

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 10, 2009

(Published April 18, 2009, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
April 10, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Ostrow moved to amend the agenda to include consideration of a motion to discharge the Ways & Means/Budget Committee from further consideration of Minneapolis 311's request regarding authorizing execution of contracts with temporary staffing providers, and a motion to approve Minneapolis 311's request authorizing contracts with Masterson Personnel, Aerotek, and Nexpro Personnel for seasonal peak call volumes. Seconded.

Adopted upon a voice vote 4/10/2009.

Absent - Gordon.

The agenda, as amended was adopted upon a voice vote 4/10/2009.

Absent - Gordon.

Lilligren moved acceptance of the minutes of the special meeting of March 25, 2009, and the regular meeting and adjourned session of March 27, 2009. Seconded.

Adopted upon a voice vote 4/10/2009.

Absent - Gordon.

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 4/10/2009.

Absent - Gordon.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273374)
Census 2010

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273375)
Mpls Neighborhood Stabilization Program Overview.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY ACTION OF MINNEAPOLIS (273376)

MacPhail Center for Music: 2008 Annual Report & governmental program & annual budget for operation for fiscal year 2008-2009.

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

INTERGOVERNMENTAL RELATIONS (273377)

2009 Consolidated Plan.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273378)

Covenire Care, LLC (re Nokomis Senior Assisted Living Project, 3717-23rd Ave S): Nokomis Senior Assisted Living Tax Increment Finance Plan & Redevelopment Plan, Pay-As-You-Go Tax Increment Financing Note, Tax-Exempt Multi-Family Housing Revenue Bond, Redevelopment contract business terms.

Park Dedication Fee: Ordinance amending Title 22, Chapter 598, imposing a park dedication requirement on new development.

African Development Center (1927-29 S 5th St): Great Streets Gap Financing Loan to ADC Commercial Real Estate, Inc for purchase of property.

ELECTIONS:

CITY CLERK (273379)

Ranked Choice Voting: Update on timeline, outreach, technical work, test (mock) election and draft sample ballot.

INTERGOVERNMENTAL RELATIONS:

CHARTER COMMISSION (273380)

Charter Revision: Letter of clarification re transmittal of Draft 12 Charter revision.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (273381)

FY 2010 Federal Legislative Agenda: Addition to Policy Initiatives section, adding supporting language for the Community Radio Act.

Special Legislation (re 2309 Lyndale Ave S): Support for HF 2114/SF 1846 to allow a special liquor license.

PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (273382)

Trocaderos (107 3rd Av N): Application for Sidewalk Cafe License.

POLICE DEPARTMENT (273383)

Internal Affairs Unit: Update on Police Executive Research Forum (PERF) recommendations.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273384)

Cork Dork Wine Co (4726 Cedar Av S): Grant Off-Sale Liquor License, with conditions.

Gay 90's (400 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License (expansion of premises for rooftop dining area, chapel and bar).

Epic (110 5th St N): Grant On-Sale Liquor Class A with Sunday Sales License (expansion of premises for rooftop outdoor patio).

North East Social Club (355 13th Av NE): Grant On-Sale Wine Class C-2 with Strong Beer License (expansion of premises) and Sidewalk Cafe License (new business), subject to conditions.

LICENSES AND CONSUMER SERVICES (273385)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273386)

River Liquor Store (2435 Marshall St): License Settlement Conference recommendations relating to Off-Sale Liquor License.

Wrecker Services (200 E Lyndale Av N): License Settlement Conference recommendations relating to Towing Class A License.

Checker Cab Company (2010 E Hennepin Av): License Settlement Conference recommendations relating to Taxicab Service Company License.

MINNESOTA STATE OFFICES (273387)

International Ballroom (3003 27th Av S): Adopt Findings of Fact, Conclusions and Recommendation by Administrative Law Judge Eric Lipman and Deny application for an On-Sale Liquor Class B License submitted by Baku Entertainment & Restaurants and Fatemeh Engen.

REGULATORY SERVICES (273388)

Nuisances: Ordinance prohibiting upholstered furniture not manufactured for outdoor use in any front or side yard or rear yard abutting a street or on any opened porch exposed to the elements.

Rental Dwelling License at 1643 Upton Av N: Approve reinstatement of license to be held by Tom A. Puzak.

Chapter 249 Property at 1429 Morgan Av N: Concur with Director of Inspections' determination that the property constitutes an immediate hazard to the public health and safety; Approve 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.

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

POLICE DEPARTMENT (273389)

Citizen Corp Program: Accept 2007 State Homeland Security Grant of \$39,133.65 to support ongoing efforts of Citizen Corp and CERT; and Approve appropriation.

Minnesota Joint Analysis Center: Execute grant agreement with Minnesota Homeland Security and Emergency Management to receive \$236,200 awarded to the Police Department for the regional sharing of intelligence information; and Approve appropriation.

Police Radios: Accept grant award of \$22,633.81 and execute necessary contracts with Metropolitan Emergency Services Board for purchase of 22 basic entry level radios for officers; and Approve appropriation.

Policing Services for Public Housing: Execute contract with Minneapolis Public Housing Authority to provide enforcement and community policing services at public housing locations; and Approve appropriation.

Police Property Disposal: Execute contract with Covanta Hennepin Energy Resource Co for disposal of a limited amount of property from the Property and Evidence Room.

TRANSPORTATION AND PUBLIC WORKS:

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION (273390)

Correspondence re minor amendment to Bassett Creek Watershed Management Commission's September 2004 Watershed Management Plan.

CENTERPOINT ENERGIE (273391)

Utility Pole: 1120 7th St S.

PUBLIC WORKS AND ENGINEERING (273392)

2009 Minneapolis Stormwater Management Program Annual Report: Set public hearing.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273393)

Municipal State Aid (MSA) Street System: Delete and add streets to system.

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

PUBLIC WORKS AND ENGINEERING (273394)

2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project No 6730: Project approval and assessment.

3rd Ave N (Washington Ave to 5th St N) Reconstruction Project No 9882: Project approval and assessment.

Lynnhurst (Phase V) Street Renovation Project No 5198: Project approval and assessment; Comments.

Organic Materials Collection Pilot Program: Expand program.

Downtown Transportation Management Organization (TMO): Grant Agreements.

Property Services, Parking, and Traffic Operations: Project close-outs.

Mn/DOT and Transit for Livable Communities (TLC) Non-Motorized Transportation Pilot (NTP) Project: 2009 grant agreement amendments.

Columbia Heights Membrane Filtration Plant: Settlement agreement with GE Ionics, Inc. d/b/a GE Water Process & Technologies.

Minneapolis Economic Recovery Strategy: Clean Water Revolving Fund submission.

PUBLIC WORKS AND ENGINEERING (273395)

Bids: a) OP 7082, Lametti and Sons, Inc., cured-in-place pipe liners; b) OP 7083, Commercial Asphalt Company and Midwest Asphalt Corporation, bituminous mixtures; c) OP 7099, Graymont (WI), LLC, quick lime; and d) 7107, Ironwood Companies, removal of asbestos containing conduit.

WAYS AND MEANS BUDGET:

ATTORNEY (273396)

Minneapolis Ethical Practices Board: Appointment of Abigail Garner.

BUSINESS INFORMATION SERVICES (BIS) (273397)

WiFi System Installations: Minneapolis Park and Recreation Board lands.

HUMAN RESOURCES (273398)

Minneapolis Economic Recovery Strategy: COBRA benefits.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273399)

Legal Settlements: a) Raymond Campbell; b) Michael Luke Wilder; and c) Suwana Reynolds v. Thomas Wrayge and City of Minneapolis.

No-Fault Claim: Christine Rautio.

Legal Matter: Jackson Mahaffy et al v. Kroll, Krueger, Bennett, Hanson, John Does 1- 8 and City of Minneapolis: deny defense and indemnification of Officers Robert J. Kroll and Wallace M. Krueger.

COMMUNICATIONS (273400)

May 2009 Utility Billing Insert: Tap water use survey.

FINANCE DEPARTMENT (273401)

2010 Initial Budget Schedule.

FIRE DEPARTMENT (273402)

SAFER Grant: Authorize communication to Federal Emergency Management Agency (FEMA) declining the fiscal year 2008 SAFER Grant award.

HEALTH AND FAMILY SUPPORT SERVICES (273403)

Healthy Kids, Healthy Communities: Apply for a four-year grant of \$360,000 from the Robert Wood Johnson Foundation to prevent childhood obesity.

Medica Skyway Senior Center: Amend sponsorship agreement with Medica; and extend contract to December 31, 2009.

FILED:

CHARTER COMMISSION (273404)

Charter Revision Draft 12: Comments from Columbia Park Neighborhood Association (CPNA).

Public Hearing Locations: Correspondence from Minneapolis Park & Recreation Board.

Appointment: Order appointing Laura D. Kadwell to Charter Commission.

The following reports were signed by Mayor Rybak on April 14, 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 COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the recommendations of staff regarding initial City procedural actions relating to the 2010 Census, to:

a) Establish the Committee of the Whole as the home committee for the City's Census 2010 activities;

b) Authorize the Mayor and Council President to appoint members of the City's "Complete Count Committee"; and

c) Direct CPED to provide quarterly progress reports on 2010 Census activities;

now recommends that said recommendations be **sent forward without recommendation**.

Lilligren moved to amend the report by striking the words "sent forward without recommendation" and inserting in lieu thereof "approved".

Adopted by unanimous consent.

Declining to vote - Colvin Roy.

Absent - Gordon.

The report, as amended, was adopted 4/10/2009.

Absent - Gordon.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration the MacPhail Center for Music 2008 Annual Report and its proposed fiscal year 2008-2009 budget, now recommends passage of the accompanying resolution approving the governmental program and annual budget for the operation of the MacPhail Center for Music facility at 501 S 2nd St, for fiscal year 2008-2009.

Adopted 4/10/2009.

Absent - Gordon.

Resolution 2009R-128, approving the governmental program and annual budget for the operation of the MacPhail Center for Music facility in Minneapolis at 501 S 2nd St, for fiscal year 2008-2009, was adopted 4/10/2009 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-128

By Goodman

Approving the governmental program and annual budget for the operation of the MacPhail Center for Music facility in Minneapolis for fiscal year 2008-2009.

Whereas, Minnesota Laws 2006, Chapter 258, Article 1, Section 4, Subdivision 4, authorizes the City of Minneapolis to undertake the design, construction and operation of the MacPhail Center for Music facility; to establish the MacPhail Center for Music facility as a governmental program providing

music education, music therapy, and music education programming in public and private schools and in partnership with other organizations; and to appropriate funds for such purposes; and

Whereas, in 2006 the City accepted a \$5,000,000 bond grant from the State of Minnesota to design, construct, furnish and equip the MacPhail Center for Music facility in the City of Minneapolis; and

Whereas, to satisfy conditions of the State bond grant, the City must own or ground lease the MacPhail Center for Music facility, and enter into a use/lease agreement with MacPhail Center for Music under which it will take on the responsibility for the operation of the musical institution and the governmental program at the facility; and

Whereas, on July 21, 2006, the City Council adopted the governmental program to be achieved by the City's sponsorship of the MacPhail Center for Music facility to construct, equip and operate a music education center that includes studios, classrooms, and a performance hall, together with education programming, other cultural performances, and related and ancillary uses in the City of Minneapolis, pursuant to which the City expects to support cultural participation and encourage economic development and tourism; and

Whereas, pursuant to the State bond grant the City is required to annually report to the State on the operation of the MacPhail Center for Music facility and approve its continued use for the governmental program; and

Whereas, pursuant to the use/lease agreement MacPhail Center for Music has submitted annual current and projected budgets for the operation of the governmental program at the MacPhail Center for Music facility to the City; and

Whereas, the City's Department of Community Planning and Economic Development (CPED Department) Director has reviewed and approved the budgets for the operation of the governmental program at the MacPhail Center for Music facility submitted by MacPhail Center for Music to the City and found (i) that the current governmental program budget forecast for the 2008-2009 fiscal year shows revenues that are equal to or exceed expenses; (ii) that the projected governmental program budgets for the next 3 fiscal years (2009-2010, 2010-2011 and 2011-2012) forecast revenues that are equal to or exceed forecast expenses; and (iii) that the operation of the MacPhail Center for Music facility by MacPhail Center for Music continues to meet the requirements of the governmental program;

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

That based on the reports and documents submitted by MacPhail Center for Music, the review performed by City staff and the findings of the CPED Department Director, the City Council finds (i) that the current MacPhail Center for Music facility governmental program budget forecast for the 2008-2009 fiscal year shows revenues that are equal to or exceed expenses; (ii) that the projected MacPhail Center for Music facility governmental program budgets for the next 3 fiscal years (2009-2010, 2010-2011 and 2011-2012) forecast revenues that are equal to or exceed forecast expenses; and (iii) that the operation of the MacPhail Center for Music facility by MacPhail Center for Music continues to meet the requirements of the governmental program.

Be It Further Resolved that the City Council hereby approves and authorizes the continued use of the governmental program at the MacPhail Center for Music facility by MacPhail Center for Music for the fiscal year 2008-2009.

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

Adopted 4/10/2009.

Absent - Gordon.

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

Comm Dev & W&M/Budget – Your Committee, having under consideration the City's application to the U.S. Department of Housing and Urban Development (HUD) for 2009 Community Development Block Grant, Home Investment Partnerships, Emergency Shelter Grant, Housing Opportunities for Persons with AIDS and American Dream Downpayment Assistance Initiative funding, now recommends that the proper City officers be authorized to submit the 2009 Consolidated Plan to HUD on 4/15/2009; to receive and file all comments received during the public comment period; and to adjust to "actual"

all currently estimated grant project/program amounts evenly across-the-board for all grant-funded activities when the actual Consolidated Plan appropriation is provided to the City from HUD.

Adopted 4/10/2009.

Absent - Gordon.

Comm Dev & W&M/Budget – Your Committee, having under consideration the issuance of bonds for the development of the Nokomis Senior Assisted Living housing project at 3717 - 23rd Ave S, by Covenire Care LLC, now recommends passage of the accompanying resolutions:

a) Adopting the Nokomis Senior Assisted Living Redevelopment Plan and the Nokomis Senior Assisted Living Tax Increment Financing Plan;

b) Authorizing the issuance of a Limited Revenue Pay-As-You-Go Tax Increment Financing Note to Covenire Care, LLC in a principal amount not to exceed \$728,200; and

c) Giving final approval to the issuance of up to \$2,500,000 in Tax-Exempt Multi-Family Housing Revenue Bonds.

Your Committee further recommends approval of the proposed redevelopment contract business terms as described in the Department of Community Planning & Economic Development (CPED) staff report, as amended, and that the proper City officers be authorized to execute the redevelopment and loan agreements with Covenire Nokomis, LLC, or its affiliates, based on the terms contained in the CPED report, and all other necessary documents related to the recommended actions.

Adopted 4/10/2009.

Absent - Gordon.

Resolution 2009R-129, adopting the Nokomis Senior Assisted Living Redevelopment Plan and the Nokomis Senior Assisted Living Tax Increment Financing Plan for a project at 3717 - 23rd Ave S, was adopted 4/10/2009 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-129
By Goodman and Ostrow

Adopting the Nokomis Senior Assisted Living Redevelopment Plan and the Nokomis Senior Assisted Living Tax Increment Financing 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 ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the proposed Nokomis Senior Assisted Living Redevelopment Plan and the proposed Nokomis Senior Assisted Living Tax Increment Financing Plan (collectively, the "Plans"). The Plans create a new redevelopment project and housing TIF district. The Plans designate property to be included within the Project Area and the TIF district, indicate land uses, and identify a budget for expenditures, all pursuant to and in accordance with the Project Laws.

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

1.4. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 2. Findings for the Adoption of the Plans

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

2.2. The Council hereby finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the city as a whole.

2.3. The Council further finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

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

2.5. The Council further finds, determines and declares that the Nokomis Senior Assisted Living TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, and 469.1761, Subdivisions 1 and 3.

2.6. The Council further finds, determines and declares that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

2.7. The Council further finds, determines and declares that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increment for the maximum duration of the district permitted by the TIF plan.

2.8. The Council further finds, determines and declares that the reasons and facts supporting the findings in this resolution are described in the Plans.

2.9. The Council further elects the method of computation provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a). The Council acknowledges that, by making this election, the entire fiscal disparity contribution required of the City for development occurring within this district will be taken from outside the Nokomis Senior Assisted Living TIF District.

Section 3. Approval of the Plans

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

Section 4. Implementation of the Plans

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

4.2. As provided under Minnesota Statutes, Section 469.1781, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. The term of this advance shall end upon the termination of the District, although as revenues are available in the fund for the District, the advance shall be offset by such amounts.

Adopted 4/10/2009.

Absent - Gordon.

Resolution 2009R-130, authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$728,200 in connection with the Nokomis Senior Assisted Living Project at 3717 - 23rd Ave S, was adopted 4/10/2009 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-130
By Goodman and Ostrow**

Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$728,200 in connection with the Nokomis Senior Assisted Living Project.

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act"), and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City will carry out a redevelopment project known as the Nokomis Senior Assisted Living Redevelopment Project (the "Project") pursuant to the Nokomis Senior Assisted Living Redevelopment Plan, which will be adopted April 10, 2009 (the "Redevelopment Plan"); and

Whereas, in furtherance of the Redevelopment Plan, the City also is creating a housing tax increment district pursuant to the Nokomis Senior Assisted Living Tax Increment Financing Plan, which will be adopted April 10, 2009 (the "TIF Plan"); and

Whereas, pursuant to the TIF Act, and specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project as further described in Minnesota Statutes, Sections 469.176, subd. 4; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Covenire Care Nokomis, LLC, a Minnesota limited liability company (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop a 77-unit rental housing facility with assisted living and memory care services, a small commercial component, and related site and public improvements;

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

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

[Form of Note]
UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS

TAX INCREMENT LIMITED REVENUE NOTE
(Nokomis Senior Assisted Living Project)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Covenire Care Nokomis, LLC, a Minnesota limited liability

company (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this Note, being Seven Hundred Twenty-eight Thousand Two Hundred and No/100 Dollars (\$728,200) or such lesser amount as may equal the Public Redevelopment Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

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

"Contract" means that certain Redevelopment Contract by and between the City and the Developer dated [insert date], 2009.

"District" means the Nokomis Senior Assisted Living Tax Increment Financing District within the Project.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means new construction of a 77-unit rental housing facility with assisted living and memory care services, approximately 620 square feet of commercial space, and related parking and site improvements as further described in the Contract.

"Note Rate" means 7.75% annual interest, compounded semi-annually.

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

"Project" means the Nokomis Senior Assisted Living Redevelopment Project.

"Property" means the real property legally described in the attached Exhibit A.

"Public Redevelopment Costs" means actual Public Redevelopment Costs as defined in and approved pursuant to the Contract.

"Public Redevelopment Costs Certification" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Redevelopment Costs pursuant to the terms of the Contract.

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

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

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If before the issuance of the Certificate of Completion (as defined in the Contract) the Developer defaults under the Contract and such default has not been cured

within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the Contract and the City's obligations under this Note are terminated. If the City suspends payments due under the Note, the City shall make the suspended payments to the Developer within five (5) business days after the Developer has cured the default. The City is not obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payments to the Developer.

If all or a portion of the property taxes due and owing on the Minimum Improvements are not paid, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Redevelopment Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

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

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer pursuant to written wire instructions provided by the Developer or by check or draft made payable to the Developer and mailed to the Developer at 1600 Hopkins Crossroad, Minneapolis, Minnesota 55305, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

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

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

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

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

APRIL 10, 2009

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

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

IN WITNESS WHEREOF, the City of Minneapolis, by action of its Mayor and City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 200__.

CITY OF MINNEAPOLIS

By

Patrick Born

Its Finance Officer
Approved as to form:

Assistant City Attorney

EXHIBIT A TO NOTE

3733 23rd Avenue South
(PIN 01 028 24 34 0176)
Metes & Bounds:

LOTS 13 THRU 18 INCLUSIVE BLOCK 2
MARBLES ADDITION TO MINNEAPOLIS
ACCORDING TO THE RECORDED PLAT
THEREOF AND SITUATE IN HENNEPIN COUNTY

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

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

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

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

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues

which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

8. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted 4/10/2009.

Absent - Gordon.

Resolution 2009R-131, relating to the City of Minneapolis, Minnesota Subordinate Assisted Living Facility Revenue Bonds (Covenire Care Nokomis, LLC Project at 3717 - 23rd Ave S) Series 2009; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C, was adopted 4/10/2009 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-131
By Goodman and Ostrow

Relating to the City of Minneapolis, Minnesota Subordinate Assisted Living Facility Revenue Bonds (Covenire Care Nokomis, LLC Project) Series 2009; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C.

Resolved by The City Council of The City of Minneapolis:

Section 1. Definitions.

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

“Act” means Minnesota Statutes, Chapter 462C, as amended;

“Agreement” means the Subordinate Financing Agreement to be entered into among the City, the Trustee and the Borrower relating to the Bonds;

“Bond Documents” means the Agreement, the Regulatory Agreement, the Indenture, the Bond Purchase Agreement and the Bonds;

“Bond Purchase Agreement” means the Bond Purchase Agreement with respect to the Bonds, by and between the City, the Borrower and Dougherty & Company LLC;

“Bonds” means the Subordinate Assisted Living Facility Revenue Bonds (Covenire Care Nokomis, LLC Project), Series 2009 to be issued by the City pursuant to this resolution in the aggregate principal amount of up to \$2,500,000;

“Borrower” means Covenire Care Nokomis, LLC, a Minnesota limited liability company, its successors and assigns;

“Indenture” means the Subordinate Indenture of Trust to be entered into among the City and the Trustee relating to the Bonds;

“Project” means the assisted living facility to be financed with the proceeds of the Bonds, as further defined in the Agreement;

“Regulatory Agreement” means the Regulatory Agreement to be entered into among the City, the Trustee and the Borrower relating to the Project;

“Resolution” means this resolution of the City;

“Trustee” means U.S. Bank National Association, and its successors and assigns.

Section 2. Findings.

2.01. It is hereby found and declared that:

(a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;

(b) the purpose of the Project is and the effect thereof is to promote the provision of decent, sanitary and safe housing accommodations for elderly persons;

(c) the financing of the Project, the issuance and sale of the Bonds, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bond Documents and of all other acts and things required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;

(d) it is desirable that the Bonds be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Trustee as security for the payment of the principal of, premium, if any, and interest on the Bonds;

(e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bonds when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Agreement;

(f) under the provisions of the Act, the Bonds are not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon nor to enforce payment thereof against any property of the City; the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City;

(g) the execution and delivery of the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage, lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding;

(h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner questioning the right and power of the City to execute and deliver the Bonds or otherwise questioning the validity of the Bonds or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bonds or the right of the City to loan the proceeds of the Bonds to the Borrower;

(i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding; and

(j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bonds in accordance with the Act.

Section 3. Authorization and Sale.

3.01. Authorization. The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to finance the acquisition, construction and installation of facilities constituting a "multifamily housing development" as defined in the Act, and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.

3.02. Approval of Documents. Pursuant to the foregoing, there have been prepared copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Department of Community Planning and Economic Development:

- (a) the Agreement;
- (b) the Indenture (which includes the form of the Bonds);
- (c) the Regulatory Agreement; and
- (d) the Bond Purchase Agreement.

The forms of the documents listed above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

Section 4. Authorizations.

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City, and the foregoing person and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

4.02. The City has not participated in the preparation of the Preliminary Official Statement or the Official Statement relating to the offer and sale of the Bonds (collectively, the "Official Statement"), and has made no independent investigation with respect to the information contained therein, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City hereby consents to the distribution and the use by Dougherty & Company LLC of the Official Statement in connection with the sale of the Bonds. The Official Statement is the sole material consented to by the City for use in connection with the offer and sale of the Bonds.

Section 5. The Bonds.

5.01. Form and Authorized Amount. The Bonds shall be issued substantially in the form described above with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bonds are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The average weighted interest rate on the Bonds shall not exceed an annual rate of 11%, and the Bonds shall mature on or before December 31, 2051.

5.02. Execution. The Bonds shall be executed on behalf of the City by the persons described in Section 4.01 hereof. In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.

5.03. Delivery and Use of Proceeds. Prior to delivery of the Bonds, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the holder the Bonds together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

Section 6. Limitations of the City's Obligations.

6.01. Notwithstanding anything contained in the Bonds or the Bond Documents, the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, and no holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds

or the interest thereon or to enforce payment thereof against any property of the City. The agreement of the City to perform the covenants and other provisions contained in this Resolution or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

Section 7. City Representative.

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Bond Documents.

Section 8. Governmental Program.

8.01. The Bonds are hereby designated as "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 4/10/2009.

Absent - Gordon.

Comm Dev & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, imposing a park dedication requirement on new development, now recommends:

Comm Dev - that said ordinance be sent forward without recommendation.

W&M/Budget - that said ordinance be given its second reading for amendment and passage, and that the proper City officers be directed to transmit the ordinance to the Minneapolis Park & Recreation Board for its concurrence and approval.

Further, that the City Council forward the proposed staff direction relating to the implementation framework to the Minneapolis Park & Recreation Board for comment, with the final staff direction to return to both the Community Development Committee and the Ways & Means/Budget Committees for final approval following a 30 day review period and the receipt of comments from the Minneapolis Park & Recreation Board.

Ostrow moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Community Development Committee recommendation. Seconded. Adopted by unanimous consent.

Benson moved to amend Section 598.360 by deleting the definition of "Affordable housing units" and inserting in lieu thereof the following language; in addition to amending Section 598.370(d)(1) by deleting the word "units" and inserting in lieu thereof, "projects":

"*Affordable Housing Project* means any project that is financed in whole or in part by a local, state or federal government entity for the purpose of providing affordable housing. Affordable housing means:

(1) for owner occupied residential property, 95 percent of the housing units must be initially purchased and occupied by individuals whose family income is less than or equal to the income requirements for qualified mortgage bond projects under section 143(f) of the Internal Revenue Code;

(2) for residential rental property, the property must satisfy the income requirements for a qualified residential rental project as defined in section 142(d) of the Internal Revenue Code." Seconded.

Lost. Yeas, 6; Nays, 7 as follows:

Yeas - Remington, Benson, Goodman, Schiff, Colvin Roy, Glidden.

Nays - Hodges, Samuels, Gordon, Hofstede, Ostrow, Lilligren, Johnson.

Benson moved to amend the first paragraph of Section 598.400 of the ordinance to read as follows: "**598.400. Parkland dedication special fund created.** There is hereby established a parkland dedication special fund. All funds collected pursuant to the parkland dedication process shall be deposited in the parkland dedication special fund, accounted for separately, and used solely for the acquisition and development or improvement of lands dedicated for public use for parks, playgrounds,

recreational facilities, wetlands, trails, or open space areas in the neighborhood of the subdivision or development for which the funds were collected. In the event that the funds collected cannot be reasonably used within the neighborhood of the subdivision or development, the funds may be used in an adjacent neighborhood within one-half (1/2) mile of the development; and/or for a trail connection at any distance from the development as long as a segment of that trail is within one-half (1/2) mile of the development. ~~If the funds cannot reasonably be used in the development neighborhood or an adjacent neighborhood within one-half (1/2) mile of the development then the funds may be used in an adjacent neighborhood to the development, not to exceed a distance of two (2) miles from the development, and/or for a trail connection at any distance from the development as long as a segment of that trail is within one-half (1/2) mile of the development, if there is a finding that the project for which the funds are expended provides a direct benefit to the development from which the fees were collected.~~"
Seconded.

Adopted. Yeas, 7; Nays 6 as follows:

Yeas - Remington, Benson, Goodman, Samuels, Gordon, Colvin Roy, Glidden.

Nays - Hodges, Hofstede, Ostrow, Schiff, Lilligren, Johnson.

Ostrow moved to amend the staff direction relating to implementation framework referred to in the report by adding the following paragraph: "Upon adoption by the MPRB of the City Council approved ordinance, the City requests that the MPRB also submit any comments on the implementation plan contemporaneous with said adoption." Seconded.

Adopted upon a voice vote.

Ostrow's motion was adopted upon a voice vote.

The report, as amended, was adopted 4/10/2009.

Ordinance 2009-Or-030 amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, adding a new Article V, including new Sections 598.340-598.420, imposing a park dedication requirement on new development, was adopted 4/10/2009 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-030
By Johnson and Ostrow
Intro & 1st Reading: 3/16/2009
Ref to: CD, W&M/Budget
2nd Reading: 4/10/2009

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations.

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

Section 1. That Chapter 598 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article V, including new Sections 598.340 - 598.420, to read as follows:

ARTICLE V. PARKLAND DEDICATION

598.340. Findings and purpose. The City Council of the City of Minneapolis and the Park and Recreation Board of the City of Minneapolis jointly find that the preservation and development of parks, playgrounds, recreational facilities, wetlands, trails, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and persons employed within the city. The value and attractiveness of residential, commercial, and industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of park and open space amenities.

The city council and park and recreation board find that the development of land for new residential, commercial, and industrial purposes creates a need for park and recreational land and facilities within the city that exceeds current park resources. The city council and park and recreation board find that:

1) The National Recreation and Parks Association's guidelines for park system planning are that neighborhood parks have a service area between one-quarter (1/4) to one-half (1/2) mile and that the service area for community parks is between one-half (1/2) to three (3) miles.

2) The Urban Land Institute's guidelines have a one-half (1/2) mile service radius for neighborhood parks and a two (2) mile service radius for community parks.

3) One of the stated goals of the park board's park system plan is to "ensure park access for all residents by providing parks within an easy walk from their homes (no more than six (6) blocks) and achieving a ratio of .01 acres of parkland per household."

4) The city's current neighborhood and community parks consist of one thousand seven hundred twenty-nine (1729) acres.

5) The city has projected that by the year 2030, twenty-six thousand three hundred fifty (26,350) new households will be added to the city creating a demand for an additional two hundred sixty-three (263) acres of neighborhood and community parkland.

6) The city's comprehensive plan projects net new job growth of fifty-three thousand seven hundred sixty (53,760) by the year 2030, which would create an additional need for one hundred twenty-two (122) acres of parkland.

It is both appropriate and reasonable that new development contribute to addressing this systemic need in rough proportion to the relative burden it will place upon existing park resources. Park dedication requirements are based on the Minneapolis Park and Recreation Board's standard of .01 acres per household for neighborhood and community parks. The average household size for the city as a whole is 2.25 persons per household. The average household size for neighborhoods in the downtown area is smaller with an average household size of 1.48 persons or sixty-six (66) percent of the city's average household size. Parkland dedication for residential development within the downtown area shall be based on sixty-six (66) percent of the land area or cash in lieu of fees as that required for the remainder of the city.

Further recognizing that employees of commercial and industrial land uses place demands on parks, albeit to a lower extent than residents, park land dedication for commercial and industrial development is based on one-half (1/2) the rate of .01 acres per household required for residential uses divided by the average 2.25 persons per household resulting in one hundred (100) square feet per employee.

The city council and park and recreation board find that the requirements of this ordinance are in accordance with the parks and open space goals and policies of the comprehensive plan and park system plan, and are proportionate, fair, and reasonable with respect to the park land and facilities need generated by new development occurring within the city.

598.350. Authority. Pursuant to Minnesota Statutes Section 462.358, Subd. 2, as amended, Laws of Minnesota 2006, Chapter 269, and Laws of Minnesota 2008, Chapter 331, the city and park and recreation board are jointly authorized to require that a reasonable portion of any new residential, commercial, and industrial development be dedicated to the public for public use as parks, playgrounds, recreational facilities, wetlands, trails, or open space areas, and that the city and park and recreation board may alternatively accept an equivalent amount in cash.

598.360. Definitions. The following terms whenever used in this article shall have the following respective meanings:

Affordable housing units means residential dwelling units financed in whole or in part by a local, state, or federal government entity for the purpose of creating housing affordable to and occupied by households earning sixty (60) percent or less of the Metropolitan Median Income (MMI).

City means the City of Minneapolis.

Comprehensive plan means the Comprehensive Plan of the City of Minneapolis.

Developer means any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof who seeks to improve property in a manner that would result in a net increase in the number of residential dwelling units on the property or create or expand a commercial or industrial use on the property, and includes any property owner or subdivider of the land.

Development employees refers to the approximate number of new or additional employees that will result from the proposed commercial or industrial development or expansion and is equal to the product of (1) the number of square feet of floor area of the new structural improvements in the proposed commercial or industrial development or expansion divided by one thousand (1,000) (or for hotels, the number of hotel rooms) and (2) the average number of employees per one thousand (1,000) square feet of floor area of the proposed type of development (or for hotels, the average number of employees per hotel room) based on data maintained by the department of community planning and economic development. Any conversion of existing commercial or industrial space from one type of use to another that does not result in any additional square footage of usable space shall not result in any new development employees.

Development site refers to a plot of land that is intended or suitable for a proposed servicing of unimproved land or the improvement of previously developed land and for which there is the proposed construction of new buildings or renovation or significant change of existing buildings to accommodate a new land use or increased density of a land use and for which planning approvals are required.

Downtown area means the geographic area of the city bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River.

Dwelling unit means one (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility, sleeping area and bathroom provided within the unit for the exclusive use of a single household.

Neighborhood means one (1) of the eighty-one (81) areas within the City of Minneapolis officially designated as neighborhoods by the Minneapolis Planning Department.

Open space means land that is owned in fee or used through an easement with acreage that does not primarily consist of structures or facilities and can include natural areas that have not been subject to development or contain unique ecological or wildlife habitat features.

Park means public parks operated by the City of Minneapolis or park board, including all park buildings.

Park, community means a public park that is a minimum of six (6) acres in size serving the community that may include more specialized or unique features that are not typically provided in a neighborhood park.

Park, neighborhood means a public park that is six (6) acres or less in size that is designed to serve a single neighborhood.

Park board means the Park and Recreation Board of the City of Minneapolis.

Park system plan means the system-wide plan adopted by the Minneapolis Park and Recreation Board for the acquisition, development, or redevelopment of parks, playgrounds, recreational facilities, wetlands, trails, or open space areas.

Playground means an area especially designed for children to play which may or may not include play structures, swings, see-saws and may also have facilities for playing informal games of adult sports such as a baseball diamond, hockey rink, or basketball court.

Recreational facility means recreational improvements that are not typically provided in either a neighborhood park or a community park, such as a community garden, that are designed to facilitate recreational activities. Recreational facilities shall also include recreational improvements, such as community centers or sports fields, that are not located in either a neighborhood park or a community park.

Trail means a linear corridor which provides a separated right-of-way with cross flows by motorists minimized and which is designed for recreational purposes such as walking, running, and bicycling.

Wetland means a lowland area, such as a marsh, that is saturated with moisture, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1987, or the Minnesota Wetland Conservation Act of 1991.

598.370. Land dedication requirements. (a) *Generally.* Pursuant to Minnesota Statutes Section 462.358, Subd. 2, as amended, Laws of Minnesota 2006, Chapter 269, and Laws of Minnesota 2008, Chapter 331, any developer of land within the city that will result in a net increase in the number of development employees and/or a net increase in the number of residential dwelling units shall convey or dedicate to the public a reasonable portion of the land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space. This requirement shall apply to platting of land, re-platting of land, registered land survey, or development that will require a building permit, but shall not apply to tax parcel combinations or splits, minor subdivisions, conversions of apartments to condominiums, or internal leasehold improvements that do not result in a net increase in the number of residential dwelling units or development employees.

The city, in consultation with the park board and developer, shall determine the location and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria below. The park board may decline any such proposed dedication by responding in writing in a timely manner to a communication from the city to the park board describing the proposed land dedication. In such case, the developer will be required to make a payment-in-lieu of dedication in accordance with subdivision (c) below.

Criteria to be considered:

- (1) The land to be dedicated must be in conformance with the comprehensive plan and applicable adopted small area plans and in an area that is identified for park or conservation purposes in an adopted city or park board plan.
- (2) The land to be dedicated should serve an appropriate public purpose, which might include one (1) or more of the following:

- a. Connecting existing components of the parks and open space network (including creation of a trail connection).
 - b. Expanding an existing public park, trail, or open space by the addition of adjacent land.
 - c. Preserving significant landforms, native plant communities, sensitive habitat, and/or cultural resources.
 - d. Preserving areas containing vegetation identified as endangered or threatened or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 United States Code Section 1531 et seq. or Minnesota Statutes Section 84.0895, and rules adopted under these respective laws.
 - e. Providing space for recreational and leisure uses appropriate to meet the needs of the new residents and/or employees.
- (3) There must be sufficient resources, public and/or private, available and committed to develop, operate, and maintain the new park land.
 - (4) The land to be dedicated should help serve an area that is under-served by parks due to distance to existing parks, population density, inadequate facilities, or inadequate size of existing nearby parks.
 - (5) The land to be dedicated shall be large enough for its intended purpose.
 - (6) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted as satisfying the land dedication requirements of this article.
 - (7) Dedicated land shall be accessible to the public served unless the city determines that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.
- (b) Formula for dedication of land. At any time that net new residential dwelling units and/or net new or increased development employees will result from development, the developer shall dedicate:
- (1) .0066 acres of land for every newly created residential dwelling unit within the downtown area or .01 acres of land for every newly created residential dwelling unit outside of the downtown area, up to a maximum of ten (10) percent of the area being platted or developed, plus
 - (2) one hundred (100) square feet of land for each development employee, up to a maximum of ten (10) percent of the area being platted or developed.

Land so dedicated shall be within the plat, registered land survey, or development site and/or, subject to approval by the city after consultation with the park board and the developer, in close proximity to the plat, registered land survey, or development site. The city may require the land dedication option under this subdivision (b) as a condition of plat, registered land survey or building permit approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat or registered land survey.

(c) *Dedication option; fee payment.* If a plat or registered land survey is not required under section 598.40, if the dedication of land is not practical, or if the city determines that the land to be dedicated does not meet the requirements of subdivision (a), then a developer of property subject to subdivision (b) of this section shall contribute a cash payment in lieu of all or a portion of the land otherwise required

under subdivision (b) of this section. The amount of the cash payment shall be based upon the city assessor's most recent certified land estimated market value per square foot of the total acreage of the plat or development site at the time of city approval, multiplied by the number of square feet that would have been dedicated under subdivision (b). In determining whether land dedication or cash in lieu thereof will be required, the city may consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section. The cash payment in lieu shall be contributed prior to obtaining the city clerk's signature on the final plat or prior to obtaining the building permit required for the project.

The amount of cash in lieu of land shall not exceed:

- (1) Two thousand (\$2,000) dollars per residential dwelling unit with said maximum to be adjusted annually as described below, plus;
- (2) Two hundred (\$200) dollars per development employee, with said maximum to be adjusted annually as described below.

Both the per unit and per development employee limits above shall be adjusted each April 1 by the change in the Consumer Price Index for all Urban Consumers (CPI-U, all Items) for the Minneapolis-St. Paul area issued by the Bureau of Labor Statistics for the preceding twelve (12) months ending December 31 of the previous year.

In the event there is a significant change in the size and/or type of a development project that is subject to this parkland dedication ordinance, there may be a commensurate increase in the parkland dedication fee or a refund of the previously paid fee. Said increased fee or refund will be payable at the time the building permit review fee for the revised project is collected.

(d) *Exemptions.* The following are exempt from the parkland dedication requirements:

- (1) All affordable housing units as defined in section 598.360.

598.380. Private land maintained for public use. The city may at its discretion, waive all or a portion of the land or cash dedication required in section 598.370 and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas within the proposed development, subject to the following conditions:

- (1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas must at least equal that required under this ordinance.
- (2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
- (3) The city must find that such land and improvements will serve the purposes listed in section 598.370(a).
- (4) The city, park board, and developer of the land must have executed a parkland development agreement ensuring that specified land shall be developed and maintained by the developer, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in section 598.370(a). The developer must include a covenant running with the specified land indicating that the land to be developed and maintained for the purposes listed in section 598.370(a) will revert to the city and/or park board in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership,

maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval. Such covenant shall be recorded prior to or at the same time as the final plat or prior to obtaining building permits, as applicable.

(5) Yards, court areas, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation for park dedication credits.

(6) Before credit is given, the city shall make a finding that such credit is acceptable.

(7) That where such credit is granted, the amount of the credit in the downtown area may be up to one hundred (100) percent of the park dedication requirements for the development.

(8) That where such credit is granted, the amount of the credit elsewhere in the city shall not exceed seventy-five (75) percent of the park dedication requirements for the development.

(9) If the developer provides park and recreational improvements, site amenities, or other landscape elements to the public use space, the value of the improvements shall be credited against the park dedication fees.

598.390. Land conveyance standards. Prior to dedication and conveyance of the required property to the city (or the park board on behalf of the city), the developer shall provide the city with an acceptable abstract of title or registered property abstract for all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those encumbrances which the city council has approved or required in connection with the proposed plat. The foregoing abstracts shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes. For any dedication of land required under section 598.370(b) that is not formally dedicated to the city with the final plat, the landowner shall record all deeds for conveyance of the property to the city prior to or at the same time as recording the final plat or prior to obtaining building permits for the development, as applicable.

598.400. Parkland dedication special fund created. There is hereby established a parkland dedication special fund. All funds collected pursuant to the parkland dedication process shall be deposited in the parkland dedication special fund, accounted for separately, and used solely for the acquisition and development or improvement of lands dedicated for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas in the neighborhood of the subdivision or development for which the funds were collected. In the event that the funds collected cannot be reasonably used within the neighborhood of the subdivision or development, the funds may be used in an adjacent neighborhood within one-half (1/2) mile of the development and/or for a trail connection at any distance from the development as long as a segment of that trail is within one-half (1/2) mile of the development.

Such funds shall not be used for ongoing operations or maintenance.

All fund expenditures shall be approved on an annual basis as part of the city's and park board's annual capital budgeting process. Expenditures from the parkland dedication special fund shall be in conformance with the city's adopted comprehensive plan, development or project plans for sub-areas of the city, and the park system plan, and shall be consistent with other applicable criteria in subdivision (a) of this section.

598.410. Administrative Fee. An administrative fee of five (5) percent of the park dedication fees, not to exceed one thousand (1,000) dollars per project, collected through building permits shall be paid to the city upon building permit issuance. The administrative fee shall be paid by the park board from funds other than the parkland dedication funds.

598.420. Effective date. This chapter shall take effect on January 1, 2011, or six (6) months after final adoption of this chapter by the park board, whichever occurs later.
Adopted 4/10/2009.

Comm Dev & W&M/Budget - Your Committee, having under consideration the application of the African Development Center (ADC) for a Great Streets Gap Financing Loan for the purchase and rehabilitation of buildings at 1927-29 S 5th St (former North Country Co-op and office buildings), now recommends authorization of a \$200,000 Great Streets Gap Financing Loan to ADC Commercial Real Estate, Inc., a real estate entity controlled by the ADC, for the purchase and redevelopment of said property, and that the proper City officers be authorized to execute the loan agreement and any related documents.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation and revenue budget in the Department of Community Planning and Economic Development Fund.

Adopted 4/10/2009.

Absent - Gordon.

**RESOLUTION 2009R-132
By Goodman 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 in the Department of Community Planning and Economic Development (CPED) Common Project Reserve Fund (01CPZ-8900320) by \$200,000 from available fund balance;
- b) Increasing the appropriation in the CPED Common Project Uncertified Fund (01CAZ-8900320) by \$200,000; and
- c) Increasing the revenue source for the CPED Common Project Uncertified Fund (01CAZ-8900900-382801) by \$200,000.

Adopted 4/10/2009.

Absent - Gordon.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee recommends that the Council support special legislation (House File No. 2114/Senate File No. 1846) relating to alcohol, allowing a special liquor license for the City of Minneapolis for an establishment to be located at a development on or about 2309 Lyndale Ave S, provided a local approval clause is added to the proposed legislation.

Adopted 4/10/2009. Yeas, 7; Nays, 6 as follows:

Yeas - Remington, Hodges, Samuels, Ostrow, Schiff, Lilligren, Johnson.

Nays - Benson, Goodman, Gordon, Hofstede, Colvin Roy, Glidden.

IGR - Your Committee recommends that the City's Fiscal Year 2010 Federal Legislative Agenda, adopted February 20, 2009, be amended by including the following language in the Policy Initiatives Section:

"Community Radio Act. The City supports legislation (HR1147) that would allow the establishment of low-power FM (LPFM) stations throughout the country. In 2000 the Federal Communications Commission (FCC) issued rules that would have permitted the establishment of the stations but subsequent legislation limited the implementation of the rule. The legislation required the FCC to only issue licenses to low powered stations that would not interfere with existing full power stations. A low powered station needs to be at least four intervals on the radio from a full power station. The legislation would support recommendations contained in a FCC study released in 2003 that concluded that the

low powered stations would not cause interference with existing stations if they are three intervals away.”

Adopted 4/10/2009.

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

PS&RS – Your Committee, to whom was referred an ordinance amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, prohibiting upholstered furniture not manufactured for outdoor use in any front or side yard or rear yard abutting a street or on any opened porch exposed to the elements, now recommends that said ordinance be given its second reading for amendment and passage.

Lost 4/10/2009. Yeas, 4; Nays, 9 as follows:

Yeas – Samuels, Hofstede, Ostrow, Johnson.

Nays – Remington, Benson, Goodman, Hodges, Gordon, Schiff, Lilligren, Colvin Roy, Glidden.

PS&RS - Your Committee, having under consideration the application of Culinaire International Inc, dba Guthrie Theater - Culinaire, 818 S 2nd St, Tract E, for an On-Sale Liquor Class A with Sunday Sales License (new proprietor) to expire April 1, 2010, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/10/2009.

Approved by Mayor Rybak 4/13/2009.

(Published 4/14/2009)

PS&RS - Your Committee, having under consideration the application of 90's Minneapolis LLC, dba Gay 90's, 400 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises for rooftop dining area, chapel and bar) to expire January 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/10/2009.

PS&RS - Your Committee, having under consideration the application of Epic Entertainment LLC, dba Epic, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises for rooftop outdoor patio) to expire October 1, 2009, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/10/2009.

PS&RS - Your Committee, having under consideration the application of Wagner Bros LLC, dba North East Social Club, 355 13th Av NE, for an On-Sale Wine Class C-2 with Strong Beer License (expansion of premises) to expire April 1, 2009, and a Sidewalk Cafe License (new business) to expire April 1, 2010, now recommends that said license be granted, subject to the following conditions:

a. Any bike rack/hitch installed by the licensee will be positioned to allow at least a four foot clearance for pedestrian traffic on the sidewalk.

b. The licensee will provide some small trees and other plant landscaping at the back of the business.

c. The licensee will not dump glass bottles between 10:00 p.m. and 8:00 a.m.

d. The licensee will cease seating customers at the sidewalk cafe Sunday through Thursday at 9:00 p.m. and close the sidewalk cafe at 10:00 p.m.; and on Friday and Saturday cease seating customers at the sidewalk cafe at 10:00 p.m. and close the sidewalk cafe at 11:00 p.m.

e. The licensee will reduce the seating at the sidewalk cafe on 4th Street to two tables with four chairs with total seating on 4th Street at eight customers.

- f. The licensee will daily remove litter within 100 feet of the business at 4:00 p.m. and at closing.
 - g. Within one year of the approval of the sidewalk cafe license, a community meeting will be conducted by Licensing. This meeting will occur at the nearest community site in the evening hours and residents in a 600 feet radius will be invited.
 - h. Final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 4/10/2009.
Approved by Mayor Rybak 4/13/2009.
(Published 4/14/2009)

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Cork Dork Wine Co, 4726 Cedar Av, for an Off-Sale Liquor License, subject to conditions.
Adopted 4/10/2009.

Resolution 2009R-133, granting the application of Cork Dork Wine Co, 4726 Cedar Av, for an Off-Sale Liquor License, was adopted 4/10/2009 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-133
By Samuels

Granting the application of Cork Dork Wine Co, 4726 Cedar Av, for an Off-Sale Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Cork Dork Wine Co LLC, dba Cork Dork Wine Co, 4726 Cedar Av, for an Off-Sale Liquor License (new business) to expire April 1, 2010, subject to the following conditions:

1. The applicant shall not sell fortified wines of a nature which are other than premium brands.
 2. The applicant shall endeavor to operate the premises in a manner that will discourage panhandling in and around the premises and shall cooperate with the City of Minneapolis in the implementation of measures designed to discourage panhandling and loitering.
 3. The applicant shall not sell any liquor or wine in quantities smaller than one (1) pint or the metric equivalent.
 4. The applicant shall not sell single cans or bottles of beer or malt liquor unless the container holds more than 16 ounces.
 5. The applicant shall not accept change in excess of \$2.50 for any one purchase.
 6. The business will clean the property of litter and trash daily including the area within 100 feet of the property lines.
 7. Final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 4/10/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 4/10/2009.

Resolution 2009R-134, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/10/2009 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-134

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 273385):

Off-Sale Liquor, to expire April 1, 2010

D'Amico Catering LLC, dba D'Amico Catering at the Atrium, 275 Market St Suite C25

R H M Inc, dba Gopher Liquor Store, 335 Monroe St NE

Cedar Riverside Liquor Store Inc, dba Cedar Riverside Liquor Store, 619 Cedar Av S

John Wolf Enterprises Inc, dba Chicago Lake Liquor Store, 825 E Lake St

Medich Ventures Inc, dba U Liquors, 901 Washington Av SE

Mickys Liquor Store Inc, dba Mickys Liquor Store, 1104 Plymouth Av N

Old Arizona Studios Inc, dba Old Arizona Studios, 2821 Nicollet Av

M G M Wine & Spirits Inc, dba M G M Liquor Warehouse, 3254 W Lake St

Steve Allen Real Estate LLC, dba Hiawatha Falls Liquor, 4727 Hiawatha Av

South Lyndale Liquors Inc, dba South Lyndale Liquor, 5300 Lyndale Av S

RJJ Holdings LLC, dba Video House/Bottle House, 150 2nd Av S

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

Downtown Entertainment Ventures LLC, dba Club Spin/Club Cream, 10 S 5th St

Seville Operations LLC, dba The Seville Club, 15 Glenwood Av

Classic Affairs Inc, dba Shieks Palace Royale, 115 S 4th St

D'Amico Catering LLC, dba D'Amico Catering at the Atrium, 275 Market St Suite C25

Karma Entertainment LLC, dba Karma, 315 1st Av N

Yendor Corp, dba Augies, 424 Hennepin Av

Rooftop Inc, dba Macy's at Downtown Minneapolis Store 12, 700 Nicollet Mall 12th floor

80 So 8th St Hotel Operations Inc, dba Marquette Hotel, 710 Marquette Av

Skyway Lounge Inc, dba Skyway Lounge, 723 Hennepin Av

Bryant-Lake Restaurants Inc, dba Bryant Lake Bowl, 810 W Lake St

Kelber Catering Inc, dba Kelber Catering Inc, 1301 2nd Av S

Trimark Hotel Corporation, dba Millennium Hotel, 1313 Nicollet Mall

Wolfgang Puck Catering and Events LLC, dba Wolfgang Puck Catering, 1750 Hennepin Av

Mpls Society of Fine Arts, dba Artscafe, 2400 3rd Av S

C & H Inc, dba U Garden Restaurant, 2725 University Av SE

View Restaurant & Lounge LLC, dba View Restaurant & Lounge, 2730 W Lake St 1st floor

Brinda-Heilicher of Mpls Inc, dba Williams Uptown Pub & Peanut Bar, 2911 Hennepin Av

Minikahda Club, dba Minikahda Club, 3205 Excelsior Blvd

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

Toonen Inc, dba Uptown Bar & Cafe, 3016 Hennepin Av (internal transfer of shares; and new manager)

P J Hafiz Club Management Inc, dba Sneaky Pete's Bar & Grill, 14 5th St N

Picosa Hospitality Group LLC, dba Picosa Restaurant, 65 Main St SE #143

HEI Minneapolis LLC, dba Westin Minneapolis, 88 S 6th St

D'Amico Cucina Inc, dba D'Amico Cucina, 100 6th St N

Russel-Harris Enterprises, dba Annies Kitty Cat Klub, 313 14th Av SE

Fourth Street Saloon Inc, dba 4th Street Saloon, 328 W Broadway

Arthurs Riverfront Properties Inc, dba Moose on Monroe, 356 Monroe St NE

Twin Cities Entertainment Inc, dba Aqua Nightclub, 400 1st Av N #110

PCCP NNN Northstar Hotel LLC, dba Crowne Plaza Northstar, 618 2nd Av S

Minneapolis Club, dba Minneapolis Club, 729 2nd Av S

APRIL 10, 2009

T K K Inc, dba Knight Cap, 1500 4th St NE
Lama Rinpo, Rabka Rabka & Nyima Choeda, dba Gangchen Restaurant, 1833 Nicollet Av
T J Management of Mpls Inc, dba Gabby's Saloon & Eatery, 1900 Marshall St NE
Jax Cafe, Inc, dba Jax Cafe, 1922 University Av NE
Stardust Lanes Inc, dba Memory Lanes, 2520 26th Av S
Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av

#G-109

Toonen Inc, dba Uptown Bar & Cafe, 3016 Hennepin Av
Bartum's Inc, dba Lone Tree Bar & Grill, 528 Hennepin Av
On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2010
Fransen Inc, dba Glueks Restaurant, 16 6th St N
It's Greek To Me Inc, dba It's Greek To Me, 626 W Lake St
K & K Hospitality LLC, dba Erte, 1304 University Av NE
Market Bar-B-Que Inc, dba Market BBQ, 1414 Nicollet Av
Rudolph's Bar B Que Inc, dba Rudolphs Bar-B-Que, 1933 Lyndale Av S
B B & D, Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S
Food Group Holdings LLC, dba Zeno Cafe, 2919 Hennepin Av
Smith & Hance Entertainment Inc, dba Nomad World Pub, 501 Cedar Av
On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2010
Brinda-Heilicher Riverfront Inc, dba Vics Restaurant, 201 Main St SE
Monte Carlo Restaurant Inc, dba Monte Carlo, 219 3rd Av N
Landmarc Hospitality Group LLC, dba Landmarc Grill, 405 S 8th St
M O R E Inc, dba Blarneys Irish Pub & Grill, 412 14th Av SE
Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av

S

Mr Susie Inc, dba Barbette, 1600 W Lake St
La Que Buena Inc, dba La Que Buena, 1609 E Lake St
Tees Ethio Asian Cuisine LLC, dba T's Place, 2713 E Lake St
El Paraiso Restaurant Inc, dba El Paraiso Restaurant, 3501 Nicollet Av
Out of the Blue Ventures Inc, dba Cafe Maude, 5411 Penn Av S
On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2010
Black Forest Inn Inc, dba Black Forest Inn, 1 E 26th St
Pacific Asian Restaurants Inc, dba Kikugawa, 43 Main St SE
On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2010
McCormick & Schmick Restaurant Corp, dba M & S Grill, 50 S 6th St (new corporate officer)
On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2010
Haza Charters Inc, dba 19 Bar, 19 W 15th St
Jetset Inc, dba Jetset Bar, 115 1st St N
Pizza Luce Inc, dba Pizza Luce, 117 4th St N
Harrison Restaurant Holdings Inc, dba Sawatdee Bar & Cafe, 118 4th St N
Dan Kelly's Corporation, dba Dan Kelly's Bar & Grill, 212 S 7th St
Brinda Investments Inc, dba Tugg's on the River, 219 Main St SE
Nami LLC, dba Nami Restaurant, 251 1st Av N
Full and Content Inc, dba Black Bamboo, 333 S 7th St #190
Applebees Restaurants North LLC, dba Applebees Neighborhood Grill & Bar, 600 Hennepin Av

#220

Take One Enterprises Inc, dba Big Ten Restaurant & Bar, 606 Washington Av SE
Sawatdee Inc, dba Sawatdee Restaurant, 607 Washington Av S
Applebees Restaurants North LLC, dba Applebees Neighborhood Grill & Bar, 615 Washington Av

SE

Spoonriver Limited, dba Spoonriver, 750 S 2nd St 1st floor
Wild Bohemians Inc, dba Keys at the Foshay Bar & Grill, 114 S 9th St, Foshay Tower
Rosvold Enterprises Inc, dba Campus Pizza, 825 Washington Av SE
Z H C Inc, dba Wasabi Fusion Cuisine, 903 Washington Av S

Jade Asian Bar & Restaurant Inc, dba Jade Asian Bar & Restaurant, 920 E Lake St #101
Lafayette Cafe LLC, dba Vincent, 1100 Nicollet Mall
Somsap Enterprises, dba Tum Rup Thai, 1221 W Lake St
Oceanaire Minneapolis Restaurant, dba Oceanaire Seafood Room, 1300 Nicollet Mall, Hyatt
Regency

Uptown Drink LLC, dba Uptown Drink, 1400 Lagoon Av
Lucia Watson Entr, dba Lucia's Restaurant, 1432 W 31st Av
Victoria Enterprises Inc, dba Amore Victoria, 1601 W Lake St
Joe's Garage Inc, dba Joe's Garage, 1610 Harmon Pl
DCJ LLC, dba The Sample Room, 2124 Marshall St NE
Pizza Luce IV Inc, dba Pizza Luce, 2200 E Franklin Av
Mannings Cafe Inc, dba Mannings Cafe, 2200 Como Av SE
NE Palace Inc, dba NE Palace, 2500 4th St NE
Peninsula Malaysian Cuisine LLC, dba Peninsula Malaysian Cuisine, 2609 Nicollet Av
Green Mill Enterprises Inc, dba Green Mill Too, 2626 Hennepin Av
HJH Inc, dba Uptown Thai Chili, 2650 Hennepin Av
Rainbow Chinese Restaurant Inc, dba Rainbow Chinese Restaurant, 2739 Nicollet Av
Marissas Inc, dba El Mariachi Restaurant, 2750 Nicollet Av
Win-Vee Inc, dba Country Bar & Grill, 3006 Lyndale Av S
Satellite Productions Inc, dba Craftsman, 4300 E Lake St
ZG Mill City Cafe Co, dba Mill City Cafe, 2205 California St NE

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

Morton's of Chicago/Minneapolis Inc, dba Morton's of Chicago, 555 Nicollet Mall (new manager)
McCormick & Schmick's Seafood Restaurant, dba McCormick & Schmick Seafood Restaurant,
800 Nicollet Mall (new corporate officer)

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

Bev's Inc, dba Bev's Wine Bar, 250 3rd Av N
Sapor Inc, dba Sapor, 428 Washington Av N

Liquor Bottle Club, to expire April 1, 2010

Ames Lodge #106, dba Elk's Lounge, 1614 Plymouth Av N
Vincent L Giantvalley Post #234, dba American Legion Dept of Minnesota, 3751 Minnehaha Av
Spruce Tree Lounge, dba Lux Bottle Club, 3836 4th Av S
Wold-Chamberlain Post #99, dba American Legion, 5600 34th Av S

On-Sale Wine Class A with Strong Beer, to expire April 1, 2010

Ballet of the Dolls Inc, dba Ritz Theater Presents, 343 13th Av NE (no food requirement)
Minnesota S T A R Inc, dba Cedar Cultural Centre, 416 Cedar Av S (no food requirement)
Illusion Theater & School Inc, dba Illusion Theater, 528 Hennepin Av (no food requirement)
Anderson Restaurant Corporation, dba Dulono's Pizza, 607 W Lake St
Bedlam Theatre, dba Bedlam Theatre, 1501 S 6th St (no food requirement)
Brave New Institute, dba Brave New Workshop, 2605 Hennepin Av (no food requirement)
Old Arizona Studio Inc, dba Old Arizona, 2821 Nicollet Av (no food requirement)
Jungle Theater, The, dba Jungle Theater, 2951 Lyndale Av S (no food requirement)

On-Sale Wine Class B with Strong Beer, to expire April 1, 2010

Feiler Restaurant Holdings LLC, dba Casey's, 3510 Nicollet Av

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2010

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage, 215 E Hennepin Av
Coffee Time Inc, dba Wilde Roast Cafe, 518 E Hennepin Av
Brasa Rotisserie LLC, dba Brasa Rotisserie, 600 E Hennepin Av
Create Catering & Consulting LLC, dba Create Catering, 1121 Jackson St NE

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2010

Little Taj Mahal Corporation, dba Gandhi Mahal, 3009 27th Av S (new business)
G & D Foods Inc, dba Kafe 421, 421 14th Av SE
Coffee Gallery Inc, dba Coffee Gallery, 1011 Washington Av S
Rubio LLC, dba Adelitas Mexican Restaurant, 2405 Central Av NE

Haydentreblick LLC, dba Duplex, 2516 Hennepin Av

Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St

On-Sale Wine Class D with Strong Beer, to expire April 1, 2010

Blackbird Inc, dba Blackbird, 815 W 50th St 1st floor

Marias Cafe Inc, dba Marias Cafe, 1113 E Franklin Av

Chatterbox Enterprises Inc, dba Chatterbox Pub, 2229 E 35th St

Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St

Big Daddy Inc, dba Riverview Cafe, 3753 42nd Av S

El Norteno Market & Deli, dba El Norteno Market & Deli, 4000 E Lake St

MCD Foods Inc, dba Curran's Restaurant, 4201 Nicollet Av

Chatterbox Enterprises Inc, dba Chatterbox Pub, 4501 France Av S

La Chaya Inc, dba La Chaya Bistro, 4537 Nicollet Av

First Course Inc, dba First Course, 5607 Chicago Av

Ruizena Inc, dba Cafe Ena, 4601 Grand Av S

On-Sale Wine Class E with Strong Beer, to expire April 1, 2010

Bella Italia Restaurant Group LLC, dba Risotto, 610 W Lake St

Delights of Indian LLC, dba Delights of India, 1123 W Lake St (new business)

Bruce Boe Inc, dba The Cedar Inn, 4155 Cedar Av S (new proprietor)

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

Little Tel-Aviv Inc, dba Little Tel Aviv, 3238 W Lake St

Matador Coffee Inc, dba Bad Waitress Breakfast Joint/Coffee Shop, 2 E 26th St

Eagle Shores Hospitality Inc, dba Signature Cafe & Catering, 130 Warwick St SE

Civitali Restaurant Corp, dba Punch Neapolitan Pizza, 208 E Hennepin Av

Noodles & Company, dba Noodles & Company, 233 Cedar Av

Cafe Brenda Company, dba Cafe Brenda, 300 1st Av N

Pizza Nea Inc, dba Pizza Nea, 306 E Hennepin Av

Azuki Restaurant Inc, dba Azuki Sushi, 307 Oak St SE

Modern Cafe Inc, dba Modern Cafe, 337 13th Av NE

Las Tapatias I LLC, dba Cafeteria Las Tapatias, 349 E Lake St

Naughty Dog Enterprises Inc, dba Cuppa Java, 400 Penn Av S

Vescio's Inc, dba Vescio's Italian Cafe, 406 14th Av SE

Bramare LLC, dba Toast Wine Bar & Cafe, 415 1st St N #1

Excelsior Bay Investment Group LLC, dba Panchero's Mexican Grill, 600 Hennepin Av #240

Black Sheep Coal Fired Pizza LLC, dba Black Sheep Coal Fired Pizza, 600 Washington Av N

Tam Tams African Restaurant Inc, dba Tam Tams African Restaurant, 605 Cedar Av

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

Kindee Inc, dba Kindee, 719 S 2nd St

Marisqueria El Nayarita LLC, dba Marisqueria El Nayarita, 730 E Lake St

Taqueria Los Ocampo 4 Inc, dba Taqueria Los Ocampo, 809 E Lake St

Stewart on France LLC, dba Heidis Minneapolis, 817 W 50th St

B & W Specialty Coffee Company, dba Gigis Cafe, 824 W 36th St

CH & JA Enterprises LLC, dba Panino's Restaurant at the U, 921 Washington Av SE

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1242 Hennepin Av

Yellow Lantern LLC, dba Tony's Diner, 1327 4th St SE

Asian Pan Inc, dba Pagoda, 1417 4th St SE

Obento-Ya LLC, dba Obento-Ya Japanese Bistro, 1510 Como Av SE

Diamonds Coffee Shoppe Inc, dba Diamonds Coffee Shoppe Inc, 1618 Central Av NE

Lucky Dragon Riverside Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Av

Taher Restaurant Acquisitions LLC, dba Nordeast Eatery, 2100 Summer St NE

La Gran Colombia Inc, dba La Gran Colombia Restaurant, 2205 Central Av NE

D'Amico & Sons LLC, dba D'Amico & Sons, 2210 Hennepin Av

Pierre's Bistro Inc, dba Pierre's Bistro, 2221 W 50th St

Molly's Inc, dba Broders Cucina Italiana, 2308 W 50th St

Himalayan Restaurant LLC, dba Himalayan Restaurant, 2401 E Franklin Av

Oven Door Eatery LLC, dba Citizen Cafe, 2403 E 38th St
Sen Yai Sen Lek LLC, dba Sen Yai Sen Lek, 2424 Central Av NE
Sabor Latino Inc, dba Sabor Latino Restaurant, 2505 Central Av NE
Namaste Natural Products LLC, dba Namaste Cafe, 2512 Hennepin Av
Seafood Palace Inc, dba Seafood Palace, 2523 Nicollet Av
2558 Lyndale Inc, dba Common Roots Cafe, 2558 Lyndale Av S
Lowry Hills Cafes Inc, dba French Meadow Bakery and Cafe, 2610 Lyndale Av S
Christos Inc, dba Christos, 2632 Nicollet Av
Cafe Twenty Eight LLC, dba Cafe Twenty Eight, 2724 W 43rd St
Rice Paper Asian Fusion Restaurant LLC, dba Rice Paper Asian Fusion Restaurant, 2726 W 43rd

St

Pizza Joints Inc, dba Galactic Pizza, 2917 Lyndale Av S
Alternative Concepts Inc, dba Kitchen Window, 3001 Hennepin Av
SNP Enterprises LLC, dba Tin Fish, 3006 E Lake Calhoun Pkwy
Nguyen-Vu Family Corp Inc, dba Saigon Uptown Restaurant, 3035 Lyndale Av S
Noodle Shop Company Minnesota Inc, dba Noodles & Company, 3040 Excelsior Blvd
Pizza Luce II Inc, dba Pizza Luce, 3200 Lyndale Av S
Civitali Restaurant Corp, dba Punch Neapolitan Pizza, 3226 W Lake St
Familia Dominguez Inc, dba Dominguez Family Restaurant, 3313 E 50th St
Crema Cafe Ltd, dba Crema Cafe, 3403 Lyndale Av S
Nelmatt LLC, dba Matt's Bar, 3500 Cedar Av
Italianis LLC, dba Italianis Family Restaurant Grill, 3508 E Lake St
Jakeeno's Inc, dba Jakeeno's Pizza and Pasta, 3555 Chicago Av
Niki Mu Inc, dba Victors 1959 Cafe, 3756 Grand Av S
Under Grand Cafe Inc, dba Grand Cafe, 3804 Grand Av S
Minnehaha Falls Corporation, dba Pearson's Edina Restaurant, 3808 W 50th St
Thomas Rosen Inc, dba Cedar Inn, 4155 Cedar Av
Clean Plate LLC, dba Corner Table, 4257 Nicollet Av
Old School BBQ Inc, dba Famous Daves, 4264 Upton Av S
Alberto & Fabrizio Inc, dba Cafe Agri, 4300 Bryant Av S
Great Wall Incorporated, dba Great Wall Chinese Restaurant, 4515 France Av S
Crystal Garden Inc, dba Crystal Garden, 4711 Hiawatha Av
Tumdee LLC, dba Ba Gu Restaurant, 4741 Chicago Av
Turtle Bread Company, dba Restaurant Levain-Pizza Biga, 4762 Chicago Av
Sea Salt Eatery LLP, dba Sea Salt Eatery, 4801 Minnehaha Av
Karim Inc, dba Adrian's Tavern, 4812 Chicago Av
Molly's Inc, dba Broders Southside Pasta Bar, 5000 Penn Av S
Hot Plate LLC, dba Hot Plate, 5204 Bloomington Av
Pomodoro Inc, dba Prima Pasta Salads Panini, 5325 Lyndale Av S
Out of the Blue Ventures Inc, dba Armatage Room, 5416 Penn Av S
Food Forward Inc, dba Cave Vin, 5555 Xerxes Av S
Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av
Food Services Inc, dba 5-8 Club, 5800 Cedar Av
Zarjam LLC, dba Mairin's Table, 23 4th St NE 1st floor
Caravelle Restaurant Inc, dba Caravelle-Pho 79 Restaurant, 2529 Nicollet Av
Pop! Restaurant Inc, dba Pop! A Neighborhood Restaurant, 2859 Johnson St NE
Busters on 28th Inc, dba Busters on 28th, 4204 28th Av S
On-Sale Wine Class E with 3.2% Beer, to expire April 1, 2010

Pizza on the Parkway Inc, dba Carbones Pizza on the Parkway, 4724 Cedar Av

Temporary On-Sale Wine

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 1 – 3, 2009, 4:30 p.m. to 9:00 p.m. at Peavey Plaza

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 4 – 5, 2009, 4:30 p.m. to 9:00 p.m. at Peavey Plaza

APRIL 10, 2009

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 8 – 10, 2009, 4:30 p.m. to 9:00 p.m. at Peavey Plaza

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 11 & 12, 2009, 4:30 p.m. to 9:00 p.m.; June 13, 2009, 11:30 a.m. to 10:30 p.m. at Peavey Plaza

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 15 – 17, 2009, 4:30 p.m. to 9:00 p.m. at Peavey Plaza

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 18 – 19, 2009, 4:30 p.m. to 9:00 p.m. at Peavey Plaza

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 22 – 24, 2009, 4:30 p.m. to 9:00 p.m. at Peavey Plaza

Marketing Minneapolis LLC, c/o Downtown Council, 81 S 9th St #260 (Alive After Five, June 25 & 26, 2009, 4:30 p.m. to 9:00 p.m.; June 27, 11:30 a.m. to 10:30 p.m. at Peavey Plaza

On-Sale Wine, to expire April 1, 2010

MDCA, dba Ecopolitan, 2409 Lyndale Av S

Patrick's French Bakery Inc, dba Patrick's Bakery & Cafe, 6010 Lyndale Av S

Off-Sale Beer, to expire April 1, 2010

Silver Gas Company, dba Winner on Lyndale, 4501 Lyndale Av N

Diamond Lake Inc, dba Sullivan's Super Valu, 30 W Lake St

Speedway Super America LLC, dba Super America #4388, 1010 W Grant St

Metro Market on 5th Inc, dba Metro Market on 5th, 201 5th Av N #C101

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

Speedway Super America LLC, dba Super America #4056, 300 Broadway St NE

Hark's Co Inc, dba Winner Gas on 46th St, 400 E 46th St

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

A & R Fuel Inc, dba Lowry Handy Stop, 700 Lowry Av NE

Dawood Lalji Inc, dba Centre Village Shop, 700 5th Av S

Diamond Lake 1994 LLC, dba Cub Foods – Broadway, 701 W Broadway

Speedway Super America LLC, dba Super America #4060, 801 W Lake St

Lebanese Food LLC, dba Baladna Food, 805 4th St SE

Liu Qing & Zhou Fuliang, dba Kyle's Market, 826 W 36th St

RBF LLC of Wisconsin, dba Rainbow Foods, 1104 Lagoon Av

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

Holiday Stationstores Inc, dba Holiday Stationstore #335, 1331 Industrial Blvd

Banat Inc, dba Wally's Corner Market, 1523 Como Av SE

LLC of Wisconsin, dba Rainbow Foods, 1540 New Brighton Blvd

Crown Coco Inc, dba Broadway E-Z Stop Store, 1617 Broadway St NE

Crown Coco Inc, dba Old Colony EZ Stop, 1624 Washington Av N

Cedar Petroleum Inc, dba Stop-N-Shop, 1700 E Lake St

Speedway Super America LLC, dba Super America #4185, 1816 37th Av NE

Simona Inc, dba Joe's Market & Deli, 1828 Como Av SE

Awaijane Assad E, dba B-Line Market, 1901 Fillmore St NE

Holiday Stationstores Inc, dba Holiday Stationstore #2, 2124 E Franklin Av

AMO Inc, dba Pennwood Market, 2125 Glenwood Av

Speedway Super America LLC, dba Super America #4034, 2200 Lyndale Av S

Latino Groceries Inc, dba Supermercado Latino, 2312 Central Av NE

Hark's Co Inc, dba Hark's Food Market, 2401 Nicollet Av

Speedway Super America LLC, dba Super America #4602, 2430 Marshall St NE

Speedway Super America LLC, dba Super America #4378, 2445 Bloomington Av

Speedway Super America LLC, dba Super America #4024, 2501 Hennepin Av

Lambert & Lambert Ent Inc, dba Metro Petro, 2700 University Av SE

Good Choice Inc, dba Los Amigos, 2746 Blaisdell Av

Marissa's Inc, dba Marissa's Supermarket, 2750 Nicollet Av

3N Investments Inc, dba Dokken's Superette, 2809 E 42nd St

QT Superette Inc, dba Flag Foods, 2820 E 42nd St
Easyway Food Inc, dba Easyway Foods, 2820 Johnson St NE
Jerry's Enterprises, Inc, dba Cub Foods-Lake Street, 2850 26th Av S
RBF LLC of Wisconsin, dba Rainbow Foods, 2919 26th Av S
A to Z Gas Stop Inc, dba Stop-N-Shop #1, 3050 1st Av S
Faneta Enuye, dba Calun Market, 3141 Chowen Av S
Wazwaz Ghasan, dba Sunshine Foods, 3300 4th Av S
PV Investment & Management Inc, dba Nokomis Market, 3319 E 54th St
Speedway Super America LLC, dba Super America #4173, 3357 University Av SE
Speedway Super America LLC, dba Super America #4232, 3453 Nicollet Av
Speedway Super America LLC, dba Super America #4382, 3744 Chicago Av
Madi Inc, dba Venus Grocery, 3751 Portland Av
Best Food Market Inc, dba Best Food Market, 3756 Nicollet Av
Speedway Super America LLC, dba Super America #4172, 3806 W Lake St
Reidy Company, dba Reidy's Country Boy, 3904 42nd Av S
Speedway Super America LLC, dba Super America #4135, 4001 Lyndale Av S
Speedway Super America LLC, dba Super America #4021, 4320 E Lake St
Hark's Co Inc, dba Pump & Munch, 4401 Nicollet Av
Speedway Super America LLC, dba Super America #4161, 4740 Cedar Av
AP & AA Tran Corporation, dba A & A Market, 4751 Nicollet Av
Speedway Super America LLC, dba Super America #4165, 5101 34th Av S
Arpinar Orhan, dba Xerxes Market, 5555 Xerxes Av S
Paul's Bobby & Steve's Auto World LLC, dba Paul's Bobby & Steve's Auto World, 5801 Nicollet

Av

Diamond Lake 1994 LLC, dba Cub Foods, 5937 Nicollet Av
Speedway Super America LLC, dba Super America #4166, 6000 Portland Av
On-Sale Beer Class D, to expire April 1, 2010
Johnnie Entertainment LLC, dba Sporty's Pub & Grill, 2124 Como Av SE
On-Sale Beer Class E, to expire April 1, 2010
Lotus of Campus Inc, dba Lotus Restaurant, 313 Oak St SE
Village Wok Restaurant Inc, dba Village Wok Restaurant, 610 Washington Av SE
Minh Le Corp, dba Bona Restaurant, 815 Washington Av SE
Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1414 W Lake St
Kinhdo Plus Corporation, dba Kinhdo Restaurant, 2755 Hennepin Av
Lemanczik Enterprises Inc, dba T-Shoppe Bar, 4154 Fremont Av N
Mpls Park & Recreation Board, dba Hiawatha Golf Course, 4553 Longfellow Av
John-Fred Co Inc, dba Sunrise Inn, 4563 34th Av S
Skylane Bowling Center Inc, dba SkyLANES, 5019 34th Av S
Cod Jr Incorporated, dba Cloggy's Tavern, 5404 34th Av S
On-Sale Beer Bottle Club, to expire April 1, 2010
Vincent L Giantvalley Post #234, dba American Legion, 3751 Minnehaha Av.
Adopted 4/10/2009.

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

Adopted 4/10/2009.

Resolution 2009R-135, granting applications for Business Licenses, was adopted 4/10/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 10, 2009

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

RESOLUTION 2009R-135

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 April 10, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273385):

Dance Hall; Dry Cleaner – Non-flammable; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Ice Peddler; Ice Producer – Dealer/Wholesale; Food Manufacturer; Food Market Manufacturer; Milk & Grocery Delivery Vehicle; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Gasfitter Class A; Gasoline Filling Station; Liquid Waste Hauler; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Municipal Market; Pet Shop; Plumber; Pool Table; Public Market; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Swimming Pool – Public; Taxicab Vehicle; Taxicab Service Company; Taxicab Vehicle – Fuel Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; Wrecker of Buildings Class B; Pawnbroker Class A.

Adopted 4/10/2009.

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

Adopted 4/10/2009.

Resolution 2009R-136, granting applications for Gambling Licenses, was adopted 4/10/2009 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-136

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 273385):

Gambling Class B

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 3865 Minnehaha Ave S (Raffle May 17, 2009 at Ballentine VFW, 2916 Lyndale Av S)

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 3865 Minnehaha Ave S (Memory Lanes, 2520 26th Ave S - Pulltabs, Pulltabs with dispensing device)

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 8421 Lyndale Av (Shaws Bar & Grill – Paddlewheel & Bar Bingo)

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 8421 Lyndale Av (U Otter Stop Inn, Pulltabs)

Gambling Exempt

Page Education Foundation, dba Page Education Foundation, PO Box 58124 (Raffle April 4, 2009 at The Foshay – W Minneapolis)

Minnpost.Com, dba Minnpost.Com, 900 6th St Suite 220 (Raffle April 29, 2009 at Minneapolis Hilton)

Boys & Girls Club of the Twin Cities, dba Boys & Girls Club of the Twin Cities, 6500 Nicollet Av (Raffle April 30, 2009 at Metrodome)

Allina Health System, dba Allina Home & Community Services, 1055 Westgate Dr, St. Paul (Raffle May 15, 2009 at McNamara Alumni Center)

Mobility for Independence, dba Mobility for Independence, 1622 W 31st St (Raffle May 15, 2009 at Mobility for Independence)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Bingo, Raffle, Paddlewheel, Pulltabs & Tipboards June 6, 2009 at Church of St. Hedwig)

First Universalist Church, dba First Universalist Church, 3400 Dupont Av S (Raffle June 7, 2009 at First Universalist Church)

Twin Cities Habitat for Humanity, dba Twin Cities Habitat for Humanity, 3001 4th St SE (Raffle May 2, 2009 at Marriot City Center)

ALS Association Minnesota Chapter, dba ALS Association Minnesota Chapter, 333 Washington Av N (Raffle June 8, 2009 at ALS Association)

Partnership Resources Inc, dba Partnership Resources Inc, 4200 Park Glen Rd, St. Louis Park (Raffle June 18, 2009 at Lily's, 3301 Central Av).

Adopted 4/10/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by River Liquor Store, 2435 Marshall St.

Adopted 4/10/2009.

Resolution 2009R-137, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by River Liquor Store, 2435 Marshall St, was adopted 4/10/2009 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-137

By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by River Liquor Store, 2435 Marshall St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on January 12, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 24 months, employees of River Liquor Store sold alcohol to persons under the age of 21 in violation of Minneapolis Ordinances and the established compliance check policy and procedures of the City of Minneapolis; and River Liquor Store was selling tobacco products without the necessary City license;

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

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

1. Provide an updated alcohol service policy to the Division of Licenses & Consumer Services due at the time of signing of the agreement to include all of the following:

- a. Policy and procedure given to employees regarding alcohol sales.
 - b. Use of an electronic cash register system that assists employees in determining the birth date required to make a legal sale of alcohol.
 - c. Restrict tobacco sales to persons 21 or older.
 - d. No sales of alcohol to groups of more than one person unless all customers are of legal drinking age.
2. Provide annual alcohol service training to begin on January 12, 2009. New employees must receive alcohol service training within 30 days of hire.
 3. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 4. Post signs that identify River Liquor Store's alcohol sale policy to customers. This would include posters that promote legal age for purchasing alcohol.
 5. Employ a youth alcohol self-check program with decoys four times each year for the next two years and start keeping documentation of the results within 30 days of this agreement being approved by the City Council.
 6. In lieu of a suspension, the City shall impose a \$3,000 sanction, of which \$1,500 shall be stayed for a period of two years from the signing of this agreement. The licensee shall pay \$250 of this sanction by February 2, 2009. The licensee will pay five additional installments of \$250, with each subsequent installment due on or before the following dates: March 2, 2009; April 1, 2009; May 1, 2009; June 1, 2009; and July 1, 2009. Payment must be received by the Police License Investigation Unit by 3:00 p.m. on the above dates. Failure to present payment by the listed dates and times will be considered a violation of this agreement.

Adopted 4/10/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Towing Class A License held by Wrecker Services, 200 E Lyndale Av N.

Adopted 4/10/2009.

Resolution 2009R-138, approving License Settlement Conference recommendations relating to the Towing Class A License held by Wrecker Services, 200 E Lyndale Av N, was adopted 4/10/2009 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-138

By Samuels

Approving License Settlement Conference recommendations relating to the Towing Class A License held by Wrecker Services, 200 E Lyndale Av N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on November 25, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee overcharged Class A customers by \$6 for Class A services;

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

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

1. The licensee review all Class A towing records for the period of September 1, 2008 to November 25, 2008 and refund to all persons that call or write regarding the excessive towing fees any charges that were above and beyond the maximum allowable tow service fee specified by ordinance. The

records supplied to the Department by Ms. Rose indicate that there were 468 Class A tows conducted by Wrecker that used the incorrect invoice amount.

2. Wrecker Services will also reimburse the City of Minneapolis \$500 in administrative cost associated with the License Settlement Conference.

3. The licensee will comply with all other applicable City ordinances dealing with the operation of a Class Motor Vehicle Servicing license.

Adopted 4/10/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Checker Cab, 2010 E Hennepin Av.

Adopted 4/10/2009.

Resolution 2009R-139, approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Checker Cab, 2010 E Hennepin Av, was adopted 4/10/2009 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-139

By Samuels

Approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Checker Cab, 2010 E Hennepin Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on January 12, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded the licensee has violated multiple sections of the Minneapolis Code of Ordinances pertaining to the operation of licensed taxicabs in the City of Minneapolis on 12 separate occasions within a six year period;

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

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

1. The City of Minneapolis shall impose a sanction in the total amount of \$6,000. This payment satisfies the outstanding fines from administrative citations #08-0667276, #08-0665088, #08-0665081 and #08-0670237. Further, Checker Cab Company agrees to withdraw its appeal for citation #08-0670237.

2. The City will issue the six new taxi vehicle licenses to Checker Cab Company that originally were approved to be issued to Check Cab Company in 2008. These vehicles must be operational and in service within 45 days of the signing of this agreement.

3. For a period of one year from the signing of this agreement, Check Cab Company will no longer operate any taxicabs that are not licensed by the City of Minneapolis. Checker Cab Company will provide appropriate documentation that any current taxicabs operating under Checker Cab Company, that are not licensed by the City of Minneapolis after 30 days of the signing of this agreement, be placed out of service in Check Cab Company's fleet.

4. Upon the signing of this agreement, Checker Cab Company will submit a detailed management plan to the City of Minneapolis outlining policies and procedures for ensuring that taxicabs operating for Checker Cab Company are appropriately licensed in the City of Minneapolis. This plan will reflect the licensee's understanding of Minneapolis Code of Ordinance 341.960 which states that "Every licensed service company shall take affirmative measures to insure that all of its taxicab owners and drivers comply with the terms of this chapter and also be responsible for the operation of an unlicensed taxicab and the operation of a taxicab by an unlicensed driver".

5. This agreement constitutes the full agreement of the City of Minneapolis and Checker Cab Company with the understanding that any future violations of Minneapolis City Ordinances by Checker Cab Company will result in additional adverse license action, up to and including revocation.

Adopted 4/10/2009.

PS&RS - Your Committee, having under consideration the On-Sale Liquor Class B License application submitted by Baku Entertainment & Restaurants, LLC and Fatemeh Engen, dba International Ballroom, 3003 27th Av S, and an Administrative Hearing having been held before Administrative Law Judge Eric Lipman who has issued Findings of Fact, Conclusions and a Recommendation that the City Council deny the application for an On-Sale Liquor Class B License, now recommends adoption of the Findings of Fact issued by Administrative Law Judge Lipman, and that the license application be denied.

Adopted 4/10/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 1643 Upton Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Tom A. Puzak.

Adopted 4/10/2009.

PS&RS - Your Committee, having under consideration the property located at 1429 Morgan Av N, 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 4/10/2009.

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

PS&RS & W&M/Budget - Your Committee, having under consideration the Citizen Corp Program, now recommends that the proper City officers be authorized to accept the 2007 State Homeland Security Grant, in the amount of \$39,133.65, to support the ongoing efforts of the program, including the Community Emergency Response Team (CERT). Further, passage of the accompanying resolution appropriating \$39,133.65 to the Department of Regulatory Services.

Adopted 4/10/2009.

Approved by Mayor Rybak 4/13/2009.

(Published 4/14/2009)

RESOLUTION 2009R-140

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 Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$39,133.65, and increasing the Revenue Estimate (01300-8352000) by \$39,133.65.

Adopted 4/10/2009.

Approved by Mayor Rybak 4/13/2009.

(Published 4/14/2009)

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with Minnesota Homeland Security and Emergency Management to receive \$236,200 awarded to the Police Department for the regional sharing of intelligence information. Further, passage of the accompanying resolution appropriating \$236,200 to the Police Department.
Adopted 4/10/2009.

**RESOLUTION 2009R-141
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 (01300-4002745) by \$236,200 and increasing the Revenue Source (01300-4002745-321010) by \$236,200.
Adopted 4/10/2009.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept an award of \$22,633.81 and execute the necessary contracts with the Metropolitan Emergency Services Board for the purchase of 22 basic entry level radios for officers to be dedicated for use with the Radio Link initiative. Further, passage of the accompanying resolution appropriating \$22,633.81 to the Police Department.
Adopted 4/10/2009.

**RESOLUTION 2009R-142
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 (01300-4004110) by \$22,633.81 and increasing the Revenue Source (01300-4004110-321010) by \$22,633.81.
Adopted 4/10/2009.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with the Minneapolis Public Housing Authority for the Minneapolis Police Department to provide enforcement and community policing services at MPHA public housing locations. Further, passage of the accompanying resolution appropriating \$650,000 to the Police Department.
Adopted 4/10/2009.

**RESOLUTION 2009R-143
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 Police Department - Special Revenue Fund (01210-4002740) by \$650,000 and increasing the Revenue Source (01210-4002740-4001001) by \$650,000.
Adopted 4/10/2009.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Covanta Hennepin Energy Resource Co for the disposal of a limited amount of property from the Police Property and Evidence Room as directed by State law and City ordinance. Total compensation of the contract is estimated to be under \$5,000 per year.
Adopted 4/10/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:
T&PW - Your Committee recommends passage of the accompanying resolution adopting additions to and deletions from the Municipal State Aid Street System within the City of Minneapolis.
Adopted 4/10/2009.

Resolution 2009R-144, adopting deletions from and additions to the Municipal State Aid Street System within the City of Minneapolis, was adopted 4/10/2009 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-144
By Colvin Roy

Adopting deletions from and additions to the “Municipal State Aid Street System” within the City of Minneapolis.

Whereas, it appears to the City Council of the City of Minneapolis that the streets hereinafter described should be deleted from or added to the system of “Municipal State Aid Streets” under the provisions of Minnesota Statutes of 1983, Chapter 162; and

Whereas, it is the desire of said City Council that said streets be deleted from or added to the system of “Municipal State Aid Streets” as previously established;

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

That the streets described and numbered as follows and designated as “Municipal State Aid Streets” as previously established be deleted from the system, subject to the approval of the Commissioner of Transportation of the State of Minnesota:

- MSA Route 158, Blaisdell Ave from 28th St W to Franklin Ave S (0.74 miles);
- MSA Route 170, Dupont Ave S from 36th St W to Lake St W (0.72 miles);
- MSA Route 172, Emerson Ave S from 36th St W to Lake St W (0.74 miles);
- MSA Route 209, 3rd Ave N from I-394 ramp at 5th St N to 7th St N (0.12 miles);
- MSA Route 277, Lyndale Ave S from 58th St W to 182’ N of 58th St W (0.03 miles);
- MSA Route 285, 4th St S from Riverside Ave to 19th Ave S (0.04 miles);
- MSA Route 309, W River Road from W Broadway to the Dead End north of 22nd Ave N (0.25 miles); and
- MSA Route 311, 22nd Ave N from W River Road to 2nd St N (0.18 miles).

Be It Further Resolved that the streets described and numbered as follows be designated as “Municipal State Aid Streets” of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota:

- MSA Route 294, 5th St NE from St Anthony Blvd to 35th Ave NE (0.18 miles); and
- MSA Route 454, St Anthony Parkway from Marshall St NE to 5th St NE (0.77 miles).

Adopted 4/10/2009.

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 N Reconstruction Project (Washington Ave to 3rd St N), Special Improvement of Existing Street No 6730, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments in the amount of \$78,757.34 for the project;
 - b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$78,750 for the project; and
 - c) Ordering the City Engineer to abandon and remove the areaways located in the public right-of-way that are in conflict with the paving project.
- Adopted 4/10/2009.

Resolution 2009R-145, ordering the work to proceed and adopting the special assessments for the 2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project No 6730, was adopted 4/10/2009 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-145
By Colvin Roy and Ostrow

2ND AVE N (WASHINGTON AVE TO 3RD ST N) RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6730

Ordering the work to proceed and adopting the special assessments for the 2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project.

Whereas, a public hearing was held on March 31, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-066, passed February 20, 2009, to consider the proposed special assessments on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-066, passed February 20, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$78,757.34, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2010 real estate tax statements.

Adopted 4/10/2009.

Resolution 2009R-146, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$78,750 for the purpose of paying the assessed cost of street improvements in the 2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project No 6730, was adopted 4/10/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 10, 2009

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

**RESOLUTION 2009R-146
By Colvin Roy and Ostrow**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$78,750 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project, Special Improvement of Existing Street No 6730, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/10/2009.

Resolution 2009R-147, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction in the 2nd Ave N area, was adopted 4/10/2009 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-147
By Colvin Roy and Ostrow**

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction in the 2nd Ave N area.

Whereas, the City of Minneapolis has scheduled the street reconstruction improvements starting in 2009 in the 2nd Ave N (Washington Ave to 3rd St N) area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 31, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis Code of Ordinances to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along 2nd Ave N (both sides) from Washington Ave to 3rd St N.

Adopted 4/10/2009.

T&PW and W&M/Budget - Your Committee, having under consideration the 3rd Ave N Reconstruction Project (Washington Ave to 5th St N), Special Improvement of Existing Street No 9882, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of \$79,524.96 for the project;

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$79,520 for the project; and

c) Ordering the City Engineer to abandon and remove the areaways located in the public right-of-way that are in conflict with the paving project.

Adopted 4/10/2009.

APRIL 10, 2009

Resolution 2009R-148, ordering the work to proceed and adopting the special assessments for the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project No 9882, was adopted 4/10/2009 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-148
By Colvin Roy and Ostrow**

**3RD AVEN (WASHINGTON AVE TO 5TH ST N) RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 9882**

**Ordering the work to proceed and adopting the special assessments for the 3rd Ave N
(Washington Ave to 5th St N) Reconstruction Project.**

Whereas, a public hearing was held on March 31, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-067, passed February 20, 2009, to consider the proposed special assessments on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-067, passed February 20, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$79,524.96, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2010 real estate tax statements.

Adopted 4/10/2009.

Resolution 2009R-149, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$79,520 for the purpose of paying the assessed cost of street improvements in the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project No 9882, was adopted 4/10/2009 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-149
By Colvin Roy and Ostrow**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds
in the amount of \$79,520 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project, Special Improvement of Existing Street No 9882, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/10/2009.

Resolution 2009R-150, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction in the 3rd Ave N area, was adopted 4/10/2009 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-150
By Colvin Roy and Ostrow

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction in the 3rd Ave N area.

Whereas, the City of Minneapolis has scheduled the street reconstruction improvements starting in 2009 in the 3rd Ave N (Washington Ave to 5th St N) area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 31, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis Code of Ordinances to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along 3rd Ave N (both sides) from Washington Ave to 5th St N.

Adopted 4/10/2009.

T&PW and W&M/Budget - Your Committee, having under consideration the Lynnhurst (Phase V) Street Renovation Project, Special Improvement of Existing Street No 5198, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of \$496,860.68 for the project; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$496,860.

Adopted 4/10/2009.

Resolution 2009R-151, ordering the work to proceed and adopting the special assessments for the Lynnhurst (Phase V) Street Renovation Project No 5198, was adopted 4/10/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 10, 2009

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

**RESOLUTION 2009R-151
By Colvin Roy and Ostrow**

**LYNNHURST (PHASE V) STREET RENOVATION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5198**

Ordering the work to proceed and adopting the special assessments for the Lynnhurst (Phase V) Street Renovation Project.

Whereas, a public hearing was held on March 31, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed special assessments as designated in Resolution 2009R-080, passed March 6, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-080, passed March 6, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$496,860.68 for the Lynnhurst (Phase V) Street Renovation Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Lynnhurst (Phase V) Street Renovation project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest be charged at the same rate as the City pays in interest for selling assessments bonds, with collection to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments on the 2010 real estate tax statements.

Adopted 4/10/2009.

Resolution 2009R-152, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$496,860 for the purpose of paying the assessed cost of street improvements in the Lynnhurst (Phase V) Street Renovation Project No 5198, was adopted 4/10/2009 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-152
By Colvin Roy and Ostrow**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$496,860 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lynnhurst (Phase V) Street Renovation Project, Special Improvement of Existing Street No 5198, to

be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/10/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the pilot program for the collection of source separated organic materials for composting, now recommends that the proper City officers be authorized to expand the pilot program into additional neighborhoods and purchase 2,500 additional mobile refuse containers manufactured by Otto Environmental Systems. Funds are available in the Solid Waste and Recycling Fund.

Adopted 4/10/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the Downtown Minneapolis Transportation Management Organization (TMO) 2009 - 2011 Grant Agreements, now recommends:

a) That the proper City officers be authorized to execute a Metropolitan Council Pass Through Grant Agreement between the Metropolitan Council and the City of Minneapolis to provide up to \$661,797 in federal grant funding (FTA-CMAQ) for Transportation Demand Management projects in effect for the period April 1, 2009 through March 31, 2011;

b) That the proper City officers be authorized to execute an agreement with the Downtown Minneapolis Transportation Management Organization to perform specific work efforts in accordance with a contract with the Metropolitan Council which provides up to \$661,797 in federal grant funding in effect for the period April 1, 2009 through March 31, 2011; and

c) Passage of the accompanying resolution increasing the appropriation and revenue for the project by \$661,797.

Adopted 4/10/2009.

**RESOLUTION 2009R-153
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 PW - Transportation Capital Agency in the Grants - Federal Fund (01300-9010943) by \$661,797, and increasing the revenue source (01300-9010943 - Source 321050) by \$661,797.

Adopted 4/10/2009.

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

a) Receiving and accepting the final costs of various Property Services, Parking, and Traffic Operations project work and adjusting the capital appropriation as necessary, thereby closing out the projects and reallocating excess revenue from the closed-out projects to other Property Services, Parking, and Traffic Operations projects; and

b) Requesting the concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds.

Adopted 4/10/2009.

Resolution 2009R-154, receiving and accepting the final costs of various Property Services, Parking and Traffic Operations project work and adjusting the capital appropriation as necessary thereby closing the projects, was adopted 4/10/2009 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-154
By Colvin Roy and Ostrow**

Receiving and accepting the final costs of various Property Services, Parking and Traffic Operations project work and adjusting the capital appropriation as necessary thereby closing the projects.

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work described in the following Property Services, Parking and Traffic Operations project work be received and accepted for the total amount specified and that the capital appropriation be adjusted as specified thereby closing the projects:

a) All property operations work related to the Fire Stations project for a total of \$3,591,000.00. There is no remaining property operations capital appropriation for 04100-9010000 project CB6003;

b) All property operations work related to the New Fire Station #14 project for a total of \$4,394,626.56. Property operations capital appropriation for 04100-9010000 project CPSI05 should be decreased by \$75,373.44 and excess Net Debt Bonds shall be re-designated in the amount of \$75,373.44;

c) All property operations work related to the GM-1 (Building and Facilities Improvement) project for a total of \$1,500,000.00. There is no remaining property operations capital appropriation for 04100-9010000 project CA2003;

d) All property operations work related to the New Animal Shelter project for a total of \$4,857,407.50. There is no remaining property operations capital appropriation for 04100-9010000 project CA0258 and excess revenue shall be re-designated in the amount of \$14,777.00;

e) All property operations work related to the Minneapolis Development Review project for a total of \$500,000.00. There is no remaining property operations capital appropriation for 04100-9010000 project CPSD10;

f) All property operations work related to the Space Design and Construction (325M City Hall) project for a total of \$1,421,126.93. The property operations capital appropriations for 04100-9010000 project CA0325 should be decreased by \$236,873.07;

g) All traffic operations work related to the Lyn-Lake Parking project for a total of \$0.00. Traffic operations capital appropriation for 04100-9010000 project CA6254 should be decreased by \$34,250.00;

h) All traffic operations work related to the Midtown Greenway Bike Route project for a total of \$1,341,750.00. There is no remaining traffic operations capital appropriation for 04100-9010000 project CA6255 and excess revenue shall be re-designated in the amount of \$64,200.00;

i) All traffic operations work related to the West 44th Street P.A.T.H. Alternative Trans. Mode project for a total of \$46,000.00. There is no remaining traffic operations capital appropriation in 04100-9010000 project CA7005;

j) All traffic operations work related to the Lowry Hill Parking Ramp Study project for a total of \$21,263.74. Traffic operations capital appropriation in 04100-9010000 project CA6262 should be decreased by \$6,136.26;

k) All traffic operations work related to the West 50th Between Lyndale and France project for a total of \$39,892.14. Traffic operations capital appropriation for 04100-9010000 project CA6267 should be decreased by \$38.86;

l) All traffic operations work related to the Light Rail Transit Consultant project for a total of \$18,527.59. The traffic operations capital appropriation for 04100-9010000 project CA6271 should be decreased by \$31,472.41 and additional revenue is needed to finalize this project in the amount of \$18,527.59;

m) All traffic operations work related to the CIDNA Speed Humps/Burnham Road project for a total of \$13,893.06. Traffic operations capital appropriation in 4100-943-9464 project CA6272 should be decreased by \$3,606.94;

n) All traffic operations work related to the Speed Humps 12th Avenue Southwest 26th project for a total of \$7,410.45. Traffic operations capital appropriation in 04100-9010000 project CA6273 should be decreased by \$6,589.55;

o) All traffic operations work related to the Traffic Calming/East Isles Neighborhood project for a total of \$18,975.30. Traffic operations capital appropriation for 04100-9010000 project CA6274 should be decreased by \$1,524.70;

p) All traffic operations work related to the Speed Humps Ramsey Street Northeast/8th project for a total of \$5,172.03. Traffic operations capital appropriation in 04100-9010000 project CA6275 should be decreased by \$1,827.97;

q) All traffic operations work related to the Tangletown Neighborhood Traffic Management project for a total of \$75,912.68. Traffic operations capital appropriation for 04100-9010000 project CA7004 should be decreased by \$14,787.32 and additional revenue is needed to finalize this project in the amount of \$301.34;

r) All traffic operations work related to the Changeable Message Signs for Ramps project for a total of \$75,000.00. There is no remaining traffic operations capital appropriation for 04100-9010000 project CA6241; and

s) All parking operations work related to the Construct New 9th Avenue South project for a total of \$76,985.50. Traffic operations capital appropriation for 04100-9010000 project CTR002TR should be decreased by \$1,014.50 and additional revenue is needed to finalize this project in the amount of \$25.24.

Be It Further Resolved that as result of the above close out of project (b), \$75,373.44 of Net Debt Bonds becomes available for re-allocation. This entire amount shall be re-allocated as follows:

- New Fire Station #17 Project - increase revenue and appropriation in 04100-9010000 CFIR02 in the amount of \$75,373.44.

Be It Further Resolved that as a result of the above close out of projects (d) and (h), \$78,977.00 of revenue becomes available for re-allocation. The entire amount shall be re-allocated as follows:

- \$18,527.59 to Project (l) Light Rail Transit Consultant in 04100-9010000-CA6271 to close;
- \$301.34 to Project (q) Tangletown Neighborhood Traffic Management in 04100-9010000-CA7004 to close;
- \$25.24 to Project (s) Construct New 9th Avenue South in 04100-9010000-CTR002TR to close;
- \$14,777.00 to New Fire Station #17 - increase revenue and appropriation in 04100-9010000-CFIR02 by \$14,777.00. This project is not being closed; and
- \$45,345.83 to Priority Vehicle Control System Phase 4 in 04100-9010000 CB1650. This project is not being closed.

Adopted 4/10/2009.

Resolution 2009R-155, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$75,373.44, was adopted 4/10/2009 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-155
By Colvin Roy and Ostrow

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$75,373.44.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds from the New Fire Station #14 Project (04100-9010000 project CPSI05) in the amount of \$75,373.44 to the New Fire Station #17 Project (04100-9010000 CFIR02).

Adopted 4/10/2009.

T&PW & W&M/Budget - Your Committee, having under consideration 2009 amendments to grant agreements with Mn/DOT and Transit for Livable Communities Non-Motorized Transportation Pilot Project, now recommends:

a) That the proper City officers be authorized to execute Amendment #2 to Mn/DOT Agreement No 89757 between the State of Minnesota and the City of Minneapolis (City Agreement C-23888) to provide up to \$5,636,000 in federal grant funding for the Non-Motorized Transportation Pilot Project;

b) That the proper City officers be authorized to execute Amendment #3 to the City Agreement (C-23887) with Transit for Livable Communities to perform specific work efforts in accordance with Mn/DOT Agreement No 89757 that provides up to \$5,636,000 in federal grant funding in effect for anticipated expenses through December 31, 2010; and

c) Passage of the accompanying resolution increasing the appropriation in the Grants - Federal Fund from \$2,474,892 to \$5,636,000.

Adopted 4/10/2009.

RESOLUTION 2009R-156
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 PW - Transportation Capital Agency in the Grants - Federal Fund (01300 9010943) from \$2,474,892 to \$5,636,000 and increasing the revenue source (01300 9010943 - Source 321050) from \$2,474,892 to \$5,636,000.

Adopted 4/10/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers be authorized to execute a settlement agreement between the City of Minneapolis and GE Ionics, Inc. (d/b/a GE Water Process & Technologies) to resolve disputes, make corrections and improvements to ultrafiltration equipment, and make contract changes in the amount of \$1,550,000, for a revised total contract amount of \$18,550,000. Funds are available within the project budget.

Adopted 4/10/2009.

Approved by Mayor Rybak 4/13/2009.

(Published 4/14/2009)

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a series of applications for Clean Water Revolving Funds passed through the Minnesota Pollution Control Agency and the Public Facilities Authority as part of the American Recovery and Reinvestment Act to obtain funding for wastewater and/or stormwater projects.

Adopted 4/10/2009.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 7082, Accept low bid of Lametti and Sons, Inc., for an estimated expenditure of \$68,520, for cured-in-place pipe liners;

b) OP 7083, Accept low bids to furnish and deliver bituminous mixtures as needed and called for through March 31, 2010, as follows:

- Commercial Asphalt Company, for an estimated annual expenditure of \$4,000,000; and
- Midwest Asphalt Corporation, for an estimated annual expenditure of \$1,500,000;

c) OP 7099, Accept low bid of Graymont (WI), LLC, for an estimated annual expenditure of \$1,600,000, to furnish and deliver quick lime to the Public Works Water Department through February 28, 2010; and

d) OP 7107, Accept low bid of Ironwood Companies, for an estimated expenditure of \$40,000, to furnish the removal and disposal of asbestos containing electrical conduit for the City of Minneapolis Public Works Department between April 1, 2009 and March 31, 2010.

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

Adopted 4/10/2009.

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 4/10/2009.

Resolution 2009R-157, authorizing settlement of *Raymond Campbell v. City of Minneapolis*; *Michael Luke Wilder v. City of Minneapolis*; and *Suwana Reynolds v. Thomas Wrayge and City of Minneapolis*, was adopted 4/10/2009 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-157

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) Raymond Campbell v. City of Minneapolis, by payment of \$6,000, payable to Raymond and Barbara Campbell and their attorneys, Griffel & Dorshow; payable from the Internal Service Self Insurance Fund (06900-1500100-145675).

b) Michael Luke Wilder v. City of Minneapolis, by payment of \$6,750, payable to Michael Luke Wilder and his attorneys, Milavetz, Gallop & Milavetz; payable from the Internal Service Self Insurance Fund (06900-1500100-145664).

c) Suwana Reynolds v. Thomas Wrayge and City of Minneapolis, by payment of \$6,500, payable to Suwana Reynolds and Heuer, Lund & Flores, P.A.; payable from the Internal Service Self Insurance Fund (06900-1500100-145685).

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

Adopted 4/10/2009.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney, to approve the initial authorization to submit all current and ongoing bills relating to the no-fault claimant Christine Rautio directly to the City Finance Officer for payment following review and signature by the City Attorney's designee pursuant to the procedures set forth in Article XIII, Section 16.1120 of the Minneapolis Code of Ordinances, payable from the Internal Service Self Insurance Fund (06900-1500100-145675).

Adopted 4/10/2009.

W&M/Budget - Your Committee, having under consideration the matter of *Jackson Mahaffy et al v. Kroll, Krueger, Bennett, Hanson, John Does Nos. 1-8 and City of Minneapolis*, now recommends that the City Council deny defense and indemnification of Robert J. Kroll and Wallace M. Krueger (Petn No 273399).

Adopted 4/10/2009.

W&M/Budget - Your Committee recommends approval of the May 2009 utility billing insert on behalf of Public Works asking water customers to take an online survey about their water use.
Adopted 4/10/2009.

W&M/Budget - Your Committee recommends approval of the 2010 Initial Budget Schedule, (as set forth in Petn No 273401).
Adopted 4/10/2009.

W&M/Budget - Your Committee, to whom was referred by the City Council on January 23, 2009 the subject matter relating to the federal fiscal year 2008 SAFER Grant, now recommends that proper City officers be authorized to officially communicate to Federal Emergency Management Agency (FEMA) the inability to accept said grant award.
Adopted 4/10/2009.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to apply for a four (4) year grant of \$360,000 from the Robert Wood Johnson Foundation's Healthy Kids, Healthy Communities initiative for a project period of December 15, 2009 through December 14, 2013 to prevent childhood obesity in diverse Minneapolis populations.
Adopted 4/10/2009.

W&M/Budget – Your Committee, having under consideration the Medica Skyway Senior Center Agreement #22384 with Medica, now recommends the following:
a) Authorize increasing said agreement by \$125,000.
b) Extend termination date to December 31, 2009; with all other terms and conditions to remain the same.
Adopted 4/10/2009.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of May, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded.
Adopted 4/10/2009.

Ostrow moved to discharge the Ways & Means/Budget Committee from further consideration of the Minneapolis 311 Contact Center's request to authorize execution of contracts with the top three (3) selected temporary staffing agency providers. Seconded.
Adopted 4/10/2009.

Ostrow moved to approve Minneapolis 311's request authorizing contracts with Masterson Personnel, Aerotek, and Nexpro Personnel for seasonal peak call volumes. Seconded.
Adopted 4/10/2009.

RESOLUTION

Resolution 2009R-158, honoring Rainbow Families, was adopted 4/10/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 10, 2009

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

RESOLUTION 2009R-158

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

Honoring Rainbow Families.

Whereas, Rainbow Families as the Midwest Office of the Family Equality Council has worked with lesbian, gay, bisexual and transgender-headed families and allies in the Twin Cities and the greater Midwest to ensure family equality by building community, changing hearts and minds, and advancing social justice for all families; and

Whereas, according to the 2000 Census, among large metropolitan areas, Minneapolis possesses the third largest concentration of gay and lesbian couples; and

Whereas, in 1995, a group of lesbian and gay parents in the Twin Cities organized a conference for their families that resulted in the founding of Rainbow Families as an organization; and

Whereas, on April 18, 2009, Rainbow Families will be hosting their 14th Annual Conference, the largest of its kind in the nation, for current and prospective lesbian, gay, bisexual and transgender parents, their children, family members and friends, area educators and community members; and

Whereas, the City of Minneapolis recognizes the leadership role that Rainbow Families has exerted for over a decade; and the importance of the Rainbow Families Conference as an unequalled resource for lesbian, gay, bisexual and transgender -headed families and the entire Minneapolis community; and

Whereas, Rainbow Families has made significant progress towards full lesbian, gay, bisexual and transgender equality in Minnesota and has served as an essential model for national efforts to face unmet challenges still faced by lesbian, gay, bisexual and transgender people everywhere; and

Whereas, Rainbow Families has worked with Minneapolis lesbian, gay, bisexual, and transgender parents and their children for fourteen years to build a safe, just, and affirming world, bringing hope to prospective parents and individuals in all stages of parenting; and

Whereas, 2009 marks the 14th Anniversary of the Rainbow Families Conference;

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

That Saturday, April 18, 2009, be proclaimed as Rainbow Families Day in The City of Minneapolis.

Adopted 4/10/2009.

UNFINISHED BUSINESS

A proposed resolution honoring the 2008-2009 State Champion South High Lady Tigers Basketball Team was postponed to April 24, 2009.

A proposed resolution honoring all time leading scorer Tayler Hill was postponed to April 24, 2009.

NEW BUSINESS

Johnson moved to request unanimous consent to introduce an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, that Section 20.456 and Section 20.900 be amended to replace the six months of city paid COBRA benefits with a city contribution to the Health Reimbursement Arrangement VEBA. Seconded.

Adopted 4/10/2009.

Johnson moved that said ordinance be given its second reading for amendment and passage. Seconded.

Adopted 4/10/2009.

Ordinance 2009-Or-031, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending Section 20.456 and Section 20.900 to be amended to replace the six months of city paid COBRA benefits with a city contribution to the Health Reimbursement Arrangement VEBA, was adopted 4/10/2009 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-031
By Johnson
Intro & 1st Reading: 4/10/2009
2nd Reading: 4/10/2009

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

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

Section 1. That Section 20.456 of the above-entitled ordinance be amended to read as follows:

20.456. 2005 Severance pay for appointed employees. (a) Beginning September 1, 2005, all full-time employees who are not represented through a collective bargaining agreement with the city but excluding those appointees in the council's and mayor's offices, shall enter into an employment contract with the city. The employment contract shall set forth all the terms and conditions of employment, including, except for those employees who are appointed for a term, the condition of employment that the employee is "at will" and may be removed from the appointed position by the appointing authority with or without cause. The employment contract shall provide that if the employee is removed from the employee's position, other than for malfeasance, misfeasance, or nonfeasance in office during his/her first three (3) years, he/she shall receive a lump sum payment equal to six (6) months annual salary. The lump sum payment shall be reduced by one month for each additional year of service in the position beyond the third year with the minimum lump sum payment equal to three (3) months of the employee's annual salary. The payment of this severance pay is pursuant to Minnesota Statutes Section 465.72 and 465.722 and is conditioned upon the employee agreeing to release the city from any and all causes of action or claims the employee may have against the city and complying with all applicable notice, waiver and rescission provisions in federal and state law and is in addition to any contribution to the health care savings plan authorized by section 20.440. Severance payments under this section shall be paid within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Employees who elect to not execute a general release of causes of action or claims have no right to any severance payment under this section. In no event shall any severance payment exceed the amount allowed under Minnesota law.

(b) In addition to the severance payment in paragraph (a), ~~the city will pay the full amount of the first six (6) months of COBRA (Consolidated Omnibus Budget Reconciliation Act) payments for health insurance for those appointed employees who are removed, provide the city the general release required in paragraph (a) and do not accept another city position;~~ the city will pay the following:

(1) Beginning April 1, 2009.

a. If the appointed employee has medical coverage or medical and dental insurance coverage on the date of removal and the appointed employee elects to continue medical insurance through the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or medical and dental insurance through COBRA, the following contribution to the employee's Health Reimbursement Arrangement Plan account:

<u>1st Month of COBRA Eligibility</u>	<u>Contribution Medical Coverage Level</u>	
	<u>Single</u>	<u>Family</u>
<u>May 2009</u>	<u>\$1,430</u>	<u>\$4,470</u>
<u>June 2009</u>	<u>\$1,450</u>	<u>\$4,540</u>
<u>July 2009</u>	<u>\$1,470</u>	<u>\$4,600</u>
<u>August 2009</u>	<u>\$1,490</u>	<u>\$4,670</u>
<u>September 2009</u>	<u>\$1,520</u>	<u>\$4,740</u>
<u>October 2009</u>	<u>\$1,540</u>	<u>\$4,800</u>
<u>November 2009</u>	<u>\$1,560</u>	<u>\$4,870</u>
<u>December 2009</u>	<u>\$1,580</u>	<u>\$4,940</u>
<u>January 2010</u>	<u>\$1,600</u>	<u>\$5,000</u>

- b. If the appointed employee has only dental insurance coverage on the date of removal and the appointed employee elects to continue dental insurance through COBRA, one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the removal and for the dental plan in effect on the date of the removal.

The terms of this section 20.465(b)(1) will expire on December 31, 2009.

(2) Beginning January 1, 2010,

- a. If the appointed employee elects to continue medical insurance through COBRA, one hundred (100) percent of the premium for medical insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the removal and for the medical plan in effect on the date of the removal.
- b. If an employee elects to continue dental insurance through COBRA, one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the removal and for the dental plan in effect on the date of the removal.

(c) If the executive committee does not intend to reappoint a department head who is appointed for a term, the executive committee shall provide notice of its decision to that department head at least three (3) months prior to the end of the department head's current term. If the executive committee fails to provide such notice, the department head shall receive, at the sole discretion of the executive committee, either an additional three (3) months of severance pay or outplacement assistance in an amount equal to three (3) months of severance pay.

d) Those appointed employees that execute the release described in paragraph (a) and subsequently return to or accept another city position shall receive as severance pay an amount equal to the difference between the annual salary in the position from which the department was terminated and the annual salary for the position into which the employee is reemployed up to the maximum allowed in paragraph (a).

Section 2. That Section 20.900 of the above-entitled ordinance be amended to read as follows:

20.900. Insurance continuation. All employees whose positions are eliminated pursuant to this ordinance and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance: (a) Beginning April 1, 2009. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance.

- (1) If an employee has medical coverage or medical and dental insurance coverage on the date of layoff and the employee elects to continue medical insurance through COBRA or medical and dental insurance through COBRA, the city shall make the following contribution to the employee's Health Reimbursement Arrangement Plan account:

<u>1st Month of COBRA Eligibility</u>	<u>Contribution Medical Coverage Level</u>	
	<u>Single</u>	<u>Family</u>
<u>May 2009</u>	<u>\$1,430</u>	<u>\$4,470</u>
<u>June 2009</u>	<u>\$1,450</u>	<u>\$4,540</u>
<u>July 2009</u>	<u>\$1,470</u>	<u>\$4,600</u>
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<u>October 2009</u>	<u>\$1,540</u>	<u>\$4,800</u>
<u>November 2009</u>	<u>\$1,560</u>	<u>\$4,870</u>
<u>December 2009</u>	<u>\$1,580</u>	<u>\$4,940</u>
<u>January 2010</u>	<u>\$1,600</u>	<u>\$5,000</u>

- (2) If an employee has only dental insurance coverage on the date of layoff and the employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.

The terms of this section 20.900(a) will expire on December 31, 2009.

(b) Beginning January 1, 2010. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance:

- (1) If an employee elects to continue medical insurance through COBRA, the city shall pay one hundred (100) percent of the premium for medical insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect on the date of the layoff.
- (2) If an employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.

The terms of section 20.900(b) relating to the continuation of insurance benefits will expire on December 31, 2011. The city council must take specific action to extend the terms of section 20.900(b) relating to the continuation of insurance benefits if the city council wants those specific insurance benefits to apply to laid off employees after December 31, 2011.

Adopted 4/10/2009.

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to Traffic Code: In General (exempting work on the highway from the provisions of Sections 466.230 and 474.240 of the Code).

APRIL 10, 2009

Lilligren moved to adjourn to Room 315 City Hall to consider the matters of:

- a) On-Sale Liquor License, Class B, held by T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery; Minnesota Court of Appeals File No. A08-0681;
 - b) T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery v. City of Minneapolis, United States District Court File No. 08-CV-512 JMT/FLN; and
 - c) Arradondo, et al. v. City of Minneapolis, et al. Seconded.
- Adopted upon a voice vote 4/10/2009.

Room 315 City Hall

Minneapolis, Minnesota

April 10, 2009 - 12:16 p.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Member Hofstede.

Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the matters of:

- a) On-Sale Liquor License, Class B, held by T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery; Minnesota Court of Appeals File No. A08-0681;
- b) T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery v. City of Minneapolis, United States District Court File No. 08-CV-512 JMT/FLN; and
- c) Arradondo, et al. v. City of Minneapolis, et al.

At 12:17 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Hofstede.

Present - Council Members Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede (In at 12:20), Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, President Johnson.

Also Present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore, Assistant City Attorney; Lisa Needham, Assistant City Attorney; Burt Osborne, Director, Operations, Licensing, and Environmental Services, Regulatory Services Department; Steven J. Ristuben, City Clerk; and Peggy Menshek, City Clerk's Office.

Moore summarized the matters relating to the On-Sale Liquor License, Class B, held by T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery; Minnesota Court of Appeals File No. A08-0681 and T.J. Management of Minneapolis d/b/a Gabby's Saloon and Eatery v. City of Minneapolis, United States District Court File No. 08-CV-512 JMT/FLN from 12:17 p.m. to 12:40 p.m.

Moore summarized the Arradondo, et al. v. City of Minneapolis, et al. lawsuit from 12:40 p.m. to 1:17 p.m.

At 1:17 p.m., Gordon moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Remington moved to approve the settlement of the case of Arradondo, et al v. City of Minneapolis, et. al., United States District Court File No.: 07-CV-4736 (MJD/SRN) with payment of \$740,000.00 to Plaintiffs and their attorneys, Klassen, P.A. and Muller and Muller, P.L.L.C. The settlement fund shall be distributed as follows:

APRIL 10, 2009

Donald Harris: \$187,668
Medaria Arradondo: \$187,666
Charles Adams: \$187,666
Lee Edwards: \$137,000
Dennis Hamilton: \$40,000

Payment shall be from Fund/Org. 06900-1500100-145400-7115. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 4/10/2009. Yeas, 12; Nays, 1 as follows:

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

Nays - Goodman.

Approved by Mayor Rybak 4/13/2009.

(Published 4/14/2009)

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 4/10/2009.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 4/14/2009
Official Posting: 4/17/2009; 5/4/2009
Correction: 5/6/2009; 11/2/2009