

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF December 7, 2007

(Published December 15, 2007, in *Finance and Commerce*)

Council Chamber

350 South 5<sup>th</sup> Street

Minneapolis, Minnesota

December 7, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

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

Colvin Roy moved adoption of the agenda. Seconded.

Adopted upon a voice vote 12/7/2007.

Absent - Lilligren.

Lilligren moved acceptance of the minutes of the special meeting of July 12, 2007, the regular meeting of November 16, 2007 and the special meeting of November 26, 2007. Seconded.

Adopted upon a voice vote 12/7/2007.

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

Adopted upon a voice vote 12/7/2007.

### PETITIONS AND COMMUNICATIONS

#### **COMMITTEE OF THE WHOLE (See Rep):**

COORDINATOR (272430)

Community Engagement Task Force: Request for Council Action.

CETF: Report & Recommendations from Track 2.

Minneapolis Core Principles of Community Engagement.

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272431)

Land Sale (2407-14th Ave S).

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272432)

Courage Center (3915 Golden Valley Rd, Golden Valley, MN): Preliminary & final approval to issue bonds for improvements to & equipping of facility.

Catholic Eldercare (817 Main St NE & 1101 Main St NE): Preliminary & final approval to issue bonds for remodeling, equipping & acquisition of nursing home facilities.

Sumner Library Title Clearance: Conveyance of two parcels at 611 Van White Memorial Blvd to Library Board of the City of Mpls.

Land Sales:

2814 Knox Ave N & 425 - 20th Ave NE;

2732-12th Ave S.

Mpls Housing Replacement Tax Increment Financing District II: Addition of 13 parcels to & deletion of 10 parcels from District II.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272433)

Northeast Community Development Corporation (re Beltrami MnDOT site, Buchanan St between Winter & Spring Sts NE): Extension of exclusive development rights.

Nokomis Senior Assisted Living Project (3717-23rd Ave S): Project analysis authorization.

2007 Revenue Bond Entitlement: Carryforward of unused 2007 entitlement for single-family mortgage programs.

Century Homes Program: Addition of properties at 1600 Penn & 400 Logan Aves N.

2007 Affordable Housing Trust Fund & Non-Profit Development Assistance Fund Project: Recommendations for funding.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272434)

Two percent Revolving Loan Program & Two percent Commercial Corridor/Commercial Node Loan Program: Year-end portfolio summary & delinquency report.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272435)

Coloplast Corporation (1601 W River Rd): Modification No. 15 to North Washington Industrial Park Plan, Modification No. 110 to Common Plan & Coloplast Redevelopment Tax Increment Finance Plan; Issuance of Limited Revenue Pay-As-You-Go Tax Increment Financing Note; Redevelopment contract business terms.

Coloplast Corporation (1601 W River Rd): Application to MN Department of Employment & Economic Development Minnesota Investment Fund for equipment loan re Coloplast campus expansion, with related appropriation authorizations.

MN Department of Employment & Economic Development: Accept & appropriation of Redevelopment Program Grants for Longfellow Station & MN Innovation Center.

African Development Center: Allocation of funds to extend partnership on business loan activities in 2008.

Metropolitan Consortium of Community Developers: Allocation of funds to extend partnership on small business loan activities in 2008.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272436)

Tax-Exempt Revenue Bonds in 2008: Authorize staff to take certain actions in 2008 to utilize bond financing for various industrial-manufacturing projects.

Ivy Tower (1115 - 2nd Ave S): Acceptance of conservation & air easement to protect view shed of historic façade.

Chapter 249 Blighted Properties: Department of Community Planning & Economic Development funding assistance to Department of Regulatory Services for demolition of properties.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (272437)

Federal Update 12/4/2007.

**INTERGOVERNMENTAL RELATIONS and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

**PUBLIC WORKS AND ENGINEERING (272438)**

Emergency Operations Training Facility: Authorize design multi-phase Emergency Operations Training Facility that will accommodate the long term needs of the City; Contract initial phase of project to meet daily classroom training needs of the Fire Department; Modify City's request for State of Minnesota bonding; and amend previous Capital Budget requests.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

**POLICE DEPARTMENT (272439)**

911 Computer Aided Dispatch: Priority 1 Response Times 2006/2007.

Criminal Investigation Division Staffing: Report regarding case closures.

Police Overtime: Report on expenses to date.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

**LICENSES AND CONSUMER SERVICES (272440)**

Licenses: Applications.

**PUBLIC WORKS AND ENGINEERING (272441)**

Special Assessment Deferment at 1907 14th Av S: Approve application to defer rubbish removal and cut vegetation assessment.

**REGULATORY SERVICES (272442)**

Housing Board of Appeals: Approve reappointment of David Jordheim; and appointment of Anne Gilbertson-Seeling.

Property at 2131 Penn Av N: Uphold Order to Demolish property.

Property at 2223 16th Av S: Execute Restoration Agreement with property owner.

Property at 3448 20th Av S: Authorize demolition of property; and Adopt Findings of Fact, Conclusions and Recommendation.

**REGULATORY SERVICES (272443)**

Place of Entertainment Requirements: Ordinance exempting certain licensed food establishments providing limited entertainment from place of entertainment licensing requirements.

Off-Sale Liquor: Ordinance allowing an exception to the 2000 foot distance requirements for locations zoned C3A (Community Activity Center) and one per block face for establishments that sell wine only; adding prohibited acts for Off-Sale Liquor; including incentives to licensees to provide alcohol awareness training to staff; and Approve license fee increase.

**PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):**

**PUBLIC WORKS AND ENGINEERING (272444)**

Special Assessment Deferments:

a. 4140 Ewing Av S, Approve application to defer new water service line repair assessment.

b. 948 18th Av NE, to defer new water service line repair assessment.

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

**POLICE DEPARTMENT (272445)**

Violent Offender Task Force: Accept grant for overtime surveillance details and equipment; and Approve appropriation.

Driving While Intoxicated Saturation Program: Accept grant for officer overtime costs for increased enforcement targeting impaired drivers, juvenile and young adult violators, and speed violations; and Approve appropriation.

Police Department Equipment Donations: Accept Apple IBOOK Laptop Computer; and T3 Segway type vehicle.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (272446)**

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 3rd Quarter, 2007 (See Petn No 272350).

**XCEL ENERGY/NSP (272447)**

Utility Pole Installations: a) 620 Arthur St NE; and b) 919 Arthur St NE.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**PUBLIC WORKS AND ENGINEERING (272448)**

Communications Lease: Placement of communications antennae on 11th and Marquette Ramp by Cricket Communications.

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

**PUBLIC WORKS AND ENGINEERING (272449)**

Sidewalk Construction Contracts: Amend contracts with Standard Sidewalk, Inc., Ti-Zack Concrete, Inc., and Concrete Idea, Inc.

Capital Project Closeout: Close-out projects and reallocate excess funds.

Cedar Lake Trail Phase III: a) Cooperative Agreement with Northstar Corridor Development Authority; and b) Acquisition of permanent trail easement.

Accessible Pedestrian Signals (APS): a) APS Guidelines; b) Accept Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) New Freedom funds; c) Appropriate funds; and d) Comments.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (272450)**

Legal Settlements: a) Timothy R. Davison; b) Lisa Young on behalf of Shawn Young; c) Rachel Robinson; and d) Victor H. Sanchez.

**CITY CLERK (272451)**

Special School District #1: Professional services agreement for election services.

**COMMUNICATIONS (272452)**

January 2008 Utility Billing Insert: 2008 utility billing rates.

**CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (272453)**

Minneapolis Convention Center: Amendment contract C99-14181 with Kelber Catering Inc. for food service and concession.

**CONVENTION CENTER AND PROCUREMENT (272454)**

Honeywell Building Solutions: Amend OP# 6567 to provide maintenance and repairs of HVAC systems.

**COORDINATOR (272455)**

Business Process Improvement Professional Services: Issuance of RFP.

2008 Convention Center funding for Community Fest: Preliminary approval for use of funds during the Republican National Convention (RNC).

**FINANCE DEPARTMENT (272456)**

Stop on Red: Court-ordered reimbursement.

Property Insurance Premium for Minneapolis Convention Center, Tallmadge Building, and Parking Ramp: a) 2008 coverage; b) XL Insurance quote; and c) terrorism coverage.

3rd and 4th Quarter 2007 Gift Acceptance.

Finance Policy: Amend to allow encumbrance of funds by departments.

Neighborhood Revitalization Program (NRP): Providing Phase II funding from the Legacy (Hilton) Fund.

**HEALTH AND FAMILY SUPPORT SERVICES (272457)**

Minneapolis Public Schools: Contract to provide TANF consulting services for pregnant teens.

Medica Skyway Senior Center: Extend contract term with Medica Health Plan; Accept revenue from Healthways Health Support, Inc. for the Silver Sneakers Program; and accept State revenue for tax preparation services.

Department of Health and Human Services: Submit four-year grant application to reduce infant mortality in the Latino community.

HUMAN RESOURCES (272458)

Teamster's Local #320 - Drivers Unit: Execute 12-month collective bargaining labor agreement.

MAYOR (272459)

2007 Holidazzle Parade: Funding to the Downtown Council.

**ZONING AND PLANNING (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272460)

Board of Adjustment: Appointments to vacancies.

HERITAGE PRESERVATION COMMISSION (272461)

Minneapolis Park & Recreation Board (4655 E 46th St): Appeal of decision of HPC denying Certificate of Appropriateness for construction of a new park building in the Wabun Picnic Area.

PLANNING COMMISSION/DEPARTMENT (272462)

Wendy's FourCrown, 325 E Franklin Ave: Deny appeal of decision of Planning Commission denying applications for a Conditional Use Permit and a non-conforming use expansion in a Pedestrian Oriented Overlay District.

John Wolf: Vacation of part of public alley south of Lake St and running parallel to and between Chicago and Elliot Aves S.

Delisi's Building Parking Lot (2310-2312 Penn Ave N): Rezone properties to add TP Transitional Parking Overlay District to R4 District to allow for a parking lot.

Minnesota Urban Ballpark: Site plan and Design Review approving recommendations of the Ballpark Implementation Committee for a new 40,000 seat ballpark.

**FILED:**

MAYOR (272463)

Department Head Reappointments: Mayor's letter nominating Patrick Todd, City Assessor; Steven Bosacker, City Coordinator; Gretchen Musicant, Commissioner of the Department of Health & Family Support; Michael Jordan, Civil Rights Director; Mike Christenson, Community Planning & Economic Development Director; James Clack, Fire Chief; and Steve Kotke, Public Works Director/ City Engineer.

MINNEAPOLIS 311 (272464)

Minneapolis 311 Report, For the Year 2006.

**FILED (See Rep):**

CITY COUNCIL (272465)

Organized Solid Waste Collection RFP: a) Amended Findings and Recommendation by Colvin Roy; b) Comments. (See Unfinished Business this meeting).

35W/Lake Street Access Project: Comments. (See Unfinished Business this meeting).

*The following reports were signed by Mayor Rybak on December 11, 2007, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

**The COMMITTEE OF THE WHOLE submitted the following report:**

**Comm of the Whole** - Your Committee, having under consideration the Community Engagement Task Force Recommendations to Track 2, now recommends that in order to document the value of and commitment to community engagement, the following Minneapolis Core Principles of Community Engagement be adopted:

- 1) Right to be involved - Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- 2) Contribution will be thoughtfully considered - Public participation includes the promise that the public's contribution will be thoughtfully considered.
- 3) Recognize the needs of all - Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-makers.
- 4) Seek out involvement - Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- 5) Participants design participation - Public participation seeks input from participants in designing how they participate.
- 6) Adequate information - Public participation provides participants with the information they need to participate in a meaningful way.
- 7) Known effect of participation - Public participation communicates to participants how their input affected the decision.

Adopted 12/7/2007.

**The COMMUNITY DEVELOPMENT Committee submitted the following reports:**

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds to finance various improvements to and equipping of the Courage Center at 3915 Golden Valley Rd, Golden Valley, MN, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1 million in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2007, for the Courage Center project.

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

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

(Published 12/11/2007)

Resolution 2007R-608, giving preliminary and final approval to and authorizing the financing of a project on behalf of Courage Center at 3915 Golden Valley Rd, Golden Valley, MN, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-608**

**By Goodman**

**Giving preliminary and final approval to and authorizing the financing of a project on behalf of Courage Center (the “Company”), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.**

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

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

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$1,000,000 (the "Bond") to finance the improvement and equipping of the Company's headquarters facility located at 3915 Golden Valley Road in the City of Golden Valley, Minnesota, as well as the Company's Camp Courage facilities located at 8046 83rd Street NW, Maple Lake, Minnesota (collectively, the "Project"); and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota nonprofit corporation; and

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

Whereas, the Bond shall bear interest at an initial interest rate expected to not exceed 5.50% per annum, shall have a final maturity date not later than December 1, 2016, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

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

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

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for Catholic Eldercare to assist in refinancing the remodeling and equipping of an existing nursing home facility at 817 Main St NE (Catholic Eldercare on Main); and financing the acquisition of approximately 40 units of an existing housing facility at 1101 Main St NE (Crescent Trace Condominiums) for operation by Catholic Eldercare Community Services Corporation as a senior independent living facility, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$7.2 million in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds for the said project.

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

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

(Published 12/11/2007)

Resolution 2007R-609, giving preliminary and final approval to and authorizing the financing of a project on behalf of Catholic Eldercare (at 817 Main St NE and 1101 Main St NE), and authorizing the issuance of a revenue note or notes of the Minneapolis Community Development Agency therefor, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-609**

**By Goodman**

**Giving preliminary and final approval to and authorizing the financing of a project on behalf of Catholic Eldercare (the "Borrower"), and authorizing the issuance of a revenue note or notes of the Minneapolis Community Development Agency therefor.**

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

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

Whereas, it has been proposed that the Agency issue a revenue note or notes, in one or more series, in an aggregate amount not to exceed \$7,200,000 (the "Notes") to refinance the remodeling and equipping of the Borrower's existing nursing home facility located at 817 Main Street N.E. in the City (the "Nursing Home") and to finance the acquisition of approximately 40 units of an existing housing facility located in the City of Minneapolis at 1101 Main Street N.E., #202, 203, 207, 301-305, 307-316, 401-403, 406-411, 413, 415, 416, 501-503, 505, 510, 511, 513-516 to be owned and operated by Catholic Eldercare Community Services Corporation, a Minnesota nonprofit corporation, as a senior independent living facility (the "Senior Housing Facility") (collectively the "Project"); and

Whereas, the Nursing Home is owned and operated by the Borrower and the Senior Housing Facility will be owned and operated by Catholic Eldercare Community Services Corporation, which are affiliated Minnesota nonprofit corporations; and

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

Whereas, the Notes shall bear interest at an adjustable interest rate expected to not exceed 125 basis points plus the Treasury Constant Maturities Index for five year obligations as reported by the Federal Reserve determined on the date of issuance of the Notes and every seven years thereafter, shall have a final maturity date not later than February 1, 2038, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Notes in an aggregate principal amount not to exceed \$7,200,000 for the purpose of financing the Project.

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

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

**Comm Dev** - Your Committee, having under consideration title work in connection with the proposed merger of the Minneapolis Public Library into the Hennepin County library system, and indication that title of two of parcels upon which the Sumner library was built is vested in The Housing and Redevelopment Authority in and for the City of Minneapolis (now known as the Minneapolis Community Development Agency), now recommends approval of the conveyance of two parcels at 611 Van White Memorial Blvd to the Library Board of the City of Minneapolis.

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

Adopted 12/7/2007.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the sale of properties at 2814 Knox Ave N and 425 - 20th Ave NE to a qualified Home Ownership Works (HOW) Program purchaser for the fair market value of \$157,800 and \$224,400 respectively, subject to the following conditions:

- a) Land sale closing must occur on or before 60 days from date of offer acceptance; and
- b) Payment of holding costs of \$150 per month from the date of offer acceptance to the date of closing if land sale closing does not occur on or before 60 days from date of offer acceptance.

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

Your Committee further recommends approval of a second mortgage affordability loan in accordance with the HOW Program guidelines of not more than \$30,000 for all eligible households.

Adopted 12/7/2007.

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Resolution 2007R-610, authorizing sale of land Homeownership Works Program Disposition Parcel Nos. HOME 65 and HOME 73 at 2814 Knox Ave N and 425 - 20th Ave NE, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-610  
By Goodman**

**Authorizing sale of land Homeownership Works Program Disposition Parcel Nos. HOME 65 and HOME 73 (2814 Knox Ave N and 425 - 20th Ave NE).**

Whereas, the City of Minneapolis, hereinafter known as the City, has adopted Home Ownership Works Program Guidelines pursuant to which the City purchases residential properties that are renovated or upon which a new home is constructed which is then offered for sale to target buyers under the program; and

Whereas, the City has acquired Parcels HOME 65 and HOME 73, in the HOW/HOME Program upon which the existing home was renovated or a new home was constructed, the Parcels HOME 65 and HOME 73, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of HOME 65; 2814 Knox Ave N: Lot 12, Block 1, Whitney's Gould's Subdivision of Lot M Babbitt's Outlots, Hennepin County, Minnesota;

Legal Description of HOME 73; 425 20th Ave NE: The West Half of the East Half of Lots 1 and 2, Block 4, Cobb's Addition to St. Anthony. Being registered land as is evidenced by Certificate of Title No. 1142744; and

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on November 16, 2007, a public hearing on the proposed sale was duly held on November 27, 2007 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the fair market value in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$157,800 for Parcel HOME 65 and \$224,400 for Parcel HOME 73.

Be It Further Resolved that the sale of the parcels pursuant to the Home Ownership Works Program is hereby determined to be in accordance with the City's approved Department of Community Planning & Economic Development (CPED) disposition policy.

Be It Further Resolved that the sale of the parcels is hereby approved, subject to the execution of a contract for the sale of land consistent with the Home Ownership Works Program Guidelines and further subject to the following conditions; 1) land sale closing must occur on or before 60 days from the date of offer acceptance and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 60 days from the date of offer acceptance.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the CPED Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a contract to a qualified Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

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

Adopted 12/7/2007.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2732 - 12th Ave S to The Greater Metropolitan Housing Corporation for \$31,500, subject to the following conditions:

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

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

Adopted 12/7/2007.

Resolution 2007R-611, authorizing sale of land Model Cities Urban Renewal Disposition Parcel No TF-668 at 2732 - 12th Ave S, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-611**  
**By Goodman**

**Authorizing sale of land Model Cities Urban Renewal Disposition Parcel No TF-668 ( 2732 - 12th Ave S).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-668, in the Midtown Phillips neighborhood, from The Greater Metropolitan Housing Corporation, hereinafter known as the Redeveloper, the Parcel TF-668, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-668; 2732 12th Ave N: Lot 1, Block 1, Twelfth (12th) Avenue Addition to Minneapolis. Being registered property as is evidenced by Certificate of Title No. 1197290; and

Whereas, the Redeveloper has offered to pay the sum of \$31,500, for Parcel TF-668 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on November 16, 2007, a public hearing on the proposed sale was duly held on November 27, 2007, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Model Cities Urban Renewal plan, as amended, is hereby estimated to be the sum of \$31,500 for Parcel TF-668.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the

Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

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

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development (CPED) Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

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

Adopted 12/7/2007.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution adding 13 parcels to, and deleting 10 parcels from, the Minneapolis Housing Replacement Tax Increment Financing District II.

Adopted 12/7/2007.

Resolution 2007R-612, adopting the addition of 13 parcels to (2101 Dupont, 2206 James, 409 Logan, 2125, 2127 and 2131 Lyndale, 2719 Oliver, 2218 and 2747 Penn, 2622 Plymouth, 2747 Queen, and 1815 26th Aves N; and 3112 - 6th St N) and deletion of 10 parcels (3442 Dupont, 3411 and 3730 Fremont, 4219 and 5207 Girard, 3301 Knox, 2444 Logan, 2020 Penn and 1109 - 33rd Aves N and 3035 - 6th St N) from Housing Replacement Tax Increment Financing District II, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-612**  
**By Goodman**

**Adopting the addition of 13 parcels to, and deletion of 10 parcels from Housing Replacement Tax Increment Financing (TIF) District II.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

It has been proposed that the City adds 13 parcels to the District and deletes 10 parcels previously added to the District.

**Section 2. Findings for the Adoption of the Plan**

The Council hereby finds, determines and declares that these 13 parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the City; and

The Council further finds, determines and declares that 10 properties are being deleted from the District; and

The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws; and

The Council further finds, determines and declares that the properties to be added to and certified within the District do not include vacant parcels; and

The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws; and

The Council further finds, determines and declares that there will be 100 parcels in the Minneapolis Housing Replacement TIF District II with the inclusion and deletion of the parcels identified on Attachment 1 to this resolution. The maximum number of parcels that can be included in the District is 100 parcels;

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

That the parcels listed below are hereby approved for inclusion and/or deletion as part of the Minneapolis Housing Replacement TIF District II:

- 2505 Irving Avenue North
- 2509 Irving Avenue North
- 2709 Humboldt Avenue North
- 3010 Queen Avenue North
- 2354 James Avenue North
- 3243 Aldrich Avenue North
- 3210 Aldrich Avenue North
- 3250 6th Street North
- 3223 6th Street North
- 4515 5th Avenue South
- 2750 Thomas Avenue North
- 1900 Willow Avenue North-Lowell School Site Assemblage
- 1418 25th Avenue North
- 2627 Fremont Avenue North
- 1014 30th Avenue North
- 1316 14th Avenue North
- 1400 25th Avenue North
- 3246 Emerson Avenue North
- 2300 James Avenue North
- 2127 Queen Avenue North
- 3207 Bryant Avenue North
- 2517 James Avenue North
- 2641 Emerson Avenue North
- 2615 Thomas Avenue North
- 1518 Morgan Avenue North
- 2511 James Avenue North
- 2525 James Avenue North

2638 Colfax Avenue North  
2814 Knox Avenue North  
2542 17th Avenue South  
2826 14th Avenue South  
3504 Longfellow Avenue South  
3343 Fremont Avenue North  
630 19th Avenue Northeast  
2751 Sheridan Avenue North  
2119 James Avenue North  
2302 Fremont Avenue North  
419 31st Avenue North  
427 31st Avenue North  
428 31st Avenue North  
429 31st Avenue North  
1415 18th Avenue Northeast  
3519 Oliver Avenue North  
2534 James Avenue North  
2530 James Avenue North  
1620 26th Avenue North  
1712 26th Avenue North  
1716 26th Avenue North  
5207 Girard Avenue North  
4219 Girard Avenue North  
3411 Fremont Avenue North  
3301 Knox Avenue North  
3730 Fremont Avenue North  
3442 Dupont Avenue North  
2101 Iliion Avenue North  
1000 30th Avenue North  
4109 33rd Avenue North  
406 30th Avenue North  
420 30th Avenue North  
409 31st Avenue North  
415 31st Avenue North  
424 31st Avenue North  
3023 4th Street North  
3035 6th Street North  
2619 Oliver Avenue North  
2623 Oliver Avenue North  
2655 Oliver Avenue North  
2814 Oliver Avenue North  
2020 Penn Avenue North  
2131 Penn Avenue North  
2430 Penn Avenue North  
2622 Penn Avenue North  
2636 Penn Avenue North  
2700 Penn Avenue North  
2717 Penn Avenue North  
2718 Penn Avenue North  
2720 Penn Avenue North  
2721 Penn Avenue North  
2733 Penn Avenue North  
2800 Penn Avenue North  
1426 25th Avenue North

1705 25th Avenue North  
1711 25th Avenue North  
~~2444 Logan Avenue North~~  
2523 Logan Avenue North  
2501 James Avenue North  
2514 James Avenue North  
1618 26th Avenue North  
1614 26th Avenue North  
1717 26th Avenue North  
1709 26th Avenue North  
2417 16th Avenue South  
2419 16th Avenue South  
2422 16th Avenue South  
2424 16th Avenue South  
2435 16th Avenue South  
2439 16th Avenue South  
2101 Dupont Avenue North  
2206 James Avenue North  
409 Logan Avenue North  
2125 Lyndale Avenue North  
2127 Lyndale Avenue North  
2131 Lyndale Avenue North  
2719 Oliver Avenue North  
2218 Penn Avenue North  
2747 Penn Avenue North  
2622 Plymouth Avenue North  
2747 Queen Avenue North  
3112 6th Street North  
1815 26th Avenue North  
Adopted 12/7/2007.

**Comm Dev** - Your Committee, having under consideration the development of the site along Buchanan St between Winter and Spring Sts NE, now recommends approval of an additional one-year extension of exclusive development rights to the Northeast Community Development Corporation for the Beltrami MnDOT site due to complications with MnDOT's contracting process for an environmental consultant and temporary freeze on discretionary funding.  
Adopted 12/7/2007.

**Comm Dev** - Your Committee, having under consideration the Nokomis Senior Assisted Living Project at 3717 - 23rd Ave S, now recommends that the proper City officers be authorized to continue analysis of said project proposal; negotiate terms and conditions of a redevelopment contract with Covenire Care, LLC, or an affiliated entity; and prepare a redevelopment plan and tax increment financing plan for said project, subject to final determination of project eligibility, required reviews, public input, notices, and hearings.  
Adopted 12/7/2007.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the carryforward of \$12,739,000 of the unused 2007 tax-exempt revenue bond entitlement for single-family mortgage programs.  
Adopted 12/7/2007.

Resolution 2007R-613, authorizing carryforward of unused private activity bond volume cap, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-613**

**By Goodman**

**Authorizing carryforward of unused private activity bond volume cap.**

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation for 2007 under Minnesota Statutes, Chapter 474A.03, subd. 2a is \$39,509,000; and

Whereas, the City has issued bonds attributable to such allocation in the amount of \$27,130,000; and

Whereas, the City expects to have unused entitlement allocation for 2007 in the amount of \$12,379,000; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused entitlement allocation for the year 2007; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carryforward for qualified carryforward purposes any 2007 entitlement allocation remaining unused on December 31, 2007;

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

That the City hereby elects to carryforward \$12,379,000 for qualified mortgage bonds.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2008. The Director is further authorized to notify the Minnesota Department of Finance of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted 12/7/2007.

**Comm Dev** - Your Committee recommends approval of the addition of properties at 1600 Penn Ave N and 400 Logan Ave N for development under the Century Homes Program.

Adopted 12/7/2007.

**Comm Dev** – Your Committee, having under consideration the 2007 Affordable Housing Trust Fund (AHTF) and Non-Profit Development Assistance Fund project recommendations, now recommends approval of up to \$7,038,334 in AHTF loans, and up to \$180,000 from the Non-Profit Development Assistance Fund (Non-Profit) for the following projects and developers, as more fully set forth in the amended Department of Community Planning & Economic Development staff report, and that the proper City officers be authorized to execute the necessary documents relative to the loans and grants:

a) Loan up to \$300,000 from the AHTF and a grant up to \$30,000 from Non-Profit for eight Alliance Scattered Housing properties at 2103 - 2nd Ave S, 2413 - 10th Ave S, 1844 E 26th St, 3033 Oakland Ave S, 3038 Bloomington Ave S, 3231 and 3327 Elliot Ave S, and 3823 Columbus Ave S by Alliance Housing Incorporated or an affiliated entity;

b) Loan up to \$275,000 from the AHTF and a grant up to \$30,000 from the Non-Profit for CRS Permanent Re-Entry Housing at 3003 Penn Ave N by Christian Restoration Services or an affiliated entity;

c) Loan up to \$683,750 from the AHTF and a grant up to \$30,000 from the Non-Profit for Creekside Commons at 5400-12 Stevens Ave S by Plymouth Church Neighborhood Foundation or an affiliated entity;

d) Loan up to \$800,000 from the AHTF for Franklin Steele (formerly Franklin Gateway Site C) at 2000-12 Portland Ave S by Aeon Homes and Hope Community Inc. or an affiliated entity;

e) Loan up to \$538,000 from the AHTF and a grant up to \$30,000 from the Non-Profit for the Hope Block Stabilization at 2011-15 Portland Ave, 616-18 E 22nd St and 2024-26 Oakland Ave by Hope Community Inc or an affiliated entity;

f) Loan up to \$750,000 from the AHTF and a grant up to \$30,000 from the Non-Profit for Little Earth – Phase V at 2501 Cedar Ave S by Little Earth of United Tribes Housing Corporation or an affiliated entity;

g) Loan up to \$1,000,000 from the AHTF for Longfellow Station Phase 1A at 3815 Hiawatha Ave S by Capital Growth Real Estate LLC or an affiliated entity;

h) Loan up to \$525,000 from the AHTF for Lowry Apartments at 2510 Polk St NE by MetroPlains Partnership LLC and Families Moving Forward or an affiliated entity;

i) Loan up to \$977,584 from the AHTF and a grant up to \$30,000 from the Non-Profit for Nicollet Housing at 3700 Nicollet Ave S by Plymouth Church Neighborhood Foundation or an affiliated entity;

j) Loan up to \$614,000 from the AHTF for Nokomis Senior Housing at 3717 - 23rd Ave S by Covenire Care LLC or affiliated entity; and

k) Loan up to \$575,000 from the AHTF for nine PPL North Side Recap properties at 610, 1123 Logan and 1119 Logan Ave N, 920, 909, 913 and 914 Oliver Ave N, 1220 and 1027 Morgan Ave N by Project for Pride in Living or an affiliated entity.

Adopted 12/7/2007.

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

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the proposal of Coloplast Corporation to develop a new six-story, 90,000 square foot headquarters office building and 40,000 square feet of new product development space at 1601 W River Rd, now recommends:

a) Passage of the accompanying resolution adopting Modification No. 15 to the North Washington Industrial Park Plan, Modification No. 110 to the Common Plan and the Coloplast Redevelopment Tax Increment Finance Plan;

b) Passage of the accompanying resolution authorizing the issuance of a Limited Revenue Pay-As-You-Go Tax Increment Financing Note to Coloplast in a principal amount not to exceed \$2,935,000;

c) Approval of the proposed redevelopment contract business terms as described in the Department of Community Planning & Economic Development staff report; and

d) Authorizing the proper City officers to execute the redevelopment contract with Coloplast Corporation and all other necessary documents.

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

(Published 12/11/2007)

Resolution 2007R-614, adopting the Coloplast Redevelopment Tax Increment Finance (TIF) Plan, and Modification 15 to the North Washington Industrial Park (NWIP) Redevelopment Plan and Modification 110 to the Common Development and Redevelopment and Common TIF Plan, in relation to the Coloplast Corporation's proposal for development of a headquarters facility at 1601 W River Rd, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-614  
By Goodman and Ostrow**

**Adopting the Coloplast Redevelopment Tax Increment Finance (TIF) Plan, and Modification 15 to the North Washington Industrial Park (NWIP) Redevelopment Plan and Modification 110 to the Common Development and Redevelopment and Common TIF Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and

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

1.2 By Resolution duly adopted on August 31, 1973, the City approved the creation of the NWIP Redevelopment and TIF Plan, which was subsequently modified by Modifications 1 through 14. Further, by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment and Common TIF Plan (the "Common Plans"). The project area established by the NWIP Redevelopment Plan (the "Project Area") is geographically located within the Project Area established by the Common Plans (the "Common Project"). The parcels included in the new Coloplast Redevelopment TIF District are being removed from the existing TIF District No 8 in order that those parcels can be included in the new Coloplast TIF District and will remain within the existing NWIP Redevelopment Project Area; however, the new TIF district is not being incorporated into the Common Project and will not be subject to the existing Common Project obligations and commitments. Rather, it is being created as a free-standing TIF district.

1.3 It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new Coloplast Redevelopment TIF Plan, and Modification 15 to the NWIP Redevelopment Plan and Modification 110 to the Common Plans ("collectively, the Plans"). The Plans create a redevelopment TIF district to accommodate the activities and financing related to the proposed Coloplast project, all pursuant to and in accordance with the Project Laws. The Plans describe property to be included within the boundaries of the TIF district, contain a budget for expenditures, reflect project activities and costs, and remove parcels from an existing TIF district, all pursuant to and in accordance with the Project Laws.

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

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

## **Section 2. Findings for the Adoption of the Plans**

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

2.2 The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the project by private enterprise, as additional public benefits will include tax base enhancement, job retention and expansion, blight removal, environmental remediation, and public and private sector partnerships.

2.3 The Council further finds, determines and declares that the TIF district consists of three parcels, all exhibiting signs of blighting influences such as inability to meet existing State Energy Code regulations, and building and accessibility codes. The structures are substandard and contain defects in structural elements, are in need of major repair, in deteriorated condition, and are functionally obsolete. The roof mechanical systems are unscreened and some are at or near the end of service life. It is determined by City staff that all subject properties are substandard and meet the criteria for blighted condition due to the substantial cost to remedy the existing code violations noted at each property. None of the structures could be modified to satisfy building codes at a cost of less than 15% of the cost of constructing a new structure of the same square footage and type on the site. All properties were found to be detrimental to the safety, health, morals or welfare of the community by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or lack of ventilation and structural damage as documented by the differential settlement and shifting due to poor soil conditions that exist under bearing points. Furthermore, the site was historically used as a sawmill and occupied by railroad tracks. Soil impacted with polynuclear aromatic hydrocarbons and resource conservation and recovery act metals was detected at the site at levels exceeding MPCA Industrial Soil Reference Values in areas proposed for redevelopment throughout the site.

2.4 The Council further finds, determines and declares that the Coloplast Redevelopment TIF District is a redevelopment TIF district pursuant to Minnesota Statutes, Section 469.174, Subdivision 10. Further, more than 70% of the area of the proposed redevelopment TIF district is occupied by buildings, streets, utilities, paved or gravel parking lots and other similar structures and more than 50% of the structures (100%) are structurally substandard to a degree requiring substantial renovation or clearance as noted in 2.3 herein. The proposed redevelopment TIF district is located within the NWIP Redevelopment Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

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

2.6 The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increment for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed project to be financed, in part, by the TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan. The public redevelopment activity, expenditures, and market values associated with the development proposed in the TIF Plan results in a series of calculations and figures that clearly pass the market value test.

2.7 The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Coloplast TIF District. Due to the level of required subsidy for this project, using a portion of the tax increment generated from this project to pay fiscal disparities is not financially viable and would stop the proposed project from developing. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected for the Coloplast TIF district.

2.8 The Council further finds additional public benefits will include tax base enhancement, environmental remediation, job retention and creation of additional living-wage jobs, expansion of new and existing services, and elimination of blighting influences.

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

**Section 3. Approval of the Plans; Creation of Redevelopment TIF District**

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

**Section 4. Implementation of the Plans**

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

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

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

Resolution 2007R-615, authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$2,935,000 in connection with the Coloplast project at 1601 W River Rd, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**December 7, 2007**

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

**RESOLUTION 2007R-615  
By Goodman and Ostrow**

**Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$2,935,000 in connection with the Coloplast project.**

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.1799, as amended (the "Tax Increment Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a redevelopment project known as the North Washington Industrial Park (NWIP) Redevelopment Project (the "Project") pursuant to Modification No. 15 to NWIP Redevelopment and Tax Increment Finance Plan and Modification No. 110 to the Common Development and Redevelopment and Common Tax Increment Finance Plan, both dated October 12, 2007 and adopted December 7, 2007 (the "Redevelopment Plan"); and

Whereas, in furtherance of the Redevelopment Plan, the City also has approved the Coloplast Redevelopment Tax Increment Finance Plan dated October 12, 2007 and adopted December 7, 2007 (the "TIF Plan"); and

Whereas, pursuant to the Tax Increment Act, and specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Contract") with Coloplast Corp., a Delaware corporation (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will rehabilitate an existing building and develop a six-story, 90,000 square foot "first class" headquarters office building, 40,000 square feet of research and development space and related site and public improvements;

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

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

[Form of Note]

**UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS**

**TAX INCREMENT LIMITED REVENUE NOTE  
(Coloplast Project)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Coloplast Corp., a Delaware corporation (or its permitted successors or assigns under the Contract, the "Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being Two Million Nine Hundred Thirty-Five Thousand and No/100 Dollars (\$2,935,000) or such lesser amount as may equal the certified

Public Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

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

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

**“Certificate of Completion”** means a certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract upon substantial completion of the Minimum Improvements.

**“Benefit Date”** means August 28, 2006.

**“Contract”** means that certain Redevelopment Contract by and between the City and the Developer dated [insert date], 2007.

**“District”** means the Coloplast Redevelopment Tax Increment Finance District within the Redevelopment Project.

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

**“Minimum Improvements”** means rehabilitation of an existing building and new construction of a 6-story, 90,000 square foot office building, 40,000 square feet of research and development space, and related improvements as described in the Contract.

**“North Minneapolis Resident”** means a person who resides in the Near North or Camden communities, as defined in the Minneapolis Plan adopted by the City Council in March 2000.

**“Note Rate”** means 7.25% per annum.

**“Payment Date”** means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date; provided, however, that in no event shall any payments commence before the City’s issuance of the Public Costs Certification and the Certificate of Completion.

**“Property”** means the real property legally described in the attached **Exhibit A**, upon which the Minimum Improvements will be constructed.

**“Public Costs”** means actual Public Costs as defined in the Contract, not in excess of \$2,935,000 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

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

**“Redevelopment Project”** means the North Washington Industrial Park (NWIP) Redevelopment Project, which includes the Property, as modified pursuant to Modification No. 15 to the NWIP Redevelopment Plan.

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

**"Tax Increment Act"** means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If the Developer is in default under the Contract, and, after notice by the City to the Developer as provided in the Contract, such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until a) the default is cured or b) prior to the issuance of the Certificate of Completion, the Contract and the City's obligations under this Note are terminated. If the City suspends payments due under this TIF Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer's cure of the Event of Default. The City is not obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Developer. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Developer or other Minimum Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Minimum Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

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

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

Notwithstanding any contrary provision of this Note, if the total number of employees of Coloplast Corp. or its affiliates, the number of employees who are Minneapolis residents and the number of employees who are North Minneapolis Residents on the 7th anniversary of the Benefit Date (the "Measurement Date") is not equal to or greater than the following:

	<u>Twin Cities</u>	<u>Headquarters</u>
Total Employees	458	338
Minneapolis Residents	128	100
North Minneapolis Residents	40	30

and the shortfalls are not cured within 180 days after the Measurement Date, then the principal amount of this Note shall be reduced by \$25,000 for each job in each category above that does not exist on the Measurement Date, up to a maximum recapture amount of \$600,000.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Developer and mailed to the Developer at [*insert address*] or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

December 7, 2007

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

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

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

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

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

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

**IN WITNESS WHEREOF**, the City of Minneapolis, by action of its City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated \_\_\_\_\_, 2007.

**CITY OF MINNEAPOLIS**

By \_\_\_\_\_  
Patrick Born  
Its Finance Officer

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

**EXHIBIT A TO NOTE**

[Legal Description of the Property to be Inserted at Closing]

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

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

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

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

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

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

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the Coloplast Corporation campus expansion project for development of a new six-story, 90,000 square foot headquarters office building and 40,000 square feet of new product development space at 1601 W River Rd, now recommends:

a) That the proper City officers be authorized to apply to the Minnesota Department of Employment and Economic Development Minnesota Investment Fund for a \$500,000 equipment loan;

b) Subject to loan approval, acceptance of an award of the Minnesota Investment Fund in the amount \$500,000;

c) Subject to loan approval, passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$500,000; and

d) That the proper City officers be authorized to execute any necessary agreements to implement said transactions.

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

(Published 12/11/2007)

**RESOLUTION 2007R-616  
By Goodman and Ostrow**

**Amending the 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants - State & Local Fund (0600-890-8933) by \$500,000.

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

(Published 12/11/2007)

**Comm Dev & W&M/Budget** - Your Committee, having under consideration applications submitted to the Redevelopment Grant Program sponsored by the Minnesota Department of Employment and Economic Development (DEED), now recommends acceptance of grants awarded by the DEED for Longfellow Station in the amount of \$480,000 and for Minnesota Innovation Center in the amount of \$520,000, and that the proper City officers be authorized to execute grant, subrecipient and/or disbursement and related agreements for said grants.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$1,000,000 to reflect the receipt of funds, and increasing the revenue budget.

Adopted 12/7/2007.

**RESOLUTION 2007R-617  
By Goodman and Ostrow**

**Amending the 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants - State & Local Fund (0600-890-8933) by \$520,000 and (0600-890-8952) by \$480,000, and increasing the revenue source (0600-890-8490-3215-04) by \$1,000,000.

Adopted 12/7/2007.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for funding of the partnership with the African Development Center and the City of Minneapolis for the Alternative Financing Loan Program as part of the City's small business assistance programs, now recommends that the proper City officers be authorized to allocate \$25,000 to the African Development Center to extend the partnership on business loan activities for 2008.

Adopted 12/7/2007.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for funding of the partnership with the Metropolitan Consortium of Community Developers and the City of Minneapolis for the Small Business Loan Programs, now recommends that the proper City officers be authorized to allocate \$135,000 to the Metropolitan Consortium of Community Developers to extend the partnership on business loan activities for 2008.

Adopted 12/7/2007.

**Comm Dev & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to take certain actions throughout 2008 in order to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects, as specifically set forth in the Department of Community Planning & Economic Development staff report.

Adopted 12/7/2007.

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept the donation of an open space conservation easement that will protect the view shed of the historic Ivy Tower façade at 1115 - 2nd Ave S, and to execute these and all related documents.

Goodman moved that the report be postponed.

Adopted upon a voice vote 12/7/2007.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the request by the Department of Regulatory Services for the Department of Community Planning & Economic Development's (CPED's) financial support of demolishing blighted properties on the Chapter 249 list due to a high level of property board-ups during 2007, now recommends passage of the accompanying resolution increasing the CPED appropriation in the Neighborhood Development Account by \$170,000.

Adopted 12/7/2007.

**RESOLUTION 2007R-618  
By Goodman and Ostrow**

**Amending the 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Neighborhood Development Account Fund (FNA0-890-8953) by \$170,000 from existing fund balance.

Adopted 12/7/2007.

**The INTERGOVERNMENTAL RELATIONS AND PUBLIC SAFETY & REGULATORY SERVICES Committees submitted the following report:**

**IGR & PS&RS** - Your Committee, having under consideration the proposed development of an Emergency Operations Training Facility to meet the training needs of the Minneapolis Fire Department and the emergency operations needs of the City of Minneapolis, now recommends that the proper City officers be authorized to:

- a. design a multi-phase Emergency Operations Training Facility that will accommodate the long term needs of the City.
- b. contract the initial phase of the project to meet the daily classroom training needs of the Fire Department, at a total cost not to exceed \$5,630,000.
- c. modify the City's request for State of Minnesota bonding to reflect a City-only request.
- d. amend previous Capital Budget requests to reflect a City only project.

Your Committee further recommends that Department of Public Works staff be directed to provide quarterly reports to Committee.

Adopted 12/7/2007.

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

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements*, exempting certain licensed food establishments providing limited entertainment from place of entertainment licensing requirements, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/7/2007.

Ordinance 2007-Or-093 amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements*, amending Section 267.1110 to exempt

December 7, 2007

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certain licensed food establishments providing limited entertainment from place of entertainment licensing requirements, was adopted 12/7/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2007-Or-093**  
**By Schiff**  
**Intro & 1st Reading: 11/2/2007**  
**Ref to: PS&RS**  
**2nd Reading: 12/7/2007**

**Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.**

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

Section 1. That Section 267.1110 of the above-entitled ordinance be amended to read as follows:

**267.1110. Definitions.** When used in this article, the following terms shall mean:

*Entertainment* includes shows, plays, skits, musical revues, children's theater, dance productions, public dance, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, phonograph, television, video reproduction, tape recorder, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration.

*Place of entertainment* means any privately owned place wherein entertainment is offered or given to the public, whether or not a fee is charged for admission thereto and whether or not sales of property are made upon the premises, other than religious associations or corporations organized for at least three (3) years, pursuant to Minnesota Statutes Chapter 315 or 317A, and the following activities licensed by the city pursuant to provisions of this Code of Ordinances: Theaters under Article XVI, dance halls under Article XIII, carnivals under Article V, places licensed for "on-sale" beer, wine or liquor under Chapter 362, 363 or 366, food establishments licensed under section 188.160 as a restaurant or food manufacturer having a public area less than two thousand five hundred (2,500) net square feet which provide limited entertainment as defined under section 520.160 of this code, or places primarily devoted to the display and sale of radios, phonographs, tape recorders, pianos, musical instruments, records and tapes, moving pictures, television and stage equipment.

*Public dance* means any event in which dancing, wherein the public may participate, is carried on, and to which admission may be had by the public by payment, either directly or indirectly, of an admission fee, price for dancing, or a fee for a membership in a club.

Adopted 12/7/2007.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, allowing an exception to the 2000 foot distance requirement for locations zoned C3A (Community Activity Center) and one per block face for establishments that sell wine only; adding prohibited acts for Off-Sale Liquor; and including incentives to Off-Sale Liquor licensees to provide alcohol awareness training to staff, now recommends that said ordinance be returned to author.

Your Committee further recommends approval to increase the license fee for off-sale liquor from \$1,000 to \$1,500, and that the License and Annual Billing Fees Schedule be updated accordingly.

Benson moved to divide the report so as to consider that portion relating to the license fee increase. Seconded.

Adopted by unanimous consent.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, allowing an exception to the 2000 foot distance requirement for locations zoned C3A (Community Activity Center) and one per block face for establishments that sell wine only; adding prohibited acts for Off-Sale Liquor; and including incentives to Off-Sale Liquor licensees to provide alcohol awareness training to staff, now recommends that said ordinance be returned to author.

Adopted 12/7/2007.

**PS&RS** - Your Committee, having under consideration the license fee for Off-Sale Liquor Licenses, now recommends approval to increase the license fee from \$1,000 to \$1,500, and that the License and Annual Billing Fees Schedule be updated accordingly.

Adopted 12/7/2007. Yeas, 11; Nays, 2 as follows:

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

Nays - Benson, Goodman.

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

Adopted 12/7/2007.

Resolution 2007R-619, granting applications for Liquor, Wine and Beer Licenses, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-619**  
**By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Off-Sale Liquor, to expire October 1, 2008**

Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N

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

Trocaderos LLC, dba Trocaderos, 107 3rd Av N

Food and Drink Inc, dba Barfly, 711 Hennepin Av

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

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

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

Stardust Lanes Inc, dba Memory Lanes, 2520 26th Av S (new shareholder/partner)

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

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

WJ&M Inc, dba The Corner Bar, 1501 Washington Av S

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

O'Donovan's Irish Pub LLC, dba O'Donovans Irish Pub, 700 1st Av N

Stasiu's Inc, dba Stasiu's, 2500 University Av NE

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

S B Food Services Inc, dba Jewel of India, 1427 Washington Av S

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

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2008**

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

**On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2008**

La Poblanita Inc, dba La Poblanita Restaurant, 1621 E Lake St

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2008**

Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St (internal transfer of shares)

Hot Plate LLC, dba Hot Plate, 5204 Bloomington Av

Food Services Inc, dba 5-8 Club, 5800 Cedar Av S

**Temporary Off-Sale Beer**

Kingfield Neighborhood Association, 3754 Pleasant Av S (Deck the Halls Fundraiser, December 8, 2007, 4:00 p.m. to 10:00 p.m.).

Adopted 12/7/2007.

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

Adopted 12/7/2007.

Resolution 2007R-620, granting applications for Business Licenses, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-620**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 7, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272440):

Amusement Devices; Place of Amusement Class A; Bed & Breakfast Facility; Christmas Tree; Dancing School; All Night Special Food; Caterers; Confectionery; Grocery; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Solicitor - Company; Solicitor - Individual; Suntanning Facility; Taxicab Limited; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 12/7/2007.

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

Adopted 12/7/2007.

Resolution 2007R-621, granting applications for Gambling Licenses, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**December 7, 2007**

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

**RESOLUTION 2007R-621**

**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Class B**

Catholic Eldercare Community Foundation, dba Catholic Eldercare Community Foundation, 817 Main St NE (Site: Dusty's, 1319 Marshall St NE)

Catholic Eldercare Community Foundation, dba Catholic Eldercare Community Foundation, 817 Main St NE (Site: Elsie's Restaurant Bar & Bowling Center, 729 Marshall St NE).

Adopted 12/7/2007.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Tugg's On The River, 219 Main St SE.

Adopted 12/7/2007.

Resolution 2007R-622, approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Tugg's On The River, 219 Main St SE, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-622**

**By Samuels**

**Approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Tugg's On The River, 219 Main St SE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on May 31, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months employees of Tugg's On The River sold alcohol to persons under the age of 21, in violations of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

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

That the On-Sale Liquor License issued to Tugg's On The River shall be subject to adverse license action, with the commencement of such adverse license action stayed through and including November 4, 2007, subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk, which are hereby made a part of this report by reference:

1. Tugg's On The River will pay \$1,500 in cost recovery to the City, with \$750 stayed for a period of two years as long as there are no same or similar violations.

2. Tugg's will allow License Inspector Phil Schliesman to review any and all training materials that are offered to Tugg's employees. This will be scheduled immediately and recommendations will be made on site.

3. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Tugg's.

4. This Agreement shall remain in effect for two years after the Date of the Agreement.

Adopted 12/7/2007.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Camden Liquors, 4155 Lyndale Av N.

Adopted 12/7/2007.

Resolution 2007R-623, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Camden Liquors, 4155 Lyndale Av N, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-623**

**By Samuels**

**Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Camden Liquors, 4155 Lyndale Av N.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on August 9, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months employees of Camden Liquors sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis; and that the licensee needs to address litter, panhandling and consumption on the premises more proactively;

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

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

1. The licensee will pay a \$3,000 sanction to the City of Minneapolis, with \$1,000 to be stayed provided there are no same or similar violations within one year of the signed Agreement.
2. The licensee will submit a business and security plan that will address underage alcohol service upon signing of the Agreement.
3. The licensee will provide training that better serves the staff and will continue to provide training to new staff within 30 days of hire.
4. The licensee will purchase and utilize electronic identification scanners that will be at each cash register.
5. The licensee will trespass individuals that aggressively solicit money. Section 385.60 of the Minneapolis Code of Ordinances states that it is unlawful for a person to solicit for money within 10 feet of an off-sale liquor establishment.
6. The licensee will actively participate in the neighborhood group and with LINC Liquor Industry and the City group for a minimum period of two years from the signing of the Agreement.
7. The licensee will modify business and marketing to attract a different customer. The licensee will survey customers to stock the business with a wider variety of alcohol.
8. The Agreement shall remain in effect through and including 2009. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 12/7/2007.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine with Strong Beer License held by Fat Lorenzo's, 5600 Cedar Av S.

Adopted 12/7/2007.

**December 7, 2007**

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Resolution 2007R-624, approving License Settlement Conference recommendations relating to the On-Sale Wine with Strong Beer License held by Fat Lorenzo's, 5600 Cedar Av S, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-624  
By Samuels**

**Approving License Settlement Conference recommendations relating to the On-Sale Wine with Strong Beer License held by Fat Lorenzo's, 5600 Cedar Av S.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on November 2, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months employees of Fat Lorenzo's sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. That the licensee create, implement and maintain a policy on alcohol sales, and that such policy include training of all employees by an approved alcohol-server trainer with an emphasis on the prevention of alcohol sales to minors.

2. That the licensee pay \$3,000 in financial sanction to the City of Minneapolis, of which \$1,000 shall be stayed for a period of two years provided that no same or similar violations occur in that time period. The \$2,000 shall be payable no later than November 16, 2007.

3. That the licensee shall provide a written policy detailing their plan to prevent alcohol sales to minors, and deliver a copy of the plan to the Licenses & Consumer Services Division no later than November 16, 2007.

4. It is understood and agreed that any violation of the above recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above recommendations is a requirement for continuing to hold a license, and that failure to comply with any of these conditions may result in additional adverse license action.

Adopted 12/7/2007.

**PS&RS** - Your Committee recommends concurrence with the recommendation of the City Council to approve the following appointments to the Housing Board of Appeals:

a. Reappointment of David Jordheim, Ward 13, representing public member, for a term to expire December 31, 2008. Further, to accept Mr. Jordheim's resignation effective December 31, 2007.

b. Appointment of Anne Gilbertson-Seeling, Ward 1, to fill the unexpired term of David Jordheim to expire December 31, 2008.

Adopted 12/7/2007.

**PS&RS** - Your Committee, having considered the special assessment deferment application submitted by Mary Flom (Senior Citizen) to defer the special assessments (Levy #1080, Project 2007) for rubbish removal in the principal amount of \$157.50, (Levy #1080, Project 2007) for rubbish removal in the principal amount of \$50.33, and (Levy #1085, Project 2007) for cut vegetation/alley in the principal amount of \$119.00 for payable 2008 and subsequent years, on the property at 1907- 14th Av S, PID 26-029-24-43-0060, legal description: Lot 2, Block 7, C. L. Willes' Addition to Minneapolis, now

recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 12/7/2007.

**PS&RS** – Your Committee, having under consideration the property located at 2131 Penn Av N which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Demolish the property having been mailed 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 the Director of Inspections’ Order to Raze the building located at 2131 Penn Av N be upheld, 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.

Adopted 12/7/2007.

**PS&RS** - Your Committee, to whom was referred back on September 21, 2007 a report relating to the property located at 2223 16th Av S which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Demolish the property having been appealed to the Nuisance Condition Process Review Panel, which upheld the order for demolition, now recommends that the proper City officers be authorized to enter into a Restoration Agreement with the owner in order for all required repairs and a full code compliance to be completed by May 29, 2008.

Adopted 12/7/2007.

**PS&RS** - Your Committee, having under consideration the property located at 3448 20th Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 5, Block 7, Wilbers 2nd Addition to Minneapolis (PID #01-028-24-32-0105), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 12/7/2007.

**The PUBLIC SAFETY & REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:**

**PS&RS & T&PW** - Your Committees, having considered the special assessment deferment applications submitted by:

1. Barbara Boughton (Senior Citizen) to defer the special assessment (Levy 01028, Project 08WTR) for water service line repair in the principal amount of \$3,740.00 for payable 2008 and subsequent years, on the property at 4140 Ewing Av S, PID 08-028-24-23-0049, legal description: Lot 35, Except Alley, Auditor’s Subdivision No. 131;
2. Patricia Colberg and Lorraine Colberg (Senior Citizens) to defer the special assessment (Levy 01028, Project 08WTR) for water service line repair in the principal amount of \$7,040.00 for payable 2008 and subsequent years, on the property at 948 – 18th Av NE, PID 13-029-24-22-0074, legal description: Lot 1 and the N 20 ft of Lot 2, Block 4, “Harrison St Supplement to East Side Addition to Minneapolis”; and now recommends that the applications be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 12/7/2007.

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

**December 7, 2007**

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**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$130,000 and execute a grant agreement with the Minnesota Department of Public Safety for a Violent Offender Task Force; funds to be used primarily for overtime surveillance details and equipment. Further, passage of the accompanying resolution appropriating \$130,000 to the Police Department.

Adopted 12/7/2007.

**RESOLUTION 2007R-625  
By Samuels and Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C007) by \$130,000 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$130,000.

Adopted 12/7/2007.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept an "Operation Nightcap" grant award of \$9,240 and execute an agreement with the Minnesota Department of Public Safety, State Patrol Division, for a Driving While Intoxicated Saturation Program to reimburse officer overtime costs for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying resolution appropriating \$9,240 to the Police Department.

Adopted 12/7/2007.

**RESOLUTION 2007R-626  
By Samuels and Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$9,240 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$9,240.

Adopted 12/7/2007.

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of equipment donated to the Police Department.

Adopted 12/7/2007.

**RESOLUTION 2007R-627  
By Samuels and Ostrow**

**Authorizing the acceptance of equipment donated to the Police Department.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the following donations to the Police Department:

- a. Apple IBOOK Laptop computer from First Tech Computer, valued at \$200, for use by the Fifth Precinct in undercover investigations of businesses suspected of buying stolen property.
- b. T3 Segway-type vehicle from T3 Motion, Inc, valued at \$9,688, for use by patrol officers in the 1st Precinct to patrol downtown.

Adopted 12/7/2007.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:**

**T&PW** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a lease agreement with Cricket Communications for the placement of communications antennae and associated equipment on the City-owned 11th and Marquette Municipal Parking Ramp. Revenue will be deposited into the Parking Fund.

Adopted 12/7/2007.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration contracts for the construction of sidewalks, alleys, driveways, curbs, and gutters as needed through January 31, 2008, now recommends that the following contracts be increased in order to utilize the full amount of the appropriation:

a) Increase Contract C-24592 with Standard Sidewalk, Inc., by \$93,953.28, for a revised contract total of \$793,853.03;

b) Increase Contract C-24591 with Ti-Zack Concrete, Inc., by \$91,863.58, for a revised contract total of \$817,015.78; and

c) Increase Contract C-24683 with Concrete Idea, Inc., by \$148,245.08, for a revised contract total of \$929,175.08.

Adopted 12/7/2007.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution receiving and accepting the final costs and adjusting the capital appropriations as necessary to officially close out various Public Works capital projects and reallocate excess revenue and net debt bonds to other capital projects.

Your Committee further recommends passage of the accompanying resolution requesting concurrence of the Board of Estimate and Taxation in the reallocation of the excess Net Debt Bonds.

Adopted 12/7/2007.

Resolution 2007R-628, accepting the final costs of various capital projects, reallocating excess revenue to other projects, and closing out the specified projects, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-628**  
**By Colvin Roy and Ostrow**

**Amending The 2007 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Paving construction capital appropriation in 4100-937-9374 project TR002 shall be decreased by \$117,419.46 (9th Avenue South between Washington and 2nd Avenue South);

b) Paving construction capital appropriation in 4100-937-9374 project LRT46 shall be increased by \$3,670.03 (Light Rail Transit - 46th Street and 36th Avenue South - West of TH 55);

c) Paving capital appropriation in 4100-937-9374 project LRTLS shall be increased by \$50,815.64 (Light Rail Transit Structures over Lake Street);

d) Paving capital appropriation in 4100-937-9374 project LRTCR shall be increased by \$26,252.88 (Light Rail Transit - Whiskey Junction);

- e) Sewer capital appropriation in 7300-932-9325 project 2NDSE shall be decreased by \$173,483.72 (Second Street Southeast Commercial);
- f) Paving capital appropriation in 4100-937-9374 project A2926 shall be decreased by \$0.27 (Dinkytown Streetscape Revitalization Program);
- g) Paving capital appropriation in 4100-937-9374 project A5204 shall be decreased by \$48,000.00 (11th Avenue Southeast - Alley Improvements);
- h) Paving capital appropriation in 4100-937-9374 project 98LYN shall be decreased by \$85,000.00 (Lyn Park Improvement);
- i) There is no remaining paving construction capital appropriation in 4100-937-9374 project HEN28 (Intersection Modification - Hennepin and West 28th Street);
- j) There is no remaining paving construction capital appropriation in 4100-937-9374 project RVRSS (MCDA Riverstation Streetscape Improvement);
- k) Paving construction capital appropriation in 4100-937-9374 project 28003 shall be increased by \$30,509.36 (Harrison Street Northeast);
- l) There is no remaining paving construction capital appropriation in 4100-937-9374 project 43501 (Hennepin/Lyndale Realignment);
- m) There is no remaining paving construction capital appropriation in 4100-937-9374 project 34508 (Huron Boulevard at Fulton Street Southeast);
- n) Bridge capital appropriation in 4100-937-9386 project BR022 shall be decreased by \$523.89 and excess revenue re-designated in the amount of \$13,133.22 (Lake Street Bridge at 46th Street);
- o) Paving capital appropriation in 4100-937-9374 project 2NDSE shall be decreased by \$194,670.90, and excess revenue re-designated in the amount of \$82,559.23 and existing bonds re-designated in the amount of \$173,483.72 (2nd Street Commercial);
- p) Paving construction capital appropriation in 4100-937-9374 project D2907 shall be decreased by \$81,264.08 and excess revenue re-designated in the amount of \$65,448.41 (Fleischman Malting Railroad Safety);
- q) Paving capital appropriation in 4100-937-9374 project 43001 shall be decreased by \$283,214.88 and excess revenue re-designated in the amount of \$183,366.90 (Nicollet Avenue between East 40th Street and 46th Street);
- r) Paving construction capital appropriation in 4100-937-9374 project 24502 shall be decreased by \$4,421.18 and excess revenue re-designated in the amount of \$1,400.55 (33rd Street East between 26th and Snelling - Railroad Crossing);
- s) Paving construction capital appropriation in 4100-937-9374 project 31CAL shall be decreased by \$425,246.69 with existing bonds re-designated in the amount of \$165,967.69 (31st and California);
- t) Paving construction capital appropriation in 4100-937-9374 project A2952 shall be increased by \$12,102.37 with excess revenue re-designated in the amount of \$72.63 (Alley between Washington to 3rd and 5th to 6th);
- u) Paving construction capital appropriation in 4100-937-9374 project 15AVE shall be decreased by \$20,000.00 with existing bonds re-designated in the amount of \$20,000.00 (15th and 16th Avenue North Project);
- v) Paving construction capital appropriation in 4100-937-9374 project 02063 shall be decreased by \$714,789.10 with excess revenue re-designated in the amount of \$95,789.10 (Washington Avenue North);
- w) Paving construction capital appropriation in 4100-937-9374 project 17506 shall be decreased by \$434,626.61 with excess revenue re-designated in the amount of \$24,834.32 (Fremont Avenue North - Phase 1);
- x) Paving construction capital appropriation in 4100-937-9374 project 32820 shall be decreased by \$273,386.13 with excess revenue re-designated in the amount of \$225,183.29 (Johnson Street Northeast from Winter to Broadway Avenue);
- y) Paving construction capital appropriation in 4100-937-9374 project 34105 shall be decreased by \$78,187.60 with excess revenue re-designated in the amount of \$27,216.63 (4th Street South from 3rd to 5th Avenue);
- z) Paving construction capital appropriation in 4100-937-9374 project 9COMI shall be decreased by \$5,063.24 and additional revenue is needed to finalize this project in the amount of \$9,936.76 (Community Projects);

aa) Paving construction capital appropriation in 4100-937-9374 project A2944 shall be increased by \$1,399.77 and additional revenue is needed to finalize this project in the amount of \$1,399.77 (Alley between Fillmore and Pierce);

bb) There is no remaining paving capital appropriation in 4100-937-9374 project A2936 and additional revenue is needed to finalize this project in the amount of \$67.23 (Alley between Upton Avenue South and Mt View);

cc) Paving construction capital appropriation in 4100-937-9374 project A15CA shall be increased by \$3,497.07 and additional revenue is needed to finalize this project in the amount of \$3,497.07 (Alley between California/Grand and 15/16 Avenue Northeast);

dd) Paving construction capital appropriation in 4100-937-9374 project 5thAV shall be increased by \$342.10 and additional revenue is needed to finalize this project in the amount of \$342.10 (5th Avenue South - Honeywell);

ee) Paving construction capital appropriation in 4100-937-9374 project VIKIN shall be decreased by \$10,468.26 and additional revenue is needed to finalize this project in the amount of \$30,531.74 (Viking Electric - Center Turn Island);

ff) Paving construction capital appropriation in 4100-937-9374 project 02062 shall be decreased by \$148,196.20 and additional revenue is needed to finalize this project in the amount of \$8,009.42 (Golden Valley Road);

gg) Paving construction capital appropriation in 4100-937-9374 project LRTMH shall be increased by \$11,724.83 and additional revenue is needed to finalize this project in the amount \$330.00 (Light Rail Transit - Minnehaha and 54th Street);

hh) Paving construction capital appropriation in 4100-937-9374 project METTR shall be decreased by \$13,829.95 and additional revenue is needed to finalize this project in the amount of \$2,138.94 (East 46th Street and Minnehaha Avenue);

ii) Bridge construction capital appropriation in 4100-937-9386 project BR035 shall be decreased by \$482,072.62 and additional revenue is needed to finalize this project in the amount of \$1,254.00 (4th Avenue South Bridge);

jj) Bridge construction capital appropriation in 4100-937-9386 project 08017 shall be decreased by \$46,991.60 and additional revenue is needed to finalize this project in the amount of \$88,795.15 (1st Street South Bridge);

kk) Paving construction capital appropriation in 4100-937-9374 project 44STP shall be increased by \$7,577.29 and additional revenue is needed to finalize this project in the amount of \$7,577.29 (44th Street Path);

ll) Bridge construction capital appropriation in 4100-937-9386 project BR039 shall be increased by \$55,912.00 and additional revenue is needed to finalize this project in the amount of \$324,201.03 (Royalston Bridge);

mm) Paving construction capital appropriation in 4100-937-9374 project 25304 shall be increased by \$23,978.89 and additional revenue is needed to finalize this project in the amount of \$23,978.89 (38th Street East from 23rd to 30th Avenue South); and

nn) Paving construction capital appropriation in 4100-932-9324 project 32820 shall be increased by \$30,927.74 and additional revenue is needed to finalize this project in the amount of \$87,898.73 (Johnson Street Northeast).

2. Be It Further Resolved that the final costs of all Traffic and Street Lighting work described in the following Neighborhood Revitalization Projects for the total amount specified be received and accepted, and that the capital appropriation be adjusted as specified, thereby closing the projects:

a) Traffic capital appropriation in 4100-943-9440 project B1539 shall be decreased by \$35,000.00 (Prospect Park);

b) Traffic capital appropriation in 4100-943-9440 project B1568 shall be decreased by \$11,000.00 (Construction Buffers between Northeast Residents and Businesses);

c) Traffic capital appropriation in 4100-943-9440 project B1572 shall be decreased by \$36,486.44 and excess revenue re-designated in the amount of \$10,000.00 (Prospect Park Traffic Management Plan);

d) Traffic capital appropriation in 4100-943-9440 project B1594 shall be decreased by \$92.26 and excess revenue re-designated in the amount of \$92.26 (Ridgewood Pole Modification);

e) Street lighting capital appropriation in 4100-943-9432 project B5072 shall be decreased by \$311,762.57 and excess revenue re-designated in the amount of \$386.57 (Prospect Park Street Lighting Plan);

f) Street lighting capital appropriation in 4100-943-9432 project B5112 shall be decreased by \$6,622.71 and excess revenue re-designated in the amount of \$155.03 (Selvaggio Street Lighting);

g) Street lighting capital appropriation in 4100-943-9432 project B5116 shall be decreased by \$648,103.28 and excess revenue re-designated in the amount of \$23,411.49 (Lowry Hill Pedestrian Lighting);

h) Street lighting capital appropriation in 4100-943-9432 project LT002 shall be decreased by \$32,909.61 and excess revenue re-designated in the amount of \$547.69 (Loring Park Street Lighting);

i) Traffic capital appropriation in 4100-943-9440 project B1533 shall be decreased by \$1,958.27 and additional revenue is needed to finalize this project in the amount of \$3.89 (Marcy-Holmes Bike and Traffic Testing);

j) Traffic capital appropriation in 4100-943-9440 project B1560 shall be decreased by \$9,257.82 and additional revenue is needed to finalize this project in the amount of \$742.18 (Sunset Boulevard Bike Lane);

k) Traffic capital appropriation in 4100-943-9440 project B1577 shall be decreased by \$2,394.98 and additional revenue is needed to finalize this project in the amount of \$605.02 (Whittier Bike Lane Development);

l) Traffic capital appropriation in 4100-943-9440 project B1602 shall be decreased by \$6,977.23 and additional revenue is needed to finalize this project in the amount of \$22.77 (Speed Humps on Columbus Avenue South);

m) Traffic capital appropriation in 4100-943-9440 project B1636 shall be decreased by \$30.28 and additional revenue is needed to finalize this project in the amount of \$0.17 (Calhoun Commons - Excelsior Boulevard);

n) There is no remaining traffic appropriation in 4100-943-9440 project B1655 and additional revenue is needed to finalize this project in the amount of \$1,735.00 (Linden Hills Community Landscaping);

o) Traffic capital appropriation in 4100-943-9440 project B1672 shall be decreased by \$2,135.19 and additional revenue is needed to finalize this project in the amount of \$62.27 (Beltrami Neighborhood Traffic Calming);

p) Traffic capital appropriation in 4100-943-9440 project B1677 shall be decreased by \$11,295.29 and additional revenue is needed to finalize this project in the amount of \$2,204.71 (Cedar Isles Dean Traffic - Traffic Calming);

q) Traffic capital appropriation in 4100-943-9440 project B1696 shall be decreased by \$132.19 and additional revenue is needed to finalize this project in the amount of \$43.00 (Humboldt Avenue - Speed Humps);

r) Street lighting capital appropriation in 4100-943-9432 project B5081 shall be increased by \$681.76 and additional revenue is needed to finalize this project in the amount of \$506.76 (Nicollet Avenue Streetscape Tree Lighting);

s) Street lighting capital appropriation in 4100-943-9432 project B5094 shall be decreased by \$3,302.46 and additional revenue is needed to finalize this project in the amount of \$23,897.54 (Central Avenue Northeast Street Lighting); and

t) Street lighting capital appropriation in 4100-943-9432 project B5105 shall be decreased by \$41,999.16 and additional revenue is needed to finalize this project in the amount of \$75.16 (Hennepin (Franklin to Groveland) Street Lighting).

3. Be It Further Resolved that the final costs of all Traffic and Street Lighting work described in the following Municipal State Aid Projects for the total amount specified be received and accepted, and that the capital appropriation be adjusted as specified, thereby closing the projects:

a) Traffic capital appropriation in 4100-943-9440 project B1461 shall be decreased by \$74,115.47 and excess revenue re-designated in the amount of \$3,645.37 (1994 Signal Controller Program);

b) Traffic capital appropriation in 4100-943-9440 project B1545 shall be decreased by \$19,867.67 and excess revenue re-designated in the amount of \$21,004.18 (1997 Overhead Signal Additions);

c) Traffic capital appropriation in 4100-9430-9440 project B1581 shall be decreased by \$18,099.89 and excess revenue re-designated in the amount of \$16,480.77 (1997 Scoot);

d) Traffic capital appropriation in 4100-943-9440 project B1607 shall be decreased by \$28,263.07 and excess revenue re-designated in the amount of \$4,275.52 (Temporary Signals at Hiawatha and 24th Avenue);

e) Traffic capital appropriation in 4100-9430-9440 project B1611 shall be decreased by \$17,000.80 and excess revenue re-designated in the amount of \$10,935.84 (Park Avenue South at 14th, 15th, and 16th Street);

f) Traffic capital appropriation in 4100-943-9440 project B1621 shall be decreased by \$6,875.46 and excess revenue re-designated in the amount of \$1,851.93 (1999 Interconnect-East Hennepin);

g) Traffic capital appropriation in 4100-943-9440 project B1624 shall be decreased by \$92,097.62 and excess revenue re-designated in the amount of \$1,637.44 (Hennepin/Lyndale Realignment);

h) Traffic capital appropriation in 4100-943-9440 project B1644 shall be decreased by \$44,393.67 and excess revenue re-designated in the amount of \$90,289.28 (Nicollet Avenue South - Phase 1);

i) Traffic capital appropriation in 4100-943-9440 project B1519 shall be decreased by \$223,635.97 and additional revenue is needed to finalize this project in the amount of \$21,371.56 (Priority Vehicle Control - Lake and Nicollet);

j) There is no remaining appropriation in 4100-943-9440 project B1530 and additional revenue is needed to finalize this project in the amount of \$3,000.00 (1996 Signals and Signing);

k) Traffic capital appropriation in 4100-9430-9440 project B1544 shall be decreased by \$1,440.57 and additional revenue is needed to finalize this project in the amount of \$13,559.43 (Pedestrian Signal Additions);

l) Traffic capital appropriation in 4100-943-9440 project B1603 shall be decreased by \$45,750.91 and additional revenue is needed to finalize this project in the amount of \$9,860.74 (Fremont Avenue North - Phases I and II);

m) Traffic capital appropriation in 4100-943-9440 project B1617 shall be increased by \$6,091.72 and additional revenue is needed to finalize this project in the amount of \$5,145.46 (Johnson Street Northeast Signal);

n) Traffic capital appropriation in 4100-943-9440 project B1634 shall be decreased by \$45,316.66 and additional revenue is needed to finalize this project in the amount of \$2,683.34 (Signals at Minnehaha and East 26th Street);

o) Traffic capital appropriation in 4100-943-9440 project B1635 shall be decreased by \$19,518.54 and additional revenue is needed to finalize this project in the amount of \$481.46 (Channelizing Islands);

p) Traffic capital appropriation in 4100-943-9440 project B1639 shall be decreased by \$10,420.47 and additional revenue is needed to finalize this project in the amount of \$496.52 (Hiawatha Avenue - Phase V);

q) Traffic capital appropriation in 4100-943-9440 project B1648 shall be decreased by \$80,768.45 and additional revenue is needed to finalize this project in the amount of \$2,938.28 (Penn Avenue South Interconnect);

r) There is no remaining appropriation in 4100-943-9440 project B1654 and additional revenue is needed to finalize this project in the amount of \$41,400.00 (Metro Transit Global Positioning);

s) Street lighting capital appropriation in 4100-943-9432 project B5090 shall be decreased by \$48,165.64 and additional revenue is needed to finalize this project in the amount of \$3.03 (Hennepin-Lyndale Realignment Street Lighting); and

t) Street lighting capital appropriation in 4100-943-9432 project B5102 shall be decreased by \$102,515.92 and additional revenue is needed to finalize this project in the amount of \$23,136.18 (Chicago Avenue South - East 46th to 49th Street).

4. Be It Further Resolved that the excess revenues and Net Debt Bonds be reallocated to the projects listed below with capital appropriation adjustments and revenue budget increases as follows:

a) As a result of the above close out of projects o, s and u in Section 1, \$359,451.41 of Net Debt Bonds becomes available for re-allocation. This entire amount shall be re-allocated as follows:

- Project ll (Royalston Bridge - 4100-937-9386-BR039) and Project jj (1st Street South Bridge - 4100-937-9386-08017). Through this action Project ll (Royalston Bridge) is completely closed and Project jj (1st Street South Bridge) needs an additional \$53,544.77 in revenue to close (see b).

b) As a result of the above close out of projects n through y in Section 1, \$719,004.28 of revenue becomes available for re-allocation. This entire amount shall be re-allocated as follows:

- \$53,544.77 to Project jj (1st Street Bridge - 4100-937-9386-08017) (see a).

- \$176,961.94 to Projects z through ii and Projects kk, mm, and nn.
- \$470,720.85 to the Dinkytown Bridge - 14th Avenue Southeast (4100-937-9386-BR033). This project is not being closed.
- \$17,776.72 to the Dinkytown Bridge - 15th Avenue Southeast (4100-937-9386-BR036). This project is not being closed.

c) As a result of the above close out of projects c through h in Section 2, \$34,593.04 of revenue becomes available for re-allocation as follows:

- This available revenue shall be re-allocated to projects i through t in Section 2 for a total re-allocation of \$29,898.47 to financially balance those projects.
- The remaining \$4,694.57 of revenue shall be re-allocated to the Lowry Hill Pedestrian Lighting project - 4100-943-9432 project B5082. This project is not being closed.

d) As a result of the above close out of projects a through h in Section 3, \$150,120.33 of revenue becomes available for re-allocation as follows:

- This available revenue shall be re-allocated to projects i through t in Section 3 for a total re-allocation of \$124,076.00 to financially balance those projects.
- The remaining \$26,044.33 of revenue shall be re-allocated to the Priority Vehicle Control System project - 4100-943-9440 project B1650. This project is not being closed.

Adopted 12/7/2007.

Resolution 2007R-629, reallocating excess Net Debt Bonds to various other capital projects, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-629**  
**By Colvin Roy and Ostrow**

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

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, as set forth in 2007R-628, from the 2nd Street Commercial Project in the amount of \$173,483.72 (4100-937-9374-2NDSE); 31st and California Project in the amount of \$165,967.69 (4100-937-9374-31CAL); and the 15th and 16th Avenue North Project in the amount of \$20,000.00 (4100-937-9374-15AVE) to the following projects:

- Royalston Bridge Project in the amount of \$324,201.03 (4100-937-9386-BR039); and
- 1st Street South Bridge Project in the amount of 35,250.38 (4100-937-9386-08017).

Adopted 12/7/2007.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Cedar Lake Trail, Phase III (from Royalston Av to W River Pkwy), now recommends that the proper City officers be authorized to execute a Cooperative Agreement with Northstar Corridor Development Authority for the acquisition of a Trail Use Permit, payable from the Cedar Lake Bike Trail Phase III Fund, pending satisfactory review by the proper City officers.

Your Committee further recommends that the proper City officers be authorized to execute the required documents to acquire a permanent trail easement from 127 Building Partners, LLC, at a cost of \$80,000, payable from the Cedar Lake Bike Trail Phase III Fund. (Petn No 272449)

Adopted 12/7/2007.

**T&PW & W&M/Budget** - Your Committee, having received and filed Accessible Pedestrian Signal (APS) Guidelines, now recommends that the proper City officers be authorized to execute an agreement with the Metropolitan Council to accept \$125,000 in Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) New Freedom Funds for the installation and evaluation of Accessible Pedestrian Signals.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the project by \$156,250, to be reimbursed in the amount of \$125,000 from the Metropolitan Council (SAFETEA-LU grant) and by decreasing the appropriation in the Transportation Capital Agency in the Capital Improvements Fund by \$31,250.

Adopted 12/7/2007.

**RESOLUTION 2007R-630**  
**By Colvin Roy and Ostrow**

**Amending The 2007 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation and revenue for the PW-Transportation Capital Agency in the Capital Improvements Fund (4100-943-9440-3225) by \$125,000 to be reimbursed by the Metropolitan Council (SAFETEA-LU Grant); and

b) Increasing the appropriation in the PW-Transportation Capital Agency in the Capital Improvements Fund (4100-943-9440-3225) by \$31,250 and decreasing the appropriation in the PW-Transportation Capital Agency in the Capital Improvements Fund (4100-943-9440-TR009040) by \$31,250.

Adopted 12/7/2007.

**The WAYS & MEANS/BUDGET Committee submitted the following reports:**

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 12/7/2007.

Resolution 2007R-631, authorizing settlement of the following legal claims of Timothy R. Davison, Lisa Young, Rachel Robinson, and Victor H. Sanchez, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-631**  
**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

a) Timothy R. Davison v. the City of Minneapolis, by payment of \$24,000 in Underinsured Motorist benefits, payable to Timothy R. Davison and his attorney, James R. Schwebel; payable from the Self Insurance Fund (6900-150-1500-4000).

b) Lisa Young (behalf: Shawn Young) v. the City of Minneapolis, by payment of \$5,000, payable to Lisa Young on behalf of Shawn Young and their attorney, Robert Bennett; payable from the Self Insurance Fund (6900-150-1500-4000).

c) Rachel Robinson v. Daniel Swalve and the City of Minneapolis, by payment of \$40,000, payable to Rachel Robinson and her attorneys, Flynn, Gaskins, & Bennett; payable from the Self Insurance Fund (6900-150-1500-4000).

d) Victor H. Sanchez v. the City of Minneapolis, by payment of \$17,000 in workers' compensation subrogation, payable to SFM Mutual Insurance and their attorneys, Cousineau McGuire; payable from the Self Insurance Fund (6900-150-1500-6070).

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

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, having under consideration the Professional Services Agreement with Special School District #1, now recommends authorizing proper City officers to negotiate and execute a new contract to provide compensation to the City for election services for the period of January 1, 2008 through December 31, 2011.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for the Business Process Improvement Professional Services, following approval of the RFP by the Permanent Review Committee.

Adopted 12/7/2007.

Approved by Mayor Rybak 12/10/2007.

(Published 12/11/2007)

**W&M/Budget** - Your Committee, having under consideration the January 2008 utility billing insert on behalf of the Utility Billing Division and Finance Department announcing the 2008 Utility Billing rates, now recommends approval, as amended deleting that portion of the insert relating to the Solid waste utility rate 75-cent/unit increase.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, having under consideration the Convention Center's HVAC systems, now recommends an increase to OP #6567 with Honeywell Building Solutions in the amount of \$60,000 for a new estimated annual expenditure of \$160,000 to provide maintenance and repairs to the HVAC systems. No additional appropriations required.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend contract C99-14181 with Kelber Catering Inc. to extend the current contract term for an additional 5-year period, through 2016 for the Minneapolis Convention Center food services and concessions. Kelber Catering Inc. has committed to \$750,000 worth of upgrades to their food operations and \$1,250,000 to the capital expenses of the Convention Center.

Your Committee further recommends that said contract be amended to delete any references to further contract extensions.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, having under consideration the Annual Property Insurance Premium for the Minneapolis Convention Center (MCC), Tallmadge Building, and Parking Ramp, now recommends:

a) Authorizing the City's Finance Officer to review options for property insurance for the Convention Center, including the Tallmadge Building, and Parking Ramp for January 1, 2008 coverage; and

b) Acceptance of the XL Insurance quote of \$274,083 plus taxes and surcharges and lock in the binder for the 2008 property coverage; and

c) Acceptance of the quote for additional terrorism coverage.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, having under consideration the staff direction passed by Council on November 2, 2007 relating to the Phase II Neighborhood Revitalization Program, now recommends providing funding from the Legacy (Hilton) Fund, as necessary and available to assure that sufficient

Phase II funds are received to fund Phase II Neighborhood Action Plans at no less than 70 percent of their approved April 19, 2004 allocations.

Further, this assurance excludes any NRP funding shortfalls related to loan repayments and other revenues associated with the Brookfield Loan or Saks Parcel, and all shortfalls created by future legislative action.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, having under consideration the City's Financial Policies, now recommends the following:

a) Amending the policies to allow the encumbrance of funds and its appropriation by departments for purchases of goods and services for which there is a signed purchase order or contract to carry over into the following fiscal year.

b) Eliminating special authority for prepayment for technology projects.

c) Eliminating "encumbrance" from reappropriation authority and replace it with a valid "commitment."

d) Direct the Finance Officer, or designee, to review open commitments at year-end before allowing them to carry over into the following fiscal year.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee having under consideration the court ordered reimbursement of Stop on Red revenue, now recommends appropriating up to \$100,000 from the 2007 Contingency budget to cover payments required through November 30, 2007. Further, authorize receipt of funds from Hennepin County and the State of Minnesota; the portion of the fines that were distributed to them which includes all fines, surcharges, and law library fees.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the Third and Fourth Quarter 2007 list of donations valued under \$15,000, as set forth in Petn No 272456 on file in the Office of the City Clerk.

Adopted 12/7/2007.

## RESOLUTION 2007R-632

By Ostrow

**Authorizing the acceptance of donations made to the City of Minneapolis valued under \$15,000.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donations made to the City of Minneapolis.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the Minneapolis Public Schools, following a competitive RFP process, in an amount not to exceed \$150,000, to provide TANF consulting services for the creation of a referral network for pregnant teens for the period of January 1, 2008 through December 31, 2009.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, having under consideration the Medica Skyway Senior Center, now recommends authorizing proper City officers to amend agreement #22384 with Medica Health Plan to add an additional \$62,500; and to extend its support of the Medica Skyway Senior Center for an additional six months (December 3, 2008). All other terms and conditions remain the same.

Adopted 12/7/2007.

**December 7, 2007**

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**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$5,000 from Healthways Health Support, Inc., for the Silver Sneakers Program at the Medica Skyway Senior Center.

Further, passage of the accompanying resolutions as follows:

- a) Authorizing acceptance of funds; and
  - b) Appropriating \$5,000 to the Department of Health & Family Support.
- Adopted 12/7/2007.

**RESOLUTION 2007R-633**

**By Ostrow**

**Authorizing the acceptance of funds.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept estimated revenue of \$5,000 from Healthways Health Support, Inc. for the Medica Skyway Senior Center.

Adopted 12/7/2007.

**RESOLUTION 2007R-634**

**By Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (0600-860-8607) by \$5,000 and increasing the Revenue Source (0600-860-8622 - Source 3720) by \$5,000.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$29,803 in State Department of Revenue funds from the Friends of the Medica Skyway Senior Center for the provision of volunteer taxpayer assistance services.

Further, passage of the accompanying resolutions as follows:

- a) Authorizing acceptance of funds; and
  - b) Appropriating \$29,803 to the Department of Health & Family Support.
- Adopted 12/7/2007.

**RESOLUTION 2007R-635**

**By Ostrow**

**Authorizing the acceptance of funds.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept revenue of \$29,803 in State Department of Revenue funds from the Friends of the Medica Skyway Senior Center.

Adopted 12/7/2007.

**RESOLUTION 2007R-636**

**By Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (0600-860-8607) by \$29,803 and increasing the Revenue Source (0600-860-8622 - Source 3215) by \$29,803.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to submit a four-year grant application of up to \$685,000 annually (total \$2,740,000) for a project period from June 1, 2008 through May 31, 2012 from the U.S. Department of Health and Human Services for infant mortality reduction services in the Minneapolis Latino community.

Adopted 12/7/2007.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving the terms of a 12-month labor agreement with the Teamster's Local #320, Drivers Unit, effective January 1, 2007 through December 31, 2007.

Adopted 12/7/2007.

Resolution 2007R-637, approving the terms of a 12-month labor agreement with the Teamster's Local #320, Drivers Unit, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-637**  
**By Ostrow**

**Approving the terms of a collective bargaining agreement with the Teamster's Local #320, Drivers Unit and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Teamster's Local #320, Drivers Unit (Petn No 272458), be approved.

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

Adopted 12/7/2007.

**W&M/Budget** - Your Committee, to whom was referred from the 2008 Budget Mark-up, a direction that the City Coordinator report back with a more detailed proposal for use of funds relating to the Delegate experience / Community Fest funding from the convention center fund, and having received said report, now recommends preliminary approval, with the final budget approval to come back to the Ways & Means/Budget Committee.

Ostrow moved that the report be referred to the Budget Adoption meeting of December 12, 2007. Seconded.

Adopted upon a voice vote 12/7/2007.

**W&M/Budget** - Your Committee having under consideration the request for one-time use of contingency funds in the amount of \$125,000 for the 2007 Holiday Parade, now recommends that said request be sent forward without recommendation.

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

Adopted upon a voice vote.

The report, as amended, was adopted 12/7/2007. Yeas, 11; Nays, 2 as follows:

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

Nays - Gordon, Schiff.

**The ZONING & PLANNING Committee submitted the following reports:**

**Z&P** - Your Committee, having under consideration the appeal filed by Wendy's FourCrown, Inc., from the decision of the Planning Commission denying applications for a conditional use permit and a non-conforming use expansion in a Pedestrian Oriented Overlay District at 325 E Franklin Ave, now recommends, notwithstanding the related findings prepared by the Community Planning & Economic Development staff, that said appeal be denied.

Schiff moved to amend the report by adding the following paragraph: "Your Committee further recommends that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/7/2007.

**Z&P** - Your Committee, having under consideration the appeal filed by the Minneapolis Park and Recreation Board from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness to permit the construction of a park building at 4655 E 46th St, now recommends that the appeal be granted, the Certificate be approved and the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 12/7/2007.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of John Wolf to vacate part of the north-south alley lying south of Lake St and running parallel to and between Chicago and Elliot Aves S (#1496), subject to retention of easement rights by Xcel Energy and Qwest, 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 public alley.

Adopted 12/7/2007.

Resolution 2007R-638, to vacate part of the north-south alley lying south of Lake St and running parallel to and between Chicago and Elliot Aves S, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-638**

**By Schiff**

**Vacating all that portion of the alley located north of a line extended west from the south line of Lot 5 to the south line of Lot 24, Block 2, The Erastus Byers Addition to Minneapolis, as of record and on file at the Hennepin County Records Office, Minneapolis, Minnesota (#1496).**

Resolved by The City Council of The City of Minneapolis:

That all that portion of the alley located north of a line extended west from the south line of Lot 5 to the south line of Lot 24, Block 2, The Erastus Byers Addition to Minneapolis, as of record and on file at the Hennepin County Records Office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to Xcel Energy and Qwest: An easement over the entire proposed vacation area; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley

upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/7/2007.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the Ackerberg Group (BZZ-3801) to rezone the property at 2310-2312 Penn Avenue North by adding the TP Transitional Parking Overlay District to the R4 District to permit a surface parking lot 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 12/7/2007

Ordinance 2007-Or-094 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2310-2312 Penn Ave N by adding the TP Transitional Parking Overlay District to the R4 District, was adopted 12/7/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2007-Or-094**  
**By Schiff**  
**1st & 2nd Readings: 12/7/2007**

**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 15, Block 21, "Forest Heights" lying Southerly of a line drawn parallel with the South line of said Lot 15 and passing through a point on the West line of said Lot 15 distant 11 feet of Southerly from the most Northwesterly corner of said Lot 15. Subject to a public easement in favor of the City of Minneapolis over that part of the above land lying Northerly of a line drawn parallel with the South line of said lot and passing through a point on the West line of said Lot 15 distant 29 feet Southerly from the most Northwesterly corner of said Lot 15, as contained in Book 631 of Deeds, page 532, Doc No. 481254. Hennepin County, MN. And Lot 16 Block 21, Forest Heights, Hennepin County, MN. (2310 and 2312 Penn Ave N - Plate 7) to the TP District.

Adopted 12/7/2007.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission relating to the application of Olin 4, LLC, (BZZ-3757) for the construction of an 83-unit multi-family dwelling at 5310-5334 Minnehaha Ave and 5329 48th Ave S, and adopting the related findings prepared by the Department of Community Planning & Economic Development, in granting the petition to rezone the properties at 5310-5334 Minnehaha Ave and 5329 48th Ave S from C1 and R1A to the OR2 District, by passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/7/2007

Ordinance 2007-Or-095 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 5310-5334 Minnehaha Ave and 5329 48th Ave S from C1 and R1A to the OR2 District, was adopted 12/7/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

December 7, 2007

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

**ORDINANCE 2007-Or-095**  
**By Schiff**  
**1st & 2nd Readings: 12/7/2007**

**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 Block 13, Sunrise Park; together with Lots 1, 2, 3, 4, 5, 6, 7 and 19 Block 2, Minnehaha Parkview Addition to Minneapolis; according to the plats thereof of record in Hennepin County, Minnesota (5310-5334 Minnehaha Ave and 5329 48th Ave S - Plate 40) to the OR2 District.

Adopted 12/7/2007.

**Z&P** – Your Committee recommends confirmation of the following Council appointments to the Minneapolis Board of Adjustment:

- a) Paul Gates, Ward 11 (re-appointment for a term ending 12/31/2009);
- b) John Finlayson, Ward 13 (re-appointment for a term ending 12/31/2010);
- c) Chris Koch, Ward 11 (filling a vacant term ending 12/31/2010); and
- d) Bruce Manning, Ward 13 (filling a vacant term ending 12/31/2010).

Adopted 12/7/2007.

**Z&P** – Your Committee, having under consideration the recommendation of the Ballpark Implementation Committee to approve a request from Hennepin County to allow construction of an open air professional ballpark with a seating capacity of approximately 40,000 people in the area generally bounded by 5th St N, the BNSF railroad right of way, 7th St N, and I-394; and off-street parking between 7th St N and 12th St N., with the following additional recommendations from the Planning Commission:

1. Following completion of the improvements referenced in the action of the Ballpark Implementation Committee, subsequent changes will be subject to the City's zoning ordinance and all applicable City regulations.

2. Public pedestrian access shall be granted using the concourse level from the corner of 5th St and 3rd Ave to the 6th St Plaza as shown on Exhibit I and shall be open on non-game days from 6:00 a.m. to 10:00 p.m.; and public pedestrian access shall be extended to 3:00 a.m. upon completion of a funded security plan by the City of Minneapolis.

3. Hennepin County and the Minnesota Twins are encouraged to work with the City's Public Art Administrator on public art for the ballpark and adjacent public spaces and is encouraged to include art that is not sports-related.

4. Staff review the pedestrian safety plan along 7th St.

5. As noted in the BIC recommendation, consider extending the 6th St pedestrian plaza from 2nd Ave N to 1st Ave N;

now recommends that said request be forwarded without recommendation.

Goodman moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/7/2007.

**MOTIONS**

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January, 2008 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 12/7/2007.

**UNFINISHED BUSINESS**

**IGR** - Your Committee recommends passage of the accompanying resolution relating to relationships between the City of Minneapolis and the City's Independent Boards.

Adopted 12/7/2007.

Resolution 2007R-639, relating to relationships between the City of Minneapolis and the City's Independent Boards, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-639**

**By Hodges**

**Relating to relationships between the City of Minneapolis and the City's Independent Boards.**

Whereas, the City of Minneapolis is a home rule charter city through adoption of the city charter by election on November 2nd, 1920; and

Whereas, the Minneapolis City Charter created The Park and Recreation Board of the City of Minneapolis; and

Whereas, the City of Minneapolis would like to foster and strengthen the working relationships between the City of Minneapolis and the City's independent boards; and

Whereas, open communication between the decision makers of the independent boards and the city council benefits our constituents; and

Whereas, the City's experience with the Youth Coordinating Board and the Neighborhood Revitalization Program demonstrate the importance and value of communications across jurisdictional boundaries; and

Whereas, the formalizing of the information sharing process would result in more consistent and comprehensive exchange of information between the City and the City's independent boards; and

Whereas, social gatherings between the elected officials of the City and the elected officials of the City's independent boards will foster and strengthen the working relationships; and

Whereas, a non-voting Coordinating Committee composed of two members of each independent board, the Mayor, the City Council President and the Chair of the City's Intergovernmental Relations Committee which meets semi-annually would foster and strengthen the working relationships between the City and the City's independent boards; and

Whereas, City employees working with independent board employees on overlapping projects can produce better results for our constituents with more efficiency; and

Whereas, the "public purpose doctrine" permits a governmental entity to expend public funds if the primary purpose of the expenditure is public and the expenditure relates to the governmental purposes for which the entity was created; and

Whereas, the City of Minneapolis has determined it is necessary and convenient for the fulfillment of governmental responsibilities for the City of Minneapolis to authorize expenditures of public funds for meetings between the City's elected officials and the elected officials of the City's independent boards;

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

That the City of Minneapolis makes the following public purpose findings and determinations:

1. Gatherings of the City's elected officials and the elected officials of the independent boards promotes a public purpose through coordinated planning activities among and between the City and its independent boards and serves the best interests of the City's constituents through improved working relations and increased efficiencies.

2. Public expenditures for gatherings of the City's elected officials and the elected officials of the independent boards serve a public purpose because improved coordination and communication result in the City's elected officials and employees fulfilling their responsibilities in a more efficient and cost-effective manner.

3. Public expenditures for food and refreshments associated with gatherings of the City's elected officials and the elected officials of the independent boards serve a public purpose by sustaining the flow of meetings and ensuring meaningful participation of the attendees.

Be It Further Resolved that City of Minneapolis anticipates that the Chair of the City's Intergovernmental Relations Committee, or designee, will regularly meet with and share information with each independent board at a regularly scheduled, or special, meeting of the independent board. Further, an elected representative from each independent board, or designee, will regularly meet with and share information with the City Council at a regularly scheduled, or special, meeting of the City Council or one of its Committees. Reports from the sharing of information will be provided to the Council or independent board, as applicable, by the meeting participants.

Be It Further Resolved that, based on these findings, the City of Minneapolis authorizes semi-annual participation in a non-voting Coordinating Committee. The Coordinating Committee is to be composed of two members of each independent board, the Mayor, the City Council President and the Chair of the City's Intergovernmental Relations Committee.

Be It Further Resolved that the City of Minneapolis anticipates, that on an annual basis, the Chair of the City's Intergovernmental Relations Committee and intergovernmental relations staff will meet with and share information regarding key legislative issues with each independent board's intergovernmental relations chair and intergovernmental relations staff.

Be It Further Resolved that the elected officials of the City of Minneapolis and the elected officials of the City's independent boards will meet annually.

Be It Further Resolved that the employees of the City of Minneapolis and the employees of each independent board will continue to collaborate on identified overlapping projects.

Be It Further Resolved that the City of Minneapolis authorizes the expenditure of funds to accomplish the goals set forth herein.

Adopted 12/7/2007.

**T&PW** - Your Committee, having under consideration the organized solid waste collection system for the contracted portion of the City's residential dwelling units, having followed the process set forth in Minnesota Statutes, Section 115A.94, Subd. 4 regarding organized collection, and having received staff recommendations as follows:

a) Adoption of the Findings and Recommendation, as set forth in Petn No 272414 on file in the office of the City Clerk; and

b) Issuance of an RFP for the collection of garbage, recyclables, yard wastes, and metal items in the contracted portion of the City, consistent with the Findings and Recommendation; now recommends that the matter be sent forward without recommendation.

Colvin Roy moved to substitute the following report for the Committee's report. Seconded.

**T&PW** - Your Committee, having under consideration the organized solid waste collection system for the contracted portion of the City's residential dwelling units and having followed the process set forth in Minnesota Statutes, Section 115A.94, Subd. 4 regarding organized collection, now recommends:

a) Adoption of the amended Findings and Recommendation, as set forth in Petn No 272465 on file in the office of the City Clerk; and

b) Issuance of a Request for Proposals (RFP) for contracted solid waste services for the entire contracted half of the City to be served by one contract, using the evaluation criteria passed by the

Council on May 11th, 2007. Evaluate all proposals submitted, including any submitted by Minneapolis Refuse, Inc. (MRI) or by any collector licensed in the City that has expressed an interest.

Glidden moved to substitute the following language for Item (b) in the Colvin Roy substitute report:

"b) Issue a Request for Proposals for contracted solid waste services for the contracted half of the City to be divided into multiple segments and served through individual contracts, with the RFP being evaluated based on the evaluation criteria identified. Evaluate all proposals submitted, including any submitted by MRI or by any collector licensed in the City that has expressed an interest." Seconded.

Glidden withdrew her motion.

Ostrow moved to substitute the following report for the Committee's report. Seconded.

**T&PW** - Your Committee, having under consideration the organized solid waste collection system for the contracted portion of the City's residential dwelling units and having followed the process set forth in Minnesota Statutes, Section 115A.94, Subd. 4 regarding organized collection, now recommends:

a) Adoption of the Findings and Recommendation, as set forth in Petn No 272414 on file in the office of the City Clerk; and

b) Issuance of an RFP for the collection of garbage, recyclables, yard wastes, and metal items in the contracted portion of the City, consistent with the Findings and Recommendation.

The motion to substitute was adopted 12/7/2007. Yeas 9; Nays, 4 as follows:

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

Nays - Hofstede, Lilligren, Colvin Roy, Johnson.

Ostrow moved to amend the substitute report to amend Item (b) to read as follows:

"b) Issuance of an RFP for the collection of garbage, recyclables, yard wastes, and metal items in the contracted portion of the City, consistent with the Findings and Recommendation as set forth in Option D of the staff recommendation, to issue a request for proposals for contracted solid waste services for the contracted half of the City to be divided into multiple segments and served through individual contracts." Seconded.

Adopted upon a voice vote.

Gordon moved that Paragraph I(12) of the Findings referred to in the substitute report be amended to read as follows:

"12. The City has determined that negotiating a contract solely with MRI, without conducting a competitive Request for Proposals (RFP) process, is contrary to the strong interest of the City to conduct a competitive process before entering into contracts for services to be provided to the City. The City has a particularly strong interest in entering into a competitive process for the residential solid waste collection contract. This is one of the City's larger contracts with very significant impacts impacts on Public Health and Safety and on the City's quality of life and ~~upon~~ the desirability of the City as a place to live. This desirability has several aspects. One of these is the cost of being a Minneapolis resident. Part of keeping that cost down is minimizing the cost to the City of solid waste collection so that solid waste fees paid by residents can be minimized. Another aspect is the quality of solid waste collection services. Residents want to live in a City that is clean and picked up with minimal interference with residential life. They want a city where public health is protected by prompt and thorough collection of solid waste. A competitive process enables the City to compare pricing and service options in order to meet the City's organized collection goals. The City cannot properly negotiate on these items with a single entity if it has never given other entities a chance to make competing offers on price, modern (or even revolutionary) equipment and higher and better levels of service." Seconded.

Adopted upon a voice vote.

Benson moved that Section II(a) of the Findings referred to in the substitute report be amended by adding the following paragraph:

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"One of the City's established solid waste and recycling collection program goals is to minimize disruption of collection services due to labor disputes. In big cities around the country there is a history of solid waste collection strikes that have led to localized health crises in cities where such strikes have taken place. The City, as the operator and proprietor of the City's solid waste and recycling collection system, has a strong interest in minimizing the possibility of such work stoppages. The City has a process in place to have the committee responsible for reviewing draft requests for proposal consider the proprietary nature of a City contract and provide for requiring binding arbitration with employees represented by a collective bargaining unit when reasonably necessary under the facts to protect the City's proprietary interests. Uninterrupted solid waste and recycling collection service is a vital City interest and a fundamental goal of its solid waste and recycling collection program." Seconded.

Adopted upon a voice vote.

The substitute report, as amended, was adopted 12/7/07. Yeas, 11; Nays, 2 as follows:

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

Nays - Hofstede, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution supporting the development of a fiscally responsible plan and providing a high quality inside lane multi-modal BRT station at Lake Street, a high-quality connection to the Midtown Greenway, and access at Lake Street as part of the I-35W access improvements and Lake Street Reconstruction.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute a cost participation agreement with Hennepin County to develop a new proposal, as outlined in the accompanying resolution, and to include the development of street designs, streetscape designs, bridge designs, visual quality manuals, and facilitating community involvement for the I-35W access improvements and Lake Street Reconstruction.

Hodges moved to amend the resolution by adding the following resolved clause:

"Be It Further Resolved that Public Works staff be directed to study whether or not to include a northbound exit ramp from 35W to 28th St, including cost estimates of the project with or without that ramp. Public Works staff must report back to the Transportation and Public Works Committee no later than March of 2008." Seconded.

Glidden moved to amend the resolved clause to read as follows:

"Be It Further Resolved that Public Works staff be directed to study whether or not to include a northbound exit ramp from 35W to 28th St, including cost estimates of the project with or without that ramp. Public Works staff must report back to the Transportation and Public Works Committee with an update no later than March of 2008." Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Hofstede, Colvin Roy.

Hodges motion, as amended, was adopted upon a voice vote.

Absent - Ostrow, Hofstede, Colvin Roy.

The report, with amended resolution, was adopted 12/7/2007. Yeas, 12; Nays, 1 as follows:

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

Nays - Lilligren.

Resolution 2007R-640, supporting the development of a fiscally responsible plan and providing a high quality inside lane multi-modal BRT station at Lake Street, a high-quality connection to the Midtown Greenway, and access at Lake Street as part of the I-35W access improvements and Lake Street Reconstruction, was adopted 12/7/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-640**  
**By Glidden, Colvin Roy**

**Supporting the development of a fiscally responsible plan and providing a high quality inside lane multi-modal BRT station at Lake Street, a high-quality connection to the Midtown Greenway, and access at Lake Street as part of the I-35W access improvements and Lake Street Reconstruction.**

Whereas, the highest priority for the City of Minneapolis on 35W is to be a partner in regional efforts to increase use of transit; and

Whereas, global warming is a recognized threat to our environment and economy which can be addressed in part by providing transit choices for commuters that are cost-effective, reduce carbon pollution, and create shared economic benefits; and

Whereas, the City of Minneapolis strongly supports implementing Bus Rapid Transit (BRT) on 35W as soon as possible and this vision is shared by a broad, bipartisan coalition of mayors, city council members, county commissioners, and legislators along the entire 35W corridor south of Downtown; and

Whereas, the U.S. Department of Transportation's decision to award a \$133 million Urban Partnership Agreement (UPA) grant to 35W is a huge step forward toward implementing this shared BRT vision; and

Whereas, full BRT service on 35W should include at least two high quality inside lane stations in Minneapolis at Lake Street and 46th Street; and

Whereas, the UPA grant does not include funding for a BRT Station at Lake Street, and failure to construct a new station at this location would either require buses to cross over from the inside lane to the outside lane at Lake Street, or otherwise by-pass Lake Street altogether, neither of which is a sound or acceptable option; and

Whereas, a weakness in the final UPA application was that it did not include a transit-dedicated lane in both the northbound and southbound directions; and

Whereas, any actions we take to make the UPA program more successful increases the chance that further UPA dollars or similar funding will be available in the future; and

**Midtown Greenway**

Whereas, the City recognizes and supports the increased development and high and growing bicycle and pedestrian use of the Midtown Greenway; and

Whereas, the City supports planning for the potential of adding rail transit in the Midtown Greenway to connect the neighborhoods and businesses along the corridor to a future network of transit lines including the Hiawatha LRT, 35W BRT, and Southwest LRT lines; and

**Access at Lake Street**

Whereas, the decision to build 35W without complete access at Lake Street was a disservice to the City of Minneapolis and the neighborhoods and businesses on Lake Street, and the City strongly supports complete access at the Lake Street interchange to and from 35W, including the multi-modal BRT station, as soon as possible; and

Whereas, transportation projects in Minneapolis should use the best urban design principles that strengthen community cohesion and function through the built environment, share benefits among all facets of the community and create more transit use by large employers; and

**Current Proposal**

Whereas, the estimated cost for current proposal to provide complete freeway access at Lake Street grew and grew to include many expensive components not necessitated by providing access at Lake Street; and

**December 7, 2007**

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Whereas, the current cost of the 35W Access Project is in the range of \$430-480 million, not including full costs of additional connections to I-94, and is not currently funded; and

Whereas, the Minnesota Department of Transportation is delaying transportation projects across Minnesota due to lack of funds and Governor Pawlenty has twice vetoed transportation funding bills; and

Whereas, there is a substantial pent up demand for transportation dollars across Minnesota and even if a transportation bill were passed in the next legislative session, there is no guarantee that the current 35W Access Project proposal would be funded; and

Whereas, Governor Pawlenty has asked for ways to reduce the cost of the project; and

Whereas, the region's needs for a inside lane BRT station at Lake Street, a high quality connection to the Midtown Greenway and access at Lake Street are urgent and must not be held up by adherence to financially and politically unrealistic proposals;

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

That the City of Minneapolis supports refocusing its 35W efforts on developing a fiscally responsible plan which include the City's highest priorities: 1) A high quality inside lane multi-modal BRT station at Lake Street; 2) a high quality connection to the Midtown Greenway; and 3) access at Lake Street.

Be It Further Resolved that the portions of the current 35W Access Project north of 28th Street and south of 31st Street should be reprioritized into either a) a second phase of a new Lake Street Access Project; or b) a second project to be pursued after funding is secured for the City's higher priorities described in the first resolving clause.

Be It Further Resolved that staff be directed to work with Hennepin County, as the acting lead agency, MnDOT, the Metropolitan Council, State Legislators as well as residential neighborhood and business stakeholders, to develop a new proposal consistent with this resolution and maintaining appropriate components of the mitigation program adopted by the Project Advisory Committee.

Be It Further Resolved that Public Works staff be directed to study whether or not to include a northbound exit ramp from 35W to 28th St, including cost estimates of the project with or without that ramp. Public Works staff must report back to the Transportation and Public Works Committee with an update no later than March of 2008.

Adopted 12/7/2007. Yeas, 12; Nays, 1 as follows:

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

Nays - Lilligren.

Pursuant to notice, Schiff moved to introduce the subject matter of the following ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to Liquor and Beer, for first reading and referral to the Public Safety & Regulatory Services Committee:

a) Chapter 360 relating to In General (adding the definition of bowling center to Section 360.10).

b) Chapter 362 relating to Liquor Licenses (amending Section 362.395 to exempt bowling centers from the requirement that 60 percent of total gross revenue come from the sale of food and beverage and to impose a lessened requirement of 50 percent).

Adopted 12/7/2007.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition, for first reading and referral to the Public Safety & Regulatory Services Committee (increasing the fees for vacant building registration).

Adopted 12/7/2007.

## **NEW BUSINESS**

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous (repealing Section 385.80 entitled Lurking; and

amending Section 385.50 entitled Loitering by adding new prohibitions against loitering with the intent to engage in additional criminal acts).

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code:

- a) Chapter 530 relating to Site Plan Review, amending standards for residential development under four units;
- b) Chapter 525 relating to Administration and Enforcement, requiring additional neighborhood notification.

Glidden moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to adopt an administrative procedure for considering requests for reasonable accommodation under the Federal Fair Housing Amendments Act of 1988), as follows:

Amending Chapter 520 related to Zoning Code: Introductory Provisions; and

Amending Chapter 525 related to Zoning Code: Administration and Enforcement

Adopted by unanimous consent 12/7/2007.

Benson moved to introduce the subject matter of an ordinance amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lawful Gambling, for first reading and referral to the Health, Energy & Environment and Public Safety & Regulatory Services Committees (amending the designation from Greater Minneapolis Day Care Association to the Department of Health & Family Support for continued support of the child care loan program).

Adopted by unanimous consent 12/7/2007.

Lilligren moved to adjourn to Room 315 City Hall for the purpose of discussing the matters of a) *Dontay St. James v. City of Minneapolis*, Off. Mark Suchta, Sgt. John Rouner and Sgt. Bruce Folkens; and b) *City of Minneapolis v. Internet Exposure, Inc.* Seconded.

Adopted upon a voice vote 12/7/2007.

Room 315 City Hall

Minneapolis, Minnesota

December 7, 2007 — 12:40 p.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present - Hodges, Samuels, Gordon, Ostrow, Lilligren, Glidden, Remington, Benson, Goodman, Johnson.

Absent - Hofstede, Schiff, Colvin Roy.

Banwer stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the matters of a) *Dontay St. James v. City of Minneapolis*, Off. Mark Suchta, Sgt. John Rouner and Sgt. Bruce Folkens; and b) *City of Minneapolis v. Internet Exposure, Inc.*

Lilligren moved that the meeting be closed at 12:44 p.m. Seconded.

Adopted upon a voice vote.

Absent - Hofstede, Schiff, Colvin Roy.

Present - Hodges, Samuels, Gordon, Hofstede (in at 12:46 p.m.), Ostrow, Schiff (in at 12:47 p.m.), Lilligren, Colvin Roy (in at 12:41 p.m.), Glidden, Remington, Benson, Goodman, Johnson.

Also Present – Dana Banwer, Deputy City Attorney; Lynne Fundingsland, Frank Reed (out at 1:15 p.m.), Greg Sauter and Charles Brown (out at 1:15 p.m.), Assistant City Attorneys; Susan Young, Director of Solid Waste (out at 1:15 p.m.); Lucy Gerold, Commander of 3rd Police Precinct; R.T. Rybak, Mayor; Tina Smith (out at 1:49 p.m.) and Peter Wagenius (out at 1:49 p.m.), Mayor's Office; Cynthia Reichert, Assistant City Clerk; and Irene Kasper, City Clerk's Office.

## December 7, 2007

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Brown summarized the City of Minneapolis v. Internet Exposure, Inc. lawsuit from 12:44 p.m. to 1:14 p.m.

Fundingsland and Sauter summarized the Dontay St. James v. City of Minneapolis, Off. Mark Suchta, Sgt. John Rouner and Sgt. Bruce Folkens lawsuit from 1:15 p.m. to 1:54 p.m.

At 1:55 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Lilligren moved to approve the settlement of the lawsuit of *City of Minneapolis v. Internet Exposure, Inc.*, Hennepin County Court File No. 27-CV-06-21159 by payment of \$12,500 payable to Internet Exposure, Inc. and their attorney, Barry A. O'Neill and Bret P. Clark, from Fund/Org 690 150 1500 6800, and authorized the City Attorney's Office to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 12/7/2007.

Benson moved to approve the settlement of the lawsuit of *Dontay St. James v. Minneapolis, et al.*, Court File No. 05CV2348 DWF/JJG by payment of \$215,000 payable to Dontay St. James and his attorney, Jill Clark, from Fund/Org 690 150 1500 4000, and authorized the City Attorney's Office to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 12/7/2007. Yeas, 11; Nays, 2 as follows:

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

Nays - Colvin Roy, Goodman.

Lilligren moved to adjourn to Tuesday, December 11, 2007, at 5:05 p.m. in the Council Chamber for the purpose of conducting the Truth in Taxation public hearing; and thereafter, adjournment to Wednesday, December 12, 2007, at 5:05 p.m. in the Council Chamber for the purpose of continuation of the Truth in Taxation public hearing (if needed) and for adoption of the 2008 budget. Seconded.

Adopted upon a voice vote 12/7/2007.

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

Cynthia D. Reichert,  
Assistant City Clerk.

Unofficial Posting: 12/12/2007  
Official Posting: 12/14/2007  
Corrections: 2/29/2008