list of the county, the same to be payable upon the completion of the tax list for each year.

Adopted 10/20/2006.

ORDINANCE 2006-Or-128
By Glidden
Intro & 1st Reading: 8/18/2006
Ref to: IGR
2nd Reading: 10/20/2006

Amending Chapter 16 of the Minneapolis City Charter relating to Parks and Parkways, amending the location for the filing of plats of the Park and Recreation Board; amending the location for the filing of plats for land condemned by the Park and Recreation Board; and amending reference to the process used by the City in building sidewalks and assessing for the construction (Charter Amendment No. 165).

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

Section 1. That Chapter 16, Section 2 of the Minneapolis City Charter be amended to read as follows:

Section 2. Parks and Parkways. The Park and Recreation Board of the City of Minneapolis and its successors shall have the power and it shall be its duty to devise, adopt and maintain parks and parkways in and adjacent to the City of Minneapolis, and from time to time to add thereto; to designate lands and grounds to be used and appropriated for such purpose; to cause the same to be platted, surveyed, and plats thereof filed in the office of the Secretary of said Board, and in the office of the ~~City Engineer~~ Department of Public Works of the City of Minneapolis; and the right to take possession upon obtaining title to the same or any part thereof, to hold, improve, govern and administer the same for such purposes.

The said Park and Recreation Board, and their successors, shall have power, and it is hereby authorized, to obtain title for and in the name of the City of Minneapolis, to any lands so designated by it for the purpose of this Chapter, by gift, devise, purchase or lease.

And said Board may enter into any contract in the name of said city, for the purchase of any lands to be paid for in such time, or times, and in such manner as the Board may agree to; and said Board may accept title to lands and give back a mortgage or mortgages in the name of said city, with or without bonds to secure the unpaid purchase price. Provided, that no personal or general liability on the part of said city shall be created by any such contract, or mortgage, or bond beyond the means at the time available therefor, except the liability to pay such amount as may be realized from benefits assessed on benefited property on account of the lands included in such contract or mortgage.

And it is hereby made the duty of said Board to pay on each such contract or mortgage an amount equal to the sum or sums so realized from such assessments; and said Board shall have power to accept and receive donations of money, property or lands, for the use of the said city for the purposes contemplated in this Chapter.

Section 2. That Chapter 16, Section 3 of the Minneapolis City Charter be amended to read as follows:

Section 3. Authority to Condemn Land—Appraisers. The Park and Recreation Board shall have power, and it is hereby authorized to condemn for the use of said city, any tract or tracts, parcel or parcels of land, or any interest therein, which it may have designated as hereinbefore provided in the

second (2) section of this Chapter; and when such condemnation shall have been completed and the land paid for as herein provided, the title to such land shall pass, and be vested in fee simple in the said city. For the purpose of making and perfecting such condemnation, the said Park and Recreation Board shall proceed in the manner following:

1st. The Park and Recreation Board shall appoint five (5) appraisers who shall be disinterested freeholders and qualified voters of said city, and none of whom shall be residents of the ward or wards in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making said improvements; said appraisers shall be notified as soon as practicable by the Secretary of said Board at a time to be fixed by the Secretary for the purpose of qualifying and entering upon their duties; and in case any such appraiser, upon being so notified, shall neglect or refuse to attend as aforesaid, said appraiser shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50.00) and shall be liable to be prosecuted therefor before the Municipal Court of Hennepin County, as in case of a violation of an ordinance of said city. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the Park and Recreation Board.

2nd. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the Park and Recreation Board.

3rd. The said appraisers shall with all reasonable speed give notice by publication in the official newspaper of said city once a week for two (2) consecutive weeks; which last publication shall be at least ten (10) days before the day of such meeting; which notice shall contain a general description of the lands designated by the Park and Recreation Board, and give notice that a plat of the same has been filed, and the said appraisers will meet at a place and time designated in said notices and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by such improvement.

4th. At the time and place according to said notice, the said appraisers shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement.

5th. If there should be any building standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall in each case determine the amount of damages which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case said owner or owners should elect to remove such building.

6th. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the appraisers. Provided, that neither such award of the appraisers nor the conformation [confirmation] thereof by the Park and Recreation Board shall be deemed to require payment of such damages to the person or persons named in said award, in case it shall transpire that such person or persons are not entitled to receive the same.

7th. The said appraisers having ascertained and appraised the damage aforesaid, shall make and file with the Secretary of said Park and Recreation Board a written report of said Park and Recreation Board of their action in the premises, embracing a schedule and appraisal of the damages in each case with a description of the lands and names of the owners, if known to them, and also a statement of the costs of the proceedings.

8th. Upon such report being filed, the Secretary of the Park and Recreation Board shall give notice that such appraisal has been returned, and that the same will be considered by the Park and Recreation Board at a meeting thereof to be named in the notice; which notice shall be published in the official newspaper of said city once a week for two (2) successive weeks; and the last publication shall be at least ten (10) days before such meeting.

Any person interested in any building, standing in whole or in part upon any land required to be taken by such improvement who elects to remove such building, shall on or before the time specified for said meeting, in such notice, notify the said Park and Recreation Board in writing of said person's election to remove such buildings.

The Park and Recreation Board, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over to be referred, shall have power in their discretion to confirm, revise or annul the appraisement, in whole or in part; giving due consideration to any objections interposed by parties interested in manner hereinafter specified, provided, that said Board shall not have the power to reduce the amount of any award. In case the appraisement is annulled, in whole or in part, the Board may thereupon appoint new appraisers, who shall proceed in like manner, as in case of the first appraisement, as to any lands as to which the former appraisement was annulled; and upon the coming in of their report the Board shall proceed in like manner and with the same powers as in case of the first appraisement, and may order reappraisement so often as it shall deem proper.

9th. The damages shall be paid out of the parks and recreation fund, and shall be so paid, or be deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto, within six (6) months after the confirmation of such appraisement and report; but in case any appeal or appeals shall be taken from the order confirming said appraisement, then the amount of such damage shall not in any case be required to be paid or deposited and set apart as aforesaid, until sixty (60) days after the determination of all appeals which shall have been so taken.

And in case of any re-appraisement or re-appraisements, the amount of such damage shall not in any case be required to be paid or deposited or set apart, as aforesaid, until sixty (60) days after final action and determination, including determination, upon appeals of such re-appraisements, it being the intention that said Board shall be enabled to ascertain the entire cost of any improvement before paying for any part of such improvement.

The land and property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall have been paid to such owner or the owner's agent, or deposited and set apart for the owner's use as aforesaid. And in case the said Park and Recreation Board shall be unable to determine to whom damages so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, or in case of the legal disability of any person interested, the amount of damage in any such case may be deposited by order of the Park and Recreation Board in the District Court of Hennepin County, in the same manner as moneys are paid into court as provided by law, and in every case such deposit of the money in court shall satisfy all requirements of this act; and said court upon the proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

10th. In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove said buildings, they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the Park and Recreation Board may allow for the purpose, and shall thenceforth be entitled to payment from said parks and recreation fund of the amount of damages awarded in such case in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the said Park and Recreation Board shall direct, and the same or the proceeds thereof shall belong to the said parks and recreation fund.

11th. Any person whose property is proposed to be taken or interfered with, under any provisions of this Chapter, and who deems that there is any irregularity in the proceedings of the said Park and Recreation Board, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded for taking of or interference with such person's property, may at any time before the

time specified for the consideration of the award by the Park and Recreation Board, file with the Secretary of said Board, in writing, the objections to such confirmation setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and said person's interest therein, and if, notwithstanding such objections, the said Board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the Board to the District Court of the County of Hennepin, within ten (10) days after such order; such appeal shall be made by serving a written notice of such appeal upon the Secretary of said Board, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said Secretary a bond to the City of Minneapolis, executed by the appellant, or by some person on behalf of the appellant, with two (2) sureties who shall justify in the penal sum of fifty dollars (\$50), conditioned to pay all costs that may be awarded against the appellant. Thereupon the said Secretary shall make out and transmit to the Clerk of the said District Court a copy of the award of said Commissioners as confirmed by the Board and of the order of the Board confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said Secretary to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the Secretary, in appeal subsequent to the first, shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in said written objection that as to the appellant the award or appraisal or (of) the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. The case may be brought on for hearing on eight (8) days' notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged, and described in said written objection. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three (3) disinterested freeholders, residents of said city, appraisers, to re-appraise such damages. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers; they shall be sworn to the faithful discharge of their duties of such appraisers, and shall proceed to view the premises and to hear the parties interested with their allegations and proofs pertinent to the question of the amount of such damages; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects as are in this Chapter made for the government of appraisers appointed by said Board. They shall, after such hearing and view of the premises, make a report to said court of their appraisal of damages in respect to the property of such appellant. The award of such appraisers shall be final, unless set aside by the court for good cause shown. In case such report is set aside the court may in its discretion recommit the same to the same appraisers or appoint new appraisers, as it shall deem best; said court shall allow a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises. In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. The Park and Recreation Board shall have the right at any time during the pendency of any proceedings for the acquisition of lands for any improvement authorized by this Chapter, or at any time within sixty (60) days after the final order by the court, of all appeals taken in such proceedings to abandon all such proceedings in respect to the whole improvement or any part thereof, whenever they shall deem it for the best interest of the city so to do.

12th. As soon as said proceedings for acquiring the title to such lands shall have been completed, it shall be the duty of said Commissioners to make, or cause to be made, an

accurate description of all such lands as shall have been so acquired, with a statement of the amount of damages awarded and paid to each former owner for the land so acquired, which shall be certified by the President and Secretary of said Board, under the official seal of said Board, and be filed in the office of the Secretary of the Park and Recreation Board, and for record in the office of the Register of Deeds of said County of Hennepin; and it is hereby made the duty of said Register of Deeds to record the same among the records of transfers of real estate in said county, which records shall be prima facie evidence of title to such land, and of the transfer of all the interests of such former owner in the same to said City of Minneapolis.

It shall also be the duty of said Park and Recreation Board to have correct plats of all such lands as they may acquire for the purposes of this Chapter, prepared and filed in the office of the Secretary of said Park and Recreation Board, in the office of the City Engineer Department of Public Works of the City of Minneapolis, and in the office of the Register of Deeds of Hennepin County; which said plat shall be kept on file and of record in the office of said Register of Deeds in like manner as plats of additions to the City of Minneapolis.

Section 3. That Chapter 16, Section 15 of the Minneapolis City Charter be amended to read as follows:

Section 15. Opening, Improving and Vacation of Streets. The said Park and Recreation Board shall have and exercise all such powers and jurisdiction over and in relation to parkways as now is, or hereafter may be, conferred upon the City Council in respect to the laying out, opening, widening and improving, vacating and discontinuance of streets; the grading, paving and curbing thereof; the construction of sidewalks; and the cost of all lands acquired, and of all improvements made by said Board pursuant to this section shall be levied upon and collected from the property specially benefited thereby. And the proceedings for the condemnation of land and for assessing benefits for improvements shall be conducted in the manner hereinbefore in this Chapter provided for condemning lands and assessing benefits.

The City Council of said City of Minneapolis shall have the same power and jurisdiction in respect to laying water mains and sewers along parkways in the said City as it now has in respect to laying the same along the public streets; and the same proceedings for levying and collecting special assessments for water mains and sewers along such streets shall apply to levying and collecting the same for water main laid along the parkways.

The Park and Recreation Board is hereby authorized in its discretion to cause curb and gutter or either to be built along any side of any parkway or any portion thereof, and to cause to be constructed and built any sidewalk along any parkway or any portion thereof, such curb, gutter and sidewalk to be built in such manner and of such materials as it may direct, and to collect the expense and the cost of the same by special assessment upon the property fronting upon such improvements on the same side of the street; but the expense of so improving any part of such parkways as shall be in front of property exempt from such assessment, or property belonging to the City shall be paid from the general fund of said Board.

It is hereby made the duty of all owners of land adjoining or abutting upon any parkway of the City to construct, reconstruct and maintain in good repair sidewalks along the side of the parkway contiguous to the lands of such owner, whether such sidewalks were heretofore or shall here after be constructed, the same to be built of such material and width and upon such place or grade as the said Board may prescribe by ordinance or otherwise. Whenever said Board shall deem it necessary that any sidewalk shall be constructed or reconstructed along a parkway in said City, it shall by resolution direct such construction or reconstruction specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the City shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owner shall each on his respective land, construct and fully complete such sidewalk within two weeks after the publication of such resolution as aforesaid, the said Board shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which said sidewalks shall front. Such assessment shall be made and collected in the same way so far as may be, except as herein otherwise provided for the collection of

special assessments made by the City Council for the construction of sidewalks upon streets and alleys under its control, and the duties to be performed by the City, the ~~City Engineer~~ City's Department of Public Works and the City Clerk respectively, shall appertain to and be performed by the said Board, its Engineer and Superintendent, and its Secretary, respectively. And the said Board may either before or after making such assessment, cause the portion of sidewalks on such parkways as have not been built by the owners of such lands fronting on the same, to be built upon contract or by its own labor or by any other person as the said Board may determine.

If the owner of any lot or parcel of land fronting on any such parkway shall suffer any sidewalk along the same to become broken or out of repair, the said Board may repair the same in a good and substantial manner, and assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired, the cost and expense of making such repairs. In each case the assessment of all such repairs within the year may be combined in one assessment roll and be collected in the same manner and time as the City Council collects similar assessments for repairs upon streets and alleys under its control, except as herein otherwise provided. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, the said Board may cause the same to be entirely removed and replaced by a new sidewalk, and the expense of removal and cost of rebuilding shall be assessed upon the abutting property and collected in the manner hereinbefore provided for constructing sidewalks.

The said Board before ordering the construction of any new sidewalk or curb or gutter shall cause the ground or parkway along which they are to be built to be properly graded.

It shall require a majority vote of the members elected to said Board to determine in the first instance to make any improvement of curb or gutter or sidewalk along any such parkways for which a special assessment may be levied.

Any curb, gutter or sidewalk which said Board determines to make on any such parkway, the means to make or construct which are to be raised by special assessment, may be performed by contract let in the ordinary way or may be constructed directly by said Board by the employment of labor or purchase of material, or in any other manner in which said Board may deem proper in any particular case. The said Board may in its discretion in any case, instead of causing the special assessment to be made entirely upon estimates, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing the cost and expense of such improvement. And the said Board may at the time of ordering any such improvement for which any assessment is to be made, determine whether to proceed at once with such improvement or wait the collection of the assessments made therefor, or said Board may if the owner or owners of the property abutting on such improvements do not within the space of two weeks construct the sidewalks as ordered in front of their respective properties, and in all cases where the improvement is a curb or gutter or both, may proceed to build or cause to be built said sidewalks or said curb or gutter, and thereafter when the cost and expense of such improvements are ascertained, proceed to assess the same upon the respective property fronting upon such improvements.

All special assessments for curb and gutter or sidewalks made by said Board under this Chapter, shall be assessed and made payable in five (5) equal annual installments plus interest and collected with the taxes for the year in which the installment is due; anything herein, or in the method or manner of collection of similar assessments by the City Council to the contrary notwithstanding.

All parkways which have been or which may be acquired in or adjacent to the City of Minneapolis shall be subject to the control and government of the Park and Recreation Board of said city, in respect to the construction, maintenance, regulation and government thereof; and to the use, travel and traffic over and upon the same; provided, that no street, alley or public place, or any part thereof shall be taken for a parkway without the consent of the City Council of said city.

The said Park and Recreation Board may acquire by gift, lands without the corporate limits of said city for the purpose of continuing or completing any system of parkways within said limits, and shall possess the same powers and jurisdiction over said parkways as if they were wholly within the city limits.

Adopted 10/20/2006.

ORDINANCE 2006-Or-129
By Glidden
Intro & 1st Reading: 8/18/2006
Ref to: IGR
2nd Reading: 10/20/2006

Amending Chapter 19, Section 4 of the Minneapolis City Charter relating to Civil Service, amending the unclassified service to include the Director of Public Works and eliminate the City Engineer (Charter Amendment No. 166).

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

Section 1. That Chapter 19, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Powers of Commission To Extend Only To Classified Service. The powers of the commission shall extend only to the classified service which shall embrace the entire service of the City except the following officers, and employees, which shall be known as the "unclassified service", namely: Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the City Engineer; Director of Public Works; the chief health officer; the Chief of police; the City assessor; superintendents, principals, supervisors of teachers and teachers in the public schools; the city attorney; the attorney of the park board; the director and librarians of the public library; the superintendent of parks; a landscape architect; a chief of park police; and the Mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this Chapter.

Adopted 10/20/2006.

W&M/Budget - Your Committee, having under consideration the Fraud/Ethics Reporting Line, now recommends the following:

- a) Receive and file the Fraud/Ethics Reporting Line Committee report;
- b) Direct, under the auspices of the City Coordinator's Office, the selection of a vendor for a fraud and ethics reporting line using a competitive procurement process;
- c) Direct the City Coordinator's staff to make a recommendation about funding the fraud and ethics reporting line;
- d) Direct appropriate staff, as coordinated by the City Coordinator's office, to implement the reporting line enterprise wide; and
- e) Direct the City's Ethics Officer to provide semi-annual reports on the utilization of the fraud and ethics line to the Ways and Means/Budget Committee.

Your Committee further recommends that staff be directed to work with the City Coordinator to bring forward a recommendation for a permanent funding source for this reporting line as part of the 2007 budget deliberations and to report back to the Ways & Means/Budget Committee in the 1st Quarter of 2007 to address issues involving implementation of said reporting line.

Lilligren moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/20/2006.

CONSIDERATION OF MAYOR'S VETO

The Council had before it Mayor Rybak's veto of the ordinance of the Transportation & Public Works and Ways & Means/Budget Committees, passed by the Council 10/6/2006 relating to the transfer of the Transtop Bus Shelter Franchise to CBS Outdoor and extending the termination date of the franchise to 2015, and stating his objections thereto.

The question before the Council being, "Shall the veto of the Mayor be sustained?", there were:

Yeas, 7; Nays, 6 as follows:

Yeas - Ostrow, Schiff, Glidden, Benson, Goodman, Hodges, Samuels.

Nays - Lilligren, Colvin Roy, Remington, Gordon, Hofstede, Johnson.

The vote on the question being less than the two-thirds majority required by the Charter to pass the ordinance over the objections of the Mayor, said veto was sustained 10/20/2006.

Colvin Roy moved to approve the transfer of the bus stop shelters franchise from Transtop of Minnesota, Inc. to CBS Outdoor Inc. upon the condition that CBS Outdoor, Inc. agree to comply with all requirements of the franchise contained in Appendix G of the Code of Ordinances with such transfer to take effect only after and upon the official closing of the sale or transfer of the franchise from Transtop of Minnesota, Inc. to CBS Outdoor Inc.

Further, that this approval shall expire and be null and void if the sale or transfer of the franchise from Transtop of Minnesota, Inc. to CBS Outdoor Inc. has not officially closed on or before April 30, 2007. Seconded.

Adopted 10/20/2006.

Absent - Benson.

NEW BUSINESS

Hodges moved to refer to the Intergovernmental Relations Committee the subject matter of pursuit of a change in State law to allow separation of managers from rank-and-file employees in the Minneapolis Police Federation for adoption as part of the 2007 State Legislative Agenda. Seconded.

Adopted upon a voice vote 10/20/2006.

Lilligren moved to recess to Room 315 City Hall to consider the *Minneapolis Refuse Inc. v. City of Minneapolis* and *Mills v. City of Minneapolis* lawsuits. Seconded.

Adopted upon a voice vote 10/20/2006.

Room 315 City Hall

Minneapolis, Minnesota

October 20, 2006 - 12:20 p.m.

President Johnson in the Chair.

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

Absent - Council Members Hodges, Hofstede, Glidden, Schiff.

Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Minneapolis Refuse Inc. v. City of Minneapolis* and *Mills v. City of Minneapolis* lawsuits.

At 12:25 p.m., Ostrow moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Present – Council Members Ostrow, Schiff (in at 12:38 p.m.), Lilligren (out at 1:08 p.m., in at 1:09 p.m.), Colvin Roy, Glidden (in at 12:29 p.m.), Remington, Benson (out at 1:10 p.m.), Goodman, Hodges (in at 12:27 p.m.), Samuels, Gordon, Hofstede (in at 12:28 p.m.), President Johnson.

Also present - Peter Ginder, Deputy City Attorney (in at 1:13 p.m.); James Moore (out at 1:06 p.m.), Lisa Needham (out at 12:55 p.m.) Tracy Nelson and Tim Skarda, Assistant City Attorneys; Val Wurster, Police Department; Steve Kotke (out at 12:55 p.m.) and Dick Smith (out at 12:55 p.m.), Department of Public Works; Pierre Willette, Intergovernmental Relations Department (out at 12:55 p.m.); Peter Wagenius, Mayor's Office (out at 1:03 p.m.); Merry Keefe, City Clerk; and Tina Sanz, City Clerk's Office.

Moore summarized the *Minneapolis Refuse Inc. v. City of Minneapolis* lawsuit from 12:27 p.m. to 12:45 p.m.

Skarda summarized the *Mills v. City of Minneapolis* lawsuit from 12:53 p.m. to 1:08 p.m.

At 1:30 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

October 20, 2006

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

Lilligren moved to adjourn to the recessed City Council meeting in Room 315 and thereafter moved to adjourn the regular meeting. Seconded.

Adopted 10/20/2006.

Absent - Benson.

Merry Keefe,
City Clerk.

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