MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JUNE 29, 2007

(Published July 7, 2007, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
June 29, 2007 - 9:30 a.m.
Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda to add the following matters:

a) A Resolution congratulating Bike On for their efforts on Global Bike Days.

b) A Motion to introduce the subject matter of an ordinance amending the *Zoning Code* relating to *Nonconforming Uses and Structures*.

c) A Motion to introduce the subject matter of an ordinance amending *Interim Ordinances* relating to retail uses. Seconded.

Adopted upon a voice vote 6/29/2007.

The agenda, as amended, was adopted 6/29/2007.

Lilligren moved acceptance of the minutes of the regular meeting of June 15, 2007 and the adjourned session held June 15, 2007. Seconded.

Adopted upon a voice vote 6/29/2007.

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 6/29/2007.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272089)

1501 Nicollet Ave S (Meter Farm site): Feasibility study for constructing a GLBT-focused community center.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272090)

Land Sale: 1317 Thomas Ave N.

MDI Limited Partnership #64 (Minnehaha Ave Apartments, 5341, 5345 & 5359 Minnehaha Ave): Preliminary approval to issue bonds.

Lundstrum Center for the Performing Arts (1617 N 2nd St): Preliminary & final approval to issue bonds.

Migizi Communications, Inc (3123 E Lake St): Preliminary & final approval to issue bonds.

1622 & 1700 49th Ave N: Authorize acquisition of properties & land exchange agreement with Mpls Park & Recreation Board.

Jackson St NE Artist Affordable Housing Project: Authorizing continued analysis.

East Phillips Commons LLC (re 2931 Bloomington Ave S): Amendment to redevelopment contract.

2508 & 2520 Bloomington Ave S: Authorization to Release Reversionary Rights.

Greater Metropolitan Housing Corp: Contract for CPED mortgage & home improvement lending services.

2119 W Broadway Ave Project Site: Authority to negotiate redevelopment agreement with The Ackerberg Group, et al.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272091)

East River/Unocal Site Project: Modification No. 1 to Tax Increment Finance Plan;

Authrize issuance of Tax-Exempt Tax Increment Revenue Refunding bonds.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (272092)

Audobon Park NRP Phase II Neighborhood Action Plan.

Kenny NRP Phase II Neighborhood Action Plan.

Kenwood Isles NRP Phase II Neighborhood Action Plan.

Lyndale NRP Phase II Neighborhood Action Plan.

ELECTIONS (See Rep):

CITY CLERK (272093)

Election Department Employment Practices: Election Judge Pay.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (272094)

Contract Compliance Unit: Report evaluating unit, prepared by The Roy Wilkins Center for Human Relations & Social Justice, Hubert H. Humphrey Institute of Public Affairs, University of Minnesota.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (272095)

Small and Underutilized Business Program: Ordinance continuing the SUBP Program for 18 months to allow for completion of a disparity study.

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

HEALTH AND FAMILY SUPPORT SERVICES (272096)

Juvenile Supervision Center: Participate with Hennepin County in a joint Solicitation of Interest (RFP) for the Curfew Truancy Center portion of services through December 31, 2010.

REGULATORY SERVICES (272097)

2006 HUD Healthy Homes Demonstration Grant: Contract with Pediatric Homes Services for professional services.

Lead Hazard Reduction: Contract amendment with Minnesota Remodeling and Restoration Company for additional services.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (272098)

St. Stephen's Human Services: Contract for outreach services for people experiencing homelessness.

2008 State of MN Capital Bonding Requests: Capital improvement project proposals.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (272099)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (272100)

Tillie's Bean (2803 E 38th St): Grant Sidewalk Cafe License, with conditions.

Pancho Villas Grill (2539 Nicollet Av S): Grant On-Sale Liquor Class C-2 with Sunday Sales License (expansion of premises).

Corner Store (3501 23rd Av S): Grant Grocery License, with conditions.

Pepitos (4820 Chicago Av): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

El Paraiso Restaurant (3501 Nicollet Av S): Grant On-Sale Liquor Class C-2 with Sunday Sales License, with conditions.

Candy Heaven (3124 Emerson Av N): Deny application for Confectionery License.

REGULATORY SERVICES (272101)

Property at 2016 21st Av N: Deny appeal filed by Deutsche Bank National Trust Company from decision of Nuisance Condition Process Review Panel to demolish property.

REGULATORY SERVICES (272102)

Property at 3001 James Av N: Deny appeal filed by American Bank of St. Paul from decision of Nuisance Condition Process Review Panel to demolish property.

REGULATORY SERVICES (272103)

Property at 3315 Thomas Av N: Deny appeal filed by Randy Babcock from decision of Nuisance Condition Process Review Panel to demolish property.

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

POLICE DEPARTMENT (272104)

Donation to Police Department: Accept $4,000 from Target Corporation for 4th Precinct Community Meeting Room.

2008 Safe & Sober Grant: Accept $40,000 and execute agreement with Minnesota Department of Public Safety for overtime for Traffic Unit officers.

Transfer of 11 Police Officers to Traffic Unit: Financial data.

Pre-employment and Fitness for Duty Psychological Services: Execute contract with DRI Consulting.

REGULATORY SERVICES (272105)

Linking Advance Practice Centers and Local Public Health Agencies Grant: Increase agreement by $2,000.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (272106)

Sale of City-Owned Parking Ramps: Set public hearing for July 10, 2007.

35W Crosstown: MnDOT Metro District Update.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 1st Quarter, 2007 (See Petn No 271956).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272107)

Fleet Management Information System: Increase Contract with Maximus Corporation.

Hiawatha Maintenance Facility: Architectural and Engineering Design Services Agreement with RSP Architects.

Minnesota Ballpark Final Environmental Impact Statement: Comments.

Urban Partnership Agreement (UPA): Resolution supporting MnDOT proposal.

2007 Alley Resurfacing Program: Designation, cost estimate, and set public hearing for July 24, 2007.

Access Minneapolis: Downtown Ten-Year Transportation Action Plan; Comments.

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

PUBLIC WORKS AND ENGINEERING (272108)

27th Av S (E Lake St to Minnehaha Av) Reconstruction Project: Assessment public hearing.

Hi-Lake Intersection Modification and Streetscape Project: Amend Construction Cooperative Agreement with Hennepin County.

Metropolitan Council Metropolitan Environmental Partnership Grant: Accept grant.

Safe Communities Program: Submit grant proposal.

WAYS AND MEANS BUDGET:

CITY CLERK (272109)

June 2007 Budget Status Report.

POLICE DEPARTMENT (272110)

June 2007 Budget Status Report.

PUBLIC WORKS AND ENGINEERING (272111)

Water Works June 2007 Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272112)

Legal Settlement: Casidy Anderson.

BUSINESS INFORMATION SERVICES (BIS) (272113)

Unisys Contract: Increase contract C-18881 for remove Cisco Switch and transfer network connection to new managed devises.

Unisys Contract: Increase contract C-18881 to PolyServe application.

Broadcast Messaging Service: RFP for emergency notifications.

COORDINATOR (272114)

The Leadership Forum: Travel Donation from IBM for City Coordinator to attend conference in Washington, D.C.

FINANCE DEPARTMENT (272115)

10th & Washington Parking Ramp: Disposition of sale proceeds; and amending Finance Department's funding plan.

HUMAN RESOURCES (272116)

New Appointed Position: Chief Appraiser.

City Employee Union, Local #363: Labor agreement.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272117)

Waiver:

First Avenue (701 1st Ave N): Waiver from the Electronic Advertising Billboard Moratorium (Chapter 582) restrictions included in the establishment or retrofitting of any off-premise advertising sign or billboard with new digital or electronic technology.

HERITAGE PRESERVATION COMMISSION (272118)

Appeal:

Christopher Hage (93 Nicollet St): Re decision of the HPC conditionally approving application for Certificate of Appropriateness (COA) for construction of a 2-story addition.

Historic Variance:

David Heide Design Studio (re William Lee Residence, 625 S 9th St): Historic variance for a previously approved Certificate of Appropriateness for a gazebo/garden folly.

PLANNING COMMISSION/DEPARTMENT (272119)

Appeals:

Kristi Oman (2609 Aldrich Ave S): Re decision of the City Planning Commission denying an application for change of nonconforming use.

Hope Academy (2300 Chicago Ave): Re decision of the Planning Commission which, notwithstanding staff recommendation, denied applications for conditional use permit, variances and site plan review, for renovation of an existing building into a mixed-use building including a K-8 school, a supportive housing facility and office space.

Zoning Code Text Amendments:

Ordinance amending Title 20, Chapter 535, re wind turbines.

Ordinances amending Title 20, Chapters 520, 530, 535, 537, 546, 547, and 548, re regulations for controls and variances related to residential infill construction of 1-4 unit structures.

FILED:

MAYOR (272120)

Interim Director of Community Planning and Economic Development (CPED) and Interim Executive Director of Minneapolis Community Development Agency (MCDA): 90 day designation of Michael Christenson.

Director of Community Planning and Economic Development (CPED) and Executive Director of Minneapolis Community Development Agency (MCDA): Nomination Letter for Michael Christenson.

PUBLIC WORKS AND ENGINEERING (272121)

Minneapolis Aquatennial: a) Schedule; b) Request for waiver of license and permit fees.

AMERICAN SPIRIT GRAPHICS (272122)

Vacate that part of vacated 9th Avenue SE that abuts American Spirit Graphics' parking lot from the southern property line to the norther property line, Lots 1,2,3,4 and 5, Block 8, The Andrews and Moulton Addition.

BRB DEVELOPMENT LLC (272123)

Vacate the existing drainage and utility easement through the middle of Outlot A for existing storm sewer line to be relocated along the edge of the property. Outlot A, Block 1, AMB Second Addition.

XCEL ENERGY (272124)

Utility Pole Installation: Along Oak St SE from University Av SE to Fire Station # 19.

The following reports were signed by Mayor Rybak on July 3, 2007, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1317 Thomas Ave N to T. Campbell Developments, LLC for $23,300, subject to the following conditions:

a) Land sale closing must occur on or before 30 days from date of City Council approval;

b) Payment of holding costs of $150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

If T. Campbell Developments, LLC fails to close, authorization is given for sale of said property to Urban Homeworks, Inc for $23,300, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of the City notification;

2) Payment of holding costs of $150 per month from the date of notification to the date of closing if land sale closing does not occur on or before 30 days from date of City notification.

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

Adopted 6/29/2007.

Approved by Mayor Rybak 7/2/2007.

(Published 7/3/2007)

Resolution 2007R-301, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-688 at 1317 Thomas Ave N, was adopted 6/29/2007 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 2007R-301
By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-688 (1317 Thomas Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop disposition Parcel TF-688, in the Willard-Hay neighborhood, from T. Campbell Developments, LLC, hereinafter known as the Redeveloper and another offer to purchase and develop Parcel TF-688, from Urban Homeworks, Inc. hereinafter known as the Alternate Redeveloper, the Parcel TF-688, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION for TF-688; 1317 Thomas Avenue North: Lot 10, Block 3, W. H. Lauderdale's Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of $23,300, for Parcel TF-688 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Alternate Redeveloper has offered to pay the sum of $23,300 for Parcel TF-688 to the City for the land, and the Alternate Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, both the Redeveloper and the Alternate Redeveloper have submitted to the City statements of financial responsibility and qualifications; and

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on June 8, 2007, a public hearing on the proposed sale was duly held on June 19, 2007, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of $23,300 for Parcel TF-688.

Be It Further Resolved that the acceptance of the offers and proposals are both hereby determined to be in accordance with the City's approved disposition policy and it is further determined that both the Redeveloper and the Alternate Redeveloper possess the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or

Program, but that the City prefers the Redeveloper's proposal over the Alternate Redeveloper's proposal.

Be It Further Resolved that the Redeveloper's proposal is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of $150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that if and only if Redeveloper fails to close on the land sale pursuant to the conditions described above, the Alternate Redeveloper's proposal is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date of City notification to the Alternate Redeveloper and 2) payment of holding costs of $150.00 per month from the date of notification if the land sale closing does not occur on or before 30 days from the date of City notification to the Alternate Redeveloper.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development (CPED) Director. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized consistent with the terms herein to execute and deliver the contract to the Redeveloper or Alternate Redeveloper, as appropriate; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

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

Adopted 6/29/2007.

Approved by Mayor Rybak 7/2/2007.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of MDI Limited Partnership #64 for the Minnehaha Avenue Apartments Project, a 37-unit mixed-income affordable housing project at 5341, 5345 and 5359 Minnehaha Ave, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to $3,915,000 in Tax-Exempt Multi-family Rental Housing Entitlement Bonds for said project.

Your Committee further recommends that final approval for the issuance of bonds will be subject to the issue of developer equity and the developer fee being resolved prior to consideration of the request for an Affordable Housing Trust Fund loan of up to $552,000 for the Minnehaha Avenue Apartments Project.

Adopted 6/29/2007.

Resolution 2007R-302, adopting a housing program for the Minnehaha Apartments Project at 5341, 5345 and 5359 Minnehaha Ave; and giving preliminary approval to the issuance of revenue bonds thereunder, was adopted 6/29/2007 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 2007R-302
By Goodman

Adopting a housing program for the Minnehaha Apartments Project; and giving preliminary approval to the issuance of revenue bonds thereunder.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Act") a city is authorized to undertake the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which Plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, there has been proposed a program (the "Program") for the issuance of bonds to finance a portion of the cost of acquisition and construction by MDI Limited Partnership #64, a Minnesota limited partnership (the "Owner"), of a project consisting of 37 units of multifamily rental housing in a four-story elevator building over below grade parking (the "Project"), to be located on the site with current addresses of 5341, 5345 and 5359 Minnehaha Avenue in the City; and

Whereas, the cost of the Project is presently estimated to be approximately $7,800,000, and the bonds to be issued under the Program are presently estimated to be approximately $3,915,000; and

Whereas, the City conducted a public hearing on the Program on June 19, 2007, following publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council on or prior to the date of publication of notice of the public hearing on such Program, and the Metropolitan Council was afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan;

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

That the issuance of multifamily housing revenue bonds pursuant to the Act in the approximate amount presently estimated not to exceed $3,915,000 in one or more series to finance the costs of the Program is hereby preliminary approved by the City Council subject to final agreement between the City, the Owner, and the purchaser of the bonds as to the detailed terms and conditions on which the bonds will be issued.

Be It Further Resolved that the Program is hereby adopted.

Be It Further Resolved that proceeds of bonds issued under the Program may be used to make a loan or loans directly to the Owner or other entity approved by the City or to acquire the Project.

Be It Further Resolved that the City shall have the right in its sole discretion to withdraw from participation and, accordingly, not to issue the bonds for the Project should the City, at any time prior to the issuance thereof, determine that it is in the interest of the City not to issue the bonds or should the parties to this transaction be unable to reach agreement as to the terms and conditions of any of the documents required for this transaction. The decision of the City with respect to the aforementioned matters shall be uncontestable.

Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City Council and other than the revenues derived from the Project or otherwise granted to the City for this purpose.

Be It Further Resolved that Faegre & Benson LLP is hereby appointed as Bond Counsel, in connection with the Bonds preliminarily approved hereby.

Be It Further Resolved that the City hereby allocates up to $3,915,000 of its entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the bonds given preliminary approval hereunder.

Be It Further Resolved that the Owner may incur expenses in connection with the Project prior to the issuance of the bonds given preliminary approval hereunder, which it may temporarily pay from other sources, which are intended to be reimbursed from the proceeds of the bonds when issued. This resolution is intended to constitute a declaration of official intent for purposes of Treas. Reg. § 1.1502 and any successor law, regulation or ruling.

Adopted 6/29/2007.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Lundstrum Center for the Performing Arts, to assist with expenses associated with refunding existing debt and the renovations and improvements to their new facility at 1617 N 2nd St, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to $1,500,000 in 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency (MCDA) Revenue Bonds for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Goodman moved that the report be postponed. Seconded.

Adopted 6/29/2007.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Migizi Communications, Inc Project, to refinance commercial indebtedness incurred to purchase and improve the 28,000 square foot building which houses Migizi Communications, Minnesota Transitions Charter School, Heart of the Earth Survival School and Honor Our Neighbors Origins and Rights, Inc at 3123 E Lake St, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to $1,000,000 in 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency (MCDA) Revenue Bonds for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Goodman moved that the Resolution be amended in Whereas Clause #5 by deleting the percentage amount “5.60” and inserting in lieu thereof “6.50”. Seconded.

Adopted upon a voice vote.

The report, with amended resolution, was adopted 6/29/2007.

Resolution 2007R-303, giving preliminary and final approval to and authorizing the financing of a project on behalf of Migizi Communications, Inc. at 3123 E Lake S, and authorizing the issuance of a revenue note of the Minneapolis Community Development Agency therefor, was adopted 6/29/2007 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 2007R-303
By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Migizi Communications, Inc. (the “Company”), and authorizing the issuance of a revenue note of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended (“Chapter 595”), the City Council of the City of Minneapolis, Minnesota (the “City”) established the Minneapolis Community Development Agency (the “Agency”) and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue note in the amount of not to exceed $1,000,000 (the "Note") to refinance outstanding commercial indebtedness incurred to purchase and improve the approximately 28,000 square foot office building located at 3123 East Lake Street in Minneapolis, Minnesota owned and operated by Migizi Communications, Inc. as its corporate headquarters (the "Project"), portions of which are rented to Minnesota Transitions Charter School, Heart of the Earth Survival School, Inc., Honor Our Neighbors Origins and Rights, Inc., all organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, in the City; and

Whereas, the Agency expects to give final approval to the issuance of the Note by a resolution to be adopted on the date hereof; and

Whereas, the Note shall bear interest at a fixed interest rate expected to not exceed 6.50% per annum, shall have a final maturity date not later than 30 years from the date of its issuance and delivery to the purchaser thereof, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Note in a principal amount of not to exceed $1,000,000 for the purpose of financing the Project described above.

Be It Further Resolved that the Note is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 6/29/2007.

Comm Dev - Your Committee recommends that the proper City officers be authorized to pursue the acquisition of 1622 and 1700 - 49th Ave N, and to negotiate a land exchange agreement with the Minneapolis Park and Recreation Board.

It is further recommended that should any of the remaining four single family properties become available, staff pursues the acquisition of the properties on a voluntary basis. With respect to all of the potential acquisition, they will be traded for properties of equal value with the Minneapolis Park and Recreation Board.

Adopted 6/29/2007.

Comm Dev - Your Committee, having under consideration the Jackson Street NE Artist Affordable Housing Project, to be constructed along Jackson St NE between 18 1/2 and 19th Ave NE and includes parcels of land at 901, 905, 907, 907-1/2, 911, 911-1/2, 913 18-1/2 Ave NE, 1839, 1843 and 1847 Jackson St NE, and 914 – 19th Ave NE, now recommends that the proper City officers be authorized to continue analysis of said project proposal for Tax Increment Financing assistance; establish a preliminary planning fund budget in the amount of $9,170; negotiate terms and conditions of a redevelopment contract with Northeast Community Development Corporation and Flannery Construction, Inc.; and prepare a redevelopment plan and tax increment financing plan for said project.

Adopted 6/29/2007.

Comm Dev - Your Committee, having under consideration the redevelopment contract with Sherman Associates for the 2900 block of Bloomington Ave S, now recommends approval of an amendment to the redevelopment agreement for East Phillips Commons LLC to include acquisition of the City-owned parcel at 2931 Bloomington Ave S.

Adopted 6/29/2007.

Comm Dev - Your Committee recommends approval of the staff request for authorization to Release Reversionary Rights on 2508 and 2520 Bloomington Ave S for the purpose of the construction of a new Open Arms of Minnesota facility.

Adopted 6/29/2007.

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into a three year contract with the Greater Metropolitan Housing Corporation to provide ongoing Department of Community Planning & Economic Development (CPED) lending services, and that the CPED Director be authorized to extend said contract for an additional three years if services meet CPED expectations.

Your Committee further recommends that City Attorney and CPED Housing staff be directed to contact Neighborhood Housing Services of Minneapolis (NHS) regarding to their lack of drawing on $50,000 in Community Development Block Grant funding for home improvement loans, and that NHS is put on notice that the process of cancelling their contract will begin if a satisfactory report is not received.

Adopted 6/29/2007.

Comm Dev - Your Committee recommends that the proper City officers be authorized to negotiate the terms of a redevelopment agreement and land sale for City-owned real property at 2119 W Broadway Ave project site with the development team of The Ackerberg Group, the Center for Communication and Development KMOJ Radio, Collaborative Design Group and Welsh Companies, as set forth in the Department of Community Planning & Economic Development staff report.

Your Committee further recommends that staff be directed to establish productive negotiations and completed terms within six months of final approval of this action.

Adopted 6/29/2007.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the East River/Unocal Site Project, a for-sale housing project bonded by Franklin Ave SE on the south, Thornton St SE on the west and I-94 on the north and east, now recommends:

a) Passage of the accompanying resolutions -

1) approving the Modification No. 1 to the East River/Unocal Site Tax Increment Finance Plan, which updates the tax increment budget and bonded indebtedness sections to allow for the refinancing;

2) authorizing the issuance of up to $1,800,000 in Tax-Exempt Tax Increment Revenue Refunding Bonds, which proceeds will be used to pay off the TIF Notes on 8/1/2007, fund a new debt service bond reserve and pay for various issuance costs;

3) increasing the Department of Community Planning and Economic Development appropriation and revenue source by $1,800,000;

b) That the proper City officers be authorized to terminate the Minimum Assessment Agreement for the project, and execute any technical amendments to the contract necessary to allow for the issuance of the Tax Increment Revenue Refunding Bonds.

Adopted 6/29/2007.

Approved by Mayor Rybak 6/29/2007.

(Published 7/3/2007)

Resolution 2007R-304, adopting Modification No. 1 to the East River/Unocal Site Tax Increment Finance Plan, was adopted 6/29/2007 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 2007R-304
By Goodman and Ostrow

Adopting Modification No. 1 to the East River/Unocal Site Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2 By Resolution No 2002R-210 on June 21, 2002, the Minneapolis City Council (the "Council") approved the East River/Unocal Site Redevelopment and TIF Plans (the "Plans") creating a new redevelopment project and a new TIF district consisting of objectives for the redevelopment of the project, designation of project boundaries, designation of property that may be acquired, identification of land uses, and a budget for public redevelopment costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.3 It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a modification to the East River/Unocal Site TIF Plan (the "Modification") to provide the legal authority to refinance revenue notes with tax-exempt tax increment revenue bonds once various conditions have been satisfied by the developer, pursuant to the redevelopment contract between the Minneapolis Community Development Agency (MCDA)/City and Brighton Development Corporation/East River Mews, LLC.

1.4 The City has prepared, and this Council has examined the proposed Modification that describes more precisely the bonded indebtedness to be incurred and project costs.

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

Section 2. Findings for the Adoption of the Modification

2.1 The Council hereby finds, determines and reaffirms the findings made in 2.1 through 2.7 of Resolution 2002R-210 required for approval of the original TIF Plan, including the finding that the Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

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

2.3 Pursuant to the Contract for Private Development with Brighton Development Corporation/East River Mews, LLC (the Developer), the MCDA/City is obligated to refinance the Taxable Tax Increment Revenue Series 2002 notes with long-term tax-exempt TIF revenue bonds when certain conditions have been met. The project is now fully constructed, over 85% of the units have been sold, and the value of the project has stabilized. Therefore, the Council finds, determines and declares that various conditions stipulated in the redevelopment agreement dated September 2002 have been satisfied by the developer.

2.4 The Council further finds, determines and declares that the actions authorized by the Modification are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and Sections 469.174 through 469.179, as amended.

2.5 The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 3. Approval of the Modification

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

Section 4. Implementation of the Modification

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

Adopted 6/29/2007.

Approved by Mayor Rybak 6/29/2007.

Resolution 2007R-305, relating to the tax increment financing of public improvements related to the East River Mews multifamily housing development located in the East River/Unocal Site Tax Increment Financing District; authorizing the issuance of Tax Increment Revenue Refunding Bonds (East River/Unocal Site Project), Series 2007; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations, was adopted 6/29/2007 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 2007R-305
By Goodman and Ostrow

Relating to the tax increment financing of public improvements related to the East River Mews multifamily housing development located in the East River/Unocal Site Tax Increment Financing District; authorizing the issuance of Tax Increment Revenue Refunding Bonds (East River/Unocal Site Project), Series 2007; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations.

Resolved by The City Council of The City of Minneapolis:

SECTION 1. BACKGROUND

1.01 The Minneapolis Community Development Agency (the "Agency") and the City of Minneapolis (the "City") established the East River/Unocal Site Tax Increment Financing District (the "TIF District") pursuant to authority granted by Minnesota Statutes, Sections 469.174-469.1799, as amended (the "Tax Increment Act"), within the East River/Unocal Site Redevelopment Project Area (the "Redevelopment Project"), and adopted a tax increment financing plan (the "TIF Plan") for the purpose of financing certain improvements within the TIF District. The Agency entered into a Contract for Private Redevelopment, dated August 15, 2002, as amended (the "Contract"), between the Agency and Brighton Development Corporation and its assignees (collectively, the "Redeveloper") in order to provide for the redevelopment of the Redevelopment Project and the TIF District and, specifically, to provide for the acquisition of the Property (as defined in the Indenture) and the construction of the Project, which is comprised of thirty-eight (38) townhouse units and fifteen (15) condominium units located in the Prospect Park Neighborhood in the City.

1.02 On September 13, 2002, the Board of Commissioners of the Agency adopted Resolution No. 20022640M (the "Note Resolution"), which provided for the issuance and sale of its tax increment revenue notes. Pursuant to the terms of the Taxable Tax Increment Revenue Notes (East River/Unocal Site Project), Series 2002 (the "Series 2002 Notes"), issued by the Agency in the principal amount of $1,500,000, and dated as of September 19, 2002, the Series 2002 are payable solely from a portion of the proceeds of the Series 2002 Notes and from tax increment revenues generated from the TIF District within the Redevelopment Project.

1.03 Pursuant to Resolution No. 2003R-625, adopted by the City Council of the City on December 29, 2003, and Resolution No. 2003-2863M, adopted by the Board of Commissioners of the Agency on December 29, 2003, the duties of administering all programs, projects, and districts administered by the Agency, including the Redevelopment Plan, the TIF District, and the TIF Plan, were transferred to the City, effective January 1, 2004.

1.04 Pursuant to the terms of the Contract, the Agency agreed to refund the Series 2002 Notes with tax-exempt tax increment revenue bonds when the conditions set forth in the Contract for the issuance of such revenue bonds were satisfied.

1.05 The conditions set forth in the Contract for refunding the Series 2002 Notes with tax-exempt tax increment revenue bonds have been satisfied.

1.06 Pursuant to Section 469.178 of the Tax Increment Act, the City is authorized to issue and sell its bonds for the purpose of financing public development costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations.

SECTION 2. ISSUANCE OF THE SERIES 2007 BONDS

2.01 In order to refund the outstanding principal amount of the Series 2002 Notes, there is hereby authorized to be issued by the City the Series 2007 Bonds, as hereinafter defined.

2.02 In order to pay outstanding principal amount of and interest accrued on the Series 2002 Notes on its maturity date of August 1, 2007, the City Council hereby authorizes the issuance of tax increment revenue bonds to be designated as the "Tax Increment Revenue Refunding Bonds (East River/Unocal Site Project), Series 2007 (the "Series 2007 Bonds"), in a principal amount not to exceed $1,800,000. The Series 2007 Bonds shall be issued on such date and upon the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Series 2007 Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Series 2007 Bonds shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Series 2007 Bonds are authorized to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Series 2007 Bonds is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Series 2007 Bonds to Piper Jaffray & Co. (the "Underwriter") upon the offer of the Underwriter to purchase the Series 2007 Bonds in accordance with the terms of a Bond Purchase Agreement between the City and the Underwriter (the "Bond Purchase Agreement").

2.03 There have been presented to the City Council forms of the following documents: (i) an Indenture of Trust (the "Indenture"), between the City and Wells Fargo Bank, National Association, as trustee (the "Trustee"); and (ii) a Bond Purchase Agreement. The Indenture and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

2.04 The Series 2007 Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The form of the Series 2007 Bonds included in the Indenture is approved in substantially the form in the Indenture, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Series 2007 Bonds to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Series 2007 Bonds, and to approve other changes to the other terms of the Series 2007 Bonds which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Series 2007 Bonds shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Series 2007 Bonds in accordance with the authority granted by this resolution. The proceeds derived from the sale of the Series 2007 Bonds, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.05 The Series 2007 Bonds shall be secured by the terms of the Indenture and shall be payable solely from Available Tax Increments (as defined in the Indenture) that are expressly pledged to the payment of the Series 2007 Bonds pursuant to the terms of the Indenture.

2.06 It is hereby found, determined and declared that the issuance and sale of the Series 2007 Bonds, the execution and delivery by the City of the Indenture and the Bond Purchase Agreement (the "City Documents"), and the performance of all covenants and agreements of the City contained in the City Documents, and of all other acts required under the Constitution and laws of the State of Minnesota to make the Series 2007 Bonds the valid and binding special obligations of the City enforceable in accordance with their respective terms, are authorized by applicable Minnesota law, including, without limitation, the Tax Increment Act and this Resolution.

2.07 Under the provisions of the Tax Increment Act, and as provided in the Indenture and under the terms of the Series 2007 Bonds, the Series 2007 Bonds are not to be payable from or chargeable against any funds other than the revenues pledged to the payment thereof; the City shall not be subject to any liability thereon other than from such revenues pledged thereto; no holder of any Series 2007 Bonds shall ever have the right to compel any exercise by the City of its taxing powers (other than as contemplated by the pledge of tax increment revenues under the terms of the Indenture) to pay the principal of, premium, if any, and interest on the Series 2007 Bonds, or to enforce payment thereof against any property of the City other than the property expressly pledged thereto; the Series 2007 Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than the revenues expressly pledged thereto; the Series 2007 Bonds shall recite that the Series 2007 Bonds are issued without a pledge of the general or moral obligation of the City, and that the Series 2007 Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Series 2007 Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

SECTION 3. DISCLOSURE DOCUMENTS AND CLOSING CERTIFICATES

3.01 The preparation of an Official Statement (or other form of disclosure document) in conjunction with the offer and sale of the Series 2007 Bonds is hereby authorized. When approved by the Finance Officer of the City, the Official Statement (or other form of disclosure document) is authorized to be distributed in conjunction with the offer and sale of the Series 2007 Bonds. In order to provide for continuing disclosure with respect to the Series 2007 Bonds, the Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Series 2007 Bonds.

3.02 The Finance Officer is authorized to furnish to the purchasers of the Series 2007 Bonds, on the date of issuance and sale of the Series 2007 Bonds, a certificate that, to the best of the knowledge of such officer, the Official Statement (or other form of disclosure document) does not, as of the date of closing, and did not, as the time of sale of the Series 2007 Bonds, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Series 2007 Bonds, the proceedings for approval of the Series 2007 Bonds, tax increment revenues generated or collected for payment of the Series 2007 Bonds, revenues pledged for payment of the Series 2007 Bonds, or the organization of the City, or incumbency of its officers, the Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Series 2007 Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Series 2007 Bonds and the tax-exempt status of interest on the Series 2007 Bonds.

3.03 The City Clerk, the Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Series 2007 Bonds, on behalf of the purchasers of the Series 2007 Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Series 2007 Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter,

the Trustee, or other persons or entities in conjunction with the issuance of the Series 2007 Bonds and the expenditure of the proceeds of the Series 2007 Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Series 2007 Bonds, an order to the Trustee, a general certificate of the City, and an Information Return for Tax-Exempt Governmental Obligations, Form 8038 (Rev. January 2002).

3.04 The City Clerk is hereby authorized and directed to certify a copy of this resolution and cause the same to be filed with the Taxpayer Services Division Manager of Hennepin County, exercising the powers of the county auditor under Minnesota Statutes, Section 475.63, and to obtain the certificate of the Taxpayer Services Division Manager of Hennepin County as to the registration of the Series 2007 Bonds. Copies of this resolution shall also be delivered to the Finance Officer of the City.

SECTION 4. PAYMENT OF SERIES 2002 NOTES

4.01 The City elects to apply the net proceeds of the Series 2007 Bonds to the payment of the outstanding principal of and accrued interest on the Series 2002 Notes on their maturity date, August 1, 2007. Following the sale and issuance of the Series 2007 Bonds, the Trustee will cause sufficient funds to pay the principal due and interest on the Series 2002 Notes to be transferred to Wells Fargo Bank, National Association (formerly known as Wells Fargo Bank Minnesota, National Association), as Registrar of the Series 2002 Notes.

SECTION 5. MISCELLANEOUS

5.01 All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Series 2007 Bonds shall be liable personally on the Series 2007 Bonds or be subject to any personal liability or accountability by reason of the issuance of the Series 2007 Bonds.

5.02 Nothing in this resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Indenture, the Series 2007 Bonds, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

5.03 If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

5.04 The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Series 2007 Bonds or any related activity which would cause the Series 2007 Bonds to be deemed to be "private activity bonds," within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Series 2007 Bonds or any related activity which would cause the Series 2007 Bonds to be deemed to be "arbitrage bonds," within the meaning of Section 148 of the Code. Furthermore, the City shall take all such actions as may be required under the Code to ensure that interest on the Series 2007 Bonds is not and does not become includable in gross income for federal income tax purposes.

5.05 The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated hereby is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Series 2007 Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Series 2007 Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Series 2007 Bonds, if the Series 2007 Bonds are then tax-exempt obligations; and (f) such amendments do not materially prejudice the interests of the owners of the Series 2007 Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.

5.06 This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 6/29/2007.

Approved by Mayor Rybak 6/29/2007.

RESOLUTION 2007R-306
By Goodman and Ostrow

Amending the 2007 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 Community Planning and Economic Development Agency in the CPED Debt Service Fund (DDS0-890-8490) by $1,800,000 and increasing the revenue source (DDS0-890-8490-3912) by $1,800,000.

Adopted 6/29/2007.

Approved by Mayor Rybak 6/29/2007.

(Published 7/3/2007)

Comm Dev & W&M/Budget - Your Committee, having under consideration the Audubon 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 $630,862;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by $215,552 in the NRP fund for implementation of said Plan;

c) Referral of $404,810 for Plan implementation in a reserve account within Fund CNR0 for future year expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan be obligated in the first three years after approval of the Plan; and

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

Adopted 6/29/2007.

RESOLUTION 2007R-307
By Goodman and Ostrow

Amending The 2007 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 Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by $215,552.

Adopted 6/29/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Kenny 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 $266,533;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by $97,766 in the NRP fund for implementation of said Plan;

c) Referral of $168,767 for Plan implementation in a reserve account within Fund CNR0 for future year expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan be obligated in the first three years after approval of the Plan; and

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

Adopted 6/29/2007.

RESOLUTION 2007R-308
By Goodman and Ostrow

Amending The 2007 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 Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by $97,766.

Adopted 6/29/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Kenwood Isles 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 $85,600;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by $60,000 in the NRP fund for implementation of said Plan;

c) Referral of $25,600 for Plan implementation in a reserve account within Fund CNR0 for future year expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan be obligated in the first three years after approval of the Plan; and

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

Adopted 6/29/2007.

RESOLUTION 2007R-309
By Goodman and Ostrow

Amending The 2007 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 Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by $60,000.
Adopted 6/29/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Lyndale 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 $643,703;
b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by $175,526 in the NRP fund for implementation of said Plan;
c) Referral of $443,177 for Plan implementation in a reserve account within Fund CNR0 for future year expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan be obligated in the first three years after approval of the Plan; and
d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.
Adopted 6/29/2007.

RESOLUTION 2007R-310
By Goodman and Ostrow

Amending The 2007 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 Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by $175,526.
Adopted 6/29/2007.

The ELECTIONS Committee submitted the following report:
Elections - Your Committee having under consideration a process for Setting Election Judge Pay, as set forth in Petn No 272093, now recommends passage of the accompanying Resolution adopting said process.
Adopted 6/29/2007.

Resolution 2007R-311, adopting a process for setting election judge pay, was adopted 6/29/2007 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 2007R-311
By Glidden

Adopting a Process for Setting Election Judge Pay

Whereas, City Charter Chapter 2 Section 6, states, "the compensation of election judges shall be forty (40) percent greater than the prevailing minimum wage as defined by state law unless the City Council sets a different rate;" and

Whereas, this single rate of pay does not recognize different roles and levels of responsibility of election judges; and

Whereas, The Election Department has recommended a process be undertaken each year to align rates of pay for election judges with those of comparable jurisdictions and budget projections; and

Whereas, the City Council believes a deliberate process which incorporates sound budget planning reflects the most responsible management of the city's election judges;

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

That election judge pay be considered each year as part of the budget planning process of the City Clerk's Office and that levels of pay provided for service as an election judge be set administratively by the City Clerk's Office and approved by the City Council each year with the approval of the City of Minneapolis budget.

Adopted 6/29/2007.

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

HE&E - 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*, continuing the Small and Underutilized Business Program through December 13, 2008 to allow for completion of a disparity study, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/29/2007.

Ordinance 2007-Or-044 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 continue the Small and Underutilized Business Program through December 13, 2008 to allow for completion of a disparity study, was adopted 6/29/2007 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 2007-Or-044
By Samuels
Intro & 1st Reading: 5/11/2007
Ref to: HE&E
2nd Reading: 6/29/2007

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 ~~June 30, 2007~~ December 31, 2008.

Adopted 6/29/2007.

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

HE&E & W&M/Budget - Your Committee, having under consideration the 2006 United States Department of Housing & Urban Development Healthy Homes Demonstration Grant, now recommends that the proper City officers be authorized to execute a contract with Pediatric Homes Services to provide professional services in an amount not to exceed $107,440.

Adopted 6/29/2007.

HE&E & W&M/Budget - Your Committee, having received a grant from the United States Department of Housing and Urban Development to perform lead hazard reduction in dwelling units occupied by children in the East and Mid-Town Phillips Neighborhoods, now recommends that the proper City officers be authorized to amend Contract #C-21622 with Minnesota Remodeling and Restoration Company, increasing the amount by $500,000, for a new total contract amount of $2,500,000 to provide additional lead hazard reduction services.

Adopted 6/29/2007.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to participate with Hennepin County in a joint Solicitation of Interest (Request for Proposals) for the portion of services relating to the Curfew Truancy Center, included as part of the Juvenile Supervision Center, during the period January 1, 2008 through December 31, 2010.

Adopted 6/29/2007.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee recommends that the proper City officers be authorized to execute a one-year contract with St. Stephen's Human Services in an amount not to exceed $100,000, to provide targeted outreach services to people experiencing homelessness on the streets of Minneapolis (payable from Fund/Agency 0100/841/8410-5130).

Adopted 6/29/2007.

Approved by Mayor Rybak 7/2/2007.

(Published 7/3/2007)

IGR – Your Committee recommends passage of the accompanying resolution approving and ranking the 2008 Capital Budget Requests for inclusion in the City's State Bonding Program.

Hodges moved that the report be amended by adding the following language:

"Your Committee further recommends that IGR staff be directed to work with the staff of the Minneapolis Park and Recreation Board to develop a coordinated legislative effort for funding the Grand Rounds Scenic Byway improvements and report back to the IGR Committee on these discussions on or before October 16, 2007." Seconded.

Adopted upon a voice vote.

Vice President Lilligren assumed the Chair at 10:06 a.m.

Johnson moved that the report be amended by adding the following language:

"Your Committee further recommends that staff be directed to include in the transmittal letter to the Department of Finance the following language: The City of Minneapolis is willing to be the political subdivision required by Minnesota Statutes 16A.86 for Orchestra Hall, should that organization obtain state bonding proceeds." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/29/2007.

President Johnson resumed the Chair at 10:09 a.m.

Resolution 2007R-312, approving and ranking the 2008 Capital Budget requests of the City of Minneapolis for submittal to the Minnesota Commissioner of Finance, was adopted 6/29/2007 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 2007R-312
By Hodges

Approving and ranking the 2008 Capital Budget requests for submittal to the Minnesota Commissioner of Finance.

Resolved by The City Council of The City of Minneapolis:
That the following capital improvement projects be prioritized as follows:
1. Target Center Debt Reduction
2. Grand Rounds Scenic Byway Lighting Renovation
3. Grand Rounds National Scenic Byway (bridge replacement)
4. Southeast Minneapolis Industrial (SEMI) University Research Park
5. Joint Training and Emergency Operations Center
6. Hiawatha LRT Corridor: Infrastructure for Transit Supportive Development
7. Minneapolis Police Department – Forensic Laboratory

Be It Further Resolved that Minneapolis Intergovernmental Relations Department staff is directed to properly file these requests for funding with the Minnesota Department of Finance in a timely fashion.
Adopted 6/29/2007.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Graffiti Nuisance Property*, reducing the required time for graffiti abatement from 10 days to 7 days, now recommends that said ordinance be given its second reading for amendment and passage.
Adopted 6/29/2007. Yeas, 12; Nays, 1 as follows:
Yeas - Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Johnson.
Nays - Gordon.

Ordinance 2007-Or-045 amending Title 11, Chapter 266 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Graffiti Nuisance Property*, amending Section 226.40 to reduce the required time for graffiti abatement from 10 days to 7 days, was adopted 6/29/2007 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 2007-Or-045
By Schiff
Intro & 1st Reading: 5/25/2007
Ref to: PS&RS
2nd Reading: 6/29/2007

Amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Graffiti Nuisance Property.

The City Council of The City of Minneapolis do ordain as follows:
Section 1. That Section 226.40 of the above-entitled ordinance be amended to read as follows:
226.40. Procedures. (a) *Required graffiti abatement*. The owner or occupant of any property in the city shall remove, paint over or otherwise effectively abate any graffiti from such property within ~~ten (10)~~ seven (7) days of the graffiti's appearance.

(b) *Procedures, forms and policies*. The graffiti abatement manager shall adopt procedures, forms, and written polices for administering and implementing the provisions of this chapter.

(c) *Notification.*

(1) Whenever the manager determines that graffiti exists in the city on any commercial structure, industrial structure, utility structure, residential structure or any other structure of any kind, the manager may issue an abatement notice pursuant to the authority of this section.

(2) The manager shall cause the notice to be served upon any known property owner, and any known occupant. Such owner or occupant shall have ~~ten (10)~~ seven (7) days after the date of service of the notice in which to remove, paint over or otherwise effectively abate the graffiti.

(3) Service shall be accomplished by addressing the notice to the owner and occupant and sending it by personal service or by U.S. mail to the last known address of such owner or occupant based upon a certified list prepared by the manager. Service on the occupant may also be accomplished by posting the notice in a visible location on the subject property.

(4) If graffiti is not removed, painted over or otherwise effectively abated, the graffiti may be abated by or at the direction of the city as provided by this chapter or other provisions of this Code. The manager shall compute all costs of any abatement by or at the direction of the city. The costs of abatement shall include, but not be limited to, the cost of any i nspections, abatement mobilization, and service of notices. The costs shall also include all departmental costs and expenses including overhead and allowance for time of city employees, expense of equipment used, and sums of money paid out for work done. The owner of the property shall be required to pay all costs of abatement as computed by the manager. The manager may bill the property owner for the costs of abatement by adding the charges to the property's utility services bill as set forth in section 509.870 or may assess and levy the charges as a special assessment pursuant to the procedures set forth in section 227.100. A property owner's utility services shall not be disconnected for failure to pay that portion of a utility services bill that represents the costs of graffiti abatement.

(d) *Appeal.*

(1) Within ~~ten (10)~~ seven (7) days of the receipt of the notice, the property owner or occupant may appeal the notice from the manager.

(2) Upon receipt of the appeal request, the manager shall set the matter for hearing before a designated hearing officer within twenty (20) business days. The property owner shall be entitled to be heard on all matters relating to graffiti and the process of abatement. If the hearing officer finds the property to be a graffiti nuisance property, and the owner/responsible party has been given notice in accordance with subsections (c) and (d) above, the designated hearing officer shall specify when and under what conditions the graffiti shall be abated.

(3) The manager shall designate one or more hearing officers. Such hearing officers shall render decisions on matters before them in an impartial manner. Such decisions shall be binding on the department.

(4) At any hearing under this section:

a. The applicant may appear in person or through a representative.

b. The parties may present evidence, testimony, and oral and written argument, and they may cross-examine each witness appearing on behalf of the other party.

c. The rules of evidence shall not apply. However, only reasonably relevant evidence shall be received and considered.

d. Burden of proof. The department bears the burden of proving that the property is a graffiti nuisance property and that the owner has been given notice in accordance with this section.

(5) Following the hearing, the hearing officer shall prepare findings of fact, a decision, and reasons therefore. The hearing officer's decision shall be based upon competent evidence in the record.

(e) *Abatement of graffiti in specific cases.*

(1) The manager may without notice summarily abate any graffiti on any utility poles and cabinets including, but not limited to, traffic signs and lights or on any property owned by the city or on any property located in the public right-of-way, but privately owned. The right to summarily abate graffiti on such property shall be a condition of its permission to be in the right-of-way. Reasonable care shall be taken to avoid damage to such property.

(2) The manager may without notice summarily abate any graffiti located anywhere on exterior walls and fences immediately abutting public streets and right-of-way or public property, or within five (5) feet of such street, right-of-way or public property. The manager may summarily abate graffiti located on such walls and fences that is beyond five (5) feet of such street, right-of-way or public property provided that the graffiti is visible from the street, right-of-way or public property. The manager shall ensure (1) that such abatement shall not entirely penetrate the wall of any building nor impair the structural integrity of the structure involved; (2) that reasonable efforts are made to avoid damage to the property; and, (3) that the wall is not in an area of a building that is designed for and used principally as a residence. In the case of a summary abatement without notice on private property or on private structures or equipment located in the right-of-way, the expense of such abatement and restoration shall be borne by the city.

(f) *Abatement of graffiti generally*. Whenever the manager has reasonable cause to believe that there exists upon any structure any graffiti requiring abatement under this chapter, the manager may enter upon the property at all reasonable times to perform any duty imposed on the manager under this chapter, and to enforce the provisions of this Code. The following steps may be taken as to any property that is not being abated pursuant to the foregoing provisions or other provisions of this Code and for which an abatement notice has been issued pursuant to paragraph (c)(1) of this section.

The manager shall leave a notice of the graffiti abatement in a reasonable location on the property and mail notice to the last known address of the owner or occupant that was originally served with the notice to abate. In performing graffiti abatement, the manager shall not intentionally penetrate entirely the wall of any structure or impair the structural integrity thereof.

Adopted 6/29/2007. Yeas, 12; Nays, 1 as follows:

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

Nays - Gordon.

PS&RS - Your Committee, having under consideration the application of Tillie's Bean LLC, dba Tillie's Bean, 2803 E 38th St #201, for a Sidewalk Cafe License (new business) to expire April 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to the condition that all sidewalk cafe furniture be stored indoors after hours, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/29/2007.

PS&RS - Your Committee, having under consideration the application of Cardenas Enterprises, dba Pancho Villas Grill, 2539 Nicollet Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (permanent expansion of premises and sidewalk cafe expansion) to expire January 1, 2008, 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 6/29/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Corner Store, 3501 23rd Av S, for a Grocery License, subject to conditions.

Adopted 6/29/2007.

Resolution 2007R-313, granting the application of Corner Store, 3501 23rd Av S, for a Grocery License, subject to conditions, was adopted 6/29/2007 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 2007R-313
By Samuels

Granting the application of Corner Store, 3501 23rd Av S, for a Grocery License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Isaak Abdirahman Mohamed, dba Corner Store, 3501 23rd Av S, for a Grocery License to expire April 1, 2008, subject to the following conditions:

1. The business agrees not to install pay phones either inside or outside the store.
2. The owner shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies.
3. "No Trespassing" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
4. The business will create a system for issuing and tracking 90-day "No Trespass" Notices complete with pictures of trespassed people.
5. The business agrees not to sell items commonly used by drug users and drug dealers. These items include glass pipes (sometimes they have plastic roses inside), Brillo pads or Chore Boy (these items can be sold if soap is added to the material), small zip lock type baggies, dice, tobacco rolling papers, single razor blades and blunt cigars.
6. The business will not supply matches to non-tobacco customers.
7. Sale of single cigarettes and to minors under the age of 18 is prohibited.
8. Keep all lights properly functioning and will add lights if recommended by the Police Department, SAFE, or Licenses.
9. Noise from the business will be kept to a minimum.
10. All property and public areas on a regular basis within 100 feet of the property lines shall be patrolled daily for litter and debris control.
11. Windows must be kept 70% clear of all signs. The 70% shall be within the 3 foot to 6 foot height range.
12. Temporary signs cannot be placed on fences, building side walls, etc, without a permit.
13. The dumpster shall be screened, maintained with a tight fitting cover, and be regularly maintained to prevent overflowing.
14. Remove snow from sidewalks, both private and public, within four hours of a snow event.
15. Cut grass and weeds so they are maintained less than 8 inches in height.
16. Licenses shall be renewed by the expiration date.
17. The interior of the store shall be kept clean at all times.
18. The booth and chairs must be removed from the sidewalk next to the building.
19. The business agrees to sell a variety of foods including staple foods as defined by Chapter 203 of the Minneapolis City Ordinances.

Adopted 6/29/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Pepitos, 4820 Chicago Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 6/29/2007.

Resolution 2007R-314, granting the application of Pepitos, 4820 Chicago Av, for an On-Sale Liquor Class A with Sunday Sales License, was adopted 6/29/2007 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 2007R-314
By Samuels

Granting the application of Pepitos, 4820 Chicago Av, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Pepitos Mexican Foods Inc, dba Pepitos, 4820 Chicago Av, for an On-Sale Liquor Class A with Sunday Sales License (permanent expansion of premises) to expire July 1, 2008, subject to the following conditions:

1. The establishment will comply with a minimum standard of gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than seventy (70) percent of its total gross revenue. The licensee will report this for the first three months after the expansion is operational.
2. Alcohol will only be available for sale in the theater portion of the establishment during 21 and over events or showings.
3. Seating in the theater portion of the establishment will not exceed 400 seats.
4. Operational use of the theater portion of the establishment will be 60% cinema, 20% live theater, and 20% live entertainment/cabaret. This use will be reviewed every two months to assure compliance.
5. During live band performances that are open to the public and/or charged admission (no more than 20% live entertainment/cabaret), there will be no patron dancing.
6. If any operational change takes place, the business plan on file will need to be amended, and the change approved by the City of Minneapolis prior to any change taking place.
7. Free valet service will be provided for customers of Pepitos. The licensee must retain the leased 30 parking stalls located at 4700 Chicago Av, the 15 stalls at 4701 Chicago Av, the 10 stalls at 4749 Chicago Av, the 10 stalls at 4801 Chicago Av, and keep the owned 15 stalls behind 4820 Chicago Av.

Adopted 6/29/2007.

PS&RS - Your Committee, having under consideration the application of El Paraiso Restaurant Inc, dba El Paraiso Restaurant, 3501 Nicollet Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business; change from On-Sale Wine Class E with Strong Beer) to expire April 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. Strict compliance with all City of Minneapolis, State of Minnesota, and Federal laws.

b. That a second public hearing may be requested by the Lyndale Neighborhood Association, by the 10th Ward Council Member, or by the Minneapolis Department of Regulatory Services within one year, at which representatives of El Paraiso will appear.

c. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/29/2007.

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

Adopted 6/29/2007.

Resolution 2007R-315, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/29/2007 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 2007R-315
By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire July 1, 2008

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

Sentyrz Falyce A, dba Sentyrz Liquor & Supermarket, 1612 2nd St NE, 1st floor

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

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

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

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

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2008

D'Amico Catering LLC, dba D'Amico Catering at Calhoun Beach Club, 2925 Dean Pkwy (new business)

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S

Minnesota Historical Society, dba Mill City Museum, 704 2nd St S

I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor

Metropolitan Sports Facilities Commission, dba H H H Metrodome, 900 S 5th St

Minneapolis Branch American Association of University Women, dba Gale Mansion, 2115 Stevens Av

Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2008

Joint/Caboose Operations LLC, dba Joint - Caboose, 913 Cedar Av S (change in ownership from Cabooze Enterprises Inc)

Sirian Enterprises, dba Lee's Liquor Bar, 101 Glenwood Av

Michael Anthony Inc, dba Runyons, 107 Washington Av N

Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE

Brothers of Minneapolis Inc, dba Brothers, 430 1st Av N, Suite 100

Caba Group Inc, dba Matty B's, 501 Washington Av S

Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 Hennepin Av, #100

One Eyed Dog Ltd, dba Triple Rock, 629 Cedar Av S

Tanner Madison Entities LLC, dba Legends Cafe, 825 E Hennepin Av

RWB Development Company LLC, dba Chambers Hotel, 901 Hennepin Av

T M Entities LLC, dba Mayslacks Polka Lounge, 4128 14th St NE

Zuhrah Shrine Temple, dba Zuhrah Shrine Temple, 2540 Park Av

Ballentine VFW Post 246, dba Ballentine VFW Post 246, 2916 Lyndale Av S

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2008

Kilimanjaro Cafe Inc, dba Kilimanjaro Cafe, 324 Cedar Av S

Lurcat LLC, dba Cafe and Bar Lurcat, 1624 Harmon Pl

N A D LLC, dba Leaning Tower of Pizza, 2501 University Av SE

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2008

M O R E Inc, dba Blarneys Irish Pub & Grill, 412 14th Av SE

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2008

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE

Hubert's Inc, dba Huberts Bar & Grill, 601 Chicago Av

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2008

101 Blu LLC, dba Aura Restaurant, 3001 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2008
Mangia Nicklow & Friends Production LLC, dba Down Time, 1501 University Av SE, 1st floor
On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2008
Complete Beverage Service Inc, dba J J's Dry Dock Cafe, 401 3rd St N
Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St
Ramez Enterprises Inc, dba Arone's Bar, 500 Central Av NE
Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S
U Otter Stop Inn Inc, dba U Otter Stop Inn, 617 Central Av NE
Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av
Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St NE
RCSH Operations Inc, dba Ruth's Chris Steakhouse, 920 2nd Av S, Suite 100
Sterling Hospitality Corp, dba Staccato, 1125 Marquette Av
Campiello LLC, dba Campiello, 1320 W Lake St
Psycho Suzis Motor Lounge LLC, dba Psycho Suzis Motor Lounge, 2519 Marshall St NE
Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av
On-Sale Wine Class A with Strong Beer, to expire April 1, 2008
New York Latin Restaurant LLC, dba New York Latin Restaurant, 1304 E Lake St (internal transfer of shares)
On-Sale Wine Class E with Strong Beer, to expire April 1, 2008
Noodle Shop Co Minnesota Inc, dba Noodles & Company, 616 Washington Av SE
Java J's Inc, dba Java J's, 700 Washington Av N, #100
Temporary Off-Sale Beer, to expire April 1, 2008
Aldi Inc, dba Aldi Foods #72, 2100 E Lake St, #101
William T & Deborah Rahn, dba Oak Grove Grocery, 218 Oak Grove St
Bobby and Steves Auto World II LLP, dba Bobby & Steve's Autoworld, 1221 Washington Av S
Michael Pham, dba Duc Loi Supermarket, 2429 Nicollet Av
Good Choice Inc, dba Los Amigos, 2746 Blaisdell Av
Arpinar Orhan, dba Xerxes Market, 5555 Xerxes Av S.
Adopted 6/29/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 6/29/2007.

Resolution 2007R-316, granting applications for Business Licenses, was adopted 6/29/2007 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 2007R-316
By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:
That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of June 29, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272099):
Dancing School; Dry Cleaner - Nonflammable; Place of Entertainment; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gas Fitter Class A; Gasoline Filling Station;

Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Residential Specialty Contractor; Solicitor - Company; Swimming Pool - Public; Tobacco Dealer; Tree Servicing; Wrecker of Buildings Class B.

Adopted 6/29/2007.

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

Adopted 6/29/2007.

Resolution 2007R-317, granting applications for Gambling Licenses, was adopted 6/29/2007 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 2007R-317
By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

American Council of the Blind, dba American Council of the Blind, 120 S 6th St (Raffle July 6, 2007 at Hyatt Hotel, 1300 Nicollet Mall)

North Star Council BSA, dba Northern Star Council BSA, 393 Marshall Av, St. Paul (Raffle August 20, 2007 at Minikahda Golf Club, 3205 Excelsior Blvd).

Adopted 6/29/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by 331 Club, 331 13th Av NE.

Adopted 6/29/2007.

Resolution 2007R-318, approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by 331 Club, 331 13th Av NE, was adopted 6/29/2007 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 2007R-318
By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by 331 Club, 331 13th Av NE.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on June 7, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months, employees of the 331 Club sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances and Minnesota State Statutes;

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

That the On-Sale Liquor License issued to the 331 Club shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including June 20, 2008, subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and hereby made a part of this report by reference:

1. 331 Club will pay $2,000 in cost recovery to the City of Minneapolis by June 13, 2007, with $1,250 stayed if no same or similar violations within one year of the signed Agreement.
2. 331 Club will submit a business and security plan that will address under age alcohol service.
3. 331 Club will purchase an additional ID scanner by June 13, 2007 bringing the total number of scanners to two scanners utilized in the establishment.
4. 331 Club will hire additional door staff for the weekends and for special events.
5. 331 Club has recently provided training that better serves the staff. 331 Club will continue to provide training to staff and will at a minimum provide training to new staff within 30 days of hire.
6. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by 331 Club.
7. This Agreement shall not preclude any other adverse license action for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.
8. This Agreement shall remain in effect through and including June 20, 2008. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 6/29/2007.

PS&RS - Your Committee, to whom was referred back on April 27, 2007 a report relating to the application of 331 Club for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, now recommends passage of the accompanying resolution granting said license application. Further, that staff be directed to report back in six months with an update on parking issues.

Adopted 6/29/2007.

Resolution 2007R-319, granting the application of 331 Club, 331 13th Av NE, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 6/29/2007 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 2007R-319
By Samuels

Granting the application of 331 Club, 331 13th Av NE, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by 331 Club Inc, dba 331 Club, 331 13th Av NE, for an On-Sale Liquor Class A with Sunday Sales License (upgrade from Class C-2 with Sunday Sales) to expire January 1, 2008, subject to the following conditions:

1. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate the Class A Liquor License.
2. the licensee ensures that the occupant load of the establishment, as determined by the Fire Marshal in the occupant load certificate (157) shall not be exceeded. On Friday and Saturday evenings and during special promotional events when the establishment has reached its seating capacity, the licensee agrees to utilize a counter clicker or similar such mechanical method to count the number of persons on the premises.

3. the licensee will ensure that all solid exterior doors are closed after 10:00 p.m. daily. Mechanical means to prop open exterior doors will be removed. The licensee shall comply with all related health codes pertaining to exterior doors.

4. the licensee agrees to limit the occupancy of the sidewalk cafe area to 42 persons. The licensee shall monitor the noise levels hourly at times when the sidewalk cafe is at capacity and on busy evenings. It will be a violation if noise from the sidewalk cafe can be heard from 200 feet from the licensed business and is recorded for evidence.

5. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/29/2007.

PS&RS - Your Committee, having under consideration an application submitted by Nicole Delaney, dba Candy Heaven, 3124 Emerson Av N, for a Confectionery License, and having held a license hearing to determine whether or not false statements were given on the license application, now recommends that said license application be denied.

Adopted 6/29/2007.

PS&RS - Your Committee, having under consideration the appeal filed by Randy Babcock from the decision of the Nuisance Condition Process Review Panel to uphold the Director of Inspections' Order to demolish the property located at 3315 Thomas Av N, now recommends that said appeal be denied, and that the property legally described as Lot 5, Block 9, Branham and Greenleaf's Addition to Minneapolis (PID #08-029-24-13-0059) be demolished, in accordance with the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 6/29/2007.

PS&RS - Your Committee, having under consideration the appeal filed by Deutsche Bank National Trust Company from the decision of the Nuisance Condition Process Review Panel to uphold the Director of Inspections' Order to demolish the property located at 2016 21st Av N, now recommends that said appeal be denied, and that the property legally described as Lot 19, Block 23, in Forest Heights (PID #16-029-24-23-0108) be demolished, in accordance with the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 6/29/2007.

PS&RS - Your Committee, having under consideration the appeal filed by American Bank of St. Paul from the decision of the Nuisance Condition Process Review Panel to uphold the Director of Inspections' Order to demolish the property located at 3001 James Av N, now recommends that said appeal be denied, and that the property legally described as Lot 15, Block 1, in Lauderdale's Subdivision of Lots I, J K and L, of Babbitt's Outlots (PID #09-029-24-31-0088) be demolished, in accordance with the Findings of Fact, Conclusions and Recommendations on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 6/29/2007.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a three-year contract with DRI Consulting to provide pre-employment and fitness for duty psychological services for the Police Department.

Adopted 6/29/2007.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of a donation of $4,000 from Target Corporation for the Police Department.

Adopted 6/29/2007.

RESOLUTION 2007R-320
By Samuels and Ostrow

Authorizing the acceptance of a donation of $4,000 from Target Corporation for the Police Department.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a donation of $4,000 from Target Corporation for the purchase of audio visual equipment from Tierney Brothers for the 4th Precinct Community Meeting Room.

Adopted 6/29/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a 2008 Safe & Sober grant award of $40,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, to fund overtime for Traffic Unit officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying resolution appropriating $40,000 to the Police Department.

Adopted 6/29/2007.

RESOLUTION 2007R-321
By Samuels and Ostrow

Amending The 2007 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 (030-400-DT13) by $40,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by $40,000.

Adopted 6/29/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration a grant in collaboration with Hennepin County entitled *Linking Advance Practice Centers and Local Public Health Agencies* from the National Association of County and City Health Officials, now recommends that the proper City officers be authorized to increase Contract #C-23336 by $2,000 to cover additional expenses during the grant period, to be fully reimbursed by the County to the City within 90 days.

Adopted 6/29/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the transfer of 11 police officers to the Traffic Unit of the Police Department, now recommends the following:

PS&RS - that it supports the Police Chief's recommendation not to transfer 11 police officers to the Traffic Unit.

W&M/Budget - that it reaffirms the 2006 budget action to add 11 traffic officers to the Traffic Unit. Further, that the Police Department administration be directed to take all necessary steps to assure that the new traffic officers are on duty no later than September 1, 2007.

Samuels moved that the report be amended to approve the Public Safety & Regulatory Services Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Benson moved a substitute motion that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted 6/29/2007. Yeas, 10; Nays, 3 as follows:

Yeas - Benson, Goodman, Hodges, Gordon, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington.

Nays - Samuels, Hofstede, Johnson.

The report, as amended, was adopted 6/29/2007. Yeas, 11; Nays 2 as follows:

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

Nays - Hofstede, Johnson.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City officers be authorized to increase Contract C-22314 with Maximus Corporation by $370,000 to allow for an upgrade to the current Fleet Management Information System.

Adopted 6/29/2007.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute an Architectural and Engineering Design Services Agreement with RSP Architects, in an amount not to exceed $975,000, for the planning, design, and construction of the Hiawatha Maintenance Facility (E 26th St and Hiawatha Av S). No additional appropriation required.

Adopted 6/29/2007.

T&PW - Your Committee, having under consideration the Minnesota Twins Ballpark Project Final Environmental Impact Statement (FEIS), and having submitted preliminary comments to Hennepin County by the June 22, 2007 deadline, now recommends approval and submittal of the final comments to Hennepin County, as set forth in Petn No 272107 on file in the office of the City Clerk.

Adopted 6/29/2007.

T&PW - Your Committee recommends passage of the accompanying resolution designating the improvement of the alleys in the 2007 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS07#1.

Adopted 6/29/2007.

Resolution 2007R-322, designating the improvement of 11 alleys located throughout the City of Minneapolis in the 2007 Alley Resurfacing Program, was adopted 6/29/2007 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 2007R-322
By Colvin Roy

SPECIAL IMPROVEMENT OF EXISTING ALLEYS No FS07#1
2007 ALLEY RESURFACING PROGRAM

Designating the improvement of the 2007 Alley Resurfacing Program (11 alleys located throughout the City of Minneapolis).

Resolved by The City Council of The City of Minneapolis:

That the following existing alleys within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by overlaying with bituminous material and including other related improvements and work as needed:

1. The alley running from 28th St W to James Av S between James Av S, E Lake of the Isles Pkwy and Irving Av S;

2. The alley running from 31st Av N to 30th Av N between Lyndale Av N and 6th St N;
3. The alley running from 34th Av N to 33rd Av N between Oliver Av N and Newton Av N;
4. The alley running from 35th Av N to 34th Av N between Logan Av N and Knox Av N;
5. The alley running from Dowling Av N to 37th Av N between Newton Av N and Morgan Av N;
6. The alley running from 48th St E to 49th St E between 12th Av S and 13th Av S;
7. The alley running from 42nd St W to 43rd St W between Wentworth Av and Blaisdell Av;
8. The alley running from 45th St W to 46th St W between Blaisdell Av and Nicollet Av;
9. The alley running from Diamond Lake Ln to 60th St E between Diamond Lake Ln and Portland Av;
10. The alley running from 30th Av NE to 29th Av NE between Taylor St NE and Fillmore St NE; and
11. The alley running from St Anthony Pkwy Service Rd to 30th Av NE between Pierce St NE and Buchanan St.

Adopted 6/29/2007.

T&PW - Your Committee, having received a cost estimate of $198,171 for alley resurfacing improvements and a list of benefited properties for the 2007 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS07#1, as designated by Resolution 2007R-322 passed June 29, 2007, now recommends that the City Engineer be directed to prepare a proposed Alley Resurfacing Special Improvement Assessment against the list of benefited properties.

Your Committee further recommends that a public hearing be held on July 24, 2007, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated alley locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/29/2007.

T&PW - Your Committee recommends approval of the Access Minneapolis: Downtown Ten-Year Transportation Action Plan, as set forth in Petn No 272107 on file in the office of the City Clerk, with the following directions:

1) That references pertaining to the proposed four options listed for the East-West transit spine be replaced with the following language: "Continue to explore multiple options or combinations of sub-options to serve and improve the East-West transit spine."

2) That staff further explore with Metro Transit, the Bicycle Advisory Committee, bicycle community, and others as appropriate to allow:

a) Bicycles on Nicollet Mall all the time as part of the 2nd and Marquette dual bus lane improvement; and

b) Bicycles to use the 2nd and Marquette dual bus lanes during off-peak periods; and

c) Reallocation of the five feet of space shown in the plan as bike lane on 2nd and Marquette Avenues to the sidewalk area in order to provide an improved pedestrian-way for green landscaping, transit amenities, and front door hotel guest drop-off bays; and

d) Exploration of 24 hour-a-day bike use of the bus passing lanes on 2nd and Marquette Avenues, including through implementation of a pilot project.

3) That City staff work with Metro Transit to accelerate the implementation of all hybrid buses on the Nicollet Mall (currently shown as five years in the plan) to more quickly bring relief from bus noise and odor issues for the pedestrian, bicyclist, and dining environment while still meeting the local and visitor transit needs.

Gordon moved that the report be amended by adding the following language:

"That staff be directed to explore new designs for bicycle facilities/treatments, including, but not limited to, bicycle lanes between the parking lane and sidewalk, curbed bicycle lanes and bicycle signalization, and identify appropriate locations, in downtown if possible, for testing these designs." Seconded.

Adopted upon a voice vote.

Goodman moved to amend recommendation #2 in the report by deleting the phrase "further explore" and inserting in lieu thereof, "implement" as applied to 2a, 2b, and 2c. Seconded.

Adopted upon a voice vote.

Goodman moved that Petn No 272107 referred to in the report be amended by adding to the list of "Transit Challenges in Downtown" on page 16 of the Plan, the following language: "The perception and reality of safety at bus stops and on routes." Seconded.

Adopted upon a voice vote.

Declining to vote - Colvin Roy.

Goodman moved that staff be directed to involve a Project Steering Committee, to include members of the business community, residents, business associations, neighborhood organizations, and others from appropriate subgroups when there is a modification or adjustment to the Access Minneapolis Plan that will impact bus routes, lane configuration, pedestrian and bike plans. Seconded.

Hodges moved to amend the motion to read as follows:

That staff be directed to involve ~~a~~ the Project Steering Committee, ~~to include~~ including members of the business community, residents, business associations, neighborhood organizations, and others from appropriate subgroups when there is a modification or adjustment to the Access Minneapolis Plan that will impact bus routes, lane configuration, pedestrian and bike plans. Seconded.

Adopted upon a voice vote.

Goodman's motion, as amended, was adopted upon a voice vote.

Goodman moved that IGR and legal staff be directed to change the City's policy that only sworn police officers may direct traffic exiting buildings and draft language to allow a suitable, non-sworn officer to perform these duties. Seconded.

Ostrow moved to amend the motion to read as follows:

That the appropriate IGR and legal staff bring forward necessary changes to the City's policies that only sworn police officers may direct traffic exiting buildings and draft language to allow a suitable non-sworn officer to perform those duties. Any ordinance changes shall be introduced at the July 20, 2007 City Council meeting, and any state law changes shall be incorporated into the City's 2008 legislative agenda. Seconded.

Adopted upon a voice vote.

Goodman's motion, as amended, was adopted upon a voice vote.

Goodman moved that staff be directed to complete a pedestrian and bike plan, with implementation steps, timeline, and funding source, and include this plan in the Access Minneapolis: Ten-Year Transportation Action Plan within one year. Seconded.

Colvin Roy moved to amend the motion to delete the phrase "one year", and insert in lieu thereof, "December 31, 2008." Seconded.

Adopted upon a voice vote.

Ostrow moved to amend the motion to delete the phrase "funding source" and insert in lieu thereof "potential funding sources." Seconded.

Adopted upon a voice vote.

Goodman's motion, as amended, was adopted upon a voice vote.

Goodman moved that Petn No 272107 referred to in the report be amended to add the condition that Metro Transit remove buses from Nicollet Mall from 6:30 p.m. to midnight daily, between May 1 and October 31, except for those buses that are both hybrid AND free to all riders on Nicollet Mall after the realignment on Marquette and 2nd Avenues is complete. Seconded.

Lilligren moved to call the question on Goodman's motion. Seconded.

Adopted upon a voice vote.

Goodman's motion lost. Yeas, 6; Nays, 7 as follows:

Yeas - Benson, Goodman, Hofstede, Schiff, Remington, Johnson.

Nays - Hodges, Samuels, Gordon, Ostrow, Lilligren, Colvin Roy, Glidden.

Goodman moved that Petn No 272107 referred to in the report be amended to remove 8th Street from future consideration as an East-West transit spine option and to reconsider 4th Street for the East-West transit spine. Seconded.

Benson moved to separate the motion so as to consider separately (a) that portion relating to the reconsideration of 4th Street as the East-West transit spine and (b) that portion relating to the removal of 8th Street from consideration as the East-West transit spine. Seconded.

Adopted upon a voice vote.

Portion (a) of the motion relating to the reconsideration of 4th Street as the East-West transit spine was adopted upon a voice vote.

Goodman withdrew portion (b) of the motion.

The report, as amended, was adopted 6/29/2007. Yeas, 12; Nays, 1 as follows:

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

Nays - Goodman.

T&PW - Your Committee recommends passage of the accompanying resolution supporting the submittal of a proposal by MnDOT for the US Department of Transportation's Urban Partnership Agreement (UPA) for grant funds available as part of an initiative to reduce congestion in metropolitan areas.

Adopted 6/29/2007.

Resolution 2007R-323, supporting the MnDOT proposal for an Urban Partnership Agreement (UPA) project for the Twin Cities Metropolitan Area, was adopted 6/29/2007 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 2007R-323
By Colvin Roy

Supporting the MnDOT proposal for an Urban Partnership Agreement (UPA) project for the Twin Cities Metropolitan Area.

Whereas, the City of Minneapolis supports a multimodal approach to meet existing and future transportation needs of citizens and workers in Minneapolis; and

Whereas, the Minneapolis Plan, the city's comprehensive plan (updated in 2004) states that "Minneapolis will follow a policy of 'Transit First' in order to build a more balanced transportation system than the current one"; and

Whereas, on May 16, 2006, the United States Department of Transportation (USDOT) announced its new National Strategy to Reduce Congestion on America's Transportation Network, of which one major component is the Urban Partnership Agreement (UPA); and

Whereas, the USDOT has indicated that UPA funding of up to $1.2 billion will come from several USDOT programs and be matched at 20 percent by state and/or local sources in the selected metropolitan areas; and

Whereas, under a UPA, USDOT's partner metropolitan areas will commit to innovate and test methods using four strategies — dynamic pricing, transit, telecommuting, and technology — In a combined approach to reduce traffic congestion; and

Whereas, the goal of the UPA is to demonstrate a significant reduction in congestion within three years by implementing these strategies; and

Whereas, the UPA initiative represents a fiscally responsible paradigm shift on the part of the Federal government by first making best use of existing infrastructure and maximizing capacity by increasing transit ridership before building more expensive infrastructure; and

Whereas, a successful UPA application would significantly advance the City's goal of implementing Bus Rapid Transit (BRT) on the inside lane of I-35W south of Downtown with at least two stations at 46th Street and Lake Street; and

Whereas, the UPA could pay for 1) new, high-quality BRT buses, 2) new BRT stations and bus stop amenities, 3) new park & rides, 4) new bus lanes in downtown, 5) "a larger toolbox" – methods and technologies aimed to improve freeway flows by reducing congestion, 6) better managed construction traffic and less construction delays and diversions; and

Whereas, the Minnesota Department of Transportation (MnDOT) is leading the effort to submit a proposal for the Twin Cities Metropolitan Area, jointly with the Metropolitan Council; and

Whereas, metropolitan area cities and counties, environmental and private sector interests, the University of Minnesota, and private sector businesses are part of a broad coalition planning the Twin Cities submittal; and

Whereas, project areas identified for congestion reduction and transit opportunities are the I-35W and Trunk Highway 77 (Cedar Av) corridors in Hennepin and Dakota Counties and the Trunk Highway 169 corridor in Hennepin and Scott Counties; and

Whereas, selection of I-35W, Trunk Highway 169 and Trunk Highway 77 as Twin Cities Metropolitan Area UPA corridors could significantly advance pricing, transit, technology and telecommuting along the corridors and utilize the new initiatives to reduce congestion; and

Whereas, the reconstruction of the "Crosstown Commons" portion of I-35W from 46th to 66th Street will be very frustrating for both commuters and neighborhoods along I-35W particularly during the second and third years of the project, and this makes it all the more important that alternatives, including BRT, be implemented as soon as possible to provide choices for commuters;

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

That the City of Minneapolis hereby supports the proposal by the Minnesota Department of Transportation for an Urban Partnership Agreement project for the Twin Cities Metropolitan Area that encompasses the I-35W and Cedar Av Bus Rapid Transit Corridors in Hennepin and Dakota Counties; Trunk Highway 169 Corridor in Hennepin and Scott Counties; Dynamic Priced Lanes on I-35W and on Cedar Av; and conversion of the I-35W High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes from I-494 to the city of Lakeville.

Be It Further Resolved that the City of Minneapolis would also support a more aggressive proposal by MnDOT which includes a continuous dynamic priced lane from Lakeville to Downtown Minneapolis in which buses can always travel for free at posted speeds.

Be It Further Resolved that elements of a more aggressive proposal include 1) pricing the Crosstown area from 46th St to 66th St during re-construction in order to provide choices for commuters including Bus Rapid Transit, and 2) converting an existing lane north of 46th St to HOT/BRT use during reconstruction.

Be It Further Resolved that the City of Minneapolis strongly encourages Governor Pawlenty, Commissioner Molnau and MnDOT to seize this opportunity to bring our federal tax dollars home to Minnesota by making the most innovative and competitive UPA application.

Adopted 6/29/2007.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 27th Av S Reconstruction Project (E Lake St to Minnehaha Av), and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of $87,020.92 for the Street Reconstruction Project; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $87,020 for the project.

Adopted 6/29/2007.

Resolution 2007R-324, ordering the work to proceed and adopting the special assessments for the 27th Av S (E Lake St to Minnehaha Av) Project, was adopted 6/29/2007 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 2007R-324
By Colvin Roy and Ostrow

27th AV S (E LAKE ST TO MINNEHAHA AV)
STREET RECONSTRUCTION PROJECT,
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6217

Ordering the work to proceed and adopting the special assessments for the 27th Av S (E Lake St to Minnehaha Av) Project.

Whereas, a public hearing was held on June 19, 2007 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2007R-231 passed May 11, 2007, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2007R-231 passed May 11, 2007.

Be It Further Resolved that the proposed special assessments in the total amount of $87,020.92, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2008 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of $150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2008 real estate tax statements.

Adopted 6/29/2007.

Resolution 2007R-325, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $87,020 for the purpose of paying the assessed cost of street improvements in the 27th Av S (E Lake St to Minnehaha Av) Street Reconstruction Project, was adopted 6/29/2007 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 2007R-325
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $87,020 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 27th Av S (E Lake St to Minnehaha Av) Street Reconstruction Project, Special Improvement of Existing Street No 6217, to be assessed against benefited properties as estimated by the City Council, which

assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/29/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the 27th Av S Streetscape and Street Lighting Revitalization Project (E Lake St to Minnehaha Av), and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of $117,600 for the Streetscape and Street Lighting Revitalization Project; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $117,600 for the project.

Your Committee further recommends that staff be directed to review and report back to the T&PW Committee at a later date regarding options and procedures for potential modifications to the enhanced sidewalk in order to lower the streetscape project costs.

Adopted 6/29/2007.

Resolution 2007R-326, ordering the work to proceed and adopting the special assessments for the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project, was adopted 6/29/2007 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 2007R-326
By Colvin Roy and Ostrow

27th AV S (E LAKE ST TO MINNEHAHA AV) STREETSCAPE AND STREET LIGHTING REVITALIZATION PROJECT, SPECIAL IMPROVEMENT OF EXISTING STREET NO 6217

Ordering the work to proceed and adopting the special assessments for the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project.

Whereas, a public hearing was held on June 19, 2007 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2007R-232 passed May 11, 2007, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in Resolution 2007R-232 passed May 11, 2007.

Be It Further Resolved that the proposed special assessments in the total amount of $117,600, as on file in the office of the City Clerk, are hereby adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at fifteen (15) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2009 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2009 real estate tax statements.

Adopted 6/29/2007.

Resolution 2007R-327, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $117,600 for the purpose of paying the assessed cost of street improvements in the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project, was adopted 6/29/2007 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 2007R-327
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $117,600 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project, Special Improvement of Existing Street No 6217, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in fifteen (15) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/29/2007.

T&PW & W&M/Budget - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the street lighting districts, a public hearing was held on June 19, 2007 to consider the establishment of Street Lighting District No 1330 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1330 (streets to receive lighting are as designated in the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project, Special Improvement of Existing Street No 6217) as delineated in a report of the Transportation and Public Works Committee passed by the City Council May 11, 2007, be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1330 not be considered for final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 6/29/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the 27th Avenue South Reconstruction and Streetscape and Street Lighting Project, and having held a public hearing thereon, now recommends passage of the accompanying resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the paving, streetscape, and street lighting projects in the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project, Special Improvement of Existing Street No 6217 area.

Adopted 6/29/2007.

Resolution 2007R-328, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction, streetscape and street lighting projects in the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project area, was adopted 6/29/2007 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 2007R-328
By Colvin Roy and Ostrow

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction, streetscape and street lighting projects in the 27th Av S (E Lake St to Minnehaha Av) Streetscape and Street Lighting Revitalization Project area.

Whereas, the City of Minneapolis has scheduled the reconstruction and streetscape and street lighting improvements starting in 2007 in the 27th Av S (E Lake St to Minnehaha Av) area of Minneapolis; and

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

Whereas, a public hearing was held on June 19, 2007 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances, to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along 27th Av S (E Lake St to Minnehaha Av).

Adopted 6/29/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the Lake Street Reconstruction and Streetscape Project, now recommends passage of the accompanying resolutions:

a) Amending the Construction Cooperative Agreement with Hennepin County (Agreement No PW 37-20-05) to expand the scope of the Lake Street Reconstruction and Streetscape Project to include the Hi-Lake Intersection Modification and Streetscape Project; and

b) Decreasing the appropriation for the Lake Street Access project and increasing the appropriation for the Hi-Lake Intersection Modification and Streetscape Project by $400,000.

Adopted 6/29/2007.

Resolution 2007R-329, amending Construction Cooperative Agreement No PW 37-20-05 with Hennepin County to include the Hi-Lake Intersection Modification and Streetscape Project, was adopted 6/29/2007 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 2007R-329
By Colvin Roy and Ostrow

Amending Construction Cooperative Agreement No PW 37-20-05 with Hennepin County to include the Hi-Lake Intersection Modification and Streetscape Project.

Resolved By The City Council of The City of Minneapolis:

That the Construction Cooperative Agreement with Hennepin County (Agreement No PW 37-20-05) be amended to expand the scope of the Lake Street Reconstruction and Streetscape Project to include the Hi-Lake Intersection Modification and Streetscape Project.

Adopted 6/29/2007.

RESOLUTION 2007R-330
By Colvin Roy and Ostrow

Amending The 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Decreasing the appropriation for the PW-Paving Construction-Capital Agency in the Capital Improvements Fund (4100-937-9372-PV008 - Lake Street Access) by $400,000; and

b) Increasing the appropriation for the PW-Paving Construction Agency in the Capital Improvements Fund (4100-937-9372-3215 - Lake Street Reconstruction and Streetscape Project-Segment 3) by $400,000.

Adopted 6/29/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the Metropolitan Council Metropolitan Environmental Partnership Grant, now recommends:

a) That the proper City officers be authorized to accept a grant in the amount of $35,000 (Grant Agreement No SG2007-031) according to specified terms and respective funding requirements, including a local cash or in-kind match of at least $11,667; and

b) Passage of the accompanying resolution increasing the appropriation for Combined Sewer Overflow (CSO) Area 030 by $35,000.

Adopted 6/29/2007.

RESOLUTION 2007R-331
By Colvin Roy and Ostrow

Amending The 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Engineering Design Agency in the Grants-Other Fund (0600-600-6063) by $35,000 and increasing the revenue source (0600-600-6063 - Source 3220) by $35,000.

Adopted 6/29/2007.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a proposal to the Minnesota Department of Public Safety, through its Office of Traffic Safety/ Safe Communities Program, for a grant of up to $50,000 to be utilized to increase pedestrian and bicycle safety.

Your Committee further recommends passage of the accompanying resolution authorizing the Finance Officer to increase the appropriation and revenue for the project, if the grant is awarded.

Adopted 6/29/2007.

RESOLUTION 2007R-332
By Colvin Roy and Ostrow

Amending The 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, authorize the Finance Officer, if the Safe Communities Program grant is received, to amend the appropriation as follows:

a) Increasing the appropriation for the PW-Transportation Capital Agency in the Grants - Federal Fund (0300-943-9480) by and up to $50,000; and

b) Increasing the revenue source (0300-943-9480 - Source 3210) by and up to $50,000.

Adopted 6/29/2007.

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 6/29/2007.

Resolution 2007R-333, authorizing settlement of the legal claim of Casidy Anderson, was adopted 6/29/2007 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 2007R-333
By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of Casidy Anderson, by payment of $4,667.19, payable to Ms. Casidy Anderson.

Further, authorize execution of any documents necessary to effectuate the settlement; payable from the Self Insurance Fund (6900-150-1500-2800).

Adopted 6/29/2007.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881 by $92,005 for an increase in scope to remove the Cisco Switch in the basement of City Hall, Room B59, and transfer existing network connections to new managed devises in Room B91. Project funded out of existing appropriations under (6400-880-8870-880F6581).

Adopted 6/29/2007.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881 by $84,569 for an increase in scope to provide quality assurance and production environments for the PolyServe application. Project funded out of existing appropriations under (6400-880-8870-880F6213).

Adopted 6/29/2007.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for an outgoing broadcast messaging service to notify Minneapolis residents and employees of emergency notifications via voice, text and email messaging.

Adopted 6/29/2007.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing proper City officers to accept a donation from IBM to allow City Coordinator Steven Bosacker to travel to Washington, D.C. to attend The Leadership Forum: Competitiveness and Differentiation in a Globally Integrated Economy on July 25 - 26, 2007, as it is beneficial to the City regarding the City's long-term strategic planning.

Adopted 6/29/2007.

Resolution 2007R-334, authorizing acceptance of a travel donation from IBM for the City Coordinator for fees and costs associated with attending The Leadership Forum: Competitiveness and Differentiation in a Globally Integrated Economy being held in Washington D.C., was adopted 6/29/2007 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 2007R-334
By Ostrow

Approving acceptance of a gift of fees and costs associated with attendance at The Leadership Forum: Competitiveness and Differentiation in a Globally Integrated Economy from IBM for the City Coordinator.

Whereas, IBM is hosting The Leadership Forum: Competitiveness and Differentiation in a Globally Integrated Economy in Washington, D.C., July 25-26, 2007; and

Whereas, in light of the usefulness of this conference to the City's long-term strategic planning, it is beneficial to the City for the City Coordinator to attend the conference; and

Whereas, IBM normally provides the training at this conference to clients at no-charge; and

Whereas, IBM has proposed to provide food and refreshments, ground transportation, and hotel room accommodations, a value of approximately $1350.00, at no-charge to the City's conference attendee; and

Whereas, the City of Minneapolis has had contracts with IBM through the department of Business Information Services but does not currently have a contractual relationship; and

Whereas, the City Coordinator supervises and provides direction to the department of Business Information Services; and

Whereas, Minnesota Statutes, Section 465.03, requires that acceptance of gifts by the City "be made by resolution of the governing body adopted by two-thirds majority of its members, expressing such terms in full".

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

That the IBM offer to provide food and refreshments, ground transportation, and hotel room accommodations be accepted as gifts on behalf of the City for the purpose of the City Coordinator's attendance at the conference in Washington D.C. on July 25-26, 2007.

Adopted 6/29/2007.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Chief Appraiser, (grade 11 with 515 points), effective June 6, 2007.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted 6/29/2007.

Ordinance 2007-Or-046 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed position of Chief Appraiser, was adopted 6/29/2007 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 2007-Or-046
By Ostrow
1st & 2nd Readings: 6/29/2007

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: JUNE 6, 2007

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Chief Appraiser	515	11	A	$72,211	$76,012	$78,292	$79,813

Adopted 6/29/2007.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 12 month labor agreement with the City Employees Union, Local #363, effective January 1, 2007 through December 31, 2007.

Adopted 6/29/2007.

Resolution 2007R-335, approving the terms of a 12 month labor agreement with the City Employees Union, Local #363, was adopted 6/29/2007 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 2007R-335
By Ostrow

Approving the terms of a collective bargaining agreement with the City Employees Union, Local #363 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the City Employees Union, Local #363, as set forth in Petn No 272116, be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 6/29/2007.

W&M/Budget - Your Committee, having under consideration the financial provisions for the sale of the 10th and Washington Parking Ramp, now recommends the following:

a) Approval of the Finance Officer's recommendation for disposition of sale proceeds from the sale of the ramp; and

b) Authorize amending the Finance Department's funding plan for the new financial system by passage of the accompanying resolution appropriating a transfer of $8,000,000 from the Parking Fund to the Business Information Services Agency Fund.

Adopted 6/29/2007.

RESOLUTION 2007R-336
By Ostrow

Amending The 2007 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 Interfund Transfers in the Municipal Parking - Enterprise Fund (7500-127-1270-9064) by $8,000,000 and increasing the revenue source in the Info Tech - Internal Services Fund (6400-127-1270 - Source 3875) by $8,000,000.

Adopted 6/29/2007.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Kristi Oman, on behalf of Art Spot, LLC, from the decision of the Planning Commission denying an application for change of nonconforming use from a cleaning service and contractor's office, with accessory uses including minor automobile repair and carwash, to a minor automobile repair use for the property at 2609 Aldrich Ave S, now recommends that said appeal be granted and the application be approved, subject to the following conditions: a) The existing sign be removed and any new signage must obtain approval from CPED-Planning; and b) Screening shall be maintained along the south property line and screening three feet in height shall be provided between the parking lot and the public sidewalk along Aldrich Ave S. Such screening shall consist of a decorative fence, masonry wall, and/or a hedge.

Adopted 6/29/2007.

Z&P - Your Committee, having under consideration the appeal filed by Edna Brazaitis from the decision of the Heritage Preservation Commission conditionally approving an application for Certificate of Appropriateness filed by Christopher Hage to allow for construction of a 2-story addition to the rear of a single-family dwelling at 93 Nicollet St, now recommends that the appeal be denied and the Certificate be approved.

Adopted 6/29/2007.

Z&P - Your Committee, having under consideration the application of Jack Myers, on behalf of First Avenue, for a waiver from Interim Ordinance 2007-Or-036, providing for a moratorium on the establishment or retrofitting of any off-premise advertising sign or billboard with digital or electronic technology (passed 6/15/2007), to permit application for installation of an electronic LED billboard on site at 701 1st Ave N, now recommends that said waiver be granted subject to condition that the sign can not exceed the maximum sign height and area as stipulated in Table 544-3, Downtown Entertainment Billboard District of the zoning code unless the applicant obtains applicable variances.

Further, Your Committee recommends that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 6/29/2007.

Z&P - Your Committee, having under consideration the appeal filed by Tom Peterson with Station Nineteen Architects, Inc from the decision of the Planning Commission denying the following applications for Hope Academy at 2300 Chicago Ave: a) conditional use permit for a supportive housing facility; b) variance to increase the number of persons served in the supportive housing facility from the maximum 32 to 80; c) variance to reduce the required number of off-street parking spaces for the supportive housing facility from 18 to zero; d) variance to reduce the required number of off-street parking spaces for the mixed-use building from 241 to 193; and e) site plan review, all for renovation of an existing building to convert it into a mixed-use building including a K-8 school, a supportive housing facility and office space, now recommends that notwithstanding the decision of the CPC that reasonable accommodation of the quarter (1/4) mile spacing provision in Minneapolis Code of Ordinances 536.20 be approved, that said appeal be granted and applications be approved, and that the related findings prepared by the Community Planning & Economic Development staff be adopted, subject to the following conditions of approval for item "e" site plan review: 1. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department-Planning Division; 2. All site improvements shall be completed by May 7, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

Colvin Roy moved to call the question. Seconded.

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

Yeas - Benson, Samuels, Hofstede, Ostrow, Colvin Roy, Remington, Johnson.

Nays - Goodman, Hodges, Gordon, Schiff, Lilligren, Glidden.

The report was adopted 6/29/2007. Yeas, 10; Nays, 3 as follows:

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

Nays - Lilligren, Colvin Roy, Johnson.

Z&P – Your Committee concurs in the recommendation of the Heritage Preservation Commission approving the application of the David Heide Design Studio for historic variance for a previously approved Certificate of Appropriateness for construction of a gazebo/garden folly for the William Lee residence, a contributing building in the South 9th Street Historic District located at 625 S 9th St, and adopting the related findings prepared by Historic Preservation Commission staff.

Adopted 6/29/2007.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability,* to broaden and expand the allowable and conditional uses of wind turbines, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 6/29/2007.

Ordinance 2007-Or-047 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, amending Section 535.110 and adding a new *Article X, Wind Energy Conversion Systems*, to broaden and expand the allowable and conditional uses of wind turbines, was adopted 6/29/2007 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 2007-Or-047
By Gordon
Intro & 1st Reading: 4/14/2006
Ref to: Z&P
2nd Reading: 6/29/2007

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

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

Section 1. That Section 535.110 of the above titled ordinance be amended to read as follows:

535.110. Light poles~~,~~ <u>and</u> flag poles ~~and windmills.~~ (a) *Light poles*. Light poles accessory to single or two-family dwellings and cluster developments and multiple-family dwellings of three (3) or four (4) units shall be limited to eight (8) feet in height. Light poles accessory to all other uses shall be limited to thirty-five (35) feet in height, except that light poles designed or intended to illuminate walkways shall be limited to fifteen (15) feet in height.

(b) *Flag poles*. Flag poles shall be limited to thirty-five (35) feet in height.

~~(c) *Windmills*. Windmills shall be prohibited in all districts except the industrial districts and shall be limited to thirty-five (35) feet in height.~~

Section 2. That Chapter 535 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article X, including new sections 535.690-535.760, to read as follows:

ARTICLE X. WIND ENERGY CONVERSION SYSTEMS

535.690. Purpose. Regulations governing wind energy conversion systems are established to provide for appropriate locations for wind energy conversion systems, to ensure compatibility with surrounding uses, and to promote safe, effective and efficient use of wind energy conversion systems to increase opportunities for generation of renewable energy.

535.700. Definitions. As used in this article, the following words shall mean:

Institutional use. Educational facilities, golf courses, sports arenas, religious institutions, athletic fields and publicly owned property. For the purpose of this section, parks and cemeteries, whether publicly or privately owned, shall not be included in this definition.

Publicly owned property. Land, buildings or structures owned by any governmental body or public agency including city, county, state or federally owned properties, other than public rights-of-way.

Tower, monopole. A wind energy conversion system tower consisting of a single pole, constructed without guyed wires and anchors.

Wind energy conversion system. Any device, such as a wind charger, windmill, or wind turbine, and associated facilities including the support structure of the system such as a tower, that converts wind energy to electrical energy.

Wind energy conversion system, building mounted. A wind energy conversion system located on a building.

Wind energy conversion system height. The height of a freestanding wind energy conversion system shall be measured as the distance from ground level to the highest point on the tower, including the vertical length of any extensions such as the rotor blade. The height of a building mounted wind energy conversion system shall be measured as the distance from the point where the base of the system is attached to the building or to the lowest point on the wind energy conversion system, whichever is closer to the ground, to the highest point on the wind energy conversion system, including the vertical length of any extensions such as the rotor blade.

535.710. Permitted uses subject to administrative review and approval. Notwithstanding the height limitations of the zoning district, building mounted wind energy conversion systems shall be permitted in all zoning districts, subject to administrative review and approval by the zoning administrator, as specified in section 535.720, and shall comply with the standards of section 535.750 and the following:

(1) Building mounted wind energy conversion systems shall not exceed fifteen (15) feet in height.

(2) Building mounted wind energy conversion systems shall be prohibited on residential structures less than four (4) stories and forty-two (42) feet in height and structures accessory to residential uses.

(3) On nonresidential buildings less than four (4) stories and forty-two (42) feet in height, building mounted wind energy conversion systems shall be setback at least ten (10) feet from the front, side and rear walls of the structure upon which it would be mounted.

(4) Building mounted wind energy conversion systems on structures over four (4) stories and forty-two (42) feet in height shall be installed above the fourth story.

(5) The structure upon which the proposed wind energy conversion system is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.

535.720. Administrative review process. (a) *In general*. The zoning administrator, in consultation with the planning director, shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) *Submittal requirements*. In addition to the general application requirements of Chapter 525, Administration and Enforcement, the applicant shall submit the following:

(1) Scaled schematic drawings and photographic perspectives showing the structure and the placement of the wind energy conversion system.

(2) A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.

(3) An analysis from a licensed engineer showing how the wind energy conversion system shall be designed, constructed and operated in compliance with all applicable federal, state, and local laws, codes, standards and ordinances.

(4) A written certification from a licensed engineer confirming that the wind energy conversion system is designed to not cause electrical, radio frequency, television and other communication signal interference.

(5) Sufficient information demonstrating that the wind energy conversion system shall be used primarily to reduce on-site consumption of electricity, including but not limited to a complete listing of on-site electrical demands.

(6) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a wind energy conversion system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(7) Written certification from a licensed engineer stating the wind power density for the specific site is Class 2 or greater as defined by the United States Department of Energy.

(c) *Appeals*. Notwithstanding the provisions of Chapter 525, Administration and Enforcement, decisions of the zoning administrator regarding the administrative review of permitted wind energy conversion systems shall be subject to appeal to the city planning commission.

535.730. Conditional uses. Freestanding wind energy conversion systems may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Enforcement, sections 535.740 and 535.750, and the following location and lot size restrictions:

(1) *Residence and office residence districts*. Freestanding wind energy conversion systems in the residence and office residence districts shall only be located on institutional use sites.

(2) *Downtown area*. Freestanding wind energy conversion systems shall be prohibited in the downtown area including all downtown districts and the area bounded by the Mississippi River, I-35W, I-94, I-394, and 3rd Avenue North (extended to the river).

(3) *Minimum lot area*. No freestanding wind energy conversion system shall be established on a zoning lot less than one (1) acre in area. A maximum of one wind energy conversion system per acre of lot area shall be allowed.

535.740. Specific standards for conditional uses. All wind energy conversion systems requiring a conditional use permit shall be subject to the provisions of Chapter 525, Administration and Enforcement, and the submittal requirements of section 535.720(b). In addition, the applicant shall comply with the following standards and submit written documentation indicating such compliance:

(1) *Tower type.* Towers shall be of a monopole design. The city planning commission may consider the substitution of alternative tower types in cases where structural and design considerations, and location suggests a tower other than a monopole.

(2) *Height of freestanding wind energy conversion systems.*

a. *Residence, office residence and commercial districts*. The height of freestanding wind energy conversion systems located in the residence, office residence and commercial districts shall be no more than sixty (60) feet on zoning lots between one (1) and five (5) acres and shall be no more than one hundred (100) feet on zoning lots of more than five (5) acres in area.

b. *Industrial districts*. The height of freestanding wind energy conversion systems located in the industrial districts shall not exceed one hundred (100) feet.

c. *Minimum height*. The minimum distance between the ground and the vertical length of any extensions such as the rotor blades shall be fifteen (15) feet.

d. *Excess height*. The city planning commission may increase the height of freestanding wind energy conversion systems, provided that in the residence, office residence and commercial districts such increase shall not exceed the maximum height by more than fifty (50) percent.

The applicant shall demonstrate to the satisfaction of the city planning commission the following:

1. The surrounding topography, structures, vegetation and other factors make a tower that complies with the district height regulations impractical.

(3) *Encroachments and setbacks*.

a. The base of the tower shall maintain a minimum distance from the nearest residential structure and from any overhead utility lines equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking structure attached to a principal residential structure.

b. The support structure, including any guy wires, shall not be located in any required front, side or rear yard, nor shall they be located between a principal building and a required front or side yard.

(4) *Security*. All sites shall be reasonably protected against unauthorized climbing. The bottom of the tower, measured from ground level to twelve (12) feet above ground level, shall be designed in a manner to discourage unauthorized climbing.

(5) *Electrical wires*. All electrical wires associated with a freestanding wind energy conversion system shall be located within the tower and underground.

535.750. Development standards for all permitted and conditional wind energy conversion systems. In addition to the standards of sections 535.710, 535.720, 535.730 and 535.740 above, all wind energy conversion systems shall be subject to the following standards:

(1) *Maximum capacity*. Wind energy conversion systems shall have a rated capacity of not more than one hundred (100) kilowatts.

(2) *Shoreland and Mississippi River Critical Area Overlay Districts*. Freestanding and building mounted wind energy conversion systems shall be prohibited in the Shoreland and Mississippi River Critical Area Overlay Districts.

(3) *Encroachments and setbacks*.

a. Wind energy conversion systems shall comply with applicable regulations as established by the Federal Aviation Administration.

b. Wind energy conversion systems shall comply with the minimum yard requirements of the district in which they are located.

c. No part of any wind energy conversion system shall extend across or over any part of a public right-of-way.

(4) *Compatibility with nearby properties*. Wind energy conversion systems shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the system facilities into the surrounding setting and environment to the greatest extent possible. Rotor blades shall be non-metallic to prevent communication signal interference. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the industrial districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.

(5) *Controls and brakes*. All systems shall contain an internal governor or braking device which engages at wind speeds in excess of forty (40) miles per hour and minimizes the potential for wind damage to the equipment.

(6) *Signage.* Advertising or identification of any kind on wind energy conversion systems shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.

(7) *Lighting*. Wind energy conversion systems shall not be illuminated by artificial means, except where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.

(8) *Noise*. Wind energy conversion systems shall comply with the standards governing noise contained in Chapter 389 of the Minneapolis Code of Ordinances, Noise, and with all other applicable regulations.

(9) *Heritage Preservation Ordinance compliance*. Wind energy conversion systems proposed for any locally designated historic structures or locally designated historic districts shall be subject to all requirements of the city's Heritage Preservation Ordinance.

(10) *Maintenance required*. All wind energy conversion systems shall be kept in good repair and free from rust, damaged supports, framework or other components.

535.760. Abandoned or unused towers. All abandoned or unused wind energy conversion systems shall be removed within twelve (12) months of the cessation of operations unless an extension is approved by the city planning commission. If an extension is not approved, such wind energy conversion system shall be deemed a nuisance, and the city may act to abate such nuisance and require its removal at the property owner's expense. After the wind energy conversion system is removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.

Adopted 6/29/2007.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code,* regarding regulations for controls and variances related to residential infill construction of 1- 4 unit structures, including but not limited to, consideration of building mass/bulk, building height, setbacks, impervious surface, grading, definition of a story, definition of a half-story, definition of a basement, and site plan requirements, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

a. Amending Chapter 520 relating to *Introductory Provisions*;

b. Amending Chapter 530 relating to *Site Plan Review*;

c. Amending Chapter 546 relating to *Residence Districts*; and

d. Amending Chapter 547 relating to *Office Residence Districts*.

Hodges moved to add the following paragraph to the report:

"Your Committee further recommends that the following referred ordinances be returned to author:

e. Amending Chapter 535 relating to *Regulations of General Applicability*;

f. Amending Chapter 537 relating to *Accessory Uses and Structures;* and

g. Amending Chapter 548 relating to *Commercial Districts*." Seconded.

Adopted upon a voice vote.

Hodges moved to amend Sections 546.240 (c)(2); 546.300 (c)(2); 546.360 (c)(2); 546.420 (c)(2); 546.480 (c)(2); 546.530 (c)(2); 546.580 (c)(2); and 546.630 (c)(2) contained in Chapter 546 of the ordinance by amending the language as follows:

"Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet ~~within any fifteen (15) year period~~." Seconded.

Adopted upon a voice vote.

Hodges moved to amend Sections 547.240 (c)(2); 547.310 (c)(2); and 547.350 (c)(2) contained in Chapter 547 of the ordinance by amending the language as follows:

"Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet ~~within any fifteen (15) year period~~." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/29/2007.

Approved by Mayor Rybak 6/29/2007.

Published 7/3/2007.

Ordinance 2007-Or-048 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 by adding a new definition for *Grade, natural*, was adopted 6/29/2007 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 2007-Or-048
By Hodges and Schiff
Intro & 1st Reading: 1/12/2007
Ref to: Z&P
2nd Reading: 6/29/2007

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

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

Section 1. That Section 520.160 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Grade, natural. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

Adopted 6/29/2007.

Approved by Mayor Rybak 6/29/2007.

Ordinance 2007-Or-049 amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, amending Table 530-2 relating to roof pitch, was adopted 6/29/2007 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 2007-Or-049
By Hodges and Schiff
Intro & 1st Reading: 1/12/2007
Ref to: Z&P
2nd Reading: 6/29/2007

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

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

Section 1. That Table 530-2 of the above-entitled ordinance be amended to read as follows:

Table 530-2
Standards for single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units

Points	Design Standard
5	Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure
5	The structure includes a basement as defined by the building code
4	The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass
3	Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows

3 Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows

2 The pitch of the primary roof line is 6/12 or steeper. However, the points shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof or a hip roof with a primary roof line of less than 6/12 where there is at least one (1) existing building with a hip roof with a similar pitch within one hundred (100) feet of the site

1 The structure includes an open front porch of at least fifty (50) square feet where there is at least one existing open front porch within one hundred (100) feet of the site

1 The development includes at least one (1) deciduous tree in the front yard

Adopted 6/29/2007.
Approved by Mayor Rybak 6/29/2007.

Ordinance 2007-Or-050 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, amending Sections 546.140, 546.150, 546.240, Table 546-3, Section 546.300, Table 546-5, Section 546.360, Table 546-7, Section 546.420, Table 546-9, Sections 546.480, 546.530, 546.580, and 546.630, reducing the maximum lot coverage and maximum impervious surface coverage and amending building bulk requirements for single and two-family dwellings, was adopted 6/29/2007 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 2007-Or-050
By Hodges and Schiff
Intro & 1st Reading: 1/12/2007
Ref to: Z&P
2nd Reading: 6/29/2007

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

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

Section 1. That Section 546.140 of the above-entitled ordinance be amended to read as follows:

546.140. Maximum lot coverage. Principal and accessory structures shall not cover more than ~~sixty (60)~~ fifty (50) percent of any zoning lot located in the R1—R3 Districts. Principal and accessory structures shall not cover more than seventy (70) percent of any zoning lot located in the R4—R6 Districts.

Section 2. That Section 546.150 of the above-entitled ordinance be amended to read as follows:

546.150. Impervious surface coverage. Impervious surfaces shall not cover more than ~~seventy-five (75)~~ sixty-five (65) percent of any zoning lot located in the R1—R3 Districts. Impervious surfaces shall not cover more than eighty-five (85) percent of any zoning lot located in the R4—R6 Districts. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function.

Section 3. That Section 546.240 of the above-entitled ordinance be amended to read as follows:

546.240. Building bulk requirements. *(a) In general.* The maximum height for all principal structures, except for single and two-family dwellings, located in the R1 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the R1 District shall be two and one-half (2.5) stories or thirty (30) feet, whichever is less. The maximum floor area ratio shall be as specified in Table 546-3, R1 Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Section 4. That the following portion of Table 546-3 of the above-entitled ordinance be amended to read as follows:

Table 546-3 R1 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-family dwelling	6,000	50	~~None~~ 0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	18,000 or 6,000 sq. ft. per dwelling unit, whichever is greater*	100	None

Section 5. That Section 546.300 of the above-entitled ordinance be amended to read as follows:

546.300. Building bulk requirements. *(a) In general.* The maximum height for all principal structures, except for single and two-family dwellings, located in the R1A District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the R1A District shall be two and one-half (2.5) stories or thirty (30) feet, whichever is less. The maximum floor area ratio shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.
(3) Open porches.
(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.
(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.
(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Section 6. That the following portion of Table 546-5 of the above-entitled ordinance be amended to read as follows:

Table 546-5 R1A Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	**Minimum *Lot Width (Feet)***	**Maximum *Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-family dwelling	5,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	15,000 or 5,000 sq. ft. dwelling unit, whichever is greater *	80	None

Section 7. That Section 546.360 of the above-entitled ordinance be amended to read as follows:

546.360. Building bulk requirements. *(a) In general.* The maximum height for all principal structures, except for single and two-family dwellings, located in the R2 District shall be two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is less. The maximum height for all single or two-family dwellings located in the R2 District shall be two and one-half (2.5) stories or thirty (30) feet, whichever is less. The maximum floor area ratio shall be as specified in Table 546-7, R2 Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.
(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.
(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Section 8. That the following portions of Table 546-7 of the above-entitled ordinance be amended to read as follows:

Table 546-7 R2 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-family dwelling	6,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA, whichever is greater
Two-family dwelling	12,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Cluster development	18,000 or 6,000 sq. ft. per dwelling unit, whichever is greater*	100	None

Section 9. That Section 546.420 of the above-entitled ordinance be amended to read as follows:

546.420. Building bulk requirements. *(a) In general.* The maximum height of all principal structures, except for single and two-family dwellings, located in the R2B District shall be two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is less. The maximum height for all single or two-family dwellings located in the R2B District shall be two and one-half (2.5) stories or thirty (30) feet, whichever is less. The maximum floor area ratio shall be as specified in Table 546-9, R2B Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Section 10. That the following portions of Table 546-9 of the above-entitled ordinance be amended to read as follows:

Table 546-9 R2B Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single-family dwelling	5,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA, whichever is greater
Two-family dwelling, existing on January 1, 1995	5,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Two-family dwelling, established after January 1, 1995	10,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Cluster development, existing on January 1, 1995	15,000 or 2,500 sq. ft. per dwelling unit, whichever is greater	80	None

Section 11. That Section 546.480 of the above-entitled ordinance be amended to read as follows:

546.480. Building bulk requirements. *(a) In general.* The maximum height of all principal structures, except for single and two-family dwellings, located in the R3 District shall be two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is less. The maximum height for all single or two-family dwellings located in the R3 District shall be two and one-half (2.5) stories or thirty (30) feet, whichever is less. The maximum floor area ratio shall be as specified in Table 546-11, R3 Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Table 546-11 R3 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single or two-family dwelling	5,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Cluster development	7,500 or 2,500 sq. ft. per dwelling unit, whichever is greater	40	None

Section 12. That Section 546.530 of the above-entitled ordinance be amended to read as follows:

546.530. Building bulk requirements. (a) *In general.* The maximum height and the maximum floor area ratio of all principal structures located in the R4 District shall be as specified in Table 546-13, R4 Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Table 546-13 R4 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***	***Maximum Height***
RESIDENTIAL USES				
Dwellings				
Single or two-family dwelling	5,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater	2.5 stories, not to exceed ~~35~~ 30 ft.
Cluster development	5,000 or 1,500 sq. ft. per dwelling unit, whichever is greater	40	None	2.5 stories. not to exceed 35 ft.

Section 13. That Section 546.580 of the above-entitled ordinance be amended to read as follows:

546.580. Building bulk requirements. (a) *In general.* The maximum height and the maximum floor area ratio of all principal structures located in the R5 District shall be as specified in Table 546-15, R5 Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Table 546-15 R5 Lot Dimension and Building Bulk Requirements

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***	***Maximum Height***
RESIDENTIAL USES				
Dwellings				
Single or two-family dwelling existing on the effective date of this ordinance	5,000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater	2.5 stories, not to exceed ~~35~~ 30 ft.
Cluster development	5,000 or 900 sq. ft. per dwelling unit, whichever is greater	40	None	2.5 stories, not to exceed 35 ft.

Section 14. That Section 546.630 of the above-entitled ordinance be amended to read as follows:

546.630. Building bulk requirements. (a) *In general.* The maximum height and the maximum floor area ratio of all principal structures located in the R6 District shall be as specified in Table 546-17, R6 Lot Dimension and Building Bulk Requirements.

(b) Gross floor area computation for single or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

Table 546-17 R6 Lot Dimension and Building Bulk Requirements

Uses	*Minimum Lot Area (Square Feet)*	*Minimum Lot Width (Feet)*	*Maximum Floor Area Ratio (Multiplier)*	*Maximum Height*
RESIDENTIAL USES				
Dwellings				
Single or two-family dwelling existing on the effective date of this ordinance	5000	40	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater	2.5 stories, not to exceed ~~35~~ 30 ft.
Cluster development	5,000 or 400 sq. ft. per dwelling unit, whichever is greater	40	None	2.5 stories, not to exceed 35 ft.

Adopted 6/29/2007.
Approved by Mayor Rybak 6/29/2007.

Ordinance 2007-Or-051 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, amending Sections 547.150, 547.240, Table 547-3, Section 547.310, and 547.350, amending building bulk requirements for single and two-family dwellings, was adopted 6/29/2007 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 2007-Or-051
By Hodges and Schiff
Intro & 1st Reading: 1/12/2007
Ref to: Z&P
2nd Reading: 6/29/2007

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

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

Section 1. That Section 547.150 of the above-entitled ordinance be amended to read as follows:

547.150. Impervious surface coverage. Impervious surfaces shall not cover more than eighty-five (85) percent of any zoning lot located in the office residence districts. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function.

Section 2. That Section 547.240 of the above-entitled ordinance be amended to read as follows:

547.240. Building bulk requirements. (a) *In general.* The maximum height of all principal buildings, except for single and two-family dwellings, located in the OR1 District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single or two-family dwellings located in the OR1 District shall be two and one-half (2.5) stories or thirty (30) feet, whichever is less. The maximum floor area ratio shall be as specified in Table 547-3, Lot Dimension and Building Bulk Requirements in the OR1 District.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) *Floor area ratio increase*. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) *Height increase*. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

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

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

Uses	***Minimum Lot Area (Square Feet)***	***Minimum Lot Width (Feet)***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single or two-family dwelling	5,000	40	~~None~~ 0.5 or 2,500 sq. ft of GFA per unit, whichever is greater

Cluster development	5,000 or 1,500 sq. ft. per dwelling unit, whichever is greater	40	None

Section 4. That Section 547.310 of the above-entitled ordinance be amended to read as follows:

547.310. Building bulk requirements. (a) *In general.* The maximum height and floor area ratio of buildings located in the OR2 District shall be as specified in Table 547-4, Lot Dimension and Building Bulk Requirements in the OR2 District.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

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

Uses	***Minimum Lot Area (Square Feet)***	***Maximum Height***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single or two-family dwelling	5,000	2.5 stories, not to exceed ~~35~~ 30 ft.	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Cluster development	5,000 or 700 sq. ft. per dwelling unit, whichever is greater	2.5 stories, not to exceed 35 ft.	None

Section 5. That Section 547.350 of the above-entitled ordinance be amended to read as follows:

547.350. Building bulk requirements. (a) *In general.* The maximum height and floor area ratio of buildings located in the OR3 District shall be as specified in Table 547-5, Lot Dimension and Building Bulk Requirements in the OR3 District.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

(1) Detached accessory structures.

(2) Up to two hundred and fifty (250) square feet of any attached accessory use designed or intended to be used for the parking of vehicles.

(3) Open porches.

(4) The basement floor area if the finished floor of the first story is four (4) feet or less from natural grade for more than fifty (50) percent of the total perimeter.

(5) The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below.

(c) Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1) The maximum floor area ratio of single and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single and two-family dwelling within the one hundred (100) foot radius.

(2) Single and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one time by no more than five hundred (500) square feet.

(d) Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single and two-family dwellings may be increased to thirty five (35) feet when the established height of a minimum of fifty (50) percent of the single and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height.

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

Uses	***Minimum Lot Area (Square Feet)***	***Maximum Height***	***Maximum Floor Area Ratio (Multiplier)***
RESIDENTIAL USES			
Dwellings			
Single or two-family dwelling	5,000	2.5 stories, not to exceed ~~35~~ 30 ft.	~~None~~ 0.5 or 2,500 sq. ft. of GFA per unit, whichever is greater
Cluster development	5,000 or 300 sq. ft. per dwelling unit, whichever is greater	2.5 stories, not to exceed 35 ft.	None

Adopted 6/29/2007.
Approved by Mayor Rybak 6/29/2007.

MOTIONS

Ostrow introduced an ordinance amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tree Servicing*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (establishing professional certification and performance standards for Tree Servicing licensees).

Remington introduced the subject matter of an ordinance amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Miscellaneous Regulations*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (prohibiting the use of animals wild by nature in circuses).

Yeas, 11; Nays, 2 as follows:

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

Nays - Goodman, Johnson.

Hodges introduced the subject matter of an ordinance amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to *Zoning Code: Nonconforming Uses and Structures*, which was given its first reading and referred to the Zoning & Planning Committee (to revise the time period within which certain nonconforming dwellings can obtain a building permit after damage or destruction).

Johnson moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 584, which was given its first reading and referred to the Zoning & Planning Committee (relating to a moratorium on new retail uses on 42nd Avenue North between Lyndale and Thomas Avenues North and one block on either side. In addition, 44th Avenue North from Lyndale Avenue to Penn Avenue North and one block on either side).

RESOLUTIONS

Resolution 2007R-337, honoring Blind, Friends, Lesbians and Gays, was adopted 6/29/2007 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 2007R-337

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

Honoring Blind, Friends, Lesbians and Gays.

Whereas Blind, Friends, Lesbians and Gays (BFLAG) was formed in 1996 as a group of persons who are gay and blind who sought each other out for support and information; and

Whereas BFLAG received its charter as a special interest affiliate of the American Council of the Blind in 2000; and

Whereas BFLAG is the first such special interest group of the American Council of the Blind, which is the largest organization of persons who are blind in the U.S.; and

Whereas, the purpose of BFLAG is to provide for the betterment of the lives of those who are visually impaired and who are lesbian, gay, bisexual or transgender; and

Whereas, BFLAG will be holding their national Convention in Minneapolis Jun 30-July 7, 2007

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

That July 2, 2007, be proclaimed as Blind, Friends, Lesbians and Gays Day In The City of Minneapolis

Adopted 6/29/2007.

Resolution 2007R-338, honoring Minneapolis Convention Center Executive Director Jerry Gallagher for his Work on Behalf of the City of Minneapolis, was adopted 6/29/2007 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 2007R-338
By Council Member Johnson, Ostrow, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy, Hodges

Honoring Minneapolis Convention Center Executive Director Jerry Gallagher for his Work on Behalf of the City of Minneapolis.

Whereas, Jerry Gallagher loved his family and was excited to bring his family to Minneapolis due to his affection for the City and was a huge promoter and supporter of our City; and

Whereas, Jerry Gallagher injected energy and passion into the Minneapolis Convention Center and all of its staff through his great sense of humor, inclusive leadership style, and infectious energy and enthusiasm for this industry and our clients; and

Whereas, Jerry Gallagher had a unique skill of building relationships and partnerships quickly and did so with the Downtown Business community, Meet Minneapolis, Target Center, and all City Departments; and

Whereas, Jerry Gallagher looked at the Minneapolis Convention Center as an economic and civic jewel of the City and worked to lay the groundwork for important enhancement projects including public seating areas, art in public spaces, plants and greenery, and holiday decorations; and

Whereas, Jerry Gallagher quickly gained the confidence of the Minneapolis City Council because of his expertise and infectious enthusiasm for our City; and

Whereas, Jerry Gallagher was the ultimate sales person and champion for the Minneapolis Convention Center and made sure that the City and Civic leaders knew and understood the great impact that the convention center has on the City of Minneapolis;

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

That the City Council honors Jerry Gallagher for his invaluable work with, for and on behalf of the City of Minneapolis and its people, and extends our sympathy to his family, friends and colleagues.

Adopted 6/29/2007.

Resolution 2007R-339, congratulating Bike On for their efforts on Global Bike Days, was adopted 6/29/2007 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 2007R-339
By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy, Hodges

Congratulating Bike On for their efforts on Global Bike Days.

Whereas, grassroots organizing, outreach, and education are a fundamental value in our city; and

Whereas, we, in Minneapolis, seek to promote biking, walking, and transit in our transportation planning, policy and spending; and

Whereas, Bike On (bikeon.org) is a grassroots organization working to promote and advocate for bicycling in Minneapolis; and

Whereas, Bike On is a community, family and youth-centered organization that also supports walking and public transit as components in creating a strong urban fabric; and

Whereas, Bike On is coordinating the first ever Global Bike Days at the Midtown Global Market on Saturday and Sunday, June 30 and July 1, 2007; and

Whereas, Global Bike Days is a weekend celebration of bikes, music, language, culture, environment, art, spoken word, film, family, children and community with the goals of introducing the Midtown Global Market and the Midtown Greenway to a broader community; bringing together and embracing diverse communities with multi-lingual activities, and promoting the benefits of bicycling;

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

That the City congratulates Bike On for their efforts and further supports the inaugural Global Bike Days.

Be It Further Resolved that the City Council wishes Bike On and Global Bike Days every success in achieving their goals in the future.

Adopted 6/29/2007.

Lilligren moved to adjourn to Room 315 City Hall to consider the matter of Elondo J. Wright v. City of Minneapolis, the Minneapolis Fire Department, and Bonnie Bleskachek and Mary Maresca, Individuals. Seconded.

Adopted upon a voice vote 6/29/2007.

Room 315 City Hall
Minneapolis, Minnesota
June 29, 2007 - 2:12 p.m.
The Council met pursuant to adjournment.
Council President Johnson in the Chair.
Present – Council Members Benson, Goodman, Hodges, Samuels, Gordon, Ostrow, Lilligren, Glidden, Remington, President Johnson.
Absent - Council Members Hofstede, Schiff, Colvin Roy.

Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Elondo J. Wright v. City of Minneapolis, the Minneapolis Fire Department, and Bonnie Bleskachek and Mary Maresca, Individuals* lawsuit.

At 2:13 p.m., Lilligren moved that the meeting be closed. Seconded.
Adopted upon a voice vote.
Absent - Hofstede, Schiff, Colvin Roy.

Present - Benson, Goodman, Hodges, Samuels, Gordon, Hofstede (In at 2:18 p.m.), Ostrow, Schiff (In at 2:14 p.m.), Lilligren (Out at 2:25 p.m.; In at 2:27 p.m.), Colvin Roy (In at 2:16 p.m.), Glidden, Remington, President Johnson.

Also present - James Moore, Assistant City Attorney; Joel Fussy, Assistant City Attorney; John Fruetel, Fire Department; Jackie Hanson, City Clerk's Office; and Merry Keefe, City Clerk.

Fussy summarized the Elondo J. Wright v. City of Minneapolis, the Minneapolis Fire Department, and Bonnie Bleskachek and Mary Maresca, Individuals. lawsuit from 2:13 p.m. to 2:35 p.m.

At 2:35 p.m., Remington moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

Hodges moved to approve the settlement of the case of *Elondo J. Wright v. City of Minneapolis, et al.*, United States District Court File No. 06-4479, in the amount of $55,000 payable as agreed upon to Plaintiff and his attorney John Klassen. Payment shall be from Fund/Org 690-150-1500-2800. Furthermore, the City agrees that (1) the Plaintiff shall have a seniority date as a Fire Motor Operator of May 2004 as opposed to May 2006; (2) Plaintiff shall not be supervised by either Defendants Bleskachek or Maresca; and (3) any negative evaluations of Plaintiff in his personnel file dating from

his supervision by Defendant Maresca during the year 2003 shall be removed and placed into a separately maintained litigation file. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 6/29/2007.

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

Lilligren moved to adjourn. Seconded.

Adopted by unanimous consent 6/29/2007.

Merry Keefe,
City Clerk.

Unofficial Posting: 7/3/2007
Official Posting: 7/9/2007