

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF AUGUST 28, 2009

(Published September 5, 2009, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
August 28, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Vice President Lilligren assumed the Chair.

Johnson moved to amend the agenda to include under New Business a notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (to allow radio and television station(s) as an allowed use in the C-1 Neighborhood Commercial District), as follows:

- a) Amending Chapter 520 relating to *Introductory Provisions*;
- b) Amending Chapter 536 relating to *Specific Development Standards*;
- c) Amending Chapter 548 relating to *Commercial Districts*. Seconded.

Adopted upon a voice vote.

Absent - Hofstede.

The agenda, as amended, was adopted 8/28/2009.

Absent - Hofstede.

President Johnson resumed the Chair.

Lilligren moved acceptance of the minutes of the Adjourned Session of August 13, 2009, and the Regular Meeting of August 14, 2009. Seconded.

Adopted upon a voice vote 8/28/2009.

Absent - Hofstede.

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 8/28/2009.

Absent - Hofstede.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273679)
2010 Census Activities Status Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273680)

Tax Credit Assistance & Exchange Program Funds & Return/Exchange Funds: Project approval for Audubon Crossing, Creekside Commons, Near North Recap & Clare Midtown. Project for Pride in Living (re Northside Recap Project): Forgiveness of existing project debt.

INTERGOVERNMENTAL RELATIONS (273681)

2008 Consolidated Annual Performance & Evaluation Report.

COMMUNITY DEVELOPMENT and HEALTH, ENERGY & ENVIRONMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273682)

Living Wage/Job Linkage Report.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273683)

2008 Annual Tax Increment Disclosure Report.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273684)

Urban Village Redevelopment Plan: Modification No. 1 re expanding project boundary.

Energy Efficiency Business Loan & Grant Program: Allocation for Center for Energy & Environment for marketing & outreach efforts.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

MINNEAPOLIS TREE ADVISORY COMMISSION (273685)

Annual Report: Direct staff to prepare recommendations for adoption or amendment of City ordinances to allow for mitigation of emerald ash borer; and to require a tree servicing license for individuals or companies that inject pesticides in trees; Direct the Tree Advisory Commission to report back to Committee with final recommendations on Streetscape Guidelines; Identify a City point person for the Minnesota Department of Agriculture in its communications with the City regarding emerald ash borer mitigation efforts and initiatives and impacts on privately owned trees within the City; Direct the Tree Advisory Commission to work with Xcel Energy, the Park and Recreation Board Forestry Department and tree trimming contractors and other stakeholders to improve communication with Minneapolis residents and neighborhoods about tree trimming associated with electric utilities.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273686)

Pathways Out of Poverty Green Job Training Grant: Apply for two-year grant, in cooperation with Ramsey County Workforce Solutions, seeking a \$4 million grant from the United States Department of Labor to integrate training and support services into cohesive programs that will help target people out of poverty and into economic self-sufficiency through employment in the energy efficiency and renewable energy industries.

HEALTH AND FAMILY SUPPORT SERVICES (273687)

Public Health & Medical Emergency Services: Execute agreement with Hennepin County and Hennepin Healthcare Systems Inc for use of City-owned space, facilities and equipment as needed for public health or medical emergencies.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (273688)
City of Mpls 2010 Legislative Agenda schedule.

INTERGOVERNMENTAL RELATIONS (See Rep):

ATTORNEY (273689)
Youth Coordinating Board: Renewal of Joint Powers Agreement.
CHARTER COMMISSION (273690)
Mpls Park & Recreation Board: Transmittal of petition of Citizens for Independent Parks re establishing the Park Board as a separate & independent governmental unit.
INTERGOVERNMENTAL RELATIONS (273691)
Climate Change Bill: Amendment to Federal Legislative Agenda to replace Energy & Environment Policy & Funding policy initiative.

INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET (See Rep):

INTERGOVERNMENTAL RELATIONS (273692)
St. Stephen's Human Services, Inc: Contract amendment for homeless outreach services.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (273693)
Newsracks: Report regarding status of voluntary program.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273694)
Deals N Discounts (2815 E Lake St): Grant Confectionery License, with conditions.
El Pinto Bean (805 E 38th St): Approve Business License Operating Conditions relating to On-Sale Wine Class D with Strong Beer License.
Groceries on Harmon (1301 Harmon Pl): Approve Business License Operating Conditions relating to Off-Sale Beer, Food Manufacturer, Grocery and Tobacco Licenses.
LICENSES AND CONSUMER SERVICES (273695)
Driftwood (4415 Nicollet Av): Grant On-Sale Wine Class C-2 with Strong Beer License, with conditions.
Twins Stop N Go (641 Broadway St NE): Approve License Settlement Conference recommendations relating to Grocery License.
LICENSES AND CONSUMER SERVICES (273696)
Licenses: Applications.
REGULATORY SERVICES (273697)
Property at 618 25th Av N: Approve demolition.
REGULATORY SERVICES (273698)
Property at 635 Ontario St SE: Approve demolition.
REGULATORY SERVICES (273699)
Property at 3113 Pleasant Av: Determine that property constitutes an immediate hazard to the public health and safety, and Approve waiver of 60-day waiting period requirement set forth in Chapter 249 of the Code.
REGULATORY SERVICES (273700)
Rental Dwelling License at 1115 5th St NE: Revoke license held by Helena Atwell.
REGULATORY SERVICES (273701)
Rental Dwelling License at 3421 Minnehaha Av: Director of Inspections recommendation to revoke license.

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

FIRE DEPARTMENT (273702)

Fire Code: Fire Prevention Bureau Fee Schedule.

POLICE DEPARTMENT (273703)

Metrodome Security and Perimeter Management Services: Execute contract with Metropolitan Sports Facilities Commission to provide Public Works and Police Department services during 2009 Viking football season; and Approve appropriation.

TCF Stadium Security/Traffic Control Services: Execute agreement with University of Minnesota to provide security, vehicle and pedestrian traffic control services during 2009 Gophers football home games; and Approve appropriation.

Safe and Sober Grant: Accept 2010 grant award of \$55,500 and execute agreement with Minnesota Department of Public Safety to pay overtime for Traffic Unit officers and Approve appropriation.

Auto Theft Prevention Program: Accept \$196,830 and execute agreement with Minnesota Department of Public Safety to prosecute auto thieves and Approve appropriation.

PUBLIC WORKS AND ENGINEERING (273704)

Off-Street Parking for 1st Precinct: Negotiate and execute lease agreement with Allied Parking Inc to park squad cars at Midtown Ramp.

Storage Space for Police Department: Negotiate and execute lease agreement with Classic Space to support daily operations as well as emergency preparedness and response capabilities.

REGULATORY SERVICES/FINANCE (273705)

Bid for Demolition of 2426 Plymouth Av N: OP #7180, accept low bid of Landwehr Construction to accomplish demolition of property.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273706)

Hennepin County Draft 2030 Transportation Systems Plan: City staff comments and County staff responses.

Downtown Business Improvement Special Service District: Set assessment public hearing.

Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts: Set assessment public hearing.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273707)

Hiawatha Maintenance Facility: Amend contract with Knutson Construction Services.

Hiawatha Maintenance Facility: Amend contract with RSP Architects.

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

PUBLIC WORKS AND ENGINEERING (273708)

Marquette Ave and 2nd Ave Reconstruction Project: Increase contract with Shafer Contracting.

ABC Parking Ramps: Increase appropriation to operating cost fund.

Camden Bridge Rehabilitation Project: a) Accept funds from American Recovery and Reinvestment Act (ARRA); b) Approve layout; and c) Agreements with Mn/DOT.

Dewatering Plant Improvements: a) Accept funds from American Recovery and Reinvestment Act (ARRA); b) Early adoption of 2010 and 2011 capital budget; and c) Increase appropriation; Traffic Control System: Agreements with University of Minnesota and Mn/DOT; and increase appropriation.

Bids: a) OP 7171, Graham Construction Services, Inc., for dewatering plant improvements; and b) OP 7175, Egan Company, for traffic signal control system.

WAYS AND MEANS BUDGET:

HEALTH AND FAMILY SUPPORT SERVICES (273709)

Public Health Laboratory: Report and staff direction.

POLICE DEPARTMENT (273710)

MPD Overtime update report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273711)

Legal Settlement: JP Morgan Chase, N.A. v. Alten Doe, I.T. Taylor, L.D. Taylor and the City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (273712)

Unisys Contract: Additional increase to Contract C-25200 for change order transactions for the remainder of 2009.

Unisys Contract: Contract C-25200 amended to include proprietary software rights language.

CITY CLERK (273713)

Minneapolis Foundation Grant: Accept grant funds for voter education and outreach program related to Ranked Choice Voting (RCV).

COMMUNICATIONS (273714)

Wireless Community Benefits: Approve 51 applications for free Wireless Community accounts.

CONVENTION CENTER (273715)

Storm Damage: Amend existing contracts for emergency repairs: a) Brin Northwestern Glass Company (03-00471); b) Automated Door Services, Inc. (03-00147); and c) John A. Dalsin and Sons, Inc. (03-00367).

COORDINATOR (273716)

Electronic Signatures: Accept and produce electronic signatures for event Permit For Occupancies and Special Event Permits.

FINANCE DEPARTMENT (273717)

Conference Registration Donation: Accept donation from Oracle Corporation for free conference registration for the Leader's Circle event.

HUMAN RESOURCES (273718)

Public Employees Retirement Association of Minnesota (PERA): Participation in the PERA Phased Retirement Option; and designate Human Resources Director to implement program.

MINNEAPOLIS CONVENTION CENTER AND PROCUREMENT (273719)

OP #7186: Accept low bid of Central Roofing Company for re-roofing project.

PUBLIC WORKS AND ENGINEERING (273720)

Elections Storage Lease: Amend existing lease contract C-24225 with Mid-City Plaza Partnership for additional warehouse storage space for four month term.

REGULATORY SERVICES AND PROCUREMENT (273721)

OP #7181: Accept low bid of K.A. Kamish Excavation, Inc., to demolish seven structures as directed by Regulatory Services.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273722)

Appeal:

Karmel Village (2848 Pleasant Ave & 2825 Grand Ave S) EAW Determination
600 Main Street SE - Stone Arch Phase II

PLANNING COMMISSION/DEPARTMENT (273723)

Rezoning:

Lupe Property Company (129 Plymouth Ave N)

Zoning Code Text Amendment:

Enclosed Parking Requirements

Vacation:

Minneapolis College of Art and Design (2538-2541 2nd Ave S)

PLANNING COMMISSION/DEPARTMENT (273724)

Street Renaming:

Alice Rainville Place (13th Street S between Nicollet Mall and Marquette Ave)

Rezoning:

Pokegama North (2121 14th Ave S)

Zoning Code Text Amendment:

Planned Unit Development Regulations

FILED:

CHARTER COMMISSION (273725)

Citizen Petition to Amend Charter received from Citizens for Independent Parks relating to establishing the Minneapolis Park & Recreation Board as a separate and independent governmental unit: a) Cover letter; b) Receipt; c) Comments; d) Certificate of Sufficiency; and e) City Attorney Opinion. (See IGR report).

FIREFIGHTERS RELIEF ASSN, MPLS (273726)

Firefighters Relief Association, Minneapolis: Annual Report, 2008 & July 2009 Articles of Incorporation and By-Laws

MAYOR (273727)

Mayor's Declaration of Emergency: Re. Sustained severe losses due to an EF-0 Tornado on August 19, 2009.

MINNESOTA STATE OFFICES-State Auditor (273728)

City of Mpls, Management & Compliance report for year ended December 31, 2008.

MINNESOTA STATE OFFICES-State Auditor (273729)

Park & Recreation Board management & compliance report for year ended December 31, 2008.

PARK BOARD (273730)

Park and Recreation Board, Mpls, Annual Financial Report for year ended December 31, 2008.

PAT SCOTT (273731)

Mpls Park & Recreation Board: Proposed ballot language re Citizens For Independent Parks citizen petition re proposed City Charter amendment establishing the Mpls Park & Recreation Board as a separate & independent governmental unit. (See IGR report).

The following reports were signed by Mayor Rybak on September 2, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends that the proper City officers be authorized to submit the City of Minneapolis 2008 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development.

Adopted 8/28/2009.

Absent - Ostrow, Hofstede.

Comm Dev - Your Committee recommends approval of the following projects to receive Tax Credit Assistance and Exchange Program (TCAP) and Return/Exchange Funds:

a) Audubon Crossing (Lowry Apartments)-2510 Polk St NE - \$1,098,199 (TCAP Funds);

b) Creekside Commons-5400-5412 Stevens Ave S - \$1,253,590 (TCAP);

- c) Near North Recap- scattered sites North -\$881,750 (TCAP Funds) and \$150,516 (Return/Exchange);
 - d) Clare Midtown - 3105 23rd Ave S -\$150,517 (Return/Exchange).
- Adopted 8/28/2009.
Absent - Ostrow, Hofstede.

Comm Dev - Your Committee, having under consideration Project for Pride in Living's (PPL's) Near North Community Redevelopment Project located at 13 scattered sites in North Minneapolis in the Near North and Willard-Hay neighborhoods, and the report of the Department of Community Planning & Economic Development recommending forgiveness of existing project debt totaling \$4,268,477, now recommends approval of said recommendation, and that the proper City officers be authorized to execute necessary documents.

Adopted 8/28/2009.
Absent - Ostrow, Hofstede.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration Modification No. 1 to the Urban Village Redevelopment Plan, expanding the project boundary to include a .75-acre site south of W 29th St between Lyndale and Aldrich Aves S, to facilitate the development of Lynlake Creative Community by Greco LLC, now recommends approval of said Modification, subject to the condition that the developer shall not seek and the City will not consider tax increment financing assistance for the proposed development on the land area of Modification No. 1.

Your Committee further recommends passage of the accompanying resolution adopting said Modification.

Adopted 8/28/2009.
Absent - Ostrow, Hofstede.

Resolution 2009R-387, adopting Modification No 1 to the Urban Village Redevelopment Plan, expanding the project boundary to include a .75-acre site south of W 29th St between Lyndale and Aldrich Aves S, was adopted 8/28/2009 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 2009R-387
By Goodman and Ostrow**

Adopting Modification No 1 to the Urban Village Redevelopment Plan.

Resolved by the City Council of the City of Minneapolis:

Section 1. Recitals

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

1.2. By Resolution duly adopted on February 5, 1999, the City approved the Urban Village Redevelopment Plan, describing the Project Area, the activities to be undertaken, and the property that may be acquired, all pursuant to the Project Laws.

1.3. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, Modification No 1 to the Urban Village Redevelopment Plan (the "Modification"), expanding the project boundary and updating the land use map.

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

Section 2. Findings for the Adoption of the Modification

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

2.2. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid and public assistance to be sought.

2.3. The Council further finds, determines and declares that the Modification will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the project area by private enterprise.

2.4. The Council further finds, determines and declares that the area to be added to the Urban Village Redevelopment Project qualifies as a redevelopment project as defined in Minnesota Statutes, Section 469.002, Subdivisions 14 and 16, and as a blighted area as defined in Minnesota Statutes, Section 469.002, Subdivision 11.

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

2.6. The Council further finds, determines and declares that it is necessary and in the best interest of the City at this time to approve the Modification.

Section 3. Approval of the Modification

3.1. Based upon the findings set forth in Section 2 hereof, the Modification presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification

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

Adopted 8/28/2009.

Absent - Ostrow, Hofstede.

Comm Dev & W&M/Budget - Your Committee, having under consideration the establishment of an Energy Efficiency Business Loan and Grant Program as part of the City's small business assistance programs, now recommends approval of the authorization for an allocation of \$15,000 for the Center for Energy and Environment (CEE) for marketing and outreach efforts and execution of the contract for the partnership of the City of Minneapolis with CEE, on establishing the Energy Efficiency Business Loan and Grant Program.

Your Committee further recommends passage of the accompany resolution delegating authority to the Executive Director of the Department of Community Planning & Economic Development, or their designee, to make and execute Loan Participation Agreements and other appropriate Loan and Grant documents consistent with the Energy Efficiency Business Loan and Grant Program Guidelines.

Adopted 8/28/2009.

Absent - Ostrow, Hofstede.

Resolution 2009R-388, delegating authority to make and execute Loan Participation Agreements and other appropriate loan and grant documents consistent with the Energy Efficiency Loan and Grant Program Guidelines, was adopted 8/28/2009 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 2009R-388
By Goodman and Ostrow**

Delegating authority to make and execute Loan Participation Agreements and other appropriate loan and grant documents consistent with the Energy Efficiency Loan and Grant Program Guidelines.

Resolved by The City Council of The City of Minneapolis:

Authority is delegated by the City Council to the Director of the Department of Community Planning and Economic Development (CPED) or his designee the Manager of Business Finance for CPED, to make and execute Loan Participation Agreements and other appropriate Loan Documentation not to exceed the City Council authorized appropriation for the Energy Efficiency Loan and Grant Program.

Adopted 8/28/2009.

Absent - Ostrow, Hofstede.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:

HE&E – Your Committee, having under consideration the Minneapolis Tree Advisory Commission's Annual Report, now recommends the following:

a. That staff be directed to prepare recommendations for the adoption or amendment of City ordinances to allow for mitigation of emerald ash borer and to amend Chapter 347 of the Minneapolis Code of Ordinances to require a tree servicing license for individuals or companies that inject pesticides in trees, with a report back to the Health, Energy & Environment Committee on or before November 2, 2009.

b. That the Minneapolis Tree Advisory Commission be directed to report back to the Health, Energy & Environment Committee with final recommendations on Streetscape Guidelines following review and referral by the Transportation & Public Works Committee no later than November 2, 2009.

c. That a City point person be identified for the Minnesota Department of Agriculture in its communications with the City of Minneapolis regarding emerald ash borer mitigation efforts and initiatives and impacts on privately owned trees within the City.

d. That the Tree Advisory Commission be directed to work with Xcel Energy, the Minneapolis Park and Recreation Board Forestry Department, and tree trimming contractors and other stakeholders as appropriate to improve communication with Minneapolis residents and neighborhoods about tree trimming associated with electric utilities, and report back to the Health, Energy & Environment Committee by the first quarter of 2010.

Adopted 8/28/2009.

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

HE&E & W&M/Budget – Your Committee, having under consideration the Minneapolis Economic Recovery Strategy – Pathways Out of Poverty Green Job Training Grant, now recommends that the proper City officers be authorized to apply for a two-year grant, in cooperation with Ramsey County Workforce Solutions, seeking \$4 million from the United States Department of Labor to integrate training and supportive services into cohesive programs that will help target people out of poverty and into economic self-sufficiency through employment in the energy efficiency and renewable energy industries.

Adopted 8/28/2009.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin County and Hennepin Healthcare Systems, Inc, for the use of City-owned space, facilities and equipment as needed for public health or medical emergencies. Said contract shall be for a period of five years following contract execution.

Adopted 8/28/2009.

Approved by Mayor Rybak 8/28/2009.

(Published 9/1/2009)

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee recommends approval of the renewal of the Youth Coordinating Board Joint Powers Agreement among the City of Minneapolis Special School District 1, the Park and Recreation Board of the City of Minneapolis, and Hennepin County, to include an annual contribution increase from \$56,350 to 64,803, to be effective 2/11/2009 until 12/31/2013.

Adopted 8/28/2009.

IGR - Your Committee recommends that the City's Fiscal Year 2010 Federal Legislative Agenda, adopted February 20, 2009, as amended, be further amended by deleting existing Policy Initiative language entitled "Energy and Environment Policy and Funding" and replacing with "Energy, Climate Change, Environment Policy and Funding" to read follows:

Energy and Environment Policy and Funding

Minneapolis envisions itself as a city with an 'enriched environment.' Plentiful green spaces, public gathering places, restored urban forests, clean air and water, sustainable and energy efficient buildings, and increased use of renewable energy are characteristics of the enriched environment. To achieve the goal federal, state and city policies and resources will be needed.

Congress adopted legislation that would (1) improve community energy efficiency; (2) reduce carbon emissions; (3) encourage community and transportation energy conservation programs; (4) develop new technologies and systems to decrease dependence on foreign oil; and (5) promote the development of alternative/renewable energy sources.

Congress also adopted an energy or environmental block grant program as proposed by the U.S. Conference of Mayors. The block grant should be funded in 2009 at its authorized level of \$2.0 billion.

"Energy, Climate Change, Environment Policy and Funding

Minneapolis is eager to do its part to reduce greenhouse gas emissions.

Minneapolis supports the passage of climate change legislation that reduces greenhouse gas emissions in 2050 by approximately 80% of 1990 levels prior to the United Nations Climate Change Conference in December 2009.

We support climate change legislation that includes the following:

- A cap, trade, and auction system that would: (1) ensure cost-effective reduction of greenhouse gases to at least the reduction levels set forth in 2007 Minnesota statute (30 percent by 2025), (2) maximize public benefits while minimizing the potential for market manipulation, (3) support innovation in the energy efficiency and sustainable energy technologies with the greatest promise to reduce greenhouse gases over the long-term, (4) avoid inequitable impacts on low-income communities, and (5) maximize the likelihood of trading with other cap-and-trade systems.
- (1) more aggressive emission-reduction goals in the near- and mid-term; (2) stronger clean-energy and energy efficiency provisions; (3) emission offsets that are measurable, verifiable, and permanent; (4) broad application across all sectors of the economy, with no special exceptions and

(5) increased distribution of allowances by auction, as opposed to allocation, for each year going forward.

- Support for full engagement by the U.S. government in international climate-protection negotiations, with the goal of achieving an effective global agreement to reduce emissions by the amount that science says is necessary.
- Support for the adoption and enforcement of state and local energy and land use codes.
- Funding and facilitation of innovative local financing solutions.
- Allocation of federal transportation dollars directly to local governments to support increased investment in public transit as well as bicycle- and pedestrian-friendly infrastructure.
- Allocation of funding, including cap-and-trade credits or auction revenues, to local governments for investment in climate mitigation activities, through such initiatives as the Energy Efficiency and Conservation Block Grant program, as well as renewable energy projects, adaptive management initiatives, consumer protection, and “green” workforce development programs.”

Adopted 8/28/2009.

IGR – Your Committee, having under consideration a petition submitted by Citizens for Independent Parks which proposes amending the Minneapolis City Charter by creating a new section 1A to Chapter 16, establishing the Minneapolis Park and Recreation Board as a separate and independent governmental unit, transmitted to the City Council by the Charter Commission on August 26, 2009, pursuant to Minnesota Statutes 410.12, now recommends that a ballot question about the amendment not be placed on the ballot for adoption or rejection at the General Election of November 3, 2009, for reasons consistent with the legal advice of the Minneapolis City Attorney’s Office in its opinion dated August 25, 2009 as follows:

1. The proposed amendment conflicts with the Minnesota Constitution;
2. The proposed amendment is preempted by Minnesota law;
3. The proposed amendment violates state public policy.

Therefore, we find that the proposed amendment to the Minneapolis City Charter should not be placed on the ballot of the November 3, 2009 general election because it is unconstitutional; it is preempted by state law; and it violates state public policy.

Your Committee further recommends that Council not prepare a ballot question relating to the petition submitted by Citizens for Independent Parks, and to direct that neither the City Clerk nor the Elections Department place a ballot question about this amendment on the ballot.

Adopted 8/28/2009. Yeas, 11; Nays, 2 as follows:

Yeas - Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Johnson.

Nays - Colvin Roy, Gordon.

The INTERGOVERNMENTAL RELATIONS AND WAYS & MEANS/BUDGET Committee submitted the following report:

IGR & W&M/Budget - Your Committee, having under consideration the recommendation of the Department of Intergovernmental Relations relating to homeless outreach services, now recommends:

IGR - That the proper City officers be authorized to execute Amendment #2 to Contract #C-24688 with St. Stephen’s Human Services, Inc. for homeless outreach services by adding an additional outreach worker, extending the contract period from July 16, 2009 to December 31, 2009, and increasing the contract amount by \$95,834, payable from Intergovernmental Relations Fund 00100 8410100.

W&M/Budget - That the matter be sent forward without recommendation.

Hodges moved to amend the report by approving the Intergovernmental Relations Committee recommendation and deleting the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/28/2009.

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

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Deals N Discounts, 2815 E Lake St, for a Confectionery License, subject to conditions. Adopted 8/28/2009.

Resolution 2009R-389, granting the application of Deals N Discounts, 2815 E Lake St, for a Confectionery License, subject to conditions, was adopted 8/28/2009 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 2009R-389
By Samuels**

Granting the application of Deals N Discounts, 2815 E Lake St, for a Confectionery License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Deals N Discounts Inc, dba Deals N Discounts, 2815 E Lake St, for a Confectionery License (new business) to expire April 1, 2010, subject to the following conditions:

1. The business agrees not to install payphones either inside or outside the store.
 2. The owner shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies. Surveillance cameras will be installed on the exterior of the front and rear of the store.
 3. "No Trespassing" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance from the Minneapolis Police.
 4. The business will create a system for issuing and tracking 90-day "No Trespass" Notices complete with pictures of trespassed people.
 5. The business agrees not to sell items commonly used by drug users and drug dealers in their street business. Drug related paraphernalia includes the following: Glass pipes or tubes (sometimes they have plastic roses inside), scrubbers such as Brillo or Chore Boys (these items can be sold if soap is added to the material), small zip lock type bags also known as jewelry bags, marijuana pipes (single use), tobacco products to include rolling papers, single razor blades, roach clips, razor blades, and small glass vials.
 6. The business will not supply matches to non-tobacco customers.
 7. The business will keep all lights properly functioning and will add lights if recommended by the Police Department, Police/Crime Prevention, or Licenses.
 8. Noise from the business will be kept to a minimum.
 9. The business will clean property and public areas on a regular basis within 100 feet of the property lines.
 10. Windows must be kept 70% clear of all signs. The 70% shall be within the 3 foot to 6 foot height range.
 11. The dumpster shall be screened. The dumpster shall have a lid and the area shall be kept clean. It shall be emptied to keep the area from overflowing.
 12. Remove snow from sidewalks, both private and public, within four hours of a snow event.
 13. Your legal hours of operation are Sunday to Thursday 6:00 a.m. to 10:00 p.m. and Friday and Saturday 6:00 a.m. to 11:00 p.m.
 14. Final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 8/28/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Wine Class D with Strong Beer License held by El Pinto Bean, 805 E 38th St.

Adopted 8/28/2009.

Resolution 2009R-390, approving Business License Operating Conditions relating to the On-Sale Wine Class D with Strong Beer License held by El Pinto Bean, 805 E 38th St, was adopted 8/28/2009 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 2009R-390

By Samuels

Approving Business License Operating Conditions relating to the On-Sale Wine Class D with Strong Beer License held by El Pinto Bean, 805 E 38th St.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Wine Class D with Strong Beer License held by El Pinto Bean, 805 E 38th St:

1. Full menu service must be made available during all hours of operation. Food must be ordered first before alcohol beverage.
2. No dance floor area shall be provided for in the establishment unless a temporary license is granted in advance by the Licensing Department.
3. There shall be no bar area in the establishment, per Title 14 of the Minneapolis Code of Ordinances.
4. All litter within 100 feet of the exterior of the building housing the licensed premises must be picked up on a daily basis. The countertop can be used only as a food table.
5. All laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with on-sale beverage alcohol license must be complied with.

Adopted 8/28/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Off-Sale Beer, Food Manufacturer, Grocery and Tobacco Licenses held by Groceries on Harmon, 1301 Harmon Pl.

Adopted 8/28/2009.

Resolution 2009R-391, approving Business License Operating Conditions relating to the Off-Sale Beer, Food Manufacturer, Grocery and Tobacco Licenses held by Groceries on Harmon, 1301 Harmon Pl, was adopted 8/28/2009 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 2009R-391

By Samuels

Approving Business License Operating Conditions relating to the Off-Sale Beer, Food Manufacturer, Grocery and Tobacco Licenses held by Groceries on Harmon, 1301 Harmon Pl.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Off-Sale Beer, Food Manufacturer, Grocery and Tobacco Licenses held by Groceries on Harmon, 1301 Harmon Pl:

1. "No Trespassing" signs shall be clearly posted on the exterior of the business should a loitering concern arise. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees not to sell single cigars or single cigarettes.

3. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, scales, paper rolling devices, small zip lock bags also known as jewelry bags, single razor blades, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

4. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

5. Window signs shall be limited to the requirements of Minneapolis Ordinance 543.350.

6. The owner shall comply with the Surveillance Camera Ordinance, Minneapolis Ordinance 259.230.

7. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.

8. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

9. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

10. The business will have maximum operating hours as follows: 7:00 a.m. to 11:00 p.m., seven days a week.

11. The business will stock a variety of common staple food items as is required by Minneapolis Code of Ordinances Chapter 203. Food items shall be removed from stock when the printed shelf life date has expired.

Adopted 8/28/2009.

PS&RS - Your Committee, having under consideration the application of EM Company Services Inc, dba Driftwood, 4415 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License (upgrade from Class E with Strong Beer) to expire April 1, 2010, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting said License, subject to conditions.

Adopted 8/28/2009.

Resolution 2009R-392, granting the application of Driftwood, 4415 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License, subject to conditions, was adopted 8/28/2009 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 2009R-392

By Samuels

Granting the application of Driftwood, 4415 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by EM Company Services, dba Driftwood, 4415 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License (upgrade from Class E with Strong Beer) to expire April 1, 2010, subject to the following conditions:

1. Driftwood shall close no later than 1:00 a.m. daily with food service during all hours of operation. Alcohol service will cease 30 minutes before closing. The sidewalk cafe will close Sunday through

Thursday at 10:00 p.m. and Friday and Saturday at 11:00 p.m. per City ordinance 265.290. Tables and chairs must be removed and stacked at the closing of the sidewalk cafe.

2. Driftwood shall maintain a security guard as defined in Minnesota Statute 326.32, subdivision 13, who will maintain security on-site from Friday and Saturday at 8:00 p.m. to 1:15 a.m. Surveillance cameras must have 30 days of recorded memory. Recording will be made available to licensing inspector or Minneapolis Police Department immediately upon request.

3. Driftwood shall maintain a professional trained manager during all business hours.

4. Driftwood shall not promote or provide any "happy hour" or other alcoholic drink specials past 8:00 p.m.

5. Driftwood shall maintain the installation of speed bumps every year in the alley between Nicollet and 1st.

6. In an effort to reduce noise issues for the surrounding residence, Driftwood shall not throw out trash after 8:00 p.m. in the evening.

7. No upgrade to a liquor license will be considered until all requirements of the license conditions are maintained for a period of 12 months of operation.

8. Driftwood shall trespass customers that are refused service due to over intoxication, creating a disturbance or other disruptions.

9. Driftwood shall not alter the dba to include the term "Tavern".

10. Driftwood shall maintain a minimum of 60 percent food sales. Driftwood shall report sales information to Licensing every three months.

11. Driftwood shall keep the exterior back door closed during live entertainment and shall keep the front vestibule doors closed except for allowing patrons to enter and exit.

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

Adopted 8/28/2009.

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

Adopted 8/28/2009.

Resolution 2009R-393, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/28/2009 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 2009R-393

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273696):

On-Sale Liquor Class B with Sunday Sales, to expire August 2, 2009

Fourth Street Saloon Inc, dba Fourth St Saloon, 328 W Broadway (temporary expansion of premises, August 1 & 2, 2009, Noon to 9:00 p.m., Annual BBQ)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2010

Hard Knocks Holdings LLC, dba Ugly Mug, 106 3rd St N
Zuhrah Shrine Temple, dba Zuhrah Shrine Temple, 2540 Park Av

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2010

DCJ LLC, dba Sample Room, 2124 Marshall St NE (new share holder/partner)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009

Levit Holdings Ltd, dba Ichiban Japanese Steak House, 1333 Nicollet Mall (new manager)

Temporary On-Sale Liquor

Minnesota Craft Brewers Guild, dba Minnesota Craft Brewers Guild, PO Box 18236 (temporary expansion of premises, September 12, 2009, Noon to 6:00 p.m., Festival celebrating North American craft beer)

On-Sale Wine Class C-2 with Strong Beer, to expire September 12, 2009

La Poblanita Inc, dba La Poblanita Inc, 1621 E Lake St (temporary expansion of premises & entertainment, September 12, 2009, 10:00 a.m. to 1:00 a.m.)

Off-Sale Beer

Groceries on Harmon Inc, dba Groceries on Harmon, 1301 Harmon PI (new business)

Rod Petroleum Inc, dba Hark's Nicollet, 2401 Nicollet Av (new proprietor)

Temporary On-Sale Beer

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (September 19, 2009, 5:00 p.m. to 10:00 p.m.; September 20, 2009, Noon to 6:00 p.m., Fall Festival).

Adopted 8/28/2009.

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

Adopted 8/28/2009.

Resolution 2009R-394, granting applications for Business Licenses, was adopted 8/28/2009 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 2009R-394

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 28, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273696):

Amusement Devices; Place of Amusement Class A; Place of Entertainment; Caterers; Confectionery; Farm Produce Permits; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Towing Class B; Precious Metal Dealer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Solid Waste Hauler; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; Combined Trades.

Adopted 8/28/2009.

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

Adopted 8/28/2009.

Resolution 2009R-395, granting applications for Gambling Licenses, was adopted 8/28/2009 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 2009R-395

By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273696):

Gambling Exempt

Sacred Heart of Jesus Polish National Church, dba Sacred Heart of Jesus, 420 22nd Av NE (Raffle August 8, 2009, Parish grounds)

Arthritis Foundation North Central Chapter, dba Arthritis Foundation North Central Chapter, 1876 Minnehaha Av W, St. Paul (Raffle August 13, 2009, International Market Square, 275 Market St)

Clare Housing, dba Clare Housing, 929 Central Av NE (Bingo and Raffle October 10, 2009, Hyatt Regency, 1300 Nicollet)

Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo, Raffle, Paddlewheels and Pulltabs September 13, 2009).

Adopted 8/28/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery License held by Twins Stop N Go, 641 Broadway St NE.

Adopted 8/28/2009.

Resolution 2009R-396, approving License Settlement Conference recommendations relating to the Grocery License held by Twins Stop N Go, 641 Broadway St NE, was adopted 8/28/2009 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 2009R-396

By Samuels

Approving License Settlement Conference recommendations relating to the Grocery License held by Twins Stop N Go, 641 Broadway St NE.

Whereas, the Licenses & Consumer Services Division held License Settlement Conference hearings with the licensee and the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations;

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

That the Grocery and ancillary licenses issued to Twins Stop N Go shall be subject to the following conditions:

1. The business will be closed from 2:00 a.m. to 4:00 a.m. on Friday, Saturday and Sunday mornings. The deli portion of the business will be closed from 11:00 p.m. to 6:00 a.m. every day.

2. Twins Stop N Go agrees not to sell items in the business commonly referred to as drug paraphernalia and are cooperating with Licensing to develop a list of items that are commonly restricted in a conditions of license agreement.

3. Twins Stop N Go will adhere to due dates on violation notices or citations issued by the City of Minneapolis.

4. The business will implement an approved litter clean up plan to prevent future litter violations. This plan should include cleaning litter two or three times every day.

Adopted 8/28/2009.

PS&RS—Your Committee, having under consideration the property located at 618 25th Av N which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Raze 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 the Director of Inspections’ Order to Raze the building located at 618 25th Av N be upheld, 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 8/28/2009.

PS&RS—Your Committee, having under consideration the property located at 635 Ontario St SE which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Raze 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 the Director of Inspections’ Order to Raze the building located at 635 Ontario St SE be upheld, 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 8/28/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Helena Atwell for the property located at 1115 5th St NE, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to unpaid administrative citations, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 8/28/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Manuel Cajamarca for the property located at 3421 Minnehaha Av S; and the Director of Inspections having recommended that the City Council revoke said license for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to unpaid administrative citations, now recommends that said license be **sent forward without recommendation**.

Samuels moved that the report be amended by deleting the language “sent forward without recommendation” and inserting in lieu thereof “revoked.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/28/2009.

PS&RS—Your Committee, having under consideration the property located at 3113 Pleasant Av, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 8/28/2009.

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

PS&RS & W&M/Budget - Your Committee, to whom was referred the following ordinances amending Title 9 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection*, amending, repealing and updating various sections throughout Chapters 173, 174, 175 and 177, now recommends that said ordinance be given their second reading for amendment and passage:

- a. Chapter 173 relating to *Fire*.

- b. Chapter 174 relating to *Minneapolis Fire Department; Fire Prevention Bureau.*
 - c. Chapter 175 relating to *Telephonic Alarm Systems.*
 - d. Chapter 177 relating to *Fireworks.*
- Adopted 8/28/2009.

Ordinance 2009-Or-074 amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fire*, amending, repealing and updating Sections 173.100, 173.220, 173.240, 173.270, 173.315, 173.320, 173.330, 173.340, 173.380, 173.390, 173.410, 173.420, Article IV (Sections 173.450 – 173.480), 173.510, 173.515, 173.520, 173.530, Article VI (Sections 173.560 – 173.590), Article VII (Sections 173.620 – 173.760), Article VIII (Sections 173.790 – 173.830), and Article IX (Sections 173.900 & 173.910), was adopted 8/28/2009 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 2009-Or-074
By Ostrow
Intro & 1st Reading: 7/17/2009
Ref to: PS&RS
2nd Reading: 8/28/2009

Amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire.

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

Section 1. That Section 173.100 of the above-entitled ordinance be and is hereby repealed.

173.100. Fire station captains; duties. ~~Each fire station shall be supervised by the captain of the company assigned thereto and where more than one company is assigned to one station a senior captain shall have supervision thereof. Said captain shall see to it that all property belonging to the department and committed to his company is kept clean and orderly, and that the apparatus, equipment and supplies are ready for immediate use, and shall keep such records and make such reports as the chief may require. Said captain shall enforce all rules of the department and preserve order and discipline and perform such other duties as the chief may direct. Said captain shall promptly report in writing to the chief all delinquent members of his company with a detailed statement of violations~~

Section 2. That Section 173.220 of the above-entitled ordinance be and is hereby repealed.

173.220. False alarms. ~~No person shall give or cause to be given a false alarm or in any manner to tamper or interfere with any part of the fire communication system.~~

Section 3. That Section 173.240 of the above-entitled ordinance be amended to read as follows:

173.240. Chief to advise council. The chief shall, from time to time, advise the city council of the needs of the department caused by changing conditions and developments of the city and make such recommendations in writing as ~~he deems~~ deemed necessary. ~~He~~ The chief shall also recommend the acquiring of new apparatus, equipment and supplies. All purchases for the department shall be subject to approval by the chief, and ~~he~~ the chief shall present his reasons in writing when in his the chief's opinion the city is best served by sale or disposal of apparatus, equipment or supplies, and make special reports upon any matter which in his the chief's judgment requires the attention of the city council.

Section 4. That Section 173.270 of the above-entitled ordinance be and is hereby repealed.

173.270. Continued violation. ~~The continued violation of this chapter or failure or neglect to comply with orders served pursuant to the provisions hereof, shall, except as otherwise provided, be and constitute a separate offense for each day such violation, failure or neglect continues beyond the period of limitation stated in such order or orders, or beyond a reasonable period of time after serving such orders.~~

Section 5. That Chapter 173 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 173.315 to read as follows:

173.315. Continued violation. The continued violation of this chapter or failure or neglect to comply with orders served pursuant to the provisions hereof, shall, except as otherwise provided, be and constitute a separate offense for each day such violation, failure or neglect continues beyond the period of limitation stated in such order or orders, or beyond a reasonable period of time after serving such orders.

Section 6. That Section 173.320 of the above-entitled ordinance be and is hereby repealed.

173.320. Duty to comply with order. ~~The owner, agent, lessee, occupant or person responsible for the conditions to be removed or remedied shall comply with such written order or orders within the time and in the manner directed. Failure to comply with any such written order of the chief of the fire department or his authorized inspectors or assistants, shall constitute a violation of this Code.~~

Section 7. That Section 173.330 of the above-entitled ordinance be and is hereby repealed.

173.330. Fire inspection prerequisite to licenses. ~~Before issuance of licenses for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, crude petroleum, or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, firecrackers and signaling explosives, the chief of the bureau shall inspect or cause to be inspected and approve the receptacles, vehicles, buildings or storage place to be used for any such purposes.~~

Section 8. That Section 173.340 of the above-entitled ordinance be amended to read as follows:

173.340. Repair or wrecking of dangerous buildings. (a) ~~If the chief of the bureau of fire prevention fire marshal or those acting under or for him the fire marshal shall find any premises, building or structure, or any portions thereof which by reason of want of repairs, age, dilapidated condition or damage by fire, or from any other cause, are especially liable to fire, or which are so situated or are in such condition as to endanger its occupants or endanger other property or the occupants or persons therein, or the general public, the chief of the bureau of fire prevention fire marshal shall order, in writing, such dangerous conditions to be removed or remedied, or such building or structure to be wrecked, or properly repaired, as the particular circumstances may require.~~

(b) ~~If, within a reasonable period after service, compliance is not had with the order provided for in this section and except as otherwise provided for in this chapter, the chief of the fire department shall be notified of such lack of compliance. The chief shall thereupon cause the members of the fire department to take such steps as may be necessary to remove or remedy such dangerous condition, to wreck such building or structure, or to properly repair the same as the particular circumstances may require, in compliance with the order above provided.~~

(c) ~~If it is impracticable for the chief of the fire department, through the members of his the department, to take such steps as are above provided, then he the chief shall, subject to the approval of the city council, employ the necessary help, only for a period required, and take the necessary steps to carry out said order. The costs incurred by the chief in carrying out said order shall be collected in a civil action wherein the city shall be plaintiff and the party negligent with respect to the aforesaid order shall be defendant.~~

Section 9. That Section 173.380 of the above-entitled ordinance be amended to read as follows:

173.380. Adopted. ~~The Minnesota Uniform State Fire Code, as adopted and periodically amended by the Minnesota Department of Public Safety, Fire Marshal Division, is hereby adopted and incorporated in this chapter as fully as if set forth herein, including, subject to and with the exception of such portions as are amended, supplemented, deleted or modified by section 173.420 of this chapter, at least one (1) copy of said code being marked as an official copy and filed in the office of the city clerk, and the same shall be in force and effect as the fire prevention code of the city.~~

Section 10. That Section 173.390 of the above-entitled ordinance be amended to read as follows:

173.390. "Corporation counsel legal representative of the jurisdiction" defined for code. ~~Wherever the term "corporation counsel legal representative of the jurisdiction" is used in the fire prevention code, it shall be held to mean the city attorney.~~

Section 11. That Section 173.410 of the above-entitled ordinance be and is hereby repealed.

173.410. Fire limits. ~~The fire limits of the city shall be as prescribed in section 85.25 of this Code of Ordinances.~~

AUGUST 28, 2009

Section 12. That Section 173.420 of the above-entitled ordinance be amended to read as follows:

173.420. Code amended. The Minnesota Uniform State Fire Code adopted by this article is hereby amended in the following respects:

I. Section 2.204 is amended by adding thereto paragraph (e) to read as follows:

(e) Whenever any of the officers, members or inspectors of the fire department or bureau of fire prevention shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, the fire department personnel shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the chief of the bureau of fire prevention:

- (1) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;
- (2) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts;
- (3) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

¶ I. Section 105 of the Minnesota State Fire Code is hereby adopted and incorporated by reference. Section 105 allows for the issuance of applicable permits and the establishment and collection of corresponding permit fees by the local code official. No person shall engage in, direct, operate or conduct any of the activities, actions or proceedings listed below without first having obtained a permit hereunder. All permits issued hereunder shall be issued by the chief of the fire department or his or her designee. The fee for each permit type shall be based on a minimum hourly fee as established below. This established rate is set according to the minimum amount of fire department staff time needed to provide service, including time for travel, inspection, drafting of orders and consultations with permit applicants. Unless otherwise directed by the issuing authority, all permit fees shall be paid prior to the issuance of any permit. All annual permits shall expire on January 1 of each year and must be renewed on or prior to expiration. Temporary permits shall be effective only for the specific dates stated on the permit.

The permit fees shall be as follows:

TABLE INSET:

Hourly Fee	Permit Type	Permit Code	Minimum Time Limit
\$50.00	Blasting, one time	B1	1 hour
\$50.00	Bonfire, one time	B2	1 hour
\$150.00	Bowling alley refinishing	B3	3 hours
\$100.00	Exhibits and trade shows	E1	2 hours
\$100.00	Fireworks display, proximate audience	F1	2 hours
\$200.00	Fireworks display, outdoor	F2	4 hours
\$100.00	Flammable liquid, tank installation	F3	2 hours per tank
\$50.00	Flammable liquid, tank removal	F4	1 hour per tank
\$100.00	Flammable Liquid, storage, handling or use one time short term (<7 days)	F5	2 hours
\$50.00	Liquefied petroleum, temporary, one time	L1	1 hour
\$150.00	Liquefied petroleum, underground installation	L2	3 hours
\$50.00	Open flame or candles in assembly area (one time)	O1	1 hour
\$50.00	Tents or air supported structures	T1	1 hour
\$50.00	Tank vehicle transporting flammable liquids	T2	1 hour
\$100.00	Temporary assembly	T3	2 hours

The permit fees shall be established in the Fire Prevention Bureau Fee Schedule.

The fire permit fee amounts herein established shall be effective January 1, 2010 and shall be subject to automatic annual adjustment April 1st 2011 and each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. In the event CPI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent. Such fire permit fees and subsequently adjusted fire permit fees shall be published and maintained in the Fire Prevention Bureau Fee Schedule referenced in 173.420 and shall be based on the following valuation categories:

Valuation Categories

\$1.00 to \$500.00

\$501.00 to \$2,000.00

\$2,001.00 to \$25,000.00

\$25,001.00 to \$50,000.00

\$50,001.00 to \$100,000.00

\$100,001.00 to \$500,000.00

\$500,001.00 to \$1,000,000.00

\$1,000,001.00 and up.

III. Section 78.103, "Bond for Fireworks Display Required," is amended to read as follows:

The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the chief fire engineer for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, or the permittee's agents, employees or subcontractors. This requirement shall not apply to any pyrotechnical display that receives financial sponsorship from the Minneapolis Park and Recreation Board.

IV II. Article 10, "Fire Protection," Chapter 9 "Fire Protection Systems" is amended by adding to Section 10.302 the following additional requirements:

(e) *Hand fire extinguishers.* Wherever portable fire extinguishers are required by this code, the person who owns or controls such extinguishers shall comply with the following requirements:

1. A portable stored pressure fire extinguisher equipped with pressure indicators or gauges shall be maintained by a licensed service worker not less than once every two (2) years. All other portable fire extinguishers shall be maintained not less than once each year by a licensed serviceman. All such fire extinguishers shall meet all requirements and specifications as set forth in National Fire Protection Association Standard No. 10, Installation of Portable Fire Extinguishers, copies of which are on file in the offices of the city clerk and the fire department.
2. All such portable fire extinguishers shall be inspected every six (6) months and such inspection shall be recorded. After such inspection a licensed service worker shall thoroughly check said extinguisher immediately whenever any one of the following conditions occur:
 - a. A dated licensed service worker's tag is not attached to the extinguisher.
 - b. The maintenance interval as set forth in paragraph 1, above, of this section has expired.
 - c. The extinguisher's tamper seal is broken.
 - d. The extinguisher is damaged, impaired, leaking, under or over charged, or has obvious corrosion.
 - e. The extinguisher has been used.
 - f. Maintenance of the extinguisher is ordered by the fire marshal.
3. The use of inverted-type fire extinguishers shall be discontinued and they shall be discarded. "Inverted-type fire extinguisher" means all fire extinguishers that require the device to be turned upside down to be activated. This includes soda acid, foam, water cartridge and loaded stream cartridge fire extinguishers. No person shall hydrostatically test any inverted-type fire extinguisher.

(d) *Tampering with fire extinguishers.* No person shall tamper, meddle or interfere in any way with any fire extinguisher or part thereof, or hose connected therewith, or any inside or outside standpipe or its connection or hose connected therewith, in or upon any public building, or empty, injure, break or destroy the extinguisher or standpipe, or the machinery, hose, fixtures or connections of said extinguisher or standpipe; provided, that nothing herein contained shall prevent the use of such

extinguisher, hose or connections, inside or outside standpipe, or its connections or hose connected therewith, in the event of fire in the building in or upon which said apparatus is kept, or its vicinity, nor prevent the filling or repair of any extinguisher or the repair of any standpipe, connection or hose connected therewith, or the inspection of any of said auxiliary firefighting equipment by persons regularly authorized to inspect the same.

V. Article 79, "Flammable and Combustible Liquids," is further amended by adding to Division 1, "General Provisions," Section 79.113, the following requirements for the abandonment or removal of flammable liquid tanks:

(g) Whenever a filling service station, or bulk oil plant, or other flammable liquid tanks on private property are abandoned or closed temporarily or permanently, a written notice to that effect posted no later than the date of abandonment or closing shall be given to the chief of the bureau of fire prevention, and if closed or abandoned for a temporary period only, and fill pipes shall be enclosed in concrete or secured in a manner approved by the chief of the bureau of fire prevention. If such filling station or bulk oil plant shall be closed, or abandoned permanently, all pumps and tanks shall be removed from the premises.

(h) All tanks which have contained gasoline or any flammable liquid shall be completely emptied of their contents and safely disposed of by removing from the premises. Emptied tanks shall be thoroughly purged with an inert gas such as carbon dioxide gas at the rate of fifty (50) pounds per one thousand (1,000) gallons of tank capacity and then securely plugged and capped at all openings and removed from the premises to a safe location approved for such storage by the bureau of fire prevention.

VI. Section 79.501, "Restricted Locations," is hereby amended to read as follows:

Restricted locations. The storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the fire limits.

VII. Section 79.1402 is hereby amended by adding thereto subparagraph (d) to read as follows:

(d) *Location of plants.* No new bulk plant shall be constructed within fire limits.

VIII. Article 29 Chapter 22 is amended to add the following section:

29.106. Section 2211. Garage Floor Pits. There shall be no pit in any floor of any garage or service station without the approval of the chief of the fire prevention bureau. All lighting and wiring shall comply with state law. Mechanical ventilation shall be provided and shall be interlocked with the lighting system to provide ventilation when the lights are turned on.

~~IX. Section 43.102, IV. Chapter 3, Section 310.9, "Smoking,"~~ is hereby amended to add the requirements of the following additional subsections to apply in the city:

(e) *Smoking in hotels, etc.* No person in any hotel, rooming house or other place of public abode shall smoke carelessly or negligently so as to set fire to any bedding, drapes, furniture or the like, thereby endangering life or property, and the manager or person in charge of any hotel, rooming house or other place of public abode shall make reasonable efforts to enforce these provisions. Notice of these provisions shall be conspicuously maintained in each sleeping room of every hotel, rooming house or other place of public abode.

(d) *Smoking in stores.* No person shall smoke or carry a lighted cigar, cigarette, pipe or match in any retail store which is designed and arranged to accommodate more than one hundred (100) persons or in which more than ten (10) persons are employed, and the manager or person in charge of such a retail store shall make reasonable efforts to enforce these provisions. A person may smoke or carry lighted cigars, cigarettes, pipes or matches in designated smoking and rest rooms, restaurants, executive offices, beauty parlors and barbershops in such retail stores.

(e) *Smoking in theaters.* No person shall smoke in any public area in any theater except in such parts of the theater as shall be designated and authorized by the management and approved by the fire prevention bureau. The manager or person in charge of a theater shall make reasonable efforts to enforce this provision.

(f) *Smoking in elevators.* No person shall smoke, or carry a lighted cigar, pipe, cigarette or match in any elevator used by the public. Notice of this provision shall be conspicuously displayed by means of a lettered sign at least one and one-half (1 1/2) inches high, with the words "No Smoking" located in a prominent place within all such elevators.

(g) *Smoking at public meetings.* No person shall smoke or carry a lighted cigar, pipe, cigarette, or other lighted smoking apparatus in any auditorium, room or enclosed place during the time that a public meeting is being held. In addition to it being a violation for a person to smoke or carry such prohibited articles, the person conducting the meeting and the person in charge of the auditorium or other facility shall be responsible for notifying persons present at the meeting of the provisions of this subsection and for the conspicuous posting of "No Smoking" signs at all entrances to such meeting place normally used by the public. As used herein, public meeting shall include all meetings open to the public pursuant to Minnesota Statutes 471.705, Subd. 1, and any meeting of committees, groups, associations or other organizations held under the auspices of a body subject to Minnesota Statutes 471.705, Subd. 1. A violation of this subsection shall be punishable by a fine of not to exceed one hundred dollars (\$100.00).

X. Articles 77 and 82 of the Uniform Fire Code are hereby adopted and incorporated herein by reference:

Section 13. That Article IV of the above-entitled ordinance be and is hereby repealed.

ARTICLE IV. PRECAUTIONS IN USE OF CHRISTMAS TREES AND DECORATIONS*

173.450. Definition. As used in this article the term "Christmas tree" means any natural tree which has been cut down and is set up, used, installed or maintained within any building, structure or tent for decorative or commemorative purposes:

173.460. Rules in public places. Every hospital, rest home, institution, school, church, hotel, clubroom, store and every place of public assembly or place of business to which the public is invited which shall use, keep, install or maintain Christmas trees, electrical decorations, or the like, shall observe and comply with the following regulations:

(a) Every tree used for Christmas decoration, regardless of the type of tree, shall be placed, kept and maintained so that the butt, or bottom end of the trunk, is at all times immersed in not less than two (2) inches of water:

(b) No cotton batting, straw, dry vines or leaves, celluloid or other flammable material shall be used unless fireproofed in a manner approved by the fire prevention bureau of the city.

(c) No trees used for Christmas decoration or display shall be placed in or immediately adjacent to exit areas, light wells or stairwells in the buildings where the decoration has been set up.

(d) No candles shall be used on Christmas trees. No electrical decorations shall be used on Christmas trees except in churches when used in connection with religious or ceremonial services; provided, however, that this exception shall not apply to regular Sunday School sessions.

173.470. Exception. The provisions of this article shall not apply to artificial trees constructed of nonflammable materials.

173.480. Removal of violations. The fire prevention bureau may disconnect or remove any tree or other Christmas decoration in violation of this article.

Section 14. That Section 173.510 of the above-entitled ordinance be amended to read as follows:

173.510. Established; management and personnel. There shall be a bureau of fire prevention in the fire department of the city under the jurisdiction of the chief of the fire department and to include the office and staff of the fire marshal. The fire marshal shall act as chief of the bureau of fire prevention, who shall hold such office at the pleasure of the chief of the fire department. The chief of the fire department may, from time to time, designate such and as many assistants as the chief of the fire department deems necessary for the proper performance of the functions and duties of the bureau. The chief of the bureau of fire prevention fire marshal shall have full management and control of all things pertaining to the bureau, and all subordinate officers, assistants, clerks and employees of the bureau shall be subject to such rules and regulations as shall be prescribed from time to time by the chief of the bureau of fire prevention fire marshal and approved by the chief of the fire department.

Section 15. That Chapter 173 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 173.515 to read as follows:

173.515. Definitions. Fire marshal is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire

marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.

Section 16. That Section 173.520 of the above-entitled ordinance be amended to read as follows:

173.520. General duties. The bureau of fire prevention shall enforce all laws and ordinances of the State of Minnesota and of the city, ~~covering the following:~~ pertaining to fire safety.

- (a) The prevention of fires;
- (b) The storage, sale and use of explosives and flammables;
- (c) The installation and maintenance of automatic and other fire alarm systems and fire extinguishers and equipment;
- (d) The maintenance and regulations of fire escapes;
- (e) The means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, and all other places in which numbers of persons work, live or congregate from time to time for any purpose;
- ~~(f) The investigation of causes, origin and circumstances of fires and the suppression of arson;~~
- ~~(g) The conducting of fire prevention campaigns and the preparation and circularization of fire prevention literature.~~

The bureau shall have such other powers and perform such other duties as are set forth in other sections of this article and as may be conferred and imposed upon it from time to time by law.

Section 17. That Section 173.530 of the above-entitled ordinance be and is hereby repealed:

~~**173.530. Jurisdiction over fire protection appliances.** If the chief of the bureau of fire prevention or those acting under or for said chief, shall find that the appliances on or in such premises, building or structure for the protection against fire are not in proper condition, or are of insufficient size or number, or are otherwise insufficient for the purpose for which the same are designed or intended, or shall find that such appliances are reasonably necessary for the protection of such premises, building or structure, and are wholly wanting, the chief shall order, in writing, in the case of such improper condition or insufficiency, that the same be placed in proper condition and rendered reasonably sufficient to afford reasonable protection against fire, and in the case of the absence of such appliances where it may be found that they are reasonably necessary for protection against fire, said chief shall order, in writing, the installation of such appliances to conform to existing regulations sufficient to afford such reasonable protection in the case of fire to such premises, building or structure and to the occupants thereof or persons rightfully on or in the same. The owner and/or the occupant of each building occupied as a place of assembly shall properly train sufficient regular employees in the use of fire appliances so that such appliances can be quickly put in operation.~~

Section 18. That Article VI of the above-entitled ordinance be and is hereby repealed.

ARTICLE VI. NOTICE OF FIRES

~~**173.560. Duty of person in charge.** The manager, person in control, or any employee of any church, school, theater, institutional building, hotel, public assembly unit, saloon, cafe, restaurant, factory, warehouse, elevator, mercantile building, or any multiple dwelling capable of housing three (3) or more families or having one or more rental sleeping rooms, or of any automobile wrecking yard, junkyard, wholesale scrap material yard, scrap processing facility or waste material handling plant, or any other person who discovers a fire, smoke, heat or gases indicating that there is a fire in such building, or upon such premises, shall immediately call the fire department upon the discovery, or upon being informed of the presence of such fire, smoke, heat or gases in any such buildings or upon such premises.~~

~~**173.570. Delays forbidden.** No manager or person in control of any of the structures or facilities mentioned in section 173.560 shall issue any instructions directing employees not to notify the fire department, or instructing them to delay in calling the fire department immediately upon the discovery of a fire, smoke, heat or gases indicating that there is a fire.~~

~~**173.580. Notice to be posted.** Each manager or person in control of any of the structures or facilities mentioned in section 173.560 shall post, and keep posted, in conspicuous places in the building or upon such premises a notice in form approved by the fire prevention bureau, directing employees and others to call the fire department immediately upon the discovery of a fire, smoke, heat or gases indicating that there is a fire.~~

173.590. Revocation of licenses. A violation of this article by any person holding a license issued by the city shall be cause for revocation of such license held by him.

Section 19. That Article VII of the above-entitled ordinance be and is hereby repealed.

ARTICLE VII. PROTECTION OUTSIDE CITY

173.620. Application required. Whenever any village, governmental subdivision, private corporation, or individual located outside of the limits of the city desires the city to furnish him with fire protection, he shall make written application therefor to the fire department of the city, specifying the corporate area or the nature and extent of the property for which such fire protection is to be furnished, and in the case of private corporations and individuals, furnishing a legal description of the real estate upon which the building and personal property to be protected are located, together in all cases with a statement of the total assessed valuation of said real estate and personal property or of property included in said corporate area as shown in the records of the county auditor as of the date of application, said statements to be furnished annually thereafter.

173.630. Contract form. The fire department shall thereupon furnish the applicant with contract forms to be made out and executed by the applicant pursuant to proper authority by its village council, or other governing body, or in case of corporations and individuals, by authorized persons, in accordance with the terms, conditions and limitations contained in this article. Said contract form shall be prepared by the city attorney in accordance with the provisions of Sections 438.08 through 438.10, Minnesota Statutes.

173.640. Surety bond. (a) After proper execution of the contract and its approval by the city attorney, it shall be delivered to the fire department of the city, together with a surety bond in such sum as the chief of the fire department shall in his discretion, and subject to the approval of the fire committee of the city council, deem adequate, said bond to be drawn and approved as to form by the city attorney. Said bond shall be executed pursuant to proper authority by or in behalf of applicant, and by a responsible surety company authorized to do business in the State of Minnesota. The execution of said bond shall be approved by the city attorney, and the surety shall be approved by the city council.

(b) The conditions of said bond shall be for the payment of all charges which shall become due pursuant to the contract for fire protection, for the reimbursement to the city of all damages to the equipment used in connection with the fire protection furnished to the applicant, and for indemnifying the city, its officers, agents and employees against all claims for injury or damage to persons or property arising from the use of said equipment in furnishing fire protection to the applicant pursuant to the contract, and for the full performance by the applicant of all the duties and obligations assumed under the contract.

173.650. Conditions of contract. The contract to be prepared by the city attorney shall contain the following terms and conditions, in addition to such other terms and conditions as the city attorney, with the approval of the city council, shall see fit to incorporate in said contract:

(a) Release city from damage claims. In conformity with the rule of law of nonliability of the city to its residents in the performance of the governmental function of fire protection, the applicant releases the city, its officers, agents and employees, from all claims for damages or loss resulting from failure to furnish or delay in furnishing men or apparatus, or from failure to prevent, control or extinguish any conflagration, whether resulting from the negligence of the city, its officers, agents or employees, or otherwise. The applicant will indemnify and save harmless the city, its agents, officers and employees, from all claims for injuries, loss or damage to persons or property arising out of the use and operation of the equipment of the city in connection with the furnishing of the fire protection provided for by the contract.

(b) Reimburse city for damaged equipment. The applicant will reimburse the city for all loss and damage to said equipment while being used in connection with the furnishing of the fire protection provided for by the contract.

173.660. Contract term; charges to conform to assessed valuation. The contract shall be for a continuous term, subject however, to cancellation by either party upon thirty (30) days' written notice. The annual charges under said contract shall be adjusted at the beginning of each year so that they will conform to the charges specified in section 173.710, on the basis of assessed valuation; and the statements of assessed valuation provided for in section 173.620 shall be furnished at least fifteen (15) days prior to the expiration of the year for which the annual charges have been paid.

173.670. City to retain equipment sufficient to protect city. The chief of the fire department, or in case of his absence or disability, the person in active charge of the fire department, may in his discretion retain in the city, such equipment and personnel as may in his opinion be necessary for the proper and adequate protection of the city, and shall dispatch for the protection of the applicant only such personnel and equipment in response to fire alarms or calls by authorized persons as in his opinion can for the time being be safely spared from the city.

173.680. City may recall apparatus in emergency. In case an emergency arises within the city while the equipment and personnel of the fire department are engaged in fighting a fire for the applicant, the chief or other person in active charge of the fire department may in his discretion recall to the city from the service of the applicant such equipment and personnel as he may in his opinion consider necessary to meet said emergency. The determination of the chief or the active head of the fire department as to what equipment shall be furnished or withdrawn as provided herein, shall be final and conclusive.

173.690. Bill to be paid in thirty days. The bills in payment of any charges accruing under the contract shall be paid within thirty (30) days after receipt thereof, and in case of nonpayment within that time the city, through the chief of the fire department, may upon written notice immediately terminate the contract. The applicant shall pay for the fire protection the sums specified in the schedule incorporated in this article, or in any amendment to said schedule which shall be duly adopted by the city council, provided that no amended schedule shall go into effect until after thirty (30) days' written notice to the applicant.

173.700. Approval of contract. After proper execution by the applicant and approval by the city attorney, said contract and bond shall be submitted to the city council, and upon proper approval by the city council shall be executed by the proper city officials, and a copy thereof delivered to the applicant. Said contract shall be in force and effect from and after execution and delivery by the city.

173.710. Annual charges. (a) Charges for fire protection shall be as follows: The applicant, if a municipal corporation, shall pay an annual minimum charge of ten dollars (\$10.00) for each ten thousand dollars (\$10,000.00) or fraction thereof, of assessed valuation of the real and personal property for which the fire protection is to be furnished, including the real estate upon which the buildings and personal property are located, said assessed valuation to be determined by the latest figures shown on the books of the county auditor. If the applicant is other than a municipal corporation, the charge shall be five dollars (\$5.00) per year per ten thousand dollars (\$10,000.00) of insurable value of real and personal property protected, as certified by competent authority. If the annual payments based upon assessed valuations or the insurable value of the real and personal property protected shall be less than the following minimum charges, then the applicant shall pay in lieu thereof minimum charges as follows:

- (1) In case the applicant is an individual or church, he or it shall pay annually a minimum charge of fifty dollars (\$50.00).
- (2) In case the applicant is a village or other governmental subdivision it shall pay an annual minimum charge of three hundred dollars (\$300.00).
- (3) In case the applicant is a partnership, association or private corporation, except a church it or they shall pay a minimum annual charge of one hundred fifty dollars (\$150.00).

(b) "Association," as used in subsection (a)(1), shall not be construed as including groups of individuals who are associated together solely for the purpose of fire protection. Such individuals shall pay the annual minimum charge of fifty dollars (\$50.00); but in the discretion of the chief of the fire department, such individuals may jointly enter into a contract and furnish a joint bond. In such case the penalty of the bond shall be in such amount as the chief of the fire department, with the approval of the fire committee of the city council, shall determine will furnish adequate protection to the city.

(c) These annual charges shall be paid irrespective of whether the applicant during the year requires or requests the services of the equipment and personnel of the fire department. Such charges shall be in addition to the charges for equipment and personnel actually used for fire protection for the applicant.

173.720. Charges for equipment and personnel. The base charge for equipment and personnel actually used for fire protection shall be four hundred dollars (\$400.00) per hour per vehicle for service on a state trunk highway or when renegotiating contracts with other governmental agencies or parties for services rendered. This charge shall be calculated from the time of leaving the fire station until the time of return to the station.

173.730. Billing. The city coordinator shall bill the commissioner of transportation for expenses incurred by the Minneapolis Fire Department within the right-of-way of any state trunk highway.

173.740. Deposit of moneys received. All moneys received from the applicant in payment of charges for fire protection outside of the city shall be deposited by the city treasurer [finance officer] to the credit of the general fund.

173.750. No charge where reciprocal agreement. No charge shall be imposed for the use of fire equipment and personnel in the case of communities maintaining paid fire departments which have reciprocal agreements for such service with the city.

173.760. Special arrangements. In special situations when the fire service which the municipality or federal agency or department desires or which the city is ready to furnish varies from that provided for by this article, particularly in situations where the service is to be furnished only in case of extreme emergency, the city shall be authorized to make a contract through its proper officers for such fire service upon terms agreed upon by the parties, without reference to the requirements of this article.

Section 20. That Article VIII of the above-entitled ordinance be and is hereby repealed.

ARTICLE VIII. AUXILIARY ALARM SYSTEMS

173.790. Definitions. As used in this article, unless otherwise indicated, the following terms are defined as follows:

Auxiliary fire alarm system: Any approved private fire alarm system connected by secondary fire alarm equipment to the emergency reporting system.

Emergency reporting system: A communications alarm system utilized by the city for reporting data of an urgent nature to an alarm headquarters. The system is furnished and maintained by the Northwestern Bell Telephone Company.

Private fire alarm system: Any fire alarm owned and installed by any person, partnership or corporation and wholly used in or on the premises of the owner.

Secondary fire alarm equipment: Equipment, conductors and associated appurtenances necessary to connect an approved private fire alarm system to the emergency reporting system.

173.800. Connection to municipal alarm system. Any person desiring to install an auxiliary fire alarm system, or to convert a private fire alarm system to an auxiliary fire alarm system, shall:

(a) Obtain from the director of inspections a proper permit and license, as required by the ordinances of the city, for the installation and maintenance of such a fire alarm system.

(b) Submit for inspection and approval by the director of inspections, the fire department and the electrical inspector full and complete plans and specifications for the installation, and no such installation or conversion shall be made unless approved by all of the departments mentioned herein.

173.810. Installation and operation standards. All auxiliary fire alarm systems shall be installed in rigid conduit or electrical metallic tubing installed as for light and power wiring as provided by chapter 99 of this Code, known as the electrical code, and operated and maintained in full conformance with the current standards set forth in the National Fire Protection Association's Pamphlet No. 72B, entitled "Auxiliary Protective Signaling Systems" which pamphlet is made a part hereof and is on file for public inspection in the office of the city clerk and the director of inspections.

173.820. Responsibility for costs. All costs and recurring charges incurred in the installation and maintenance of secondary fire alarm equipment shall be borne by the person requesting the same.

173.830. Disconnection of nonconforming systems. If any auxiliary fire alarm system is not operated and maintained in accordance with the provisions of this article, the fire prevention bureau shall, after five (5) days' written notice to the owner of the system, to the occupant of the property protected by the system and to the underwriters having jurisdiction, request the Northwestern Bell Telephone Company to disconnect the auxiliary fire alarm system from the emergency reporting system.

Section 21. That Article IX of the above-entitled ordinance be and is hereby repealed.

ARTICLE IX. HIGH-RISE BUILDING FIRE PREVENTION*

173.900. Definition of high-rise buildings. As used in this article, the term "high-rise building" means any building having floors used for human occupancy located more than seventy-five (75) feet above the lowest level of fire department vehicle access.

173.910. Planning for emergencies in high-rise buildings. Owners of high-rise buildings and their authorized representatives shall, in cooperation with the Minneapolis Fire Department, establish procedures which shall include, but not necessarily be limited to the following:

- (A) *Emergency action plan.*
 - (1) A plan shall be established that describes the procedures to be followed in the event of fire or other emergencies. The plan shall be developed in accordance with regulations promulgated by the fire department, approved by the city council, and shall include, at a minimum, the following:
 - (a) The procedure to be used to communicate an alarm;
 - (b) The procedure to be used to evacuate or relocate building occupants and, specifically, handicapped individuals; and
 - (c) The procedure to be used for the conduct of fire drills.
 - (2) The applicable parts of the emergency action plan shall be distributed to all regular building occupants and conspicuously posted in each hotel guest room, office area and other locations as required by the fire department.
 - (3) Upon changes in occupancy, use, or physical arrangement, the emergency action plan shall be promptly reviewed and updated.
- (B) *Fire safety director.* The owner or authorized representative shall assign a responsible person as fire safety director to work with the fire department in the establishment, implementation, and maintenance of the emergency action plan.
- (C) *Fire drills.*
 - (1) Fire drills shall consist of, at a minimum, a test of the alarm communication procedure described in the emergency action plan and making all regular building occupants familiar with the emergency action procedures.
 - (2) A written record of such drills shall be kept on the premises for a three-year period and shall be readily available for inspection by the fire department.
- (D) *Deadline for compliance/penalty.*
 - (1) The fire department shall notify the owners whose buildings are subject to the provisions of this article. Within thirty (30) days of the date of owner notification, the name of the fire safety director shall be forwarded to the fire department. The emergency action plan shall be completed within one hundred eighty (180) days of the date of owner notification. The initial fire drill shall be conducted within ninety (90) days of the completion of the emergency action plan and subsequent drills shall be conducted at least every six (6) months.
 - (2) It shall be the responsibility of the chief of the fire department or his designee to enforce compliance of this article.
 - (3) The penalty for failure to comply with this section shall be a fine not to exceed five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both.

Adopted 8/28/2009.

Ordinance 2009-Or-075 amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, amending, repealing and updating Sections 174.10 – 174.90, 174.150, 174.160, 174.180, 174.200, 174.210, 174.300 and 174.500, was adopted 8/28/2009 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 2009-Or-075
By Ostrow
Intro & 1st Reading: 7/17/2009
Ref to: PS&RS
2nd Reading: 8/28/2009

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

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

Section 1. That Section 174.10 of the above-entitled ordinance be amended to read as follows:

174.10. Definitions. *Fire marshal* is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Uniform Minnesota State Fire Code for the City of Minneapolis. ~~The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.~~

~~Hazardous materials~~ are those materials defined in ~~Article 2 and Article 80 Chapter 27~~ of the Uniform Minnesota State Fire Code, and any materials mentioned in the Federal Emergency Planning and Community Right-to-Know Act ("SARA Title III"); ~~that are above the exempt amounts mentioned.~~

Section 2. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 174.15 to read as follows:

174.15. Fire inspection prerequisite to issuance of permits. Before issuance of permits for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, crude petroleum, or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, firecrackers and signaling explosives, the fire marshal shall inspect or cause to be inspected and approve the receptacles, vehicles, buildings or storage place to be used for any such purposes.

Section 3. That Section 174.20 of the above-entitled ordinance be amended to read as follows:

174.20. Permits required. ~~The Minneapolis Code of Ordinances requires that e~~ Every commercial building or structure, facility or portion thereof that stores, uses or handles hazardous materials in quantities that exceed the allowable amounts designated in the Minnesota State Fire Code must have an annual renewable permit for the storage, use and handling of hazardous materials issued by the fire marshal posted in a conspicuous place on the premises.

No building, structure, facility or portion thereof that is required to have a permit per control area pursuant to Chapter 1 of the Minnesota State Fire Code shall continue to be occupied without such permit after a reasonable time, as fixed by written order from the fire marshal.

Before a building, structure, facility or portion thereof can be ~~issued a~~ permitted, or re-permitted, it must be inspected by the fire marshal and found to conform to the requirements of the Uniform Minnesota State Fire Code at the time of construction for its present use or at the time of conversion to its present use.

Section 4. That Section 174.30 of the above-entitled ordinance be amended to read as follows:

174.30. Use or occupancy. No facility, building or structure in Group H (Hazardous) occupancies as defined in the Uniform Fire Code, nor any facility, building or structure regulated by SARA Title III, nor any other commercial structure that stores, handles or uses hazardous materials shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the fire marshal has issued a permit for the storage, use and handling of hazardous materials therefor as provided herein building, structure, facility or portion thereof, which involves the manufacturing, processing, generation or storage of materials constituting a physical or health hazard and which is defined as an (H) occupancy pursuant to the Minnesota State Fire Code shall operate or be occupied without first obtaining a hazardous materials permit. Any owner or operator of a facility governed by SARA Title III shall also be required to obtain a hazardous materials permit.

Section 5. That Section 174.40 of the above-entitled ordinance be amended to read as follows:

174.40. Change in use. Changes in the character or use of a facility, building or structure or portion thereof as those changes relate to the storage, use or handling of hazardous materials shall not be made without the approval of the fire marshal, ~~and the building may be occupied for purposes in other groups provided the new or proposed use is less hazardous, based on risk to life and safety, and fire risk, than the existing use.~~ The building, structure, facility or portion thereof may be occupied for purposes other than those involving hazardous materials provided the new or proposed use is adequately separated from any hazardous materials and is less hazardous in relation to fire and life safety issues.

Section 6. That Section 174.50 of the above-entitled ordinance be amended to read as follows:

174.50. Permit issued. After final inspection by the fire marshal, when it is found that the facility, building or structure complies with the provisions of the ~~Uniform~~ Minnesota State Fire Code, the fire marshal shall issue a permit for the storage, use and handling of hazardous materials. After the fire marshal inspects the building or structure and finds no violations of the provisions of the ~~Uniform~~ Minnesota State Fire Code, the fire marshal shall issue a permit that shall contain the following:

- (1) The building permit number.
- (2) The address of the building and any business name.
- (3) The name and mailing address of the owner.
- (4) ~~A description of that portion of the building for which the permit is issued~~ The applicable hazardous materials codes and descriptions.
- (5) ~~A statement that the described portion of the building has been inspected for compliance with the requirements of the Uniform Fire Code for the group and division of occupancy and the use for which the proposed occupancy is classified.~~
- (6) ~~(5)~~ The name of the building contact or official.

Section 7. That Section 174.60 of the above-entitled ordinance be amended to read as follows:

174.60. Existing buildings. ~~Every commercial building that involves the storage, handling or use of hazardous materials shall have a permit for the storage, use and handling of hazardous materials issued by the fire marshal and posted on the premises. Before such a permit can be issued, such building shall be inspected by the fire marshal and found to conform to the requirements of the Uniform Fire Code at the time of construction or at the time of conversion to its present use, as such use relates to the storage, use or handling of hazardous materials. No building which is required to have a permit for the storage, use and handling of hazardous materials shall continue to be occupied without such permit~~ All existing buildings, structures, facilities or portions thereof shall comply with the terms of this article.

Section 8. That Section 174.70 of the above-entitled ordinance be amended to read as follows:

174.70. Renewal required. ~~For every building in the City of Minneapolis governed by this ordinance, an annual inspection shall be scheduled by the fire marshal on a one-year cycle. If it is found that such buildings do not conform to the applicable requirements, the permit for the storage, use and handling of hazardous materials may be revoked and the building shall not be occupied until such time as the building is again brought into compliance with such requirements~~ All buildings, structures, facilities or portions thereof governed by this ordinance shall be subject to inspection at the discretion of the fire marshal. If it is found that such buildings, structures, facilities or portions thereof fail to conform with the requirements of this article the permit issued pursuant to this article shall be revoked and the building shall not be occupied until such time as the building is again brought into compliance with such requirements.

- (1) *Temporary permit.* ~~If the fire marshal finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary permit for the storage, use and handling of hazardous materials may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure~~ Temporary permits may be issued at the discretion of the fire marshal.

~~(2) Posting.~~ The permit for the storage, use and handling of hazardous materials shall be posted in a conspicuous place on the premises and shall not be removed except by the fire marshal.

~~(3)~~ (2) Revocation. The fire marshal may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure, facility or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

Section 9. That Section 174.80 of the above-entitled ordinance be amended to read as follows:

174.80. Emergency response plans. Any facility, building, structure or commercial entity required to draft and submit an emergency response plan pursuant to SARA Title III; or Chapter 4 of the Minnesota State Fire Code shall submit the emergency response plan to the fire marshal. The fire marshal shall review the plan with the facility on an annual basis as part of the annual permit renewal process.

Section 10. That Section 174.90 of the above-entitled ordinance be amended to read as follows:

174.90. Annual fee schedule for hazardous materials permits for the storage, use and handling of hazardous materials. The fees for hazardous materials permits issued pursuant to this section are as follows: herein established shall be effective January 1, 2010 and shall be subject to automatic annual adjustment April 1, 2011 and each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. In the event CPI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent. Such hazardous materials permit fees and subsequently adjusted hazardous materials permit fees shall be published and maintained in the Fire Prevention Bureau Fee Schedule referenced in section 173.420.

TABLE INSET:

		Minimum	Maximum
Commercial	\$7.00 per 1,000 sq. ft.	\$100.00	\$370.00
Reinspections caused by occupant	Add 50%		
No entry fee	Add \$50.00		
Late fee	Add 10%		
Discounted fee for no violations	Subtract 25%		

Section 11. That Section 174.150 of the above-entitled ordinance be and is hereby repealed.

174.150. Definitions. Fire marshal is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Uniform Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.

Section 12. That Section 174.160 of the above-entitled ordinance be amended to read as follows:

174.160. Establishment of fire lanes. The fire marshal is authorized to establish fire lanes on private or public property including, but not limited to, private lanes, private ponds, shopping centers, churches, and any other building or property as required by the fire marshal, for the purpose of allowing proper ingress and egress to all property in the City of Minneapolis for fire department equipment and personnel in case of fire or other emergency.

Section 13. That Section 174.180 of the above-entitled ordinance be amended to read as follows:

174.180. Obstruction of fire lane. Parking of motor vehicles in, or otherwise obstructing any fire lane in the City of Minneapolis, shall be is prohibited at all times. Enforcement of this ordinance is the responsibility of the Minneapolis Police Department. All fire lanes designated pursuant to this section on public or private property are subject to enforcement.

Section 14. That Section 174.200 of the above-entitled ordinance be amended to read as follows:

174.200. Marking of fire lanes. All fire lanes in the City of Minneapolis shall be marked in accordance with the fire code of the city, and as approved by the fire marshal.

Section 15. That Section 174.210 of the above-entitled ordinance be amended to read as follows:

174.210. Application for fire lanes. Written application for fire lane designation may be made to the fire marshal, and must specify the exact location of the requested fire lane designation, including the number of signs requested.

Section 16. That Section 174.300 of the above-entitled ordinance be amended to read as follows:

174.300. Definitions. *Fire marshal* is defined as the fire marshal of the City of Minneapolis, or any of the fire marshal's designees, from either the sworn or civilian service, charged with the administration or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment.

Fire protection systems are those approved devices, equipment and systems or combinations of systems used to detect, extinguish or control a fire, activate an alarm, control, manage or suppress smoke and products of a fire or any combination thereof as defined in any currently-enacted and adopted edition of the Minnesota State Fire Code.

Section 17. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article V, including a new Section 174.500, to read as follows:

ARTICLE V. COMMERCIAL HOOD AND EXHAUST CLEANING

174.500. Commercial Hood and Exhaust Cleaning Program. (a) *Permit fees authorized.* The Minneapolis Fire Department, based on authority granted to it pursuant to the Minneapolis Code of Ordinances and the Minnesota State Fire Code, Chapter 1 Section 104.3 and State Amendment 101.6, is hereby authorized to issue commercial hood and exhaust cleaning permits for any commercial hood and exhaust cleaning required hereunder. The permit requirement imposed by this section shall apply to all commercial cooking and food service establishments using type-1 hoods inside any building or portion thereof for the preparation and serving of food that produces grease laden vapors. The term "food service" is defined to include operations such as preparing, handling, cleaning, cooking, and packaging of food items of any kind.

(b) *Hood cleaning permit.* A permit is required to conduct hood cleaning of all type-1 hoods. Every application for such a permit shall be made in writing to the Minneapolis Fire Department at least five (5) working days in advance of the proposed cleaning date. A permit shall be issued only after the fire marshal or the fire marshal's designee has reviewed and approved the application and the applicant has paid the required fee.

(c) *Cleaning.* All hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease, as specified by the Minnesota State Fire Code, Section 904.11.6.3. Upon inspection, if the exhaust system is found to be contaminated with grease laden vapor deposits, the contaminated portions shall be cleaned by a properly trained, qualified, and certified company or person(s) acceptable to the Authority Having Jurisdiction (AHJ). The fire marshal is authorized to place the following conditions upon applicants requesting a hood cleaning permit:

- (1) The entire exhaust system shall be inspected for grease and residue buildup by a properly trained, qualified, and certified company or person(s) acceptable to the Authority Having Jurisdiction (AHJ).
- (2) Inspection and servicing of the cooking equipment shall be completed at least annually. Cooking equipment that collects grease below the surface, behind the equipment, or in cooking equipment flue gas exhaust, such as griddles or char broilers, shall be inspected and, if found with grease accumulation, cleaned to the manufacturer's recommendations.
- (3) Kitchen hoods and duct systems shall be cleaned to bare metal pursuant to NFPA-96, Section 11.4.
- (4) There shall be no grease or carbonized grease left in the hood, duct system, filters, or fan assemblies.
- (5) No coatings shall be sprayed or applied on the clean ductwork.
- (6) All ductwork access panels/doors shall be properly reassembled after complete cleaning.
- (7) Any hardware removed from equipment shall be reinstalled after complete cleaning.

(8) The applicant shall identify and note all damaged equipment, missing parts and notify the owner and the fire marshal upon completed cleaning.

(9) Upon completion of each job, the applicant shall submit exhaust vent cleaning photos. At the discretion of the fire marshal periodic fire inspections shall be conducted. Each completed cleaning job is to be approved pursuant to submitted plans and photos. An attachment of photo requirements shall be part of the application document.

(d) Fee. The fee for a commercial hood and exhaust cleaning permit shall be based on contractual job cost and equal to the permit fee amounts as established pursuant to section 174.310(c).

Adopted 8/28/2009.

Ordinance 2009-Or-076 amending Title 9, Chapter 175 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Telephonic Alarm Systems*, repealing Chapter 175 (Sections 175.10 – 175.30), was adopted 8/28/2009 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 2009-Or-076
By Ostrow
Intro & 1st Reading: 7/17/2009
Ref to: PS&RS
2nd Reading: 8/28/2009

Repealing Chapter 175 of Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Telephonic Alarm Systems.

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

Section 1. That Chapter 175 of the above-entitled ordinance be and is hereby repealed.

CHAPTER 175. TELEPHONIC ALARM SYSTEMS

175.10. Use of trunk lines of emergency reporting system. No person shall use or cause to be used any automatic electrical or mechanical device or attachment to any telephone that reproduces any taped or prerecorded message to report any fire or other emergency and which utilizes the public primary telephone trunk lines (voice circuits) of the emergency reporting system.

175.20. Permits. Any person desiring to install or use any automatic electrical or mechanical device or attachment to any telephone that reproduces any taped or prerecorded message to report any fire or other emergency to the emergency reporting system, shall apply for and obtain a permit so to do. Said permit shall be issued on the following conditions:-

(a) An application shall be submitted with full and complete plans and specifications for the installation to the director of inspections;

(b) Said system utilizes a private secondary telephone line connected to the emergency reporting system;

(c) Such system is adaptable to the emergency reporting system and meets the approval of the superintendent of communications;

(d) Such system shall be installed, operated and maintained in like manner as provided for an auxiliary fire alarm system; and

(e) All costs and recurring charges incurred in the installation and maintenance of such system shall be borne by the person requesting the same.

The fee for such permit for the installation, for one to five (5) stations, inclusive, shall be five dollars (\$5.00). For each additional group of ten (10) stations or fraction thereof, five dollars (\$5.00). However, the total fee shall in no instance exceed the sum of forty dollars (\$40.00).

175.30. Authority to order discontinuance. In addition to any other remedy provided by law, the superintendent of communications, whenever he shall have knowledge of the use of any such device

or attachment not operated or maintained in accordance with the provisions of this chapter, may order the removal of such device or attachment. Failure to comply with such order shall be a violation of this Code.

Adopted 8/28/2009.

Ordinance 2009-Or-077 amending Title 9, Chapter 177 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fireworks*, amending, repealing and updating Sections 177.10, 177.20, 177.30, 177.40, 177.50, 177.60, 177.70, 177.80, 177.100, 177.120 and 177.125, was adopted 8/28/2009 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 2009-Or-077
By Ostrow
Intro & 1st Reading: 7/17/2009
Ref to: PS&RS
2nd Reading: 8/28/2009

Amending Title 9, Chapter 177 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fireworks.

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

Section 1. That Section 177.10 of the above-entitled ordinance be amended to read as follows:

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

Adult. A person eighteen (18) years of age or older.

Business. Refers to the business of selling; ~~and storing or displaying~~ any form of permitted legal consumer fireworks.

Consumer fireworks. Any small fireworks device or devices designed primarily to produce visible or audible effects by combustion or deflagration that comply with the construction, chemical composition and labeling regulations of the United States Consumer Product Safety Commission, as set forth in the Code of Federal Regulations, title 16 and Minn. Statute Section 624.20.

Display fireworks. Any large fireworks device or devices designed to produce visible or audible effects for entertainment purposes by combustion, deflagration or detonation.

Fireworks display. Any presentation of display fireworks for an audience at a public or private gathering required to be supervised by a state certified operator.

Legal consumer fireworks. Those consumer fireworks as defined in Minn. Statute Section 624.20, Subd. 1(c).

Movable place of business. A business whose physical location is not permanent or is capable of readily being moved or changed, including without limitation commercial transactions conducted in whole or in part from motorized or non-motorized vehicles, non-permanent stands, mobile sales kiosks, trailers, tents, bicycles or carts.

Permitted consumer fireworks. ~~Permitted consumer fireworks are defined as wire or wood sparklers of not more than one hundred (100) grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain seventy-five (75) grams or less of chemical mixture per tube or a total of two hundred (200) grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five (25) hundredths grains of explosive mixture.~~

Permitted premises. The place of business described in the approved permit application and approved site plan for the sale, ~~display~~ and storage of permitted legal consumer fireworks.

Person. One (1) or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation; a trust; or any other business organization.

Transient merchant. Any person who engages in or transacts any temporary and transient business in the city, either in one (1) locality or in traveling from place to place in the city selling merchandise and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, stand, tent, trailer, cart, structure, vacant lot or motor vehicle for the exhibition and sale of such merchandise.

Section 2. That Section 177.20 of the above-entitled ordinance be amended to read as follows:

177.20. Permit required. No person shall store for retail sale or wholesale distribution, sell at retail or wholesale, or otherwise supply or furnish as part of a commercial transaction any ~~permitted~~ legal consumer fireworks without first having obtained a permit hereunder, completed a permitted consumer fireworks education course provided by the fire department, paid the required permit fee and conspicuously posted the permit on the permitted premises.

Issuance of a permit pursuant to this chapter shall not relieve the person from obtaining any other licenses or permits required by the Minneapolis Code of Ordinances, state law or federal law, to conduct this or other businesses at the same or any other location, and complying with the city zoning code.

Each permit pursuant to this chapter shall designate the person to whom the permit was granted and the distinct location of the place of business for which the permit was granted.

Section 3. That Section 177.30 of the above-entitled ordinance be amended to read as follows:

177.30. Permit fee and term of permit. The annual permit fee shall be ~~six~~ one hundred dollars (~~\$600.00~~ \$100.00) and may be reset by the city council on an annual basis. The permit fee shall cover the administrative and enforcement costs, including inspections by the fire department and the police department, sampling and testing of the merchandise to ascertain chemical content, education and public service announcements, and other costs associated with the administration or enforcement of this chapter. Full payment of the required permit fee shall accompany the application, and shall be returned to the applicant if the permit application is not approved.

A separate permit, and accompanying permit fee, shall be required for each separate, non-contiguous ~~permitted~~ storage or retail premises, even if owned and operated by the same permit holder or applicant. Each annual permit shall be effective for one (1) year from the date of approval. An application for the renewal of an existing permit shall be made prior to the expiration date of the current permit, or the applicant must reapply as an initial applicant, including participation in any required safety courses.

Section 4. That Section 177.40 of the above-entitled ordinance be amended to read as follows:

177.40. No mobile sales or sales by transient merchants. No permit shall be issued for the sale of ~~permitted~~ legal consumer fireworks at a movable place of business, including without limitation, mobile sales made from motorized vehicles, mobile sales kiosks, non-permanent stands or trailers. No permit shall be issued hereunder to transient merchants and no seasonal or temporary permits shall be granted.

Section 5. That Section 177.50 of the above-entitled ordinance be amended to read as follows:

177.50. Permit application. An application for a permit for the sale, use, storage or possession of ~~permitted~~ legal consumer fireworks shall be made on a form supplied by the fire department and shall contain the following information:

- (1) Whether the applicant is a natural person, corporation, partnership or any other business association or organization.
- (2) The applicant's full legal name, mailing address and telephone number.
- (3) The street address or legal description of the premises to be permitted.
- (4) Whether all real estate and personal property taxes that are due and payable for the premises to be permitted have been paid, and if not paid, the years and amounts that are unpaid.
- (5) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be permitted.
- (6) If the applicant does not own the business premises, a true and correct copy of the current, executed lease, as well as, the written authorization of the property owner for the applicant's use of the property for the sale of permitted consumer fireworks.
- (7) The applicant's hours of operation, on-site management and parking facilities.

- (8) A detailed site plan, to scale, illustrating and describing the proposed sales and storage areas covered by the permit.
- (9) The full name, mailing address, and telephone number of the person in charge of the permitted premises.
- (10) Any of the applicant's previous violations of any city ordinances.
- (11) Such other information as the fire department may require.

Section 6. That Section 177.60 of the above-entitled ordinance be and is hereby repealed.

177.60. Insurance required. All permit holders, for each and every permit, must have at all times a valid certificate of insurance issued by an insurance company licensed to do business in the State of Minnesota evidencing that the applicant's use of the property is currently covered by a liability insurance policy. The minimum limits of coverage for such insurance shall be:

- (1) Each claim, at least two hundred thousand dollars (\$200,000.00).
- (2) Each incident, at least five hundred thousand dollars (\$500,000.00).

Such insurance shall be kept in force during the term of the permit and the permit holder must provide for prior notification to the fire department should the policy be terminated or canceled. A certificate of insurance must accompany all initial and renewal permit applications.

Section 7. That Section 177.70 of the above-entitled ordinance be amended to read as follows:

177.70. Permit application verification and consideration. (a) *Verification.* Applications for a permit for the sale of permitted legal consumer fireworks shall be submitted to the fire department and the fire department shall verify the information on the application form. The fire department is empowered to conduct any and all investigations to verify the information on the application.

(b) *Consideration.* The fire department shall review the site plan and determine if the manner of storage, display or sales area of the permitted premises constitutes a fire or safety hazard. In assessing the potential hazard, reference shall be made to all applicable state and federal laws, rules and regulations, as well as the administrative standards for the storage, display and sales of permitted legal consumer fireworks established by the fire department. If an application is granted for a location where a building is under construction or not ready for occupancy, the permit shall not be delivered to the applicant until a certificate of occupancy has been issued for the permitted premises. All permits will be issued and valid thirty (30) days after the approval of the application.

(c) *Denial of application.* If the application is denied, the fire department shall notify the applicant of that determination in writing. The notice shall be mailed by certified and regular mail to the applicant at the address provided in the application and it shall inform the applicant of the applicant's right, within ~~twenty (20)~~ thirty (30) days after the date of the notice to request an appeal of the denial to the fire code appeals board. If an appeal is timely received the hearing before the fire code appeals board shall take place within a reasonable period thereafter.

Section 8. That Section 177.80 of the above-entitled ordinance be amended to read as follows:

177.80. Persons and locations ineligible for a license. (a) *Persons ineligible.* No permit for the sale of permitted legal consumer fireworks shall be issued to an applicant who, if such applicant or any manager, proprietor, or agent in charge of the business to be permitted:

- (1) Is not eighteen (18) years of age or older on the date the permit application is submitted to the fire department;
- (2) Has knowingly falsified or misrepresented information on the permit application;
- (3) Is not the real party in interest in the business being applying for a permitted;
- (4) Owes taxes or assessments to the state, county, school district, or city that are due and delinquent; or
- (5) Has violated any city ordinances.

(b) *Locations ineligible.* The following locations shall be ineligible for a permit:

- (1) *Claims due.* No permit shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid.
- (2) *Improper zoning.* No permit shall be granted if the property is not properly zoned for the activity being licensed unless the business is a legal, nonconforming use, as determined by the fire department.

Section 9. That Section 177.100 of the above-entitled ordinance be amended to read as follows:

177.100. Restrictions regarding operation. (a) *Prohibited transactions.* No permit holder or agent or employee thereof shall sell, distribute or furnish any ~~permitted~~ legal consumer fireworks to a person under the age of eighteen (18) years (as verified by a current, valid driver's license, or a current, valid photo identification card), any person who is obviously intoxicated, chemically impaired or incompetent.

(b) *Inspection of items.* The permit holder must, at all times during the term of the permit, allow the authorized agents of the fire department and the police department to enter the premises where the permitted business is located, including all display, sale or storage areas during normal business hours, or beyond normal business hours where the inspector determines an emergency situation exists, for the purpose of inspecting such premises and inspecting the items, ware, and merchandise therein for the purpose of verifying compliance with the requirements of this chapter, and any other applicable state and federal regulations. Upon request, the permit holder must provide a test sample to the inspector for the purpose of verifying the chemical content of the merchandise.

(c) *Maintenance of order.* Permit holders shall be responsible for the conduct of the business being operated and shall maintain conditions of order.

(d) *Smoking prohibited.* Permit holders must strictly prohibit any cigarette, cigar, or pipe smoking in or around the permitted premises and conspicuously post and maintain appropriate "NO SMOKING" signage throughout.

(e) *Proper disposal of unsold ~~permitted~~ legal consumer fireworks.* It shall be the responsibility of the permit holder to properly dispose of all unsold permitted consumer fireworks. Any consequential cost to the city for disposal of these goods shall be the ultimate responsibility of the permit holder.

(f) *Maintenance of sales and storage areas.* Any significant deviation, enlargement or alteration from the approved site plan for the sales display and storage areas covered by the permit must be pre-approved in writing by the fire department.

(g) *Confiscation and destruction of illegal fireworks.* Any authorized agent of the fire department or police department may seize, take, remove or cause to be removed all stocks of fireworks or other combustibles offered or exposed for sale, stored or held in violation of this chapter or other applicable law. Any consequential cost to the city for disposal of these goods shall be the ultimate responsibility of the permit holder.

Section 10. That Section 177.120 of the above-entitled ordinance be amended to read as follows:

177.120. Consumer use restrictions.

- (1) It is unlawful to use, fire or discharge any ~~permitted~~ legal consumer fireworks along the route of and during any parade, or at any place of public assembly, including any event in the city for which a block event permit has been issued.
- (2) It is unlawful to throw, toss, shoot or otherwise launch any permitted consumer fireworks at any person, animal, vehicle or other thing or object.
- (3) It is unlawful to discharge any ~~permitted~~ legal consumer fireworks within three hundred (300) feet of any building or location at which ~~permitted~~ legal consumer fireworks are sold at retail or otherwise stored for any reason.
- (4) It is unlawful for any person under the age of eighteen (18) to possess, use or discharge any ~~permitted~~ legal consumer fireworks unless a responsible adult directly supervises the juvenile.
- (5) It is unlawful for any person to use or discharge ~~permitted~~ legal consumer fireworks between the hours of 12:15 a.m. and 9:00 a.m. in the city limits.
- (6) ~~Permitted~~ Legal consumer fireworks may only be discharged in an area with a water source connected to a hose or other acceptable means of extinguishing a fire.

Section 11. That Chapter 177 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 177.125 to read as follows:

177.125. Bond for display fireworks required. Any person obtaining a permit to conduct a fireworks display shall comply with all applicable laws and regulations, including all requirements imposed pursuant to the fire code. Any such permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the chief of the department for the payment of all damages which

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may be casued either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, or the permittee's agents, employees or subcontractors.

Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Metropolitan Sports Facilities Commission to receive reimbursement expenses estimated in the total amount of \$180,912.89 for the Police and Public Works Departments to provide security and perimeter management services around the Metrodome stadium during Viking Football games during the 2009 football season. Further, passage of the accompanying resolution appropriating \$65,000 for the Public Works Department and \$115,912.89 for the Police Department.

Adopted 8/28/2009.

RESOLUTION 2009R-397

By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a. increasing the appropriation for the Public Works Agency in the General Fund (00100-6070500-345501) by \$65,000.

b. increasing the appropriation for the Police Department Agency in the Special Revenue Fund (01210-4004100-345501) by \$115,912.89.

Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the University of Minnesota to receive reimbursement expenses estimated in the amount of \$43,721.26 to provide security, vehicle and pedestrian traffic control services at TCF Stadium during Gopher Football games during 2009 home football games. Further, passage of the accompanying resolution appropriating \$43,721.26 to the Police Department.

Adopted 8/28/2009.

RESOLUTION 2009R-398

By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Special Revenue Fund (01210-4002750) by \$43,721.26.

Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$55,500 as part of the 2010 Safe and Sober Grant and execute a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, to pay overtime to Traffic Unit officers to increase enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying resolution appropriating \$55,500 to the Police Department.

Adopted 8/28/2009.

**RESOLUTION 2009R-399
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002735-321012) by \$55,500.
Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee, having under consideration the Police Department's Auto Theft Prevention Program, now recommends that the proper City officers be authorized to accept a grant award of \$296,830 and execute an agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funds to prosecute auto thieves, and to disseminate information on the Department's "bait vehicles" and other general information to deter auto theft crimes over a two-year period. Further, passage of the accompanying resolution appropriating \$296,830 to the Police Department.

Adopted 8/28/2009.

**RESOLUTION 2009R-400
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-400-C007) by \$296,830 and increasing the Revenue Source (01600-400-C007-3215) by \$296,830.

Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a lease agreement with Allied Parking Incorporated, in an amount not to exceed \$50,000 annually for a three-year period, to provide off-street parking of 1st Precinct squad cars at the Midtown Ramp located at 11 S 4th St.

Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a lease agreement with Classic Space, Incorporated, in an amount not to exceed \$50,000 annually for a three-year period, to allow for appropriate and secure storage space to meet a portion of the Police Department's needs that support daily operations as well as emergency preparedness and response capabilities.

Adopted 8/28/2009.

PS&RS & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7180 submitted by Landwehr Construction, Inc, in the amount of \$39,992, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition of 2426 Plymouth Avenue North, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 8/28/2009.

Approved by Mayor Rybak 8/28/2009.

(Published 9/1/2009)

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the construction of the Hiawatha Maintenance Facility, now recommends that the proper City officers be authorized to execute Change Order No 1 in the amount of \$213,907, and Change Order No 2 in the amount of \$284,463, for a total increase of \$498,370 to Contract C-26655 with Knutson Construction Services, Inc., to allow for construction contingencies provided as part of the original project budget and to include the construction of a fuel island for the Fleet Services Division. No additional appropriation required.

Adopted 8/28/2009.

T&PW - Your Committee, having under consideration the construction of the Hiawatha Maintenance Facility, now recommends that the proper City officers be authorized to execute Amendment No 1, increasing Contract C-24862 with RSP Architects by \$100,000, for a revised contract total of \$1,075,000, to provide for additional consulting services not covered under the original scope of the project. No additional appropriation required.

Adopted 8/28/2009.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 2nd Ave S and Marquette Ave S Reconstruction Projects, Special Improvement of Existing Streets No 6739 and No 6740, now recommends that the proper City officers be authorized to increase Contract C-25901 with Shafer Contracting by \$1,714,114, for a revised contract total of \$20,235,598, to allow for change orders for additional work not provided in the original scope of the contract. No additional appropriation required.

Adopted 8/28/2009.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the appropriation for the ABC Ramps Operating Cost Fund by \$11,325,000, to be reimbursed by the Minnesota Department of Transportation (Mn/DOT) in accordance with existing Mn/DOT Management Agreement No 66310 for operations of city-managed ramp projects.

Adopted 8/28/2009.

**RESOLUTION 2009R-401
By Colvin Roy and Ostrow**

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Municipal Parking-Enterprise Fund (685TAD4/5/7-07500-507019) by \$11,325,000 to be fully reimbursed by the Minnesota Department of Transportation (685TAD4/5/7-07500-321510).

Adopted 8/28/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the Camden Bridge Rehabilitation Project, now recommends passage of the accompanying resolutions:

- a) Accepting \$10,000,000 in funds from the American Recovery and Reinvestment Act (ARRA) and increasing the appropriation and revenue for the project by \$10,000,000;
- b) Approving the project layout and plans, directing the City Engineer to proceed with bidding the project, and authorizing the negotiation of any necessary agreements with the Minnesota Department of Transportation (Mn/DOT) for the project;
- c) Authorizing the proper City officers to acquire a limited use permit from Mn/DOT for the purpose of completing construction activities on Mn/DOT right-of-way; and
- d) Authorizing the proper City officers to negotiate and execute an agreement with Mn/DOT for delegated contracting authority for federal aid construction.

Adopted 8/28/2009.

**RESOLUTION 2009R-402
By Colvin Roy and Ostrow**

Amending The 2009 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Accepting \$10,000,000 in federal funds from the American Recovery and Reinvestment Act (ARRA); and
 - b) Increasing the appropriation and revenue for the Camden Bridge Rehabilitation Project (4100-9010938-3210-CBR109) by \$10,000,000.
- Adopted 8/28/2009.

Resolution 2009R-403, approving the layout and plans for the Camden Bridge Rehabilitation Project and authorizing the negotiation of agreements with the Minnesota Department of Transportation, was adopted 8/28/2009 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 2009R-403
By Colvin Roy and Ostrow**

Approving the layout and plans for the Camden Bridge Rehabilitation Project and authorizing the negotiation of agreements with the Minnesota Department of Transportation.

Resolved by The City Council of The City of Minneapolis:

That the City approve the project layout and final plans for the Camden Bridge Rehabilitation Project (CBR109) as submitted.

Be It Further Resolved that the City Engineer be directed to proceed with bidding the project.

Be It Further Resolved that the proper City officers be authorized to negotiate any necessary agreements for the project with the Minnesota Department of Transportation.

Adopted 8/28/2009.

Resolution 2009R-404, authorizing the acquisition of a limited use permit from the Minnesota Department of Transportation, was adopted 8/28/2009 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 2009R-404
By Colvin Roy and Ostrow**

Authorizing the acquisition of a limited use permit from the Minnesota Department of Transportation.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to acquire a limited use permit from the Minnesota Department of Transportation (Mn/DOT) for the purpose of completing certain construction activities on Mn/DOT interstate right-of-way in conjunction with the Camden Bridge Rehabilitation Project (CBR 109).

Adopted 8/28/2009.

Resolution 2009R-405, authorizing an agreement with the Minnesota Department of Transportation for delegated contracting authority for federal aid construction, was adopted 8/28/2009 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 2009R-405
By Colvin Roy and Ostrow**

Authorizing an agreement with the Minnesota Department of Transportation for delegated contracting authority for federal aid construction.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to negotiate and execute an agreement with the Minnesota Department of Transportation for Delegated Contracting Authority for Federal Aid Construction in conjunction with the Camden Bridge Rehabilitation Project (CBR 109).

Adopted 8/28/2009.

T&PW & W&M/Budget - Your Committee, having under consideration federal stimulus funding in the amount of \$2,000,000 from the American Recovery & Reinvestment Act (ARRA) of 2009 through a special "principal forgiveness" loan program administered through the Minnesota Public Facilities Authority (PFA) along with subsidized financing through the Drinking Water Revolving Fund Program also administered by the PFA, now recommends:

- a) Acceptance of the award funds and early adoption of the 2010 and 2011 capital budget request for the expedited construction of the New Filter Presses Project (Dewatering Plant Improvements) and authorizing the proper City officers to sign any necessary award documents;
- b) Passage of the accompanying resolution increasing the appropriation for the project in the total amount of \$23,000,000, to be financed by a general obligation note issued to the PFA through the Drinking Water Revolving Fund and \$2,000,000 from an ARRA grant;
- c) Passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project; and
- d) Passage of the accompanying resolution declaring official intent to reimburse costs with tax exempt debt.

Adopted 8/28/2009.

**RESOLUTION 2009R-406
By Colvin Roy and Ostrow**

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the expense budget appropriation in the Water Capital Agency (07400-9010950-801501-WTR22) by \$23,000,000; and
- b) Increasing the revenue budget for the WTR22 New Filter Presses Project in the Water Capital Agency (07400-9010950-391101) by \$21,000,000 and (07400-9010950-321000) by \$2,000,000.

Adopted 8/28/2009.

Resolution 2009R-407, requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$21,000,000 to be used for the New Filter Presses Project, was adopted 8/28/2009 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 2009R-407
By Colvin Roy and Ostrow**

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$21,000,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$21,000,000, the proceeds of which are to be used for the WTR22 New Filter Presses Project. This authorization is an addition to the \$2,000,000 authorized as part of the original 2009 capital resolution (2008R-544) and bonding resolution (2008R-549) for this WTR22 New Filter Presses Project. Debt service will be paid for by water service fees collected in the Water Enterprise fund.

Be It Further Resolved that the Board of Estimate and Taxation, in conjunction with the above and prior debt authorizations for the WTR22 New Filter Presses Project, issue and sell up to \$23,000,000 of City of Minneapolis General Obligation Notes to the Minnesota Public Facilities Authority as required for participation in the Drinking Water Revolving Fund Program. The project is also receiving \$2,000,000 of federal stimulus funding through the American Recovery and Reinvestment Act of 2009 for a portion of the funding.

Adopted 8/28/2009.

Resolution 2009R-408, declaring official intent to reimburse costs with tax exempt debt, was adopted 8/28/2009 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 2009R-408
By Colvin Roy and Ostrow**

IRS Declaration of Intent to reimburse costs with tax exempt debt.

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse up to \$23,000,000 of expenditures related to the WTR22 New Filter Presses Project from the proceeds of tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services, and staff costs reasonably allocated to the project as well as costs incurred and paid for the design and construction of the New Filter Presses Project. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt to be issued by the City consists of water service fees collected in the Water Enterprise fund.

Adopted 8/28/2009.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7171 from Graham Construction Services, Inc., for an estimated expenditure of \$19,220,000, to furnish and deliver all labor, materials, equipment, and

incidentals necessary for dewatering plant improvements for the City of Minneapolis Public Works Water 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 8/28/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the implementation of a new Adaptive Traffic Signal Control System to be constructed to control 39 intersections on or near the University of Minnesota East Bank Campus, now recommends:

T&PW - Sent forward without recommendation.

W&M/Budget - Approval of the following staff recommendations:

a) That the proper City officers be authorized to execute a Memorandum of Agreement with the Regents of the University of Minnesota and an Indefeasible Right to Use and Exchange of Services Agreement with the State of Minnesota Department of Transportation for participation in the project; and

b) Passage of the accompanying resolution increasing the appropriation for the project in the total amount of \$532,000.

Colvin Roy moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/28/2009.

RESOLUTION 2009R-409
By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the PW-Capital Improvements Fund in the Transportation Capital Agency for expenses related to capital projects (4100-943-9440-CTR810SG080) by \$532,000 and increasing the revenue source 3210 (4100-943-9440-CTR810SG080) by \$442,000, revenue source 3910 (4100-943-9440-CTR810SG080) by \$24,000, and revenue source 3215 (4100-943-9440-CTR810SG080) by \$66,000 funded by the decrease in appropriation of \$66,000 (4100-943-9440-CTR807SG081/082/083); and

b) Decreasing the appropriation for the PW-Capital Improvements Fund in the Traffic Capital Agency (4100-943-9440-CTR807SG081/082/083) for expenses related to capital projects by \$66,000.

Adopted 8/28/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the acceptance of the low re-bid submitted to the Public Works Department on OP No 7175 from Egan Company, in the amount of \$2,869,802.75, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish a traffic control signal system for the City of Minneapolis Public Works Department, further directing 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, now recommends:

T&PW - Sent forward without recommendation.

W&M/Budget - Acceptance of said bid.

Colvin Roy moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/28/2009.

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 8/28/2009.

Resolution 2009R-410, authorizing settlement of *JP Morgan Chase, N.A. v. Alten Doe, I.T. Taylor, L.D. Taylor and the City of Minneapolis*, was adopted 8/28/2009 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 2009R-410

By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *JP Morgan Chase, N.A. v. Alten Doe, I.T. Taylor, L.D. Taylor and the City of Minneapolis*, by authorizing a refund of \$6,000 to First American Title Insurance Company, from the Internal Service Self Insurance Fund (06900-1500100-145890); and by authorizing the City Attorney's office to execute a subordination agreement with JP Morgan Chase, N.A., allowing JP Morgan's mortgage to be senior to and have priority in interest over a Minneapolis Mortgage in the amount of \$6,000.

Adopted 8/28/2009.

W&M/Budget - Your Committee, having under consideration the Unisys Managed Services Contract C-25200, now recommends increasing the contract amount by \$750,000 for additional change orders requested by customer departments and BIS (of \$50,000 or less).

Adopted 8/28/2009.

W&M/Budget - Your Committee, having under consideration the Unisys Managed Services Contract C-25200, now recommends authorizing proper City officers to amend the contract to include proprietary software rights language. (Petn 273712)

Adopted 8/28/2009.

W&M/Budget - Your Committee, having under consideration grant funds from the Minneapolis Foundation designated for Ranked Choice Voting, specifically for voter education and outreach, now recommends the following:

- a) acceptance of grant funds in the amount of \$35,000; and
- b) passage of the accompanying resolution appropriating funds.

Adopted 8/28/2009.

RESOLUTION 2009R-411

By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation in the Elections Fund (01600-2600500-513000) by \$35,000; and
- b) Increasing the revenue source in Elections Fund (01600-2600500-372001) by \$35,000.

Adopted 8/28/2009.

W&M/Budget - Your Committee recommends that the Minneapolis Convention Center (MCC) be authorized to accept and produce electronic signatures on all event Permit For Occupancies (PFO) and

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Special Event Permits (SEP) pursuant to federal and state codes. Further, that the MCC electronic agreement and signature experience be reviewed for possible enterprise-wide application in conjunction with the City's Business Process Improvement (BPI) Request of Proposal (RFP) and contract reform.

Adopted 8/28/2009.

W&M/Budget - Your Committee, having under consideration the emergency repairs to the Minneapolis Convention Center due to the August 19, 2009 storm damage, now recommends that the following three (3) existing contracts be increased as follows:

a) Contract #03-00471 with Brin Northwestern Glass Company, Inc., for an additional \$16,000 for repair and replacement of damaged glass and plexiglass panels;

b) Contract #03-00147 with Automated Door Services, Inc., for an additional \$48,000 for repair and replacement of damaged dock doors; and

c) Contract #03-00367 with John A. Dalsin and Sons, Inc., for an additional \$350,000 for repair and replacement of damaged roofing.

Adopted 8/28/2009.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #7186 from Central Roofing Company, in the amount of \$3,002,426, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the re-roofing project for the Minneapolis Convention Center (Petn 273719).

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with specifications prepared by Roof Spec, Inc.

Adopted 8/28/2009.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept a donation for free conference registration valued at \$1,100 from Oracle Corporation for its Leader's Circle event taking place on October 13, 2009 during Oracle's annual OpenWorld conference.

Adopted 8/28/2009.

RESOLUTION 2009R-412

By Ostrow

Accepting a donation from Oracle Corporation for free conference registration.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation for free conference registration valued at \$1,100 from Oracle Corporation for its Leader's Circle event taking place on October 13, 2009 during Oracle's annual OpenWorld conference.

Adopted 8/28/2009.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an amendment to the existing lease at 724B Harding Street N.E., Contract #C-24225, with Mid-City Plaza Partnership to include an additional 3,015 square feet of warehouse storage space for four (4) month term, beginning November 1, 2009 and ending February 28, 2010. Funding for this additional rent payment in the amount of \$2,263 per month (base rent and operating costs) will be charged to the City Clerk/Elections Department operating budget (00100-2600500) with no additional appropriation needed.

Adopted 8/28/2009.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #7181 from K.A. Kamish Excavation, Inc., in the amount of \$93,750, to furnish and deliver all labor, materials,

equipment and incidentals necessary to accomplish the demolition of the following seven (7) structures for Regulatory Services:

- a) 2321 Fremont Avenue N;
- b) 1008 – 92nd Avenue NE;
- c) 3513 – 14th Avenue S;
- d) 4050 – 40th Avenue S;
- e) 3351 Oakland Avenue;
- f) 4516 – 43rd Avenue S; and
- g) 2546 University Avenue NE.

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 8/28/2009.

W&M/Budget - Your Committee, having under consideration the Public Employees Retirement Association of Minnesota (PERA) Local Government Post Retirement Option (also referred to as PERA Phased Retirement Option), now recommends passage of the accompanying resolution authorizing the City of Minneapolis to participate in PERA's phased retirement option, and designating the Director of Human Resources or designee to coordinate implementation of the program for eligible City of Minneapolis employees.

Adopted 8/28/2009.

Resolution 2009R-413, authorizing the Public Employees Retirement Association of Minnesota (PERA) Phased Retirement Option, was adopted 8/28/2009 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 2009R-413
By Ostrow

Authorizing the Public Employees Retirement Association of Minnesota (PERA) Phased Retirement Option.

Whereas, the City of Minneapolis recognizes that it may be to the City's benefit to offer a phased retirement option to certain City employees to enhance knowledge transfer to other staff, retain a key employee until a replacement can be found or to reduce the hours of some employees for budgetary savings; and

Whereas, the City of Minneapolis recognizes that under the Omnibus Pension Bill passed by the Minnesota State Legislature in 2009, the Public Employees Retirement Association of Minnesota (PERA) now offers a Local Government Post Retirement Option Program (also referred as the phased retirement option) available to certain members of the PERA Coordinated Plan who meet criteria outlined in Minn. Statute Section 353.371; and

Whereas, the City of Minneapolis recognizes the need to designate a City official or staff person to identify eligible employees, determine whether there is a benefit to offering the phased retirement option to those employees and coordinate communication and program implementation;

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

That the City Council of the City of Minneapolis hereby approves participation by the City of Minneapolis in PERA's phased retirement option.

Be It Further Resolved that the Director of Human Resources or designee is hereby designated to coordinate implementation of the program for eligible City of Minneapolis employees.

Adopted 8/28/2009.

W&M/Budget - Your Committee, having under consideration the City's Wireless Community Benefits and having received a summary report on community benefits included in the USI Wireless

contract (Petrn 273714), now recommends approval of the 51 applications for Wireless Community accounts (Petrn 273714), which are free wireless internet accounts intended for non-profit organizations located in the City of Minneapolis that will provide free computer access to the public through 2010.

Further, that proper City officers be authorized to complete a second call for applications, with targeted outreach to groups that serve people with disabilities, seniors, charter schools and agencies/organizations that serve populations or geographic areas where there may be service gaps.

Adopted 8/28/2009.

W&M/Budget - Your Committee, having under consideration the Mayor's 2010 budget recommendation downsizing the Public Health Laboratory, now recommends that the Minneapolis Police Department be directed to forward written correspondence to Michael Campion, Commissioner of the Minnesota Department of Public Safety, stating as follows:

- 1) That as part of the 2010 Budget process, the City of Minneapolis is exploring the closing of its separate public health lab, which includes the operation of a lab for drug- and-alcohol testing;
- 2) That the City believes that duplicating services at the municipal level that are already provided at the state level should be avoided where possible; and
- 3) That the City requests written confirmation of the following:
 - a) that the Bureau of Criminal Apprehension (BCA) is committed to providing lab services to all municipalities, including Minneapolis, under the same financial conditions and service commitments; and
 - b) that the BCA will not require the City to donate, at the City's expense, personnel or equipment as a condition of providing lab analysis for cases originating in Minneapolis.

Ostrow moved that the report be postponed to the September 18, 2009 Council meeting. Seconded.

Adopted upon a voice vote 8/28/2009.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lupe Property Company, LLC, (BZZ-4406), notwithstanding the recommendation of staff, to rezone the property at 129 Plymouth Avenue N from I1 to the C2 Neighborhood Corridor Commercial District and to remove the IL Industrial Living Overlay District to permit a shopping center, and adopting the findings of the Planning Commission.

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

Adopted 8/28/2009.

Ordinance 2009-Or-078 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 129 Plymouth Avenue N to the C2 District and removing the IL Industrial Living Overlay District, was adopted 8/28/2009 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 2009-Or-078
By Schiff
1st & 2nd Readings: 8/28/2009

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 VANDERHORK'S SUBD AND OF LK 10 BASSETT MOORE AND CASES ADDN TO TOWN OF MPLS AND OF VAC STREET AND ALLEY DESC AS BEG AT INTERSEC OF ELY LINE OF 2nd ST N WITH S LINE OF PLYMOUTH AVE N TH ON AN ASSUMED BEARING OF N 88 DEG 32 MIN E ALONG SAID N LINE TO A PT 26 FT E FROM NE COR OF LOT G OF SAID SUBD TH S 1 DEG 24 MN 42 SEC W 18.31 FT TH S 11 DEG 24 MN W 65.4 FT TH SWLY 55.36 FT ALONG A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 503.34 FT TH W PAR WITH N LINE OF SAID BLK 10 DIS 36.08 FT TO CTR LOME PF VAC 10th AVE N TH SWLY ALONG SAID CTR LINE TO ELY LINE OF 2nd ST N TH NLY ALONG SAID ELY LINE TO BEG. (129 Plymouth Avenue N - Plate 13) to the C2 District and removing the IL Industrial Living Overlay District.

Adopted 8/28/2009.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the provision of enclosed parking with new single- and two-family dwellings, now concurs in the recommendation of the Planning staff, notwithstanding the recommendation of the Planning Commission, that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 525 relating to *Administration and Enforcement*; and
- b. Amending Chapter 530 relating to *Site Plan Review*.

Your Committee further recommends that Chapters 535 and 541 be returned to author.

Adopted 8/28/2009.

Ordinance 2009-Or-079 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.520 to include variances from the requirement for enclosed off-street parking for new single and two family dwellings, was adopted 8/28/2009 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 2009-Or-079
By Schiff
Intro & 1st Reading: 3/30/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

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

Section 1. That Section 525.520 of the above-entitled ordinance be amended to read as follows:

525.520. Authorized variances. Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

(30) To vary the requirement for enclosed off-street parking for new single and two-family dwellings established after November 1, 2009.

Adopted 8/28/2009.

Ordinance 2009-Or-080 amending Title 20 Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, amending Section 530.300 to 530.310 requiring the provision of enclosed parking with new single and two-family dwellings, was adopted 8/28/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-080
By Schiff
Intro & 1st Reading: 3/30/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.

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

Section 1. That Section 530.300 of the above-entitled ordinance be amended to read as follows:

530.300. ~~Alternative compliance.~~ Notwithstanding any other provision to the contrary, the standards of this article shall not be eligible for alternative compliance. Enclosed parking. New single and two-family dwellings established after November 1, 2009, shall provide not less than one (1) off-street parking space per dwelling unit in an enclosed structure.

Section 2. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 535.310 to read as follows:

535.310. ~~Alternative compliance.~~ Notwithstanding any other provision to the contrary, the standards of this article shall not be eligible for alternative compliance.

Adopted 8/28/2009.

Z&P - Your Committee, having under consideration a request from Mayor R.T. Rybak to rename a portion of 13th Street S between Nicollet Mall and Marquette Avenue, now recommends approval to name said street portion "Alice Rainville Place" pursuant to Chapter 436 of the Minneapolis Code of Ordinances.

Your Committee further recommends that Public Works Department staff be directed to inform public and private agencies of said changes.

Your Committee also recommends that in accordance with the Minneapolis Street Naming and Address Standard, V 1.22 (2004), that the previous Council Action 97R-377, passed 11/21/1997, which added the honorary name Rainville Avenue to 47th Avenue N from Russell Avenue N to Osseo Road, be rescinded.

Adopted 8/28/2009.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of American Indian Development Corporation (BZZ-4453) to rezone the property at 2121 14th Avenue S from R2B to the R4 Multiple-family District to permit the creation of lots for future single-family home development 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 8/28/2009.

Ordinance 2009-Or-081 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2121 14th Avenue S to the R4 District, was adopted 8/28/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

AUGUST 28, 2009

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

ORDINANCE 2009-Or-081
By Schiff
1st & 2nd Readings: 8/28/2009

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 6, Block 7 and the West 40 feet, Eliot's Addition to Minneapolis (2121 14th Avenue S - Plate 21) to the R4 District.

Adopted 8/28/2009.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the City's planned unit development regulations to better align them with adopted applicable city policies and practices, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 520 relating to *Introductory Provisions*;
- b. Amending Chapter 527 relating to *Planned Unit Development*;
- c. Amending Chapter 536 relating to *Specific Development Standards*;
- d. Amending Chapter 546 relating to *Residence Districts*;
- e. Amending Chapter 547 relating to *Office Residence Districts*;
- f. Amending Chapter 548 relating to *Commercial Districts*;
- g. Amending Chapter 549 relating to *Downtown Districts*;
- h. Amending Chapter 550 relating to *Industrial Districts*; and
- i. Amending Chapter 551, relating to *Overlay Districts*.

Your Committee further recommends that Chapters 525 and 535 be returned to author.

Adopted 8/28/2009.

Ordinance 2009-Or-082 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160, revising the City's planned unit development regulations, was adopted 8/28/2009 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 2009-Or-082
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That Section 520.160 of the above-entitled ordinance be amended to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of

this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Planned unit development. ~~Two (2) or more principal buildings or uses developed or to be developed under unified ownership or control, the development of which is unique and of a different character than the surrounding area. A planned unit development may be a planned residential development, planned commercial development or planned industrial development. A large-scale integrated development, often including two (2) or more uses, planned and developed under unified ownership or control.~~

Adopted 8/28/2009.

Ordinance 2009-Or-083 amending Title 20, Chapter 527 of the Minneapolis Code of Ordinances relating to *Zoning Code: Planned Unit Development*, repealing the existing Chapter 527, was adopted 8/28/2009 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 2009-Or-083
By Remington
Intro & 1st Reading: 2/23/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Repealing Chapter 527 of Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code: Planned Unit Development.

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

Section 1. That Chapter 527 of the above-entitled ordinance be and is hereby repealed

ARTICLE I. GENERAL PROVISIONS

~~**527.10. Purpose.** This chapter establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance, and the applicable policies of the comprehensive plan. Because of the larger size of sites, the provisions of this chapter provide for flexibility in the use of land and the placement and size of buildings in order to better utilize the special features of sites and to obtain a higher quality of development which incorporates high levels of amenities and which meets public objectives for protection and preservation of natural and historic features.~~

~~**527.20. Planned unit development classifications.** A planned unit development may be a planned residential development, planned commercial development or planned industrial development.~~

~~**527.30. Relationship to other applicable regulations.** A planned unit development shall be subject to all applicable standards, procedures and regulations of this zoning ordinance and the zoning district in which it is located, including applicable site plan review standards contained in Chapter 530, Site Plan Review, for the individual uses within the development, except as otherwise provided in this chapter.~~

~~**527.40. Minimum area.** A planned unit development shall contain a minimum contiguous area of two (2) acres, which may be separated by a public right-of-way, railroad right-of-way, or stream, except the Mississippi River.~~

~~**527.50. Ownership or control.** All parcels proposed for planned unit development shall be under the ownership or control of the applicant at the time of application.~~

~~**527.60. Platting requirement.** As part of any application for planned unit development approval, any land proposed for planned unit development shall be platted or replatted into one or more lots suitable for the planned unit development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations, except as otherwise provided in this chapter.~~

527.70. Development plan. (a) *Submission.* As part of any application for planned unit development approval, the applicant shall submit a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the planned unit development, a master sign plan, and a site plan showing all existing and proposed development including the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards and similar matters, as well as the location of existing public facilities and services.

(b) *Conditions.* In addition to other conditions of approval, the city planning commission may require the applicant to revise the development plan to conform to the requirements of this chapter, the land subdivision regulations, the zoning ordinance, the applicable policies of the comprehensive plan and any other regulations affecting the design and improvement of the planned unit development.

527.80. Plan consistency. The city shall withhold any building permit, demolition permit, grading permit, utility connection, license or other approval required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as otherwise provided in this chapter.

527.90. Changes in approved plan. (a) *Minor changes.* Notwithstanding section 527.80, the zoning administrator may authorize minor changes in the placement and size of improvements within an approved planned unit development if the changes are required because of conditions that were unknown at the time the development plan was approved, and the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission in connection with the approval of the planned unit development.

(b) *Other changes.* Changes to the development plan affecting uses, bulk regulations, parking and loading, or components of the site other than minor changes in the placement and size of improvements shall require amendment to the planned unit development by the city planning commission. The requirements for application and approval of a planned unit development amendment shall be the same as the requirements for original approval.

527.100. Time of completion. All planned unit developments shall be completed within two (2) years of the effective date of the planned unit development approval, except as specifically extended by the city planning commission.

527.110. Phasing of development. Phasing of development shall be permitted. If phasing is used, each phase of the planned unit development shall be designed and developed to be able to exist as an independent unit. If a project is approved as phased development, the two year time of completion requirement specified in section 527.100 shall apply for each phase.

527.120. Exceptions to zoning ordinance standards. The city planning commission may approve exceptions to the zoning regulations applicable to the zoning district in which the planned unit development is located as authorized in this chapter only upon finding that the planned unit development includes adequate site amenities to address any adverse effects of the exception. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities which are developed as part of the planned unit development, bicycle parking, preservation of natural features, restoration of previously damaged natural environment, the rehabilitation and reuse of locally designated historic structures or structures that have been determined to be eligible to be locally designated as historic structures, and design of new construction which is similar in form, scale and materials to existing structures on the site and to surrounding development. Nothing in this chapter shall be construed to provide a property owner with any property right or other legal right to compel the city to grant exceptions to this zoning ordinance.

527.130. Placement of structures. More than one principal residential structure may be placed on one platted or recorded lot in a planned unit development. The appearance and compatibility of individual buildings to other site elements and to surrounding development shall be given primary consideration in reviewing and approving the placement and spacing of structures.

527.140. Bulk regulations. (a) *Floor area.* The city planning commission may authorize an increase in the maximum gross floor area allowed by the zoning district regulations for the individual uses in the development by not more than twenty (20) percent for the purpose of promoting an integrated project that provides additional site amenities.

(b) *Building height.* The city planning commission may authorize an increase in the maximum height of structures for the purpose of promoting an integrated project that provides additional site amenities.

527.150. Lot requirements. (a) *In general.* The city planning commission may authorize reductions in the area of individual lots within a planned unit development from the required lot area for the zoning district, provided any such reductions shall be compensated for by an equivalent amount of lot area elsewhere in the planned unit development. Lot area shall not include areas designated as public or private streets.

(b) *Density bonus.* The city planning commission may authorize a reduction in the minimum lot area per dwelling unit required by the zoning district regulations by not more than twenty (20) percent for the purpose of promoting an integrated project that provides a variety of housing types and additional site amenities.

527.160. Yards. The city planning commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along the periphery of the planned unit development.

527.170. On-premise signs. All signs in a planned unit development shall conform to a master sign plan that shall be considered and approved with the development plan. All signs shall conform to the requirements of Chapter 543, On-Premise Signs, except as otherwise authorized by the city planning commission.

527.180. Off-street parking and loading. Off-street parking and loading for the planned unit development shall comply with the requirements of Chapter 541, Off-Street Parking and Loading, except as otherwise authorized by the city planning commission. In determining the number of off-street parking and loading spaces required, the city planning commission shall consider, but not be limited to, the parking and loading requirements for the individual uses within the planned unit development as specified in Chapter 541, the nature of the uses and population served, documentation supplied by the applicant regarding the actual parking and loading demand for the proposed use, the potential for shared parking and loading, and the use of alternative forms of transportation.

ARTICLE II. PLANNED RESIDENTIAL DEVELOPMENT

527.190. Purpose of planned residential development. Planned residential development is established to encourage a higher quality residential development that provides a greater variety of housing types and costs and additional site amenities than might otherwise occur under the strict application of the zoning regulations. The regulations are intended to encourage innovation in housing design in order to meet the housing needs of the city's diverse population, to promote the efficient use of land, and to protect the natural environment.

527.200. Uses. (a) *Permitted uses.* Any use allowed in the zoning district in which the planned residential development is located may be included within a planned residential development. If a planned residential development includes an area with more than one zoning classification, the uses allowed within each portion of the development shall be limited by the applicable zoning district regulations, except as otherwise provided in this section.

(b) *Additional uses.* The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services as allowed in the OR2 and OR3, and C1 Districts, child care centers, offices and clinics within a planned residential development provided the following standards are met:

- (1) Such uses are designed primarily for the residents of the planned development and of adjacent areas which are within convenient walking distance of the use.
- (2) All additional uses, except residential uses, shall be located on the ground or first floor.
- (3) The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned development.
- (4) Not more than twenty (20) percent of the gross floor area of the planned development shall be devoted to such additional uses.

ARTICLE III. PLANNED COMMERCIAL DEVELOPMENT

527.210. Purpose of planned commercial development. Planned commercial development is established to encourage a higher quality commercial development that provides a greater mix of uses and additional site amenities than might otherwise occur under the strict application of the zoning regulations. The regulations are intended to encourage a compatible mixture of commercial, institutional and residential development which is both attractive and highly functional, to promote the efficient use of land, and to protect the natural environment.

527.220. Uses. (a) *Permitted uses.* Any use allowed in the zoning district in which the planned commercial development is located may be included within a planned commercial development. If a planned commercial development includes an area with more than one zoning classification, the uses allowed within each portion of the development shall be limited by the applicable zoning district regulations.

(b) *Additional uses.* The city planning commission may authorize additional neighborhood serving retail sales and services in the OR2 and OR3 Districts, and additional residential uses, provided the following standards are met:

- (1) Such uses are designed primarily for the residents or users of the planned development and of adjacent areas which are within convenient walking distance of the use.
- (2) All additional uses, except residential uses, shall be located on the ground or first floor.
- (3) The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned development.
- (4) Not more than twenty (20) percent of the gross floor area of the planned development shall be devoted to such additional uses.

ARTICLE IV. PLANNED INDUSTRIAL DEVELOPMENT

527.230. Purpose of planned industrial development. Planned industrial development is established to encourage a higher quality industrial development that provides additional site amenities than might otherwise occur under the strict application of the zoning regulations. The regulations are intended to encourage the reuse of underutilized industrial land through development which is responsive to surrounding development, to promote the efficient use of land, and to protect the natural environment.

527.240. Uses. (a) *Permitted uses.* Any use allowed in the zoning district in which the planned industrial development is located may be included within a planned industrial development. If a planned industrial development includes an area with more than one zoning classification, the uses allowed within each portion of the development shall be limited by the applicable zoning district regulations, except as otherwise provided in this section.

(b) *Additional uses.* The city planning commission may authorize additional retail sales and services, residential uses and additional industrial uses, except an industrial use first allowed in the I3 District, within a planned industrial development provided the following standards are met:

- (1) Such uses are necessary and desirable with respect to the primary purpose of the planned development.
- (2) The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned development.
- (3) Not more than twenty (20) percent of the gross floor area of the planned development shall be devoted to such additional uses.
- (4) Lot area requirements for residential units shall be a minimum of nine hundred (900) square feet of lot area per dwelling unit, and a minimum of seven hundred fifty (750) square feet of lot area per rooming unit.
- (5) The maximum occupancy of a dwelling unit shall not exceed one family plus four (4) unrelated persons living together as a permanent household, provided that the family plus the unrelated persons shall not exceed a total of five (5) persons. The maximum occupancy of a rooming unit shall be as regulated by Chapter 244 of the Minneapolis Code of Ordinances, Housing Maintenance Code.

ARTICLE V. APPLICATION AND APPROVAL

527.250. Application procedure. An application for planned unit development shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Enforcement.

527.260. Public hearing. The city planning commission shall hold a public hearing on each complete application for planned unit development as specified in Chapter 525, Administration and Enforcement, for conditional use permit.

527.270. Approval of a planned unit development. The city planning commission may approve, deny or approve with modifications an application for planned unit development. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the city planning commission may require a lower intensity of development or more restricted development on portions of a site than specified in this zoning ordinance.

527.280. Required findings. In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- (1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:
 - a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.
 - b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.
 - c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.
 - d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.
 - e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.
- (2) That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

527.290. Conditions and guarantees. The city planning commission may impose such conditions on any proposed planned unit development and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and the policies of the comprehensive plan.

Adopted 8/28/2009.

Ordinance 2009-Or-084 amending Title 20, Chapter 527 of the Minneapolis Code of Ordinances relating to *Zoning Code: Planned Unit Development*, adding a new Chapter 527 to revise the City's planned unit development regulations to better align with adopted city policies and practices, was adopted 8/28/2009 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 2009-Or-084
By Remington
Intro & 1st Reading: 2/23/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20 of the Minneapolis Code of Ordinances by adding thereto a new Chapter 527 relating to Zoning Code: Planned Unit Development.

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

Section 1. That the Minneapolis Code of Ordinance be amended by adding thereto a new Chapter 527 to read as follows:

ARTICLE I. GENERAL PROVISIONS

527.10. Purpose. This chapter establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance, and the applicable policies of the comprehensive plan. Because of the larger size of sites, the provisions of this chapter provide for flexibility in the use of land and the placement and size of buildings in order to better utilize the special features of sites and to obtain a higher quality of development that incorporates high levels of amenities than might otherwise occur under the strict application of zoning regulations for the users of the site, the neighborhood, or the city as a whole, and which meets public objectives for protection and preservation of natural and historic features. The regulations are intended to encourage innovation in housing design in order to meet the housing needs of the city's diverse population; to encourage a compatible mixture of commercial, institutional and residential development that is both attractive and highly functional; to encourage the reuse of underutilized industrial land through development which is responsive to surrounding development; to promote the efficient use of land, innovation in site design, and sustainable development; and protect the natural environment.

527.20. Reserved.

527.30. Relationship to other applicable regulations. A planned unit development shall be subject to all applicable standards, procedures and regulations of this zoning ordinance and the zoning district in which it is located, including applicable site plan review standards contained in Chapter 530, Site Plan Review, for the individual uses within the development, except as otherwise provided in this chapter.

527.40. Minimum area. A planned unit development shall contain a minimum contiguous area of one (1) acre, which may be separated by a public right-of-way, railroad right-of-way, or stream, except the Mississippi River.

527.50. Ownership or control. All parcels proposed for planned unit development shall be under the ownership or control of the applicant at the time of application. Where amendments are necessary and the parcels are under different ownership or control than the original application, the application for an amendment may be made by the owner of the parcel on which the amendment will occur. Where the ownership of the parcel is part of a common interest community, the applicant shall obtain the permission of the association board for the parcel where the amendment will occur. The applicant shall notify in writing all other owners of parcels within the boundary of the original planned unit development, or in the case of a common interest community the association board, and shall submit evidence of such notification to the zoning administrator before any application shall be deemed complete.

527.60. Platting requirement. As part of any application for planned unit development approval, any land proposed for planned unit development shall be platted or replatted into one (1) or more lots suitable for the planned unit development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations, except as otherwise provided in this chapter.

527.70. Development plan. (a) *Submission.* As part of any application for planned unit development approval, the applicant shall submit a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the planned unit development, a master sign plan, and a site plan showing all existing and proposed development including the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards and similar matters, as well as the location of existing public facilities and services.

(b) *Conditions.* In addition to other conditions of approval, the city planning commission may require the applicant to revise the development plan to conform to the requirements of this chapter, the land subdivision regulations, the zoning ordinance, the applicable policies of the comprehensive plan and any other regulations affecting the design and improvement of the planned unit development.

527.80. Plan consistency. The city shall withhold any building permit, demolition permit, grading permit, utility connection, license or other approval required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as otherwise provided in this chapter.

527.90. Changes in approved plan. (a) *Minor changes.* Notwithstanding section 527.80, the zoning administrator may authorize minor changes in the placement and size of improvements, or may authorize the substitution of a substantially similar amenity for an approved amenity, within an approved planned unit development if the changes are required because of conditions that were unknown at the time the development plan was approved, and the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission in connection with the approval of the planned unit development.

(b) *Other changes.* Changes to the development plan affecting uses, bulk regulations, parking and loading, or components of the site other than minor changes in the placement and size of improvements shall require amendment to the planned unit development by the city planning commission. The elimination of any amenity, or substitution of any amenity that is not substantially similar to an approved amenity provided for an alternative to the zoning code, as allowed in section 527.120, shall require an amendment to the planned unit development by the city planning commission. The requirements for application and approval of a planned unit development amendment shall be the same as the requirements for original approval. Where only one (1) change to the development is made that is deemed an amendment to the planned unit development, including the addition of a use that is a conditional use permit in the zoning district in which the planned unit development is located, and where staff determines that the change will not require substantial staff time or reevaluation of the planned unit development, then the applicant may be charged the application fee for a conditional use permit, rather than the fee for a conditional use permit for planned unit developments, as listed in Table 525-1, Fees.

(c) *Planned unit developments existing before the adoption of the ordinance.* Notwithstanding the provisions of this chapter, planned unit developments approved before the adoption of this ordinance shall only be required to provide amenities for any alternatives requested as a part of the amendment, or as required as a part of previous approvals.

527.100. Time of completion. (a) *In general.* All planned unit developments shall be completed within two (2) years of the effective date of the planned unit development approval, or such later date established by the city planning commission unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a one (1) year extension to this time limit. If any one (1) phase is deemed expired, then all successive phases not completed or under construction shall be deemed expired.

(b) *Partial completion.* For partially completed phases of a planned unit development that expires, the applicant shall submit a maintenance plan for the area not completed that shall include, but not be limited to, the following:

- (1) Right-of-way access and maintenance plan.
- (2) Stormwater management and erosion control plans addressing the temporary or unfinished condition.

- (3) Ground cover and/or landscaping.
- (4) Site security.
- (5) Fences and walls.
- (6) Equipment storage.

527.110. Phasing of development. Phasing of development shall be permitted. If phasing is used, each phase of the planned unit development shall be designed and developed to be able to exist as an independent unit. A phasing timeline shall be submitted as a part of the application for planned unit development approval. If a project is approved as phased development, the two year time of completion requirement, and extensions granted by the zoning administrator, specified in section 527.100 shall apply for each phase.

ARTICLE II. AUTHORIZED ALTERNATIVES

527.120. Alternatives to zoning ordinance standards. The city planning commission may approve alternatives to the zoning regulations applicable to the zoning district in which the planned unit development is located, as authorized in this chapter and as listed in Table 527-2, Authorized Alternatives, where the planned unit development includes site amenities. Site amenities are listed in Table 527-1, Amenities, and are subject to the following standards:

- (1) All planned unit developments shall provide at least one (1) amenity or a combination of amenities that total at least ten (10) points, beyond those required for any alternative(s), and even if no alternative(s) is requested.
- (2) For each alternative requested, an amenity or a combination of amenities totaling at least five (5) points, in addition to the amenity(ies) required in section 527.120(1), shall be provided. For multiple requests of the same alternative only one (1) amenity shall be required for those alternatives.
- (3) Unless otherwise determined by the city planning commission, each phase of the planned unit development shall include the amenities provided for any alternatives in that phase, as a part of the construction of that phase.
- (4) In no case shall any item be counted as an amenity for an alternative if it is utilized to qualify for a density bonus in any zoning district, a floor area ratio premium in the Downtown Districts, or any other amenity in Table 527-1, Amenities.
- (5) Where an amenity is provided that meets the standards required in Table 527-1, Amenities, the full point value assigned to said amenity shall be obtained. Where the amenity does not meet all of the standards required in Table 527-1, Amenities, no points shall be awarded. Partial points for alternatives shall not be awarded, except as otherwise allowed in Table 527-1, Amenities.

Nothing in this chapter shall be construed to provide a property owner with any property right or other legal right to compel the city to grant alternatives to this zoning ordinance.

Table 527-1 Amenities

<u>Points</u>	<u>Amenity</u>	<u>Standards</u>
10	<u>Active liner uses as part of a parking garage</u>	<u>Inclusion of housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway. In any district where liner uses are already required on the first floor, points shall only be awarded for liner uses on all other floors above the first where parking is located. False or display windows shall not qualify.</u>
10	<u>Green roof</u>	<u>Installation of an extensive, intensive, semi-intensive, modular or integrated green roof system that covers</u>

		<u>a minimum of fifty (50) percent of the total roof area proposed for the development.</u>
<u>10</u>	<u>Historic preservation</u>	<u>Preservation, rehabilitation or restoration of designated historic landmarks as a part of the development, subject to the approval of the Minneapolis Heritage Preservation Commission.</u>
<u>10</u>	<u>Leadership in Energy and Environmental Design (LEED)</u>	<u>The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), that shows that the project will comply with LEED Silver requirements.</u>
<u>10</u>	<u>Minnesota Sustainable Building Guidelines (B3-MSBG)</u>	<u>The proposed development shall meet the minimum required and recommended MSBG standards that would equal a LEED silver certification. The developer must submit documentation to the city including the MSBG checklist and a letter, signed by the owner or a licensed design professional, that shows that the project will comply with MSBG required and recommended standards equivalent to a LEED Silver certification. The recommended standards utilized should be those that most closely align with city sustainability goals.</u>
<u>10</u>	<u>Public right-of-way dedication</u>	<u>Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved city plan or that restores the city's traditional grid subject to the approval of the applicable agencies or departments. Right-of-way improvements should be designed in accordance with Chapter 598, Land Subdivision Regulations. Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.</u>
<u>10</u>	<u>Underground parking</u>	<u>All parking shall be located underground. Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story. Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level.</u>
<u>5</u>	<u>Conservation of the built environment</u>	<u>Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.</u>

5	<u>Garden(s) or on-site food production</u>	<u>Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.</u>
5	<u>On-site renewable energy</u>	<u>Use of a photovoltaic or wind electrical system, solar thermal system and/or a geothermal heating and cooling system for at least seven (7) percent of the annual energy costs in new and existing buildings. Geothermal systems shall not use vapor compression systems. The applicant must demonstrate that the quantity of energy generated by the renewable energy system(s) meets the required percentage through a whole building energy simulation.</u>
5	<u>Outdoor open space</u>	<u>Contiguous ground level outdoor open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. Walkways and pathways shall be surfaced with pervious pavers, pervious concrete, decorative pavers, stamped concrete, colored concrete, brick or other decorative and durable materials. A minimum of thirty (30) percent of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty (50) percent of the provided open space shall be contiguous. The open space must be immediately accessible from the principal structure. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.</u>
5	<u>Outdoor children's play area</u>	<u>An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet. The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision. The play area shall include play equipment, installed to the manufacturer's specifications, or natural features suitable for children in both preschool and elementary school. Play equipment shall not be</u>

		<p>located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard. Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.</p>
5	<u>Plaza</u>	<p>Plazas shall have a minimum area equivalent to ten (10) percent of the site not occupied by buildings, but not less than two thousand (2,000) square feet and shall comply with all provisions in Chapter 535, Regulations of General Applicability. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.</p>
3	<u>Art feature</u>	<p>Provision of art that shall strive to promote quality design, enhance a sense of place, contribute to a sense of vitality, show value for artist and artistic processes, and use resources wisely. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. If located indoors, such space shall be clearly visible and easily accessible from adjacent sidewalks or streets. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.</p>
3	<u>Decorative or pervious surface for on-site parking and loading areas, drives, driveways and walkways.</u>	<p>Provide decorative pavers, pervious pavers, stamped concrete, colored concrete, pervious concrete, brick or other decorative or durable materials for a minimum of seventy five (75) percent of surface parking and/or loading areas, drives aisles, driveways and walkways that comply with the Americans with Disabilities Act accessibility requirements.</p>
3	<u>Energy efficiency</u>	<p>Utilization of energy design assistance programs or commissioning to ensure that building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least thirty (30) percent of the annual energy costs. The developer must submit documentation to the city including a letter signed by the owner or a licensed design professional, that shows the project will comply with this standard.</p>
3	<u>Living wall system</u>	<p>Provide a living wall system on at least one (1) building elevation. The living wall shall be composed of panels that total a minimum of sixty (60) percent of the wall area on the building elevation, or five</p>

		<p><u>hundred (500) square feet, whichever is greater. Window area is included in the calculation of the wall area, but in no case shall the living wall cover windows. A portion of the plantings shall provide greenery year round.</u></p>
<u>3</u>	<u>Natural features</u>	<p><u>Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.</u></p>
<u>3</u>	<u>Pedestrian improvements</u>	<p><u>A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements of Chapter 530, Site Plan Review. The improvements shall use a combination of landscaping, decorative materials, access control and lighting to create a safe, clear and aesthetically pleasing access through and/or around the site that complies with the Americans with Disabilities Act accessibility requirements.</u></p>
<u>3</u>	<u>Reflective Roof</u>	<p><u>Utilize roofing materials for seventy five (75) percent or more of the total roof surface having a Solar Reflectance Index (SRI) equal to or greater than the values as required by the US Green Building Council (USGBC) for low-sloped and steep-sloped roofs.</u></p>
<u>3</u>	<u>Shared bicycles</u>	<p><u>Public access to shared bicycles available for short-term use as defined in section 541.180. Applies to mixed-use and non-residential uses only. A minimum of ten (10) shared bicycles per one (1) commercial use must be provided to qualify as an amenity. Bicycle parking spaces and racks shall be located in an area that is convenient and visible from the principal entrance of the building.</u></p>
<u>3</u>	<u>Shared vehicles</u>	<p><u>Access to a shared passenger automobile available for short-term use. For residential uses, a minimum of one (1) car per one hundred (100) dwelling units is required.</u></p>
<u>1</u>	<u>Decorative fencing</u>	<p><u>Install high-quality decorative metal fencing where visible from the public street, public sidewalk or public pathway. The point for decorative fencing may be obtained when it is included as part of another amenity if it is also provided in other areas on the site. In no case shall chain-link fencing be considered decorative fencing.</u></p>
<u>1</u>	<u>Enhanced exterior lighting</u>	<p><u>Lighting plan that highlights significant areas of the site or architectural features of the building(s), subject to the standards of Chapter 535, Regulations of General Applicability.</u></p>

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1	<u>Enhanced landscaping</u>	<u>A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements of Chapter 530, Site Plan Review. The landscaped areas shall have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect.</u>
1	<u>Enhanced stormwater management</u>	<u>Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to requirements of the stormwater management plan approved by public works.</u>
1	<u>Heated drives or sidewalks</u>	<u>Heated drives or sidewalks that are designed to provide snow and ice free surfaces.</u>
1	<u>Pet Exercise Area</u>	<u>A pet exercise area shall have a minimum dimension of twelve (12) feet by sixty (60) feet. It shall be enclosed with decorative fencing, include lighting in compliance with Chapter 535, Regulations of General Applicability and provide accommodations for proper disposal of animal waste. The pet exercise area shall not be located in a required yard.</u>
1	<u>Recycling storage area</u>	<u>Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including but not limited to paper, corrugated cardboard, glass, plastics and metals. The recycling storage area shall be located entirely below grade or entirely enclosed within the building.</u>
1	<u>Tree islands</u>	<u>The inclusion of additional or larger tree islands in the interior of parking lots that exceed the requirements of Chapter 530, Site Plan Review. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.</u>
1	<u>Water feature</u>	<u>A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.</u>
<u>As determined by CUP.</u>	<u>Amenities proposed by the applicant or others</u>	<u>The city planning commission may consider other amenities not listed in Table 527-1, Amenities, that are proportionally related to the alternative requested. The commission may assign one (1), five (5), or ten (10) points based on the proportionality.</u>

As determined by CUP.

Amenities that significantly exceed standards

The commission may consider an additional five (5) points to the point value listed for any amenity in Table 527-1, Amenities, where the commission finds the proposed amenity substantially exceeds the standards required in Table 527-1, Amenities, for the amenity.

527.130. Placement and number of principal residential structures. More than one (1) principal residential structure may be placed on one (1) platted or recorded lot in a planned unit development. The appearance and compatibility of individual buildings to other site elements and to surrounding development shall be given primary consideration in reviewing and approving the placement and spacing of structures. The city planning commission may also consider alternatives to the building placement requirements of the PO Pedestrian Oriented Overlay District, except where the alternative is to allow parking between the principal structure and a front or corner side lot line.

527.140. Bulk regulations. (a) *Floor area.* The city planning commission may authorize an increase in the maximum gross floor area allowed by the zoning district regulations for the individual uses in the development by not more than twenty (20) percent for the purpose of promoting an integrated project that provides additional site amenities. In some instances the maximum floor area ratio may not be attainable without the city planning commission also authorizing an increase in the maximum allowable height of a structure.

(b) *Building height.* The city planning commission may authorize an increase in the maximum height of structures for the purpose of promoting an integrated project that provides additional site amenities. In addition to the conditional use standards and planned unit development standards, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of residential properties or significant public spaces.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

527.150. Lot area requirements. (a) *In general.* The city planning commission may authorize reductions in the area of individual lots within a planned unit development from the required lot area for the zoning district, provided any such reductions shall be compensated for by an equivalent amount of lot area elsewhere in the planned unit development. Lot area shall not include areas designated as public or private streets.

(b) *Density bonus.* The maximum number of dwelling units may be increased by twenty (20) percent for the purpose of promoting an integrated project that provides a variety of housing types and site amenities.

527.160. Yards. The city planning commission may authorize reductions in or elimination of required yards provided landscaped yards of at least such minimum width as required by the zoning district in which the planned unit development is located shall be maintained along property lines abutting a side or rear lot line of a residential district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes.

527.170. On-premise signs. (a) *In general.* All signs in a planned unit development shall conform to a master sign plan that shall be considered and approved with the development plan. All signs shall conform to the requirements of Chapter 543, On-Premise Signs, except as otherwise authorized by the city planning commission.

(b) *Alternatives.* The city planning commission may authorize alternatives to the sign standards for the purpose of promoting an integrated master sign plan provided the master sign plan meets the following criteria:

- (1) The sign plan may not allow a sign that is otherwise prohibited by the zoning ordinance.
- (2) The alternative will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

(3) The alternative will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

527.180. Off-street parking and loading. (a) *In general.* The required amount of off-street parking and loading and bicycle parking for the planned unit development shall be determined by the city planning commission and shall comply with the requirements of Chapter 541, Off-Street Parking and Loading, except as otherwise allowed by this chapter. In determining the minimum and maximum number of off-street parking and loading spaces and bicycle parking required, the city planning commission shall consider, but not be limited to, the parking and loading and bicycle parking requirements for the individual uses within the planned unit development as specified in Chapter 541, Off-Street Parking and Loading, the nature of the uses and population served, documentation supplied by the applicant regarding the actual parking and loading demand for the proposed use, the potential for shared parking and loading, and the use of alternative forms of transportation.

(b) *Other standards.* The city planning commission may consider alternatives to the minimum width of parking aisles and the minimum and maximum width of driveways where it is demonstrated that the parking area, aisles, and driveways will still allow for reasonable, functional, and safe vehicular access to and within the site. Where the alternative is to allow an increase in driveway width, the city planning commission shall also consider, but not be limited to, turning templates or other similar documentation demonstrating the need for the increase.

Table 527-2 Authorized Alternatives

<u>Zoning code standard</u>	<u>Authorized alternative</u>
<u>Section 527.130. Placement and number of principal residential structures.</u>	<u>1) To allow more than one (1) principal residential structure to be placed on one (1) platted or recorded lot.</u> <u>2) To allow alternatives to the building placement requirements in the PO Pedestrian Oriented Overlay District, except where to allow parking between the principal structure and the front or corner side lot line.</u>
<u>Section 527.140. Bulk regulations.</u>	<u>1) To increase the maximum gross floor area ratio by not more than twenty (20) percent.</u> <u>2) To increase the maximum height of structures.</u>
<u>Section 527.150. Lot area requirements.</u>	<u>1) To allow reductions in the area of individual lots within the planned unit development from the required lot area of the zoning district.</u> <u>2) To allow a density bonus to increase the maximum number of dwelling units by not more than twenty (20) percent.</u>
<u>Section 527.160. Yards.</u>	<u>1) To allow a reduction or elimination of required yards within the planned unit development.</u> <u>2) To allow a reduction or elimination of required yards along the periphery of the planned unit development, except along property lines abutting a side or rear lot line of a residential district or property lines abutting a side or rear lot line of a structure used for permitted or conditional residential purposes.</u>

Section 527.170. On-premise signs.

To allow alternatives to the sign standards.

Section 527.180. Off-street parking and

To allow alternatives to the following:

- 1) Minimum loading and maximum amount of required off-street parking and loading.
- 2) Minimum amount of required bicycle parking.
- 3) Minimum width of parking aisles.
- 4) Minimum and maximum width of driveways.

ARTICLE III. PERMITTED AND ADDITIONAL USES

527.190. Permitted Uses. Any use allowed in the zoning district in which the planned unit development is located may be included within a planned unit development. If a planned unit development includes more than one (1) zoning classification, the uses allowed within each zoning classification of the development shall be limited by the applicable zoning district regulations, except as otherwise provided in this section.

527.200. Additional Uses. (a) *In general.* The city planning commission may authorize additional uses in the zoning district in which the planned unit development is located as provided below and subject to section 527.210. An amenity is not required in order to allow an additional use.

(b) *Residence and OR1 Districts.* The city planning commission may authorize additional residential uses, small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics within a planned unit development located in the Residence and OR1 Districts. The additional small neighborhood serving retail sales and services uses as allowed in the OR2 and OR3 Districts, child care centers, offices and clinics shall not exceed two thousand (2,000) square feet per use, unless otherwise allowed by the zoning district in which the use is located.

(c) *OR2 and OR3 Districts.* The city planning commission may authorize additional residential uses and retail sales and services uses as allowed in the C1 District within planned unit developments located in the OR2 and OR3 Districts. Notwithstanding section 547.30(f)(2) and (3), the city planning commission may authorize retail sales and services uses greater than two thousand (2,000) square feet, but not to exceed four thousand (4,000) square feet per use. The city planning commission may allow more than two (2) such retail sales and services uses per zoning lot.

527.210. Additional Use Standards. The city planning commission may authorize additional uses, as provided in Section 527.200, subject to the following standards:

- (1) Such uses are designed primarily for the residents or users of the planned unit development and of adjacent areas which are within convenient walking distance of the use.
- (2) All additional uses, except residential uses, shall be located on the ground or first floor.
- (3) The uses are not of such a nature or so located as to have a detrimental impact on the surrounding neighborhood or the character of the planned unit development.
- (4) Not more than twenty (20) percent of the gross floor area of the planned unit development shall be devoted to such additional uses.
- (5) The use is consistent with the applicable policies of the comprehensive plan.

ARTICLE IV. CONDITIONAL USES

527.220. Conditional Uses. (a) *In general.* Any conditional use allowed in the zoning district in which the planned unit development is located may be included within a planned unit development, upon making each of the required findings for conditional use permits in Chapter 525, Administration and Enforcement.

(b) *Dwelling units.* Dwelling units that require a conditional use permit in the zoning district in which the planned unit development is located shall not be required to submit a separate conditional use permit and shall be considered as a part of the findings and approval of the planned unit development.

(c) Nonresidential uses. Nonresidential uses that require a conditional use permit in the zoning district in which the planned unit development is located, shall submit a separate conditional use permit application and findings as a part of the planned unit development approval.

ARTICLE V. APPLICATION AND APPROVAL

527.230. Application procedure. An application for planned unit development shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Enforcement.

527.240. Public hearing. The city planning commission shall hold a public hearing on each complete application for planned unit development as specified in Chapter 525, Administration and Enforcement, for conditional use permit.

527.250. Approval of a planned unit development. The city planning commission may approve, deny or approve with modifications an application for planned unit development. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the city planning commission may require a lower intensity of development or more restricted development on portions of a site than specified in this zoning ordinance.

527.260. Required findings. In addition to the conditional use permit standards contained in Chapter 525, Administration and Enforcement, before approval of a planned unit development the city planning commission also shall find:

- (1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:
 - a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.
 - b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.
 - c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.
 - d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.
 - e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.
 - f. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.
 - g. The consideration, where possible, of sustainable building practices during the construction phases and the use of deconstruction services and recycling of materials for the demolition phase.
- (2) That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

527.270. Conditions and guarantees. The city planning commission may impose such conditions on any proposed planned unit development and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and the policies of the comprehensive plan.

Adopted 8/28/2009.

Ordinance 2009-Or-085 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20, regarding specific development standards for planned unit developments, was adopted 8/28/2009 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 2009-Or-085
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.

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

Section 1. That Section 536.20 of the above-entitled ordinance be amended to read as follows:

536.20. Specific Development Standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

~~*Planned commercial development.* A planned commercial development shall conform to the standards of Chapter 527, Planned Unit Development.~~

~~*Planned industrial development.* A planned industrial development shall conform to the standards of Chapter 527, Planned Unit Development.~~

~~*Planned residential development.* A planned residential development shall conform to the standards of Chapter 527, Planned Unit Development.~~

Planned unit development. A planned unit development shall conform to the standards of Chapter 527, Planned Unit Development.

Adopted 8/28/2009.

Ordinance 2009-Or-086 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, amending tables in Chapter 546 relating to planned unit developments, was adopted 8/28/2009 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 2009-Or-086
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.

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

Section 1. That the following portion of Table 546-1 of the above-entitled ordinance be amended to read as follows:

Table 546-1 Principal Uses in Residence Districts

<i>Uses</i>	<i>R1</i>	<i>R1A</i>	<i>R2</i>	<i>R2B</i>	<i>R3</i>	<i>R4</i>	<i>R5</i>	<i>R6</i>	<i>Specific Development Standards</i>
RESIDENTIAL USES									
Dwellings									
Planned residential unit development					C	C	C	C	✓

Section 2. That the following portion of Table 546-11 of the above-entitled ordinance be amended to read as follows:

Table 546-11 R3 Lot Dimension and Building Bulk Requirements

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>
RESIDENTIAL USES			
Dwellings			
Planned residential unit development	≥ 1 acres or 1,500 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.0

Section 3. That the following portion of Table 546-13 of the above-entitled ordinance be amended to read as follows:

Table 546-13 R4 Lot Dimension and Building Bulk Requirements

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>	<i>Maximum Height</i>
RESIDENTIAL USES				
Dwellings				
Planned residential unit development	≥ 1 acres or 1,250 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.5	4 stories, not to exceed 56 ft.

Section 4. That the following portion of Table 546-15 of the above-entitled ordinance be amended to read as follows:

Table 546-15 R5 Lot Dimension and Building Bulk Requirements

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>	<i>Maximum Height</i>
RESIDENTIAL USES				
Dwellings				
Planned residential unit development	≥ 1 acres or 700 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	2.0	4 stories, not to exceed 56 ft.

Section 5. That the following portion of Table 546-17 of the above-entitled ordinance be amended to read as follows:

Table 546-17 R6 Lot Dimension and Building Bulk Requirements

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor AreaRatio (Multiplier)</i>	<i>Maximum Height</i>
RESIDENTIAL USES				
Dwellings				
Planned residential unit development	≥ 1 acres or 400 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	3.0	6 stories, not to exceed 84 ft.
Adopted 8/28/2009.				

Ordinance 2009-Or-087 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, amending tables in Chapter 547 relating to planned unit developments, was adopted 8/28/2009 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 2009-Or-087
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.

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

Section 1. That the following portion of Table 547-1 of the above-entitled ordinance be amended to read as follows:

Table 547-1 Principal Uses in the Office Residence Districts

<i>Use</i>	<i>OR1</i>	<i>OR2</i>	<i>OR3</i>	<i>Specific Dev. Standards</i>
RESIDENTIAL USES				
Dwellings				
Planned residential unit development	C	C	C	✓
COMMERCIAL USES				
Planned commercial unit development	C	C	C	✓

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Section 2. That the following portion of Table 547-3 of the above-entitled ordinance be amended to read as follows:

Table 547-3 Lot Dimension and Building Bulk Requirements in the OR1 District

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>
RESIDENTIAL USES			
Dwellings			
Planned residential <u>unit</u>	≥ 1 acres or 1,500 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.5

Section 3. That the following portion of Table 547-4 of the above-entitled ordinance be amended to read as follows:

Table 547-4 Lot Dimension and Building Bulk Requirements in the OR2 District

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Maximum Height</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>
RESIDENTIAL USES			
Dwellings			
Planned residential <u>unit</u> development	≥ 1 acres or 700 sq. ft. per dwelling unit, whichever is greater	4 stories, not to exceed 56 ft.	2.5
COMMERCIAL USES			
Planned commercial <u>unit</u> development	≥ 1 acres	4 stories, not to exceed 56 ft.	2.5

Section 4. That the following portion of Table 547-5 of the above-entitled ordinance be amended to read as follows:

Table 547-5 Lot Dimension and Building Bulk Requirements in the OR3 District

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Maximum Height</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>
RESIDENTIAL USES			
Dwellings			
Planned residential <u>unit</u> development	≥ 1 acres or 300 sq. ft. per dwelling unit, whichever is greater	6 stories, not to exceed 84 ft.	3.5
COMMERCIAL USES			
Planned commercial <u>unit</u> development Adopted 8/28/2009.	≥ 1 acres	6 stories, not to exceed 84 ft.	3.5

Ordinance 2009-Or-088 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending tables in Chapter 548 relating to planned unit developments, was adopted 8/28/2009 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 2009-Or-088
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

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

Section 1. That Table 548-1 of the above-entitled ordinance be amended to read as follows:

Table 548-1 Principal Uses in the Commercial Districts

<i>Use</i>	<i>C1</i>	<i>C2</i>	<i>C3A</i>	<i>C3S</i>	<i>C4</i>	<i>Specific Development Standards</i>
COMMERCIAL USES						
Planned Commercial Unit Development	C	C	C	C	C	✓
RESIDENTIAL USES						
Dwellings						
Planned residential Unit Development	C	C	C	C	C	✓

Section 2. That the following portion of Table 548-2 of the above-entitled ordinance be amended to read as follows:

Table 548-2 Lot Dimension Requirements in the Commercial Districts

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
COMMERCIAL USES		
Planned Commercial Unit Development	2.1 acres	None

Section 3. That the following portion of Table 548-4 of the above-entitled ordinance be amended to read as follows:

Table 548-4 Residential Lot Dimension Requirements in the C1 District

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
RESIDENTIAL USES		
Dwellings		
Planned residential <u>unit</u> development	≥ 1 acres or 700 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.

Section 4. That the following portion of Table 548-5 of the above-entitled ordinance be amended to read as follows:

Table 548-5 Residential Lot Dimension Requirements in the C2 District

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
RESIDENTIAL USES		
Dwellings		
Planned residential <u>unit</u> development	≥ 1 acres or 700 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.

Section 5. That the following portion of Table 548-6 of the above-entitled ordinance be amended to read as follows:

Table 548-6 Residential Lot Dimension Requirements in the C3A District

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
RESIDENTIAL USES		
Dwellings		
Planned residential <u>unit</u> development	≥ 1 acres or 400 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.

Section 6. That the following portion of Table 548-7 of the above-entitled ordinance be amended to read as follows:

Table 548-7 Residential Lot Dimension Requirements in the C3S District

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
RESIDENTIAL USES		
Dwellings		
Planned residential <u>unit</u> development	≥ 1 acres or 400 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.

Section 7. That the following portion of Table 548-8 of the above-entitled ordinance be amended to read as follows:

Table 548-8 Residential Lot Dimension Requirements in the C4 District

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
RESIDENTIAL USES		
Dwellings		
Planned residential <u>unit</u> development	≥ 1 acres or 900 sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.
Adopted 8/28/2009.		

Ordinance 2009-Or-089 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending tables in Chapter 549 relating to planned unit developments, was adopted 8/28/2009 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 2009-Or-089
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

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

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

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

Table 549-1 Principal Uses in the Downtown Districts

<i>Use</i>	<i>B4</i>	<i>B4S</i>	<i>B4C</i>	<i>Specific Development Standards</i>
COMMERCIAL USES				
Planned Commercial <u>Unit</u> Development	C	C	C	✓
RESIDENTIAL USES				
Dwellings				
Planned Residential <u>Unit</u> Development	C	C	C	✓

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

Table 549-2 Lot Dimension Requirements in the Downtown Districts

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
COMMERCIAL USES		
Planned Commercial <u>Unit</u> Development	≥ 1 acres	None
RESIDENTIAL USES		
Dwellings		
Planned Residential <u>Unit</u> Development	≥ 1 acres	As approved by C.U.P.
Adopted 8/28/2009.		

Ordinance 2009-Or-090 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, amending tables in Chapter 550 related to planned unit developments, was adopted 8/28/2009 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 2009-Or-090
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.

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

Section 1. That the following portion of Table 550-1 of the above-entitled ordinance be amended to read as follows:

Table 550-1 Principal Uses in the Industrial Districts

<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>I3</i>	<i>Specific Development Standards</i>
INDUSTRIAL USES				
Specific Industrial Use				
Planned Industrial <u>Unit</u> Development	C	C	C	✓

Section 2. That the following portion of Table 550-2 of the above-entitled ordinance be amended to read as follows:

Table 550-2 Lot Dimension Requirements in the Industrial Districts

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
INDUSTRIAL USES		
Planned Industrial <u>Unit</u> Development	≥ 1 acres	None
Adopted 8/28/2009.		

Ordinance 2009-Or-091 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, amending Section 551.370 relating to planned unit developments, was adopted 8/28/2009 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 2009-Or-091
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/28/2009

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

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

Section 1. That Section 551.370 of the above-entitled ordinance be amended to read as follows:

551.370. Conditional uses. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the IL Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

- (1) Dwelling units and supportive housing, subject to the following conditions:
 - a. Supportive housing shall be subject to the requirements of Chapter 536, Specific Development Standards.
 - b. Alterations made to the exterior of an existing building shall maintain the architectural integrity and character of the building and surrounding area.
 - c. The maximum height of single and two-family dwellings and cluster developments shall be two and one-half stories (2.5) or thirty-five (35) feet, whichever is less.
 - d. No vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition, shall be generated by uses in the building that will have an adverse impact on the residential use of the building.

(2) Planned unit developments that include dwelling units.

Adopted 8/28/2009.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Minneapolis College of Art and Design to vacate 2nd Avenue South north of 26th Street East (#1551), subject to retention of easement rights by Center Point 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 public street.

Adopted 8/28/2009.

Resolution 2009R-414, vacating all of that part of 2nd Avenue South lying between Block 7 and Block 8, GEO. GALPIN'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of the westerly extension of the north line of Lot 8, said Block 8, and which is northerly of a line drawn from the southwest corner of Lot 6, said Block 8, to the southeast corner of Lot 5, said Block 7, was adopted 8/28/2009 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 2009R-414

By Schiff

Vacating all of that part of 2nd Avenue South lying between Block 7 and Block 8, GEO. GALPIN'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of the westerly extension of the north line of Lot 8, said Block 8, and which is northerly of a line drawn from the southwest corner of Lot 6, said Block 8, to the southeast corner of Lot 5, said Block 7 (Vacation File No. 1551).

Resolved by The City Council of The City of Minneapolis:

All of that part of 2nd Avenue South lying between Block 7 and Block 8, GEO. GALPIN'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of the westerly extension of the north line of Lot 8, said Block 8, and which is northerly of a line drawn from the southwest corner of Lot 6, said Block 8, to the southeast corner of Lot 5, said Block 7 is hereby vacated except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis and Center Point Energy, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Center Point Energy: The east 40 feet of that part of 2nd Avenue South to be vacated.

As to the City of Minneapolis: A Sanitary Sewer Easement encompassing all of the proposed vacation.

As to the City of Minneapolis: A Water Main Easement encompassing all of the proposed vacation.

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

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

Adopted 8/28/2009.

Z&P - Your Committee, having under consideration the appeal filed by Leo Whitebird from the decision of the Planning Commission granting the applications of Basim Sabri with Karmel Village, LLC, for a conditional use permit and site plan review to increase the size of a building addition by 26,000 square feet from the size previously approved by the City Council in March of 2008 for the development located at 2848 Pleasant Avenue and 2825 Grand Avenue S, now recommends that said appeal be **sent forward without recommendation**.

Schiff moved to amend the report by striking the words "sent forward without recommendation" and inserting in lieu thereof: "denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted. The application for a conditional use permit for 77 dwelling units shall be approved, subject to conditions that:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. § 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

2. There shall be no more than 77-dwelling units located within the building. The developer will submit to and cooperate with access to the construction site and building by City enforcement staff to ensure compliance. Any changes in the approved site plan, floor plans or elevations must be submitted to Community Planning and Economic Development Department – Planning Division for review and approval.
3. No commercial, reception hall, retail or office businesses will be established in any part of the development. The use of permitted common facilities, such as an exercise room or laundry room, shall be limited to residents of the building and their guests only, and the building shall not include any retail uses (includes a “canteen”) for residents.
4. Developer is encouraged to cooperate and participate in traffic congestion mitigation efforts sought by the City.
5. Violation of the terms and conditions of this approval may result in revocation of the conditional use permit pursuant to Minneapolis Code of Ordinances § 525.560.

The application for site plan review shall be approved, subject to conditions that:

1. The alley shall be reconfigured per the approvals from the 2004 City Council resolution.
2. A green roof shall be installed on the West side of the courtyard at the second floor level.
3. Approval of the final site, landscaping, lighting and elevation plans by the Community Planning and Economic Development Department – Planning Division.
4. All site improvements shall be completed by August 28, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
5. Violation of the terms and conditions of this approval may result in revocation of the site plan pursuant to Minneapolis Code of Ordinances § 525.560.” Seconded. Adopted by unanimous consent.

The report, as amended, was adopted 8/28/2009. Yeas, 10; Nays, 3 as follows:

Yeas - Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Ostrow, Schiff, Johnson.

Nays - Lilligren, Gordon, Hofstede.

Z&P - Your Committee, having under consideration the determination of the need for an Environmental Assessment Worksheet for the proposed Stone Arch Phase II project located at 600 Main Street SE, now recommends that the petition for an EAW be denied, and that the Findings of Fact and Record of Decision set forth in the Department of Community Planning and Economic Development staff report be adopted.

Adopted 8/28/2009. Yeas, 12; Nays, 1 as follows:

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

Nays - Gordon.

UNFINISHED BUSINESS

W&M/Budget - Your Committee, having under consideration the new appointed position of Deputy Director, Neighborhood and Community Relations, (grade 12 with 553 points), effective July 22, 2009, (Petn No 273633); and passage of the accompanying Salary Ordinance establishing the salary for said appointed position, now recommends that said position be **sent forward without recommendation**.

Ostrow moved that the report be deleted. Seconded.

Adopted by unanimous consent 8/28/2009.

NEW BUSINESS

Goodman moved to introduce the subject matter of an ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, for first reading and referral to the Zoning & Planning Committee (to allow the first story of a building to exceed 14 feet in height). Seconded.

Adopted by unanimous consent 8/28/2009.

Schiff moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (amending regulations pertaining to principal parking facilities), as follows:

- a) Amending Chapter 530 relating to Site Plan Review;
- b) Amending Chapter 536 relating to Specific Development Standards;
- c) Amending Chapter 541 relating to Off-Street Parking and Loading; and
- d) Amending Chapter 551 relating to Overlay Districts. Seconded.

Adopted by unanimous consent 8/28/2009.

Ostrow moved to introduce the subject matter of an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, for first reading and referral to the Ways & Means/Budget Committee for a public hearing on September 14, 2009 at 1:45 p.m. (adding section 20.477 creating a retirement incentive for sworn police and fire employees). Seconded.

Adopted by unanimous consent 8/28/2009.

Gordon gave notice of intent to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, (amending the surfacing standards for parking areas and driveways), as follows:

- a) Amending Chapter 520 relating to Introductory Provisions;
- b) Amending Chapter 525 relating to Administration and Enforcement;
- c) Amending Chapter 541 relating to Off-Street Parking and Loading.

Remington gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 17, Chapter 464 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Newsracks (amending various sections to implement voluntary newsrack standards).

Schiff moved to introduce the subject matter of an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General, for first reading and referral to the Public Safety & Regulatory Services Committee (amending the regulation of outdoor areas by deleting the restriction that service be provided to patrons only at tables). Seconded.

Adopted by unanimous consent 8/28/2009.

Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (to allow radio and television station(s) as an allowed use in the C-1 Neighborhood Commercial District), as follows:

- a) Amending Chapter 520 relating to *Introductory Provisions*;
- b) Amending Chapter 536 relating to *Specific Development Standards*;
- c) Amending Chapter 548 relating to *Commercial Districts*.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Chatman v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 8/28/2009.

AUGUST 28, 2009

Room 315 City Hall
Minneapolis, Minnesota
August 28, 2009 - 11:31 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Ostrow, President Johnson.

Absent – Council Members Colvin Roy, Gordon, Hofstede, Schiff.

Jim Moore, Assistant City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Chatman v. City of Minneapolis* lawsuit.

At 11:32 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Schiff.

Present - Council Members Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff (in at 11:33 a.m.), President Johnson.

Absent - Council Member Colvin Roy.

Also present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore, Assistant City Attorney; Tim Dolan, Chief of Police; Mayor R.T. Rybak; Irene Kasper and Tina Sanz, City Clerk's office.

Moore summarized the *Chatman v. City of Minneapolis* lawsuit from 11:32 a.m. to 12:05 p.m.

At 12:05 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Hodges moved to approve the settlement of the case of *Eldridge Chatman v. City of Minneapolis*, United States District Court File No. 08-CV-6097 RHK/FLN with payment of \$495,000 to Eldridge Chatman and his attorneys, Flynn, Gaskins and Bennett, LLP. The payment shall be from Fund/Org. 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 8/28/2009.

Absent - Colvin Roy.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 8/28/2009.

Absent - Colvin Roy.

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

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 9/1/2009
Official Posting: 9/4/2009; 9/8/2009