

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JULY 1, 2011

(Published July 9, 2011, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
July 1, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Gordon.

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include under New Business an ordinance introduction amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Gordon.

The agenda, as amended, was adopted upon a voice vote 7/1/2011.

Absent - Colvin Roy, Gordon.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of June 17, 2011. Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Colvin Roy, 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 7/1/2011.

Absent - Colvin Roy, Gordon.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (275020)

2011 Audit Plan: Change in Objective & Scope for Protection of Private Information review.

Second Quarter 2011 Internal Audit Report.

AUDIT (See Rep):

FINANCE DEPARTMENT (275019)

State of MN/Office of State Auditor Management & Compliance Reports: City of Minneapolis; Mpls Park & Recreation Board.

COMMITTEE OF THE WHOLE (See Rep):

INTERGOVERNMENTAL RELATIONS (275021)

National Broadband Plan "Notice of Inquiry": Approve Comments for submission to the FCC in response to Notice of Inquiry on barriers to broadband development.

COMMITTEE OF THE WHOLE and WAYS & MEANS/BUDGET (See Rep):

NEIGHBORHOOD AND COMMUNITY RELATIONS (275022)

Rebuilding Our Communities Fund: Authorize creation of 2-year Rebuilding Our Communities: Long-Term Recovery and the New North, administered by the Neighborhood and Community Relations Department.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275023)

City Place Lofts (730 Hennepin Ave): Preliminary approval to issue bonds for rental housing facility.

2011 Affordable Housing Incentive Fund: Approval for Hennepin County Housing & Redevelopment Authority to provide financial assistance to six projects in Mpls.

Workforce Investment Act: Authorize Mayor to sign PY2011 Local Unified Plan.

Hi Lake Triangle Apartments (2230 E Lake St): Authorize continued analysis of project.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275024)

Business Recovery Loan Program: Acceptance of funds from State of MN & establishment of a program in partnership with Metropolitan Consortium of Community Developers.

FINANCE DEPARTMENT (275025)

Consolidated Redevelopment Tax Increment Financing Plan: Modification No. 1.

PURCHASING (275026)

Bid for Demolition of Properties (3456 Penn Ave N, 2731 James Ave N, 2305 Emerson Ave N, 3442-6th St N, 314-36th Ave N, 1804 E 31st St): Low bid of G Urban Companies, Inc.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

HEALTH AND FAMILY SUPPORT SERVICES (275027)

State Shutdown Impact on Department of Health & Family Support: Report.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

HEALTH AND FAMILY SUPPORT (275028)

Public Health Advisory Committee: Approve appointments of Saeng Kue, Ward 4 representative; and Pat Hillmeyer, Ward 3 representative for terms to expire December 31, 2012.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT, ET AL. (275029)

HIPAA Hybrid Entity: Resolution declaring the City a HIPAA Hybrid Entity, the School Based Clinics as the City's Health Care Components, and the creation of a HIPAA Steering Committee.

HEALTH AND FAMILY SUPPORT SERVICES (275030)

Electronic Health Records System: Execute agreement with NextGen Healthcare Information Systems to purchase a license to use the company's electronic health record and practice management systems and ongoing maintenance and support for the School Based Clinic Program.

State Health Improvement Program (SHIP): Accept \$270 from Minnesota Department of Health for the prevention of obesity and tobacco use through policy, systems and environmental change interventions in the healthcare setting; Extend termination date to September 31, 2011; and Approve appropriation.

State Health Improvement Program (SHIP): Accept \$85,883 from Minnesota Department of Health for the prevention of obesity and tobacco use through policy, systems and environmental change interventions in the community, worksites, healthcare and school settings; Extend the termination date; and Approve appropriation.

Minneapolis Economic Recovery - Communities Putting Prevention to Work Grant: Accept \$400,000 in American Recovery and Reinvestment Act funds to provide funds for an obesity prevention conference at the Minneapolis Convention Center and out of state travel expenses for obesity prevention; and Approve appropriation.

POLICE DEPARTMENT (275031)

Police Services to Minneapolis Public Housing Authority: Execute agreement with Minneapolis Public Housing Authority to receive \$63,122 to provide the services of a sergeant investigator for a one-year period to investigate alleged criminal activity and suspected fraud by Section 8 participants; and Approve appropriation.

Police Department Logo in Statue of David Film: Execute a release contract to allow production company to show Police Department emblems and to include credits at the end of film.

Police Auto Theft Prevention Program: Accept donation of a 1997 Saturn SL2 from the National Insurance Crime Bureau.

Forensic Interview Services: Issue Request for Proposals for services for child and vulnerable adult victims of crime.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275032)

Thinc.GreenMSP Steering Committee: Approve four new Mayoral appointments — Charles Burdick, Sr; Lea Hargett; Reuven Rahamim; and Doug Ruth.

LICENSES AND CONSUMER SERVICES (275033)

Chiang Mai Thai Restaurant (3001 Hennepin Av): Approve Business License Operating Conditions relating to On-Sale Liquor Class C-2 with Sunday Sales License.

Kents Stump Removal (3854 Washburn Av N): Approve Business License Operating Conditions relating to Tree Servicing License.

Louisiana Chicken (904 W Broadway): Business License Operating Conditions relating to Restaurant License.

LICENSES AND CONSUMER SERVICES (275034)

Kitchen in the Market (920 E Lake St): Approve Business License Operating Conditions relating to On-Sale Wine Class E with Strong Beer License.

Chicago Lake Liquor Store (825 E Lake St): Approve License Settlement Conference recommendations relating to Off-Sale Liquor License.

Qoraxlow Cafe & Macmacaan (1304 E Lake St): Approve agreement relating to Restaurant License.

LICENSES AND CONSUMER SERVICES (275035)

Licenses: Applications.

REGULATORY SERVICES (275036)

Property at 2222 4th St N: Approve demolition; and Direct City Attorney's Office to draft Findings of Fact.

REGULATORY SERVICES (275037)

Tobacco Licensing: Ordinance clarifying the activity of lighting and sampling of tobacco products in exclusive tobacco shops.

REGULATORY SERVICES (275038)

Property at 2432 14th Av S: Approve demolition.

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

REGULATORY SERVICES (275039)

Rental Licensing: Amend the Administrative Fine Schedule to increase the fine from \$500 to \$2,000 for occupying a rental unit after the license has been revoked.

2012 License Fees: Approve increasing all licenses contained in the License Fee Schedule by 1.5% effective January 1, 2012, with the exception of the Pollution Control Annual Billing fees, which shall be increased by 3%.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (275040)

Cedar Lake Blvd Railroad Safety Project: Cancellation of Railroad Crossing Upgrade Project at Burnham Rd.

Sanitary Sewer Construction: Agreement with Minneapolis Public Housing Authority.

22nd St E Reconstruction and Street Lighting Project No 2998: Project designation.

Graffiti: Return to author ordinance amending definition of graffiti.

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

PUBLIC WORKS AND ENGINEERING (275041)

49th Ave N Street Resurfacing Project No 5218: a) Project approval and assessment public hearing; and b) Comments.

2011 Alley Resurfacing Program No FS12#1: a) Amend project number; b) Project approval and assessment public hearing; and c) Comments.

Non-Motorized Transportation Pilot Project (NTP): Extension of agreement with Transit for Livable Communities (TLC).

Biennial Routine Maintenance Agreement with Mn/DOT: Extension.

SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users): Project submittal.

60th St E Repairs: Increase appropriation.

Bids: a) OP 7460, Low bid of DMJ Asphalt, Inc for asphaltic concrete vehicular paving; b) OP 7462, Low bid of Rachel Contracting, Inc for the Garfield Ave S Construction Project; and c) OP 7463, Low responsive bid of Ferguson Waterworks for double disc gate valves.

WAYS AND MEANS BUDGET:

REGULATORY SERVICES (275042)

Land Management System: Report on ongoing costs.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (275043)

Legal Settlement: Vera Milyavskaya v. City of Minneapolis.

MN State Patrol Grant: Accept and execute grant agreement with State of Minnesota, State Patrol, for travel expenses to International Association of Chiefs of Police Training Conference on Drugs, Alcohol and Impaired Driving.

You've Been Served: Amend Master Legal Services Agreement.

BUSINESS INFORMATION SERVICES (BIS) (275044)

Digital Health Software Application: Amend contract with Garrison Enterprises; and extend contract for a 3 year period.

Citation Software Application: Amend contract with Advanced Public Safety; and extend contract for 1 year.

e.Republic Gift Donation: Accept donation for travel and lodging expenses for Otto Doll, BIS CIO to participate in e.Republic's 5th Annual Center for Digital Government Summit.

COORDINATOR (275045)

Urban Bird Treaty Funds Award: Accept funds from US Fish and Wildlife Service to ensure effective and attractive sanctuary for resident, breeding and migratory birds; Execute grant, subrecipient and/or disbursement and related agreements; and approve appropriations.

FINANCE DEPARTMENT (275046)

FEMA Sub-grant Agreements: Delegate Lee Larson, Susan Hartman, and Terri Spencer the authority to sign the FEMA sub agreements in order to facilitate the reimbursement process.

FIRE DEPARTMENT (275047)

State of Minnesota Medical First Responder Reimbursement Pilot Project: Extend existing Joint Powers Agreement; and receive additional funds.

HUMAN RESOURCES (275048)

Benefit Consulting Service: Negotiate and execute 3-year contract with David Martin Agency, Inc. to provide consulting services; with option to extend up to two (2) one-year terms.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (275049)

Appeal:

Minneapolis-Hennepin Recycling and Drop-Off Center (340 27th Ave NE): Appeal of interpretation of use by the zoning administrator.

PLANNING COMMISSION/DEPARTMENT (275050)

Appeal:

Oaks Properties and Metropolitan Council (3550 46th St E, aka 4536 36th Ave S): Appeal filed by James Hayes from approval of CUP, site plan review, and a preliminary subdivision plat, relating to a 104-unit four story building.

Vacation:

Street vacation application related to above appeal.

PLANNING COMMISSION/DEPARTMENT (275051)

Rezoning:

North Central University (1401-1425 Chicago Ave)

Zoning Code Text Amendment:

Clothing Collection Bins, Title 20, Chapters 525 & 537

Comprehensive Plan Amendment:

Amendment relating to Central Corridor Transit Station Area

Zoning Board of Adjustment Appointments:

John Finlayson, Ami Thompson, and Daniel Ogiba

NEW BUSINESS (See Rep):

REGULATORY SERVICES (275052)

Electrical Inspections: Ordinance authorizing the Building Official of the City of Minneapolis to issue permits, coordinate inspections and approve completed projects during the State of Minnesota government shutdown.

*The following reports were signed by Mayor Rybak on July 6, 2011, **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 reports:

Comm of the Whole - Your Committee, having under consideration appointments to the MSP Noise Oversight Committee (NOC), now recommends approval of the accompanying resolution reappointing John Quincy as the City representative to NOC and Paul Mogush as the alternate.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-330, appointing a City representative and alternate to the MSP Noise Oversight Committee, was adopted 7/1/2011 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 2011R-330

By Glidden

Appointment of a City representative and alternate to the MSP Noise Oversight Committee.

Whereas, the City of Minneapolis is participating as a member of the MSP Noise Oversight Committee (NOC) with other affected communities and airport user groups to discuss noise abatement measures and to make advisory recommendations to the Metropolitan Airports Commission (MAC) regarding noise issues; and

Whereas, the bylaws of the NOC provide for discussion at meetings only by designated representatives and alternates; and

Whereas, the City of Minneapolis has been represented on the NOC by Council Member John Quincy, and Merland Otto, Principal Planner, is a designated alternate, both of whose terms expire June 25, 2011;

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

That Council Member John Quincy shall be designated as the City's NOC representative, and Paul Mogush, Planner, shall be designated as an alternate for the City of Minneapolis on the MSP Noise Oversight Committee for two year terms effective June 26, 2011.

Be It Further Resolved that a copy of this resolution be transmitted to the MAC and to the committee co-chairs - Vern Wilcox and Mary Loeffelholz.

Adopted 7/1/2011.

Absent - Gordon.

Glidden moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from June 30, 2011, regarding the National Broadband Plan at this meeting. Seconded.

Adopted 7/1/2011.

Absent - Gordon.

Comm of the Whole - Your Committee, having under consideration Comments prepared by the City to the Federal Communications Commission in response to the "Notice of Inquiry" on barriers to broadband development regarding the National Broadband Plan, now recommends approval of those comments for submission to the FCC as consistent with Minneapolis' longstanding position on rights of way control and access.

Adopted 7/1/2011.

Absent - Gordon.

The **COMMITTEE OF THE WHOLE** and **WAYS & MEANS/BUDGET Committees** submitted the following report:

Comm of the Whole & W&M/Budget - Your Committee, having under consideration the creation of the two-year Rebuilding Our Communities Fund: Long-term Recovery and the New North, now recommends:

a) Approval of the creation of said fund to be administered by the Neighborhood and Community Relations (NCR) Department in an amount not to exceed \$600,000 to be funded from post-2009 interest earnings on the existing fund balance of Fund 01SNR;

b) Passage of the accompanying resolution amending the 2011 General Appropriation Resolution approving appropriations; and

c) That City staff be authorized to increase the Community Participation Program contracts for the eligible neighborhoods by \$10,000, with future contracting of Rebuilding Our Communities Fund will be in accordance with City contracting procedures.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-331, amending the 2011 General Appropriation Resolution, was adopted 7/1/2011 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 2011R-331
By Lilligren and Hodges**

Amending the 2011 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) Transfer of \$300,000 from post-2009 interest earnings on the existing fund balance of Fund 01SNR-8900-800 to Fund 01800-8450;

b) Increase the Community Planning and Economic Development agency Fund 01SNR (01SNR-8900800) appropriation by \$300,000 from the available fund balance;

c) Increase the 2011 Revenue Budget for the Neighborhood and Community Relations Department Special Revenue Fund 01800 (8450100-375504) by \$300,000; and

d) Increase the Neighborhood and Community Relations Department Special Revenue Fund 01800 (01800-8450100) appropriation by \$300,000 from the available fund balance.

Adopted 7/1/2011.

Absent - Gordon.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the City Place Lofts Project, a proposed development to include the acquisition and rehabilitation of a 45-unit rental housing facility at 730 Hennepin Ave, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$5,500,000 of Tax Exempt Multifamily Housing Revenue Entitlement Bonds for said project.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-332, giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds in one or more series under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and rehabilitation of a multifamily rental

housing development for the benefit of City Place Lofts Limited Partnership at 730 Hennepin Ave, was adopted 7/1/2011 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 2011R-332
By Goodman

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds in one or more series under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and rehabilitation of a multifamily rental housing development for the benefit of City Place Lofts Limited Partnership at 730 Hennepin Avenue.

Whereas, the City of Minneapolis, Minnesota (the "City") is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of City Place Lofts Limited Partnership, a Minnesota limited partnership, or its affiliates or assigns (the "Developer") has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of up to \$5,500,000 of its tax-exempt multifamily housing revenue bonds, in one or more series (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and rehabilitation by the Developer of a 45-unit multifamily rental housing development located at 730 Hennepin Avenue in the City (the "Project"); and

Whereas, the Developer has paid and expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long term basis and certain of the proceeds of the Bonds will be used to reimburse the Reimbursement Expenditures;

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bonds after at least 15 days published notice hereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the Council has been advised by Piper Jaffray & Co., representing the Developer, that on the basis of information available to them, the Project is economically feasible and the Bonds could be successfully issued and sold; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the city, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefor;

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

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in a principal amount not to exceed \$5,500,000 is preliminarily approved.

Be It Further Resolved that the City hereby reserves \$5,500,000 of its 2011 (or carryover) housing revenue bond entitlement authority for the financing of the Project.

Be It Further Resolved that the City hereby makes this declaration for purposes of establishing compliance with the requirements of Section 1.150 2 of the Treasury Regulations.

Be It Further Resolved that the City hereby declares its official intent to use proceeds of indebtedness to reimburse the Developer for Reimbursement Expenditures, including those expenditures made sixty days prior to adoption of this Resolution.

Be It Further Resolved that the foregoing preliminary approval of the issuance of Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the Minneapolis Community Planning and Economic Development Department is hereby authorized, in cooperation with bond counsel to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 7/1/2011.

Absent - Gordon.

Comm Dev - Your Committee recommends passage of the accompanying resolution granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance from the 2011 Affordable Housing Incentive Fund to the following six projects located in Minneapolis: Alliance Northside Properties, \$170,000; City of Lakes Community Land Trust HIP, \$90,000, Emanuel Housing, \$650,000; Longfellow Station, \$460,000; Project: Reclaim 2, \$100,000; Urban Homeworks Rental: Reclaim 4, \$160,000.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-333, granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to Alliance Northside Properties (\$170,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$90,000), Emanuel Housing (\$650,000), Longfellow Station (\$460,000), Project: Reclaim 2 (\$100,000), and Urban Homeworks Rental; Reclaim Phase 4 (\$160,000) under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes, Section 383B.77, was adopted 7/1/2011 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 2011R-333

By Goodman

Granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to Alliance Northside Properties (\$170,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$90,000), Emanuel Housing (\$650,000), Longfellow Station (\$460,000), Project: Reclaim 2 (\$100,000), and Urban Homeworks Rental; Reclaim Phase 4 (\$160,000) under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes, Section 383B.77.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to \$1,630,000, to the City of Minneapolis (the "City") for the six (6) projects in Minneapolis, Minnesota identified in the attached spreadsheet (the "Projects"); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, subd. 2, the County HRA cannot exercise its powers within the boundaries of the City unless the City requests the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision

of financial assistance for the Projects in the City;

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, Section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to \$1,630,000 from the County HRA.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City to assist the Projects, nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Projects.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the Projects, and the City shall retain all other powers and jurisdiction over matters relating to the City and the Projects.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects to be undertaken.

Adopted 7/1/2011.

Absent - Gordon.

Comm Dev - Your Committee recommends that the Mayor be authorized to sign the PY2011 Local Unified Plan for the Workforce Investment Act (WIA), for the period of 7/1/2011 to 6/30/2012.

Adopted 7/1/2011.

Absent - Gordon.

Comm Dev - Your Committee, having under consideration the Hi Lake Triangle Apartments Project, the proposed development to be located adjacent to the Lake Street/Midtown Light Rail Transit Station at 2230 E Lake St consisting of 68 units of affordable senior rental housing, now recommends that the proper City officers be authorized to continue analysis of said project proposal to determine if tax increment financing (TIF) assistance is appropriate and justifiable.

Further, if analysis concludes that TIF assistance is appropriate, that staff be authorized to negotiate the terms and conditions of a redevelopment contract and prepare redevelopment and TIF plans for the project as needed. All such terms and conditions, plans, and other provisions would be subject to City Council review, discussion, and approval or denial.

Adopted 7/1/2011.

Absent - Gordon.

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

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7445 from G Urban Companies, Inc, in the amount of \$82,250, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish demolition and site clearance of the following structures as per bid specifications: 3456 Penn Ave N, 2731 James Ave N, 2305 Emerson Ave N, 3442 6th St N, 314 36th Ave N and 1804 E 31st St.

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

Adopted 7/1/2011.

Absent - Gordon.

Comm Dev & W&M/Budget - Your Committee, having under consideration the establishment of a Business Recovery Loan Program, now recommends:

a) That the proper City officers be authorized to accept a \$100,000 interest-free forgivable loan from the State of Minnesota Agricultural and Economic Development Board and to accept an additional \$100,000 of capital from other funding partners to establish the Business Recovery Loan Program, and to enter into a contract with the Metropolitan Consortium of Community Developers (MCCD) or amend the existing Contract #C-24003 to reflect the establishment of the Business Recovery Loan Program;

b) Passage of the accompanying resolution increasing the Department of Community Planning & Economic Development (CPED) appropriation by \$200,000 to reflect the \$100,000 from the State and an additional \$100,000 match from other funding partners and increasing the revenue source; and

c) Passage of the accompanying resolution delegating authority to the Executive Director of CPED or their designee to make and execute a contract with the Minnesota Department of Employment and Economic Development and the Metropolitan Consortium of Community Development consistent with the Business Recovery Loan Program guidelines.

Adopted 7/1/2011.

Absent - Gordon.

RESOLUTION 2011R-334
By Goodman and Hodges

Amending the 2011 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 in the Department of Community Planning and Economic Development (CPED) Economic Development Program Fund (01SED-8900330) by \$200,000 from the available fund balance to reflect the \$100,000 from the State and an additional \$100,000 from other funding partners; and increasing the 2011 Revenue Budget for CPED Grants Other Fund (01600-8900900-321504) by \$200,000.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-335, delegating authority to the Director of the Department of Community Planning & Economic Development to make and execute contracts, loan agreements and other appropriate loan documents consistent with the Business Recovery Loan Program, was adopted 7/1/2011 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 2011R-335
By Goodman and Hodges

Delegating Authority to make and execute Contracts, Loan Agreements and other appropriate loan documents consistent with the Business Recovery Loan Program.

Resolved by The City Council of The City of Minneapolis:

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

Adopted 7/1/2011.

Absent - Gordon.

Comm Dev & W&M/Budget - Your Committee, having under consideration Modification No. 1 to the Consolidated Redevelopment Tax Increment Financing Plan which a) reduces the tax increment budget; b) identifies the actual original tax capacity rates for the TIF district; c) states the City elects

to retain 100% of the captured net tax capacity of the TIF district for taxes payable 2011, 50% for taxes payable 2012 and 2013, and 100% for taxes payable 2014-2020; and d) updates the tax increment projections for taxes payable in 2011 and in 2011-2020, now recommends passage of the accompanying resolution approving said Modification No. 1.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-336, approving Modification No. 1 to the Consolidated Redevelopment Tax Increment Financing District Tax Increment Financing Plan, was adopted 7/1/2011 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 2011R-336
By Goodman and Hodges

Approving Modification No. 1 to the Consolidated Redevelopment Tax Increment Financing District 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. The Minnesota Legislature adopted Laws of Minnesota 2008, Chapter 366, Article 5, Section 37 (the "Special Legislation"). The City approved the Special Legislation on July 11, 2008 by Resolution 2008R-276, in accordance with Minnesota Statutes, Section 645.021, Subd. 3.

1.3. The Special Legislation authorized the City to create a new redevelopment TIF district comprised of all or part of the property located within 15 pre-1979 TIF districts that terminated on August 1, 2009.

1.4. By Resolution 2009R-595 duly adopted December 18, 2009 and approved December 22, 2009, the City approved the Consolidated Redevelopment TIF District TIF Plan (the "Plan"), creating the Consolidated Redevelopment TIF District (the "District"), a new redevelopment TIF district that exists outside the boundaries of any project area. The Plan designates property to be included within the District and identifies a budget for expenditures, all pursuant to and in accordance with the Project Laws and/or the Special Legislation.

1.5. On February 11, 2011, this Council approved a plan to retain 50 percent of the captured net tax capacity of the District in 2012 and 2013 to provide property tax relief, and directed staff to prepare a modification to the Plan to reflect this change.

1.6. The City has prepared, and this Council has investigated the facts with respect to, Modification No. 1 to the Plan (the "Modification"). The Modification reduces the tax increment budget; identifies the District's original tax capacity rates; states the City's election to retain 100 percent of the District's captured net tax capacity for taxes payable in 2011, 50 percent for taxes payable in 2012 and 2013, and 100 percent for taxes payable in 2014 through 2020; and updates tax increment projections.

1.7. The City has performed all actions required by law to be performed prior to approval of the Modification.

1.8. The Council believes that it is necessary and in the best interests of the City at this time to approve the Modification.

Section 2. Findings for the Adoption of the Modification

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

2.2. The Council further finds, determines and declares that the Modification conforms 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 reasons and facts supporting the findings in this resolution are described in the Plan.

Section 3. Approval of the Modification

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

Section 4. Implementation of the Modification

4.1. 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 Modification 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.

4.3. 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 7/1/2011.

Absent - Gordon.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following report:

PSC&H - Your Committee recommends approval of the following appointments to the Public Health Advisory Committee for two-year terms to expire December 31, 2012:

- a) Saeng Kue, representing Ward 4;
- b) Pat Hillmeyer, representing Ward 3.

Adopted 7/1/2011.

Absent - Gordon.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a five-year agreement with NextGen Healthcare Information Systems, Inc., in an amount not to exceed \$350,000, to purchase a license for the use of NextGen Healthcare Information Systems' electronic health record and practice management systems, along with ongoing maintenance and support, for the School Based Clinic Program.

Adopted 7/1/2011.

Absent - Gordon.

Approved by Mayor Rybak 7/5/2011.

(Published 7/6/2011)

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution declaring the City a HIPAA Hybrid Entity, the School Based Clinics as the City's Health Care Components, and the creation of a HIPAA Steering Committee.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-337, declaring the City a HIPAA Hybrid Entity, the School Based Clinics as the City's Health Care Components, and the creation of a HIPAA Steering Committee, was adopted

7/1/2011 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 2011R-337
By Samuels and Hodges**

Declaring the City a HIPAA Hybrid Entity, the School Based Clinics as the City's Health Care Components, and the Creation of a HIPAA Steering Committee.

Whereas, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and regulations promulgated thereunder, the Health Information Technology for Economic and Clinical Health Act ("HITECH"), and regulations promulgated thereunder, require public and private entities that provide certain health care services to comply with regulations related to the collection, use, disclosure and security of individually identifiable health information; and

Whereas, the City of Minneapolis (the "City") is committed to compliance with all applicable laws and regulations relating to data privacy and security, including, but not limited to HIPAA and HITECH; and

Whereas, in 2002 the City conducted an assessment of its divisions, programs and departments for applicability of HIPAA requirements and determined that the City is a sponsor of employee welfare benefit plans and that the only components of the City providing health care services were the School Based Clinics ("SBC") of the Minneapolis Department of Health and Family Support ("MDH&FS") and the Minneapolis Fire Department ("MFD"); and

Whereas, the City's group health plans ("City Plans") are separate Covered Entities under HIPAA, and although the City Plans are not business lines of the City, the City, as an employer sponsor of group Health Plans, is indirectly impacted by the HIPAA health plan requirements; and

Whereas, the 2002 HIPAA assessment of the health care services activities of the MFD was that the MFD did not transmit any health information in electronic form in connection with a transaction covered by HIPAA and therefore the MFD was not subject to HIPAA; and

Whereas, the 2002 HIPAA assessment of the health care services activities of the SBC was that the SBC did not transmit any health information in electronic form in connection with a transaction covered by HIPAA and therefore the SBC were not subject to HIPAA; and

Whereas, Minnesota Statutes Section 62J.495-497 requires that all health care providers have an interoperable electronic health record system and the SBC implementation of such electronic health record system will result in the SBC transmitting health information in electronic form in connection with a transactions covered by HIPAA and therefore making the SBC covered by HIPAA; and

Whereas, because the City has some components, the SBC, that are required to comply with HIPAA and other components that do not, the City may declare itself it a Hybrid Entity pursuant to Section 164.504(a) of the HIPAA privacy regulations (the "Privacy Rule"); and

Whereas, staff have determined that the City may more effectively and efficiently administer its HIPAA compliance program by declaring the City as a "hybrid entity" and formally designating the City's health care components; and

Whereas, HIPAA regulations required the City to designate an individual as the privacy officer to be responsible for the development and implementation of required privacy policies and procedures for the City and the City's Minnesota Government Data Practices Responsible Authority ("Responsible Authority") has assumed those duties relative to HIPAA compliance by the City's Plans; and

Whereas, the City must designate an individual as the security officer under the HIPAA regulations and the City's Chief Information Officer has assumed those duties relative to HIPAA security compliance by the City Plans; and

Whereas, the City recently added an Information Security Officer and HIPAA security compliance duties have been transferred to the Information Security Officer; and

Whereas, as a hybrid entity, the City has ongoing responsibilities to establish and maintain ongoing policies, procedures and business practices to maintain compliance with HIPAA requirements;

JULY 1, 2011

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

That the City Council hereby designates the City as a HIPAA Hybrid Entity.

Be It Further Resolved that the SBC of the MDH&FS are hereby designated as the health care components of the City's HIPAA Hybrid Entity;

Be It Further Resolved that the City's Responsible Authority is hereby appointed as the HIPAA Privacy Officer responsible for the development an implementation of required HIPAA privacy policies and procedures for the City.

Be It Further Resolved that the City's Information Security Officer is hereby appointed as the HIPAA Security Officer responsible for the development an implementation of required HIPAA security policies and procedures for the City.

Be It Further Resolved that the City Plans shall designate a Privacy Coordinator and a Security Coordinator responsible for the development and implementation of required HIPAA privacy and security policies and procedures for the City Plans.

Be It Further Resolved that the SBC shall designate a Privacy Coordinator and a Security Coordinator responsible for the development and implementation of required HIPAA privacy and security policies and procedures for the SBC.

Be It Further Resolved that a HIPAA Steering Committee is created and shall be consist of the following members: the City Clerk, the Chief Information Officer, the HIPAA Privacy Officer, the HIPAA Security Officer, the Privacy Coordinator for the City Plans, the Privacy Coordinator for the School Based Clinics, the Security Coordinator for the City Plans, the Security Coordinator for the School Based Clinics, a representative from the Minneapolis Fire Department, and a representative from Office of the City Attorney.

Be It Further Resolved that the Privacy Officer is designated the Chair of the HIPAA Steering Committee.

Be It Further Resolved that the City Council delegates to the HIPAA Steering Committee, the authority to approve changes in the designation of departments, divisions, units and/or programs as health care components in order to maintain compliance with the requirements of HIPAA; to develop policies and procedures, and outline other actions as necessary for implementation of HIPAA.

Be It Further Resolved that the Chair of the HIPAA Steering Committee shall present an annual status report to the City Council through the appropriate committee.

Adopted 7/1/2011.

Absent - Gordon.

PSC&H & W&M/Budget - Your Committee, having under consideration the State Health Improvement Program (SHIP) Grant, now recommends that the proper City officers be authorized to accept \$270 in additional revenue from the Minnesota Department of Health for the prevention of obesity and tobacco use through policy, systems and environmental change interventions in the healthcare setting, for a new total of \$513,270, and to extend the termination date to September 30, 2011. Further, passage of the accompanying resolution appropriating \$270 to the Department of Health & Family Support.

Adopted 7/1/2011.

Absent - Gordon.

**RESOLUTION 2011R-338
By Samuels and Hodges**

Amending The 2011 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 Health & Family Support Agency in the Grants – Other Fund (01600-8600130) by \$270 and increasing the Revenue Source (01600-8600130-321507) by \$270.

Adopted 7/1/2011.
Absent - Gordon.

PSC&H & W&M/Budget - Your Committee, having under consideration the State Health Improvement Program (SHIP) Grant, now recommends that the proper City officers be authorized to accept \$85,883 in additional revenue from the Minnesota Department of Health, under Master Grant Agreement #26078, for the prevention of obesity and tobacco use through policy, systems and environmental change interventions in the community, worksites, healthcare, and school settings, for a new total amount of \$2,735,883, and to extend the termination date to September 30, 2011. Further, passage of the accompanying resolution appropriating \$85,883 to the Department of Health & Family Support.

Adopted 7/1/2011.
Absent - Gordon.

RESOLUTION 2011R-339
By Samuels and Hodges

Amending The 2011 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 Health & Family Support Agency in the Grants – Other Fund (01600-8600130) by \$85,883 and increasing the Revenue Source (01600-8600130-321507) by \$85,883.

Adopted 7/1/2011.
Absent - Gordon.

PSC&H & W&M/Budget - Your Committee, having under consideration Minneapolis' Economic Recovery Strategy; and having received American Recovery and Reinvestment Act funds through the Communities Putting Prevention to Work (CPPW) initiative to mentor up to 44 CPPW communities across the country, now recommends that the proper City officers be authorized to accept \$400,000 in additional revenue from the Minnesota Department of Health, for a new total amount not to exceed \$2,620,933, to provide funds for an obesity prevention conference scheduled to be held at the Minneapolis Convention Center in November 2011, as well as out of state travel expenses for staff to provide mentoring support on obesity prevention topics to other CPPW communities. Further, passage of the accompanying resolution appropriating \$400,000 to the Department of Health & Family Support.

Adopted 7/1/2011.
Absent - Gordon.

RESOLUTION 2011R-340
By Samuels and Hodges

Amending The 2011 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 Health & Family Support Agency in the Grants – Federal Fund (01300-8600130) by \$400,000 and increasing the Revenue Source (01300-8600130-321014) by \$400,000.

Adopted 7/1/2011.
Absent - Gordon.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minneapolis Public Housing Authority for the City to receive \$63,122 to provide a Police Department sergeant for a one-year period to investigate alleged criminal activity

and suspected fraud by Section 8 participants (Voucher Holders and Owners). Further, passage of the accompanying Resolution appropriating \$63,122 to the Police Department.

Adopted 7/1/2011.

Absent - Gordon.

**RESOLUTION 2011R-341
By Samuels and Hodges**

Amending The 2011 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 Special Revenue Fund (01210-4002700) by \$63,122.

Adopted 7/1/2011.

Absent - Gordon.

PSC&H & W&M/Budget - Your Committee, having under consideration a request by the Police Department to allow permission to the company producing the film "Statue of David" to show the Police Department emblems (badge, patch, and squad car) in the movie, and to include credits at the end of the film, now recommends the following:

PSC&H - that said request be sent forward without recommendation.

W&M/Budget - that the proper City officers be authorized to execute a release contract.

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety, Civil Rights & Health Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Gordon.

The report, as amended, was adopted 7/1/2011.

Absent - Gordon.

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of a 1997 Saturn SL2 for the Police Department.

Adopted 7/1/2011.

Absent - Gordon.

**RESOLUTION 2011R-342
By Samuels and Hodges**

Authorizing the acceptance of a 1997 Saturn SL2 for the Police Department.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of a 1997 Saturn SL2 from the National Insurance Crime Bureau (NCIB) to become part of the Police Department's Bait Vehicle Auto Theft Prevention Program. The Police Department is authorized to pay \$1 for the vehicle.

Adopted 7/1/2011.

Absent - Gordon.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for forensic interview services for child and vulnerable adult victims of crime. The RFP will be submitted to the Permanent Review Committee for review.

Adopted 7/1/2011.

Absent - Gordon.

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

RE&E - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tobacco Dealers*, clarifying the activity of lighting and sampling of tobacco products in exclusive tobacco shops.

Adopted 7/1/2011.

Absent - Gordon.

Ordinance 2011-Or-054 amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tobacco Dealers*, amending Chapter 281 to add Section 281.56 to clarify the activity of lighting and sampling of tobacco products in exclusive tobacco shops, was adopted 7/1/2011 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 2011-Or-054
By Glidden
Intro & 1st Reading: 11/5/2010
Ref to: RE&E
2nd Reading: 7/1/2011

Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.

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

Section 1. That Chapter 281 of the Minneapolis Code of Ordinances be amended by adding thereto new section 281.56 to read as follows:

281.56. Sampling. Pursuant to the authority granted to the City of Minneapolis by Minnesota Statutes, Section 144.417, the operator of any tobacco products shop licensed under Section 281.10 of the Minneapolis Code of Ordinances is hereby prohibited from any of the following:

(a) Except for a bona fide sale of a smoking device, providing or otherwise making available for use by a customer, potential customer, or any other person a smoking device for the purpose of sampling any tobacco product;

(b) Providing in exchange for a fee or any other consideration seating within or access to the indoor area of a tobacco products shop; or

(c) Permitting within the indoor area of a tobacco products shop the sampling of any tobacco product which was not furnished by the tobacco products shop on the date and at the time the sampling occurs.

A tobacco products shop may distribute single service samples of smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products suitable for smoking subject to the limitations on indoor sampling or smoking provided in this section.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee, having under consideration the application of RCI Dining Services MN (4th Street) Inc, dba Schieks Palace Royale, 115 S 4th St, for an On-Sale Liquor Class A with Sunday Sales License (new proprietor) to expire July 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/1/2011.

Absent - Gordon.

Approved by Mayor Rybak 7/5/2011.

(Published 7/6/2011)

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Chiang Mai Thai Restaurant, 3001 Hennepin Av, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-343, granting the application of Chiang Mai Thai Restaurant, 3001 Hennepin Av, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions, was adopted 7/1/2011 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 2011R-343

By Glidden

Granting the application of Chiang Mai Thai Restaurant, 3001 Hennepin Av, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Pier Group CMT LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (permanent expansion of premises) to expire July 1, 2011, subject to the following conditions:

1. Food and beverage service in the outdoor area shall cease at Midnight and all patrons shall exit the outdoor area by 12:30 a.m.
2. There shall be no speakers or amplified sound in the outdoor area and windows shall remain closed during amplified performances indoors.
3. Patrons on the outside area shall not exceed the amount of available seating.
4. The outdoor area shall be enclosed by stanchions connected by a rope or equivalent method. All patrons must enter and exit the outdoor area through the existing restaurant.
5. Chiang Mai Thai staff shall proactively monitor and control excessively loud patrons who may be disturbing nearby residences.
6. Chiang Mai Thai shall post educational signs regarding excessive noise and its impact on livability in the neighborhood.
7. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Tree Servicing License held by Kents Stump Removal, 3854 Washburn Av N.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-344, approving Business License Operating Conditions relating to the Tree Servicing License held by Kents Stump Removal, 3854 Washburn Av N, was adopted 7/1/2011 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 2011R-344

By Glidden

Approving Business License Operating Conditions relating to the Tree Servicing License held by Kents Stump Removal, 3854 Washburn Av N.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Tree Servicing License held by Kents Stump Removal, 3854 Washburn Av N:

1. The licensee tree service business shall be limited to stump grinding and area clean up only. Licensee does not have a Certified Arborist and is restricted from any other type of tree service activities. Licensee must also comply with other requirements of tree service license.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee, having under consideration business license operating conditions relating to the Restaurant License held by Louisiana Chicken, 904 W Broadway, now recommends that the following license conditions be **sent forward without recommendation**.

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

2. The business agrees to have a manager as listed on the application present during all hours of operation.

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

4. The business agrees to notify business licensing prior to any future changes in the status or structure of leasing or ownership in the business.

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

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

Hofstede moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted by unanimous consent.

Absent - Gordon.

The report, as amended, was adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Kitchen in the Market, 920 E Lake St, for an On-Sale Wine Class E with Strong Beer License, subject to conditions.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-345, granting the application of Kitchen in the Market, 920 E Lake St, for an On-Sale Wine Class E with Strong Beer License, subject to conditions, was adopted 7/1/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JULY 1, 2011

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

RESOLUTION 2011R-345

By Glidden

Granting the application of Kitchen in the Market, 920 E Lake St, for an On-Sale Wine Class E with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Kitchen Holdings LLC, dba Kitchen in the Market, 920 E Lake St #107, for an On-Sale Wine Class E with Sunday Sales License (new business) to expire April 1, 2012, subject to the following conditions:

1. The license holder may furnish each class participant, at no additional cost, up to a maximum of 6 ounces of wine or 12 ounces of intoxicating malt liquor.
2. During the period of time a class is in session, no other business can use the same space as the cooking school.
3. The alcohol must be stored in a manner as to not allow anyone other than an employee of the Kitchen in the Market to have access to the alcoholic beverage.
4. Alcohol cannot be removed from the Kitchen in the Market area known as Suite 107. The license will not be allowed to apply for any temporary on-sale license that allows the sale of alcohol as it is this license is being granted per Minnesota Statute 340A.4041.
5. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/1/2011.

Absent - Gordon.

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

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-346, granting applications for Liquor, Wine and Beer Licenses, was adopted 7/1/2011 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 2011R-346

By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275035):

Off-Sale Liquor, to expire July 1, 2012

Metro Liquor Warehouse Inc, dba Lake Wine & Cheese, 404 W Lake St

Philmik Inc, dba Hennepin Lake Liquors, 1200 W Lake St

KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Av, 1st floor

E & M Franklin Nicollet Inc, dba Franklin Nicollet Liquor Store, 2012 Nicollet Av, 1st floor

Michalaur LLC, dba Hum's Liquor Store, 2126 Lyndale Av S

Kick's Liquor Store Inc, dba Broadway Liquor Outlet, 2201 W Broadway

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2012

Stallions LL, dba Club New York, 10 S 5th St

Rail Minneapolis LLC, dba Brass Rail, 422 Hennepin Av

Screaming Triangle LLC, dba Eagleboltbar, 515 Washington Av S
Minnesota Historical Society, dba Mill City Museum, 704 S 2nd St
I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor
900 Washington Hotel LLC, dba Aloft Hotel Minneapolis, 900 Washington Av S
Metropolitan Sports Facilities Commission, dba H H H Metrodome, 900 S 5th St
Pepito's, dba Pepitos, 4820 Chicago Av

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2011

First Global LLC, dba Hilton Garden Inn Minneapolis Downtown, 1101 4th Av S (internal transfer of shares)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2012

Lama Rinpo, Rabka Rabka & Nyima Choeda, dba Gangchen Restaurant, 1833 Nicollet Av

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2012

Sirian Enterprises, dba Lee's Liquor Bar, 101 Glenwood Av
Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S
Tanner Madison Entities LLC, dba Legends Cafe, 825 E Hennepin Av
Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av
T M Entities LLC, dba Mayslacks Polka Lounge, 1428 4th St NE
Ballentine VFW Post 246, dba James Ballentine VFW Post 246, 2916 Lyndale Av S
D'Amico Catering LLC, dba D'Amico Catering at Calhoun Beach, 2925 Dean Pkwy

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2012

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE
Lurcat LLC, dba Cafe and Bar Lurcat, 1624 Harmon Pl
Stanleys NE Bar Room LLC, dba Stanleys NE Bar Room, 2500 University Av NE

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2012

Hubert's Inc, dba Huberts Bar & Grill, 601 Chicago Av
Donny Dirk's Inc, dba Donny Dirk's, 2027 2nd St N
Pier Group CMT LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2012

101 Blu LLC, dba Aura Restaurant, 3001 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2012

Lucia Watson Enterprises, dba Lucia's Restaurant, 1432 W 31st St
Somsap Enterprises, dba Tum Rup Thai, 1221 W Lake St

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2012

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St
Michael Anthony Inc, dba Runyon's, 107 Washington Av N
Delta House Entertainment Inc, dba Goodsports Bar and Grill, 200 W Broadway
Atlas Restaurants LLC, dba Atlas Restaurant, 200 S 6th St #175
Stadium Pizza and Diner LLC, dba Stadium Pizza, 207 Washington Av N
Phoenix Catering Inc, dba Joseph Catering, 336 Hoover St NE
Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N
Tuttle Inc, dba Elsie's, 729 Marshall St NE
Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av
Parker Investments Inc, dba NE Yacht Club, 801 Marshall St NE
Blazin Wings Inc, dba Buffalo Wild Wings Grill & Bar, 2001 University Av SE
Nad An LLC, dba Leaning Tower of Pizza, 2501 University Av SE
Hayden Trebnick LLC, dba Duplex, 2516 Hennepin Av
Tiger Sushi II LLC, dba Tiger Sushi, 2841 Lyndale Av S
G & A Fa Da Inc, dba Wakame Sushi & Asian Bistro, 3070 Excelsior Blvd #206
Club 46 Inc, dba Rachaels Club 46, 4601 Lyndale Av N

On-Sale Wine Class D with Strong Beer, to expire April 1, 2012

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

On-Sale Wine Class E with Strong Beer, to expire April 1, 2012

Matador Coffee Inc, dba Bad Waitress Breakfast Joint/Coffee, 2 E 26th St #C101
Isna Group Inc, dba Element Pizza, 96 Broadway St NE

Karim Inc, dba Adrian's Tavern, 4812 Chicago Av.
Adopted 7/1/2011.
Absent - Gordon.

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

Adopted 7/1/2011.
Absent - Gordon.

Resolution 2011R-347, granting applications for Business Licenses, was adopted 7/1/2011 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 2011R-347
By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of July 1, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275035):

Dancing School; Caterers; Farm Produce Permits; Grocery; Food Manufacturer; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Towing Class A; Pedicab; Pet Shop; Plumber; Public Market; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Solicitor - Company; Solicitor - Individual; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle Non-Transferable; Tobacco Dealer.

Adopted 7/1/2011.
Absent - Gordon.

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

Adopted 7/1/2011.
Absent - Gordon.

Resolution 2011R-348, granting applications for Gambling Licenses, was adopted 7/1/2011 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 2011R-348
By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275035):

Gambling Exempt

Theater Latte Da, dba Theater Latte Da, 1170 15th Av SE #203 (Raffle July 13, 2011, Lake Harriet Bandshell, 4135 E Lake Harriet Pkwy)

Minnesota Security Dealers Association, dba Minnesota Security Dealers Association, 5858 Park Av (Raffle July 14, 2011, Brits Pub, 1110 Nicollet Av)

Polish National Catholic Church, dba Polish National Catholic Church, 420 22nd Av NE (Raffle July 30, 2011, 2114 5th St SE)

Twins Community Fund, dba Twins Community Fund, 1 Twins Way (Raffle August 6, 2011, Target Field)

Twins Community Fund, dba Twins Community Fund, 1 Twins Way (Raffle August 20, 2011, Target Field)

Twins Community Fund, dba Twins Community Fund, 1 Twins Way (Raffle August 27, 2011, Target Field)

Twins Community Fund, dba Twins Community Fund, 1 Twins Way (Raffle September 17, 2011, Target Field)

Courage Center, dba Courage Center, 3915 Golden Valley Rd, Golden Valley (Raffle July 23, 2011, Target Field)

Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 8011 34th Av S, Suite 116, Bloomington (Raffle September 16, 2011, McNamara Alumni Center.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Chicago Lake Liquor Store, 825 E Lake St.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-349, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Chicago Lake Liquor Store, 825 E Lake St, was adopted 7/1/2011 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 2011R-349

By Glidden

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Chicago Lake Liquor Store, 825 E Lake St.

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

Whereas, the licensee has paid the \$500 administrative fine related to the first compliance check failure; and the \$1,000 administrative fine related to the second compliance check failure;

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 will impose a sanction, in the amount of \$1,500, for failing two minor sales of alcohol compliance checks; \$1,000 of the sanction will be stayed for a two-year period pending no same or similar violations. The remaining sanction must be paid upon signature of the agreement.

2. John Wolf Enterprises shall maintain the following policies already established by his business:
 - a. Employees will be trained by both store managers and TIPS at the start of their employment with a refresher yearly thereafter.
 - b. A calendar, at the point of sale locations, that lists the date the customer reaches the age of 21.
 - c. Request identification of all persons appearing under the age of 40. A person without identification will result in no sale.
 - d. Conduct a self check program for age compliance using secret shoppers.
 - e. Minneapolis Police Department off duty officers will train employees guidelines and techniques how to identify an overly intoxicated person and customers using false identification cards.
 - f. Chicago Lake Liquors will attempt to scan identification cards for any person appearing under the age of 40 by use of a point of sale identification scanner to be installed by May 31, 2011.
 - g. Employee awards program for following alcohol policies.
 - h. Presale warning signs prohibiting the sale of alcohol to minors and requesting an identification card be presented at point of sale.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee recommends passage of the accompanying resolution approving an Agreement relating to the Restaurant License held by Qoraxlow Cafe & Macmacaan, 1304 E Lake St.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-350, approving an Agreement relating to the Restaurant License held by Qoraxlow Cafe & Macmacaan, 1304 E Lake St, was adopted 7/1/2011 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 2011R-350

By Glidden

Approving an Agreement relating to the Restaurant License held by Qoraxlow Cafe & Macmacaan, 1304 E Lake St.

Whereas, the license applicant has applied for a food restaurant license for a new restaurant at 1304 E Lake St. The City Council and the applicant previously entered into an agreement regarding the licensee's other locations at 1821 E Lake St; 2910 Pillsbury Av #134 and #138; 912 E 24th St B#131; and 1304 E Lake St; and

Whereas, the licensee has substantially complied with the requirements of the agreement with the City Council, which envisioned that the licensee would apply for a license at 1304 E Lake St. Some of the requirements of that agreement were completed with a single act, while others entailed ongoing action. By its terms, that agreement's requirements expire November 1, 2011; and

Whereas, the intent of this agreement is to include the new location at 1304 E Lake St under the previous agreement with the City and make it subject to the ongoing compliance requirements of that agreement;

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

That the following agreement be adopted:

1. Qoraxlow Cafe & Maccacaan shall employ a professional consultant to supervise food service to ensure compliance with all Health codes and ordinances. A plan to comply with all Health codes shall be written and approved by the Environmental Health Division prior to approval of this agreement.
2. All Qoraxlow Cafe & Maccacaan employees shall attend a professional training program on food safety. The program shall be approved by the Environmental Health Division. A list of all employees

that attended shall be submitted to Environmental Health within seven days of the training. This training may be conducted by the professional consultant employed pursuant to paragraph 1.

3. A minimum of two certified food managers shall be employed by Qoraxlow Cafe & Maccacaan. The food manager requirement is to ensure that all employees follow all Environmental Health Regulations.

4. The Environmental Health Division shall conduct unannounced inspections on a quarterly basis, and the licensee will pay a fee of \$100 per inspection. The licensee understands that if he fails to meet environmental health codes resulting in critical violations and/or repeat violations, adverse license action could result. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health, 250 S 4th St, Room 414, Minneapolis, MN 55415.

5. Osman Mohamed as owner of Qoraxlow Restaurants, all locations, shall promptly enroll and fully participate in the Minneapolis food safety self-inspection program, but any code violations reported through self inspection shall not serve as a basis for administrative citations or other adverse license action.

6. Osman Mohamed as owner of Qoraxlow Restaurants, all locations, shall designate a person in charge (certified food manager) and ensure that a person in charge is present at the food establishment as specified in paragraph 3 above. Based on the risks of food borne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention. The person in charge shall ensure that:

a. Employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and ware washing areas comply with the Code.

b. Employees effectively wash their hands by training all employees on proper hand washing procedures and through demonstrations and review and explaining when hand washing is required in a food service establishment. Hand washing must be routinely monitored by the person in charge.

c. Employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.

d. Employees must ensure potentially hazardous foods are properly cooked to minimum cooking temperatures and holding time through routine monitoring of the cooking temperatures by the certified food manager.

e. Employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours through daily oversight of the employees and routine monitoring of food temperatures during cooling and compliance with the protocol agreed with the City for the preparation and handling of sambusa.

f. Employees must monitor all coolers throughout all three establishments every 2 - 3 hours for temperature and record food and cooler temperatures in temperature log to ensure proper cold holding temperature is maintained and that all equipment is in proper working order.

g. Employees properly sanitize equipment and utensils before they are used through routine monitoring of chemical concentration.

h. Employees implement and maintain food safety standards in the facility.

i. Employees must have digital thermometers, at all locations, to monitor food temperatures and appropriate test kits to monitor sanitizer strength.

7. The terms of this agreement expire on November 1, 2011.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee recommends approval of the following Mayoral appointments to the Thinc.Green^{MSP} Steering Committee for terms to expire December 31, 2011, with the option for annual reappointments through December 31, 2013:

Name	Title	Affiliation	Steering Committee Category
Charles Burdick, Sr	Wind Industry Developer	National Wind	New Industry Seat
Lea Hargett	President	MN Black Chamber of Commerce	New Business Association Seat
Reuven Rahamim	President/Owner	Accent Signage	New Industry Seat
Doug Ruth	Founder/CEO	EarthClean	New Industry Seat
Adopted 7/1/2011. Absent - Gordon.			

RE&E - Your Committee, having under consideration the property located at 2222 4th St N, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel; and the Panel having sent the matter to the Committee without a recommendation, now recommends that the Order be upheld and that the structure located at 2222 4th St N be demolished.

Further, that the City Attorney's Office be directed to draft Findings of Fact, Conclusions and Recommendation for consideration by the City Council.

Adopted 7/1/2011.

Absent - Gordon.

RE&E - Your Committee, having under consideration the property located at 2432 14th Av S, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 2432 14th Av S be demolished, in accordance with the Findings of Fact on file in the Office of the City Clerk as FOF-2011-28, which are hereby made a part of this report by reference.

Adopted 7/1/2011.

Absent - Gordon.

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

RE&E & W&M/Budget - Your Committee recommends passage of the accompanying resolution amending Resolution 2010R-101 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed March 12, 2010, to amend the fine schedule to increase the base fine amount for a violation of Section 244.1970 relating to occupying a rental property after license revocation without approval.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-351, amending Resolution 2010R-101 entitled "Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses", passed March 12, 2010, to amend the fine schedule to increase the base fine amount for a violation of Section 244.1970 relating to occupying a rental property after license revocation without approval, was adopted 7/1/2011 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 2011R-351
By Reich, Glidden and Hodges**

Amending Resolution 2010R-101 entitled “Approving the adoption of a consolidated and amended schedule of civil fines for administrative offenses”, passed March 12, 2010, to amend the fine schedule to increase the base fine amount for a violation of Section 244.1970.

Whereas, the City Council has enacted Chapter 2 of the Minneapolis Code of Ordinances (hereinafter “Code”) which establishes an administrative enforcement and hearing process for certain violations of the Code; and

Whereas, Section 2.40 of the Code provides that violations of certain provisions of the Code are administrative offenses that may be subject to the administrative enforcement and hearing process; and

Whereas, Section 2.60 of the Code provides for the imposition of a civil fine for administrative offenses; and

Whereas Section 2.70 of the Code provides that the City Council will adopt by Resolution a schedule of civil fines for administrative offenses; and

Whereas Resolution 2004R-367 of this Council has established a fine schedule for administrative offenses; and

Whereas this Council has previously amended that fine schedule according to the authority it is granted to it in Section 2.70 of the Code; and

Whereas the City Council wishes to amend the fine schedule to increase the civil fine for a violation of Section 244.1970, operating a rental property after the property’s rental license has been revoked, from \$500 to \$2,000;

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

That the updated Schedule of Civil Fines, as herein amended, be adopted, to read as follows:

SCHEDULE OF CIVIL FINES FOR ADMINISTRATIVE OFFENSES

Adopted on 7/1/2011 by Resolution 2011R-351

Unless otherwise specified in the following schedule, the civil fine for an administrative offense enforced pursuant to Chapter 2 of the Minneapolis Code of Ordinances is \$200.

A second or subsequent violation of the same type by the same person or entity in a twenty-four (24) month period of time shall be subject to a fine that is double the amount of the fine imposed for the previous violation, up to a maximum of \$2000 per violation.

Description of Violation	Code Citation	Fine
Title 3 – Air Pollution and Environmental Protection		
Prohibited connections	56.70	\$750
 Title 4 – Animals and Fowl		
License Required (dogs and cats)	64.10	\$100
Collars and Tags Required	64.20	\$25
Leashing and tethers	64.50(a) & 64.50(b)	\$75
Feces clean up	64.50(c)	\$100
Off leash dog areas; permits and regulations	64.55	\$100
Dogs and cats in heat	64.60	\$75
Maximum number animals of the dog, cat, ferret, or rabbit kind	64.100	\$50
License required (ferrets)	65.10	\$50
Vaccinations of dogs required	66.10	\$100
Vaccination of cats required	66.20	\$100
Vaccinations of ferrets required	66.25	\$50
Permit required (Fowl, pigeons, and other small animals)	70.10	\$50

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Unattended animals in streets, alleys, sidewalks, public places	74.10	\$50
Attachment of animals to trees, posts prohibited	74.20	\$50
Failure to provide adequate feed, shelter, exercise and space	74.60	\$500
Failure to provide adequate veterinarian care	74.60	\$1,000
Failure to follow security plan	74.60	\$500
Failure to provide required information	74.60	\$500
Keeping of honeybees	74.80	\$50
Animal Cruelty	64.170	\$500
 Title 10 – Food Code		
Conducting or Operating a Food Establishment without a License	188.160	\$250
No Glass Outside After 11 PM in Downtown	188.540 (9)	\$100
 Title 11 – Health and Sanitation		
Dumping debris on the property of another	225.10	\$1,000
Possessing Drug Paraphernalia in a Public Place	223.235	\$240
Public Urination	227.180	\$80
 Title 12 – Housing		
Graffiti – Defacement of Property	244.495 (a)	\$240
Light and ventilation	244.410	\$500
Prohibited uses	244.640	\$500
Required space in dwelling units	244.810	\$500
Dwelling unit to be occupied by one family	244.820	\$500
Basement space may be habitable	244.850	\$500
Attic rooms	244.940	\$500
Restricted attic use	244.945	\$500
Condemnation authorized; requiring vacating	244.1450	\$1,000
Operating a rental property without a rental license	244.1840(1)(a)	\$500
Second Offense Operating a rental without a license	244.1840 (1)(a)	\$2,000
Occupy property after rental license revocation without approval	244.1970	\$500 <u>\$2,000</u>
 Title 13 – Licenses and Business Regulations		
Operating a Business without a Required License (excluding Pawnshops and Precious Metal Dealers)	Chapters. 266 – 350 excluding Chapters 322, 324	\$250
Operating as a Precious Metal Dealer without a Required License	322.20	\$500
Operating as a Pawnshop without a Required License	324.30	\$500
Taxi – Violation of Driver Prohibited Acts	341.250	\$250
Taxi – No Driver’s Licenses	341.340	\$250
Taxi – Operate a Taxi without a License	341.480	\$250
Taxi – Defective / Unsealed Meter	341.790	\$250
Sell tobacco to minor by a Tobacco Dealer establishment	281.50	\$200
Sell tobacco to minor by an individual	281.50	\$50
 Gambling		
Failure to display ID tag by employee	268.80(s)	\$100
Failure to display compulsive gambling hotline	268.80(bb)	\$100

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Failure to display statement "Illegal Gambling is Prohibited"	268.80(cc)	\$100
Failure to accurately complete prize receipt	268.80(t)	\$100
Failure to deface winning pull tab tickets	268.80(u)	\$100
Mechanical meter in dispensing device not displaying current or accurate information	268.80(ii)	\$500
The lessor and/or immediate family prohibited from purchasing pull tabs on site	268.80(y)	\$500
Lawful gambling prohibited at any times other than during lawful business hours	268.80(n)	\$500
Gambling employees prohibited from purchasing pull tabs on site	268.80(x)	\$500
Persons under 18 prohibited from lawful gambling	268.80(jj)	\$500
Sale of pull tabs for cash only	268.80(nn)	\$500
Prohibited activities during operating times of lawful gambling	268.80(dd)	\$500
Serial numbers of the game in play must match the game flare	268.80(kk)	\$500
All last sale prized offered are posted, by the distributor, on the game flare	260.80(mm)	\$500
The game flare does not display the State of Minnesota symbol or bar code is not displayed	268.80(ll)	\$500
All fines to be paid must originate from the gambling organization's general fund	268.80(pp)	\$500
Failure to maintain a valid gambling manager's license	268.80(z)	\$500
Refuse inspection by police	268.80(oo)	\$500
Fail to display state registration stamp dispensing device	268.80(qq)	\$500
Failure to maintain lease for dispensing device on site	268.80(rr)	\$500
Title 14 – Liquor and Beer		
No Business License – License Required		\$500
Liquor License Required	362.10	
Wine License Required	363.20	
Beer License Required	366.10	
Premises to be Open to Inspection	362.490	\$500
Furnishing Liquor to Minors, not Large Venues or Special Events	364.10	\$500
Sales to Obviously Intoxicated Parties	364.30	\$500
Consumption in Public	364.40	\$80
Loitering in Possession of an Open Bottle	364.45	\$80
Consumption in on sale -hours regulated	364.85	\$500
Unauthorized Persons on Premises between 2:30 and 5:00 a.m.		\$500
"On Sale" Liquor License	364.100	
Wine or Beer License	368.70	
"Spiking" Prohibited	368.20	\$250
Club Sales to Non-Members	368.50	\$250
Sale of Liquor to a Minor	370.10 and 364.10	\$500
Sales or Service by a Minor	370.20	\$500
Possession/Consumption by a Minor	370.400	\$160

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Large Venue and Special Events		*Each Incident (l)
Special Events: 1 to 10 points of sale (1 incident/sale to minor to be a violation/compliance failure)	370.10	\$500
Special Events: 11 or more points of sale (2 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x
Large Venues: 30 to 50 points of sale (2 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x
Large Venues: 51 to 75 points of sale (3 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x
Large Venues: 76 to 100 points of sale (4 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x
Large Venues: 101 to 150 points of sale (5 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x
Large Venues: 151 to 200 points of sale (6 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x
Special Events: 201 or more points of sale (7 incidents/sales to minor to be a violation/compliance failure)	370.10	\$500 x

*"l" signifies incidents of sales to underage parties.

Title 15 – Offenses – Miscellaneous

Loitering	385.50	\$240
Aggressive Solicitation	385.60	\$80
Lurking	385.80	\$240
Noise – Amplified Sound from Vehicles	389.65 (c)(6)	\$80
Noisy/Unruly Assembly; Participating in, Conducting, Visiting, Remaining at or Permitting	389.65(c)(1)	\$150
Noisy/Unruly Assembly; Owner, Rental License Holder or Landlord	389.65(c)(1)(c)	\$200
Noise – No Amplified Sound Permit	389.105	\$250

Title 17 – Streets and Sidewalks

Littering	427.30	\$80
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Title 18 – Traffic Code

Vehicles Displayed for Sale on Public Street	478.70	\$50
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Violations as found in Chapter 478 and Chapter 482

Fees approved by 4th Court District, including surcharges. All other violations \$42

Title 20 - Zoning Code

Prohibited Home Occupation	535.460	\$250
Commercial Vehicle Parked in Residential Zone	546.80	\$50
Business Open After Hours		\$250
Residence Districts	546.60	
Office Residence Districts	547.60	
C1 Neighborhood Commercial Districts	548.240	
C2 Neighborhood Corridor Commercial Districts	548.300	
C3A Community Activity Center District	548.360	
C3S Community Shopping Center District	548.420	
C4 General Commercial District	548.480	
Downtown Districts	549.60	
Industrial Districts	550.90	

Adopted 7/1/2011.

Absent - Gordon.

RE&E & W&M/Budget - Your Committee, having under consideration the adjustment of license fees for calendar year 2012 to reflect costs for inflation, now recommends that all licenses contained in the License Fee Schedule be increased by 1.5 percent, effective January 1, 2012, with the exception of the Pollution Control Annual Billing fees, which shall be increased by 3 percent. (Petn No 274039)

Adopted 7/1/2011.

Yeas, 11; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Gordon.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 22nd St E Street Reconstruction Project, Special Improvement of Existing Street No 2998.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-352, designating the locations and streets to be improved in the 22nd St E Street Reconstruction Project No 2998, was adopted 7/1/2011 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 2011R-352

By Colvin Roy

**22ND ST E STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2998**

JULY 1, 2011

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt and concrete, with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

22nd St E from approximately Cedar Ave S to Minnehaha Ave S;

Snelling Ave from approximately 22nd St E to 150 feet south of the south ROW line of 22nd St E.

Adopted 7/1/2011.

Absent - Gordon.

T&PW - Your Committee, having received a cost estimate of \$2,250,000 for street reconstruction improvements and a list of benefited properties for certain locations in the 22nd St E Street Reconstruction Project, Special Improvement of Existing Street No 2998, as designated by Resolution 2011R-352, passed July 1, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that a public hearing be held on August 9, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and Section 95.90 of the Minneapolis Code of Ordinances, to consider approving the reconstruction of the above-designated street location, the abandonment and removal of areaways in conflict with the project, and the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 7/1/2011.

Absent - Gordon.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 22nd St E Street Lighting Project, Special Improvement of Existing Street No 2998L.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-353, designating the locations and streets to be improved in the 22nd St E Street Lighting Project No 2998L, was adopted 7/1/2011 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 2011R-353

By Colvin Roy

**22ND ST E STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2998L**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by installing a lighting system consisting of fifteen (15) foot tall lights along with all the necessary appurtenances and work related to the above-described improvements:

22nd St E from approximately Cedar Ave S to Minnehaha Ave S;
Snelling Ave from approximately 22nd St E to 150 feet south of the south ROW line of 22nd St E.
Adopted 7/1/2011.
Absent - Gordon.

T&PW - Your Committee, having received a cost estimate of \$130,000 for street construction improvements and a list of benefited properties for certain locations in the 22nd St E Street Lighting Project, Special Improvement of Existing Street No 2998L, as designated by Resolution 2011R-353, passed July 1, 2011, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on August 9, 2011, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 7/1/2011.
Absent - Gordon.

T&PW - Your Committee, having under consideration the Cedar Lake Boulevard Railroad Crossing Upgrade Project, now recommends that the proper City officers be authorized to execute Amendment No 1 to Mn/DOT Agreement No 92319 (C-27733) (MN Proj RRS 2710(023) with the State of Minnesota and the Twin City and Western Railroad Company cancelling the Railroad Crossing Upgrade Project on Cedar Lake Blvd at Burnham Rd.

Adopted 7/1/2011.
Absent - Gordon.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into an agreement with the Minneapolis Public Housing Authority (MPHA) for sanitary sewer repairs in conjunction with the construction of a memory care/assisted living building along 4th Ave N between Dupont Ave N and Bryant Ave N.

Adopted 7/1/2011.
Absent - Gordon.

T&PW - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Graffiti Nuisance Property*, amending the definition of graffiti, and having held a public hearing thereon, now recommends that said ordinance be returned to author.

Adopted 7/1/2011.
Absent - Gordon.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 49th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5218, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

Adopted 7/1/2011.
Absent - Gordon.

JULY 1, 2011

Resolution 2011R-354, ordering the work to proceed and adopting the special assessments for the 49th Ave N Street Resurfacing Project No 5218, was adopted 7/1/2011 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 2011R-354
By Colvin Roy and Hodges**

**2011 STREET RESURFACING PROGRAM
49TH AVE N STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5218**

Ordering the work to proceed and adopting the special assessments for the 49th Ave N Street Resurfacing Project.

Whereas, a public hearing was held on June 21, 2011 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 2011R-211, passed April 29, 2011 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 2011R-211, passed April 29, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$383,321.81 for the 49th Ave N Street Resurfacing 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 the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 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 to begin on the 2012 real estate tax statements.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-355, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$383,325 for the purpose of paying the assessed cost of street improvements in the 49th Ave N Street Resurfacing Project No 5218, was adopted 7/1/2011 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 2011R-355
By Colvin Roy and Hodges**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$383,325 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 49th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5218, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee, having under consideration the 2011 Alley Resurfacing Program, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Amending the 2011 Alley Resurfacing Program Project Number from FS11#1 to FS12#1;
- b) Ordering the work to proceed and adopting special assessments for the 2011 Alley Resurfacing Program; and
- c) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the program.

Colvin Roy moved that Resolution 2011R-230, entitled "Designating the improvement of the 2011 Alley Resurfacing Program (20 alleys located throughout the City of Minneapolis)", passed May 13, 2011, be amended by removing the alley located between 30th Ave S and Nokomis Ave S, from 43rd St E to 42nd St E, from the list of alleys to be improved and that the benefitted properties be removed from the assessment roll thereby decreasing the total assessments and the bond sale request by \$9,411.56. Seconded.

Adopted by unanimous consent.

Absent - Gordon.

The report, as amended, was adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-356, amending Resolution 2011R-230, changing the 2011 Alley Resurfacing Program project number and deleting an alley from the scope of the project, was adopted 7/1/2011 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 2011R-356
By Colvin Roy and Hodges**

**2011 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS12#1**

Amending Resolution 2011R-230, entitled "Designating the improvement of the 2011 Alley Resurfacing Program (20 alleys located throughout the City of Minneapolis)", passed May 13, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by changing the 2011 Alley Resurfacing Program project number from FS11#1 to FS12#1.

Be It Further Resolved that the above-entitled resolution be further amended by deleting the Alley 6 located between 30th Ave S and Nokomis Ave S, from 43rd St E to 42nd St E, from the scope of the 2011 Alley Resurfacing Program.

Adopted 7/1/2011.

Absent - Gordon.

JULY 1, 2011

Resolution 2011R-357, ordering the work to proceed and adopting the special assessments for the 2011 Alley Resurfacing Program No FS12#1, was adopted 7/1/2011 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 2011R-357
By Colvin Roy and Hodges**

**2011 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS12#1**

Ordering the work to proceed and adopting the special assessments for the 2011 Alley Resurfacing Program.

Whereas, a public hearing was held on June 21, 2011 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 2011R-230, passed May 13, 2011 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 on the alleys as designated in said Resolution 2011R-230, passed May 13, 2011 and as amended by Resolution 2011R-356, passed July 1, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$82,642.79, 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 for alley resurfacing of more than \$150 may be paid, shall be fixed at five (5) and that the interest charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2012 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 2012 real estate tax statements.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-358, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$82,645 for the purpose of paying the assessed cost of alley improvements in the 2011 Alley Resurfacing Program No FS12#1, was adopted 7/1/2011 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 2011R-358
By Colvin Roy and Hodges**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$82,645 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 alley improvements in the 2011 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS12#1, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee, having under consideration the Non-Motorized Transportation Pilot Project (NTP), now recommends that the proper City officers be authorized to extend Amendment No 4 to existing City Agreement C-23887 with Transit for Livable Communities (TLC) to perform specific work efforts, as outlined in and in accordance with Mn/DOT Agreement No 89757 extending the Federal grant funding from June 30, 2011 to December 31, 2011.

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee, having under consideration the State of Minnesota Department of Transportation Biennial Routine Maintenance Agreement No 94689 between the State and the City of Minneapolis, now recommends that the proper City officers be authorized to negotiate and execute an amendment to the agreement, effective July 1, 2011, in order to continue service delivery while a new biennial Agreement is negotiated.

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a series of applications for Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funds passed through the State.

Your Committee further recommends that the proper City officers be authorized to commit local funds per federal requirement to support the approved SAFETEA-LU projects.

Adopted 7/1/2011.

Absent - Gordon.

Approved by Mayor Rybak 7/5/2011.

(Published 7/6/2011)

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the appropriation in the Street Maintenance Fund by \$350,000, to be reimbursed by Minnesota State Aid (MSA) Funds, to cover costs related to 60th St E repairs.

Adopted 7/1/2011.

Absent - Gordon.

**RESOLUTION 2011R-359
By Colvin Roy and Hodges**

Amending The 2011 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 General Fund in the Street Maintenance and Repair Department (00100-6070500) by \$350,000, to be reimbursed from Minnesota State Aid (MSA) funds (00100-6070500-Revenue Source 321514).

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7460 from DMJ Asphalt, Inc., for an estimated expenditure of \$107,030.00, to furnish and deliver all labor, material, equipment, and incidentals necessary to complete asphaltic concrete vehicular paving for the Public Works Water Works Division.

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

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7462 from Rachel Contracting, Inc., for an estimated expenditure of \$94,735.40, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Garfield Ave S Construction Project for the Public Works Paving Division.

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

Adopted 7/1/2011.

Absent - Gordon.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low responsive bid meeting specifications submitted to the Public Works Department on OP No 7463 from Ferguson Waterworks, for an estimated annual expenditure of \$950,000.00, to furnish and deliver double disc gate valves as needed through June 30, 2012 for the Public Works Water Works Division.

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

Adopted 7/1/2011.

Absent - Gordon.

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 7/1/2011.

Absent - Gordon.

Resolution 2011R-360, authorizing settlement of *Vera Milyavskaya v. City of Minneapolis*, was adopted 7/1/2011 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 2011R-360

By Hodges

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Vera Milyavskaya v. City of Minneapolis*, by payment of \$6,172 to Vera Milyavskaya and her attorney, Michael J. Patera, from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 7/1/2011.

Absent - Gordon.

W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing the acceptance and execution of a grant agreement with the State of Minnesota, State Patrol for the period of May 3, 2011 through September 30, 2011 in an amount not to exceed \$1,833, for travel expenses for a Minneapolis City Attorney’s Office (MCAO) attorney to attend the annual International Association of Chiefs of Police Training Conference on Drugs, Alcohol and Impaired Driving.

Adopted 7/1/2011.
Absent - Gordon.

RESOLUTION 2011R-361
By Hodges

Authorizing acceptance and execution of a grant agreement with the State of Minnesota, State Patrol.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept and execute a grant agreement with the State of Minnesota, State Patrol for travel-related expenses to attend the annual International Association of Chiefs of Police Training Conference on Drugs, Alcohol and Impaired Driving, value not to exceed \$1,833 for the period of May 3, 2011 through September 30, 2011.

Adopted 7/1/2011.
Absent - Gordon.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and You’ve Been Served (C-26589), so that the total compensation and reimbursable expenses may be increased by an additional \$10,000 for a total amount of \$85,000 for the term of the Professional Services Agreement.

Adopted 7/1/2011.
Absent - Gordon.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend contract C-23043 with Garrison Enterprises for updates, upgrades and other maintenance and support services for the Digital Health software application, as follows:

- a) Extend contract for a period of 3 years; and
- b) Increase contact by \$85,000 for a new not-to-exceed amount of \$333,454. Funding for the contract expense is covered by the Department of Regulatory Services.

Adopted 7/1/2011.
Absent - Gordon.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend contract C-23403 with Advanced Public Safety for citation writing devises and software functionality used by the Minneapolis Police Department (MPD), as follows:

- a) Extend contract for a period of 1 years; and
- b) Increase contact by \$75,000 for a new not-to-exceed amount of \$692,581. Funding for the contract expense is covered by the Minneapolis Police Department.

Adopted 7/1/2011.
Absent - Gordon.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept a donation for registration, travel and lodging expenses (not to exceed \$4,000) from e.Republic, for the Chief Information Officer (CIO), Otto Doll to participate in e.Republic’s 5th Annual Center for Digital Government Summit to be held July 31 - August 1, 2011.

Adopted 7/1/2011.
Absent - Gordon.

JULY 1, 2011

RESOLUTION 2011R-362

By Hodges

Accepting a donation from e.Republic for conference registration, travel and lodging expenses.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation for registration, travel and lodging expenses, value not to exceed \$4,000 from e.Republic.

Adopted 7/1/2011.

Absent - Gordon.

W&M/Budget – Your Committee, having under consideration the Urban Bird Treaty (UBT) Grant Funds from United States Fish and Wildlife Services, now recommends the following:

a) Acceptance of grant award in the amount of \$70,000 in partnership with the Minneapolis Park and Recreation Board, the City of Saint Paul, and Audubon Minnesota for the UBT project to ensure that the area becomes an increasingly effective and attractive sanctuary for resident, breeding and migratory birds;

b) Authorize proper City officers to execute grant, sub-recipient and/or disbursement and related agreements for said funds; and

c) Passage of the accompanying resolution increasing the appropriations in the City Coordinator's Office - Sustainability Fund to reflect receipt of said grant funds.

Adopted 7/1/2011.

Absent - Gordon.

RESOLUTION 2011R-363

By Hodges

Amending The 2011 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 in the City Coordinator - Grants Federal Fund (01300-8400200) by \$70,000.

Adopted 7/1/2011.

Absent - Gordon.

W&M/Budget – Your Committee, having under consideration the signing authority for FEMA Sub-grant agreements, now recommends passage of the accompanying resolution identifying that the following individuals be primary contacts, and that they be delegated the authority to sign the FEMA sub agreements and all required documentation from the Division of Homeland Security and Emergency Management at the Minnesota Department of Public Safety relating to the May 22, 2011 tornado and storms on the behalf of the City of Minneapolis.

Adopted 7/1/2011.

Absent - Gordon.

RESOLUTION 2011R-364

By Hodges

Delegating the legal signing authority in order to facilitate the FEMA reimbursement process.

Resolved by The City Council of The City of Minneapolis:

That the following individuals identified as the primary contacts, be delegated the authority to sign the FEMA sub-agreements and all required documentation from the Division of Homeland Security and

Emergency Management at the Minnesota Department of Public Safety related to the May 21-22, 2011 tornado and storms on behalf of the City:

- Lee Larson, Manager, Business Finance, Regulatory Services
- Susan Hartman, Director of Management Services & Budget, Public Works
- Terri Spencer, Manager of Accounting, Finance

Adopted 7/1/2011.

Absent - Gordon.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend the Joint Powers Agreement with the State of Minnesota Department of Public Safety to June 30, 2011; and to accept additional reimbursement of \$1,200 for the Fire Department's participation in the State of Minnesota Medical First Responder Reimbursement Pilot Project.

Adopted 7/1/2011.

Absent - Gordon.

W&M/Budget - Your Committee having under consideration the City's Benefit Consulting Service, now recommends authorizing the proper City officers to negotiate and execute a three (3) year contract with David Martin Agency, Inc. to provide consulting services for the City's benefit plans and wellness program. The contract will be effective July 1, 2011 with an option to extend the contract for up to two (2) one-year terms. Annual consulting fees are estimated to be \$150,000 and will be paid via commissions on the City's medical insurance premiums.

Adopted 7/1/2011.

Absent - Gordon.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by James P. Peters, on behalf of Bruce Shoemaker, et al., from the decision of the Board of Adjustment upholding the Zoning Administrator's interpretation that the proposed use of the property located at 340 27th Ave NE is a recycling facility in the I2 Medium Industrial District, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 7/1/2011. Yeas, 11; Nays, 1 as follows:

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

Nays - Hofstede.

Absent - Gordon.

Z&P - Your Committee, having under consideration the appeal filed by James Hayes from the decision of the Planning Commission granting applications for a) a conditional use permit; b) site plan review; and c) a preliminary subdivision plat, all for the property at 3550 46th St E (also known as 4536 36th Ave S), now recommends that said appeal be denied in part and the conditional use permit and preliminary subdivision plat applications be approved and the related findings prepared by the Community Planning & Economic Development staff be adopted.

Your Committee further recommends that the application for site plan review be **sent forward without recommendation**.

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

Adopted by unanimous consent.

Absent - Gordon.

Z&P - Your Committee, having under consideration the appeal filed by James Hayes from the decision of the Planning Commission granting applications for a) a conditional use permit; b) site plan review; and c) a preliminary subdivision plat, all for the property at 3550 46th St E (also known as 4536 36th Ave S), now recommends that said appeal be denied, the applications be approved subject to the

conditions recommended by the Planning Commission, and the related findings prepared by the Community Planning & Economic Development staff be adopted.

Your Committee also recommends that the CPC condition of approval number 3 of the site plan review be amended to read as follows:

3. The 18 parking stalls in the Metro Transit lot are required to be signed, designating their exclusive use by the patrons of the retail tenants or guest parking for the residents, so that they are not used as "park and ride" spaces. This information should be included in the Travel Demand Management Plan as well.

Your Committee further recommends that the application for site plan review be subject to the following added conditions:

8. Work with the neighborhood organization on plaza design; Building permits may be issued for the building before the plaza design process is finished.
9. Move the patio closer to the new building, at least 17 feet from the west property line, and remove the fire pit as part of the site plan to be approved by City Planning staff.
10. Enact the same building management plan that is already posted on the SENA website, with limited hours for tenant use of the community space, including patio.
11. Make changes to the landscape plan for south building façade to provide variety of heights in front of the buildings, with preference for native species of vegetation.
12. Choose tree species from the list identified by Minneapolis Park & Recreation Board Forestry Division staff as suitable for the site.
13. Plant boulevard trees in accordance with MPRB permitting process, using more than one type of tree species identified by MPRB staff as suitable for the site.
14. Developer will apply and pay for City approval for time restricted parking spaces on 46th Street adjacent his property, distance and time limits to be determined by City Traffic & Parking Services, and pay the annual on-going annual permit fee.
15. Developer will apply to the City for a variance for a 7'6" cedar fence, then build that fence if approved.

The report, as amended, was adopted 7/1/2011.

Absent - Gordon.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Oaks Properties and the Metropolitan Council to vacate the 36th Avenue South right of way between 45th and 46th Streets East (#1583), subject to the reservation of an easement to the City of Minneapolis for waterline purposes over, under, and through the north 250 feet of the area to be vacated, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said right of way.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-365, vacating 36th Avenue South between 45th Street East and 46th Street East (Vacation File No. 1583), was adopted 7/1/2011 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 2011R-365
By Schiff

Vacating 36th Avenue South between 45th Street East and 46th Street East (Vacation File No. 1583).

Resolved by The City Council of The City of Minneapolis:

That part of 36th Avenue South from a line parallel to and 16 feet north of the north right of way line of 46th Street East to the south right of way of 45th Street East, east of and adjacent to Block 6, Hiawatha Park Addition to Minneapolis, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described as follows, to wit:

As to the City of Minneapolis: An easement for waterline purposes over, under and through the north 250 feet of the area to be vacated.

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

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

Adopted 7/1/2011.

Absent - Gordon.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of North Central University (BZZ-5135) to rezone the property at 1401-1425 Chicago Ave from C1 to the OR3 Institutional Office Residential District to permit the expansion of a college or university campus and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 7/1/2011.

Absent - Gordon.

Ordinance 2011-Or-055 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 1401-1425 Chicago Ave to the OR3 District, was adopted 7/1/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

JULY 1, 2011

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

ORDINANCE 2011-Or-055
By Schiff
1st & 2nd Readings: 7/1/2011

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

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

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

That part of Lots 6 through 10, Block 19, according to the record plat thereof, J.S. & W. Elliot's Addition to Minneapolis, Hennepin County, Minnesota (1401-1425 Chicago Ave - Plate 20) to the OR3 District.

Adopted 7/1/2011.

Absent - Gordon.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to allow donation collection bins as an accessory use and to establish development standards for this accessory use, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

a. Amending Chapter 525 relating to *Administration and Enforcement*; and

b. Amending Chapter 537 relating to *Accessory Uses and Structures*.

Adopted 7/1/2011.

Absent - Gordon.

Ordinance 2011-Or-056 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.90 to add administrative review of donation collection bins to the established powers and duties of the zoning administrator, was adopted 7/1/2011 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 2011-Or-056
By Glidden
Intro & 1st Reading: 11/5/2010
Ref to: Z&P
2nd Reading: 7/1/2011

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

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

Section 1. That Section 525.90 (b) of the above-entitled ordinance be amended by adding thereto a new subdivision (17) to read as follows:

525.90. Zoning administrator. (a) *Establishment.* There is hereby established the office of the zoning administrator. The zoning administrator shall be the planning director or his or her authorized representative.

(b) *Jurisdiction and authority.* The zoning administrator shall have the following powers and duties in connection with the administration of this zoning ordinance:

(17) To perform the administrative review of donation collection bins.

Adopted 7/1/2011.
Absent - Gordon.

Ordinance 2011-Or-057 amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, amending Section 537.110 to add donation collection bins as an allowed accessory use with development standards, was adopted 7/1/2011 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 2011-Or-057
By Glidden
Intro & 1st Reading: 11/5/2010
Ref to: Z&P
2nd Reading: 7/1/2011

Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.

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

Section 1. That Section 537.110 of the above-entitled ordinance be amended by adding thereto the following accessory use and structure, in alphabetical sequence to read as follows:

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Donation collection bin: Donation collection bins shall be allowed in all zoning districts accessory to a commercial use, a religious institution place of assembly, or an educational facility, subject to administrative review and approval by the zoning administrator, and subject to the following:

- (1) The donation collection bin shall be fully owned and operated by a non-profit entity and all revenues from the sale of collections from the use must be returned to support the non-profit entity. Hosting property owners or managers shall not receive compensation for hosting the use. A non-profit entity shall mean those partnerships, joint ventures, corporations and associations that:
 - a. Are established for a purpose not involving pecuniary gain to the members, partners or shareholders thereof;
 - b. Pay no dividends or other pecuniary remuneration, directly or indirectly, to the members, partners or shareholders thereof; and
 - c. In the case of private, nonprofit corporations, are established under and pursuant to Minnesota Statutes, Chapter 317A, and are in compliance with all the provisions thereof. In no event shall a limited dividend entity be deemed a non-profit entity.

- (2) In the residence and OR1 districts, donation collection bins shall be located on a religious institution place of assembly, or an educational facility site of not less than twenty thousand (20,000) square feet.
- (3) Not more than one (1) bin shall be located on a zoning lot.
- (4) Items collected shall be limited to nonfood items that can be placed in the collection bin through the opening and shall not be left outside of the bin.
- (5) Bins shall be no more than six (6) feet in height, five (5) feet wide and four (4) four feet deep, shall be installed on a hard, level surface and shall be locked or otherwise secured and maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. The opening shall not exceed ten (10) square feet in area.
- (6) Bins shall be clearly marked to identify the specific items and materials requested to be left for donation and shall contain the following contact information in two (2) inch type visible from the front of each bin: the name, address, email, and phone number where the owner or operator may be reached. The bin shall also display a notice stating that no items or materials shall be left outside of the bin.
- (7) Bins shall be monitored daily and serviced and emptied as needed by the owner or operator, or the property owner, to prevent overflow of materials onto surrounding areas. All receipt, sorting and processing of goods collected shall occur within a completely enclosed building.
- (8) The bin shall be located no closer than twenty (20) feet from an adjacent permitted or conditional residential use.
- (9) The bin shall not be located in any required yards and shall not interfere with on-site circulation, landscaping, required off-street parking, accessible parking areas, walkways and any other requirements that may have been imposed as part of the site plan approval for the premises.
- (10) The use shall be located at least one thousand (1,000) feet from all existing donation collection bins and secondhand goods stores unless it is located on the same zoning lot as the non-profit entity it serves.
- (11) The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing any litter found thereon.

Adopted 7/1/2011.

Absent - Gordon.

Z&P – Your Committee, having under consideration the Central Corridor Transit Station Area Comprehensive Plan Amendment, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Community Planning & Economic Development staff be adopted, and that said amendment be adopted and approved as a comprehensive plan amendment to ***The Minneapolis Plan for Sustainable Growth***, further finding that said approval is subject to final review and approval by the Metropolitan Council.

Adopted 7/1/2011.

Absent - Gordon.

Z&P – Your Committee recommends approval of the City Council reappointment of John Finlayson (Ward 13) to the Zoning Board of Adjustment for a term to continue through December 31, 2013, and the appointment of Ami Thompson (Ward 9) and Daniel Ogiba (Ward 7) for terms to run August 1, 2011 - December 31, 2013.

Adopted 7/1/2011.

Absent - Gordon.

REPORTS FROM THE AUDIT COMMITTEE

The AUDIT Committee submitted the following report:

Audit - The Minneapolis Audit Committee hereby transmits the State of Minnesota/Office of the State Auditor Management and Compliance Reports for the City of Minneapolis and for the Minneapolis Park and Recreation Board, for the year ended December 31, 2010, with the recommendation that the City Council refer said reports to the Ways & Means/Budget Committee for its consideration.

Adopted 7/1/2011.

Absent - Gordon.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of August, 2011, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 7/1/2011.

Absent - Gordon.

RESOLUTIONS

Resolution 2011R-366, honoring 2011 Neighborhoods, USA “Neighborhood Newsletter” Award Recipients, was adopted 7/1/2011 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 2011R-366

**By Lilligren, Reich, Gordon, Hofstede, Johnson, Samuels,
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

Honoring 2011 Neighborhoods, USA “Neighborhood Newsletter” Award Recipients.

Whereas, Neighborhoods, USA is a national non-profit organization committed to building and strengthening neighborhood organizations and was created in 1975 to share information and experiences toward building stronger communities; and

Whereas, NUSA now continues to encourage networking and information sharing to facilitate the development of partnerships between neighborhood organizations, government and the private sector; and

Whereas, the Neighborhoods, USA (NUSA) Newsletter Competition acknowledges excellence in neighborhood newsletters — a vital communication tool that can often determine a neighborhood’s success; and

Whereas, the Newsletter competition featured three categories — neighborhood organizations, government entity and nonprofit organization or agency — with gold, silver and bronze level awards; and

Whereas, each entry was evaluated by a jury panel using a list of criteria including content, layout, and overall appearance; and

Whereas, the announcement of the Neighborhood Newsletter Competition award winners were made during NUSA's annual conference in Anchorage, Alaska, May 25-28, 2011; and

Whereas, In the Newsletter Competition, Gold Winners included the Minneapolis neighborhoods of;

- Corcoran Corcoran Neighborhood Organization
- Lyndale Lyndale Neighborhood Association, and
- Standish Erickson Standish Erickson Neighborhood Association

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

That the Minneapolis City Council would like to acknowledge the good work of these neighborhoods and congratulate them on bringing home the GOLD!

Adopted 7/1/2011.

Absent - Gordon.

Approved Mayor Rybak 7/5/2011.

(Published 7/6/2011)

Resolution 2011R-367, honoring the Lee family for standing against racism and supporting fair housing for all, was adopted 7/1/2011 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 2011R-367

By Quincy, Glidden, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Tuthill, Colvin Roy, Hodges

Honoring the Lee family for standing against racism and supporting fair housing for all.

Whereas, in June 1931, Arthur and Edith Lee and their 6-yr-old daughter Mary became the first African-American family to own a home in the Field neighborhood when they bought a two-bedroom bungalow at 4600 Columbus Avenue, an area of south Minneapolis which was racially segregated; and

Whereas, despite threats from neighbors and the neighborhood association, and an offer from neighbors to buy the home back for \$300 more than the Lees had paid, they settled into their new home with an intent to stay; and

Whereas, within two weeks of the Lee family's arrival, hundreds and up to thousands of white people would assemble nightly outside their home and stay until the early morning hours, hurling taunts and rocks, throwing black paint on the house, and jeering whenever someone went in or out of the house, as police stood outside urging crowds to disperse; and

Whereas, the terrified Lee family and their supporters were forced to hide in the house, "crouching below darkened windows with guns in hand to defend" themselves, knowing a sullen, angry crowd of men and women were threatening them from all directions; and

Whereas, Mr. Arthur Lee, a World War I veteran, declared, "Nobody asked me to move out when I was in France fighting in mud and water for this country... all I want is my home, and I have a right to establish one and live in it"; and

Whereas, Lena Olive Smith, the first black woman licensed to practice law in Minnesota and the first female President of the Minneapolis branch of the NAACP, advised the Lees through the conflict, and encouraged them to remain in their home for the importance of the principal that African-American people may live wherever European-American people live; and

Whereas, the matter came to a head after the mob, which had grown to over 3,000, descended upon the Lee home throwing rocks and smashing windows, causing the police to form a protective cordon

around home and for friends of Arthur Lee, who served with him in World War I, to organize a group of armed guards to help protect the house; and

Whereas, throughout this period of violence, threats and riotous crowds, the Lee family stood firm and refused to leave or sell their home as long as demonstrations persisted; and

Whereas, eighty years after these events the Field Regina Northrop Neighborhood Association, area residents and organizations, and the City of Minneapolis take pride in the Lee family's strength and fortitude and wish to honor them; and

Whereas, the Lee family, who won a significant battle for fair housing and civil rights, teach us that race and racism are an important part of our City's history and that we can learn from the past as we unite in peace with our neighbors;

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

That the City Council honors the Lee Family, their friends and allies, and their attorney, Lena Olive Smith, for their courage in fighting against racism and on behalf of fair housing for all.

Be It Further Resolved that the Lee Family and their descendents be remembered at the Lee Family Commemorative Event, to be held July 16, 2011, with the public invited to gather at Field School at 6:45 pm for a walk along 46th Street, retelling of the Lee story, and dedication of a commemorative sculpture.

Adopted 7/1/2011.

Absent - Gordon.

Resolution 2011R-368, accepting a donation for travel expenses from Intrado, Inc., for Heather Hunt, 911 Director to participate in a focus group of 911 industry experts, was adopted 7/1/2011 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 2011R-368
By Hodges

Accepting a donation for travel expenses from Intrado, Inc., for Heather Hunt, 911 Director to participate in a focus group of 911 industry experts.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation for airfare, lodging and meals from July 12, 2011 through July 14, 2011 from Intrado, Inc., for Heather Hunt, 911 Director, to travel to Longmont, Colorado to participate in a focus group of 911 industry experts to advise Intrado on Next-Generation 911 technical and operational issues, (approximate value \$1,000.)

Adopted 7/1/2011.

Absent - Gordon, Hofstede.

UNFINISHED BUSINESS

Report sent forward without recommendation ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending regulations applicable to outdoor areas and establishing capacity limits and specific hours of use.

Glidden moved to postpone. Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon, Hofstede.

Gordon renewed notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 201 of Minneapolis Code of Ordinances related to *Food Code: Public Markets* (amending various regulations related to farmers markets and other market types including definitions, license categories and related regulations).

Gordon renewed notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 202 of Minneapolis Code of Ordinances related to *Food Code: Municipal Market* (amending definitions and regulations related to municipal market licensure and operation).

Pursuant to notice, Glidden moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of Minneapolis Code of Ordinances related to *Housing: Maintenance Code, Light and Ventilation*, for first reading and referral to the Regulatory, Energy & Environment Committee (to incorporate MN rule 4625). Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon, Hofstede.

Pursuant to notice, Glidden moved to introduce the subject matter of an ordinance amending Title 10, Chapter 188 of Minneapolis Code of Ordinances related to *Food Code: Administration and Licensing*, for first reading and referral to the Regulatory, Energy & Environment Committee (to be consistent with MN rule 4626, MN statute 157 and the City's delegation agreement with the Minnesota Department of Health). Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon, Hofstede.

Pursuant to notice, Glidden moved to introduce the subject matter of an ordinance amending Title 10, Chapter 186 of Minneapolis Code of Ordinances related to *Food Code: In General*, for first reading and referral to the Regulatory, Energy & Environment Committee (to be consistent with MN rule 4626, MN statute 157 and the City's delegation agreement with the Minnesota Department of Health). Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon.

Pursuant to notice, Lilligren moved to introduce the subject matter of an ordinance amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances related to *Civil Rights: In General*, for first reading and referral to the Public Safety, Civil Rights & Health Committee (amending the definition of "sexual orientation" and adding a protected class definition of gender identity or expression). Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon.

NEW BUSINESS

Lilligren moved to introduce an ordinance amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, for first reading and referral to the Public Safety, Civil Rights & Health Committee (substituting the protected class of affectional preference with the protected classes of sexual orientation and gender identity). Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

Schiff moved to introduce an ordinance amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, for first reading and referral to the Zoning & Planning Committee (to authorize catering and institutional food manufacturing as an accessory use in a wider range of zoning districts). Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

Schiff moved to introduce an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, for first reading and referral to the Zoning & Planning Committee (to amend fees for land use applications). Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

Schiff moved to introduce ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to eliminate the need to obtain a conditional use permit to establish many residential uses), as follows:

Amending Chapter 546 related to *Zoning Code: Residence Districts*;

Amending Chapter 547 related to *Zoning Code: Office Residence Districts*;

Amending Chapter 548 related to *Zoning Code: Commercial Districts*;

Amending Chapter 549 related to *Zoning Code: Downtown Districts*; &

Amending Chapter 551 related to *Zoning Code: Overlay Districts*. Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

Schiff moved to introduce an ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, for first reading and referral to the Zoning & Planning Committee (to amend fees for subdivision applications). Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances related to Licenses and Business Regulations: Taxicabs (requiring the acceptance of credit card payments for taxicab fares).

Hodges gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events* (amending Section 455.25 to include a zero-waste policy for large block events).

Glidden requested unanimous consent to introduce an ordinance amending Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to *Building Code: Electricity*, to provide for electrical inspection pursuant to State Code, for first reading. Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

(Published 7/6/2011)

Glidden moved passage of an ordinance amending Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to *Building Code: Electricity*, to provide for electrical inspection pursuant to State Code. Seconded.

Adopted 7/1/2011.

Absent - Gordon.

(Published 7/6/2011)

Ordinance 2011-Or-058 amending Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to *Building Code: Electricity*, amending Chapter 99 by adding new Sections 99.10 through 99.90 to provide for electrical inspection pursuant to State Code, was adopted 7/1/2011 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 2011-Or-058
By Glidden
1st & 2nd Readings: 7/1/2011

**Amending Title 5, Chapter 99 of the Minneapolis Code of Ordinances relating to
Building Code: Electricity.**

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

Section 1. That Chapter 99 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article I, including new Sections 99.10 through 99.90, to read as follows:

ARTICLE I. ELECTRICAL CODE

99.10. Authority to inspect. The City of Minneapolis, pursuant to the authority granted to it in Minn. Statute 326B.36, hereby provides for the inspection of all electrical installations.

99.20. Electrical code adopted. The Minnesota State Building Code, including all amendments, rules and regulations, is adopted by reference into this Code pursuant to section 85.20. The Minnesota State Building Code, pursuant to Minnesota Rules Chapter 1315, incorporates by reference the National Electrical Code, developed and published by the National Fire Protection Association, Inc. The electrical code provisions of the Minnesota State Building Code, and all codes incorporated therein by reference, shall comprise the electrical code of the City of Minneapolis.

99.30. Compliance with electrical code required. All electrical installations shall comply with the requirements of the electrical code of the City of Minneapolis and this article.

99.40. Electrical inspections. All electrical inspections shall be subject to and in conformance with the requirements and provisions of Minn. Statute 326B.36, except as specifically stated in this article.

99.50. Permit required. A permit shall be required for electrical work regulated by the electrical code. Permits shall be issued according to Minnesota Rules Chapter 1300 and this Minneapolis Code of Ordinances.

99.60. Fee schedule. Permit fees shall be as established in Minn. Statute 326B.37. In addition, a surcharge fee shall be collected on all permits issued for work governed by this article in accordance with **Minn. Statute 326B.148**.

99.70. Notice and appeal. All notices of violations and orders issued pursuant to this article shall be in conformance with the requirements of Minn. Statute 326B.36 and shall be subject to the appeal procedures established in section 87.300.

99.80. Enforcement and penalties. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

- (1) Violations may be enforced as administrative offenses pursuant to Chapter 2 of the Minneapolis Code of Ordinances.
- (2) Violations may be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (3) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

99.90. Sunset. This article shall be revoked without further action of the city council upon the enactment of a budget by the State of Minnesota to fund the Department of Labor and Industry for the state fiscal year beginning July 1, 2011.

Adopted 7/1/2011.

Absent - Gordon.

Approved Mayor Rybak 7/5/2011.

Vice President Lilligren assumed the Chair.

Johnson moved that staff be directed to report to the RE&E Committee on the effectiveness of delegating electrical inspections to the State of Minnesota and to recommend changes, if necessary. Seconded.

Adopted 7/1/2011.

Absent - Gordon.

Approved Mayor Rybak 7/5/2011.

(Published 7/6/2011)

President Johnson resumed the Chair.

Glidden moved to introduce an ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending Section 265.290 to permit sidewalk cafe furniture and fixture storage). Seconded.

Adopted by unanimous consent 7/1/2011.

Absent - Gordon.

Lilligren moved to adjourn to Room 315 City Hall to consider the Claim of *Abel Miamen*. Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon

Room 315 City Hall

Minneapolis, Minnesota

July 1, 2011 - 11:24 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Member Gordon.

Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Claim of *Abel Miamen*.

At 11:25 a.m., Schiff moved that the meeting be closed. Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon, Hofstede.

Present - Council Members Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Reich, Hofstede (in at 11:35 a.m.), President Johnson.

Absent - Gordon.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Jim Moore, Assistant City Attorney; Tim Dolan, Chief of Police; Casey Joe Carl, City Clerk; and Anne Roth, City Clerk's Office.

Jim Moore summarized the Claim of *Abel Miamen* from 11:25 a.m. to 11:36 a.m.

At 11:37 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon.

JULY 1, 2011

Lilligren moved to approve settlement of the claim of Abel Miamen with payment of a total of \$80,000 to Plaintiff and his attorneys, Gaskins, Bennett, Birrell and Schupp. The payment shall be from Fund/Org. 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 7/1/2011.

Absent - Gordon.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 7/1/2011.

Absent - Gordon.

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

Casey Joe Carl,
City Clerk.

Unofficial Posting: 7/05/2011
Official Posting: 7/08/2011
Corrections: 10/6/2011; 2/17/2012