

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF SEPTEMBER 24, 2010

(Published October 2, 2010, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
September 24, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 9/24/2010.

Absent – Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of September 3, 2010. Seconded.

Adopted upon a voice vote 9/24/2010.

Absent – Colvin Roy.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 9/24/2010.

Absent – Colvin Roy.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDITOR (274486)

Audit Activities Report.

AUDIT and RULES (See Rep):

COUNCIL MEMBER HOFSTEDE (274487)

Audit Committee Structure: Report of Audit Subcommittee.

COMMITTEE OF THE WHOLE (See Rep):

CIVIL RIGHTS (274488)

Small & Underutilized Business Enterprise Program Extension Ordinance.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274489)

Parkland Dedication Ordinance: Passage of revisions to ordinance.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274490)

Fairview Health Services (re project at 25th Ave S & Riverside Ave): Authorize amendment of documents relating to previously issued bonds.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274491)

2010 Hennepin County Transit Oriented Development Grant: Award for Cedar-Riverside LRT & Franklin LRT Station Area.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (274492)

NRP Phase II Neighborhood Action Plans:

Lind-Bohanon;

North Loop.

PUBLIC SAFETY AND HEALTH:

FIRE DEPARTMENT (274494)

2010 Retirement Incentive Plan: Increase the number of incentives from 10 to 15 positions.

POLICE DEPARTMENT (274495)

2010 Police Retirement Incentive Plan: Increase the number of incentives from 10 to 20 positions.

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

HEALTH AND FAMILY SUPPORT SERVICES (274496)

School Based Clinic Program: Submit three-year grant seeking up to \$690,000 from the Healthier Minnesota Community Clinic Fund to expand and improve integrated physical and mental health services for the period January 1, 2011 to December 31, 2014.

Youth Gang Prevention Project: Accept grant award of \$325,000 from the Department of Justice to implement the Minneapolis BUILD Gang Prevention Project; and Approve appropriation.

POLICE DEPARTMENT (274497)

East African Area Studies Group Conference: Amend contract with Millennium Hotel to pay the final invoice amount of \$36,472.91 for the Police Department's sponsored conference focused on East African law enforcement issues.

Operation NightCAP Grant: Execute grant amendment with Minnesota Department of Public Safety to accept \$450 to pay overtime to Traffic Unit officers to increase enforcement targeting impaired drivers and to increase driver safety; and Approve appropriation.

Adult DWI Court Grant: Execute agreement with Fourth Judicial District Court to accept \$72,810 for the implementation of an Adult DWI Court in Hennepin County to fund wages for police officers to participate in the program; and Approve appropriation.

Minnesota Cyber Crimes Task Force: Execute agreement with United States Federal Bureau of Investigation to participate in the Task Force; and to accept up to \$17,000 for the reimbursement of approved overtime for the Police Department's participation; and Approve appropriation.

REGULATORY SERVICES (274498)

Gift for Travel Expenses: Passage of Resolution accepting the donation of travel expenses for Heather Hunt, 911 Director, to attend the 2010 Intrado Mobility Summit in Colorado.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274499)

Thinc.Green^{MSP} Plan: Resolution accepting the Thinc.Green^{MSP} Joint Powers Agreement between the City of Minneapolis and the City of Saint Paul; and Authorize staff to jointly apply with the City of Saint Paul to register the Thinc.Green^{MSP} service mark, to be jointly owned and used by Minneapolis and Saint Paul.

LICENSES AND CONSUMER SERVICES (274500)

Famous Dave's BBQ & Blues (3001 Hennepin Av): Grant On-Sale Liquor Class B with Sunday Sales License (permanent expansion of premises for outdoor patio).

Gluek's Restaurant & Bar (16 N 6th St): Grant On-Sale Liquor Class C-1 with Sunday Sales License (permanent expansion of premises for outdoor patio).

The Lowry Cafe (2207 Lowry Av N): Grant On-Sale Wine Class D with Strong Beer License.

Skyway Wine & Spirits (601 Marquette Av): Grant Off-Sale Liquor License.

Town Hall Tap (4810 Chicago Av): Grant On-Sale Wine Class E with Strong Beer License, subject to conditions.

Baldy's BBQ (1813 Riverside Av): Approve Business License Operating Conditions relating to Restaurant and Catering Licenses.

LICENSES AND CONSUMER SERVICES (274501)

Licenses: Applications.

REGULATORY SERVICES (274502)

Rental Dwelling Licenses at 2706 Russell Av N; 3235 Dupont Av N; 1623 Thomas Av N; 2801 James Av N; and 1942 Xerxes Av N: Revoke licenses held by Randy Olson and Jennifer Deboer; and Deny application for a rental license for 2801 James Av N.

RULES (See Rep):

CITY CLERK (274503)

City Council Rules No 11 and 12: Amend to remove references to Audit Committee as a standing committee.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (274504)

Special Service Districts: Set public hearing for proposed services and service charges for 2011.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274505)

Downtown Business Improvement Special Service District: Service charges for 2011; Comments.

50th St W and France Ave S Parking Facility (Ewing Lot): Assessment public hearing.

Lyn/Lake Parking Facilities: Assessment public hearing.

Areaway Abandonment and Removal: Receive costs for 250 3rd Ave N.

Areaway Abandonment and Removal: Receive costs for 625 2nd Ave S.

Areaway Abandonment and Removal: Receive costs for 1000 Marquette Ave S.

Metropolitan Council Draft 2030 Transportation Policy Plan Update: Submit comments.

Lyndale Ave S Construction Project No 6745 (56th St W to East-Bound Minnehaha Pkwy W): Layout approval; Comments.

Lyndale Ave Bridge: Layout approval.

Peavey Plaza: RFP for landscape architect services.

Central Corridor Light Rail Transit Projects: Agreements with Met Council, University of Minnesota, and Hennepin County.

State Aid Rules Committee: Appoint Council Member Reich.

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

PUBLIC WORKS AND ENGINEERING (274506)

Sale of City-owned truck and trailer to State of Minnesota.

Cedar Lake Trail Phase III: Easements with Threequarters LLC/Bruce Stillman.

Bids: a) OP 7314, Low bid of NAC Mechanical and Electrical Services for the storm sewer separation project; b) OP 7319, Low bid of Designer Sign Systems for variable message signs; c) OP 7330, Low bid of Lino Lakes Landscaping for turf establishment; and d) OP 7339, Bid of Brown Traffic Products, Inc for traffic signal cabinets and equipment.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (274507)

2011 Truth-in-Taxation Supplemental Notice.

2012-2016 Recommended Five-Year Financial Direction.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274508)

Legal Settlements: a) James F. Cannon; b) Diane Clark; and c) Daryl and Uhura Fields.

BUSINESS INFORMATION SERVICES (BIS) (274509)

Novarum Inc.: Authorize execution of a three year contract to provide a roaming WiFi system.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (274510)

Emergency Medical Services: Negotiate and execute contract with American Red Cross Twin Cities Area Chapter for services beginning January 1, 2011.

FINANCE DEPARTMENT (274511)

Financial Services Consultant Panel: Issue RFP.

HUMAN RESOURCES (274512)

Appointed Positions in Regulatory Services Department: Assistant Director, Regulatory Services; Director, Construction Services, Development Review, Traffic & Parking; Director, Emergency Management; and Director, Housing Inspection Services; and Salary Ordinances.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (274513)

Zoning Code Text Amendment Workplan.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (274514)

Appeal: Thor Truelson (4917 Girard Ave S).

MOTIONS (See Rep):

CITY COUNCIL (274493)

Interchange Working Group Appointment: Removal of Lilligren's name as alternate.

FILED:

CHARTER COMMISSION (274515)

Charter Commission Committee to Draft Guidelines or Principles for Minneapolis Redistricting: a) Correspondence to set up meeting; b) Meeting handouts 9/13/2010; c) Meeting handouts 9/20/2010; and d) Meeting handouts 9/23/2010.

CITY CLERK (274516)

Rental Dwelling License at 1903 Girard Av S: Verbatim transcripts of the PS&RS Meeting of May 3, 2010, and the City Council of May 14, 2010 relating to the revocation of the license held by Azzam Sabri.

The following reports were signed by Mayor Rybak on September 28, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The AUDIT AND RULES Committees submitted the following report:

Audit & Rules - Your Committee, having under consideration the proposed reclassification and organizational structure for the Minneapolis City Council Audit Committee, now recommends approval of the recommendations of the Audit Subcommittee for changes in the organizational and operating structure of the Audit Committee from that of a Standing Committee, subject to City Council, to an Independent Committee as envisioned under the enabling ordinance.

Further, that the proper City officers be directed to update the table of organization for the City of Minneapolis, if the recommendation is adopted.

Adopted 9/24/2010.

Absent - Colvin Roy.

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole - Your Committee, to whom was referred an ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, regarding revisions to the Parkland Dedication Ordinance, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the Intergovernmental Relations Committee include in the 2011 state legislative agenda working with the Park Board to seek clarification that parkland dedication may be required outside of a platting/subdivision process and that a flat fee may be used for residential development.

Your Committee also recommends approval of the revised staff direction as laid out in the staff report presented September 2, 2010, to prepare for ordinance implementation.

Adopted 9/24/2010.

Absent - Colvin Roy.

Ordinance 2010-Or-081 amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, amending Sections 598.340 - 598.380 and 598.400 - 598.420 revising the Parkland Dedication Ordinance, was adopted 9/24/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-081
By Johnson and Goodman
Intro & 1st Reading: 7/2/2010
Ref to: Comm of the Whole
2nd Reading: 9/24/2010
By Johnson and Goodman

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

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

Section 1. That Section 598.340 of the above-entitled ordinance be amended to read as follows:

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

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

- (1) The National Recreation and Parks Association's guidelines for park system planning are that neighborhood parks have a service area between one-quarter (1/4) to one-half (1/2) mile and that the service area for community parks is between one-half (1/2) to three (3) miles.
- (2) The Urban Land Institute's guidelines have a one-half (1/2) mile service radius for neighborhood parks and a two (2) mile service radius for community parks.
- (3) One of the stated goals of the park board's comprehensive park system plan is to "ensure park access for all residents by providing parks within an easy walk from their homes (no more than six (6) blocks) and achieving a ratio of .01 acres of parkland per household."
- (4) The city's current neighborhood and community parks consist of one thousand seven hundred twenty-nine (1,729) acres.
- (5) The city has projected that by the year 2030, twenty-six thousand three hundred fifty (26,350) new households will be added to the city creating a demand for an additional two hundred sixty-three (263) acres of neighborhood and community parkland.
- (6) The city's comprehensive plan projects net new job growth of fifty-three thousand seven hundred sixty (53,760) by the year 2030, which would create an additional need for one hundred twenty-two (122) acres of parkland.

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

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

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

Section 2. That Section 598.350 of the above-entitled ordinance be amended to read as follows:

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

Section 3. That Section 598.360 of the above-entitled ordinance be amended to read as follows:

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

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

City means the City of Minneapolis.

City staff means the appropriate department head or person designated by that department head to carry out a specific duty or function designated by this ordinance.

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

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

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

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

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

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

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

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

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

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

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Park means public parks operated by the City of Minneapolis or park board, including all park buildings-, trails, parkways, and related facilities.

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

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

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

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

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

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

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

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

Section 4. That Section 598.370 of the above-entitled ordinance be amended to read as follows:

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

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

Criteria to be considered:

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

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

(c) *Dedication option; fee payment.* If a plat or registered land survey is not required under section 598.40, if the dedication of land is not practical, or if ~~the city staff, after consultation with park board Superintendent or their designee,~~ the city staff, after consultation with park board Superintendent or their designee, determines that the land to be dedicated does not meet the requirements of subdivision (a), then a developer of property subject to subdivision (b) of this section shall contribute a cash payment in lieu of all or a portion of the land otherwise required under subdivision (b) of this section. The fee for mixed-use developments that include both residential and non-residential development shall be the sum of the fees for the residential and non-residential development components. The amount of cash payment for residential development shall be \$1,500 per non-exempt unit, with said amount to be adjusted annually as described below. The amount of the cash payment

for non-residential development shall be based upon the city assessor's most recent certified land estimated market value per square foot of the total acreage of the plat or development site at the time of city approval, multiplied by the number of square feet that would have been dedicated under subdivision (b). The amount of cash payment in lieu of dedication for non-residential development shall not exceed two hundred (\$200) dollars per development employee, with said maximum to be adjusted annually as described below. Both the per unit and per development employee limits above shall be adjusted each April 1 by the change in the Consumer Price Index for all Urban Consumers (CPI-U, all Items) for the Minneapolis-St. Paul area issued by the Bureau of Labor Statistics for the preceding twelve (12) months ending December 31 of the previous year, but shall not be reduced. In determining whether land dedication or cash in lieu thereof will be required, the city staff, in consultation with park board staff, may consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section. The cash payment in lieu shall be contributed prior to obtaining the city clerk's signature on the final plat or prior to obtaining the building permit required for the project.

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

- (1) ~~Two thousand dollars (\$2,000.00) per residential dwelling unit with said maximum to be adjusted annually as described below, plus;~~
- (2) ~~Two hundred dollars (\$200.00) per development employee, with said maximum to be adjusted annually as described below.~~

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

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

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

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

Section 5. That Section 598.380 of the above-entitled ordinance be amended to read as follows:

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

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

- standards for the purposes listed in section 598.370(a) will revert to the city and/or park board in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval, after consultation with park board staff. Such covenant shall be recorded prior to or at the same time as the final plat or prior to obtaining building permits, as applicable.
- (5) Yards, court areas, parking areas, stormwater management areas, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation ~~for park dedication credits~~ of the land area required in determining the park dedication waiver.
 - (6) Before ~~credit a waiver~~ is given, the city, in consultation with park board Superintendent or their designee, shall make a finding that such ~~credit a waiver~~ is acceptable.
 - (7) That where such ~~credit waiver~~ is granted, the amount of the ~~credit waiver~~ in the downtown area may be up to one hundred (100) percent of the park dedication requirements for the development.
 - (8) That where such ~~credit waiver~~ is granted, the amount of the ~~credit waiver~~ elsewhere in the city shall not exceed seventy-five (75) percent of the park dedication requirements for the development.
 - (9) If the developer provides park and recreational improvements, site amenities, or other landscape elements to the public use space, the value of the improvements shall be credited against the park dedication fees: and conform to park board standards.

Section 6. That Section 598.400 of the above-entitled ordinance be amended to read as follows:

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

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

All fund expenditures shall be approved on an annual basis as part of the city's and park board's annual capital budgeting process. Expenditures from the parkland dedication special fund shall be in conformance with the city's and park board's adopted comprehensive plan, development or project plans for sub-areas of the city, and the park system plans, and shall be consistent with other applicable criteria in subdivision (a) of this section. These funds shall supplement, but not supplant, other park board capital funding that is subject to normal city budget and capital budgeting processes.

Section 7. That Section 598.410 of the above-entitled ordinance be amended to read as follows:

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

Section 8. That Section 598.420 of the above-entitled ordinance be amended to read as follows:

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

- (1) Six (6) months after both the Minneapolis City Council and the Park and Recreation Board adopt identical ordinances, or
- (2) Approval of state law amendments related to same.

Adopted 9/24/2010.
Absent - Colvin Roy.

Lilligren 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 September 23, 2010, regarding passage of an ordinance to extend the City of Minneapolis' Small and Underutilized Business Program at this meeting. Seconded.

Adopted 9/24/2010.
Absent - Colvin Roy.

Comm of the Whole - Your Committee, to whom was referred an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances, relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, extending the expiration of Chapter 423 to March 31, 2011, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/24/2010.
Absent - Colvin Roy.

Ordinance 2010-Or-082 amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, amending Section 423.80 to extend the sunset date of the Small and Underutilized Business Enterprise Program, was adopted 9/24/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-082
By Lilligren
Intro & 1st Reading: 9/3/2010
Ref to: Comm of the Whole
2nd Reading: 9/24/2010

Amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program.

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

Section 1. That Section 423.80 of the above-entitled ordinance be amended to read as follows:

423.80. Expiration of Chapter 423. This chapter of the Minneapolis Code of Ordinances, Chapter 423, shall expire and, absent other action by the city council based on an analysis of the continuing need for the Small and Underutilized Business Enterprise Program, the Small and Underutilized Business Enterprise Program shall cease all operations on ~~September 30, 2010~~ March 31, 2011.

Adopted 9/24/2010.
Absent - Colvin Roy.

The COMMUNITY DEVELOPMENT Committee submitted the following report:

Comm Dev – Your Committee, having under consideration a request to amend documents related the approval of issuance of revenue bonds on behalf of Fairview Hospital and Healthcare Services (re

project at 25th Ave S and Riverside Ave), as described in the Community Planning & Economic Development staff report, now recommends passage of the accompanying resolution authorizing the execution of various documents to amend to Series 2008C, 2008D and 2008E Fairview Health Services Bonds.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-432, amending terms of Health Care System variable Rate Demand Revenue Bonds, Series 2008C, Series 2008D and Series 2008E on behalf of Fairview Health Services (for project at 25th Ave S and Riverside Ave), was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-432

By Goodman

Amending terms of Health Care System variable Rate Demand Revenue Bonds, Series 2008C, Series 2008D and Series 2008E on behalf of Fairview Health Services.

Whereas, pursuant to Minnesota Statutes, Section 469.152 through 469.165, as amended, the City of Minneapolis (the "City") has previously issued on behalf of Fairview Health Services, a Minnesota nonprofit corporation (the "Corporation"), its Health Care System Variable Rate Demand Revenue Bonds, Series 2008C, Series 2008D and Series 2008E (Fairview Health Services) (the "Bonds"), to finance health care facilities of the Corporation; and

Whereas, each series of the Bonds was issued pursuant to the terms of a separate Trust Indenture between the City and Wells Fargo Bank, National Association, as trustee, dated as of October 1, 2008 (together, the "Bond Indentures"); and

Whereas, the City loaned the proceeds of each of the series of the Bonds to the Corporation pursuant to a separate Loan Agreement between the City and the Corporation dated as of October 1, 2008 (together, the "Loan Agreements"); and

Whereas, all of the Bonds presently bear interest at a Weekly Interest Rate, as such term is defined in the Bond Indentures; and

Whereas, the Corporation has advised the City that in order to provide for one or more additional Interest Rate Periods (as defined in the Bond Indentures) for the Bonds, it will be necessary to amend the Bond Indentures and Loan Agreements to implement modifications and amendments to the terms of the Bonds and the Bond Indentures and the Loan Agreements, and the Corporation has requested that the City enter into an amendment to each of the Bond Indentures (the "Bond Indentures Amendment") and an amendment to each of the Loan Agreements (the "Loan Agreements Amendment") for these purposes;

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

That the City hereby consents to the amendment of the terms of the Bonds to provide for one or more additional Interest Rate Periods, and subject to the approval of the forms thereof by City Attorney's Office, the Bond Indentures Amendment and the Loan Agreements Amendment are directed to be executed in the name and on behalf of the City by the City Finance Officer. Any other City documents and certificates necessary in connection with the amendment of the terms of the Bonds and execution of the Bond Indentures Amendment and Loan Agreements Amendment shall be executed by the appropriate City officers. The execution of any of the Bond Indentures Amendment, the Loan Agreements Amendment, or any other document or instrument by the City Finance Officer or by the appropriate officer or officer of the City shall be conclusive evidence of the approval of such document in accordance with the terms hereof.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indentures Amendment or the Loan Agreements Amendment, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the amendment of the terms of the Bonds, the acting Mayor, Assistant City Clerk, Assistant City Finance Officer or other officer may execute such instrument.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

Comm Dev & W&M/Budget – Your Committee, having under consideration receipt of 2010 Hennepin County Transit Oriented Development grant awards, now recommends that the proper City officers be authorized to accept and appropriate awards for the following projects, and to execute grant, subrecipient and/or disbursement and related agreements for said grant:

Cedar-Riverside Light Rail Transit, \$300,000

Franklin Light Rail Transit Station Area Public Realm Improvements, \$75,000

Your Committee further recommends passage of the accompanying resolution increasing the CPED appropriation by \$375,000 to reflect the receipt of said grant funds.

Adopted 9/24/2010.

Absent - Colvin Roy.

Approved 9/24/2010 by Mayor Rybak.

(Published 9/28/2010)

**RESOLUTION 2010R-433
By Goodman and Hodges**

Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (06100-8900320) by \$375,000 and increasing the revenue source (01600-8900900-322002) by \$375,000.

Adopted 9/24/2010.

Absent - Colvin Roy.

Approved 9/24/2010 by Mayor Rybak.

(Published 9/28/2010)

Comm Dev & W&M/Budget - Your Committee, having under consideration the Lind-Bohanon Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$521,140;

b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$521,140; and

c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 9/24/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-434
By Goodman and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$521,140.

Adopted 9/24/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration the North Loop Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$293,007;

b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$293,007; and

c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 9/24/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-435
By Goodman and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$293,007.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

PS&H & W&M/Budget - Your Committee, having under consideration the 5th Annual East African Area Studies Group Conference, now recommends that the proper City officers be authorized to execute an amendment to the contract with the Millennium Hotel to pay the final invoice, in the amount of \$36,472.91, for the Police Department's sponsored conference focused on East African law enforcement issues (\$35,455.12 in registration fees charged to attendees and \$1,017.70 from the training budget).

Adopted 9/24/2010.

Absent - Colvin Roy.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the 2010 *Operation NightCAP* grant amendment with the Minnesota Department of Public Safety, State Patrol Division, to accept \$450 to pay overtime to Traffic Unit officers to increase enforcement targeting impaired drivers and to increase driver safety. Further, passage of the accompanying resolution appropriating \$450 to the Police Department.

Adopted 9/24/2010.

Absent - Colvin Roy.

SEPTEMBER 24, 2010

**RESOLUTION 2010R-436
By Samuels and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002735) by \$450 and increasing the Revenue Source (01300-4002735-321012) by \$450.

Adopted 9/24/2010.

Absent - Colvin Roy.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Fourth Judicial District Court to accept \$72,810 for implementation of an Adult DWI Court in Hennepin County. A portion of the grant will fund overtime wages and benefits for a police officer to participate in the program, to include team meetings and home visits. Further, passage of the accompanying resolution appropriating \$72,810 to the Police Department.

Adopted 9/24/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-437
By Samuels and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4002735) by \$72,810.

Adopted 9/24/2010.

Absent - Colvin Roy.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the United States Federal Bureau of Investigation to participate on the Minnesota Cyber Crimes Task Force; and to accept up to an estimated amount of \$17,000 for the reimbursement of approved overtime for the Police Department's participation on the Task Force. Further, passage of the accompanying resolution appropriating \$17,000 to the Police Department.

Adopted 9/24/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-438
By Samuels and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4003300-420001) by \$17,000 and increasing the Revenue Source (01300-40003300-321010) by \$17,000.

Adopted 9/24/2010.

Absent - Colvin Roy.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a three-year grant application seeking up to \$690,000 from the Healthier Minnesota Community Clinic Fund to expand and improve integrated physical and mental health services in the Department of Health & Family Support's School Based Clinic Program during the period January 1, 2011 through December 31, 2014.

Adopted 9/24/2010.

Absent - Colvin Roy.

PS&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting the donation of travel expenses for Heather Hunt, 911 Director, to attend the 2010 Intrado Mobility Summit in Colorado.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-439, accepting the donation of travel expenses for Heather Hunt, 911 Director, to attend the 2010 Intrado Mobility Summit in Colorado, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-439
By Samuels and Hodges**

Accepting the donation of travel expenses for Heather Hunt, 911 Director, to attend the 2010 Intrado Mobility Summit in Colorado.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of travel expenses, valued at less than \$1,000, for Heather Hunt, 911 Director, to serve as a panelist for a discussion on public safety and consumer expectations at the 2010 Intrado Mobility Summit in Colorado to be held September 15 and 16, 2010.

Adopted 9/24/2010.

Absent - Colvin Roy.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award in the amount of \$325,000 from the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, to implement the Minneapolis BUILD Gang Prevention Project, to include gang and drug use prevention education, street outreach, and mentoring. The Department of Health & Family Support plans to pilot the project in specific Minneapolis communities in partnership with the YMCA, Minneapolis Parks and Recreation, Hennepin County Juvenile Corrections, and the Minneapolis Public Schools. Further, passage of the accompanying resolution appropriating \$325,000 to the Department of Health & Family Support.

Adopted 9/24/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-440
By Samuels and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-8600111) by \$325,000 and increasing the Revenue Source (01300-8600111-321010) by \$325,000.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

RE&E - Your Committee, having under consideration the application of Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (permanent expansion of premises for outdoor patio) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, 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. Famous Dave's staff shall proactively monitor and control excessively loud patrons who may be disturbing nearby residences. There shall be no speakers or amplified sound in the outdoor area. Famous Dave's will comply with Minneapolis Ordinance 389.60 as well as all sound limitations included within their lease agreements with Calhoun Square.

3. Patrons in the outside area shall not exceed the approved number of seats, currently set at 40 seats for 10 tables.

4. The outdoor area shall be enclosed by stanchions connected by a rope or equivalent method and shall not exceed 47'8" in length and 14'6" in width. All patrons must enter and exit the outdoor area through the existing restaurant.

5. Famous Dave's shall post educational signs regarding excessive noise and its impact on livability in the neighborhood.

6. Famous Dave's will pursue permission to install sound mitigation devices and/or plantings through Calhoun Square management and the applicable City of Minneapolis departments.

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

Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

The report, as amended, was adopted 9/24/2010.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/24/2010.

(Published 9/28/2010)

RE&E - Your Committee, having under consideration the application of Fransen Inc, dba Gluek's Restaurant, 16 6th St N, for an On-Sale Liquor Class C-1 with Sunday Sales License (permanent expansion of premises for outdoor patio) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/24/2010.

Absent - Colvin Roy.

RE&E - Your Committee, having under consideration the application of The Lowry Cafe Inc, dba The Lowry Cafe, 2207 Lowry Av N, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/24/2010.

Absent - Colvin Roy.

RE&E - Your Committee, having under consideration the application of Skyway Wine & Spirits LLC, dba Skyway Wine and Spirits, 601 Marquette Av #218, for an Off-Sale Liquor License (new business) to expire October 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/24/2010.

Absent - Colvin Roy.

RE&E - Your Committee, having under consideration the application of Town Hall Tap LLC, dba Town Hall Tap, 4810 Chicago Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2011, now recommends that said license be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to the following conditions:

1. The business understands that the entertainment allowed on the premises is as follows: Minneapolis Code of Ordinances (MCO) 363.42 (f) states, A Class E "on sale" wine license shall permit the sale of wine by the glass or bottle for consumption on the premises, and in addition thereto shall permit, as defined and when carried on in conformity with the ordinances of the city, the sale of food as a restaurant, and the use of radio, television, taped music and jukebox. All other devices producing musical sound are prohibited. No live entertainment or dancing shall be allowed.

2. The business agrees to post a sign at all exits reminding patrons to respect the neighborhood by keeping noise to a minimum.

3. A half hour before closing, the business shall post an employee(s) on the sidewalk in front of the establishment to remind patrons to keep noise level at a minimum.

4. Restaurant staff will immediately ask people that are loitering in the immediate vicinity of the restaurant to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity.

5. The business agrees that the garage doors on their establishment will be closed at 10 p.m. on Sunday to Wednesday and 11 p.m. on Thursday to Saturday.

6. The business agrees to comply with MCO 389.60 regarding sound level limits.

7. Final inspection and compliance with all provisions of applicable codes and ordinances." Secoded.

Adopted by unanimous consent.

Absent - Colvin Roy.

The report, as amended, was adopted 9/24/2010.

Absent - Colvin Roy.

RE&E - Your Committee, having under consideration the application of Minneapolis Sportservice Inc, dba Minneapolis Sportservice Inc at Target Center, 600 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2011, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/24/2010.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/24/2010.

(Published 9/28/2010)

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Restaurant and Catering Licenses held by Baldy's BBQ, 1813 Riverside Av.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-441, approving Business License Operating Conditions relating to the Restaurant and Catering Licenses held by Baldy's BBQ, 1813 Riverside Av, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-441

By Glidden

Approving Business License Operating Conditions relating to the Restaurant and Catering Licenses held by Baldy's BBQ, 1813 Riverside Av.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant and Catering Licenses held by Baldy's BBQ, 1813 Riverside Av:

1. The licensee shall inspect and remove litter and debris twice a day from the business premises and adjacent streets, sidewalks and alleys within 100 feet of the premise lot lines, per Minneapolis Code of Ordinances (MCO) 259.125 (1).

2. The licensee shall store all refuse and recyclables in approvable containers with secured covers that remain closed to prevent the intrusion of storm water or vermin, and such containers shall be emptied as often as necessary to prevent overflowing, per MCO 259 (2) and 225.40.

3. The licensee shall submit a completed site plan to CPED - Planning Division by the mutually agreed upon date prior to November 30, 2010, which shall specify the proposed modifications to bring the current dumpster enclosure into compliance with Zoning and Licensing Codes.

4. The licensee shall remove graffiti promptly from the premises per MCO Chapters 226, 259 and 85.

5. Window signs shall not block views into and out of the building at eye level, per MCO 543.350.

6. The licensee shall provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct on the business premises, including parking areas, and should such activity occur, the licensee shall take appropriate action to prevent it from reoccurring, per MCO 259.250.

7. The licensee shall maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes, per MCO 259.250.

8. The licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, per 259.250.

9. All production, processing, or other business activity shall be conducted within the enclosed license premises, except as other provided, per MCO 548.180.

10. The allowed hours of operation, including delivery and catering, are 6:00 a.m. to 1:00 a.m., Sunday through Monday, unless a Conditional Use Permit (CUP) is obtained.

11. The licensee shall conspicuously post these operating conditions alongside its license certificate, per MCO 259.250.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-442, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-442

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 274501):

Off-Sale Liquor, to expire October 1, 2011

D T B Corporation, dba Greenway Liquor, 105 W Grant St
Hilton Worldwide Inc, dba Minneapolis Hilton, 1001 Marquette Av
Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE
Brothers Image LLC, dba B & G Wine and Liquor, 2201 University Av NE
Skol Inc, dba Skol Liquors, 2500 27th Av S
McCleary Wine & Spirits LLC, dba Central Ave Liquors, 2538 Central Av NE
Meka Inc, dba Minnehaha Lake Wine & Spirits, 2613 E Lake St
Zipp's Liquor Store Inc, dba Zipp's Liquor, 2618 E Franklin Av
JPOC Inc, dba Union Liquor Store, 3219 Penn Av N
East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St
France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S
Wallis Inc, dba Ken and Norm's Liquor, 4801 Chicago Av
McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S

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

80 S 8th St Hotel Operations Inc, dba Windows on Minnesota, 701 Nicollet Mall, 50th floor
Epic Entertainment LLC, dba Epic, 110 5th St N
Fine Line Music Ventures Inc, dba Fine Line Music Cafe, 318 1st Av N
Koch Group Mpls LLC, dba 7 Seven, 700 Hennepin Av
Lee Consultants Ltd, dba Sticks, 708 1st St N
Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, downstairs
Hilton Worldwide Inc, dba Minneapolis Hilton, 1001 Marquette Av
Dakota Cooks LLC, dba Dakota Jazz Club & Restaurant, 1010 Nicollet Mall
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall
Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av
Drink Inc, dba Drink, 26 5th St N
Hell's Kitchen, dba Hells Kitchen, 80 S 9th St

On-Sale Liquor Class B with Sunday Sales, to expire August 21, 2010

Miss Jimmy Inc, dba Red Stag Supperclub, 509 1st Av NE (block party August 21, 2010, 4:00 p.m. to 10:30 p.m.)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2011

Monello LLC, dba Sauce Spirits & Soundbar, 3001 Lyndale Av S (amending business name)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2011

Toro Restaurant LLC, dba Barrio, 925 Nicollet Mall (internal transfer of shares)

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

Coreyx LLC, dba Nicollet Island Inn, 95 Merriam St
Ukrainian American Community Center, dba Ukrainian American Community Center, 301 Main St NE

The Bulldog NE, Inc, dba The Bulldog Restaurant NE, 401 E Hennepin Av
Red Rocket LLC, dba The 508, 508 1st Av N
JLB LLC, dba The Loop, 606 Washington Av N
Campus Partners Inc, dba Sally's, 712 Washington Av SE
Restaurants Unlimited Inc, dba Walker Room, 825 Hennepin Av #245
Whiskey Entertainment Corp, dba Whiskey Junction, 901 Cedar Av S

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German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE
Minneapolis Aerie #34 F O E, dba Mpls Aerie #34, F O E, 2507 E 25th St
Restaurant Entertainment Group Inc, dba Rosen's/The District, 430 1st Av N #101
Library IV Ltd LLP, dba The Library Minneapolis, 1301 4th St SE

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

Tickles Food & Bar Inc, dba Tickles Food & Bar, 420 S 4th St
1st Avenue Entertainment Group Inc, dba Shout House, 600 Hennepin Av #160
Local LLC, dba Local An Epurican Cafe & Pub, 931 Nicollet Mall
Brit's Ltd, dba Brit's Pub & Eating Establishment, 1110 Nicollet Mall
Schooner Inc, dba Schooner Tavern, 2901 27th Av S, 1st floor
O'Donovan's Irish Pub LLC, dba O'Donovans Irish Pub, 700 1st Av N

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

Two Mac Inc, dba Mackenzie, 918 Hennepin Av
G & K Vegas Inc, dba Vegas Lounge, 965 Central Av NE, 1st floor
News Room Inc, dba News Room, 990 Nicollet Mall
Moto-I Inc, dba Moto-I, 2940 Lyndale Av S
J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N

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

Creative Restaurants Inc, dba Bullwinkles, 1429 Washington Av S, 1st floor
Johnnie Entertainment LLC, dba Sporty's Pub & Grill, 2124 Como Av SE

On-Sale Liquor Class E with Sunday Sales, to expire September 25, 2010

Spoonriver Limited, dba Spoonriver, 750 S 2nd St #100 (temporary expansion September 25, 2010, 8:00 a.m. to 1:00 p.m.)

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

Apple Minnesota LLC, dba Applebee's Neighborhood Grill & Bar, 600 Hennepin Av #220 (new business)

Applebees Neighborhood Bar & Grill, dba Applebees Neighborhood Grill & Bar, 615 Washington Av SE (new business)

Restaurants Unlimited Inc, dba Palomino, 825 E Hennepin Av (new corporate officer)

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

Graves Hospitality Corp, dba Downtown Residence Inn, 45 S 8th St

Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St

Fuji Two Inc, dba Fuji Ya Restaurant, 600 W Lake St

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall

Masa LLC, dba Masa, 1070 Nicollet Mall

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall

3 Monkeys Pub and Grub Inc, dba 3 Monkeys Pub and Grub Inc, 1410 Nicollet Av

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S

Sumick Inc, dba Lyle's Bar & Restaurant, 2021 Hennepin Av

Halek's Bar Inc, dba Halek's Bar, 2024 Washington Av N

Uptown Brewing Company LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S

Lake Street Cafeteria LLC, dba Uptown Cafeteria & Support Group, 3001 Hennepin Av #1230

Subo Experience LLC, dba Subo Experience, 89 S 10th St

Dusty's Inc, dba Dusty's Bar, 1319 Marshall St NE

Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE

Tri-Franklin LLC, dba Tracy's Saloon & Eatery, 2205 E Franklin Av

TMMS Inc, dba C C Club, 2600 Lyndale Av S

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

Tilia LLC, dba Clover, 2726 W 43rd St

France 44 Foods Inc, dba France 44 Cheese Shop, 4351 France Av S #B (new business)

Spring is Here Dining LLC, dba In Season, 5416 Penn Av S (new business)

Temporary On-Sale Wine

Central Lutheran Church, dba Central Lutheran Church, 333 S 12th St (September 11, 2010, 6:15 p.m. to 8:00 p.m.).

Adopted 9/24/2010.

Absent - Colvin Roy.

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

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-443, granting applications for Business Licenses, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-443
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 September 24, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274501):

Carnival; Dry Cleaning & Laundry Pickup Station; Caterers; Food Market Distributor; Farm Produce Permits; Grocery; Food Manufacturer; Food Market Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Fuel Dealer; Fuel Dealer Cash & Carry Only; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Towing Class D; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Precious Metal Dealer; Recycling/Salvage Yard; Residential Specialty Contractor; Resin Manufacturer; Secondhand Goods Class A; Solid Waste Hauler; Tattooist/Body Piercer; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone II; Tobacco Dealer; Combined Trades.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-444, granting applications for Gambling Licenses, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-444
By Glidden**

Granting applications for Gambling Licenses.

SEPTEMBER 24, 2010

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 274501):

Gambling Exempt

Boys & Girls Clubs of the Twin Cities, dba Boys & Girls Club of the Twin Cities, 6500 Nicollet Av Suite 201, Richfield (Raffle August 15, 2010, Capital Grille, 801 Hennepin Av)

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle September 19, 2010)

American Lebanese Syrian Associated Charities, dba American Lebanese Syrian Associated Charities, 7301 Ohms Ln, Suite 310, Edina (Raffle September 28, 2010, The Depot, 225 3rd Av S)

Tubman, dba Tubman, 3111 1st Av S (Raffle September 30, 2010, The Depot, 225 3rd Av S)

St. John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffle, Pulltabs October 3, 2010)

Jeremiah Program, dba Jeremiah Program, 1510 Laurel Av #100 (Raffle October 16, 2010, Minneapolis Depot, 225 3rd Av S)

Our Saviors Outreach Ministries, dba Our Saviors Outreach Ministries, 2315 Chicago Av (Raffle October 28, 2010, Maria's Cafe, 1113 Franklin Av)

Greater Twin Cities Youth Symphonies, dba Greater Twin Cities Youth Symphonies, 528 Hennepin Av, Suite 404 (Raffle November 7, 2010, Orchestra Hall, 1111 Nicollet Av)

St. Boniface Council of the Catholic Aid, dba St. Boniface Council of the Catholic Aid, 529 2nd St NE (Raffle, Paddlewheels, Pulltabs November 23, 2010).

Adopted 9/24/2010.

Absent - Colvin Roy.

RE&E – Your Committee recommends passage of the accompanying resolution accepting the Thinc.Green^{MSP} Joint Powers Agreement between the City of Minneapolis and the City of Saint Paul.

Further, that the proper City officers be authorized to jointly apply with the City of Saint Paul to register the Thinc.Green^{MSP} service mark, to be jointly owned and used by Minneapolis and Saint Paul.

Glidden moved that the resolution be amended by adding the following two Resolved Clauses, to read as follows:

“Be It Further Resolved that the Joint Powers Agreement shall establish a Thinc.Green^{MSP} Steering Committee, which will provide a forum for the coordination of private, public, and intergovernmental efforts to grow the region’s green economy; and include representatives of the Saint Paul and Minneapolis Mayor’s Offices (or their designees); Saint Paul and Minneapolis economic development staff, manufacturing or the construction industry, finance, statewide or regional economic development agencies, marketing or communications, organized labor, and business associations.

Be It Further Resolved that the Thinc.Green^{MSP} Steering Committee will make periodic recommendations on strategic initiatives and issue annual reports to the Saint Paul and Minneapolis Mayors and City Councils.” Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

The report was adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-445, accepting the Thinc.Green^{MSP} Joint Powers Agreement between the City of Minneapolis and the City of Saint Paul, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-445

By Glidden

Accepting the Thinc.Green^{MSP} Joint Powers Agreement between the City of Minneapolis and the City of Saint Paul.

Whereas, in 2006 Minneapolis Mayor R.T. Rybak and Saint Paul Mayor Christopher B. Coleman launched the Mayors' Initiative on Green Manufacturing with the Blue Green Alliance to make the Minneapolis-Saint Paul area a national leader in the growing green economy; and

Whereas, the Minneapolis City Council adopted the Minneapolis Good Jobs, Green Jobs resolution in July 2008 to integrate strategies throughout the City's work to capture the benefits of the emerging green economy for Minneapolis; and

Whereas, part of the work of the Mayors' Initiative on Green Manufacturing involved creation of the "Thinc.Green^{MSP} 2010-12 Market Strategic Plan" (the "Thinc.Green^{MSP} Plan") which identifies various branding, marketing, strategic investment, and leadership initiatives dedicated to building a green economy; and

Whereas, Minnesota Statutes, Section 471.59 (the "Joint Powers Act") provides that two or more governmental units by agreement entered into through action of their governing bodies may jointly or cooperatively exercise any power common to the contracting parties; and

Whereas, The City of Saint Paul and the City of Minneapolis are "governmental units" under the Joint Powers Act, with powers under their home rule charters and/or state law to expend money, make loans, convey lands, and take other necessary or convenient actions to promote, advertise, improve, and develop the economic resources of the cities; and

Whereas, the City of Saint Paul and the City of Minneapolis desire to enter into a joint powers agreement to advance and implement the Thinc.Green^{MSP} Plan and have agreed to all material terms thereto;

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

That the Finance Officer or designee is hereby authorized and directed to enter into a Joint Powers Agreement with the City of Saint Paul in substantially the form on file with the City (the "Joint Powers Agreement") to advance and implement the Thinc.Green^{MSP} Plan strategic initiatives.

Be It Further Resolved that the purpose of the Joint Powers Agreement is to provide a structure for Minneapolis and Saint Paul to jointly manage and implement the Thinc.Green^{MSP} Plan.

Be It Further Resolved that the Joint Powers Agreement shall establish a Thinc.Green^{MSP} Steering Committee, which will provide a forum for the coordination of private, public, and intergovernmental efforts to grow the region's green economy; and include representatives of the Saint Paul and Minneapolis Mayor's Offices (or their designees); Saint Paul and Minneapolis economic development staff, manufacturing or the construction industry, finance, statewide or regional economic development agencies, marketing or communications, organized labor, and business associations.

Be It Further Resolved that the Thinc.Green^{MSP} Steering Committee will make periodic recommendations on strategic initiatives and issue annual reports to the Saint Paul and Minneapolis Mayors and City Councils.

Be It Further Resolved that Minneapolis and Saint Paul will each assign an employee to provide staffing assistance to the Committee, including but not limited to preparing agendas, meeting minutes, resolutions, reports and other necessary documentation.

Be It Further Resolved that Minneapolis and Saint Paul will jointly apply to register the Thinc.Green^{MSP} Manufacturing Better Business (or variation thereof) service mark and shall enjoy joint use and ownership of the service mark and other property rights related thereto.

Adopted 9/24/2010.

Absent - Colvin Roy.

RE&E - Your Committee, having under consideration the Rental Dwelling Licenses held by Randy Olson and Jennifer Deboer for the properties located at 2706 Russell Av N; 3235 Dupont Av N; 1623 Thomas Av N; 2801 James Av N; and 1942 Xerxes Av N, and a hearing having been held before an administrative hearing officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances in that Randy Olson has had two or more licenses revoked pursuant to the licensing standards which renders the licensee ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five years, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Your Committee further recommends that any application for a rental license applied for by Randy Olson for the property located at 2801 James Av N be denied.

Adopted 9/24/2010.

Absent - Colvin Roy.

The RULES Committee submitted the following reports:

RULES - Your Committee recommends that City Council Rule 11, entitled "Standing Committees", be amended to read as follows:

Rule 11. Standing Committees

(A) Standing committees are established as follows and consist of the numbers of appointed members as indicated. Members shall be appointed by majority vote of the council and shall be changed from time to time by a majority vote of the council. Except as otherwise indicated, a majority of the members of a committee shall constitute a quorum. In no case shall a council member serve simultaneously on the Community Development and Ways & Means/Budget committees.

Council Members	Quorum	
6 (3 council members, 3 citizens)	4	Audit
5	3	Claims
13	7	Committee of the Whole
6	4	Community Development
13	7	Elections
6	4	Public Safety and Health
6	4	Regulatory, Energy and Environment
13	7	Rules
13	7	Taxes
6	4	Transportation and Public Works
6	4	Ways and Means/Budget
6	4	Zoning and Planning

(B) When the committee on taxes is serving as the board of equalization to consider applications for adjustment of assessed valuation of property, the chair may designate members of the committee to act as a hearing panel to obtain evidence and make recommendations to the entire committee which shall review the evidence and recommendations for purpose of submitting its report as the board of equalization.

(C) Temporary appointments to fill vacancies on committees, including chairs and vice-chairs, may from time to time be made by the president pending action by the council.

(D) When a license or license application has been referred to the committee on Regulatory, Energy and Environment for action requiring an evidentiary hearing, the chair of the committee may designate three (3) members of the committee to act as a hearing panel, and may appoint one of the members so designated to act as chair of the hearing panel. The hearing panel shall conduct a hearing, obtain evidence, and make a report and recommendation directly to the full council.

Adopted 9/24/2010.

Absent - Colvin Roy.

RULES - Your Committee recommends that City Council Rule 12, entitled "Order of Business", be amended to read as follows:

Rule 12. Order of Business

In the ordinary transaction of business, the following order shall be observed:

1. Adoption of agenda.
2. Acceptance of minutes.
3. Presentation of claims, petitions and other communications.
4. Reports from officers and departments of the city.
5. Reports from standing committees in alphabetical order.
 - a. Joint committee reports: A report shall be considered a joint committee report if it is acted upon simultaneously by two or more committees meeting together. The report shall appear at the end of the agenda of the first committee listed.
 - b. Referred committee reports: A report shall be considered a referred committee report if it is acted upon by one committee and then referred to another committee(s). If a referred committee report is not amended or otherwise modified by any committee(s) to which it has been referred, the report shall appear at the end of the agenda of the originating committee with a notation of the committee(s) to which the report has been referred. If a referred committee report is different from the report of the originating committee, all reports shall appear at the end of the agenda of the committee which took the first action in order of their referral.
 - c. Matters originating in two committees simultaneously: These reports shall appear on the agenda under the first committee listed.
6. Reports from special committees.
7. Reports from the Audit Committee.
- ~~7~~ 8. Motions.
- ~~8~~ 9. Resolutions.
- ~~9~~ 10. Unfinished business.
- ~~10~~ 11. New business.
- ~~11~~ 12. Announcements. Announcements shall be limited to notification of public events or programs of community-wide significance and interest. Concerns or matters of current, pending, or future Council deliberations are not considered announcements. Council Members may not report on their activities or accomplishments.

Adopted 9/24/2010.

Absent - Colvin Roy.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution approving special services, cost estimates, service charges, and the lists of service charges for 2011 in the Downtown Business Improvement Special Service District and directing the City Engineer (with the Minneapolis Downtown Improvement Service District) to proceed with the work.

Adopted 9/24/2010.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/24/2010.

(Published 9/28/2010)

SEPTEMBER 24, 2010

Resolution 2010R-446, approving special services, cost estimates, service charges, and the lists of service charges for 2011 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-446 By Colvin Roy

Approving special services, cost estimates, service charges, and the lists of service charges for 2011 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.

Whereas, a public hearing was held on September 14, 2010 in accordance with Laws of Minnesota, Chapter 428A and Chapter 465 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges, as more particularly described in Petn No 274505 on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special services, the proposed cost estimate in the total amount of \$6,298,535 for 2011, the proposed service charges, and the proposed list of service charges for 2011 in the total amount of \$5,490,416.13 (amount remaining after adjusting the cost estimate of \$6,298,535 for previous years' unexpended balances and additional costs as provided for in Section 465.80 of the Minneapolis Code of Ordinances and \$74,350 to be raised through other sources), as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Downtown Business Improvement Special Service District.

Be It Further Resolved that the City Engineer (with the Minneapolis Downtown Improvement Service District) is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2011 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 9/24/2010.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/24/2010.

T&PW - Your Committee recommends passage of the accompanying resolution adopting and levying the special assessments and adopting the assessment roll for the 2009 operation and maintenance of the 50th St W and France Ave S Parking Facility.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-447, adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2009 operation and maintenance of the 50th St W and France Ave S Parking Facility, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-447

By Colvin Roy

Adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2009 operation and maintenance of the 50th St W and France Ave S Parking Facility.

Whereas, the total amount of the proposed special assessments is \$15,777.46 and consists of 2009 operation and maintenance costs through December 31, 2009; and

Whereas, a public hearing was held on September 14, 2010 in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the operation and maintenance and to consider the proposed special assessments as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special assessments in the total amount of \$15,777.46, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2011 real estate tax statements without interest charges.

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

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution adopting and levying the special assessments for payable 2011 and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-448, adopting the special assessments for payable 2011, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-448

By Colvin Roy

Adopting the special assessments for payable 2011, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities.

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

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

SEPTEMBER 24, 2010

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2011 to be \$39,493.77, as contained in Petn No 274505 on file in the office of the City Clerk; and

Whereas, a public hearing was held on September 14, 2010 in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the proposed special assessments for payable 2011, as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special assessments for payable 2011 in the total amount of \$39,493.77, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2011 real estate tax statements without interest charges.

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

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the Metropolitan Council Draft 2030 Transportation Policy Plan Update, now recommends approval of the Comments, dated September 8, 2010, for submittal to the Metropolitan Council (Petn 274505).

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee, having received final costs in the amount of \$312,175.51 for the areaway abandonment and removal at the following property:

250 3rd Ave N, PID No 22-029-24-42-0072, legally described as: Lot 4 and that part of Lot 5, Block 57, Hoag's Addition to Minneapolis, described as lying Southwesterly of Traffic St N, also that part of Lots 4 and 5, Block 57, Town of Minneapolis, lying Southwesterly of said Traffic St N, including adjacent 1/2 of abandoned 3rd St N, also that part of Lot 1, Auditor's subdivision No 221 and of the Southwesterly 1/2 of adjacent abandoned 3rd St N described as follows: beginning at the point of intersection of the center line of said abandoned 3rd St N with the West line of 3rd Ave N, thence Northwesterly along said center line to the intersection with the Southwesterly extension of the Northwesterly line of said Lot 4, Block 57, Hoag's Addition, thence Southwesterly along said extended line a distance of 72.12 feet, thence Easterly to the beginning;

all in accordance with the 3rd Ave N (Washington Ave N to 5th St N) Street Reconstruction Project, Improvement of Existing Street No 9882, as ordered by Resolution 2009R-150, passed April 10, 2009, now recommends that the City Engineer be directed to prepare an areaway abandonment and removal assessment against the benefited property.

Your Committee further recommends that a public hearing be held on October 26, 2010 in accordance with Chapter 8, Sections 12 and 13, of the Minneapolis City Charter to consider the amount proposed to be assessed to the benefited property.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee, having received final costs in the amount of \$22,476.53 for the areaway abandonment and removal at the following property:

625 2nd Ave S, PID No 27-029-24-11-0031, legally described as that part of Lots 1, 2 and 3, Block 219, Brown & Jackins Addition to Minneapolis described as follows: Beginning at the most Westerly corner of Block 219, thence Southeasterly along the Southwesterly line of said block a distance of 165 feet, thence Northeasterly parallel with 2nd Ave S a distance of 100 feet, thence Northwesterly parallel with 7th St S a distance of 65 feet, thence Southwesterly parallel with 2nd Ave S a distance of 30 feet, thence Northwesterly parallel with 7th St S a distance of 100 feet to 2nd Ave S, thence Southwesterly a distance of 70 feet to the point of beginning;

all in accordance with the Areaway Abandonment and Removal Project No 2276 in conjunction with the 2nd Ave S and Marquette Ave Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6739, as ordered by Resolution 2008R-222, passed June 6, 2008, now recommends that the City Engineer be directed to prepare an areaway abandonment and removal assessment against the benefited property.

Your Committee further recommends that a public hearing be held on October 26, 2010 in accordance with Chapter 8, Sections 12 and 13, of the Minneapolis City Charter to consider the amount proposed to be assessed to the benefited property.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee, having received final costs in the amount of \$159,877.94 for the areaway abandonment and removal at the following property:

1000 Marquette Ave, PID No 27-029-24-13-0088, legally described as that part of Lots 7, 8 and 9, Block 13, Snyder and Co's 1st Addition to Minneapolis described as follows: That part of Lots 7, 8 and 9, Block 13 Snyder and Co.'s 1st Addition and that part of Lots 7, 8 and 9, Block 13, Wells, Sampson and Bell Addition described as: Beginning on the Southwesterly line of 10th St S at a point 212.5 feet Southeasterly from the Southeasterly line of Nicollet Av, thence Southwesterly parallel with Nicollet Av to the Northeasterly line of the alley, thence Southeasterly along said Northeasterly line to the Northwesterly line of Marquette Av, thence Northeasterly along said Northwesterly line to the Southwesterly line of 10th St S, thence Northwesterly to the point of beginning;

all in accordance with the Areaway Abandonment and Removal Project No 2271 in conjunction with the 2nd Ave S and Marquette Ave Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6740, as ordered by Resolution 2008R-222, passed June 6, 2008, now recommends that the City Engineer be directed to prepare an areaway abandonment and removal assessment against the benefited property.

Your Committee further recommends that a public hearing be held on October 26, 2010 in accordance with Chapter 8, Sections 12 and 13, of the Minneapolis City Charter to consider the amount proposed to be assessed to the benefited property.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution approving the Hennepin County Transportation Department's layout for County State Aid Highway 22 (CSAH 22), Lyndale Ave between 56th St W and east-bound Minnehaha Pkwy W, dated August 12, 2010.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-449, approving the Hennepin County Department of Transportation's layout for County State Aid Highway 22 (CSAH 22) Lyndale Ave between 56th St W and east-bound Minnehaha Pkwy W, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-449

By Colvin Roy

Approving the Hennepin County Department of Transportation's layout for County State Aid Highway 22 (CSAH 22) Lyndale Ave between 56th St W and east-bound Minnehaha Pkwy W.

SEPTEMBER 24, 2010

Whereas, the Hennepin County Department of Transportation (County) has proposed the reconstruction of Lyndale Ave from 56th St W to Minnehaha Pkwy W in Minneapolis; and

Whereas, the County formed a Project Task Force consisting of representatives from the neighborhoods, businesses, and elected officials to assist with providing guidance and recommendations for the project; and

Whereas, the City and County have held many meetings and open houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the City and County Departments of Public Works concur that the layout provides for the existing and future transportation needs and meets State standards; and

Whereas, staff has made its recommendation to the City Council based on said determination;

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

That the City approves the Hennepin County Department of Transportation's layout, dated August 12, 2010, for Lyndale Avenue (County State Aid Highway 22) between 56th St W and east-bound Minnehaha Pkwy W, as submitted.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution approving the Hennepin County Transportation Department's layout for County State Aid Highway 22 (CSAH 22), Lyndale Ave Bridge over Minnehaha Creek, dated July 9, 2010.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-450, approving the Hennepin County Department of Transportation's layout for County State Aid Highway 22 (CSAH 22) Lyndale Ave Bridge over Minnehaha Creek, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-450

By Colvin Roy

Approving the Hennepin County Department of Transportation's layout for County State Aid Highway 22 (CSAH 22) Lyndale Ave Bridge over Minnehaha Creek.

Whereas, the Hennepin County Department of Transportation (County) has proposed the reconstruction of the Lyndale Ave Bridge over Minnehaha Creek; and

Whereas, the County formed a Project Advisory Committee consisting of representatives from the neighborhoods, businesses, and elected officials to assist with providing guidance and recommendations for the project; and

Whereas, the City and County have held many meetings and open houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the City and County Departments of Public Works concur that the layout provides for the existing and future transportation needs and meets State standards; and

Whereas, staff has made its recommendation to the City Council based on said determination;

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

That the City approves the Hennepin County Department of Transportation's layout, dated July 9, 2010, for the Lyndale Avenue Bridge (County State Aid Highway 22) over Minnehaha Creek, as submitted.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for landscape architect services for Peavey Plaza, as set forth in Petn No 274505 on file in the office of the City Clerk.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee recommends that the proper City officers be authorized to finalize and execute an agreement with the Metropolitan Council regarding removal of motor vehicle traffic from a portion of Washington Ave in the City of Minneapolis for the Central Corridor Light Rail Transit Project, as set forth in Petn No 274505 on file in the office of the City Clerk.

Your Committee further recommends that the proper City officers be authorized to finalize and execute an agreement with the Metropolitan Council, Regents of the University of Minnesota, and Hennepin County related to the Central Corridor Light Rail Transit Project and issues that affect the University of Minnesota, as set forth in Petn No 274505.

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW - Your Committee recommends that the proper City officers be authorized to forward the name of Council Member Kevin Reich to the League of Minnesota Cities for membership on the State Aid Rules Committee, an advisory committee to work with the Minnesota Department of Transportation on revisions and updates to the Minnesota State Aid (MSA) System Rules.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

T&PW & W&M/Budget - Your Committee recommends the sale of a City-owned Freightliner truck (#00121) and trailer (#18240) to the State of Minnesota for a total sale price of \$90,000.

Adopted 9/24/2010.

Absent - Colvin Roy.

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

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-451, approving Stipulation of Final Settlement for Cedar Lake Trail Phase III, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-451
By Colvin Roy and Hodges**

Approving Stipulation of Final Settlement for Cedar Lake Trail Phase III.

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

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

Whereas, pursuant to previous City Council resolution, the City commenced eminent domain proceedings to acquire a permanent easement over Parcel 21; and

Whereas, when the eminent domain proceeding was commenced, Threequarters, LLC ("Threequarters") owned a 3/4th's interest in and Bruce Stillman owned a 1/4th's interest in property lying between Royalston Ave and W River Pkwy which the City desires to cross with the Cedar Lake Trail - Phase III, and which is legally described in Exhibit A set forth in Petn No 274506 on file in the office of the City Clerk ("Parcel 21 "); and

Whereas, Threequarters and Stillman also hold easement rights encumbering Parcel 22 which the City seeks to subordinate to the City's easement rights over Parcel 22; and

Whereas, the City recently amended the eminent domain proceeding to include a larger permanent easement, as well as temporary easements over Parcel 21, and to acquire additional interests in Parcel 22; and

Whereas, the easements sought to be acquired by the City over Parcel 21 and Parcel 22 are described in Exhibit A set forth in Petn No 274506; and

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

Whereas, under the proposed Stipulation of Final Settlement, the City will pave the parking lot on Parcel 21 and pay Stillman \$31,000 (less \$6,000 previously paid) for the easements which will satisfy all claims of Threequarters and Stillman in the eminent domain proceeding or otherwise in relation to the City's acquisition of the easements and to reimburse Stillman for relocation expenses incurred due to Stillman's claim that he was displaced from Parcel 21 by the City Project;

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

That upon approval of the proposed Stipulation of Final Settlement by the City Attorney and execution and delivery of that agreement on behalf of Threequarters, LLC and Bruce Stillman, the City Contracting Officer is authorized to execute the agreement on behalf of the City and to pay Stillman \$25,000, and the Director of Public Works is authorized to pave the parking lot on Parcel 21 as part of the City Project, which collectively are the additional compensation agreed to in the Stipulation of Final Settlement (beyond the \$6,000 previously deposited with the Court herein as to Parcel 21).

Adopted 9/24/2010.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7314 from NAC Mechanical and Electrical Services, for an estimated expenditure of \$261,800.00, to furnish and deliver all labor, materials, and incidentals necessary to accomplish the Storm Sewer Separation Project.

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 9/24/2010.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7319 from Designer Sign Systems, in the amount of \$102,595.44, to furnish, deliver, and install variable message signs for the Minneapolis Public Works Traffic and Parking 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 9/24/2010.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7330 from Lino Lakes Landscaping, for an estimated expenditure of \$53,150.00, to furnish and deliver turf establishment for the Minneapolis 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 9/24/2010.

Absent - Colvin Roy.

Approved by Mayor Rybak 9/24/2010.

(Published 9/28/2010)

T&PW & W&M/Budget - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7339 from Brown Traffic Products, Inc., in the amount of \$78,000.00, to furnish and deliver traffic signal cabinets and equipment to the city of Minneapolis Public Works Street 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 9/24/2010

Absent - Colvin Roy.

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 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-452, authorizing settlement of legal matters of *James F. Cannon; Diane Clark; Daryl and Uhura Fields*, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-452

By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) *James F. Cannon v. City of Minneapolis*, by payment of \$46,374.30 to James F. Cannon and his attorney, David L. Schulman, from the Internal Service Self Insurance Fund (06900-1500100-145400); and the transferring of a civil penalty in the amount of \$7,500 to the general fund;

b) *Diane Clark v. City of Minneapolis*, by payment of \$5,250 to Diane Clark and her attorney, Mark E. Ferkul, from the Internal Service Self Insurance Fund (06900-1500100-145400); and

c) *Daryl and Uhura Fields v. City of Minneapolis*, by settlement of claims related to the seizure and subsequent loss of their personal property in the amount of \$4,357.18 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 settlements.

Adopted 9/24/2010.

Absent - Colvin Roy.

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W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a three (3) year contract with Novarum, Inc. for an amount not to exceed \$360,000, to provide roaming WiFi capabilities for the City's mobile and nomadic workforce.

Adopted 9/24/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Gordon.

Absent - Colvin Roy.

W&M/Budget - Your Committee, having under consideration Emergency Medical Services (EMS) for the Minneapolis Convention Center, now recommends authorizing proper City officers to negotiate and execute a contract with selected EMS vendor American Red Cross Twin Cities Area Chapter to provide Emergency Medical Services, effective January 1, 2011.

Adopted 9/24/2010.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for the Financial Services Consultant Panel, pursuant to Permanent Review Committee (PRC) approval.

Adopted 9/24/2010.

Absent - Colvin Roy.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the following four (4) new appointed positions, effective September 24, 2010:

a) Assistant Director, Regulatory Services, (grade 16 with 763 points); and with the approval of this position, find that the positions of Deputy Director Minneapolis Development Review; Building Official; Deputy Director, Housing Inspection Services; Deputy Director, Environmental management and Safety; and Deputy Director, Licenses and Consumer Services do not meet the criteria in Section 20.1010, Council to Establish (Appointed) Positions, as follows:

(1) The person occupying the position will report to the head of the designated city department or the designated city department head's deputy.

b) Director, Construction Services, Development Review, and Traffic & Parking, (grade 15 with 703 points).

c) Director, Emergency Management, (grade 12 with 583 points).

d) Director, Housing Inspection Services, (grade 14 with 645 points).

Your Committee further recommends passage of the accompanying Salary Ordinances establishing the salaries for said appointed positions.

Adopted 9/24/2010.

Absent - Colvin Roy.

Ordinances 2010-Or-083 through 2010-Or-086 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed positions of Assistant Director, Regulatory Services; Director, Construction Services, Development Review, and Traffic & Parking; Director, Emergency Management; and Director, Housing Inspection Services, were adopted 9/24/2010 by the City Council. A complete copy of each ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-083
By Hodges
1st & 2nd Readings: 9/24/2010

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

SEPTEMBER 24, 2010

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

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

Appointed Officials (CAP)

Effective: September 24, 2010

					Step A	Step B	Step C	Step D	
FLSA	OTC	CLASSIFICATION	PTS	G	P	Start rate	After 1 "A" year	After 2 "B" years	After 3 "C" years
E	1	Assistant Director of Regulatory Services	763	16	A	\$116,001	\$122,107	\$125,770	\$128,212

Adopted 9/24/2010.
Absent - Colvin Roy.

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

ORDINANCE 2010-Or-084
By Hodges
1st & 2nd Readings: 9/24/2010

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

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

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

Appointed Officials (CAP)

Effective: September 24, 2010

					Step A	Step B	Step C	Step D	
FLSA	OTC	CLASSIFICATION	PTS	G	P	Start rate	After 1 "A" year	After 2 "B" years	After 3 "C" years
E	1	Director Construction Services, Development Review & Traffic/Parking	703	15	A	\$106,723	\$112,340	\$115,710	\$117,957

Adopted 9/24/2010.
Absent - Colvin Roy.

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

ORDINANCE 2010-Or-085
By Hodges
1st & 2nd Readings: 9/24/2010

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

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

SEPTEMBER 24, 2010

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

**Appointed Officials (CAP)
Effective: September 24, 2010**

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" years	Step D After 3 "C" years
E	1	Director of Emergency Management	583	12	A	\$88,165	\$92,805	\$95,590	\$97,446

Adopted 9/24/2010.
Absent - Colvin Roy.

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

**ORDINANCE 2010-Or-086
By Hodges
1st & 2nd Readings: 9/24/2010**

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

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

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

**Appointed Officials (CAP)
Effective: September 24, 2010**

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" years	Step D After 3 "C" years
E	1	Director Housing Inspection Services	645	14	A	\$97,753	\$102,898	\$105,985	\$108,043

Adopted 9/24/2010.
Absent - Colvin Roy.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Thor Truelson from the decision of the Board of Adjustment acting upon applications for variances as follows:

- a) to deny a request, notwithstanding the recommendation of staff, to reduce the required front yard from 36 to 8 feet to allow for a new detached accessory structure;
- b) to deny a request, adopting the findings of staff, to reduce the required front yard from 36 to 8 feet to allow for a roof top deck above a proposed detached garage;
- c) to deny a request, notwithstanding the recommendation of staff, to reduce the required north interior side yard from 6 feet to 1 foot to allow for a new detached accessory structure;
- d) to deny a request, adopting the findings of staff, to reduce the required north interior side yard from 6 feet to 1 foot to allow for a roof top deck above a proposed detached garage; and
- e) to deny a request, notwithstanding the recommendation of staff, to allow a new detached accessory structure not located entirely to the rear of an existing single-family dwelling;

all to allow for a new 22 foot by 22 foot 6 inch detached garage with a roof-top deck accessory to an existing single-family dwelling at 4917 Girard Ave S, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2010-052 in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 9/24/2010.

Absent - Colvin Roy.

Z&P - Your Committee, to whom was referred the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, now recommends that the following chapters introduced 8/28/2009 be returned to author:

- a) Chapter 530 related to *Site Plan Review*;
- b) Chapter 536 related to *Specific Development Standards*;
- c) Chapter 541 related to *Off-Street Parking and Loading*; and
- d) Chapter 551 related to *Overlay Districts*.

Adopted 9/24/2010.

Absent - Colvin Roy.

MOTIONS

Reich moved that Resolution 2010R-429 entitled "Approving the appointment of three (3) elected representatives from the City of Minneapolis to serve on The Interchange Working Group", passed by the City Council on September 3, 2010, be amended by deleting the third "resolved" clause appointing Council Member Lilligren to serve as an alternate to The Interchange Working Group and requesting that Hennepin County accept the position of alternate. Seconded.

Adopted 9/24/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Gordon.

Absent - Colvin Roy.

RESOLUTION 2010R-453

By Reich

Amending Resolution 2010R-429 entitled "Approving the appointment of three (3) elected representatives from the City of Minneapolis to serve on The Interchange Working Group", passed September 3, 2010.

Resolved by The City Council of The City of Minneapolis:

That the above entitled resolution be amended by deleting the third "Resolved" clause appointing Council Member Lilligren to serve as an alternate to The Interchange Working Group and requesting that Hennepin County accept the position of alternate.

Adopted 9/24/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Gordon.

Absent - Colvin Roy.

RESOLUTIONS

Resolution 2010R-454, honoring Twin Cities Habitat for Humanity for its service to the City of Minneapolis during the Jimmy and Rosalynn Carter Work Project, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-454

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

Honoring Twin Cities Habitat for Humanity for its service to the City of Minneapolis during the Jimmy and Rosalynn Carter Work Project.

Whereas, Twin Cities Habitat for Humanity is a non-profit organization that creates, strengthens, and preserves affordable home ownership, and is an active and contributing member of the Twin Cities Metropolitan Area; and

Whereas, the organization envisions a region where hard-working families can own homes in healthy neighborhoods with access to jobs, transportation, and quality schools and this vision drives engagement with the community and service to families; and

Whereas, on Monday, October 4, 2010, World Habitat Day, Twin Cities Habitat will kick off an intense week of construction, rehabilitation, and repair projects as a part of the 27th annual Jimmy and Rosalynn Carter Work Project ; and

Whereas, on Wednesday, October 6, 2010 President and Mrs. Carter will join thousands of volunteers and community members in the Hawthorne Neighborhood – Third Ward to work on 5 foreclosure rehabs, 2 new builds on foreclosed lots, and 5 renovations for existing homeowners with “A Brush with Kindness” program; and

Whereas, President and Mrs. Carter, as Habitat’s most celebrated volunteers, will draw resources and attention to the hard work underway by so many to revitalize the Hawthorne neighborhood and the EcoVillage cluster; and

Whereas, it is with great gratitude we celebrate the contributions of Twin Cities Habitat for Humanity, the Jimmy and Rosalynn Carter Work Project; and all volunteers who contribute to the City’s Northside, Third Ward, the Hawthorne Neighborhood, and the City of Minneapolis;

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

That the City hereby recognizes Twin Cities Habitat for Humanity as a valuable contributor to the community and celebrates its achievements in revitalizing neighborhoods, and further extends its appreciation for efforts by Twin Cities Habitat for Humanity to support, promote, and contribute to these goals in the Northside, Third Ward, and our City.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-455, honoring Project for Pride in Living in partnership with the Hawthorne EcoVillage development, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-455

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

Honoring Project for Pride in partnership with the Hawthorne EcoVillage development.

Whereas, Project for Pride in Living, whose mission is helping individuals gain family and housing stability and employment, has been helping thousands of citizens build brighter, stable futures and stronger communities since 1972; and

Whereas, the Project for Pride in Living participated in the Hawthorne EcoVillage development which represents a shared vision among Hawthorne neighborhood residents and leaders, community agencies, and the City to respond pro-actively to the area's toughest issues: crime, poverty, rising foreclosure rates, vacant housing, unemployment, and overall resident health; and

Whereas, the Hawthorne EcoVillage development project was accomplished through a partnership with Project for Pride in Living, the City of Minneapolis, residents of the Hawthorne neighborhood and the Home Depot Foundation; and

Whereas, the model home developed by Project for Pride in the Hawthorne EcoVillage development is expected to attain LEED Platinum Certification in recognition of its environmentally sustainable and sensitive design and construction, and this model home has already sold; and

Whereas, it is with great gratitude that we celebrate the contributions of the Project for Pride in Living, and all who contribute to the City's Northside, Third Ward, and the City of Minneapolis.

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

That the City hereby recognizes the Project for Pride in Living as a valuable contributor to the community.

Be It Further Resolved that the City expresses its gratitude and appreciation for Project for Pride in Living's dedication and commitment to the Northside, Third Ward, and our City.

Adopted 9/24/2010.

Absent - Colvin Roy.

Resolution 2010R-456, honoring the Hawthorne Neighborhood, was adopted 9/24/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-456

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

Honoring the Hawthorne Neighborhood.

Whereas, the Hawthorne Neighborhood is an engaged neighborhood within the City of Minneapolis's Third Ward, and has been an active participant in the Carter Work Project which will add to decent, affordable shelter for all people; and

Whereas, the Hawthorne Neighborhood coordinated efforts in the Hawthorne EcoVillage development which represents a shared vision among Hawthorne neighborhood residents and leaders, community agencies and the City to respond pro-actively to area toughest issues: crime, poverty, rising foreclosure rates and vacant housing, unemployment, and overall resident health; and

Whereas, the Hawthorne Neighborhood residents worked collaboratively with city partners to effectively address an area that was previously plagued with drug dealers, prostitution and other negative activity. The partnerships ultimately resulted in crime reduction, removal, and remediation of 27 or more properties; and

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Whereas, the Hawthorne EcoVillage development covered four city blocks and was accomplished by Project for Pride in Living, in partnership with the City of Minneapolis, residents of the Hawthorne Neighborhood, and the Home Depot Foundation; and

Whereas, the residents of the Hawthorne Neighborhood have been engaged and persistent volunteers and leaders in neighborhood opportunities, and

Whereas, it is with great gratitude we celebrate the contributions of the Hawthorne Neighborhood; and all volunteers who contribute to the City's Northside, Third Ward, and the City of Minneapolis;

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

That the City hereby recognizes the Hawthorne Neighborhood and its residents as valuable contributors to the community.

Be It Further Resolved that the City expresses its sincere gratitude and appreciation to the Hawthorne Neighborhood and its residents' for their dedication and commitment to the Northside, Third Ward, and our City.

Adopted 9/24/2010.

Absent - Colvin Roy.

UNFINISHED BUSINESS

RE&E - Your Committee, having under consideration the property located at 2726 Stevens Av, 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 2726 Stevens Av be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Lilligren moved that the report be postponed. Seconded.

Adopted upon a voice vote 9/24/2010.

Absent - Colvin Roy.

NEW BUSINESS

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water (making changes to meter reading procedures).

Goodman moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning and Planning Committee (to establish an additional downtown zoning district, the B4N Downtown Neighborhood District, and to establish regulations and standards for the district), as follows:

Amending Chapter 521 related to *Zoning Districts and Maps Generally*;

Amending Chapter 541 related to *Off-Street Parking and Loading*;

Amending Chapter 543 related to *On-Premise Signs*;

Amending Chapter 549 related to *Downtown Districts*;

Amending Chapter 551 related to *Overlay Districts*. Seconded.

Adopted by unanimous consent 9/24/2010.

Absent - Colvin Roy.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Felder v. City of Minneapolis, et al.*; and *Madison v. Willis* lawsuits. Seconded.

Adopted upon a voice vote 9/24/2010.

Absent - Colvin Roy.

SEPTEMBER 24, 2010

Room 315 City Hall
Minneapolis, Minnesota
September 24, 2010 - 10:31 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Member Colvin Roy.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving *Felder v. City of Minneapolis, et al.*; and *Madison v. Willis* lawsuits.

At 10:34 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Present - Quincy, Glidden, Goodman, Hodges (in at 10:36 a.m.), Samuels (in at 10:35 a.m.), Gordon, Reich, Hofstede (in at 10:37 a.m.), Schiff (in at 10:36 a.m.), Lilligren, Tuthill, Johnson.

Absent - Colvin Roy.

Also Present – Susan Segal, Peter Ginder (out at 10:44 a.m.), Lynne Fundingsland (out at 10:55 a.m.), Darla Boggs (out at 10:55 a.m.), Timothy Skarda, Sara Lathrop, City Attorney's Office; Deputy Chief of Police Robert Allen; Casey Joe Carl and Anne Roth, City Clerk's Office.

Fundingsland summarized the *Madison v. Willis* lawsuit from 10:36 a.m. to 10:55 a.m.

Skarda summarized the *Felder v. City of Minneapolis, et al.* lawsuit from 10:56 a.m. to 11:06 a.m.

At 11:06 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 9/24/2010.

Absent - Colvin Roy.

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

Casey Joe Carl,
City Clerk.

Unofficial Posting: 9/24/2010
Official Posting: 10/1/2010