

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF NOVEMBER 19, 2010

(Published November 27, 2010, in *Finance and Commerce*)

Council Chamber  
Room 317 City Hall  
350 South 5th Street  
Minneapolis, Minnesota  
November 19, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, President Johnson.

Adoption of the agenda was approved by unanimous consent.

Schiff moved to amend the agenda to include under New Business a motion to waive the 60-day requirement to declare a property a nuisance and proceed with provisions of Chapter 249 for the property located at 2432 14th Ave S. Seconded.

Adopted upon a voice vote.

Absent - Samuels, Colvin Roy.

The agenda, as amended, was adopted upon a voice vote 11/19/2010.

Absent - Samuels, Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting of November 5, 2010. Seconded.

Adopted upon a voice vote 11/19/2010.

Absent - Samuels, Colvin Roy.

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 11/19/2010.

Absent - Samuels, Colvin Roy.

### PETITIONS AND COMMUNICATIONS

#### AUDIT:

FINANCE DEPARTMENT (274602)

2010 Financial Statement Audit: State Auditors overview.

Internal Control Documentation Project Report.

INTERNAL AUDIT (274603)

Risk Assessment & Internal Audit Plan.

Audit Working Group: Report & recommendations on reporting needs for the Audit Committee.

Internal Auditor Report.

**COMMITTEE OF THE WHOLE:**

CIVIL RIGHTS (274604)

2010 Disparity Study: Presentation by National Economic Research Associates regarding the study.

**COMMITTEE OF THE WHOLE (See Rep):**

NEIGHBORHOOD SERVICES DEPARTMENT (274605)

2010 & 2012 Minneapolis Resident Survey: Authorization for Neighborhood and Community Relations staff to enter into contract with National Research Center, Inc.

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274606)

Mozaic Partners LLC (1320 Lagoon Ave): Preliminary & final approval for technical correction to issuance of bonds for parking ramp.

Land Sales:

3807-5th Ave S (Twin Cities Habitat for Humanity, Inc);

1406 Girard Ave N (Neighborhood Housing Services of Mpls, Inc).

Minneapolis School District No. 1: Resolution allocating Recovery Zone Economic Development Bond volume cap to Mpls School District.

2006-2010 METP Master Contracts: Extension of contract period for 40 contracts.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274607)

2011-2015 METP Master Contracts: Authorize contracts.

**PUBLIC SAFETY AND HEALTH (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (274608)

Senior Citizen Advisory Committee: Approve Mayoral/City Council appointment of Roland Minda.

Youth Violence Prevention Executive Committee: Approve Mayoral appointments/reappointments of Craig Vana; Richard Howell, Jr; Mary Johnson; Bianca Dawkins; Souza Lor; Gary Cunningham; Sherenia Gibbs; Marina Lyon-Munoz; Ed Anderson; Dale Blyth; Peter Benson; VJ Smith; Sondra Samuels; Eloisa Echavez; Bill Ziegler; Cam Gordon.

REGULATORY SERVICES (274609)

Hennepin County All-Hazards Mitigation Plan: Adopt the Hennepin County All-Hazards Mitigation Plan.

Dog and Cat Licenses: Ordinance amending the license period for a dog or cat license to be a 12-month license period expiring one year from the date of issuance.

Civil Fines for Failure to License Dogs and Cats: Amend the schedule of civil fines for administrative offenses to increase the fine for failure to license a dog or cat from \$100 to \$200.

**PUBLIC SAFETY AND HEALTH and RE&E:**

REGULATORY SERVICES (274610)

Fire Prevention Bureau: Progress report on integration, training programs, and performance of all inspection programs between the Fire Prevention Bureau and the Department of Regulatory Services.

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

FIRE DEPARTMENT (274611)

Donation of Travel Expenses: Accept donation of travel expenses to conduct firefighting training in Eldoret, Kenya; and Authorize Fire Department to donate surplus firefighting supplies to the City of Eldoret.

**REGULATORY, ENERGY AND ENVIRONMENT (See Rep):**

LICENSES AND CONSUMER SERVICES (274612)

Insomnia Night Club & Lounge (319 1st Av N): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Hum's Liquor Store (2126 Lyndale Av S): Approve License Settlement Conference recommendations relating to Off-Sale Liquor License.

Sedgwick Heating & Air Conditioning (1408 Northland Dr, Mendota Heights): Approve License Settlement Agreement relating to Combined Trades License.

LICENSES AND CONSUMER SERVICES (274613)

Licenses: Applications.

REGULATORY SERVICES (274614)

2010 Special Assessment Levy: Approve assessments for Levy 1103, CDBG Demo; Authorize Regulatory Services to continue to receive pre-payments; and Direct Hennepin County Taxation Department to place assessments against certain properties.

Rental Dwelling License at 3443 Washburn Av N: Approve reinstatement of license to be held by Trio Investments, LLC, Jesse Mausser.

REGULATORY SERVICES (274615)

Property at 3822 6th St N: Approve demolition.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (274616)

Downtown Business Improvement Special Service District: Comments (See Petn No 274505).

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

PUBLIC WORKS AND ENGINEERING (274617)

Nongovernmental Tax Exempt Parcel Street Maintenance Fee: Assessment public hearing; Comments.

Nongovernmental Tax Exempt Parcel Street Light Operations Fee: Assessment public hearing.

Sanitary Sewer Service Availability Charges: Assessment public hearing.

2010 Public Works Special Assessments: Adopt and levy assessments.

Draft Metropolitan Solid Waste Management Policy Plan 2010-2030: Comments.

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

PUBLIC WORKS AND ENGINEERING (274618)

Standard Sidewalk, Inc: Contract increase.

Central Corridor Light Rail Transit (LRT) Project: Subordinate Funding Agreement 4.

Cedar Lake Trail Phase III: Final settlement agreement for Parcel 14 easements.

Condemnation Settlement: Payment from Minnesota Department of Transportation (Mn/DOT).

Accelerated Reconstruction and Rehabilitation of Storm Tunnel System: Increase appropriation.

Municipal Parking System: Selection of Ampco System Parking as operator.

2011-2012 Public Works Consulting Pool: Master service agreement with 29 firms.

Bids: a) OP 7357, Low bid of Keys Well Drilling for 10th Ave Tunnel Dewatering Wells; and b) OP 7362, Low bid of Engineering and Construction Innovations, Inc, for 10th Ave Storm Tunnel Outlet Replacement Project.

Peavy Plaza: Selection of Osland and Associates as landscape architect.

**WAYS AND MEANS BUDGET:**

ATTORNEY (274619)

Minneapolis Ethical Practices Board: Appointment of David Odenbach.

FINANCE DEPARTMENT (274620)

2010 Financial Status Report: 3rd Quarter.

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

ATTORNEY (274621)

Legal Settlements: Cherod Jones vs. Minneapolis Police Department, et al.; and Reverend Terry Williams vs. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (274622)

Property Early Warning System (PEWS): Contract with Hennepin County for the City to continue to develop, maintain, and license it to the County; and receive \$226,002 from Hennepin County.

COMMUNICATIONS and BUSINESS INFORMATION SERVICES (274623)

Electronic Communications Policy: Approve revised policy; and receive and file procedures.

CONVENTION CENTER and PROCUREMENT (274624)

OP #7343: Accept low responsive bid of Cedar Ridge Landscaping, Inc. for the construction of the Minneapolis Convention Center Landscape Improvement Project.

FINANCE DEPARTMENT (274625)

2010 Property Tax Special Assessment of Delinquent Utility Charges: Assessment roll.

Risk Management Information & Claims Processing System: Negotiate and execute five (5) year contract with Computer Sciences Corporation (CSC) for perpetual-use license; web service maintenance and web hosting.

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

HERITAGE PRESERVATION COMMISSION (274626)

Historic Variance:

Lars Peterssen (20 Park Lane)

INSPECTIONS/BOARD OF ADJUSTMENT (274627)

Appeal:

Jason McLean (1116 Vincent Ave S)

PLANNING COMMISSION/DEPARTMENT (274628)

Rezoning Applications:

Minneapolis Public School Education Service Center (2105 & 2119 Fremont Ave N)

Probation House Rezoning (2539 Irving Ave N)

**NEW BUSINESS:**

REGULATORY SERVICES (274629)

Property at 2432 14th Ave S: Waive the 60-day requirement to declare the property a nuisance & proceed with provisions of Chapter 249.

**FILED:**

CITY CLERK (274630)

Lickety Split: Verbatim Transcript in the matter of Administration Citation RFS 10-0740624 issued to Jerry Buchanan dba Lickety Split, Inc.

*The following reports were signed by Mayor Rybak on November 23, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

#### REPORTS OF STANDING COMMITTEES

**The COMMITTEE OF THE WHOLE submitted the following report:**

**Comm of the Whole** - Your Committee, having under consideration the recommendation of staff to approve authorizing the Neighborhood & Community Relations Department to negotiate and enter into a contract with National Research Center, Inc. to develop and conduct the 2010 and 2012 Minneapolis Resident Survey, now recommends concurrence with the recommendation.

Adopted 11/19/2010.

Absent - Samuels.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

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

**Comm Dev** - Your Committee, having under consideration The American Academy of Neurology (AAN) Project, consisting of the acquisition of vacant City-owned property at 2nd St S and Chicago Ave for the construction of a five-story office building, now recommends passage of the accompanying resolution identifying AAN as an additional 501(c)(3) user of the Riverfront (Guthrie) Parking Ramp at 212 - 9th Ave S.

Adopted 11/19/2010.

Absent - Samuels.

Resolution 2010R-549, identifying the American Academy of Neurology and its 501(c)(3) affiliates as Additional Qualified Users of a Tax-Exempt Bond-Financed Parking Facility at 212 - 9th Ave S, was adopted 11/19/2010 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 2010R-549

**By Goodman**

**Identifying The American Academy of Neurology and its 501(c)(3) affiliates as Additional Qualified Users of a Tax-Exempt Bond-Financed Parking Facility.**

Whereas, on June 10, 2004, the City issued its General Obligation Guthrie Parking Ramp Bonds, Series 2003, in the original aggregate principal amount of \$16,100,000 and on March 17, 2005, the City issued its General Obligation Guthrie Parking Ramp Bonds, Series 2005 in the original aggregate principal amount of \$16,400,000 (collectively, the "Bonds"); and

Whereas, the proceeds of the Bonds were used to finance the cost of acquiring, constructing and equipping the City's Riverfront (Guthrie) Parking Ramp (the "Parking Ramp"), which is a four-story public parking facility located at 212 9th Avenue South in the City and is owned and operated by the City; and

Whereas, the Bonds were issued as tax-exempt "qualified 501(c)(3) bonds" and prior to the issuance of the Bonds, the City caused a public hearing to be held and identified the Guthrie Theater Foundation as a qualified 501(c)(3) user of the Parking Ramp; and

Whereas, The American Academy of Neurology ("AAN"), a Minnesota nonprofit corporation and an organization exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code, has proposed that the City enter into a 501(c)(3) Parking Agreement with AAN, which would allow AAN to

purchase parking permits for the Parking Ramp for the officers and employees of AAN and certain affiliates; and

Whereas, Section 147(f) of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder, require that prior to the issuance of a tax-exempt bond, the issuer of such bond must cause a public hearing to be conducted regarding the issuance of such bond and the notice for the public hearing must identify the user of the facilities to be financed with the bonds; and

Whereas, the City's bond counsel has advised the City to hold a supplemental public hearing with respect to the Bonds in order to identify AAN and its 501(c)(3) affiliates as qualified 501(c)(3) users of the Parking Ramp; and

Whereas, at a special meeting of the Community Development Committee of the City Council of the City of Minneapolis held on the date hereof, a duly noticed public hearing was held with respect to identifying AAN and the American Academy of Neurology Foundation, a Minnesota nonprofit corporation and an organization exempt from federal income taxation under Section 501(a) of the Code, as a result of the application of Section 501(c)(3) of the Code, and any and all of their affiliates that are organizations exempt from federal income taxation under Section 501(a) of the Code, as a result of the application of Section 501(c)(3) of the Code (collectively, "AAN's 501(c)(3) Affiliates"), as additional qualified 501(c)(3) users of the Parking Ramp;

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

That AAN and AAN's 501(c)(3) Affiliates are approved as additional qualified 501(c)(3) users of the Parking Ramp.

Adopted 11/19/2010.

Absent - Samuels.

**Comm Dev** – Your Committee, having under consideration a technical correction for the preliminary and final approval for the issuance of revenue bonds on behalf of Mozaic Partners LLC for the proposed project Mozaic project at 1320 Lagoon Ave consisting of 11,000 square feet of first floor retail space, using private financing, with a six story parking ramp to be constructed above the retail space using Recovery Zone Facility Bonds, now recommends passage of the accompanying resolution giving preliminary and final approval for a technical correction to the issuance of up to \$11,000,000 in Tax-exempt Revenue Bonds Designated as City of Minneapolis Recovery Zone Facility Bonds for said project.

Adopted 11/19/2010.

Absent - Samuels.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

Resolution 2010R-550, authorizing the issuance, sale, and delivery of Recovery Zone Facility Revenue Bonds for the Mozaic Partners, LLC Project, Series 2010A, and Taxable Commercial Development Revenue Bonds (Mozaic Partners, LLC Project), Series 2010B; approving the form of and authorizing the execution and delivery of the bonds and related documents, providing for the security, rights, and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto, was adopted 11/19/2010 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 2010R-550**  
**By Goodman**

**Authorizing the issuance, sale, and delivery of Recovery Zone Facility Revenue Bonds (Mozaic Partners, LLC Project), Series 2010A, and Taxable Commercial Development Revenue Bonds (Mozaic Partners, LLC Project), Series 2010B; approving the form of and authorizing the execution and delivery of the bonds and related documents, providing for the security, rights, and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto.**

Resolved by The City Council of The City of Minneapolis

1. **STATUTORY AUTHORIZATION.** The City of Minneapolis, Minnesota (the “City”), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Sections 469.152 — 469.1651, as amended (the “Act”), to carry out the public purposes described therein and contemplated thereby. Under the applicable provisions of the Act, the City is authorized to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a project comprised of any properties, real or personal, used or useful in connection with a revenue-producing enterprise, or any combination of two or more such enterprises engaged in any business. In connection with the issuance of such revenue bonds, the City is further authorized to enter into a revenue agreement with a contracting party under which the contracting party agrees to make payments as necessary to provide for the prompt payment of the principal of and interest on such revenue bonds. The contracting party is authorized to mortgage or otherwise encumber or grant a security interest in any project and its revenues to secure the timely payment of the revenue bonds issued by the City under the Act.

2. **RECOVERY ZONE FACILITY BONDS.** Pursuant to Sections 1400U-1 and 1400U-3 of the Internal Revenue Code of 1986, as amended (the “Code”), as enacted by Section 1401 of Title I of Division B of the American Recovery and Reinvestment Act of 2009 (“ARRA”), Public Law No. 111-5, 123 Stat. 115 (2009), and pursuant to Notice 2009-50, 2009-26 IRB 1118 (June 29, 2009) (“Notice 2009 50”), political subdivisions of the States and other qualified issuers are authorized to issue recovery zone facility bonds as exempt facility bonds under Section 142 of the Code if: (i) 95 percent or more of the net proceeds of such bonds are to be used for recovery zone property; (ii) the bonds are issued before January 1, 2011; and (iii) the issuer of the bonds designates such bonds as recovery zone facility bonds. Under Section 1400U-3(c) of the Code, the term “recovery zone property” means property to which Section 168 of the Code applies (or would apply but for Section 179 of the Code) if such property was constructed, reconstructed, renovated, or acquired by purchase by the taxpayer after the date on which the designation of a recovery zone took effect, the original use of which in the recovery zone commences with the taxpayer, and substantially all of the use of which is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

3. **THE COMPANY AND THE FACILITY.** The City has received a request from Mozaic Partners, LLC, a Minnesota limited liability company (the “Company”), that the City issue recovery zone facility revenue bonds, to be designated Recovery Zone Facility Revenue Bonds (Mozaic Partners, LLC Project), Series 2010 (the “Bonds”) under the Act and Section 1400U-3 of the Code to (i) finance the acquisition and construction of a parking ramp with approximately 436 spaces and consisting of approximately 169,505 square feet (the “Project”) to be located on floors two through seven of a seven story mixed-use building near the property located at 1320 Lagoon Avenue in the City; (ii) fund a portion of the interest on the Bonds; (iii) fund a debt service reserve fund; and (iv) pay a portion of the costs of issuing the Bonds. The Project will be owned and operated by the Company. The Project comprises a “project” for purposes of the Act and constitutes “recovery zone property” to be used in the active conduct of a “qualified business” of the Company for purposes of Section 1400U-3 of the Code.

4. **ALLOCATION OF AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS.** Under the provisions of Section 1400U-3(b)(2) of the Code, the maximum aggregate face amount of recovery zone facility bonds that may be designated by an issuer cannot exceed the amount of recovery zone facility bond limitation allocated to such issuer under Section 1400U-1 of the Code. Pursuant to Section 1400U-1 and Notice 2009-50, there was allocated to the City a recovery zone facility bond limitation of \$19,490,000. In addition, pursuant to a special re-allocation made by the Minnesota Department of Management and Budget on September 10, 2010, the City received an additional recovery zone facility bond limitation of \$14,938,160 for a combined total of \$34,428,160.

5. **ALLOCATION AND ISSUANCE OF BONDS.** The Bonds are proposed to be issued by the City, in one or more series, as tax-exempt bonds, including tax-exempt recovery zone facility bonds authorized under Section 1400U-3 of the Code, in the original aggregate principal amount of approximately \$11,000,000 or the maximum amount for which an allocation of recovery zone facility bond limitation authority is available. If all the Bonds cannot be issued as tax-exempt recovery zone facility bonds due to insufficient allocation of recovery zone facility bond limitation authority or for other

reasons, then the remaining portion of the Bonds required to finance the costs of the Project will be issued as a separate series of taxable Bonds. The Bonds will be issued under the terms and conditions of this resolution and an Indenture of Trust, dated on or after December 1, 2010 (the "Indenture"), between the City and a trustee to be selected by the Company (the "Trustee"). The proceeds of the Bonds will be loaned to the Company (or a related organization) pursuant to the terms of a Loan Agreement, dated on or after December 1, 2010 (the "Loan Agreement"), between the City and the Company. The repayment of the loan under the terms of the Loan Agreement and the payment of the principal of, premium, if any, and interest on the Bonds will be secured by a Combination Mortgage, Security Agreement, Fixture Financing Statement and Assignment of Rents and Leases, dated on or after December 1, 2010 (the "Mortgage"), from the Company to the Trustee, to provide security for the payment of the Bonds and for the performance of the Company's obligations under the Loan Agreement. The Bonds will be special, limited obligations of the City that: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

6. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds, and the other actions of the City under this resolution, the Indenture, and the Loan Agreement constitute a public purpose and are in the interests of the City.

7. THE BONDS. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the: (i) Recovery Zone Facility Revenue Bonds (Mozaic Partners, LLC Project), Series 2010A (the "Series 2010A Bonds"); and (ii) Taxable Commercial Development Revenue Bonds (Mozaic Partners, LLC Project), Series 2010B (the "Series 2010B Bonds"). The Series 2010A Bonds and the Series 2010B Bonds are hereinafter referred to collectively as the "Bonds." The Bonds will be issued in the maximum aggregate principal amount of \$11,000,000. The Series 2010A Bonds are hereby designated by the City as recovery zone facility bonds, within the meaning of Section 1400U-3 of the Code, and there is hereby allocated to the Series 2010A Bonds recovery zone facility bonds limitation authority in an amount equal to the principal amount of the Series 2010A Bonds. The City hereby authorizes the Series 2010A Bonds to be issued as tax-exempt recovery zone facility bonds the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The City hereby authorizes the Series 2010B Bonds to be issued as taxable revenue bonds the interest on which is includable in gross income for federal and State of Minnesota income tax purposes. The Bonds, substantially in the forms set forth in the Indenture now on file with the City, are hereby approved with the amendments referenced herein.

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the forms now on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

8. THE INDENTURE. The Indenture is hereby approved. All of the provisions of the Indenture, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not

materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

9. **THE LOAN AGREEMENT.** The Loan Agreement is hereby approved. All of the provisions of the Loan Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form now on file with the City, with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. Except for certain reserved rights, the interests of the City in the Loan Agreement will be assigned to the owners of the Bonds pursuant to the terms of the Indenture.

10. **DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT.** The City has prepared an Application to the Minnesota Department of Employment and Economic Development ("DEED") for approval of the Project pursuant to the requirements of Section 469.154 of the Act. Pursuant to Section 469.154, subdivision 4, of the Act, prior to submitting an application to DEED for approval of the Project, the City Council has conducted a public hearing on the proposal to undertake the Project, as authorized under the terms of the Act. As required by the terms of Section 469.154 of the Act, the employees, officers, and agents of the City are hereby authorized and directed to submit an application to DEED for approval of the Project and the issuance of the Bonds.

11. **OTHER CITY DOCUMENTS.** The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including a Bond Purchase Agreement, dated on or after December 1, 2010 (the "Purchase Agreement"), between the City, the Company, and Dougherty & Company LLC, as original purchaser of the Bonds, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel, to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

12. **DISCLOSURE DOCUMENTS.** The City will not participate in the preparation of an official statement or other disclosure documents relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information.

13. **SUBSEQUENT AMENDMENTS.** On any date subsequent to the date of issuance of the Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution or other documents executed and delivered in connection with the issuance of the Bonds if, after review by bond counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

14. **LIMITATIONS OF LIABILITY.** No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holders from time to time of the Bonds issued under the provisions of this resolution.

15. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

16. VALIDITY OF THE BONDS. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

17. ADDITIONAL ACTIONS. The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution.

18. DESIGNATION AS PROGRAM BONDS. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

19. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted 11/19/2010.

Absent - Samuels.

Approved by Mayor Rybak 11/22/2010.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 3807 - 5th Ave S to Twin Cities Habitat for Humanity, Inc for \$39,600, plus reimbursement of City acquisition costs of \$2,335.41, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$300 per month (or portion thereof) from the date of City Council approval to the date of closing if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 11/19/2010.

Absent - Samuels.

Resolution 2010R-551, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel PR-083 at 3807 - 5th Ave S, was adopted 11/19/2010 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 2010R-551  
By Goodman**

**Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel PR-083 at 3807 - 5th Ave S.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel PR-083, in the Bryant neighborhood, from Twin Cities Habitat for Humanity, Inc., hereinafter known as the Redeveloper, the Parcel PR-083, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of PR-083; 3807 5<sup>th</sup> Avenue South: Lots 20 and 21, Block 1, Fifth Avenue Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$39,600 (plus reimbursement of \$2,335.41 in additional costs incurred by the City), for Parcel PR-083 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on October 29, 2010, a public hearing on the proposed sale was duly held on November 9, 2010, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 4:00 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Neighborhood Stabilization Program plan, as amended, is hereby estimated to be the sum of \$39,600 for Parcel PR-083.

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

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

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

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

Adopted 11/19/2010.

Absent - Samuels.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1406 Girard Ave N to Neighborhood Housing Services of Minneapolis, Inc for \$1.00, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$300 per month (or portion thereof) from the date of City Council approval to the date of closing if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 11/19/2010.

Absent - Samuels.

Resolution 2010R-552, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No. PR-104 at 1406 Girard Ave N, was adopted 11/19/2010 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 2010R-552**  
**By Goodman**

**Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No. PR-104 at 1406 Girard Ave N.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel PR-104 in the Neighborhood Stabilization Program, from Neighborhood Housing Services of Minneapolis, Inc., hereinafter known as the Redeveloper, the Parcel(s) PR-104, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of PR-104; 1406 Girard Avenue North: Lot 9, Block 10, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$1, for Parcel PR-104; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, October 29, 2010, a public hearing on the proposed sale was duly held on November 9, 2010, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 4:00 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value, for uses in accordance with the Neighborhood Stabilization Program plan, as amended, is hereby estimated to be the sum of \$45,000, for Parcel PR-104; however, in accordance with public purpose consideration and Federal Neighborhood Stabilization Program guidelines, the City is selling Parcel PR-104 for the sum of \$1.

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

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and

2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

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

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

Adopted 11/19/2010.

Absent - Samuels.

**Comm Dev** - Your Committee, having under consideration a request that the City of Minneapolis allocate all of its \$12,993,000 in Recovery Zone Economic Development Bonds (RZEDB) volume cap to Minneapolis Special School District No. 1 for the purpose of the Minneapolis Public School's issuance of RZEDBs to finance eligible costs for the construction of the Minneapolis Public School Education Service Center to be located at 1250 W Broadway, now recommends passage of the accompanying resolution allocating all of the City's \$12,993,000 RZEDB volume cap to the Minneapolis School District.

Adopted 11/19/2010. Yeas, 11; Nays, 1 as follows:

Yeas - Gordon, Reich, Hofstede, Schiff, Lilligren, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Colvin Roy.

Absent - Samuels.

Resolution 2010R-553, allocating all of City of Minneapolis \$12,993,000 Recovery Zone Economic Development Bonds (RZEDB) volume cap to the Minneapolis School District, was adopted 11/19/2010 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 2010R-553**

**By Goodman**

**Allocating all of City of Minneapolis \$12,993,000 Recovery Zone Economic Development Bonds (RZEDB) volume cap to the Minneapolis School District.**

Whereas, the American Recovery and Reinvestment Act of 2009 ("ARRA") provided, among other purposes, for the creation of certain new financing tools designed to promote economic recovery and to invest in infrastructure that will provide long-term economic benefits, including, among others, recovery zone economic development bonds ("RZEDBs"), which bonds must be issued prior to January 1, 2011; and

Whereas, Sections 1400U-1 through 1400U-3 of the Internal Revenue Code of 1986, as amended (the "Code"), have codified the provisions of ARRA governing the issuance of RZEDBs. Subject to the Code, the Internal Revenue Service has allocated the national RZEDB volume cap among the states, which amounts have subsequently been reallocated within each state among various counties and large municipalities. Under this reallocation, the City of Minneapolis (the "City") received a volume cap allocation of \$12,993,000 for the issuance of RZEDBs; and

Whereas, the City may allocate its RZEDB volume cap, in whole or in part, to an ultimate beneficiary in any reasonable manner as determined in good faith in the City's discretion for use for eligible costs for qualified economic development purposes, so long as the recovery zone economic development project is located within a "recovery zone" in the City's jurisdiction; and

Whereas, Special School District No. 1 (Minneapolis), Minnesota (the "District"), a political subdivision with boundaries coterminous with the City, has requested an allocation of the entire amount of the City's RZEDB volume cap so that it may issue RZEDBs to finance eligible costs for the construction of an administrative facility (the "Project") to be located at 1250 West Broadway; and

Whereas, the Project is located within the "recovery zone" of the City for purposes of the issuance of RZEDBs, as established by this Council in April, 2009; and

Whereas, the City desires to allocate its entire RZEDB volume cap to the District, as an ultimate beneficiary, for use for eligible costs for the Project to promote economic recovery and provide long-term economic benefits in said recovery zone and the City;

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

That the City of Minneapolis allocates all of its \$12,993,000 RZEDB volume cap to the District for the purpose of the District's issuance of RZEDBs to finance eligible costs for the Project pursuant to Sections 1400U-1 through 1400U-3 and other applicable provisions of the Code and Treasury Regulations. By issuing bonds pursuant to this allocation, the District assumes all responsibility for ensuring compliance with all applicable provisions of the Code and Treasury Regulations. The City undertakes no responsibility for issuance by the District of RZEDBs in compliance with any provision of state or federal law or local ordinance.

Adopted 11/19/2010. Yeas, 11; Nays, 1 as follows:

Yeas - Gordon, Reich, Hofstede, Schiff, Lilligren, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Colvin Roy.

Absent - Samuels.

**Comm Dev** - Your Committee, having under consideration the request of the Minneapolis Employment & Training Program for an extension to the end date of 40 Master Contracts for employment and training services, now recommends that the proper City officers be authorized to extend the end period for the Department of Community Planning & Economic Development (CPED) Master Contracts from December 31, 2010 to June 30, 2011, as set forth in the CPED staff report.

Adopted 11/19/2010.

Absent - Samuels.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Department of Community Planning & Economic Development (CPED) Master Contracts for employment and training services for 2011-2015, now recommends that the proper City officers be authorized to execute Master Contracts for the period January 1, 2011 to December 31, 2015 with the eligible providers of community agencies and governmental entities set forth in the CPED staff report, with staff being authorized to issue Fund Availability Notices when project funds become available, as long as the total amount of the Master Contract is not exceeded.

Adopted 11/19/2010.

Absent - Samuels.

**The PUBLIC SAFETY & HEALTH Committee submitted the following reports:**

**PS&H** - Your Committee, to whom was referred an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending the license period for a dog or cat license to be a 12-month license period expiring one year

from the date of issuance, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/19/2010.

Absent - Samuels.

Ordinance 2010-Or-096 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending Section 64.30 to amend the license period for a dog or cat license to be a 12-month license period expiring one year from the date of issuance, was adopted 11/19/2010 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 2010-Or-096**  
**By Goodman**  
**Intro & 1st Reading: 10/22/2010**  
**Ref to: PS&H**  
**2nd Reading: 11/19/2010**

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

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

Section 1. That Section 64.30 (a) of the above-entitled ordinance be amended to read as follows:

**64.30. License application and fee.** (a) Every person required to obtain a license under this chapter shall make application to Minneapolis Animal Care and Control for a dog or cat license. The license shall expire on January thirty-first of each year, except that any license issued on or after February 1, 2011 shall be valid for one (1) year from the date of issuance. As a condition for the issuance of a dog or cat license, the applicant shall certify that the dog or cat has been vaccinated against rabies in conformance with the requirements of this Code.

Adopted 11/19/2010.

Absent - Samuels.

**PS&H** - Your Committee recommends passage of the accompanying resolution amending the schedule of civil fines for administrative offenses to increase the fine for failure to license a dog or cat from \$100 to \$200.

Gordon moved that the report be referred back to the Public Safety & Health Committee. Seconded.

Adopted 11/19/2010.

Absent - Samuels.

**PS&H** - Your Committee recommends passage of the accompanying resolution adopting the Hennepin County All-Hazards Mitigation Plan.

Adopted 11/19/2010.

Absent - Samuels.

Resolution 2010R-554, adopting the Hennepin County All-Hazards Mitigation Plan, was adopted 11/19/2010 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 2010R-554**

**By Samuels**

**Adoption of the Hennepin County All-Hazards Mitigation Plan.**

Whereas, the City of Minneapolis has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000 in support of the Hennepin County All Hazards Mitigation Plan; and

Whereas, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan in which Minneapolis is a participant; and

Whereas, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

Whereas, the Hennepin County Plan includes a risk assessment for Minneapolis including past hazards, hazards that threaten the County and Minneapolis, an estimate of structures at risk, a general description of land uses and development trends; and

Whereas, the Hennepin County Plan includes a mitigation strategy for Minneapolis including goals and objectives and an action plan identifying specific mitigation projects and costs; and

Whereas, the Hennepin County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Hennepin County will maintain public participation and coordination; and

Whereas, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

Whereas, the Hennepin County All-Hazards Mitigation Plan will make the county and participating jurisdictions including Minneapolis, eligible to receive FEMA hazard mitigation assistance grants; and

Whereas, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan;

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

That the City of Minneapolis supports the hazard mitigation planning effort and wishes to adopt the Hennepin County All-Hazards Mitigation Plan.

Adopted 11/19/2010.

Absent - Samuels.

**PS&H** - Your Committee recommends concurrence with the recommendation of the Mayor and Council President to approve the appointment of Roland Minda, Ward 3, member at large representative to the Senior Citizen Advisory Committee, for a two-year term to expire December 31, 2013.

Adopted 11/19/2010.

Absent - Samuels.

**PS&H** - Your Committee recommends concurrence with the recommendation of the Mayor to approve the following appointments and reappointments to the Youth Violence Prevention Executive Committee for two-year terms to expire December 31, 2012:

*Appointments*

Craig Vana, Ward 1, Minneapolis Public Schools

Richard Howell, Jr, Ward 5 (work), faith community

Mary Johnson, Ward 5, community organizer

Bianca Dawkins, Ward 7 (work), student

Soua Lor, Ward 9 (work), community organizer

Gary Cunningham, Ward 10, foundation community

Sherenia Gibbs, Ward 3 (work), Minneapolis Park & Recreation Board

Marina Lyon-Munoz, Ward 7 (work), foundation community

*Reappointments*

Ed Anderson, Ward 5 (work), business  
Dale Blyth, Ward 2 (work), academic  
Peter Benson, Ward 3 (work), academic  
VJ Smith, Ward 8 (work), community organizer  
Sondra Samuels, Ward 5, community organizer  
Eloisa Echavez, Ward 9 (work), community organizer  
Bill Ziegler, Ward 9 (work), community organizer  
Cam Gordon, Ward 2, elected official.

Adopted 11/19/2010.

Absent - Samuels.

**The PUBLIC SAFETY & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following report:**

**PS&H & W&M/Budget** - Your Committee recommends passage of the accompanying resolution accepting the donation of travel expenses to conduct firefighting training in Eldoret, Kenya.

Your Committee further recommends that the Minneapolis Fire Department be authorized to donate surplus firefighting supplies to the City of Eldoret, as detailed in Petn No 274611 on file in the office of the City Clerk.

Adopted 11/19/2010.

Absent - Samuels.

**RESOLUTION 2010R-555  
By Samuels and Hodges**

**Accepting the donation of travel expenses to conduct firefighting training in Eldoret, Kenya.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of travel-related expenses from the Municipal Government of Eldoret, valued at \$8,400 for airfare, for four City of Minneapolis employees to conduct firefighting training in Eldoret from January 10 through 21, 2011.

Adopted 11/19/2010.

Absent - Samuels.

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

**RE&E** - Your Committee, having under consideration the application of Lakes Restaurant Inc, dba Stella's Fish Cafe & Oyster Bar, 1402 W Lake St, for an On-Sale Liquor Class B with Sunday Sales License (amended business plan) to expire January 1, 2011, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Glidden moved that the report be referred back to the Regulatory, Energy & Environment Committee. Seconded.

Adopted 11/19/2010.

**RE&E** - Your Committee, having under consideration the application of Gator Lessee LLC, dba The Grand Hotel, 615 2nd Av S, for an On-Sale Liquor Class A with Sunday Sales License (new proprietor) to expire October 1, 2011, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**RE&E** - Your Committee recommends passage of the accompanying resolution granting the application of Insomnia Night Club & Lounge, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Glidden moved that the first Resolved clause of the Resolution be amended to read as follows:

"That it grants the application submitted by ~~Insomnia Night Club & Lounge~~ Stills Ordinary People LLC, dba Insomnia Night Club & Lounge, 319 1st Av N #100, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2011, subject to the following conditions:..." . Seconded.

Adopted by unanimous consent.

The report was adopted 11/19/2010.

Resolution 2010R-556, granting the application of Insomnia Night Club & Lounge, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was adopted 11/19/2010 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 2010R-556**  
**By Glidden**

**Granting the application of Insomnia Night Club & Lounge, 319 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Stills Ordinary People LLC, dba Insomnia Night Club & Lounge, 319 1st Av N #100, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2011, subject to the following conditions:

1. Insomnia shall not permit anyone under the age of 21 on the premises after 10:00 p.m.
2. Insomnia's security staff shall be dressed in suits when on duty.
3. Insomnia staff, other than security, shall wear business shirts when on duty.
4. Insomnia shall have a manager present during all hours of operation.
5. Insomnia shall perform background checks on potential employees and deny employment to anyone convicted of a felony or a narcotics charge.
6. Insomnia's security staff shall periodically undergo training with the Minneapolis Police Department and keep a record of attendees and dates. These records must be made available to the City of Minneapolis Licenses Division upon request.
7. Insomnia shall install and maintain security cameras that record the main door and front of the establishment. Images recorded from the cameras must be kept for a minimum of 30 days and be available to the Minneapolis Police Department upon request.
8. Insomnia shall contact 911, assist victims and attempt to detain suspects when an injury occurs as a result of a physical confrontation on the premises.
9. Insomnia shall contact 911 and attempt to detain a person possessing illegal drugs on the premises.
10. Insomnia shall contact 911 and attempt to detain a person with a firearm on the premises.
11. Insomnia shall not permit glass containers on the second floor.
12. Insomnia shall employ three additional security personnel on Fridays and Saturdays for a total of 10 security personnel. One of the additional three will be stationed at the entry point to the second floor to ensure glassware is not brought onto the floor. The second additional security personnel will be placed at the main entry/exit door to assist in crowd control and to ensure no glassware is removed from the building. The third additional security personnel will float throughout the premises to ensure that empty or broken glassware is promptly removed in other areas of the establishment.
13. Insomnia shall place barriers in front of the business at closing time and security personnel shall usher patrons down the sidewalk to prevent them from entering the street when exiting.

14. Insomnia shall not distribute or hire others to distribute handbills, flyers or business advertising cards to the public in the City of Minneapolis. Further, no entertainer or promoter providing entertainment services at the establishment shall distribute or post handbills in Minneapolis that advertise events at the business.

15. Insomnia shall submit a bar closing plan to the Licenses & Consumer Services Division prior to opening which includes how staff will assist patrons when leaving to prevent loitering in front of the establishment.

16. Insomnia shall compile, maintain and share with the 1st Precinct a "do not admit" list to prevent reoccurrence of disturbances by known persons.

17. Insomnia shall have available an identification card reader used to verify the age of each patron.

18. Violations of the conditions above shall provide a basis for suspension, revocation or denial of the renewal of the license.

19. All parties hereto agree that this agreement is specifically enforceable and that in any litigation involving this agreement, no defense will be raised as to its enforceability.

20. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/19/2010.

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

Adopted 11/19/2010.

Resolution 2010R-557, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/19/2010 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 2010R-557**

**By Glidden**

**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 (Petn No 274613):

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2011**

Out of the Blue Ventures LLC, dba Cafe Maude, 5411 Penn Av S (corporate name change)

**Liquor Catering Services, to expire August 1, 2011**

Macy's Design Cuisine Catering, dba Macy's Design Cuisine, 700 Nicollet Mall (new business)

FCA Restaurant Company LLC, dba FCA Restaurant Company LLC, 380 Jackson St, Saint Paul (new business)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2011**

The Noodle Shop, Co - Minnesota, Inc, dba Noodles & Company, 616 Washington Av SE (new corporate officer)

The Noodle Shop, Co - Minnesota, Inc, dba Noodles & Company, 616 Washington Av SE

Familia Dominguez Inc, dba Dominguez Family Restaurant, 3313 E 50th St.

Adopted 11/19/2010.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/19/2010.

## NOVEMBER 19, 2010

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Resolution 2010R-558, granting applications for Business Licenses, was adopted 11/19/2010 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 2010R-558** **By Glidden**

#### **Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 19, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274613):

Amusement Devices; Place of Amusement Class B-1; Place of Amusement Class B-2; Christmas Tree; Fire Extinguisher Servicing Class A; Caterers; Grocery; Food Manufacturer; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Going Out of Business; Heating, Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Plumber; Precious Metal Dealer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Pawnbroker Class A; Combined Trades; and Wrecker of Buildings Class B.

Adopted 11/19/2010.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 11/19/2010.

Resolution 2010R-559, granting applications for Gambling Licenses, was adopted 11/19/2010 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 2010R-559** **By Glidden**

#### **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 (Petn No 274613):

##### **Gambling Class B**

Air Force Association, dba Air Force Association, 6050 5th Av S (Skylane Bowling Center - new business)

##### **Gambling Exempt**

Church of St. Joan of Arc, dba Church of St. Joan of Arc, 4537 3rd Av S (Raffle October 29 & 30, 2010)

Free Arts for Abused Children of Minnesota, dba Free Arts for Abused Children of Minnesota, 400 1st Av N Suite 518 (Raffle November 18, 2010, Artist's League Studio, 750 Washington)

Community of Recovering People, dba The Retreat, 1221 E Wayzata Blvd, Wayzata (Raffle November 19, 2010, International Market Square, 275 Market St)

Women's Foundation of Minnesota, dba Women's Foundation of Minnesota, 155 5th Av S Suite 500 (Raffle March 10, 2011, Minneapolis Marriott City Center, 30 S 7th St)

Adopted 11/19/2010.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Hum's Liquor Store, 2126 Lyndale Av S.

Adopted 11/19/2010.

Resolution 2010R-560, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Hum's Liquor Store, 2126 Lyndale Av S, was adopted 11/19/2010 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 2010R-560**

**By Glidden**

**Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Hum's Liquor Store, 2126 Lyndale Av S.**

Whereas, a License Settlement Conference hearing was held with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 24 months employees of Hum's Liquor Store sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. That Hum's Liquor Store upon signing this document shall provide the Department of Licenses & Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishment, and that the policy be approved by the Department of Licenses & Consumer Services, and that Hum's Liquor Store implement and maintain this policy.

2. That Hum's Liquor Store schedule a professional training for their employees regarding youth alcohol compliance, and provide the Licensing Office with the name of the trainer and the training date, and that they do so within 30 days of the signing of this document.

3. That Hum's Liquor Store perform at least three self checks for youth alcohol compliance annually for two years, and that they document these self checks and provide the documentation to Licensing.

4. That Hum's Liquor Store holds regular staff meetings and reminds employees at each staff meeting of the importance of checking identification for youth alcohol compliance.

5. That Hum's Liquor Store purchase and deploy one device with which to automatically scan driver's licenses and other identification cards for the purpose of determining customers' age and eligibility to purchase alcohol, and that such device be deployed within 45 days of this agreement.

6. That Hum's Liquor Store display signs that state an identification card is required by everyone in a group whenever a purchase is made by any members.

7. That Hum's Liquor Store has a trained manager on the premises at all times.

8. That Hum's Liquor Store attend four meetings of the Liquor Industry N the City (LINC) group.

9. That the City of Minneapolis Licensing Division imposes a sanction of \$3,000, of which \$1,500 will be stayed for a period of two years upon the condition that there be no similar or same violations, and that this sanction be paid upon time of signing of this document.

10. The date of agreement shall be defined as the date that the licensee signs or otherwise executes this agreement. This agreement is subject to approval by the City Council, and should such approval be obtained after the execution of this agreement, the approval shall be retroactive to the date of execution.

Adopted 11/19/2010.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving a License Settlement Agreement relating to the Combined Trades License held by Sedgwick Heating & Air Conditioning, 1408 Northland Dr, Mendota Heights.

Adopted 11/19/2010.

Resolution 2010R-561, approving a License Settlement Agreement relating to the Combined Trades License held by Sedgwick Heating & Air Conditioning, 1408 Northland Dr, Mendota Heights, was adopted 11/19/2010 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 2010R-561**

**By Glidden**

**Approving a License Settlement Agreement relating to the Combined Trades License held by Sedgwick Heating & Air Conditioning, 1408 Northland Dr, Mendota Heights.**

Whereas, the City notified Sedgwick of alleged violations of the Minneapolis Code of Ordinances (the "Ordinances") Sections 278.190, 91.60, 85.20, 105.20 and 105.70 (the "Alleged Violations") and Sedgwick disputed the Alleged Violations;

Whereas, on October 18, 2010 the City and Sedgwick had a settlement conference to discuss the Alleged Violations; and

Whereas, the City and Sedgwick now desire to settle the Alleged Violations;

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

That in consideration of the terms, conditions, and promises set forth herein, it is agreed as follows:

1. **Settlement Terms.** In order to settle the Alleged Violations, the parties agree as follows:

a. Upon execution of this Agreement by the parties, Sedgwick shall pay the City the sum of \$2,000, of such amount the sum of \$1,000 shall be stayed for a period of one year (the "Stayed Amount").

b. Sedgwick shall obtain permits in accordance with the Ordinances for all work in the City which requires a permit or otherwise subcontract the work to a properly licensed contractor; provided that if emergency work is requested by residents of the City during the evening or on weekends, Sedgwick may perform such work and Sedgwick shall verbally report such work to the City's area CCS inspector and obtain a permit on the next business day.

c. Sedgwick shall maintain the appropriate employees with Master competency cards as required by Ordinance 278.190 and Sedgwick will inform the City of any change in its employees with Master competency cards within 14 days of the change. If Sedgwick has no employees with a Master competency card for the licensed portion of its business, Sedgwick shall cease contracting work in the City for such portion of its business or shall otherwise subcontract the work to a properly licensed contractor.

d. If during the period of one year after the date hereof, Sedgwick violates sections 1(b) and/or 1(c) above, then, after notice thereof from the City, Sedgwick shall pay the Stayed Amount to the City and any or all of the Alleged Violations may be pursued against Sedgwick by the City as determined by the City in its sole discretion.

e. This Agreement is entered into in compromise of disputed claims. The parties acknowledge that the execution of this agreement shall not be construed in any way as an admission of wrongdoing or liability on the part of Sedgwick. The parties intend by their actions pursuant to this Agreement merely to avoid the expense, delay, and burden of further proceedings.

2. **Miscellaneous.** This Agreement is made and entered into in the State of Minnesota and shall in all respects be interpreted, enforced, and governed under the laws of the State of Minnesota. The language of all parts in this Agreement shall be construed as a whole, according to its fair meaning, and not strictly for or against either party. This Agreement may be executed in one or more counterparts by the parties. All counterparts shall be construed together and shall constitute one agreement. This Agreement sets forth the entire agreement between the parties with respect to the Alleged Violations and fully supersedes any and all prior agreements and understandings between the parties pertaining to the Alleged Violations.

Adopted 11/19/2010.

**RE&E** - Your Committee recommends that levy 1103, CDBG Demo, in the amount of \$868,107.87, be approved, and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 274614).

Your Committee further recommends that the Department of Regulatory Services be authorized to continue receiving pre-payments until November 30, 2010, as allowable by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department.

Your Committee further recommends passage of the accompanying resolution directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of the Department of Regulatory Services to correct nuisance or hazardous conditions on these properties.

Adopted 11/19/2010.

Resolution 2010R-562, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 11/19/2010 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 2010R-562**

**By Glidden**

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

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

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

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

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

Be it Further Resolved that Levy Number 1103 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 274614 on file at the Office of the City Clerk.

Adopted 11/19/2010.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 3443 Washburn Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Trio Investments, LLC, Jesse Mausser (Petn No 274614).  
Adopted 11/19/2010.

**RE&E** - Your Committee, having under consideration the property located at 3822 6th St N, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 3822 6th St N be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.  
Adopted 11/19/2010.

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

**T&PW** - Your Committee, having under consideration the Street Maintenance Assessment, Project 1337M for payable 2011 and all written and oral objections and statements regarding the assessments, and having held a public hearing thereon on November 9, 2010 in accordance with the provisions of Laws 1969, Ch 499, as amended by Laws 1994, Ch 587, Art 9; Laws 1973, Ch 393, as amended by Laws 1974, Ch 153 and Laws 2008, Ch 154; and the procedures set out at Minn Stat Section 429.061, now recommends that the proposed assessments in the amount of \$354,760 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 274617) be adopted, and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**T&PW** - Your Committee, having under consideration the Street Light Operations Assessments, Project 1337L for payable 2011 and all written and oral objections and statements regarding the assessments, and having held a public hearing thereon on November 9, 2010 in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, now recommends that the proposed assessments in the amount of \$106,569 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 274617) be adopted, and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**T&PW** - Your Committee recommends passage of the accompanying resolution adopting the assessments, levying the assessments, and adopting the assessment roll for unpaid sanitary sewer service availability charges on the list of properties set forth in Petn No274617.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

Resolution 2010R-563, adopting the assessments, levying the assessments, and adopting the assessment roll for unpaid sanitary sewer service availability charges, was adopted 11/19/2010 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 2010R-563**  
**By Colvin Roy**

**Adopting the assessments, levying the assessments, and adopting the assessment roll for service availability charges (SAC) on the list of properties set forth in Petn No 274617.**

Whereas, a public hearing was held on November 9, 2010 in accordance with Minnesota Statutes, Section 429.101 by authority of Minnesota Statutes, Chapter 473 to consider the proposed assessments as shown on the proposed assessment roll on file in the office of 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 assessments against the affected properties on the 2009 SAC Community list updated August 31, 2010, set forth in Petn No 274617 in the total amount of \$18,675 as shown on the proposed assessment roll on file in the office of the City Clerk is hereby adopted and levied.

Be It Further Resolved that the assessments be collected in their entirety on the 2011 real estate tax statements with interest charged at the rate of 5%.

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

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

**T&PW** - Your Committee recommends passage of the accompanying resolution levying special assessments upon the benefited properties for various Public Works Department projects and charges, adopting the assessment rolls, and directing the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

Resolution 2010R-564, levying various 2010 Public Works Department special assessments and adopting the assessment rolls, was adopted 11/19/2010 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 2010R-564**  
**By Colvin Roy**

**2010 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.**

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted

and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2011 real estate tax statements.

1) Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$14,099.12 principal and interest for payable 2011 - Levy 01026 - Project 2897P.

2a) Lyndale Ave S Street Lighting Project (from 31st St W to Minnehaha Pkwy), Special Improvement of Existing Street No 6729; \$339,301.62 principal; 20 installments for assessments of more than \$150 - 4.00% interest - Levy 01026 - Project 6729L; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01026 - Project L6729.

2b) Giving final approval for Street Lighting District No 1331 (said district having been established for the Lyndale Ave S Street Lighting Project No 6729); annual operation and maintenance costs in said district - \$454.34 - Levy 01023 - Project 1331.

3) Chicago Ave S (8th St to Franklin Ave) Phase III, Reconstruction Project, Special Improvement of Existing Street No 6382; \$556,106.13 principal; 20 installments for assessments of more than \$150 - 4.00% interest - Levy 01026 - Project 6382-3; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01026 - Project 3-6382.

4) Areaway Abandonment & Removal at 625 2nd Ave S (in connection with the 2nd Ave S Reconstruction Project, Special Improvement of Existing Street No 6739) Project No 2276; \$22,476.50 principal; 20 installments for assessments of more than \$150 - 4.00% interest - Levy 01026 - Project 2276A.

5) Areaway Abandonment & Removal at 350 3rd Ave N in connection with the 3rd Ave N (Washington Ave to 5th St N) Street Reconstruction Project, Special Improvement of Existing Street No 9882; \$312,175.50 principal; 20 installments for assessments of more than \$150 - 4.00% interest - Levy 01026 - Project 9882A.

6) Areaway Abandonment & Removal at 1000 Marquette Ave (in connection with the Marquette Ave Reconstruction Project, Special Improvement of Existing Street No 6740) Project No 2276; \$159,828.90 principal; 20 installments for assessments of more than \$150 - 4.00% interest - Levy 01026 - Project 2276A.

7) Lynnhurst (Phase VI) Street Renovation Project, Special Improvement of Existing Street No 5211; \$642,966.32 principal; 10 installments for assessments of more than \$150 - 3.00% interest - Levy 01026 - Project 5211R.

8) Chicago Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5209; \$268,759.77 principal; 7 installments for assessments that total \$4,048.25 - 3.00% interest - Levy 01027 - Project 7-5209; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5209-0; 1 installment of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5209.

9) Dowling Ave N Street Resurfacing Project, Special Improvement of Existing Street No 2950; \$120,516.33 principal; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 2950-0; 1 installment of \$150 or less - 2.00% interest - Levy 01027 - Project 0-2950.

10) Shingle Creek Pkwy and 45th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5210; \$35,791.59; 5 principal installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5210-0; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5210.

11) Diamond Lake Rd Resurfacing Project, Special Improvement of Existing Street No 5204; \$181,201.46; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5204-0; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5204.

12) Nicollet Ave S (Minnehaha to 58th St) Street Resurfacing Project, Special Improvement of Existing Street No 5212; \$135,724.93 principal; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5212-0; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5212.

13) Broadway St NE Street Resurfacing Project, Special Improvement of Existing Street No 5197; \$505,344.61 principal; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5197-0.

14) Seventh St N Resurfacing Project, Special Improvement of Existing Street No 5200; \$204,072.62 principal; 7 installments for assessments totaling \$29,023.48 - 3.00% interest - Levy 01027 - Project 7-5200; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5200-9.

15) Oak Hill (East) Street Resurfacing Project, Special Improvement of Existing Street No 5193; \$960,129.77 principal; 9 installments for assessments totaling \$35,988.30 - 3.00% interest - Levy 01027 - Project 5193A; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5193-0; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5193.

16) Bryn Mawr Street Resurfacing Project, Special Improvement of Existing Street No 5206; \$997,821.97 principal; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5206-0; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5206.

17) Prospect Park Street Resurfacing Project, Special Improvement of Existing Street No 5207; \$737,091.94 principal; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01027 - Project 5207-0; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01027 - Project 0-5207.

18) 2010 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS10#1; \$136,722.68 principal; 5 installments for assessments of more than \$150 - 3.00% interest - Levy 01013 - Project FS101; 1 installment for assessments of \$150 or less - 2.00% interest - Levy 01013 - Project 101FS.

19) Project No 2011, Snow and Ice Removals from Public Sidewalks; \$90,776.80 principal (reduced from \$91,961.20 due to prepayments); 1 installment - 2.00% interest - Levy 01057 - Project 11S11.

20) Project No 2011, Public Sidewalk Repair and Construction; \$820,483.22 principal (reduced from \$830,476.84 due to prepayments); 10 installments for assessments of more than \$1,500 - 3.00% interest - Levy 01052 - Project 11S10; 5 installments for assessments of more than \$150 up to \$1,500 - 3.00% interest - Levy 01052 - Project 11S05; 1 installment for assessments \$150 or less - 2.00% interest - Levy 01052 - Project 11S01.

21) Project No 2011 Water Service Line Repairs; \$269,440 principal (reduced from \$293,930 due to prepayments); 5 installments - 5% interest - Levy 01028 - Project 11WTR.

22) Project No 2011 Sewer Service Line Repairs; \$52,653 principal; 5 installments - 5% interest - Levy 01083 - Project 11SWR.

23) Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.01305 per square foot for a total assessment roll in the amount of \$354,760. There is no interest charge applied - Levy 01031 - Project 1337M.

24) Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; \$0.00392 per square foot for a total assessment roll in the amount of \$106,569. There is no interest charge applied - Levy 01023 - Project 1337L.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

**T&PW** - Your Committee, having under consideration the Draft Metropolitan Solid Waste Management Policy Plan 2010-2030, now recommends approval of the Comments, dated 11/9/2010, for submittal to the Minnesota Pollution Control Agency.

Adopted 11/19/2010.

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

**T&PW & W&M/Budget** - Your Committee recommends that Contract No C-27925 with Standard Sidewalk, Inc, be increased by \$310,000, for a revised contract total of \$2,224,600, to allow for work in excess of the original contract amount. No additional appropriation required.

Adopted 11/19/2010.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Central Corridor Light Rail Transit (LRT) Project, now recommends that the proper City officers be authorized to negotiate and execute Subordinate Funding Agreement 4 (SFA 4) with the Metropolitan Council for the City to reimburse the Metropolitan Council \$17,600, or 8.8%, of the construction costs associated with the East River Parkway Storm Water BMP.

Adopted 11/19/2010.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Cedar Lake Trail Project, Phase III, from Royalston Ave to W River Pkwy, now recommends passage of the accompanying resolution approving the execution of a final settlement agreement for easements with Land Partners II, LLP.

Adopted 11/19/2010.

Resolution 2010R-565, approving Stipulation of Final Settlement for Cedar Lake Trail Phase III - Parcel 14, was adopted 11/19/2010 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 2010R-565  
By Colvin Roy and Hodges**

**Approving Stipulation of Final Settlement for Cedar Lake Trail Phase III - Parcel 14.**

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, Land Partners II, LLLP ("Land Partners") owns property lying between Royalston Avenue and West River Parkway which the City desires to cross with the Cedar Lake Trail - Phase III, and which is legally described in Exhibit A ("Land Partners Property"), as set forth in Petn No 274618; and

Whereas, pursuant to previous City Council resolution, the City commenced eminent domain proceedings to acquire permanent and temporary easements over the Land Partners Property; and

Whereas, the Easements acquired by the City over the Land Partners Property are also described in Exhibit A ("Easements"); and

Whereas, the City and Land Partners entered into a Stipulation of Partial Settlement under which the City obtained the desired Easements, in return for the City's deposit with the District Court Administrator of \$453,500, the City's approved appraisal of damages for the Easements, which agreement was approved by the City Council, but did not resolve the total amount of compensation to be paid for the Easements; and

Whereas, the City staff and counsel retained by the City have negotiated a proposed Stipulation of Final Settlement which, if approved, will resolve the amount of total compensation to be paid by the City for the Easements and all other issues relating to the City's acquisition of the Easements; and

Whereas, under the Stipulation of Final Settlement, the City will pay Land Partners a total of \$276,500 for the Easements, in addition to amounts previously paid, which will satisfy all claims of Land Partners in the eminent domain proceeding or otherwise in relation to the City's acquisition of the Easements; and

Whereas, pursuant to a Memorandum of Agreement between the City and the Hennepin County Regional Railroad Authority (HCRRA), HCRRA will be contributing toward payment of the \$276,500 settlement amount in consideration for the City acquiring a permanent transportation easement over the Land Partners Property in said eminent domain proceeding rather than a permanent trail easement;

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

That upon approval of the proposed Stipulation of Final Settlement by the City Attorney and execution and delivery of that agreement on behalf of Land Partners, the City Contracting Officer is authorized to execute the agreement on behalf of the City and to pay Land Partners, LLLP \$276,500, which is the additional compensation agreed to in the Stipulation of Final Settlement, and the Director of Public Works is directed to seek contribution from HCRRA of such amounts in relation to acquisition of the Easements encumbering the Land Partners Property as are consistent with the Memorandum of Agreement.

Adopted 11/19/2010.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to accept payment in the amount of \$139,000 from the Minnesota Department of Transportation (Mn/DOT) for the negotiated condemnation settlement relating to property on the east bank of the Mississippi River adjacent to the easterly edge of the I-35W Bridge. Funding will be dispersed as follows: \$135,000 payable to Fund 06200, Department 6800340, Revenue Code 348501, Project 680PROPT, Activity BM998 (Property Disposition Fund), and \$4,000 to Fund 07300, Department 6300600, Revenue Code 375544 Project 6301073SJ05 (Sewer Construction Fund).

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

Resolution 2010R-566, authorizing the acceptance of a condemnation settlement with the Minnesota Department of Transportation, was adopted 11/19/2010 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 2010R-566**  
**By Colvin Roy and Hodges**

**Authorizing the acceptance of a condemnation settlement with the Minnesota Department of Transportation.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept payment in the amount of \$139,000 from the Minnesota Department of Transportation (Mn/DOT) for the negotiated condemnation settlement relating to property on the east bank of the Mississippi River adjacent to the easterly edge of the I-35W Bridge.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a master service agreement with each of the 29 successful firms for the Public Works Consulting Pool. The length of the agreement will be three years, from February 15, 2011 to February 14, 2014. Each master services agreement will be limited to a maximum of \$2,500,000 and the maximum fee per scope of services (project) shall be \$500,000.

Adopted 11/19/2010.

**T&PW & W&M/Budget** - Your Committee, having under consideration the selection of an operator for the Municipal Off-Street Parking System, with staff recommendations as follows:

- a) Approval of the selection of Ampco System Parking as the operator of the parking system for a three-year period beginning April 1, 2011, with two single-year extension options; and
- b) Authorizing the proper City officers to negotiate and enter into an agreement for the operation of the Minneapolis Off-Street Parking System with Ampco System Parking. The negotiated terms shall include provisions that provide:

- Adequate incentive criteria to ensure continued search for economies
- Proper penalty clauses for failure to conform to the contract
- Proper language to reflect allowable reimbursable operational expenses
- Proper reflection of the importance of event parking operation and control
- Increased use of technology for operations, reporting, and cost containment;

now recommends:

**T&PW** - Approval.

**W&M/Budget** - Sent forward without recommendation.

Colvin Roy moved that the report be amended by approving the Transportation & Public Works Committee recommendation and deleting the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 11/19/2010.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution amending the 2010 - 2014 Five Year Capital Program by increasing the appropriation in the Storm Drain and Tunnels Rehabilitation Program (07300-9010932-SW011) by \$5,200,000 using Storm Water Revenue as the funding source. This action is being taken to accelerate capital improvements to the storm tunnel system and increases the Storm Water Revenue funded portion of the project from \$500,000 to \$5,700,000 for 2010. This increase was factored into consideration of future storm water rates during the 2011 budget process with minimal impact.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**RESOLUTION 2010R-567**  
**By Colvin Roy and Hodges**

**Amending the 2010 - 2014 Five-Year Capital Program.**

Resolved by The City Council of The City of Minneapolis:

That the 2010 Capital Budget Resolution (2009R-587), as adopted, be amended by increasing the appropriation in the Storm Drains & Tunnel Rehab Program (07300-9010932-SW011) by \$5,200,000 to be funded through storm water revenue available in the Storm Water Fund.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7357 from Keys Well Drilling, in the amount of \$177,750.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the 10th Avenue Tunnel Dewatering Wells for the Public Works Sewer Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7362 from Engineering and Construction Innovations, Inc, in the amount of \$1,165,835.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the construction of the 10th Avenue Storm Tunnel Outlet Replacement Project for the Minneapolis Public Works Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/19/2010.

Approved by Mayor Rybak 11/22/2010.

(Published 11/24/2010)

**T&PW & W&M/Budget** - Your Committee, having under consideration landscape architect services for Peavey Plaza, now recommends:

a) That the proper City officers be authorized to enter into negotiations with Oslund and Associates for landscape architecture services for Peavey Plaza, as set forth in Petn No 274618, and upon successful resolution of terms, authorize the execution of an agreement with Oslund and Associates in an amount for Phase 1 not to exceed \$250,000 and Phase 2 services subject to state and private funding availability. Total landscape architecture services of Phases 1 and 2 will not exceed 12% of the total cost of the project;

b) Approval of a capital advance in the amount of \$250,000 from the Development Account (01SDA - Development Account) to Capital Projects-Other (01CPO - Capital Projects-Other) to pay for landscape architecture services in Phase 1 before the capital campaign is completed or agreements with the State of Minnesota for state bond funds are executed (expected mid-2011);

c) Passage of the accompanying resolution amending the 2010 General Appropriation Resolution by increasing the Community Planning and Economic Development Agency appropriation by \$250,000 from the available fund balance; and

d) Delegating the Finance Officer authority to establish appropriations from state bond and private funds raised from a capital campaign for revitalization of Peavey Plaza.

Adopted 11/19/2010.

**RESOLUTION 2010R-568**  
**By Colvin Roy and Hodges**

**Amending the 2010 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 2010 General Appropriation Resolution by increasing the Community Planning and Economic Development Agency Fund 01CPO - Capital Projects-Other (01CPO-8900320) by \$250,000 from the available fund balance.

Adopted 11/19/2010.

**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 11/19/2010.

Resolution 2010R-569, authorizing legal matters of *Cherod Jones v. Minneapolis Police Department, et al.*; and *Reverend Terry Williams v. City of Minneapolis*, was adopted 11/19/2010 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 2010R-569**  
**By Hodges**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

a) Cherod Jones v. Minneapolis Police Department, et al., by payment of \$3,000 to Walker Law Offices P.A. Trust Account, from the Internal Service Self Insurance Fund (06900-1500100-145400); and

b) *Reverend Terry Williams v. City of Minneapolis*, Minneapolis Commission on Civil Rights File No.: A6152-PS-1A, by payment of \$3,000 to Reverend Terry Williams and his attorneys, Walker Law Office; and that Deputy Chief Gerlicher make himself available for a conference with Complainant.

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate these settlements.

Adopted 11/19/2010.

**W&M/Budget** - Your Committee having under consideration the City's Property Early Warning System (PEWS) application, created as a data-sharing tool which identifies properties at-risk of foreclosure, abandonment, or becoming problem property, now recommends authorizing the proper City officers to execute a contract with Hennepin County for the City to continue to develop the capabilities of PEWS, maintain it, and license it to the County in the amount of \$226,002 for said service.

Adopted 11/19/2010.

**W&M/Budget** - Your Committee, having under consideration the City of Minneapolis' Electronic Communications Policy and Procedures, now recommends the following:

a) Approval of the revisions to the City of Minneapolis Electronic Communications Policy, establishing the City's official World Wide Web and email domain name as minneapolismn.gov and requiring departments to get approval from Communications and Business Information Services (BIS) if they want to use alternate email or World Wide Web domain names (Petn No 274623); and

b) Receive and file the Procedures that support the policy.

Adopted 11/19/2010.

**W&M/Budget** - Your Committee recommends acceptance of the low responsive bid received on OP #7343 from Cedar Ridge Landscaping, Inc., in the amount of \$440,000, to furnish and deliver all labor, materials, equipment and incidentals necessary for the construction of the Minneapolis Convention Center Landscape Improvement Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with the City's specifications.

Adopted 11/19/2010.

**W&M/Budget** - Your Committee recommends that the 2010 Special Tax Assessments for Delinquent Utility Charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 274625 on file in the Office of the City Clerk.

Adopted 11/19/2010.

**W&M/Budget** - Your Committee having under consideration the Risk Management Information & Claims Processing System, now recommends authorizing the proper City officers to negotiate and execute a contract with Computer Sciences Corporation (CSC) for a perpetual-use license of \$313,000. Web Services maintenance and hosting fee is at an annual cost of \$48,584 for years one (1) through three (3). Year four (4) and five (5) is at the annual fee subject to the annual CPI increases or up to 4 percent whichever is lower. This five (5) year contract shall be effective approximately on December 1, 2010.

Adopted 11/19/2010.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Jason McLean from the decision of the Board of Adjustment which denied his application for variances to reduce the required front yard setback along Vincent Ave S to allow for an enclosed walkway and a parking area, at 1116 Vincent Ave S, now recommends that said appeal be granted, and the applications approved.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2010-63 in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 11/19/2010.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Minneapolis Public Schools (BZZ-4962) to rezone the properties at 2105 & 2119 Fremont Ave N from R4 & R5 to the OR2 High Density Office Residence District to permit a Planned Unit Development for a new Minneapolis Public Schools Education Service Center and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 11/19/2010.

Ordinance 2010-Or-097 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2105 & 2119 Fremont Ave N to the OR2 District, was adopted 11/19/2010 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 2010-Or-097**  
**By Schiff**  
**1st & 2nd Readings: 11/19/2010**

**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 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 38 Highland Park Addition to Minneapolis, Hennepin County, Minnesota (2105 and 2119 Fremont Ave N - Plate 8) to the OR2 District.  
Adopted 11/19/2010.

**Z&P** – Your Committee **sends forward without recommendation** the recommendation of the Planning Commission to deny the petition of the Jordan Area Community Council (BZZ-4918) to rezone the property at 2539 Irving Ave N from R1A to the OR1 Neighborhood Office Residence District to permit continued use of the existing structure as an office and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Samuels moved to amend the report to approve the petition of the Jordan Area Community Council to rezone the property to the OR1 District by passage of the accompanying ordinance amending the Zoning Code, and to direct staff to prepare Findings of Fact in accordance with this decision for adoption at the next Council meeting. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 11/19/2010. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Gordon.

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Ordinance 2010-Or-098 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2539 Irving Ave N to the OR1 District, was adopted 11/19/2010 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 2010-Or-098**  
**By Schiff**  
**1st & 2nd Readings: 11/19/2010**

**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 Lot 1, Block 2, Forest Heights Addition to Minneapolis (2539 Irving Ave N - Plate 7) to the OR1 District.

Adopted 11/19/2010. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Johnson.

Nays - Gordon.

**Z&P** - Your Committee concurs in the recommendation of the Heritage Preservation Commission, notwithstanding the recommendation of staff, to grant the petition of Lars Peterssen, Peterssen/Keller Architecture, for a historic variance for the property at 20 Park Lane, the V.M.S. Kaufmann House, an individual landmark, to allow for a third-story addition and for said addition to have less windows than the minimum requirement.

Adopted 11/19/2010.

### RESOLUTION

Resolution 2010R-570, authorizing the City Attorney to join in the filing of an Amicus Brief to the United States Supreme Court in the case of *City of New York, et al. v. Metropolitan Taxicab Board of Trade, et al.*, was adopted 11/19/2010 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 2010R-570**  
**By Schiff**

**Authorizing the City Attorney to Join in the Filing of an Amicus Brief to the United States Supreme Court in the Case of *City of New York, et al. v. Metropolitan Taxicab Board of Trade, et al.***

Whereas, in July of this year the United States Court of Appeals for the Second Circuit affirmed a decision by the district court in the Southern District of New York enjoining New York City's "green taxi" regulations which incentivized the utilization of hybrid and clean diesel taxicabs as being expressly preempted by the provisions of the Energy Policy and Conservation Act; and

Whereas, the City of New York has filed a petition for a writ of certiorari with the United States Supreme Court, seeking review of the appellate court's decision; and

Whereas, the Corporation Counsel of the City of Chicago is acting as counsel of record in the drafting of an amicus ("friend of the court") brief in support of the position of the City of New York which is being joined by many other municipalities throughout the country; and

Whereas, the City of Minneapolis has been asked by the amicus counsel of record to support and join in the filing of the amicus brief; and

Whereas, the City of Minneapolis has attempted to provide innovative leadership in the areas of fuel efficiency and environmental sustainability in the regulation of its taxicab industry; and

Whereas, the City of Minneapolis, in response to the rulings in the *City of New York* case and related litigation throughout the country, has halted the enforcement of its taxicab fuel efficiency ordinance requirements found in Minneapolis Code of Ordinance (M.C.O.) § 341.300, originally adopted in 2006, and has been unable to pursue new regulations aimed at incentivizing the utilization of fuel efficient and environmentally sustainable taxicabs; and

Whereas, it is in the City's interest to join in the filing of an amicus brief in this case supporting the City of New York;

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

That the City Attorney shall be authorized to join in the filing of an amicus brief in the United States Supreme Court in the case of *City of New York, et al. v. Metropolitan Taxicab Board of Trade, et al.*  
Adopted 11/19/2010.

#### UNFINISHED BUSINESS

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Regents of the University of Minnesota to vacate Beacon Street SE between Ontario Street SE and University Avenue SE (#1571), subject to retention of easement rights by Xcel Energy and the City of Minneapolis, 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 portion of a public street.

Schiff moved that the report be referred back to the Zoning and Planning Committee. Seconded.  
Adopted upon a voice vote 11/19/2010.

Pursuant to previous notice, Schiff moved to introduce the subject matter of an ordinance amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Graffiti Nuisance Property*, for first reading and referral to the Transportation & Public Works Committee (amending the definition of graffiti). Seconded.

Adopted upon a voice vote 11/19/2010.

#### NEW BUSINESS

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code (amending certain sections to conform with the newly enacted State Statute in the following areas: eliminating the licensing of tattooists and piercers at the municipal level; continuing the licensing of body art establishments; updating health and safety standards, prohibiting tattooing of anyone under age 18 regardless of parental consent; and codify grounds for denial of an establishment license or emergency closure).

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Schiff moved concurrence with the determination made by the Director of Inspections that the property located at 2432 14th Avenue South constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, and hereby approves a waiver of the 60-day waiting period set forth in Chapter 249; and that the other procedures as set forth in Chapter 249 be implemented immediately. Seconded.

Adopted 11/19/2010.

Lilligren moved to adjourn. Seconded.  
Adopted upon a voice vote 11/19/2010.

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 11/22/2010  
Official Posting: 11/29/2010  
Corrections: 12/10/2010  
1/07/2011; 5/27/2011