

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 8, 2010

(Published October 16, 2010,
in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
October 8, 2010 - 9:30 a.m.

Council Vice President Lilligren in the Chair.

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

Absent – Council President Johnson.

Schiff moved adoption of the agenda. Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

Schiff moved acceptance of the minutes of the regular meeting and the adjourned session of September 24, 2010. Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

Schiff 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 10/8/2010.

Absent - Johnson.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274517)

Minneapolis Employment and Training Program (ETP) Partners of the Year Awards.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274518)

Bond Issuances:

Mozaic Partners, LLC (1320 Lagoon Ave): First phase of development proposal re parking ramp;

American Academy of Neurology (re 2nd St S & Chicago Ave): Office building construction;

Gateway Real Estate, LLC (West River Commons, 4610 E Lake St): Refunding & reissuance of bonds.

PUBLIC SAFETY AND HEALTH:

HEALTH AND FAMILY SUPPORT SERVICES (274519)

Mental Health Services: Request to apply for three-year grant to expand and test interventions for mental health problems among pregnant and postpartum women.

PUBLIC SAFETY AND HEALTH (See Rep):

REGULATORY SERVICES (274520)

Dangerous/Potentially Dangerous Animals: Ordinance amending various regulations pertaining to dangerous and potentially dangerous animals.

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

FIRE DEPARTMENT (274521)

Medical First Responder Reimbursement Pilot Project: Execute Joint Powers Agreement with Minnesota Department of Public Safety for Fire Department to participate in project and accept reimbursement for services provided.

HEALTH AND FAMILY SUPPORT SERVICES (274522)

Health and Human Services: Issue Request for Proposals to establish an eligible providers list for master contracts for services for the period January 1, 2011 to December 31, 2015; Execute Master Contracts with the following political subdivisions and governmental organizations for services during the period January 1, 2011 through December 31, 2015 — City of Bloomington; Hennepin County; Minneapolis Public Schools; Minneapolis Park & Recreation Board; University of Minnesota.

Skyway Senior Center: Accept grant award of \$258,378 from UCare to support operations at the Senior Center over a three-year period; and Approve appropriation.

POLICE DEPARTMENT (274523)

Coverdell Forensic Science Improvement Program: Accept grant award of \$175,000 and execute agreement with the United States Department of Justice to purchase new Laboratory Information Management System to assist in the efficient management of data relating to forensic casework, including evidence handling, chain of custody and report generation; and Approve appropriation.

Bomb Unit: Execute agreement to permit the Producer of two bomb reconnaissance robots previously purchased by the Police Department to film the robot equipment in use during training exercises in return for a monetary "credit" of \$3,000 on future equipment purchases.

REGULATORY, ENERGY AND ENVIRONMENT:

LICENSES AND CONSUMER SERVICES (274524)

Entertainment Districts Management Plan.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274525)

Afro Deli & Coffee (1939 5th St S): Grant Sidewalk Cafe License.

Los Compadres Bar & Grill (1032 3rd Av NE): Grant On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

10th Inning (418 3rd Av N): Grant On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

LICENSES AND CONSUMER SERVICES (274526)

Licenses: Applications.

REGULATORY SERVICES (274527)

Assessments: Ordinance removing the date of assessment certification.

REGULATORY, ENERGY AND ENVIRONMENT and T&PW and W&M/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING/REGULATORY SERVICES (274528)

Transportation Electrification: Execute agreement with Xcel Energy and accept \$20,000 to purchase one all-electric Ford Transit Connect vehicle.

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

REGULATORY SERVICES (274529)

Lead Safe Work Practices: Accept \$10,000 grant award from Minnesota Department of Health to provide training, including classes in Spanish; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERGY (274530)

Utility Pole Installation: a) 3444 Stevens Ave; b) 1101 12th Ave N; and c) 5750 Garfield Ave.

PUBLIC WORKS AND ENGINEERING (274531)

Sidewalk Repair and Construction: Set public hearing for October 26, 2010.

Snow and Ice Removal from Public Sidewalks: Set public hearing for October 26, 2010.

University Ave Street Light Special Assessment: Set public hearing for November 30, 2010.

Washington Ave Street Light Special Assessment: Set public hearing for November 30, 2010.

Minneapolis Streetcar Planning: Quarterly report.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 1st Quarter, 2010 (See Petn No 274189).

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 2nd Quarter, 2010 (See Petn No 274389).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274532)

Water and Sewer Service Line Repairs: a) Assessment public hearing; and b) Comments.

Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts: Service charges for 2011.

Sidewalk Special Assessment Roll: Cancel assessments for 4834 34th Ave S and 3218 44th St W.

Convention Center Expansion Project: Resolve title matters.

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

PUBLIC WORKS AND ENGINEERING (274533)

14th Ave N Cul-de-sac Construction Project No 9895: a) Assessment public hearing; and b) Amend capital budget.

Capital Project Close-Outs: Reallocate excess revenues and Net Debt Bonds.

Pump Station No 4 Renovation: a) Amend contract with Madsen-Johnson; and b) Execute final settlement.

Chicago Ave S Reconstruction Project: Increase contract with Veit and Company.

Central Corridor Light Rail Transit Project: Subordinate Funding Agreements 2 and 3.

Bids: a) OP 7323, Low bid of Lund Martin Construction, Inc. for construction of South Transfer Station; b) OP 7340, Low bid of Highway Technologies, Inc. for rental of highway zone traffic control devices; and c) OP 7341, Low bid of Fer-Pal Construction USA, LLC, for reconstruction of existing water main.

WAYS AND MEANS BUDGET:

HUMAN RESOURCES (274534)
City of Minneapolis Medical Plan: 2011 Changes.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274535)
Legal Settlement: Qwest v. City of Minneapolis.
COMMUNICATIONS (274536)
November 2010 Utility Billing Insert: Snow Emergencies.
CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (274537)
Re-Roofing Project: Increase contract C-27174 with Central Roofing Company for 8 change orders.
CONVENTION CENTER AND PUBLIC WORKS (274538)
NRG Energy Contracts: Amend and restate contracts on behalf of the Convention Center, Target Center, Hawthorne Ramp and Leamington Ramp.
FINANCE DEPARTMENT (274539)
Convention Center Bond Refunding: Authorize issuance of refunding bonds to fix the rates on the variable rate bonds and refund all fixed rate bonds that are callable on December 1, 2010.

ZONING AND PLANNING:

INSPECTIONS/BOARD OF ADJUSTMENT (274540)
Appeal -
Steven Erickson (3923 Zenith Ave S) - Withdrawn

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (274541)
Appeal:
North Loop Gateway (217-229 W Broadway)
Rezoning:
Sumba Properties LLC (801 Logan Ave N)
Gerald & Cora Rygh (2017 Grand Ave S)

MOTIONS (See Rep)

CITY CLERK (274541.1)
2011 Council Calendar and significant dates.

FILED:

CHARTER COMMISSION (274542)
Committee to Draft Guidelines or Principles for Minneapolis Redistricting: a) Final report; b) Final principles, as amended; and c) Possible timeline.
Charter Commission Rules: Rules as amended 10/6/2010.
IAN MCNAMARA (274543)
Vacate the alleyway extending from the southside to the east side of block 001 at the intersection of 12th Ave S & 22nd St E.

The following reports were signed by Mayor Rybak on October 14, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration a proposed ordinance amending Chapter 2 of the City Charter relating to *Officers - Elections*, regarding Elections timelines as affected by state statute and housekeeping corrections, and having conducted a public hearing thereon, now concurs in the recommendation of the Minneapolis Charter Commission that said ordinance be passed by the affirmative vote of all its members, pursuant to Minnesota Statutes, Section 410.12, Subd. 7.

Lilligren moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Mozaic Partners, LLC Project, for the first phase of a development proposal consisting of a 435 stall multi-story parking ramp at 1320 Lagoon Ave, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$11,000,000 in Tax-exempt Revenue Bonds designated as City of Minneapolis Recovery Zone Facility Bonds for said project.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-457, authorizing the issuance, sale and delivery of Recovery Zone Facility Revenue Bonds for the Mozaic Partners, LLC Project at 1320 Lagoon Ave, Series 2010; approving the form of and authorizing the execution and delivery of the bonds, and related documents; providing for the security, rights, and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-457

By Goodman

Authorizing the issuance, sale and delivery of Recovery Zone Facility Revenue Bonds (Moziac Partners, LLC Project), Series 2010; approving the form of and authorizing the execution and delivery of the bonds; and related documents; providing for the security, rights and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto.

Resolved by The City Council of The City of Minneapolis:

1. STATUTORY AUTHORIZATION. The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Sections 469.152 — 469.1651, as amended (the "Act"), to carry out the public purposes described therein and contemplated thereby. Under the applicable provisions of the Act, the City is authorized to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a project comprised of any properties, real or personal, used or useful in connection with a revenue-producing enterprise, or any combination of two or more such enterprises engaged in any business. In connection with the issuance of such revenue bonds, the City is further authorized to enter into a revenue agreement with a contracting party under which the contracting party agrees to make payments as necessary to provide for the prompt payment of the principal of and interest on

such revenue bonds. The contracting party is authorized to mortgage or otherwise encumber or grant a security interest in any project and its revenues to secure the timely payment of the revenue bonds issued by the City under the Act.

2. **RECOVERY ZONE FACILITY BONDS.** Pursuant to Section 1400U-1 and 1400U-3 of the Internal Revenue Code of 1986, as amended (the "Code"), as enacted by Section 1401 of Title I of Division B of the American Recovery and Reinvestment Act of 2009 ("ARRA"), Public Law No. 111-5, 123 Stat. 115 (2009), and pursuant to Notice 2009-50, 2009-26 IRB 1118 (June 29, 2009) ("Notice 2009 50"), political subdivisions of the States and other qualified issuers are authorized to issue recovery zone facility bonds as exempt facility bonds under Section 142 of the Code if: (i) 95 percent or more of the net proceeds of such bonds are to be used for recovery zone property; (ii) the bonds are issued before January 1, 2011; and (iii) the issuer of the bonds designates such bonds as recovery zone facility bonds. Under Section 1400U-3(c) of the Code, the term "recovery zone property" means property to which Section 168 of the Code applies (or would apply but for Section 179 of the Code) if such property was constructed, reconstructed, renovated, or acquired by purchase by the taxpayer after the date on which the designation of a recovery zone took effect, the original use of which in the recovery zone commences with the taxpayer, and substantially all of the use of which is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

3. **THE COMPANY AND THE FACILITY.** The City has received a request from Mozaic Partners, LLC, a Minnesota limited liability company (the "Company"), that the City issue recovery zone facility revenue bonds, to be designated Recovery Zone Facility Revenue Bonds (Mozaic Partners, LLC Project), Series 2010 (the "Bonds") under the Act and Section 1400U-3 of the Code to finance the acquisition and construction of a parking ramp of approximately 435 spaces (the "Project"), to be located on a portion of the property located at 1320 Lagoon Avenue in Minneapolis, Minnesota 55408, and fund one or more reserves to secure the Bonds, to fund a portion of the interest on the Bonds, and to pay the costs of issuing the Bonds and related costs. The Project will be owned and operated by the Company. The Project comprises a "project" for purposes of the Act and constitutes "recovery zone property" to be used in the active conduct of a "qualified business" of the Company for purposes of Section 1400U-3 of the Code.

4. **ALLOCATION OF AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS.** Under the provisions of Section 1400U-3(b)(2) of the Code, the maximum aggregate face amount of recovery zone facility bonds that may be designated by an issuer cannot exceed the amount of recovery zone facility bond limitation allocated to such issuer under Section 1400U-1 of the Code. Pursuant to Section 1400U-1 and Notice 2009-50, there was allocated to the City a recovery zone facility bond limitation of \$19,490,000. In addition, pursuant to a special re-allocation made by the Minnesota Department of Management and Budget on September 10, 2010, the City received an additional recovery zone facility bond limitation of \$14,938,160 for a combined total of \$34,428,160.

5. **ALLOCATION AND ISSUANCE OF BONDS.** The Bonds are proposed to be issued by the City, in one or more series, as tax-exempt bonds, including tax-exempt recovery zone facility bonds authorized under Section 1400U-3 of the Code, in the original aggregate principal amount of approximately \$11,000,000 or the maximum amount for which an allocation of recovery zone facility bond limitation authority is available. If all the Bonds cannot be issued as tax-exempt recovery zone facility bonds due to insufficient allocation of recovery zone facility bond limitation authority, then the remaining portion of the Bonds required to finance the costs of the Project will be issued as a separate series of taxable Bonds. The Bonds will be issued under the terms and conditions of this resolution and an Indenture of Trust, dated on or after October 1, 2010 (the "Indenture"), between the City and a trustee to be selected by the Company (the "Trustee"). The proceeds of the Bonds will be loaned to the Company (or a related organization) pursuant to the terms of a Loan Agreement, dated on or after October 1, 2010 (the "Loan Agreement"), between the City and the Company. The Bonds will be special, limited obligations of the City that: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

6. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds, and the other actions of the City under this resolution, the Indenture, and the Loan Agreement constitute a public purpose and are in the interests of the City.

7. THE BONDS AND THE INDENTURE. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the aggregate principal amount of \$11,000,000, and there is hereby allocated to the Bonds recovery zone facility bonds limitation authority in an amount equal to the principal amount of the Bonds. The Bonds, substantially in the form set forth in the Indenture now on file with the City, are hereby approved with the amendments referenced herein. The City hereby authorizes the Bonds to be issued as tax-exempt recovery zone facility bonds the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

The Indenture is hereby approved. All of the provisions of the Indenture, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

8. THE LOAN AGREEMENT. The Loan Agreement is hereby approved. All of the provisions of the Loan Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form now on file with the City, with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. Except for certain reserved rights, the interests of the City in the Loan Agreement will be assigned to the owners of the Bonds pursuant to the terms of the Indenture.

9. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including a Bond Purchase Agreement, dated on or after October 1, 2010 (the "Purchase Agreement"), between the City, the Company, and Dougherty & Company LLC, as original purchaser of the Bonds, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

10. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of an official statement or other disclosure documents relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information.

11. **SUBSEQUENT AMENDMENTS.** On any date subsequent to the date of issuance of the Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution or other documents executed and delivered in connection with the issuance of the Bonds if, after review by bond counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

12. **LIMITATIONS OF LIABILITY.** No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holders from time to time of the Bonds issued under the provisions of this resolution.

13. **SEVERABILITY.** In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

14. **VALIDITY OF THE BONDS.** The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

15. **ADDITIONAL ACTIONS.** The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution.

16. **DESIGNATION AS PROGRAM BONDS.** The Bonds are hereby designated "Program Bonds" and are 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 1997R-402 of the City adopted December 12, 1997.

17. **EFFECTIVE DATE.** This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted 10/8/2010.

Absent - Johnson.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the American Academy of Neurology Project, consisting of the acquisition of vacant City-owned property at 2nd St S and Chicago Ave for the construction of a five-story office building, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$16,500,000 in Tax-exempt Revenue Bonds designated as City of Minneapolis Recovery Zone Facility Bonds for the American Academy of Neurology, or an affiliate.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-458, giving preliminary approval to financing for a project on behalf of American Academy of Neurology or an affiliate, involving the issuance and sale of up to \$16,500,000 Revenue Bonds for the American Academy of Neurology Project (between Washington Ave S and 2nd St S on Chicago Ave S), Series 2010 and designation of the bonds as Recovery Zone Facility Bonds, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-458

By Goodman

Giving preliminary approval to financing for a project on behalf of American Academy of Neurology or an affiliate, involving the issuance and sale of up to \$16,500,000 Revenue Bonds (American Academy of Neurology Project), Series 2010 and designation of the bonds as Recovery Zone Facility Bonds.

Resolved by The City Council of The City of Minneapolis:

1. Authority. This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. Borrower and Project. American Academy of Neurology, a Minnesota corporation (the "Borrower") has requested that the City assist in the financing for it or an affiliate of an approximately 61,000 square foot headquarters facility (the "Project"). The Project will be located on Chicago Avenue South between 2nd Street South and Washington Avenue South in Minneapolis, Minnesota. The Project is to be owned and operated by the Borrower or an affiliate. A public hearing on the Project was duly held on Tuesday, September 28, 2010 by the Community Development Committee.

3. Public Approval of Project. The City hereby gives preliminary approval to the Project and the issuance and sale of the City's Revenue Bonds (American Academy of Neurology Project), Series 2010 (the "Bonds") pursuant to the Act to provide money to be loaned to the Borrower or an affiliate in the aggregate principal amount of up to Sixteen Million Five Hundred Thousand Dollars (\$16,500,000) to finance costs of the Project.

4. Findings. It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act and constitutes a "project" within the meaning of Section 469.153, subd. 2(d) and subd. 2(b) of the Act.

(b) The Project will be located within a recovery zone designated by the City pursuant to Section 1400U-1(b) of the Internal Revenue Code.

(c) The City held a public hearing relating to the Project and the application for approval of the Project by the Commissioner of Employment and Economic Development and, in the opinion of bond counsel based on representations of the Borrower, the Bonds will be qualified recovery zone facility bonds within the meaning of Section 1400U-3 of the Code.

5. Application. There has been presented to this Council an Application for Approval of the Project (the "Application") to be submitted to the Commissioner of the Minnesota Department of Employment and Economic Development. The Application is hereby approved and shall be submitted to the Department of Employment and Economic Development for approval.

6. Recovery Zone Facility Bond Designation. The City hereby allocates \$16,500,000 of its Recovery Zone Facility Bond Allocation to the Bonds and designates the Bonds as recovery zone facility bonds for purposes of Section 1400U-3 of the Code.

Adopted 10/8/2010.

Absent - Johnson.

Comm Dev – Your Committee, having under consideration bond refunding and the reissuance of unsecured bond debt for the West River Commons Project at 4610 E Lake St (owned and operated by Gateway Real Estate, LLC), now recommends passage of the accompanying resolution authorizing the issuance, sale and delivery of subordinate multifamily housing refund revenue notes, Series 2010; approving the form of and authorizing the execution and delivery of the Series 2010 notes and related documents; providing for the security, rights and remedies with respect to the Series 2010 Notes; and granting approval for certain other actions with respect thereto necessary to complete this transaction.

Adopted 10/8/2010.

Absent - Johnson.

Approved by Mayor Rybak 10/8/2010.

(Published 10/13/2010)

Resolution 2010R-459, authorizing the issuance, sale and delivery of subordinate Multifamily Housing Refunding Revenue Notes for the Gateway Real Estate, L.L.C. Project at 4610 E Lake St, Series 2010; approving the form of and authorizing the execution and delivery of the Series 2010 Notes and related documents; providing for the security, rights and remedies with respect to the Series 2010 Notes; and granting approval for certain other actions with respect thereto, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-459

By Goodman

Authorizing the issuance, sale and delivery of Subordinate Multifamily Housing Refunding Revenue Notes (Gateway Real Estate, L.L.C. Project), Series 2010; approving the form of and authorizing the execution and delivery of the Series 2010 Notes, and related documents; providing for the security, rights and remedies with respect to the Series 2010 Notes; and granting approval for certain other actions with respect thereto.

Resolved by The City Council of The City of Minneapolis:

1. STATUTORY AUTHORIZATION. The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Chapter 462C, as amended (the "Act"), to carry out the public purposes described in the Act by issuing revenue bonds or other revenue obligations to finance or refinance multifamily housing developments located within the City. In the issuance of the City's revenue bonds and other revenue obligations and in the making of a loan to finance a multifamily housing development, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended, including the power to issue refunding obligations and to apply the proceeds derived from the sale of the refunding obligations to redeem and prepay the bonds or other obligations to be refunded.

2. THE COMPANY AND THE FACILITY. On October 22, 2002, the City issued its Variable Rate Demand Multifamily Housing Revenue Bonds (Gateway Real Estate, L.L.C. Project), Series 2002 (the "Series 2002 Bonds"), in the original aggregate principal amount of \$8,200,000, for the benefit of Gateway Real Estate, L.L.C., a Minnesota limited liability company (the "Company"). The Series 2002 Bonds are currently outstanding in the principal amount of \$7,900,000. The Series 2002 Bonds were issued pursuant to the terms of Resolution No. 2002R-299, adopted by the City Council of the City on September 13, 2002, and approved by the Mayor of the City on September 18, 2002, and an Indenture of Trust, dated as of October 1, 2002 (the "Indenture"), between the City and U.S. Bank National Association (formerly LaSalle Bank National Association), as trustee (the "Trustee"). The proceeds derived from the sale of the Series 2002 Bonds were loaned to the Company pursuant to the terms of a Loan Agreement, dated as of October 1, 2002 (the "Loan Agreement"), between the City and the Company. The proceeds of the loan were applied by the Company to finance the acquisition, construction, and equipping of a 53-unit multifamily housing facility located at 4610 East Lake Street in the City (the "Project").

3. SERIES 2010 NOTES. The payment of the principal of and interest on the Series 2002 Bonds is secured by an irrevocable, direct-pay letter of credit of Bank of America (as successor to LaSalle Bank National Association as issuer of the original letter of credit securing the Series 2002 Bonds). Bank of America has informed the Company that it does not intend to renew its letter of credit upon the expiration of the letter of credit. As a result, the Company has obtained a commitment from Wells Fargo Bank, National Association (the "Bank") to issue a replacement letter of credit (the "Letter of Credit") in substitution for the existing Bank of America letter of credit. The City consents to the substitution of the Bank Letter of Credit for the Bank of America letter of credit. The Letter of Credit will secure only approximately \$6,175,000 of the principal amount of the outstanding Series 2002 Bonds. The Company has requested that the City issue a series of Subordinate Multifamily Housing Refunding Revenue Notes (Gateway Real Estate, L.L.C. Project), Series 2010 (the "Series 2010 Notes"), in an original aggregate principal amount not to exceed \$1,500,000, and loan the proceeds derived from the sale of the Series 2010 Notes to the Company pursuant to the terms of a Note Agreement, to be dated on or after October 1, 2010 (the "Note Agreement"), between the City and the Company. The Company will apply the proceeds of the loan to be made pursuant to the terms of the Note Agreement to the redemption and prepayment of the portion of the Series 2002 Bonds that will not be secured by the new Letter of Credit. The Company will apply equity funds to the prepayment of Series 2002 Bonds not covered by the new Letter of Credit or redeemed with the proceeds of the Series 2010 Notes. The Series 2010 Notes will be subordinate to the Series 2002 Bonds and will be secured by the obligations of the Company under the Note Agreement and a Repayment Guaranty, to be dated on or after October 1, 2010 (the "Guaranty"), to be executed and delivered by each member of the Company.

4. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Series 2010 Notes is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Series 2010 Notes, and the other actions of the City under the Note Agreement and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Series 2010 Notes for the refinancing of the Project and related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by maintaining multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Act. The Series 2010 Notes will be issued pursuant to this resolution and the Series 2010 Notes and the interest on the Series 2010 Notes: (i) shall be payable solely from the revenues pledged therefor under the Note Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Note Agreement; and (v) shall not constitute a general or moral obligation of the City.

5. THE SERIES 2010 NOTES. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Series 2010 Notes in the maximum aggregate principal amount not to exceed \$1,500,000. The Series 2010 Notes shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Series 2010 Notes, in the form now on file with the City, with the amendments referenced herein. The City hereby authorizes the Series 2010 Notes to be issued, in whole or in part, as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The Series 2010 Notes shall be special, limited obligations of the City payable solely from the revenues provided by the Company pursuant to the Note Agreement. The City Council of the City hereby authorizes and directs the Finance Officer to execute the Series 2010 Notes and hereby provides that the Series 2010 Notes shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Series 2010 Notes and the City as set forth therein.

All of the provisions of the Series 2010 Notes, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The form of the Series 2010 Notes now on file with the City is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Series 2010 Notes, the stated maturities of the Series 2010 Notes, the interest rates on the Series 2010 Notes, and the terms of redemption of the Series 2010 Notes) as the Finance Officer of the City, in his discretion, shall determine. The execution of the Series 2010 Notes with the manual or facsimile signature of the Finance Officer and the delivery of the Series 2010 Notes by the City shall be conclusive evidence of such determination.

6. THE NOTE AGREEMENT. The Finance Officer is hereby authorized and directed to execute and deliver the Note Agreement. All of the provisions of the Note Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Note Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. Except for certain reserved rights, the interests of the City in the Note Agreement will be assigned to the owners of the Series 2010 Notes pursuant to the terms of an Assignment of Loan Agreement, dated on or after October 1, 2010 (the "Assignment"), between the City, the Company, and the holders of the Series 2010 Notes. The Assignment shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine.

7. THE REGULATORY AGREEMENT AND FIRST AMENDMENT TO REGULATORY AGREEMENT. To ensure compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"), and to ensure compliance with certain restrictions imposed by the City, a Regulatory Agreement, dated as of October 1, 2002 (the "Original Regulatory Agreement"), was executed by the Company and the Trustee, and delivered in conjunction with the issuance of the Series 2002 Bonds. To ensure continuing compliance with such restrictions, there is hereby authorized and directed to be executed and delivered a First Amendment to Regulatory Agreement, dated on or after October 1, 2010 (the "First Amendment to Regulatory Agreement"), between the Company and the Trustee. The First Amendment to Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine.

8. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Series 2010 Notes, including an Assignment of Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing, dated on or after

October 1, 2010, from the City to the Bank, a Master Subordination Agreement, dated on or after October 1, 2010, between the City, the Company, and the Bank, consents to the assignments of development agreement and tax increment revenues, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Series 2010 Notes, a certificate as to arbitrage and rebate, and similar documents, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Series 2010 Notes. The Finance Officer is also hereby authorized to execute and deliver, on behalf of the City, any amendments and supplements to the documents of the City related to the Series 2002 Bonds if such amendments or supplements are required by a rating agency to obtain an acceptable investment-grade rating with respect to the Series 2002 Bonds in connection with the substitution of the Letter of Credit and the remarketing of the Series 2002 Bonds. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to prepare, execute, and deliver its approving legal opinions with respect to the Series 2010 Notes.

9. **DISCLOSURE DOCUMENTS.** The City will not participate in the preparation of an official statement or other disclosure document relating to the offer and sale of the Series 2010 Notes (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information.

10. **SUBSEQUENT AMENDMENTS.** On any date subsequent to the date of issuance of the Series 2010 Notes, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution if, after review by bond counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

11. **LIMITATIONS OF LIABILITY.** No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Series 2010 Notes shall be personally liable on the Series 2010 Notes or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Series 2010 Notes, or in any other document relating to the Series 2010 Notes, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Note Agreement which are to be applied to the payment of the Series 2010 Notes, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Series 2010 Notes issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holders from time to time of the Series 2010 Notes issued under the provisions of this resolution.

12. **SEVERABILITY.** In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Series 2010 Notes issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Series 2010 Notes, but this resolution, the aforementioned documents, and the Series 2010 Notes shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

13. **VALIDITY OF THE SERIES 2010 NOTES.** The Series 2010 Notes, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Series 2010 Notes and the regularity of the issuance thereof,

and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Series 2010 Notes, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

14. ADDITIONAL ACTIONS. The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Series 2010 Notes, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Series 2010 Notes, the aforementioned documents, and this resolution.

15. DESIGNATION AS PROGRAM BONDS. The Series 2010 Notes are hereby designated "Program Bonds" and are 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 1997R-402 of the City adopted December 12, 1997.

16. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted 10/8/2010.

Absent - Johnson.

Approved by Mayor Rybak 10/8/2010.

The PUBLIC SAFETY & HEALTH Committee submitted the following report:

PS&H - Your Committee, to whom was referred an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending various regulations pertaining to dangerous and potentially dangerous animals, now recommends that said ordinance be **sent forward without recommendation**.

Samuels moved that Section 64.110 (e) (5) of the ordinance be amended to read as follows:

"(e) Dangerous animal. "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

- (5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters, and "attack" shall include, but is not necessarily limited to, a series of attacks or a single prolonged attack by the animal resulting in significant damage to any item being utilized in a defensive manner by the victim to prevent being bitten." Seconded.

Further, that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be given its second reading for amendment and passage". Seconded.

Samuels moved to amend his motion by deleting the ordinance amendment language to Section 64.110 (e) (5). Seconded.

Adopted upon a voice vote.

Absent - Johnson.

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

Absent - Johnson.

The report, as amended, was adopted 10/8/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Colvin Roy.

Absent - Johnson.

OCTOBER 8, 2010

Ordinance 2010-Or-087 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending Section 64.110 to amend various regulations pertaining to dangerous and potentially dangerous animals, was adopted 10/8/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-087
By Samuels
Intro & 1st Reading: 9/3/2010
Ref to: RE&E
2nd Reading: 10/8/2010

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to the Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits.

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

Section 1. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

64.110. Dangerous and potentially dangerous animals. Minneapolis Animal Care and Control is authorized to deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this Code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) potentially dangerous dogs. The owner or custodian of the animal must immediately comply with the confinement requirements as defined in this ordinance, even if appealing the declaration.

No off leash park permit as defined in section 64.55 shall be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

(a) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

(b) Declarations shall be made by the Program Manager of Minneapolis Animal Care and Control, or the manager's designee, based on this Code and state statute. If a declaration is made, the owner of the animal shall be notified in writing. Notification shall include a copy of ordinance and statute, the report (including supplemental reports, if any) and a statement of the declaration.

(c) The manager of animal care and control will consider the following factors in determining a dangerous or potentially dangerous animal declaration:

- (1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.
- (2) Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.
- (3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
- (4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.
- (5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.

(d) Potentially dangerous animal. "Potentially dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

- (1) Any animal that engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily harm when the person and the animal are on or off the property of the owner or custodian of the animal. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.
- (2) Any animal that, when unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.
- (3) Any animal that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.
- (4) Any animal that, when unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety off the property of the owner or custodian of the animal.
- (5) Any animal that has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or Minneapolis Animal Care and Control.

(e) Dangerous animal. "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

- (1) Any animal that, when unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
- (2) Any animal previously designated as a potentially dangerous animal that, after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (d)(3) of this section.
- (3) Any animal previously designated as a potentially dangerous animal, after the owner or custodian has been notified of such designation, if the owner or custodian subsequently violates any requirement of this section.
- (4) Any animal that kills or inflicts substantial bodily harm to another domestic animal without provocation while off the property of the owner or custodian of the attacking animal.
- (5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.
- (6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.

(f) Appeal hearing procedures.

- (1) Potentially dangerous animal. Potentially dangerous declaration appeals shall consist of a record review by the manager of animal care and control, or the manager's designee, using the designated appeal form supplied by animal care and control at the time of the written request. The appeal form must be completed and returned to animal care and control with written evidence and/or affidavits that dispute the declaration within five (5) business days of notification. The owner of the animal shall be notified, in writing, of the record review results within ten (10) calendar days of receipt. There is a one hundred dollar (\$100.00) fee for an appeal of a potentially dangerous declaration. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.

- (2) Dangerous animal. The owner or custodian of an animal that has been declared dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) business days of notification. If a hearing is requested, the program manager, or the manager's designee, shall schedule a hearing within ten (10) calendar days. Dangerous declaration appeals shall consist of an appearance before the manager of animal care and control, or the manager's designee. The hearing officer shall be the manager of animal care and control, or the manager's designee. A hearing fee of two hundred fifty dollars (\$250.00) must be paid prior to scheduling the hearing. The manager of the program may set limits on the amount of evidence that may be submitted and the length of testimony offered. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.
- (3) Any time after a declaration has been issued, animal care and control may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal. The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this subsection may be disposed of by animal care and control after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.
- (4) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the manager of animal care and control.
- (5) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.
- (6) All decisions may be appealed to the Minnesota Court of Appeals.

(g) Annual review requests. If there are no additional reports of the behavior described in subsections (d) or (e) of this section within a ~~twenty-four-month~~ twelve-month period from the date of the designation as a dangerous animal or a ~~twelve-month~~ six-month period from the date of the designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the manager of animal care and control, and the manager, or the manager's designee, shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the manager of animal care and control, the administrative fee may be reduced or waived by the manager.

(h) Potentially dangerous or dangerous animal requirements. No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection. No person operating a day care, as that term is defined pursuant to the zoning code, or any other home occupation in which children are regularly present, shall own, house or otherwise have temporary or permanent custody upon the premises of any animal previously declared potentially dangerous or dangerous as a result of displaying aggression towards a person. All owners or custodians of potentially dangerous and dangerous animals shall fully comply with the following requirements, and any additional requirements established by a hearing officer, within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).

- (1) Microchip (must be pre-paid if animal care and control implants the microchip).
- (2) Current rabies vaccinations (must remain current on rabies vaccinations).
- (3) Current annual license for a declared animal (regardless of current license status).
- (4) Muzzle (with three-foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).

- (5) Proper kennel which shall meet the following minimum specifications:
 - a. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.
 - b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1 1/4) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.
 - c. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.
 - d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self closing, self locking and shall be locked at all times the animal is in the kennel.
 - e. The kennel shall comply with all zoning setbacks requirements unless variances are obtained.
- (6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.
- (7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal.
- (8) The animal may not be possessed or maintained at any other location other than the owner's property.
- (9) The owner or custodian of the animal may not be a minor under age eighteen (18).
- (10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.
- (11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.
- (12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of the manager of animal care and control or the manager's designee.
- (13) If the animal is to move from the approved location, written notification shall be provided to the manager of animal care and control within ten (10) business days prior to relocation.
- (14) The manager of animal care and control, or the manager's designee, shall be allowed at any reasonable time to inspect the animal, the animal's muzzle and leash, and the place where the animal is located.
- (15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous and any puppies of the animal in the care and custody of the owner be sterilized at the owner's expense. Arrangements may be made at a pet hospital or clinic within the City of Minneapolis. Animal care and control shall transport the animal to the clinic and may transport back to the shelter until compliance is achieved. The owner of the animal shall make payment arrangements with the clinic prior to commencement of the procedure.

(i) Additional dangerous animal requirements. In addition to the requirements of subsection (h), all owners or custodians of dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).

- (1) The animal and any puppies of the animal in the care and custody of the owner shall be sterilized at the owner or custodian's expense and adequate proof of sterilization shall be submitted.

- (2) Proof of a current insurance bond in the amount of at least three hundred thousand dollars (\$300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.
- (3) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by the manager of animal care and control.

(j) Declared animal from other jurisdictions. No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in subsections (h) and/or (i) of this section. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this subsection are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) under subsection (n) of this section.

(k) Impoundment.

- (1) Any animal which bites a person or domestic animal and/or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of animal care and control pending hearings and compliance.
- (2) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the animal care and control facility for the quarantine period and held until the final disposition is determined.
- (3) All animals found to be in violation of the requirements of this section shall be impounded.
- (4) The impounded animal's owner shall be charged for all impoundment related costs and fees.

(l) Noncompliance, transfer, loss or death of declared animals.

- (1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).
- (2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal within fourteen (14) days of the animal's death. If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth the circumstances of the animal's death and disposition.
- (3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis animal care and control in writing prior to such relocation. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.
- (4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from the manager of animal care and control. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.
- (5) Whenever any animal declared potentially dangerous or dangerous is lost or runs away, the owner or custodian of the animal shall provide written notification to the manager of animal care and control within ten (10) business days after the loss of the animal. The manager of animal care and control may require that the owner or custodian provide an affidavit under oath setting forth the nature and circumstances

of the loss of the animal. Should the animal return or should the owner or custodian otherwise subsequently become aware of the location of the animal, the owner or custodian shall notify the manager of animal care and control within three (3) business days.

(m) Restriction on future ownership.

- (1) Any person who:
 - a. has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this section; or
 - b. had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or
 - c. has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years; or
 - d. has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian; or
 - e. has been convicted of any violation of Minnesota Statute Section 609.226, Harm Caused by Dog, or amendments thereto;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the original declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

- (2) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, the program manager or the manager's designee shall schedule a hearing within ten (10) business days. Violation appeals shall consist of an appearance before the manager of animal care and control or the manager's designee. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the scheduling of the hearing. The program manager may set limits on the amount of evidence that may be submitted and the length of any testimony offered.
- (3) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.
- (4) Any person convicted of a violent felony, as defined in Minnesota Statute 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that the manager of animal care and control designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this article and until a permit is obtained. If the manager of animal care and control designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the

written notice of designation. The manager of animal care and control may deny a prohibited animal permit if he or she determines that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by the manager of animal care and control. These conditions of ownership may include, but are not limited to, those found under subsections (h) and (i). A prohibited animal may subsequently be revoked by the manager of animal care and control if there is probable cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the public's health, safety or welfare. Any person violating this subsection is guilty of a misdemeanor. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

- a. Any animal whose owner or keeper is in violation of this subsection shall be impounded, or impounded subject to destruction, at the owner's expense.
- b. An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:
 1. An animal weighing more than twenty (20) pounds;
 2. An animal which has been designated a potentially dangerous or dangerous animal under subsections (d) or (e) of this section;
 3. An animal designated by the manager of animal care and control as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:
 - i. The nature of any complaints regarding the animal.
 - ii. The strength of the animal, including jaw strength.
 - iii. The animal's tolerance for pain.
 - iv. The animal's tendency to refuse to terminate an attack.
 - v. The animal's propensity to bite humans or other domestic animals.
 - vi. The animal's potential for unpredictable behavior.
 - vii. The animal's aggressiveness.
 - viii. The likelihood that a bite by the animal will result in serious injury.This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(n) Disposition of animals.

- (1) The Program Manager at Minneapolis Animal Care and Control is authorized to order the destruction or other disposition of any animal which:
 - a. Kills a person, or
 - b. Has bitten one (1) or more persons on two (2) or more occasions, or
 - c. Has caused substantial bodily injury or disfigurement as defined in subsections (d) or (e) of this section, or
 - d. Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or domestic animal under circumstances that would indicate danger to the safety of the person or animal, or
 - e. Is prohibited by or found to be in violation of subsections (g), (h), (i), (j) or (l) of this section, or
 - f. Unprovoked, kills a domestic animal, or
 - f g. Is prohibited by section 74.50 of this Code.
- (2) In determining the disposition of the animal the manager of animal care and control will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:
 - a. The animal weighing more than twenty (20) pounds;
 - b. The strength of the animal, including jaw strength;

- c. The animal's tolerance for pain;
- d. The animal's tendency to refuse to terminate an attack;
- e. The animal's propensity to bite humans or other domestic animals;
- f. The animal's potential for unpredictable behavior;
- g. The animal's aggressiveness;
- h. The likelihood that a bite by the animal will result in serious injury.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(3) Procedure.

- a. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by animal care and control that were utilized to determine the disposition.
- b. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days. The hearing officer shall be the manager of animal care and control or the manager's designee and shall have authority to amend the declaration or order as appropriate.
- c. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.
- d. If the animal has bitten a person, it shall remain at a designated animal care and control facility through the end of the quarantine period as required pursuant to section 66.40. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.
- e. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after the mandatory hold period as established in section 62.40. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of animal care and control and not in full compliance with the requirements of this section.
- f. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing.

(o) Concealing of dangerous animals. Any person who harbors, hides or conceals an animal found to be potentially dangerous or dangerous by animal care and control which has been ordered into custody for disposition shall be guilty of a misdemeanor.

(p) Conditioning and training equipment prohibited. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

(q) Fees. Fees under this section may include, but are not limited to, impound, kennel, license, penalties, hearing, registration and euthanasia fees. All applicable fees shall be defined by this Code and/or included in the licenses and annual billing fees schedule or in the schedule of civil fines for administrative offenses resolution, and duly approved by city council.

Impound fee . . . \$100.00
Daily kennel fee, per day . . . 25.00
Microchip fee . . . 35.00
Euthanizing fee . . . 75.00
Rabies vaccination . . . 20.00
Sedation, if necessary . . . 20.00
Annual license fee . . . 75.00

Annual registration:
Potentially dangerous . . . 100.00
Dangerous . . . 200.00
Appeal hearing fee:
Dangerous . . . 250.00
Potentially dangerous . . . 100.00
Prohibited animal permit . . . 250.00

Annual County Registration fee—Determined by Hennepin County

Adopted 10/8/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Colvin Roy.

Absent - Johnson.

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

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$175,000 and execute a grant agreement with the United States Department of Justice, Office of Justice Programs - National Institute of Justice Coverdell Forensic Science Improvement Program to purchase a new Laboratory Information Management System (LIMS) to assist a forensic laboratory in the efficient management of data relating to forensic casework, including evidence handling, chain of custody, and report generation. Further, passage of the accompanying resolution appropriating \$175,000 to the Police Department.

Adopted 10/8/2010.

Absent - Johnson.

**RESOLUTION 2010R-460
By Samuels and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4003300) by \$175,000 and increasing the Revenue Estimate (01300-4003300-321010) by \$175,000.

Adopted 10/8/2010.

Absent - Johnson.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement to permit the Producer of two robots used for reconnaissance work and Bomb Squad work to film the robot equipment in operation during training exercises by the Bomb Squad. In exchange, the Producer will give the Police Department of \$3,000 monetary “credit” toward the purchase of equipment within two years.

Adopted 10/8/2010.

Absent - Johnson.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals to establish a list of eligible providers for Master Contracts for health and human services during the period January 1, 2011 through December 31, 2015.

Adopted 10/8/2010.

Absent - Johnson.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Master Contracts for health and human services with the following political subdivisions and governmental organizations for the designated not to exceed (NTE) amount for the period January 1, 2011 through December 31, 2015:

<u>NTE Amount</u>	<u>Organization</u>
\$ 250,000	City of Bloomington
7,000,000	Hennepin County
3,000,000	Minneapolis Public Schools
300,000	Minneapolis Park & Recreation Board
750,000	University of Minnesota

Adopted 10/8/2010.

Absent - Johnson.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety to participate in the First Responder Reimbursement Pilot Project, and to accept reimbursement for services provided under the agreement.

The objectives of the pilot project are:

- to determine what type of calls medical first responder units respond to.
- to evaluate the interventions that medical first responders have available to them.
- to evaluate the impact of medical first responders to the EMS system.
- to evaluate the impact of the medical first responders to the overall patient outcome.
- to evaluate reimbursement of medical first responders for services rendered.

Adopted 10/8/2010.

Absent - Johnson.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$258,378 from UCare to support operations at the Skyway Senior Center over a three-year period. Further, passage of the accompanying resolution appropriating \$258,378 to the Department of Health & Family Support.

Adopted 10/8/2010.

Absent - Johnson.

**RESOLUTION 2010R-461
By Samuels and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Other Fund (01600-8600112) by \$258,378 and increasing the Revenue Estimate (01600-8600112-372001) by \$258,378.

Adopted 10/8/2010.

Absent - Johnson.

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

RE&E - Your Committee, to whom was referred an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending Section 2.120 to remove the date of assessment certification, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/8/2010.

Absent - Johnson.

OCTOBER 8, 2010

Ordinance 2010-Or-088 amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*, amending Section 2.120 to remove the date of assessment certification, was adopted 10/8/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-088
By Glidden
Intro & 1st Reading: 9/3/2010
Ref to: RE&E
2nd Reading: 10/8/2010

Amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative Enforcement and Hearing Process*.

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

Section 1. That Section 2.120 of the above-entitled ordinance be amended to read as follows:

2.120. Assessment of civil fines for property related violations. (a) *Civil fines subject to assessment.* In accordance with chapter 10 of the Minneapolis City Charter, unpaid civil fines imposed for property-related violations may be assessed against property that was the subject matter of the civil fines.

(b) *Prior voluntary payment.* Prior to any assessment for unpaid fines, the city shall seek voluntary payment of the fines by notifying the owner of the property in writing of the fine imposed.

(c) *Assessment procedure.* ~~On or before the first day of October of each year,~~ The following information relating to property having unpaid civil fines will be certified to the county auditor and collected in the same manner as taxes and special assessments against the property:

- (1) The unpaid civil fine and late fees, including the administrative charge due under subdivision (d) of this section.
- (2) Interest at the maximum lawful rate permitted under Minnesota Statutes, Chapter 429.
- (3) A description of the premises.
- (4) The name of the owner of the property.

The assessed-unpaid civil fine will be a perpetual lien on the premises until paid. Prior to the certification to the county auditor, the owner must be given written notice of the proposed assessment and be provided an opportunity to be heard before the city council.

(d) *Administrative charge for assessment.* An administrative charge of eight dollars (\$8.00) is due upon the mailing of the notice of the proposed assessment.

Adopted 10/8/2010.

Absent - Johnson.

RE&E - Your Committee, having under consideration the application of Afro Deli & Coffee, LLC, dba Afro Deli & Coffee, 1939 5th St S, for a Sidewalk Cafe License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/8/2010.

Absent - Johnson.

RE&E - Your Committee, having under consideration the application of Los Compadres Bar & Grill, dba Los Compadres Bar & Grill, 1032 3rd Av NE, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire October 1, 2011, now recommends that said license be granted, subject to the following conditions:

1. The licensee will have a manager on duty at all times when open to the public that has been trained in alcohol service and is experienced in the alcohol service industry.
2. The licensee will submit an application to Licenses & Consumer Services to change or upgrade the business plan prior to making any changes.

3. Final inspection and compliance with all provisions of applicable codes and ordinances.
Adopted 10/8/2010.
Absent - Johnson.
Approved by Mayor Rybak 10/8/2010.
(Published 10/13/2010)

RE&E - Your Committee, having under consideration the application of LH Investments Holdings LLC, dba 10th Inning, 418 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License to expire July 1, 2011, now recommends that said license be granted, subject to the following conditions:

1. The licensee shall have a manager on duty, at all times when open to the public, that is experienced in working in the alcohol service and adult entertainment industry.
2. The licensee shall not have outdoor seating in front of the building located at 418 3rd Av N.
3. Employees and contractors shall be appropriately clothed while outside immediately around the building located at 418 3rd Av N.
4. The licensee shall follow a City approved documented closing plan for normal operation closing and for emergencies. This plan is due at the time of signing these conditions.
5. Any changes to the licensee's business plan or floor plan must be approved by City Council prior to those changes occurring at the 418 3rd Av N business location.
6. The licensee, or representative, shall attend every Downtown Bar Meeting in Minneapolis for the remainder of 2010 and all of 2011.
7. The licensee shall not have performances that show the human male or female genitals or pubic area with less than a fully opaque covering.
8. The licensee shall not distribute — or hire or engage others to distribute — handbills, flyers, business advertising cards, or any other similar hand-distributed advertising trinket or memento to members of the public in the City of Minneapolis. Further, no entertainer or promoter providing entertainment services at the licensee's establishment shall distribute or post handbills in Minneapolis that advertise events at the business.
9. The licensee will have staff immediately ask people that are observed loitering in the immediate vicinity of the establishment at 418 3rd Av N to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering.
10. Final inspection and compliance with all provisions of applicable codes and ordinances.
Adopted 10/8/2010.
Absent - Johnson.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 10/8/2010.
Absent - Johnson.

Resolution 2010R-462, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-462
By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:
That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274526):

OCTOBER 8, 2010

Off-Sale Liquor, to expire October 1, 2011

Minnesota Food Service LLC, dba Minnesota Sportservice, LLC, 353 5th St N

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

City Center Hotel Limited Partnership, dba Marriott City Center, 20 S 7th St (new corporate officer)

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

Minnesota Sport Service LLC, dba Target Field, 353 5th St N

Del SFA Inc, dba Sound Bar, 414 3rd Av N

Seven Corners Hotel Partners Ltd, dba Holiday Inn Metrodome, 1500 Washington Av S

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

GWS Partners LLC, dba Whisky Park, 15 S 5th St #100 (new business)

Restaurant Entertainment Group Inc, dba Refuge, 430 1st Av N

Solera Restaurant Holdings LLC, dba Solera Restaurant, 900 Hennepin Av

Great Sun Buffet and Bar, dba Great Sun Buffet and Bar, 1400 Nicollet Av

American Swedish Institute, dba American Swedish Institute, 2600 Park Av

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

Town Hall Brewery Limited, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (new corporate officer)

La Perla Del Pacifico Inc, dba La Perla Del Pacifico, 6009 Nicollet Av

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

GM Minneapolis LLC, dba Green Mill, 2626 Hennepin Av (new business)

Loon Cafe Inc, dba Loon Cafe, 500 1st Av N

Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av

Maxwell's Operations LLC, dba Maxwells American Cafe, 1201 Washington Av S

Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd

Tony Jaros' River Gardens Inc, dba Tony Jaros' River Gardens, 2500 Marshall St NE

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

China Pavilion Inc, dba Szechuan Spice, 3016 Lyndale Av S (new business)

Off-Sale Beer, to expire April 1, 2011

2606 Penn LLC, dba Penn Gas Stop, 2606 Penn Av N (new license)

Northern Tier Retail LLC, dba Super American #4056, 300 Broadway St NE (new proprietor)

Northern Tier Retail LLC, dba Super America #4060, 801 W Lake St (new proprietor)

Northern Tier Retail LLC, dba Super America #4185, 1820 37th Av NE (new proprietor)

Northern Tier Retail LLC, dba Super America #4024, 2501 Hennepin Av (new proprietor)

Northern Tier Retail LLC, dba Super America #4173, 3357 University Av SE (new proprietor)

Northern Tier Retail LLC, dba Super America #4232, 3453 Nicollet Av (new proprietor)

Northern Tier Retail LLC, dba Super America #4382, 3744 Chicago Av (new proprietor)

Northern Tier Retail LLC, dba Super America #4172, 3806 W Lake St (new proprietor)

Northern Tier Retail LLC, dba Super America #4135, 4001 Lyndale Av S (new proprietor)

Northern Tier Retail LLC, dba Super America #4021, 4320 E Lake St (new proprietor)

Northern Tier Retail LLC, dba Super America #4161, 4740 Cedar Av S (new proprietor)

Northern Tier Retail LLC, dba Super America #4165, 5101 34th Av S (new proprietor)

Northern Tier Retail LLC, dba Super America #4166, 6000 Portland Av (new proprietor).

Adopted 10/8/2010.

Absent - Johnson.

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

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-463, granting applications for Business Licenses, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-463

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 8, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274526):

Carnival; Car Wash; Fire Extinguisher Servicing Class A; Confectionery; Food Market Distributor; Farm Produce Permits; Grocery; Indoor Food Cart; Food Manufacturer; Milk & Grocery Delivery Vehicle; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Bulk Gas & Oil Storage; Gasoline Filling Station; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Pet Shop; Plumber; Precious Metal Dealer; Public Market; Residential Specialty Contractor; Secondhand Goods Class B; Solid Waste Hauler; Suntanning Facility; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Theater Zone III; Tobacco Dealer; Combined Trades; Building Wrecker Class B.

Adopted 10/8/2010.

Absent - Johnson.

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

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-464, granting applications for Gambling Licenses, was adopted 8/10/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-464

By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274526):

Gambling Class A

Italian American Club of Minneapolis, dba Italian American Club of Minneapolis, 2221 Central Av NE (Site: Italian American Club of Minneapolis, 2221 Central Av NE)

Gambling Class B

The Aliveness Project, dba The Aliveness Project, 730 E 38th St (Bingo September 11 & 12, 2010, 200 Main St)

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Raffle September 25, 2010)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Raffle, Bingo October 2 & 3, 2010)

OCTOBER 8, 2010

Knights of Columbus #435, dba Knights of Columbus #435, 3637 11th Av S (Bingo November 11, 2010)

Air Force Association, dba Air Force Association, 6050 5th Av S (Site: Giant Valley American Legion Post #234; pulltabs, paddlewheel, bar bingo)

Air Force Association, dba Air Force Association, 6050 5th Av S (Site: Stanleys NE Bar Room; pulltabs, paddlewheel)

Knights of Columbus, dba Knights of Columbus #435, 3637 11th Av S (Bingo April 14, 2011)

Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, 714 18 1/2 Av NE (Site: 22nd Avenue Station, 2121 University Av NE)

Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, 714 18 1/2 Av NE (Site: Jimmy's Bar & Lounge, 1828 4th St NE)

Aliveness Project Minneapolis, dba Aliveness Project, 730 E 38th St (Site: Tickle's, 420 S 4th St)

Aliveness Project Minneapolis, dba Aliveness Project, 730 E 38th St (Site: 19 Bar, 19 W 15th St)

Aliveness Project Minneapolis, dba Aliveness Project, 730 E 38th St (Site: Saloon, 830 Hennepin Av)

Aliveness Project Minneapolis, dba Aliveness Project, 730 E 38th St (Site: Minneapolis Eagle, 515 Washington Av S)

Italian American Club of Minneapolis, dba Italian American Club of Minneapolis (Site: Moose on Monroe, 356 Monroe St NE)

Gambling Exempt

University of St. Thomas, dba University of St. Thomas, 2115 Summit Av, Saint Paul (Raffle October 8, 2010, St. Thomas Law Atrium, 1000 LaSalle Av)

The Basilica of Saint Mary, dba The Basilica of Saint Mary, PO Box 50010 (Bingo October 16, 2010, 88 17th St N)

The Womans Club of Minneapolis, dba The Womans Club of Minneapolis, 410 Oak Grove St (Raffle October 16, 2010)

Our Lady of Victory Catholic Church, dba Our Lady of Victory Catholic Church, 5155 Emerson Av N (Raffle October 30, 2010, Parish Hall, 5140 Fremont Av N)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle, Pulltabs November 12, 2010)

Fraser, dba Fraser, 2500 W 64th St (Raffle November 20, 2010, Hilton Minneapolis)

Minneapolis Regional Chamber of Commerce, dba Minneapolis Regional Chamber of Commerce, 81 S 9th St Suite 200 (Raffle December 8, 2010, Jax Cafe)

Bestprep, dba Bestprep, 7100 Northland Cir N, Suite 402, Brooklyn Park (Raffle January 22, 2011, International Market Square)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (Bingo November 14, 2010).

Adopted 10/8/2010.

Absent - Johnson.

The REGULATORY, ENERGY & ENVIRONMENT, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following report:

RE&E, T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Transportation Electrification Agreement with Xcel Energy, and accept \$20,000, for the purchase of one all-electric Ford Transit Connect vehicle. The City agrees to install one electric charging station for the City-owned vehicle and one electric charging station available for public use.

Adopted 10/8/2010.

Absent - Johnson.

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

RE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award in the amount of \$10,000 from the Minnesota Department of Health to provide lead safe work practices training, including classes in Spanish. Further, passage of the accompanying resolution appropriating \$10,000 to the Department of Regulatory Services.

Adopted 10/8/2010.

Absent - Johnson.

**RESOLUTION 2010R-465
By Glidden and Hodges**

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Other Fund (01600-8350300) by \$10,000 and increasing the Revenue Estimate (01600-8350300) by \$10,000.

Adopted 10/8/2010.

Absent - Johnson.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration proposed assessments for water and sewer service line repairs or replacements, and having held a public hearing thereon, now recommends that the assessments relating to the following properties be **sent forward without recommendation**:

<u>Property Address</u>	<u>Property ID</u>	<u>Assessment Amount</u>
a) 3833 12th Ave S	11-028-24-12-0202	\$2,745.00
b) 3128 15th Ave S	02-028-24-12-0169	\$2,950.00
c) 726 Park Ave S	26-029-24-23-0019	\$2,650.00

Your Committee further recommends passage of the accompanying resolution adopting and levying the assessments for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 274532 on file in the office of the City Clerk.

Colvin Roy moved that the report be amended by deleting the language “be sent forward without recommendation” and inserting in lieu thereof “be assessed as originally set forth on the Water Service Line Repair List dated September 15, 2010”. Seconded.

Adopted by unanimous consent.

Absent - Johnson.

The report, as amended, was adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-466, adopting and levying assessments and adopting assessment rolls for water and sewer service line repairs or replacements, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-466
By Colvin Roy**

Adopting the assessments, levying the assessments, and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 274532.

OCTOBER 8, 2010

Whereas, a public hearing was held on September 28, 2010 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated September 15, 2010 set forth in Petn No 274532 in the total amount of \$293,930 as shown on the proposed assessment roll on file in the office of the City Clerk, hereby are adopted and levied.

Be It Further Resolved that the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated September 15, 2010 set forth in Petn No 274532 in the total amount of \$52,653 as shown on the proposed assessment roll on file in the office of the City Clerk, hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 2011 real estate tax statements with interest charged at the rate of 5%.

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

Adopted 10/8/2010.

Absent - Johnson.

T&PW - Your Committee, having under consideration the Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts, now recommends passage of the accompanying resolution approving special services, cost estimates, service charges, and the lists of service charges for 2011 in the Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts.

Adopted 10/8/2010.

Absent - Johnson.

Approved by Mayor Rybak 10/8/2010.

(Published 10/13/2010)

Resolution 2010R-467, approving special services, cost estimates, service charges, and lists of service charges for 2011 in the Chicago-Lake, Bloomington Lake, and East Lake Special Service Districts, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-467

By Colvin Roy

Approving special services, the cost estimates, service charges, and the lists of service charges for 2011 in the Chicago-Lake, Bloomington Lake, and East Lake Special Service Districts and directing the City Engineer to proceed with the work.

Whereas, public hearings were held on September 28, 2010 in accordance with Laws of Minnesota, Chapter 428A, Sections 428A.01 through 428A.10, and Chapters 460, 461, and 462 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 274532 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special services, the proposed cost estimate in the total amount of \$33,000 for 2011, and that the proposed service charges and the proposed list of service charges for 2011 in the total amount of \$32,777 (amount remaining after adjusting the cost estimate of \$33,000 for previous years' unexpended balances and additional costs as provided for in Section 461.70 of the Minneapolis

Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Chicago-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$42,250 for 2011, and that the proposed service charges and the proposed list of service charges for 2011 in the total amount of \$33,875 (amount remaining after adjusting the cost estimate of \$42,250 for previous years' unexpended balances and additional costs as provided for in Section 460.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Bloomington-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$37,000 for 2011, and that the proposed service charges and the proposed list of service charges for 2011 in the total amount of \$37,000 (being a newly implemented special service district with services revenues beginning in 2010 as provided for in Section 462.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the East Lake Special Service District.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

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

Adopted 10/8/2010.

Absent - Johnson.

Approved by Mayor Rybak 10/8/2010.

T&PW - Your Committee recommends passage of the accompanying resolution directing the Hennepin County Auditor to cancel the levied sidewalk assessments on the parcels as identified by their Property ID Numbers for taxes payable in 2010 and subsequent years.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-468, directing the Hennepin County Auditor to cancel special assessments for sidewalk improvements for payable 2010 and subsequent years, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-468

By Colvin Roy

**CANCELLATION OF MINNEAPOLIS PUBLIC WORKS
SIDEWALK SPECIAL ASSESSMENT**

Directing the Hennepin County Auditor to cancel the special assessments for sidewalk improvements for the payable 2010 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed resolutions in 2009 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2010 real estate tax statements; and

Whereas, there is the following described assessments that are erroneously being carried on the real estate tax statement due to full prepayment of the assessments;

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

OCTOBER 8, 2010

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied special assessments from the 2010 and subsequent years' tax statements:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01052	10S05	18-028-23-43-0020	\$953.72
01052	10S05	08-028-24-31-0066	\$1,063.77

Adopted 10/8/2010.

Absent - Johnson.

T&PW - Your Committee, having under consideration the Convention Center Expansion Project, now recommends that the proper City officers be authorized to sign documents needed to resolve title issues on the land bounded by 12th to 16th Streets E and (old) 3rd to 4th Avenues S; legally described as Blocks 1, 2, 4, and 5, Butler's Addition; Blocks 2, 4, and 5, Butler's Second Addition; Blocks 3 and 4, Grimshaw's Addition; and Block 23, Snyder & Co's 1st Addition to Minneapolis, together with all adjacent street and alley right-of-way, whether or not vacated. The authorization includes, but is not limited to, right-of-way vacation petitions, street dedications, and name changes, plats, deeds, District Court petitions, title registrations, proceedings subsequent, examiner's directives, and any other real estate documents approved by the City Attorney. Costs will be paid by the Convention Center Fund 01760.

Your Committee further recommends that the proper City officers be authorized to accept deeds on real estate within said boundaries.

Adopted 10/8/2010.

Absent - Johnson.

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

T&PW & W&M Budget - Your Committee, having under consideration the 14th Ave N Cul-de-sac Street Construction Project, Special Improvement of Existing Street No 9895, and the passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project;
- b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the project; and
- c) Increasing the appropriation for the project and transferring \$160,000 from the Stormwater Fund to the 14th Ave N Cul-de-sac Street Construction Project;

now recommends:

T&PW - That said resolutions be sent forward without recommendation.

W&M/Budget - Approval of said resolutions, with the resolution in part (a) revised to indicate that the special assessments will begin on the 2012 property tax statements.

Colvin Roy moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Johnson.

The report, as amended, was adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-469, ordering the work to proceed and adopting the special assessments for the 14th Ave N Cul-de-sac Project, Special Improvement of Existing Street No 9895, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

OCTOBER 8, 2010

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

RESOLUTION 2010R-469

By Hodges

**FOURTEENTH AVEN CUL-DE-SAC STREET CONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 9895**

Ordering the work to proceed and adopting the special assessments for the 14th Ave N Cul-de-sac Project.

Whereas, a public hearing was held on August 17, 2010 and continued to September 28, 2010 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2010R-353, passed July 23, 2010 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 2010R-353, passed July 23, 2010;

Be It Further Resolved that the proposed special assessments in the total amount of \$110,742.55, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefitted properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2012 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2012 real estate tax statements.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-470, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$110,740 for the purpose of paying the assessed cost of street improvements in the 14th Ave N Street Construction Project, Special Improvement of Existing Street No 9895, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-470

By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$110,740 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 14th Ave N Street Construction Project, Special Improvement of Existing Street No 9895, 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 10/8/2010.
Absent - Johnson.

RESOLUTION 2010R-471
By Colvin Roy and Hodges

Amending the 2010 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 including the 14th Ave N Cul-de-sac Street Construction Project PV071 and by:

a) Increasing the appropriation for the PW-Capital Improvements Fund (04100-9010937-CPV071) by \$110,742.55 and increasing the revenue source (04100-9010937 - Source 3455) by \$110,742.55; and

b) Transferring \$160,000 in appropriation from SW002 (07300-9010932-3455) to PW-Capital Improvements Fund (04100-9010937-CPV071).

Adopted 10/8/2010.
Absent - Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the close-out of various Paving and Traffic Operations projects and the passage of the accompanying resolutions:

a) Receiving and accepting the final costs of Paving and Traffic Operations Projects and reallocating excess revenues and Net Debt Bonds to other Paving and Traffic Operations Projects; and

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

now recommends:

T&PW - That said resolutions be sent forward without recommendation.

W&M/Budget - Approval of said resolutions, with the departments of Public Works and Finance directed to report to the Ways and Means/Budget Committee in January, 2011 on the financial status of the Capital Projects (4100) Fund and recommend a long-term financial plan to ensure that expenditures in the fund are sustainable over time. The analysis should include an examination of factors leading to budget overages in projects and recommendations for changes to existing policies and procedures as needed.

Colvin Roy moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.
Absent - Johnson.

The report, as amended, was adopted 10/8/2010.

Resolution 2010R-472, receiving and accepting the final costs of various paving and traffic operations work and adjusting the capital appropriation as necessary thereby closing the projects and reallocating excess revenue and Net Debt Bonds to other paving and traffic operations projects, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-472
By Colvin Roy and Hodges

Receiving and accepting the final costs of various paving and traffic operations work and adjusting the capital appropriation as necessary thereby closing the projects and reallocating excess revenue and Net Debt Bonds to other paving and traffic operations projects.

Resolved by The City Council of The City of Minneapolis:

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

- a) All paving work related to the Richfield Road Paving Project for a total of \$2,190,718.28. Paving appropriations for 04100-9010937, Project CPV016PV should be decreased by \$445,696.87;
- b) All paving work related to the Lyndale Ave N Paving Project for a total of \$1,930,051.21. Paving appropriations for 04100-9010937, Project CPV022PV should be decreased by \$528,621.02 and excess revenues be re-designated in the amount of \$247,546.50 and excess bonds be re-designated in the amount of \$459,244.38;
- c) All paving work related to the Elliot Ave S and 10th Ave S Paving Project for a total of \$603,091.67. Paving appropriations for 04100-9010937, Project CPV034 should be decreased by \$56,908.33 and excess revenues be re-designated in the amount of \$16.83 and excess bonds be re-designated in the amount of \$46,967.12;
- d) All paving work related to the Loring Greenway Paving Project for a total of \$3,585,912.12. Paving appropriations for 04100-9010937, Project CPV020 should be increased by \$262,421.61 and additional revenue is needed to finalize this project in the amount of \$262,421.61;
- e) All paving work related to the 50th St E Paving Project for a total of \$5,919,826.75. Paving appropriations for 04100-9010937, Project CPV042PV should be increased by \$301,910.31 and additional revenue is needed to finalize this project in the amount of \$228,703.83;
- f) All paving work related to the 54th St W Paving Project for a total of \$1,976,098.80. Paving appropriations for 04100-9010937, Project CPV043PV should be increased by \$355,047.16 and additional revenue is needed to finalize this project in the amount of \$175,080.07. (Additional funds are needed to close this project, therefore this project will not be closed with this action);
- g) All paving work related to the Washington Blvd Functional Improvements Paving Project for a total of \$75,031.55. Paving appropriations for 04100-9010937, Project CPV055 should be increased by \$31.55 and additional revenue is needed to finalize this project in the amount of \$31.55;
- h) All traffic operations work related to the Central Ave NE Signal Project for a total of \$683,129.22. Traffic operations appropriations for Project CB1663 should be decreased by \$9,185.78;
- i) All traffic operations work related to the Central Ave NE Lighting Project for a total of \$372,382.63. Traffic operations appropriations for Project CB5099 should be decreased by \$84,386.37 and excess revenue be re-designated in the amount of \$202.19;
- j) All traffic operations work related to the Richfield Rd Signals Project for a total of \$623,488.02. Traffic operations appropriations for Project CPV016SG should be decreased by \$35,935.85;
- k) All traffic operations work related to the 50th St E Lighting Project for a total of \$54,175.90. Traffic operations appropriations for Project CPV042SG should be decreased by \$235,824.10; and
- l) All traffic operations work related to the 50th St E Signals Project for a total of \$158,544.35. Traffic operations appropriations for Project CPVT42 should be decreased by \$276,455.65.

Be It Further Resolved that as a result of the close-out of the Projects (b) and (c) listed above, excess Net Debt Bonds in the amount of \$506,211.50 become available for re-allocation as follows:

- \$228,703.83 to Project (e) 50th St E Paving Project 04100-9010937-CPV042PV (this project is being closed out);
- \$15,054.51 to Project (f) 54th St W Paving Project 04100-9010937-CPV043PV (this project is not being closed out);
- \$262,421.61 to Project (d) Loring Greenway Project 04100-9010937-CPV020 (this project is being closed out); and
- \$31.55 to Project (g) Washington Blvd Functional Improvement Project 04100-9010937-CPV055 (this project is being closed out).

Be It Further Resolved that as a result of the close-out of Projects (b), (c), and (i) above, excess revenues in the amount of \$247,765.52 become available for re-allocation as follows:

- \$247,765.52 to University of Minnesota Bike Trail Project 04100-9010943-CBIK06 (this project is not being closed out) and the appropriation for said project shall be increased accordingly.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-473, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$506,211.50, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-473
By Colvin Roy and Hodges

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$506,211.50.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the total amount of \$506,211.50 from the following projects:

- Lyndale Ave N Paving Project (04100-9010937, Project CPV022PV) in the amount of \$459,244.38; and
- Elliot Ave S and 10th Ave S Paving Project (04100-9010937, Project CPV034) in the amount of \$46,967.12;
to the following projects:
- \$228,703.83 to Project (e) 50th St E Paving Project 04100-9010937-CPV042PV (this project is being closed out);
- \$15,054.51 to Project (f) 54th St W Paving Project 04100-9010937-CPV043PV (this project is not being closed out);
- \$262,421.61 to Project (d) Loring Greenway Project 04100-9010937 CPV020 (this project is being closed out); and
- \$31.55 to Project (g) Washington Blvd Functional Improvement Project 04100-9010937-CPV055 (this project is being closed out).

Adopted 10/8/2010.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the Pump Station No 4 Renovation Project, now recommends that the proper City officers be authorized to execute Amendment No 5 to Contract C-26005 with Madsen-Johnson Corporation for Change Order No 40, increasing the contract by \$35,479, for a revised contract total of \$8,852,518.29, to provide for final settlement of delay claims related to the project and formally changing the contractual completion dates.

Your Committee further recommends that the City Attorney's Office be authorized to execute any documents necessary to effectuate settlement as more fully described in the Transportation & Public Works Staff Report.

Adopted 10/8/2010.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the Chicago Ave S Construction Project, now recommends that the proper City officers be authorized to amend Contract C-27685 with Veit and Company, increasing the contract by \$131,652.48, for a revised contract total of \$819,938.73, to allow for construction contingencies provided as part of the original project budget.

Adopted 10/8/2010.

Absent - Johnson.

Approved by Mayor Rybak 10/8/2010.

(Published 10/13/2010)

T&PW & W&M/Budget - Your Committee, having under consideration the Central Corridor Light Rail Transit (LRT) Advanced Traffic Improvements Project, now recommends:

a) That the proper City officers be authorized to negotiate and execute Subordinate Funding Agreement 2 with the Metropolitan Council for City forces to provide construction oversight and inspection, and water main construction associated with the project; and

b) That the proper City officers be authorized to negotiate and execute Subordinate Funding Agreement 3 with the Metropolitan Council to supply water main materials associated with the project.

Adopted 10/8/2010.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7323 from Lund Martin Construction, Inc, in the amount of \$342,400, to furnish and deliver all labor and materials to accomplish the construction of the South Transfer Station for the Minneapolis Public Works Property Services Division.

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

Adopted 10/8/2010.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7340 from Highway Technologies, Inc, for an estimated annual expenditure of \$1,000,000, to furnish and deliver rental of highway zone traffic control devices for the Minneapolis Public Works Department.

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

Adopted 10/8/2010.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7341 from Fer-Pal Construction USA, LLC, in the amount of \$283,920, to furnish all labor, materials, and incidentals necessary to complete the reconstruction of existing water main for the Minneapolis Public Works Water Works Division.

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

Adopted 10/8/2010.

Absent - Johnson.

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 10/8/2010.

Absent - Johnson.

Resolution 2010R-474, authorizing settlement of *Qwest v. City of Minneapolis*, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-474

By Hodges

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Qwest v. City of Minneapolis*, by payment of \$3,200 to Qwest, from the Internal Service Self Insurance Fund (06900-1500100-145630).

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

Adopted 10/8/2010.

Absent - Johnson.

W&M/Budget - Your Committee recommends approval of the November 2010 utility billing insert on behalf of the Public Works Department providing information about Snow Emergencies and shoveling requirements.

Adopted 10/8/2010.

Absent - Johnson.

W&M/Budget - Your Committee, having under consideration the Convention Center Re-roofing project, now recommends authorizing the proper City officers to amend and increase contract C-27174 with Central Roofing Company by \$303,274.12 for change order requests for miscellaneous conditions not anticipated by the original bid documents.

Adopted 10/8/2010.

Absent - Johnson.

W&M/Budget - Your Committee recommends authorizing the proper City officers to negotiate and execute amended and restated energy contracts with NRG Energy on behalf of the Convention Center, Target Center, Hawthorne Ramp, and the Leamington Ramp to reflect new sustainable initiatives and to realize savings in the new demand rates as a result of decreased energy usage and better energy control at the various facilities.

Adopted 10/8/2010.

Absent - Johnson.

W&M/Budget - Your Committee, having under consideration the Minneapolis Convention Center and Convention Center related facility bonds outstanding in both fixed rate and variable rate mode, now recommends passage of the accompanying resolutions:

a) Authorizing the Finance Officer to plan for the issuance of Convention Center refunding bonds, to utilize 2010 debt service funds currently budgeted to facilitate the transaction, including the redemption of Convention Center related bonds if capacity is available, and to adjust debt service appropriations as needed to complete the refunding transaction; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Refunding bonds for certain purposes other than the purchase of public utilities.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-475, authorizing certain actions to be taken by the Finance Officer with respect to certain indebtedness to be incurred by the Board of Estimate and Taxation to issue and sell City of Minneapolis general obligation refunding bonds to refund certain outstanding general obligation bonds of the City of Minneapolis for certain purposes other than the purchase of public utilities, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-475

By Hodges

Authorizing certain actions to be taken by the Finance Officer with respect to certain indebtedness to be incurred by the Board of Estimate and Taxation to issue and sell City of Minneapolis general obligation refunding bonds to refund certain outstanding general obligation bonds of the City of Minneapolis for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Finance Officer be authorized to: (i) plan for the issuance of general obligation refunding bonds to refund outstanding general obligation bonds issued to refinance the Convention Center and Convention Center related facilities and advise the Board of Estimate and Taxation as to the recommended amount and other terms of such bonds; (ii) utilize 2010 debt service funds currently budgeted to facilitate the refunding transactions, including the redemption of general obligation refunding bonds of the City of Minneapolis issued to refinance the Convention Center and Convention Center related facilities; and (iii) adjust debt service appropriations as needed to complete the refunding transactions.

That the Finance Officer shall report to the City Council the results of the issuance and sale of each series of general obligation refunding bonds.

Adopted 10/8/2010.

Absent - Johnson.

Resolution 2010R-476, requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis general obligation refunding bonds to refund certain outstanding general obligation bonds of the City of Minneapolis for certain purposes other than the purchase of public utilities, was adopted 10/8/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-476

By Hodges

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis general obligation refunding bonds to refund certain outstanding general obligation bonds of the City of Minneapolis 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 general obligation refunding bonds for the purposes of one or more refundings of general obligation bonds of the City of Minneapolis issued to refinance the costs of the acquisition, construction, and equipping of the Convention Center and Convention Center related facilities and currently outstanding in both fixed-rate and variable-rate mode.

That the Finance Officer shall report to the City Council the results of the issuance and sale of each series of general obligation refunding bonds.

Adopted 10/8/2010.

Absent - Johnson.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Scott Harris on behalf of U.B. Liquors, LLC, from the decision of the Planning Commission granting an application by Tony Smith, on behalf of Land Ho, LLC, for a site plan review at 217-229 West Broadway, now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Samuels moved to substitute the following report for the above report. Seconded.

Adopted. Yeas, 8; Nays, 4 as follows:

Yeas - Glidden, Goodman, Hodges, Samuels, Hofstede, Colvin Roy, Tuthill, Quincy.

Nays - Gordon, Reich, Schiff, Lilligren.

Absent - Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Scott Harris on behalf of U.B. Liquors, LLC, from the decision of the Planning Commission granting an application by Tony Smith, on behalf of Land Ho, LLC, for a site plan review at 217-229 West Broadway, now recommends that said appeal be granted, and the application be denied.

Adopted 10/8/2010. Yeas, 8; Nays, 4 as follows:

Yeas - Glidden, Goodman, Hodges, Samuels, Hofstede, Colvin Roy, Tuthill, Quincy.

Nays - Gordon, Reich, Schiff, Lilligren.

Absent - Johnson.

Samuels moved to direct staff to draft findings in accordance with the Council's action of 10/8/2010 relating to 217-229 West Broadway.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Regents of the University of Minnesota to vacate Beacon Street SE between Ontario Street SE and University Avenue SE (#1571), subject to retention of easement rights by Xcel Energy and the City of Minneapolis, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said portion of a public street.

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote.

Absent - Johnson.

Z&P - Your Committee, notwithstanding the recommendation of the Planning Commission and staff, recommends granting the petition of Sumba Properties, LLC, (BZZ-4921) to rezone the property at 801 Logan Ave N from R2B to the R4 Multiple-Family District to permit the reestablishment of an existing four-unit building.

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

Adopted 10/8/2010.

Absent - Johnson.

Ordinance 2010-Or-089 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 801 Logan Ave N to the R4 District, was adopted 10/8/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-089
By Schiff
1st & 2nd Readings: 10/8/2010

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

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

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

That part of Lot 14 and the south 1/2 of Lot 13, Block 23, Oak Park Addition to Minneapolis, Hennepin County, Minnesota (801 Logan Ave N - Plate 12) to the R4 District.

Adopted 10/8/2010.

Absent - Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Gerald and Cora Rygh (BZZ-4895) to rezone the property at 2017 Grand Ave S from R2B to the R3 Multiple-Family District to permit a multi-family dwelling with four units, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 10/8/2010.

Absent - Johnson.

Ordinance 2010-Or-090 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2017 Grand Ave S to the R3 District, was adopted 10/8/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-090
By Schiff
1st & 2nd Readings: 10/8/2010

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

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

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

That part of Lot 10, the North 20 feet of Lot 9, and the South 4 feet of Lot 11, including one half vacated alley adjacent to said Lots 9, 10 and 11, Block 1, BADGER & PENNEY'S ADDITION TO MINNEAPOLIS, according to recorded plat thereof, Hennepin County, Minnesota, (2017 Grand Ave S - Plate 18) to the R3 District.

Adopted 10/8/2010.

Absent - Johnson.

Whereas, as the Deputy Director of Licenses and Consumer Services, Ricardo Cervantes created the Minneapolis Grocery Store Task Force, focusing on Minneapolis' most crime riddled, unsafe grocery stores and improving safety and livability in some of the most challenging neighborhoods; led the initiative to restructure the False Burglar Alarm Program, reducing false alarms and saving more than half a million dollars; and simplified and streamlined the process to issue business licenses in the City of Minneapolis, saving new business owners both time and money while contributing to the economic growth and vitality of our city; and

Whereas, Ricardo Cervantes' commitment to succession planning and fiscal responsibility has created a legacy of well trained managers, supervisors and employees who continue the excellent work of the Business Licenses Division and the Regulatory Services Department, and

Whereas, Ricardo Cervantes may be City Hall's most diplomatic and calm presence, unflappable even in the face of business owners, lawsuits and taxi drivers and Council Members; and

Whereas, Ricardo Cervantes is known for his exhaustively researched, thoroughly prepared, detailed reports to Council Members, his bosses, and anyone who will listen; and

Whereas, Ricardo Cervantes is departing for the City of St. Paul, where he will have the opportunity to learn a new city code and explain it in great detail to a whole new audience;

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

That Ricardo Cervantes is commended for his tireless commitment and professionalism to the City of Minneapolis, and we wish him well as he embarks upon his new position as the Director of the Department of Safety and Inspections for the City of St. Paul.

Adopted 10/8/2010.

Absent - Johnson.

UNFINISHED BUSINESS

RE&E - Your Committee, having under consideration the property located at 2726 Stevens Av, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 2726 Stevens Av be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Lilligren moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

Pursuant to notice, Colvin Roy moved to introduce the subject matter of an ordinance amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*, for first reading and referral to the Transportation & Public Works Committee (making changes to meter reading procedures). Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

NEW BUSINESS

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits (amending the license period for a dog or cat license).

OCTOBER 8, 2010

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse, (adopting a recycling requirement for owners and operators of commercial buildings and establishments and amending requirements for licensed haulers)

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau: Commercial Building Registration Requirements, (adopting a recycling requirement for owners and operators of commercial buildings and establishments).

Schiff moved to adjourn to Room 315 City Hall to consider the *Rickey Jones v. City of Minneapolis, et. al* lawsuit. Seconded.
Adopted upon a voice vote 10/8/2010.

Room 315 City Hall
Minneapolis, Minnesota
October 8, 2010 - 11:15 a.m.
The Council met pursuant to adjournment.
Council Vice President Lilligren in the Chair.
Present - Council Members Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Schiff, Tuthill, Quincy, Vice President Lilligren.
Absent – Hofstede, Colvin Roy, Council President Johnson.

Assistant City Attorney Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Rickey Jones v. City of Minneapolis, et. al* lawsuit.

At 11:17 a.m., Goodman moved that the meeting be closed. Seconded.
Adopted upon a voice vote.
Absent - Hofstede, Johnson.

Present - Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede (In at 11:18 a.m.), Schiff, Colvin Roy (In at 11:17 a.m.), Tuthill, Quincy, Lilligren.
Absent - Johnson.
Also present - Mayor R.T. Rybak; Susan Segal and Jim Moore, City Attorney's Office; Janee Harteau, Deputy Chief of Police; Casey Joe Carl and Jackie Hanson, City Clerk's Office.

Moore summarized the *Rickey Jones v. City of Minneapolis, et. al* lawsuit from 11:17 a.m. to 11:37 a.m.

At 11:37 a.m., Glidden moved that the meeting be opened. Seconded.
Adopted upon a voice vote.
Absent - Johnson.

Schiff moved to approve settlement of the case of *Rickey Jones v. City of Minneapolis, et al.*, United States District Court File No.: 07-CV-3577 (DWF/SRN) with payment of a total of \$15,000 to Plaintiff and his attorney, Jill Clark plus the City will take certain actions as set forth on the record in court to prevent retaliation against Plaintiff for filing this lawsuit. The payment shall be from Fund/Org 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 10/8/2010.
Absent - Johnson.

OCTOBER 8, 2010

Schiff moved to reconsider the vote on the 2011 Council calendar. Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

Lilligren moved to approve the 2011 Council calendar, as set forth in Petn No 274541.1. Seconded.

Colvin Roy moved to amend the petition to reflect a City Council Meeting be held on Thursday, March 10th in lieu of Friday, March 11th. Seconded.

Adopted. Yeas, 9; Nays, 3 as follows:

Yeas - Glidden, Goodman, Samuels, Gordon, Reich, Schiff, Colvin Roy, Tuthill, Quincy.

Nays - Hodges, Hofstede, Lilligren.

Absent - Johnson.

Lilligren's motion was adopted 10/8/2010.

Absent - Johnson.

Schiff moved to adjourn to October 12, 2010 at 1:00 p.m. Seconded.

Adopted upon a voice vote 10/8/2010.

Absent - Johnson.

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

Casey Joe Carl,
City Clerk.

Unofficial Posting: 10/12/2010
Official Posting: 10/15/2010
Correction: 05/31/2011