

**OFFICIAL PROCEEDINGS
MINNEAPOLIS CITY COUNCIL
REGULAR MEETING
OF JULY 20, 2012**

(Published July 28, 2012, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
July 20, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Members Colvin Roy, Tuthill.

Lilligren moved adoption of the agenda. Seconded.

Schiff moved to amend the agenda to include under New Business a notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, (amending the development standards for supportive housing). Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Tuthill.

The agenda, as amended, was adopted upon a voice vote.

Absent - Colvin Roy, Tuthill.

Lilligren moved acceptance of the minutes of the regular meeting of June 29, 2012. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Tuthill.

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.

Absent - Colvin Roy, Tuthill.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275822)

Stadium Area: Report on best practices for development in stadium area.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275823)

Walker Methodist Health Center, Inc (3737 & 3701 Bryant Ave S): Preliminary & final approval to issue refunding bonds.

Minnesota Historical & Cultural Fund applications.

CommonBond Communities (re West Broadway Curve project): Granting of exclusive development rights.

Mpls Public Housing Authority Board of Commissioners: Appointment of Ali Mohammed.

MAYOR (275824)

Department of Community Planning & Economic Development: Nomination of Jeremy Hanson Willis as Director & Executive Director of Mpls Community Development Agency.

COMMUNITY DEVELOPMENT and T&PW and W&M/Budget:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275825)
Reopening Nicollet Ave at Lake St Report.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275826)
Department of Community Planning & Economic Development's State & Regional Redevelopment Grant Applications & Awards-2011 Funding Rounds report.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275827)
Dwell at Calhoun Greenway Redevelopment Plan & 3129 Ewing Ave S Land Sale.
NorthPoint: Hennepin County ground lease for interim parking at 2201-15 Plymouth Ave N & 1245 Penn Ave N.
Modification No. 22 to the Model City Urban Renewal Plan.
Praxis Foods (1256 Penn Ave N & 1235-43 Oliver Ave N): Granting of exclusive development rights.
Green Homes North Program: Guidelines & authorization for Request for Proposals.

ELECTIONS:

CITY CLERK (275828)
Voter Identification: Report on the proposed constitutional amendment.

ELECTIONS (See Rep):

CITY CLERK (275829)
2012 Elections: Appoint Election Judges for 117 precincts health care facilities and as members of the Absentee Ballot Board; and Authorize use of substitutes from eligible list.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

EMERGENCY COMMUNICATIONS CENTER (ECC) (275830)
First Watch: Hand out provided to the committee briefly outlining how the First Watch: Real-Time Early Warning System operates.

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

HEALTH AND FAMILY SUPPORT (275831)
University of Minnesota, School of Nursing Affiliation: Authorize five-year Institutional and Program Affiliation Agreement with the University of Minnesota School of Nursing to provide clinical experiences for nursing students through the School Based Clinics program.

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

HEALTH AND FAMILY SUPPORT (275832)
Communities Transformation Grant, Small Communities Program grant: Authorization to apply for a two-year grant from the US Department of Health and Human Services to Improve Health Outcomes.
POLICE DEPARTMENT (275833)
Funding Adjustment - Report on MPD intention to transition/hire non-sworn part time Community Service Officers as full time sworn police officers in September 2012.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COORDINATOR (275834)

Xcel Energy's Solar Rewards Program: Authorize submit comments to the Minnesota Department of Commerce, Division of Energy Resources, related to Xcel's 2013-2015 Minnesota Electric and Natural Gas Conservation Improvement Program, Docket Number E, G002/CIP-12-447.

LICENSES AND CONSUMER SERVICES (275835)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275836)

Minnesota Sports Facilities Authority, 900 S 5th St: Grant On-Sale Liquor Class A with Sunday Sales License.

Minneapolis Club, 729 2nd Ave S : Grant Expansion of premises for outdoor patio on private property.

Barbette, 1600 W Lake St: Grant Expansion of premises to add two tables to sidewalk cafe area.

Kinsen Noodle Shop and Bar, 1300 Lagoon Ave: Grant Expansion of premises for outdoor patio on private property

Tilia, 2726 W 43rd St: Grant Expansion of premises for outdoor patio on private property along the east side of the building.

LICENSES AND CONSUMER SERVICES (275837)

Toppers Pizza, 5447 Nicollet Ave S: Grant Extended Hours License for delivery service until 3:00 a.m., subject to conditions.

LICENSES AND CONSUMER SERVICES (275838)

World Street Kitchen, 2743 Lyndale Ave S: Grant On-Sale Wine Class E with Strong Beer License.

Uptown Theatre, 2906 Hennepin Ave: Grant On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Sinners, 121 Washington Ave N: Grant Extended Hours License to operate Sunday through Thursday until 3:00 a.m. and Friday and Saturday until 4:00 a.m.

Hi-Lake Liquors, 2130 E Lake St: Grant Off-Sale Liquor License, subject to conditions.

K's Dollar and Grocery, 1021 W Broadway: Approve Business License Operating Conditions relating to Grocery License.

REGULATORY SERVICES (275839)

Rental Dwelling License at 2717 15th Ave S: Approve reinstatement of license to be held by Joshua M. Jacobs.

Housing Board of Appeals: Approve City Council appointment of Jorge Eduardo Grauvilardell, Ward 4, as a public member filling the unexpired term of Kristen Cici through December 31, 2013.

REGULATORY SERVICES (275840)

Rental Dwelling License at 3351 Thomas Ave N: Revoke license held by Ronald Folger.

REGULATORY SERVICES (275841)

Solicitors, Peddlers and Transient Merchants: Approve ordinances amending and updating various provisions regulating peddlers, solicitors, and transient merchants; and Amend License Fee Schedule to adjust fees.

Coal Tar-Based Sealer Products: Approve ordinance regulating coal tar-based sealer products.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET:

FINANCE DEPARTMENT (275842)

Regulatory and Licensing Fee Recommendations: Receive and file information in response to 2012 Council Adopted Budget staff directions contained in Footnotes HH and JJ to the Police Department, Fire Department, and Regulatory Services.

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

REGULATORY SERVICES (275843)

Environmental Assistance Grant Program: Authorize submit grant application to Minnesota Pollution Control Agency seeking \$45,000 to develop and implement a public web-based building benchmarking data disclosure system and provide training and technical assistance to property owners and managers complying with City ordinances; and if awarded grant, execute grant documents and approve appropriation

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (275844)

Traffic Zones, Restrictions, and Controls: 2nd quarter 2012 report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (275845)

Large Block Events, Parades, and Races: Ordinances requiring recycling at large block events, parades, and races.

Fridley Pump Station No 6 and Softening Plant Exterior Stabilization Project: Change order to contract with American Masonry Restoration.

33rd Ave SE and Talmage Ave SE Reconstruction Project: Contract amendment with Belair Builders, Inc.

Minneapolis Refuse Incorporated (MRI) Collection Agreement: Negotiation of terms relating to single-sort recycling program.

Single-Sort Recycling Program: Request for Proposals for recycling carts.

Single-Sort Recycling Program: Request for Proposals for processing and marketing of recyclables.

Ovarian Cancer Awareness Month: Recognizing September 2012 as Ovarian Cancer Awareness month to allow request for Mn/DOT to light 35W Bridge in recognition.

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

PUBLIC WORKS AND ENGINEERING (275846)

2012 Alley Resurfacing Program No AL012: Project approval and assessment public hearing; Comments.

Plymouth Ave N Street Resurfacing Project No 5236: Project approval and assessment public hearing.

USI Wireless Agreement Amendment: Pole fees and payment timeframe.

Bids: a) OP 7630, Only bid of HD Supply Waterworks for replacement hydrants; b) OP 7642, Only bid of Brown Traffic Products, Inc., for accessible pedestrian signaling systems; and c) OP 7644, Low bid of Omni-Midwest, Inc. for concrete slab replacement - activated carbon tank.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (275847)

Update on Target Center Renovation Project: Received and filed.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (275848)

Legal Settlement: Resolution of Pending Special assessment appeals of 1010 Metrodome, LLC, and Timeshare Systems, Inc., for the property at 511 11th Ave S.

COMMUNICATIONS (275849)

Accept donation of broadcast time from Comcast Cable for public service announcements.

CONVENTION CENTER (275850)

Convention Center and Target Center Consultant Pool RFP: Authorize master agreements with the recommended firms of Miller Dunwiddie Architecture, M. Arthur Gensler Junior & Associates, and HGA/Populous (a consortium), within the General Architecture category of the Convention Center and Target Center Consulting Pool.

COORDINATOR (275851)

Approve participation of nine charitable fundraising organizations in the 2012 City of Minneapolis Charitable Campaign: Community Solutions Fund, Community Health Charities, Hennepin History Museum, Open Your Heart to the Hungry and Homeless, Peace Maker Foundation, United Negro College Fund, United Arts, Minnesota Environmental Fund, and United Way of Minneapolis Area.

FINANCE DEPARTMENT (275852)

Accept low bid of Prairie Technologies, Inc. of Minnesota (d/b/a Direct Digital Controls), OP No 7636, for Installation, Programming and Commissioning of Building Automation Systems (\$220,250).

FINANCE DEPARTMENT (275853)

Contract Extension: Extend Contract C-25033 with TALX Corporation to July 1, 2015, under the same terms, for services related to monitoring costs for unemployment compensation and verification of payroll information.

INFORMATION TECHNOLOGY (275854)

Amend Contract: Amend contract C-23403 with Advanced Public Safety to add two years, through June 2014 for the police citation writing system and support services, increase the contract by \$200,000, and modify it to reflect the City's revised terms and conditions for 2012.

INFORMATION TECHNOLOGY (275855)

Execute contract with LinkedIn Corporation for two years, not to exceed \$50,000 through May 2014, using LinkedIn's contract document.

INFORMATION TECHNOLOGY (275856)

Execute new five-year contract with TALX Corporation for I-9 services, in an amount not to exceed \$50,000 through August 2017, using TALX corporation's contract document.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275857)

3535 Grand Ave Development, 3535, 3539 and 3543 Grand Ave: Deny appeal filed from the decision of the Planning Commission granting land use applications for a new multi-family, four-story, 30 dwelling unit project; and Adopt findings.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275858)

Washington and Walnut Flats, 616-630 Washington Ave SE and 308 Walnut St: Approve rezoning of properties from the C1 Neighborhood Commercial District to the C3A Community Activity Center District to construct a six-story, mixed use building with 98 dwelling units; and Adopt findings.

Serenity Suites, 2510 4th St N: Deny petition to rezone the property from the R2B to the R5 District; Approve rezoning of property from the R2B to the R4 Multiple-family District to re-establish rights for 11 dwelling units within the existing vacant building, Adopt findings.

NEW BUSINESS (See Rep):

REGULATORY SERVICES (275859)

Chapter 249 Property at 2935 Colfax Ave N: Approve waiver of 60-day waiting period so that the provisions of Chapter 249 may be implemented immediately.

FILED:

CHARTER COMMISSION (275860)

Plain Language Charter Revision: a) Draft 12 March 2009 Report to the City Council (bound copy); b) Draft 12(D) and 12(D) redlined; c) Draft 12(D1) and 12(D1) redlined; d) Draft 12(E), Draft 12(E) redlined from Draft 12, and Draft 12(E) redlined from Draft 12(D); e) Transmittal Report and redlined Transmittal Report.

CHARTER COMMISSION (275861)

Plain Language Charter Revision Comments: a) Email from Chair Clegg to Charter Commissioners; b) Email from CM Glidden to Charter Commissioners; c) Memorandum from City Attorney's Office to CM Glidden; and d) Memorandum from City Clerk to CM Glidden.

The following reports were signed by Mayor Rybak on July 24, 2012, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, to whom was forwarded without recommendation from the Executive Committee the Mayor's nomination of the appointment of Jeremy Hanson Willis to serve as Director of the Department of Community Planning & Economic Development and Executive Director of the Minneapolis Community Development Agency (MCDA), to complete the term of Mike Christenson, which expires in December, 2013, now recommends approval of said appointment.

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

Adopted. Yeas, 10; Nays, 1 as follows:

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

Nays - Schiff.

Absent - Colvin Roy, Tuthill.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Walker Methodist Health Center, Inc., at 3701 and 3737 Bryant Ave S, for refunding of outstanding debt balance, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$21,500,000 in Tax-exempt Refunding Revenue Bonds.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-384, authorizing the issuance, sale, and delivery of Refunding Revenue Bonds for the Walker Minneapolis Campus Project (3701 & 3737 Bryant Ave S), Series 2012; Approving the form of and authorizing the execution and delivery of the bonds and related documents; Providing for the security, rights, and remedies with respect to the bonds; and Granting approval for certain other actions with respect thereto, was adopted 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 2012R-384

By Goodman

Authorizing the issuance, sale, and delivery of Refunding Revenue Bonds (Walker Minneapolis Campus Project), Series 2012; Approving the form of and authorizing the execution and delivery of the bonds and related documents; Providing for the security, rights, and remedies with respect to the bonds; and Granting approval for certain other actions with respect thereto.

Resolved by The City Council of The City of Minneapolis:

1. STATUTORY AUTHORIZATION. The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota. The City is authorized by Minnesota Statutes, Sections 469.152 — 469.1651, as amended (the "Development Act"), to issue revenue bonds to finance, in whole or in part, the costs of the acquisition, construction, reconstruction, improvement, betterment, or extension of projects, including

any properties, real or personal, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, engaged in providing health care services, including nursing homes and related medical facilities, and of any related public improvements. In addition, the City is authorized by the provisions of the Development Act to issue revenue bonds to refund, in whole or in part, bonds previously issued by the City under the Development Act and interest on such bonds. The City is further authorized by Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to issue and sell revenue bonds or obligations to finance multifamily rental housing developments and, in the issuance of revenue bonds and in making loans to finance multifamily rental housing developments, the City may exercise within its corporate limits any of the powers of the Minnesota Housing Finance Agency under Minnesota Statutes, Chapter 462A, as amended (the "MHFA Act"), without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended. In addition, pursuant to Section 462A.08, subdivision 2, of the MHFA Act, the City is authorized to issue revenue bonds to refund bonds previously issued by the City to make loans for multifamily housing developments, including any interest accrued or to accrue to the redemption date.

2. PRIOR BONDS. On November 15, 1998, the City issued the following obligations pursuant to the terms of a Bond Trust Indenture, dated as of November 15, 1998 (the "Prior Indenture"), between the City and U.S. Bank National Association (formerly known as U.S. Bank Trust National Association), as trustee (the "Bond Trustee"): (i) Revenue Bonds, Series 1998A (Walker Methodist Senior Services Obligated Group) (the "Series 1998A Bonds"), issued by the City in the original aggregate principal amount of \$56,615,000; (ii) Revenue Bonds, Series 1998B (Walker Methodist Senior Services Obligated Group) (the "Series 1998B Bonds"), issued by the City in the original aggregate principal amount of \$2,295,000; and (iii) Revenue Bonds, Series 1998C (Walker Methodist Senior Services Obligated Group) (the "Series 1998C Bonds"), issued by the City in the original aggregate principal amount of \$10,925,000. The Series 1998A Bonds, Series 1998B Bonds, and Series 1998C Bonds are hereinafter referred to collectively as the "Series 1998 Bonds." The proceeds derived from the sale of the Series 1998A Bonds and the Series 1998B Bonds were loaned to the AB Borrowers (as hereinafter defined) pursuant to the terms of a Series AB Loan Agreement, dated as of November 15, 1998 (the "Series AB Loan Agreement"), between the City and the following related nonprofit corporations: (i) Walker Methodist Health Center, Inc.; (ii) Walker Care Corporation I; (iii) Walker Assisted Living Corporation I; (iv) Walker Senior Housing Corporation III; (v) Walker Senior Housing Corporation V; (vi) Walker Senior Housing Corporation IX; and (vii) Walker Senior Services, Inc. (the "AB Borrowers"). The proceeds of the loan (the "Series AB Loan") were applied to refund certain outstanding bonds issued for the benefit of the AB Borrowers and to make improvements in certain facilities of the AB Borrowers. The proceeds derived from the sale of the Series 1998C Bonds were loaned to Walker Residence, Inc., a Minnesota nonprofit corporation ("Walker Residence, Inc."), pursuant to the terms of a Series C Loan Agreement, dated as of November 15, 1998 (the "Series C Loan Agreement"), between the City and Walker Residence, Inc. The proceeds of the loan (the "Series C Loan") were applied to refund certain outstanding bonds issued for the benefit of Walker Residence, Inc. and to make improvements in the facilities of Walker Residence, Inc.

The obligation of the AB Borrowers to repay the Series AB Loan pursuant to the terms of the Series AB Loan Agreement is secured by a Promissory Note, Series 1998AB (the "Series AB Note"), issued pursuant to the terms of a Master Trust Indenture, dated as of November 15, 1998 (the "Master Indenture"), between the AB Borrowers and Walker Residence, Inc. (collectively, the "Initial Members") and U.S. Bank National Association (formerly known as U.S. Bank Trust National Association), as trustee (the "Master Trustee"), as amended by a First Supplemental Master Trust Indenture, dated as of November 15, 1998 (the "First Supplemental Indenture"), between the Initial Members and the Master Trustee. The obligation of Walker Residence, Inc. to repay the Series C Loan pursuant to the terms of the Series C Loan Agreement is secured by a Promissory Note, Series 1998C (the "Series C Note"), issued pursuant to the terms of the Master Indenture, as amended by the First Supplemental Indenture. The obligations of the Initial Members under the Series AB Note and the Series C Note are secured by mortgage liens granted by the Initial Members (whose facilities are financed or refinanced with the proceeds of the Series 1998 Bonds) to the Master Trustee pursuant to various Mortgage, Security Agreement and Fixture Financing Statements, each dated November 15, 1998 (the "Prior Mortgages").

During the nearly fourteen-year period since the date of issuance of the Series 1998 Bonds, the portion of the proceeds of the Series 1998 Bonds that financed or refinanced several of the facilities have been refunded with other bond issues and the owners of such facilities have withdrawn as Initial

Members of the Obligated Group established under the terms of the Master Indenture (the "Obligated Group"). On the date hereof, there are only three remaining members of the Obligated Group: (i) Walker Methodist Health Center, Inc. ("WMHC"), the owner of Walker Methodist Health Center, a licensed nursing facility located at 3737 Bryant Avenue South in the City (the "Health Center"); (ii) Walker Residence, Inc. ("WRI"), the owner of Walker Place, a senior rental apartment facility located at 3701 Bryant Avenue South in the City ("Walker Place"); and (iii) Walker Senior Services, Inc. ("WSSI"), the manager of the Health Center and Walker Place. The Series 1998B Bonds have been paid in full. Only \$20,310,000 in aggregate principal amount of the Series 1998A Bonds and the Series 1998C Bonds remain outstanding on the date hereof (the "Outstanding Prior Bonds").

3. **BONDS.** WMHC is a Minnesota nonprofit corporation and is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code. WRI is a Minnesota nonprofit corporation and is exempt from federal income taxation under Section 501(a) of the Code as a result of the application of Section 501(c)(3) of the Code. WMHC and WRI (collectively, the "Borrower") have requested that the City issue its Refunding Revenue Bonds (Walker Minneapolis Campus Project), Series 2012 (the "Bonds"), in one or more series, as tax-exempt bonds, in a principal amount of approximately \$21,500,000. The Bonds will be issued under the terms and conditions of this resolution and an Indenture of Trust, dated on or after August 1, 2012 (the "Indenture"), between the City and U.S. Bank National Association, as trustee (the "Trustee"). The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms of a Loan Agreement, dated on or after August 1, 2012 (the "Loan Agreement"), between the City and the Borrower, and the proceeds of the loan will be applied to the redemption and prepayment of the Outstanding Prior Bonds. The repayment of the loan under the terms of the Loan Agreement and the payment of the principal of, premium, if any, and interest on the Bonds will be secured by an Amended and Restated Mortgage, Security Agreement and Fixture Financing Statement, dated on or after August 1, 2012 (the "Mortgage"), from the Borrower to the Trustee, to provide security for the payment of the Bonds and for the performance of the Borrower's obligations under the Loan Agreement. The Bonds will be special, limited obligations of the City that: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

4. **PUBLIC HEARINGS.** Following a public hearing held on September 22, 1998, notice of which was published in the Star Tribune and in Finance and Commerce on September 5, 1998, the City Council of the City adopted a resolution on October 2, 1998 (Resolution 98R-374) which gave preliminary approval to the issuance of the Series 1998 Bonds to be applied to the financing and refinancing of the Health Center and authorized the submission of an application to the Minnesota Department of Trade and Economic Development ("DEED") for approval of the financing for the Health Center, all in accordance with the requirements of the Development Act. An application was submitted by the City to DEED on October 21, 1998, and was approved by DEED on November 6, 1998. Following a second public hearing held on October 5, 1998, notice of which was published in the Star Tribune and in Finance and Commerce on September 19, 1998, the City Council of the City adopted a resolution on October 16, 1998 (Resolution 98R-387) which approved a housing program with respect to Walker Place (the "Housing Program"), all in accordance with the requirements of the Housing Act. The Housing Program was submitted to the Metropolitan Council for its review on September 19, 1998, and the City received a written response from the Metropolitan Council dated September 30, 1998.

Pursuant to Section 147(f) of the Code, if the average maturity date of the issue of which a refunding bond is a part is later than the average maturity date of the bonds to be refunded by such issue, a public hearing must be conducted as a condition to the issuance of such refunding bonds as obligations the interest on which is excludable from gross income for federal income tax purposes. In order to permit the Bonds to be issued with an average maturity date greater than the average maturity date of the Outstanding Prior Bonds, a public hearing was conducted before the Community Development Committee of the City Council of the City. A notice of the public hearing was published in the Star Tribune and in Finance and Commerce at least fourteen (14) days prior to the date of the public hearing.

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

6. THE BONDS. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the maximum aggregate principal amount of \$21,500,000. The Bonds are hereby authorized to be issued as tax-exempt bonds the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The Bonds, substantially in the forms set forth in the Indenture now on file with the City, are hereby approved with the amendments referenced herein. All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

The Bonds shall be special limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the terms of the Loan Agreement and from the revenues and security pledged, assigned, and granted pursuant to the Indenture and pursuant to the Mortgage and any other security documents provided by the Borrower to the Trustee. As provided in the Loan Agreement, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Bonds shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indenture. The Bonds shall recite that the Bonds are issued pursuant to the Development Act and the Housing Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

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

8. THE LOAN AGREEMENT. The Loan Agreement is hereby approved and the Finance Officer is hereby authorized to execute and deliver the Loan Agreement on behalf of the City. All of the provisions of the Loan Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form now on file with the City, with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in

his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determinations. Except for certain reserved rights, the interests of the City in the Loan Agreement will be assigned to the owners of the Bonds pursuant to the terms of the Indenture.

The loan repayments to be made by the Borrower under the Loan Agreement are fixed to produce revenues sufficient to provide for the prompt payment of the principal of, premium, if any, and interest on the Bonds when due, and the Loan Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Health Center and Walker Place, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Health Center and Walker Place and payable during the term of the Loan Agreement.

9. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including a Bond Purchase Agreement, dated on or after the pricing date of the Bonds (the "Purchase Agreement"), between the City, the Borrower, and Dougherty & Company LLC, as original purchaser of the Bonds, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, an endorsement to the Borrower's certificate as to arbitrage and rebate, and similar documents, appropriate amendments to the Housing Program, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds. All of the provisions of such documents and certificates, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel, to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

10. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of an official statement or other disclosure document relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information (except for such information that is specifically provided by the City for inclusion in the Disclosure Document such as information regarding the authority of the City to issue the Bonds and any material pending litigation against the City).

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

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

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

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

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

15. ADDITIONAL ACTIONS. The officers of the City, bond counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. The Borrower has agreed and it is hereby determined that any and all costs incurred by the City in connection with the refunding of the Outstanding Prior Bonds and the refinancing of the Health Center and Walker Place and the issuance of the Bonds will be paid by the Borrower. It is understood and agreed that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the refinancing of the Health Center and Walker Place or the issuance of the Bonds, as provided for and agreed to by and between the Borrower and the City in the Loan Agreement.

16. DESIGNATION AS PROGRAM BONDS. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

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

Adopted.

Absent - Colvin Roy, Tuthill.

Comm Dev - Your Committee, having under consideration applications for Minnesota Historical and Cultural Funds (a/k/a Legacy Grant Funds), now recommends approval of the ranking of the following projects for submission to the Minnesota Statewide Historical and Cultural Grants program in the Historic Preservation Category:

1. Pillsbury A Mill Tunnel System Condition Study
2. Pioneers and Soldiers Cemetery

Adopted.

Absent - Colvin Roy, Tuthill.

Comm Dev - Your Committee recommends that exclusive development rights be granted to CommonBond Communities for 12 months on City-owned parcels at 1926, 1930, 1936, 2000, 2004, 2006, 2010, 2014, 2018 and 2022 W Broadway Ave for the West Broadway Curve Project.

Adopted.

Absent - Colvin Roy, Tuthill.

Comm Dev - Your Committee recommends approval of the City Council appointment of Ali Mohammed to the Minneapolis Public Housing Board of Commissioners for a term to expire 12/31/2014 (replacing Darlene Rogers).

Adopted.

Absent - Colvin Roy, Tuthill.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the Dwell at Calhoun Greenway Redevelopment Plan proposed by Bigos Management for the redevelopment of a portion of 3140 Chowen Ave S and the vacant tax-forfeited property at 3129 Ewing Ave S, now recommends:

a) Passage of the accompanying resolutions - 1) approving the Dwell at Calhoun Greenway Redevelopment Plan; and 2) approving the acquisition of 3129 Ewing Ave S from Hennepin County for \$10,410 and disposition to Bigos-Calhoun Greenway, LLC for \$62,000;

b) That the proper City officers be authorized to execute any documents which may be required for these transactions.

Adopted.

Absent - Colvin Roy, Tuthill.

Approved by Mayor Rybak 7/20/2012.

(Published 7/24/2012)

Resolution 2012R-385, approving the Dwell at Calhoun Greenway Redevelopment Plan for a portion of 3140 Chowen Ave S and 3129 Ewing Ave S, was adopted 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 2012R-385
By Goodman and Hodges**

Approving the Dwell at Calhoun Greenway Redevelopment Plan.

Resolved by the City Council of the City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing 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. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Dwell at Calhoun Greenway Redevelopment Plan (the "Plan"). The Plan creates a new redevelopment project area (the "Project Area"), states the City's objectives, describes proposed development activity, describes a proposed land use and identifies property that may be

acquired by the City to facilitate redevelopment of the Project Area, all pursuant to and in accordance with the Project Laws.

1.3. The City has performed all actions required by law to be performed prior to the adoption of the Plan, including, but not limited to, a review of the proposed Plan by the affected neighborhood group and the City Planning Commission, and the holding of a public hearing after published notice as required by law.

Section 2. Findings

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

2.2. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid and public assistance to be sought.

2.3. The Council further finds, determines and declares that the Plan will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area by private enterprise.

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

2.5. The Council further finds, determines and declares that the Dwell at Calhoun Greenway Redevelopment Project is a redevelopment project pursuant to Minnesota Statutes, Section 469.002, Subdivisions 14 and 16 and that the Project Area is a "blighted area" pursuant to Minnesota Statutes, Section 469.002, Subdivision 11.

2.6. The Council further finds, determines and declares that the reasons and facts supporting the findings in this Resolution are described in the Plan.

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

Section 3. Approval of the Plan

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

Section 4. Implementation of the Plan

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

Adopted.

Absent - Colvin Roy, Tuthill.

Approved by Mayor Rybak 7/20/2012.

Resolution 2012R-386, authorizing sale of land, Dwell at Calhoun Greenway Project, Disposition Parcel No TF-763 at 3129 Ewing Ave S, was adopted 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 2012R-386
By Goodman and Hodges

Authorizing sale of land, Dwell at Calhoun Greenway Project, Disposition Parcel No TF-763 at 3129 Ewing Ave S.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-763, in the West Calhoun neighborhood, from Bigos-Calhoun Greenway, LLC, hereinafter known as the Redeveloper, the Parcel TF-763, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-763; 3129 Ewing Avenue South: LOTS 1 AND 2 BLK 3 INCL ADJ E 1/2 VAC ALLEY AND W 1/2 OF VAC DREW AVE S LYING NLY OF EXT OF S LINE SAID LOT 2 AND SLY OF HCRRA RAIL CORRIDOR ALSO LOTS 14 AND 15 BLK 3 INCL ADJ W 1/2 VAC ALLEY AND E 1/2 VAC EWING AVE S LYING NLY OF EXT OF S LINE SAID LOT 14 AND SLY OF HCRRA RAIL CORRIDOR, CALHOUN BOULEVARD ADDITION TO MINNEAPOLIS, MINN; and

Whereas, the Redeveloper has offered to pay the sum of \$62,000, for Parcel TF-763 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 June 29, 2012, a public hearing on the proposed sale was duly held on July 10, 2012, 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 Dwell At Calhoun Greenway Project plan, as amended, is hereby estimated to be the sum of \$62,000 for Parcel TF-763.

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. Furthermore, 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 and delivered by the Finance Officer or other appropriate City official of the City.

Adopted.

Absent - Colvin Roy, Tuthill.

Approved by Mayor Rybak 7/20/2012.

Comm Dev & W&M/Budget - Your Committee recommends approval of a five year ground lease for interim parking for NorthPoint and community use at the southwest corner of Penn and Plymouth Ave, 2201-2215 Plymouth Ave N and 1245 Penn Ave N.

Adopted.

Absent - Colvin Roy, Tuthill.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution approving Modification No. 22 to the Model City Urban Renewal Plan, which removes two properties that are included within the newly established Spirit on Lake Redevelopment Project (proposed to be located on the northwest corner of 13th Ave and E Lake St) from the Model City project boundary so that the properties are located within only one redevelopment project area.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-387, approving Modification No. 22 to the Model City Urban Renewal Plan, was adopted 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 2012R-387
By Goodman and Hodges**

Approving Modification No 22 to the Model City Urban Renewal Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2. By a resolution duly adopted on June 12, 1970, the City Council approved the Model City Urban Renewal Plan, and subsequent modifications have been prepared and approved.

1.3. By Resolution 2012R-287 duly adopted on May 25, 2012 and approved on May 30, 2012, the City approved the Spirit on Lake Redevelopment Plan.

1.4. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, Modification No 22 to the Model City Urban Renewal Plan (the "Modification"). The Modification changes the project boundary to remove the two parcels included within the Spirit on Lake Redevelopment Project from the Model City Urban Renewal Area, pursuant to and in accordance with the Project Laws.

1.5. The City has performed all actions required by law to be performed prior to the approval of the Modification, including, but not limited to, a review of the proposed Modification by the affected neighborhood group and the City Planning Commission, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings

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

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

2.3. The Council further finds, determines and declares that the Modification will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the project area by private enterprise.

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

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

Section 3. Approval of the Modification

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

Section 4. Implementation of the Modification

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

Adopted.

Absent - Colvin Roy, Tuthill.

Comm Dev & W&M/Budget - Your Committee recommends that exclusive development rights be granted to Praxis Foods through December 31, 2013, for the properties at 1256 Penn Ave N and 1235-1243 Oliver Ave N.

Adopted.

Absent - Colvin Roy, Tuthill.

Comm Dev & W&M/Budget - Your Committee recommends approval of the Green Homes North Program Guidelines as set forth in the Department of Community Planning & Economic Development staff report, and that the proper City officers be authorized to release a Request for Proposals for the construction of new green single family homes on City owned vacant lots in North Minneapolis.

Adopted.

Absent - Colvin Roy, Tuthill.

The ELECTIONS Committee submitted the following report:

Elections - Your Committee recommends approval of the appointment of election judges to serve in 117 precincts (polling places), health care facilities, and as members constituting the City's Absentee Ballot Board for the 2012 Primary and General Election, as set forth in Petn No 275829 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Your Committee further recommends the Election Division be authorized to use substitutions from the eligible list of election judges as necessary.

Adopted.

Absent – Colvin Roy, Tuthill.

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

PSC&H - Your Committee recommends the proper City officers be authorized to enter into a five year Institutional and Program Affiliation Agreement with the University of Minnesota, School of Nursing to provide clinical experiences for nursing students through the School Based Clinic program.

Adopted.

Absent - Colvin Roy, Tuthill.

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

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to apply for a two-year Communities Transformation Grant, Small Communities Program grant from the U.S. Department of Health and Human Services, for an amount not to exceed \$3,825,780, beginning September 30, 2012.

Adopted.

Absent - Colvin Roy, Tuthill.

PSC&H & W&M/Budget - Your Committee, having under consideration a report from the Minneapolis Police Department on its intention relating to transitioning non-sworn Community Service Officers into full time sworn officers in September 2012, now recommends approval of that intention and that the report be received and filed.

Adopted.

Absent - Colvin Roy, Tuthill.

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

RE&E - Your Committee, to whom was referred an ordinance amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection* by adding a new Chapter 60 entitled *Coal Tar Based Sealer Products*, regulating the use and sale of coal tar based sealer products in the City of Minneapolis, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Absent –Colvin Roy, Tuthill.

Ordinance 2012-Or-042 amending Title 3, Chapter 60 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection* by adding a new Chapter 60 adding Sections 60.10 through 60.80 to regulate the use and sale of coal tar based sealer products in the City of Minneapolis, was adopted 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 2012-Or-042
By Colvin Roy
Intro & 1st Reading: 5/25/2012
Ref to: RE&E
2nd Reading: 7/20/2012

Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection by adding a new Chapter 60 relating to Coal Tar Based Sealer Products.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 60 to read as follows:

CHAPTER 60. COAL TAR-BASED SEALER PRODUCTS

60.10. Purpose. The City of Minneapolis understands that lakes, rivers, streams and other bodies of water are natural assets that enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The City of Minneapolis Comprehensive Plan supports protection of these resources. The use of sealers on asphalt driveways, parking lots and other surfaces is a common practice. However, scientific studies on the use of coal tar-based sealer products have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this ordinance is to regulate sealer products within the City of Minneapolis, in order to protect, restore, and preserve the quality of its waters.

60.20. Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Asphalt-based sealer. A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.

Coal tar. A byproduct of the process used to refine coal.

Coal tar-based sealer. A sealer material containing coal tar that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.

City. The City of Minneapolis.

MPCA. The Minnesota Pollution Control Agency.

PAHs. Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

60.30. Prohibitions. (a) No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City of Minneapolis.

(b) No person shall contract with any applicator, developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

(c) No applicator, developer, or other individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

- (d) A person may not sell a coal tar based sealer product within the City, unless:
- (1) The sale is to a person who intends to use the coal tar-based sealer outside the City's jurisdiction; and
 - (2) The seller requires the purchaser to complete and sign a form provided by the City that includes:
 - a. The name, address, and phone number of the purchaser;
 - b. The date of the purchase;
 - c. The quantity of coal tar-based sealer purchased;
 - d. A statement that the coal tar-based sealer will not be used within the City of Minneapolis;
 - e. An affirmation by the purchaser that the information on the form is correct; and
 - (3) The seller retains the completed form for a period of not less than two (2) years and allows the City to inspect or copy the form upon request.

60.40. Exemption. Upon the express written approval from both the City and the MPCA, a person conducting bona fide research on the effects of coal tar-based sealer products or PAHs on the environment shall be exempt from the prohibitions provided in section 60.30.

60.50. Asphalt-based sealcoat products. The provisions of this chapter shall only apply to coal tar-based sealer in the City and shall not affect the use or sale of asphalt-based sealer products within the City.

60.60. Penalties. Any person violating any provision of this chapter may be subject to the penalties as provided pursuant to section 1.30 and chapter 2 of this Code. This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate civil, criminal or administrative remedy in any court of competent jurisdiction.

60.70. Severability. If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

60.80. Effective date. This chapter shall take effect on January 1, 2013.

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E – Your Committee, to whom was referred ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses & Business Regulations*, amending and updating various provisions regulating peddlers, solicitors, and transient merchants, now recommends the following:

- a) that the following ordinances be given their second reading for amendment and passage:
 - repealing Chapter 323 relating to *Peddlers*
 - repealing Chapter 333 relating to *Solicitors*
 - repealing Chapter 343 relating to *Transient Merchants*
 - adding a new Chapter 332 entitled *Solicitors, Peddlers and Transient Merchants*.
- b) that the License Fee Schedule be amended to adjust the fees for the following license types:

License Type	2012 Fee
Peddler, Foot	\$186
Peddler, Junk	\$87
Solicitor, Charitable	\$65
Solicitor, Company	\$186
Solicitor, Individual	\$186
Transient Merchant	\$256
Transient Merchant, Each Additional Location	\$98

- c) that staff be directed to provide a copy of a sample commercial solicitor's identification badge to the Minneapolis Police Department and Crime Prevention staff in order for the information to be e-mailed to

block club leaders across the City, along with information about the new ordinance, the requirements to display identification at all times, and the clarification of the "no solicitation" sign.

Schiff moved that Section 332.70 (b) of the ordinance be amended to read as follows:

"(b) Upon the issuance of a solicitor's registration or a peddler's or transient merchant's license, the department of licenses and consumer services shall issue to each individual employee, agent, or representative registered for direct solicitation, peddling or operation as a transient merchant, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, address, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor", "peddler", or "transient merchant", as applicable, the time period for which it is issued, and the number of the identification card which shall be registered with the department of licenses and consumer services. Every solicitor, peddler, or transient merchant registered or licensed hereunder shall carry and display his or her identification card at all times while engaged in solicitation, peddling or operation as a transient merchant, upon a lanyard or in a manner such that the photograph and information is readily, continuously and clearly visible and unobstructed." Seconded.

Adopted upon a voice vote.

Absent –Colvin Roy, Tuthill.

The report, with amended ordinance, was adopted.

Absent –Colvin Roy, Tuthill.

Ordinance 2012-Or-043 repealing Chapter 323 of Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Peddlers*, repealing Sections 323.10 through 323.90, was adopted 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 2012-Or-043
By Schiff and Colvin Roy
Intro & 1st Reading: 11/4/2011
Ref to: RE&E
2nd Reading: 7/20/2012

Repealing Chapter 323 of Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Peddlers.

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

Section 1. That Chapter 323 of the above-entitled ordinance be and is hereby repealed.

~~CHAPTER 323. PEDDLERS~~

~~323.10. License required.~~ No person shall engage in the various forms of peddling covered by this chapter without having the proper license required by this chapter.

~~323.20. Fee, expiration of foot peddler's license.~~ The annual license fee for a foot peddler shall be as established in Appendix J, License Fee Schedule. Said license shall expire on June first of each year.

~~323.30. Fee, expiration of junk peddler's license.~~ The annual license fee for a junk peddler shall be as established in Appendix J, License Fee Schedule. Said license shall expire on July first of each year.

~~323.40. Reserved.~~

~~**323.50. Application for license, issuance.** Any person desiring any peddler's license shall apply to the director of licenses and consumer services on forms to be provided by the director. No foot peddler's license shall be issued to anyone who has not been a resident of the city for the year preceding the application. A one hundred dollar (\$100.00) bond is required for a junk peddler's license. An applicant for a foot peddler's license must submit two (2) photographs of the applicant with the application.~~

~~Upon receipt of a new application and payment of the license fee, the department of licenses and consumer services shall issue a foot peddler's license to an applicant who has not been convicted of a crime. All other new applications and renewals shall be considered by the city council~~

~~**323.60. Badges and identification.** All peddlers shall wear suitable badges identifying themselves and showing their license numbers.~~

~~**323.70. Revocation of licenses.** Any license issued under this chapter may be revoked by the city council at any time.~~

~~**323.80. Registration, identification whether license required or not.** Any person doing any peddling, whether of the type requiring license hereunder or not, shall register with the director of licenses and consumer services and shall wear a suitable badge identifying himself or herself as a peddler.~~

~~**323.90. Reserved.**~~

~~Adopted.~~

~~Absent –Colvin Roy, Tuthill.~~

Ordinance 2012-Or-044 repealing Chapter 333 of Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Solicitors*, repealing Sections 333.10 through 333.240, was adopted 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 2012-Or-044
By Schiff and Colvin Roy
Intro & 1st Reading: 11/4/2011
Ref to: RE&E
2nd Reading: 7/20/2012

Repealing Chapter 333 of Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors.

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

Section 1. That Chapter 333 of the above-entitled ordinance be and is hereby repealed.

CHAPTER 333. SOLICITORS

ARTICLE I. GENERALLY*

~~**333.10. Defined.** The term "solicitor" when used in this article shall mean (1) a person who goes from house to house or from place to place in the city, or approaches other persons upon the public streets or sidewalks, selling or taking orders for, or offering to sell or take orders for, or promoting the sale of, goods, wares, merchandise or any article for future delivery, or for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatever for future delivery, and who demands, accepts or receives payment or deposit of money therefor in advance of final delivery; or who hands out cards or slips containing free chances on drawings or systematically approaches other persons in any of said places to obtain their name, address or telephone number for prospect lists, for promoting or accomplishing any of the activities or purposes~~

above described; (2) or a supplier, whether individual, partnership, corporation or association who engages employees, agents, or representatives to perform any of the above-mentioned activities in selling or promoting the sale of its goods, merchandise or services.

333.20. License required. No person, partnership, corporation or association shall carry on the business of solicitor either directly or through agents or representatives without being licensed under this article.

333.30. Application required. Application for such license shall be made to the department of licenses and consumer services. The application of an individual, agent, or representative shall state full name and residence and address while working as a solicitor in Minneapolis, the full name and residence of the person, firm or company by whom employed, for whom acting, selling, or promoting; the kind or line of goods, wares, merchandise, articles, things or services he or she proposes to sell, solicit or take orders for, and the brand or trade names thereof. The application of a partnership, corporation or association shall state its correct name, the state of its incorporation, if any, the street and mailing address of its home office or principal place of business, as well as the address of its closest business office, if any, the kind or line of goods, wares, merchandise, articles, things or services it proposes to sell, solicit or take orders for, and the brand or trade names thereof; and the names and addresses of all employees, agents, or representatives it proposes to engage in solicitation. Every applicant and every licensee, whether an individual representative or a supplier, shall keep the department of licenses and consumer services informed of any changes in any of the information required herein to be furnished to the city.

333.40. Issuance of license. Upon receipt of a new application and payment of the license fee, the department of licenses and consumer services shall issue a license where (1) the applicant is an individual person; and (2) the applicant has not been convicted of a crime. All other new applications and renewals shall be considered by the city council.

333.50. Service of process. All applicants, whether an individual desiring to work directly as a solicitor, or the supplier of the goods, wares, merchandise or services proposed to be sold or promoted, and whether the applicant is an individual, partnership, corporation or association, shall furnish to the department of licenses and consumer services, in the application, the name and address of the principal or officer of the applicant upon whom may be served in accordance with the laws of the State of Minnesota any legal process in any cause of action arising out of any operation of the applicant within the city. It shall be the duty of the licensee to keep the department of licenses and consumer services currently informed of any change in the name or address of such person upon whom legal process may be served. The furnishing by applicants or licensees of inaccurate or false information as to such names and addresses shall be a violation of this article. The return of any person authorized to serve legal process that such principal or officer cannot be found for service pursuant to Minnesota Statutes, Sections 543.19 and 303.13 or other laws of the State of Minnesota, at the address filed with the department of licenses and consumer services by an applicant or licensee, shall constitute a violation of this article by such applicant or licensee.

333.60. License fee. The annual license fee for an individual employee, agent, or representative, and for a supplier shall be as established in Appendix J, License Fee Schedule.

Upon payment of the fee and proper filing of the application, and upon granting of the license by the city council, the license shall be issued by the department of licenses and consumer services and also the identification card described in section 333.80; provided, however, that if at any time, any action or complaint is pending against the applicant for any violation of this chapter or in the event of an unfavorable report of the police license inspector, the matter shall be referred by the department of licenses and consumer services to the city council for review and determination as to the issuance, renewal or revocation of the license.

333.70. When licenses expire. Licenses issued under this chapter shall expire on June first of each year.

333.80. Identification card. Upon the granting of a solicitor's license, the department of licenses and consumer services shall issue to each individual employee, agent, or representative licensed for direct solicitation, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, age, address, a brief physical description, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor," the year for which it is issued, and the number of the identification card which shall be registered with the department of licenses and consumer services. Every solicitor licensed hereunder shall carry his or her license and identification card at all times while engaged in solicitation, and shall exhibit the same to any person when requested.

333.90. Sales slip or order. Every solicitor doing business in the city, upon making any sale of or taking any order for any goods, wares, merchandise, articles, things or services for future delivery shall deliver to and leave with the purchaser or person giving any such order a sales slip or copy of such order contract containing a description of the goods, wares, merchandise, articles, things or services ordered or contracted for, the agreed price thereof, the amount of all delivery charges thereon, the date for the future delivery thereof, the name and address of the solicitor, and the name and address of the person, firm or company, if any, for whom the solicitor is acting.

333.100. Prohibited area. No solicitor licensed under this chapter shall conduct business on the public streets or alleys within the following described territory in the city:

Commencing at the intersection of First Avenue North and Washington Avenue; thence along said First Avenue North, including both sides thereof, to Ninth Street North; thence along Ninth Street North, including both sides thereof, to Hawthorne Avenue; thence along Hawthorne Avenue, including both sides thereof, to Eleventh Street; thence along Eleventh Street, including both sides thereof, in an easterly direction to Second Avenue South; thence along Second Avenue South, including both sides thereof, to Washington Avenue; thence along Washington Avenue, including both sides thereof, to First Avenue North.

333.110. Violations. It shall be unlawful for any individual, employee, agent, or representative to engage in solicitation unless the supplier of the goods, merchandise or service being sold or promoted is also licensed as required herein. It shall be unlawful for any supplier of merchandise or services to be engaged in solicitation through employees, agents, or representatives, unless all of such employees, agents, or representatives so engaged are currently listed with the department of licenses and consumer services and licensed as required herein. Violation of any provision of this article shall be punishable as provided in this Code of Ordinances and shall be grounds for termination of the solicitor's license.

333.120--333.130. Reserved.

ARTICLE II. CHARITABLE SOLICITATIONS*

333.140. Definitions. For the purpose of this article, the following words and terms are defined and shall be construed as hereinafter set forth, unless it is apparent from the context that they shall have a different meaning:

Charitable purpose shall mean and include any philanthropic, social service, welfare or benevolent purpose, whether actual or purported.

Contribution or donation shall include money or property currently paid or delivered and pledges or subscriptions for the future payment of money or delivery of property to be used in whole or in part for any charitable purpose, as above defined, and donations in the form of a purchase or agreement for the purchase of any kind of advertisement, advertising space, book, card, coupon, device, magazine, membership, merchandise, subscription, tag, flower, emblem or any other thing in connection with which any portion of the purchase price thereof, or donation therefor, is purportedly to be used for any charitable purpose.

Person shall include any agency, partnership, company, association, society, organization or corporation, as well as a natural person but shall not include individual persons acting as solicitors for an organization or project.

Public solicitation shall mean the act of soliciting contributions in the city for any charitable purpose, as said terms are herein defined, from ten (10) or more persons by any means whatsoever.

Street solicitation shall be deemed to be a public solicitation of contributions from persons on the streets or sidewalks in the city.

333.150. Permit required. It shall be unlawful for any person, firm, society, organization, agency or corporation to solicit for donations of money, merchandise or any other thing of value by any means whatsoever for charitable or nonprofit organizations without first having obtained a permit so to do from the city council. Said permit shall not authorize solicitations for more than one year. No additional permits shall be issued under this article until the statement required by section 333.170 hereof, under any preceding permit, shall have been filed.

333.160. Application for permit. The applicant for such permit shall make application upon a form supplied by the director of licenses and consumer services, which form shall contain the name or names of the person, association, agency, firm, partnership or corporation desiring to make such solicitation and the purpose thereof, and the name of the charitable or nonprofit organization participating in such solicitation, together with the names and addresses of the officers and managing agents of all such organizations, the time, place and type of the solicitation and the duration thereof. The application shall be made under oath and signed by the applicant. If the applicant shall intend to conduct more than one public solicitation during the twelve month period following the date of issuance of a permit, he or she may, include in the application a statement of intention so to do, and give therein all of the information required by this article with respect to each such solicitation, and the permit may then authorize solicitations conducted within said twelve month period and in conformity with all other provisions of this article applicable to each such solicitation. The application must be filled out in full. Failure to answer any questions shall make the application invalid.

333.170. Budget estimate required; final report. There shall be filed with the application a statement or budget showing the anticipated amount to be realized by the solicitation, together with the estimated costs of such solicitation including salaries, advertising, overhead and all other costs and the anticipated net amount to be realized by such solicitation. Within twelve (12) months after the issuance of the permit and prior to the issuance of another permit, a statement shall be filed showing the amount realized from such solicitation, the costs thereof, and the net amount actually paid to the charity or agency for which the solicitation is held.

333.180. Information to be public. Any information contained in the application shall be considered public property and may be reproduced in any local medium to inform the citizens of the community.

333.190. Solicitations among membership excluded. This article shall not apply to any organization conducting a solicitation among its own members only.

333.200. Permit fee. The application shall be accompanied by a fee of sixty five dollars (\$65.00) to defray the costs to the city.

333.210. Purpose. Permits issued under this article shall not imply approval or recommendation by the city. The sole purpose of such permit is to provide the public with information. Since the city does not recommend or approve solicitations, the name of the city shall not be used in any advertising or in the actual solicitation of cash, sale of tickets, etc., by any person, firm, society, organization, agency or corporation, as it may imply approval. Further, that language as set forth in this section shall be incorporated on the actual permit issued under the terms of this article.

~~**333.220. Use of public properties regulated.** No permittee shall use the public streets, boulevards, alleys, sidewalks or other public grounds for a fund-raising event described as, or similar to, a bike-a-thon or walk-a-thon without having filed with the department of licenses and consumer services a bond, or in lieu thereof cash, in such amount as the department deems necessary, but not to exceed one thousand dollars (\$1,000.00) conditioned that the permittee shall in all respects well and faithfully clean and restore all public streets, boulevards, alleys, sidewalks or other public grounds to their former condition within eight (8) hours after the event. The posting of such bond or cash shall be in addition to any other license, permit or requirement otherwise required.~~

~~**333.230. Identification cards.** (a) No individual shall solicit donations for a charitable purpose in a public place or door-to-door without an identification card displayed prominently on his or her person. The identification card shall include the following information in a readily readable format: Name of the permittee, the permit number, the permittee's address, a telephone number at which information about the permittee and its charitable purpose can be obtained at least during the normal business hours, the expiration date of the permit, and the solicitor's name. Violators of this paragraph may be tagged by police officers and duly appointed inspectors of the department of licenses and consumer services.~~

~~(b) It shall be the responsibility of the permittee under this article to provide identification cards to all individuals soliciting donations for the permittee and to ensure that the identification cards are displayed as required by section 333.230(a). Failure of any individual to display the identification card in accordance with this section may be grounds for revoking a permit granted hereunder.~~

~~(c) No permit shall be issued or renewed until the applicant has filed with the department of licenses and consumer services a sample identification card meeting the requirements of this section. Every identification card provided by the permittee to individuals soliciting for it shall conform to the sample filed with the application.~~

~~**333.240. Exemption.** Notwithstanding section 333.240 or any other provision of this Code or other city policy, procedure or practice, upon city council findings that city department participation will have no impact on the delivery of city services, will be in the public interest and serves a public purpose, city department personnel may engage in public solicitation for a charitable purpose. The organization on whose behalf the city department engages in public solicitation and the city employee engaging in the public solicitation shall comply with all other requirements of this Code. The organization on whose behalf the city department engages in public solicitation shall agree to defend and indemnify and hold harmless the city for all worker's compensation claims and tort claims arising out of the public solicitation.~~

~~Adopted.~~

~~Absent –Colvin Roy, Tuthill.~~

Ordinance 2012-Or-045 repealing Chapter 343 of Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Transient Merchants*, repealing Sections 343.10 through 343.70, was adopted 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 2012-Or-045
By Schiff and Colvin Roy
Intro & 1st Reading: 11/4/2011
Ref to: RE&E
2nd Reading: 7/20/2012

Repealing Chapter 343 of Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Transient Merchants.

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

Section 1. That Chapter 343 of the above-entitled ordinance be and is hereby repealed.

CHAPTER 343. TRANSIENT MERCHANTS

343.10. Definitions. For purposes of this chapter, the term "transient merchant" includes any person or persons, individual, copartnership and corporation, both as principal and agent, whether resident or nonresident of the city, who engage in, do or transact any temporary and transient business in this city, either in one locality, or in traveling from place to place in this city, selling goods, wares and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy or use a building, structure, vacant lot, railroad car, or any other property within the city for the exhibition and sale of such goods, wares and merchandise. "Goods, wares and merchandise" shall not be construed to include cut flowers.

343.15. Sale of certain goods prohibited. The sale of food, food products, and farm products by transient merchants shall be prohibited, except by the following persons:

- (a) A person who sells or peddles the products of the farm or garden occupied and cultivated by him or her. Such a person shall not be required to obtain a transient merchant license but shall first register his or her name, business address, and sales location with the department of licenses and consumer services, and shall provide proof that he or she occupies and cultivates a farm or garden;
- (b) A person holding a valid food distributor license issued by the City of Minneapolis, covering the food products proposed to be sold as a transient merchant, and who has a permanent food distributor facility subject to inspection by the health department. Such person shall first be required to apply for and obtain a transient merchant's license but shall be required to pay only one-half the license fee.

343.20. License required. No person shall carry on the business of transient merchant under this chapter at any location within the city without being licensed for each location. Where two (2) or more persons intend to carry on the business of transient merchant at one location at the same time and where, prior to carrying on such business they are required to comply with registration procedures of any association or organization or society, then only such association or organization or society, as representative of such above persons, shall be required to obtain a license.

343.30. Application for license. Any person desiring to be licensed under this chapter shall file an application with the department of licenses and consumer services on forms provided by the department. The application shall contain such information as the department may require as well as the following:

- (a) The name of the applicant and all persons having an interest in applicant's business;
- (b) The type of business for which the license is requested;
- (c) A list of the places and corresponding dates where the business is to be carried on for the license period;
- (d) The length of time for which license is desired;
- (e) A general description of the things to be sold;
- (f) The present place of business of the applicant;
- (g) A statement as to whether or not the applicant has been convicted of any crime, petty misdemeanor or municipal ordinance relating to theft, damage or trespass to property, or operation of a business; the nature, place and date of the offense, and the punishment or penalty assessed.

~~**343.40. Bond required.** Each applicant who has not obtained a license under the provisions of Chapter 329, Minnesota Statutes, shall provide a bond to the city in an amount which shall not be less than one thousand dollars (\$1,000.00) which bond shall be approved by the director of licenses and consumer service and shall be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned on full compliance with all material oral or written statements and representations made by the seller, applicant's agents, representatives or auctioneers with reference to merchandise sold or offered for sale and on faithful performance under all warranties made with reference thereto.~~

~~**343.50. When licenses expire and fees.** The annual license fee shall be as established in Appendix J, License Fee Schedule, to be paid when the application is filed. All licenses issued under this chapter shall expire on May first of each year.~~

~~**343.60. Transferability.** A license shall be transferable only as to location. Any change of location must be approved by the department of licenses and consumer services. A thirty-three-dollar (\$33.00) fee shall be charged for any such change of location.~~

~~**343.70. Denial, suspension and revocation.** Any license under this chapter may be denied, suspended or revoked for any one or more of the following reasons:~~

- ~~(a) The proposed use is in conflict with the Minneapolis Zoning Code;~~
- ~~(b) The proposed use is in conflict with any health, building, building maintenance, or other provisions of this Code of Ordinances or state law;~~
- ~~(c) The applicant has failed to comply with one or more provisions of this chapter;~~
- ~~(d) Fraud, misrepresentation or bribery in securing a license;~~
- ~~(e) The making of any false, fraudulent or deceptive statements as to a material matter in an application for a license;~~
- ~~(f) Fraud, misrepresentation or false statement made in the course of carrying on the applicant's business;~~
- ~~(g) Conviction of any crime, petty misdemeanor or municipal ordinance relating to theft, damage or trespass to property, or operation of a business;~~
- ~~(h) Conducting the licensed business in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.~~

Adopted.

Absent –Colvin Roy, Tuthill.

Ordinance 2012-Or-046 amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* by adding a new Chapter 332 relating to *Solicitors, Peddlers and Transient Merchants*, adding Sections 332.10 through 332.110 to amend and update various provisions regulating peddlers, solicitors, and transient merchants, was adopted 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 2012-Or-046
By Schiff and Colvin Roy
Intro & 1st Reading: 3/8/2012
Ref to: RE&E
2nd Reading: 7/20/2012

Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations by adding a new Chapter 332 relating to Solicitors, Peddlers and Transient Merchants.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 332 to read as follows:

CHAPTER 332. SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS

332.10. Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Non-commercial door-to-door advocate: A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this chapter, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

Peddler: A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, other personal property, or services that the person is carrying or otherwise transporting. For purpose of this chapter, the term peddler shall have the same common meaning as the term hawker.

Person: Any natural individual, group, organization, corporation, partnership, or similar association.

Regular business day: Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

Solicitor: A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this chapter, the term solicitor shall have the same meaning as the term canvasser.

Transient merchant: A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

332.20. Exceptions to definitions. For the purpose of this chapter, the terms solicitor, peddler and transient merchant shall not apply to:

- (1) Non-commercial door-to-door advocates. Nothing within this chapter shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Person engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor under this chapter.
- (2) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
- (3) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
- (4) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
- (5) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- (6) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
- (7) Any person participating in an organized multi-person bazaar or flea market.
- (8) Any person conducting an auction as a properly licensed auctioneer.
- (9) Any officer of the court conducting a court-ordered sale.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by this or any other city ordinance.

332.30. License required; exemptions. (a) *County license required.* No person shall conduct business as a transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by Minn. Statutes Chapter 329, as it may be amended from time to time, if the county issues a license for the activity.

(b) *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a city license. Solicitors need not be licensed, but are required to register with the city pursuant to section 332.70.

(c) *Application.* An application for a city license to conduct business as a peddler or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form approved by and available from the director of regulatory services. All applications shall be signed by the applicant. All applications shall include the following information:

- (1) The applicant's full legal name.
- (2) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

- (3) A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
- (4) Full address of applicant's permanent residence.
- (5) Telephone number of applicant's permanent residence.
- (6) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
- (7) Full address of applicant's regular place of business, if any exists.
- (8) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
- (9) The type of business for which the applicant is applying for a license.
- (10) Whether the applicant is applying for an annual or daily license.
- (11) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city, with a maximum of fourteen (14) consecutive days.
- (12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
- (13) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
- (14) A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.
- (15) Proof of any required county license.
- (16) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.
- (17) A general description of the items to be sold or services to be provided.
- (18) Any and all additional information as may be deemed necessary by the director of regulatory services.
- (19) The applicant's driver's license number or other acceptable form of identification.
- (20) The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

(d) *Fee.* All applications for a license under this chapter shall be accompanied by the fee as established in the License Fee Schedule.

(e) *Procedure.* Upon receipt of the application and payment of the license fee, the director of regulatory services or the director's designee will, within two (2) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided.

If the director of regulatory services or the director's designee determines that the application is incomplete, the director of regulatory services or the director's designee must inform the applicant of the required, necessary information that is missing. If the application is complete, the director of regulatory services or the director's designee must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application the director of regulatory services or the director's designee must issue the license unless grounds exist for denying the license application under this chapter, in which case the director of regulatory services or the director's designee must deny the request for a city peddler or transient merchant license. If the director of regulatory services or the director's designee denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a hearing before the city council. The appropriate committee of the city council shall hear the appeal at its first regularly-scheduled meeting at least five (5) regular business days after the date of the request for a hearing. The decision of the city council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(f) *When licenses expire.* Licenses issued under this chapter shall expire on July first each year.

(g) *License exemptions.* No license shall be required pursuant to this chapter for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm. This exemption shall not negate the requirements of Chapters 201 and 202. No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

332.40. License ineligibility. The following shall be grounds for denying a peddler or transient merchant license:

- (1) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.
- (2) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.
- (3) The failure of an applicant to sign the license application.
- (4) The failure of an applicant to pay the required fee at the time of application.
- (5) A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- (6) The proposed activity is in violation of any law relating to zoning, health, fire, building or safety requirements, or any other federal law or statutory or ordinance provision.
- (7) The revocation within the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- (8) For other good cause shown which renders the applicant unfit to hold a peddler or transient merchant license.

332.50. Adverse license action. (a) *Generally.* Any license issued under this section may be suspended or revoked, or otherwise subject to adverse license action, at the discretion of the city council for violation of any of the following:

- (1) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
- (2) Fraud, misrepresentation or false statements made during the course of the licensed activity.
- (3) Subsequent conviction of any offense to which the granting of the license could have been denied under this chapter.
- (4) Engaging in any activity prohibited under this chapter.
- (5) Violation of any other provision of this chapter.
- (6) Violation of any law relating to zoning, health, fire, building or safety requirements, or any other federal law or statutory or ordinance provision.
- (7) Failure to comply with any valid orders issued by the Minneapolis Department of Licenses and Consumer Services or any other department or division of the city.
- (8) For other good cause shown which renders the licensee unfit to hold a peddler or transient merchant license.

(b) *Emergency.* If, in the discretion of the city council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the city council may immediately suspend the person's license and provide notice of the right, in the council's discretion, to a subsequent and expedited hearing in front of a committee of the city council, an administrative law judge or a hearing officer retained by the city. Any decision made by an administrative law judge or hearing officer shall be in the form of a report and recommendation subject to modification and approval by the city council.

332.60. License transferability. No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

332.70. Registration and identification of solicitors. (a) All solicitors and any person exempt from the licensing requirements of this ordinance under section 332.30 shall be required to register with the city prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the director of regulatory services or the director's designee shall issue to the registrant a certificate of registration and identification card as proof of the registration. Certificates of registration and identification cards shall be non-transferrable.

(b) Upon the issuance of a solicitor's registration or a peddler's or transient merchant's license, the department of licenses and consumer services shall issue to each individual employee, agent, or representative registered for direct solicitation, peddling or operation as a transient merchant, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, address, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor", "peddler", or "transient merchant", as applicable, the time period for which it is issued, and the number of the identification card which shall be registered with the department of licenses and consumer services. Every solicitor, peddler, or transient merchant registered or licensed hereunder shall carry and display his or her identification card at all times while engaged in solicitation,

peddling or operation as a transient merchant, upon a lanyard or in a manner such that the photograph and information is readily, continuously and clearly visible and unobstructed.

(c) Individuals engaging in non-commercial door-to-door advocacy shall not be required to register or obtain an identification card.

(d) Notwithstanding any provision of this section or chapter, any person, age 17 and under, participating as a peddler or solicitor in fundraising programs for, or sponsored by, a public or private elementary, junior high, high school, or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports, arts or similar extracurricular activities, shall register with the city as part of said group prior to engaging in those activities. No fee shall be required. The department of licenses and consumer services shall accept registration of the group as a single entity and such registration shall be made by the school principal, scout troop leader or other similar adult with authority over the conduct and operations of the group. Registration shall be made on a form approved by the director of regulatory services and each group member engaging in peddling or soliciting shall carry with and display a city-approved group identification card.

332.80. Prohibited activities. No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business or carry out their activity in any of the following manner:

- (1) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- (2) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- (3) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- (4) Conducting business before 8 a.m. or after 9 p.m. or sunset, whichever is later.
- (5) Failing to provide proof of license, or registration, and identification if required and when requested.
- (6) Using the license, registration or identification of another person.
- (7) Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.
- (8) Remaining on the property of another when requested to leave.
- (9) Otherwise operating their business or activity in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

332.90. Exclusion by placard. Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant or similar activity when the property is marked with a sign or placard:

- (1) At least four inches long.
- (2) At least four inches wide.

- (3) With print of at least 48 point in size.
- (4) Stating “No Peddlers, Solicitors or Transient Merchants,” “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement.

Such exclusion by placard shall not apply to non-commercial door-to-door advocates. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

332.100. Severability. If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

332.110. Exemption. Notwithstanding any other provision of this Code or other city policy, procedure or practice, upon city council findings that city department participation will have no impact on the delivery of city services, will be in the public interest and serves a public purpose, city department personnel may engage in public solicitation for a charitable purpose. The organization on whose behalf the city department engages in public solicitation and the city employee engaging in the public solicitation shall comply with all other requirements of this Code. The organization on whose behalf the city department engages in public solicitation shall agree to defend and indemnify and hold harmless the city for all worker's compensation claims and tort claims arising out of the public solicitation.

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee recommends passage of the accompanying resolution granting Liquor and Wine Licenses to the following businesses:

- a) Minnesota Sports Facilities Authority, 900 S 5th St (new proprietor)
- b) Minneapolis Club, 729 2nd Ave S (expansion of premises for outdoor patio on private property)
- c) Barbette, 1600 W Lake St (expansion of premises to add two tables to sidewalk cafe area)
- d) Kinsen Noodle Shop and Bar, 1300 Lagoon Ave (expansion of premises for outdoor patio on private property)
- e) Tilia, 2726 W 43rd St (expansion of premises for outdoor patio on private property along the east side of the building)
- f) World Street Kitchen, 2743 Lyndale Ave S (new business).

Adopted.

Absent –Colvin Roy, Tuthill.

Approved by Mayor Rybak 7/20/2012.

(Published 7/24/2012)

Resolution 2012R-388, granting Liquor and Wine Licenses to Minnesota Sports Facilities Authority, 900 S 5th St; Minneapolis Club, 729 2nd Ave S; Barbette, 1600 W Lake St; Kinsen Noodle Shop and Bar, 1300 Lagoon Ave; Tilia, 2726 W 43rd St; and World Street Kitchen, 2743 Lyndale Ave S, was adopted 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 2012R-388
By Glidden

Granting Liquor and Wine Licenses.

Resolved by The City Council of The City of Minneapolis:

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

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2013

Minnesota Sports Facilities Authority, dba Minnesota Sports Facilities Authority, 900 S 5th St (new proprietor)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2013

Minneapolis Club Inc, dba Minneapolis Club, 729 2nd Ave S (expansion of premises)

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2013

Mr Susie LLC, dba Barbette, 1600 W Lake St (permanent expansion of premises)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2013

Kinsen Inc, dba Kinsen Noodle Shop & Bar, 1300 Lagoon Ave (expansion of premises)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2013

Tilia LLC, dba Tilia, 2726 W 43rd St (permanent expansion of premises)

World Street Kitchen LLC, dba World Street Kitchen, 2743 Lyndale Ave S (new business).

Adopted.

Absent –Colvin Roy, Tuthill.

Approved by Mayor Rybak 7/20/2012.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Hi-Lake Liquors, 2130 E Lake St, for an Off-Sale Liquor License, subject to conditions.

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-389, granting the application of Hi-Lake Liquors, 2130 E Lake St, for an Off-Sale Liquor License, subject to conditions, was adopted 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 2012R-389

By Glidden

Granting the application of Hi-Lake Liquors, 2130 E Lake St, for an Off-Sale Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by H K 3 Corp, dba Hi-Lake Liquors, 2130 E Lake St, for an Off-Sale Liquor License (new business) to expire July 1, 2013, subject to the following conditions:

1. Four exterior and 16 interior cameras monitoring activity to prevent panhandling, sale to minors, and loitering.
2. The owner shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies.
3. "No Trespassing" signs will be posted. The business employees and management will continue to ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
4. The business will continue the use of their system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people.
5. Hi-Lake Liquors will continue to limit purchases with change to \$1.50 per transaction.
6. Hi-Lake Liquors will limit customers to two visits per day.
7. Management and employees of Hi-Lake Liquors will continue their policy of checking identification of people that appear under the age of 21 before they enter the product areas of the store.
8. Hi-Lake Liquors will continue their policy of selling cans of beer in packages. They currently do not sell single cans of beer.
9. Hi-Lake Liquors will continue the use of the Hi-Lake Shopping Center security to stop panhandling and loitering by minors to obtain alcoholic beverages from adults passing by the store.
10. Hi-Lake Liquors security staff will walk outside twice an hour patrolling both sidewalks that are adjacent to the parking lot directly outside of their business. In addition, Hi-Lake Liquors will continue to

use the Hi-Lake Shopping Center Security to monitor all outside activities including panhandling and loitering by minors trying to obtain alcoholic beverages from adults passing by the store.

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

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Uptown Theatre, 2906 Hennepin Ave, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-390, granting the application of Uptown Theatre, 2906 Hennepin Ave, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 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 2012R-390
By Glidden

Granting the application of Uptown Theatre, 2906 Hennepin Ave, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Cinema Beverages Holding Company LLC, dba Uptown Theatre, 2906 Hennepin Ave, for an On-Sale Liquor Class A with Sunday Sales License (new proprietor) to expire July 1, 2013, subject to the following conditions:

1. The establishment will not operate as a sexually oriented use as defined in Chapter 549.340 of the Minneapolis Code of Ordinances.
2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers, sexually suggestive touching, or other similar types of activities.
3. Violation of the terms of paragraphs 1 or 2 above shall provide a basis for revocation of the City's consent for the applicant to operate the Class A Liquor License.
4. No live bands.
5. No dance events.
6. No plays or burlesque shows.
7. Exit doors will be closed during all performances.
8. All patrons who order and/or consume alcoholic beverages must wear a wristband designating they are of legal drinking age. A one drink, per person, per trip policy will be enforced.
9. Security staff members will have uniforms/suits that clearly identify them as security.
10. Security staff will ensure that the auditorium will be checked every one-half hour and will check patrons for wristband usage.
11. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

Absent –Colvin Roy, Tuthill.

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

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-391, granting applications for Liquor, Wine and Beer Licenses, was adopted 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 2012R-391
By Glidden**

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275835):

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2013

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

Sage Restaurant Manager LLC, dba Hotel Ivy

Hotel Minneapolis Operating Company, dba Hotel Minneapolis, 401 2nd Ave S

On-Sale Liquor Class A with Sunday Sales, to expire August 5, 2012

Old Chicago of Colorado, dba Old Chicago, 2841 Hennepin Ave (temporary expansion of premises August 5, 2012, Noon to 5:00 p.m.)

On-Sale Liquor Class A with Sunday Sales, to expire August 4, 2012

Old Chicago of Colorado, dba Old Chicago, 2841 Hennepin Ave (temporary expansion of premises August 4, 2012, Noon to 11:00 p.m., Uptown Art Fair)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2013

Fourth Street Saloon Inc, dba Fourth Street Saloon, 328 W Broadway (corporate stock purchase)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2013

Wanderers Food & Cocktail Inc, dba Wanderers Wondrous Azian Kitchen, 533 Hennepin Ave

Foshay Hotel LLC, dba W Minneapolis – The Foshay, 821 Marquette Ave

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2013

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE

Create Catering & Consulting LLC, dba Create Catering & Consulting, 1121 Jackson St NE

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

Empire Eight LLC, dba Five Event Center, 2917 Bryant Ave S (internal transfer of shares)

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2013

Empire Eight LLC, dba Five Event Center, 2917 Bryant Ave S (internal transfer of shares)

On-Sale Liquor Class E with Sunday Sales, to expire June 24, 2012

Blazin Wings Inc, dba Buffalo Wild Wings Grill & Bar #29, 2001 University Ave SE #100 (new corporate officer)

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2013

Primebar Minneapolis LLC, dba Primebar, 3001 Hennepin Ave #1200 (change in series)

Taste of Thailand of Minneapolis Inc, dba Taste of Thailand, 11 S 7th St

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St

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

Philip Wong Inc, dba Red Dragon, 2116 Lyndale Ave S

Amor & Jon Inc, dba Rinata, 2451 Hennepin Ave

Stanleys Northeast Bar Room, LLC, dba Stanleys Northeast Bar Room, 2500 University Ave NE

Liquor Catering Services, to expire August 1, 2013

Bryant Lake Restaurants Inc, dba Bryant Lake Bowl, 810 W Lake St (new business)

Twin Cities Entertainment Inc, dba Aqua Nightclub, 400 1st Ave N #110

Wanderers Food & Cocktail Inc, dba Thom Phams Wondrous Azian Kitchen, 533 Hennepin Ave

Rosa Mexicano Minneapolis LLC, dba Rosa Mexicano, 609 Hennepin Ave #101

Trans Global T Inc, dba Bombay Bistro, 820 Marquette Ave

Crave Hospitality LLC, dba Crave, 825 Hennepin Ave #222

Chowgirls Inc, dba Chowgirls, 1222 2nd St NE
Mintahoe Inc, dba Mintahoe Hospitality Group, 2117 W River Rd (Minneapolis Park and Recreation Board)

Common Roots Cafe, dba Common Roots Cafe, 2558 Lyndale Ave S

On-Sale Wine Class E with Strong Beer, to expire June 10, 2012

Lowry Hills Cafes Inc, dba French Meadow Bakery & Cafe, 2610 Lyndale Ave S (temporary expansion of premises June 10, 2012, 10:00 a.m. to 4:00 p.m., "Open Streets Minneapolis")

Temporary On-Sale Beer

Church of St. Cyril of Minneapolis, dba Church of St. Cyril of Minneapolis, 1301 2nd St NE (Annual Fundraiser August 18, 2012, Noon to 9:00 p.m. and August 29, 2012, Noon to 6:00 p.m.).

Adopted.

Absent –Colvin Roy, Tuthill.

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

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-392, granting applications for Business Licenses, was adopted 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 2012R-392

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of July 20, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275835):

Dance Hall; Dancing School; Dry Cleaning & Laundry Pickup Station; Caterers; Confectionery; Food Market Distributor; Grocery; Food Manufacturer; Food Market Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lot; Motor Vehicle Repair Garage; Pet Shop; Plumber; Precious Metal Dealer; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Resin Manufacturer; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Solicitor – Individual; Swimming Pool – Public; Taxicab Service Company; Taxicab Vehicle – Fuel Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Pawnbroker Class A; Tobacco Dealer.

Adopted.

Absent –Colvin Roy, Tuthill.

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

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-393, granting applications for Gambling Licenses, was adopted 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 2012R-393
By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275835):

Gambling Exempt

Commonbond Communities, dba Commonbond Communities, 328 W Kellog Blvd, St. Paul (Raffle June 30, 2012, Target Field)

Theater Latte Da, dba Theater Latte Da, 1170 15th Ave SE #203 (Raffle July 24, 2012, 4855 E Lake Harriet Pkwy)

Church of St. Cyril, dba Church of St. Cyril, 1315 2nd St NE (Raffle, Paddlewheels and Pulltabs August 18 & 19, 2012)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Ave NE (Bingo, Raffles, Paddlewheel, Pulltabs and Tipboards September 15 & 16, 2012)

Share Our Strength, dba Share Our Strength, 1730 M St NW #700, Washington, DC (Raffle September 30, 2012, The Graves Hotel)

The Woman's Club of Minneapolis, dba The Woman's Club of Minneapolis, 410 Oak Grove St (Raffle October 13, 2012)

Prime Timers Minneapolis – St. Paul, dba All God's Children MCC, 1730 New Brighton Blvd #162 (Bingo October 27, 2012, All God's Children MCC)

Prime Timers Minneapolis – St. Paul, dba All God's Children MCC, 1730 New Brighton Blvd #162 (Bingo December 1, 2012, All God's Children MCC).

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee, having under consideration the application of RBB LLC, dba Sinners, 121 Washington Ave N #101, for an Extended Hours License to operate Sunday through Thursday until 3:00 a.m. and Friday and Saturday until 4:00 a.m. to expire May 1, 2013, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

Absent –Colvin Roy, Tuthill.

The report, as amended, was adopted.

Absent –Colvin Roy, Tuthill.

Approved by Mayor Rybak 7/20/2012.

(Published 7/24/2012)

RE&E - Your Committee, having under consideration the application of Deron LLC, dba Toppers Pizza, 5447 Nicollet Ave, for an Extended Hours License (new business) to operate until 3:00 a.m. daily to expire May 1, 2013, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting an Extended Hours License, subject to conditions.

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-394, granting the application of Toppers Pizza, 5447 Nicollet Ave S, for an Extended Hours License, subject to conditions, was adopted 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 2012R-394
By Glidden

Granting the application of Toppers Pizza, 5447 Nicollet Ave S, for an Extended Hours License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Deron LLC, dba Toppers Pizza, 5447 Nicollet Ave, for an Extended Hours License (new business) to operate until 3:00 a.m. daily to expire May 1, 2013, subject to the following conditions:

1. Management at Toppers Pizza at 5447 Nicollet Avenue shall monitor that delivery drivers follow a written policy designed for this location. This policy shall be signed by each driver and shall include the following:

a) Drivers will refrain from playing their vehicles' stereos at excessive volumes while on-duty.

Excessive volume shall be defined as sound that carries outside the vehicle.

b) Drivers must obey traffic laws. The store manager will perform periodic checks of drivers' records in order to confirm this. Disciplinary action shall be established by Toppers Pizza for any driver cited for a traffic law violation while working for Toppers Pizza.

c) Drivers shall conduct themselves in a respectful and quiet manner while on-duty near residences.

d) Drivers will not use the door adjacent to the alley after 9:00 p.m. daily.

e) Drivers will park in the parking lot adjacent to Nicollet Ave after 9:00 p.m. daily.

f) Drivers will not drive down the alley behind 5447 Nicollet Ave.

g) When returning to the store, drivers will not park adjacent to single family residential properties.

Minneapolis ordinance prohibits commercial vehicles from parking on residential streets. Citations may be issued by the Business License Department for violation of this ordinance.

2. Toppers Pizza at 5447 Nicollet Avenue shall remove litter from their premises and within 100 feet of their premises twice daily (once before 6:00 p.m. and once after 6:00 p.m.). A log of the date and time of the litter removal shall be kept at the store. This log shall be made available to Regulatory agents at request.

3. Smoking cigarettes is not allowed at the alley or door adjacent.

4. Toppers Pizza at 5447 Nicollet Ave shall be closed to the public by 10:00 p.m. on Sunday through Thursday; and 11:00 p.m. on Friday and Saturday. Deliveries only can be made up until 3:00 a.m. seven days a week.

5. Toppers Pizza at 5447 Nicollet Avenue shall make the store manager's phone number available to nearby residents to address concerns. The manager shall respectfully and promptly address the concerns.

6. Toppers Pizza at 5447 Nicollet Avenue shall not allow delivery trucks to block any residential driveway.

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

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery License held by K's Dollar and Grocery, 1021 W Broadway.

Adopted.

Absent –Colvin Roy, Tuthill.

Resolution 2012R-395, approving Business License Operating Conditions relating to the Grocery License held by K's Dollar and Grocery, 1021 W Broadway, was adopted 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 2012R-395
By Glidden

Approving Business License Operating Conditions relating to the Grocery License held by K's Dollar and Grocery, 1021 W Broadway.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery License held by K's Dollar and Grocery, 1021 W Broadway:

1. "No Trespassing" signs will be posted. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
2. The licensee agrees to actively address security concerns to include loitering, drug activity, and trespassing. The licensee agrees to cooperate fully in the prosecution of criminal activity.
3. The licensee agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy, small zip lock bags, also known as jewelry bags, and dice.
4. The licensee agrees to keep all lights adequate and functioning properly.
5. All windows will be in compliance with the requirements of Section 543.350 of the Minneapolis Code of Ordinances.
6. The licensee agrees to clean the property of litter and trash daily at least once between opening and Noon and at least once between 4:00 p.m. and closing, including the area within 100 feet of the property line.
7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 2717 15th Ave S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Housing Inspections to approve the reinstatement of said license to be held by Joshua M. Jacobs.

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E – Your Committee recommends approval of the City Council appointment of Jorge Eduardo Grauvilardell, Ward 4, to the Housing Board of Appeals as a public member for a two-year term to expire December 31, 2013, filling the unexpired term of Kristen Cici.

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by RBE Properties – Ronald Folger for the property located at 3351 Thomas Ave N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (13) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-30 which are hereby made a part of this report by reference.

Adopted.

Absent –Colvin Roy, Tuthill.

RE&E - Your Committee, having received notification that Xcel Energy proposes to eliminate its Solar Rewards Program which offers a financial rebate for qualifying small/medium sized solar photovoltaic installations, now recommends that the proper City officers be authorized to submit comments to the Minnesota Department of Commerce, Division of Energy Resources related to Xcel Energy's 2013-2015 Minnesota Electric and Natural Gas Conservation Improvement Program, Docket Number E, G002/CIP-12-447, in accordance with the comments reflected in the staff report on file in the office of the City Clerk.

Adopted.

Absent –Colvin Roy, Tuthill.

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

RE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a grant application to the Minnesota Pollution Control Agency as part of its Environmental Assistance Grant Program 2012-2013 seeking \$45,000 to develop and implement a public web-based building benchmarking data disclosure system and to provide training and technical assistance to property owners and managers complying with the proposed ordinance. Further, if awarded the grant, to execute grant documents and approve an appropriation of \$45,000 to the Department of Regulatory Services by passage of the accompanying resolution.

Adopted.

Absent –Colvin Roy, Tuthill.

**RESOLUTION 2012R-396
By Glidden and Hodges**

Amending The 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-835200) by \$45,000.

Adopted.

Absent –Colvin Roy, Tuthill.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, to whom was referred the following ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks*, to require that event organizers make provisions for recycling at large block events, parades, and races, and having held a public hearing thereon, now recommends that said ordinances be given their second reading for amendment and passage:

- a) Chapter 447 relating to *Parades/Races*; and
- b) Chapter 455 relating to *Block Events*.

Hodges moved to substitute new ordinances for the above-mentioned ordinances. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Tuthill.

The report, with the substitute ordinances, was adopted.

Absent - Colvin Roy, Tuthill.

Ordinance 2012-Or-047, amending Title 17, Chapter 447 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Parades/Races*, amending Section 447.10 and adding new Sections 447.91 and 447.160 to require that event organizers make provisions for recycling at parades and races, was adopted 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 2012-Or-047
By Hodges
Intro & 1st Reading: 6/15/2012
Ref to: T&PW
2nd Reading: 7/20/2012

**Amending Title 17, Chapter 447 of the Minneapolis Code of Ordinances
relating to Streets and Sidewalks: Parades/Races.**

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

Section 1. That Section 447.10 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence to read as follows:

447.10. Definitions. As used in this chapter:

Compostable material shall mean material that is derived from living organisms, and is capable of decay.

Non-recyclable material shall mean any all refuse, rubbish, or waste that does not meet the definition of recyclable material as set out in this chapter.

Recyclable material shall have the meaning set out at Hennepin County Ordinance Number Thirteen as now in effect and as from time to time amended.

Recyclable materials processing facility shall have the meaning set out at Hennepin County Ordinance Number Thirteen as now in effect and as from time to time amended.

Section 2. That Chapter 447 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 477.91 to read as follows:

447.91 Refuse and recycling. (a) All parades/races shall provide for the collection of recyclable material separate from non-recyclable material, and shall thereafter arrange for the delivery of all recyclable material to a recyclable materials processing facility. In furtherance of this requirement, recyclable material collection containers must be equal in number and capacity to collection containers for non-recyclable materials, and must be situated within five feet thereof during the parade/race. Signage shall be placed on all collection containers, at all permanent entrance points, and at all points of sale, directing patrons to recycle all paper, plastic, glass, and metal containers. In addition to the foregoing, at least one location shall be provided, and appropriately signed for the separate collection of corrugated cardboard. Prior to the parade/race, and without expense to the city, the applicant must provide a written plan to the city demonstrating how the applicant will comply with the recycling requirements outlined in this subdivision.

(b) Within ten business days following a parade/race, the parade/race applicant must submit the following: 1) a valid recyclable material processing facility weight ticket, photographs, or other written evidence acceptable to the city, verifying that all recyclable materials were delivered to a recyclable materials processing facility. Failure to comply with this section may result in a claim for costs and/or damages under section 447.140 of this chapter.

(c) When food and beverages are dispensed, all parade/race applicants are encouraged: 1) to collect and deliver compostable materials to a processing facility; and 2) when composting, to use, collect, and deliver for processing compostable supplies including, but not limited to, cups, plates, flatware, napkins, and food packaging materials.

Section 3. That Chapter 447 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 455.100 to read as follows:

447.160 Effective date. Section 447.91 of this chapter shall become effective on January 1, 2013.
Adopted.
Absent - Colvin Roy, Tuthill.

Ordinance 2012-Or-048, amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, amending Section 455.10 and adding new Sections 455.36, and 455.55 to require that event organizers make provisions for recycling at large block events, was adopted 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 2012-Or-048
By Hodges
Intro & 1st Reading: 8/5/2011
Ref to: T&PW
2nd Reading: 7/20/2012

**Amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances
relating to Streets and Sidewalks: Block Events.**

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

Section 1. That Section 455.10 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence to read as follows:

455.10. Definitions. As used in this chapter:

Compostable material shall mean material that is derived from living organisms and is capable of decay.

Non-recyclable material shall mean any and all refuse, rubbish, or waste that does not meet the definition of recyclable material as set out in this chapter.

Recyclable material shall have the meaning set out at Hennepin County Ordinance Number Thirteen as now in effect and as from time to time amended.

Recyclable materials processing facility shall have the meaning set out at Hennepin County Ordinance Number Thirteen as now in effect and as from time to time amended.

Section 2. That Chapter 455 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 455.36 to read as follows:

455.36. Refuse and recycling. (a) All large block events shall provide for the collection of recyclable material separate from non-recyclable material, and shall thereafter arrange for the delivery of all recyclable material to a recyclable materials processing facility. In furtherance of this requirement, recyclable material collection containers must be equal in number and capacity to collection containers for non-recyclable materials, and must be situated within five feet thereof during the event. Signage shall be placed on all collection containers, at all permanent entrance points, and at all points of sale, directing patrons to recycle all paper, plastic, glass, and metal containers. In addition to the foregoing, at least one location shall be provided, and appropriately signed for the separate collection of corrugated cardboard. Prior to the event and without expense to the city, the event applicant must provide a written plan to the city demonstrating how the event applicant will comply with the recycling requirements outlined in this subdivision.

(b) Within ten business days following a large block event, the event applicant must submit the following: a valid recyclable material processing facility weight ticket, photographs, or other written evidence acceptable to the city, verifying that all recyclable materials were delivered to a recyclable materials processing facility. Failure to comply with this section may result in forfeiture of the security posted under section 455.41.

(c) When food and beverages are dispensed, all large block event applicants are encouraged: 1) to collect and deliver compostable materials to a processing facility; and 2) when composting, to use, collect, and deliver for processing supplies made of compostable materials including, but not limited to, cups, plates, flatware, napkins, and food packaging materials.

Section 3. That Chapter 455 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 455.55 to read as follows:

455.55. Effective date. Section 455.36 of this chapter shall become effective on January 1, 2013.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW - Your Committee, having under consideration the Fridley Pump Station No 6 and Softening Plant Exterior Stabilization Project, now recommends that the proper City officers be authorized to execute Change Order No 1 to Contract No C-35101 with American Masonry Restoration, increasing the contract by \$66,215, for a revised contract total of \$392,565, to allow for construction contingencies provided as part of the original project budget.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW - Your Committee, having under consideration the 33rd Ave SE and Talmage Ave SE Street Reconstruction Project, now recommends that the proper City officers be authorized to amend Contract No C-35359 with Belair Builders, Inc., increasing the contract by \$149,780, for a revised contract total of \$635,246, to allow for construction contingencies provided as part of the original project budget.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate the terms of an amendment that may include an extension to the existing agreement between Minneapolis Refuse Incorporated (MRI) and the City of Minneapolis to provide solid waste and recycling collection services for residents in the current MRI service area to allow for transition to the Single-Sort Recycling Collection Program.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for the purchase and distribution of recycling carts as needed for the implementation of the City of Minneapolis Single-Sort Recycling Collection Program.

Reich moved that the report be deleted. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Tuthill.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for the processing and marketing of recyclables from the Single-Sort Recycling Collection Program with the following provisions:

- A 3 year contract, with up to 2 one-year extensions
- Per ton processing fee
- Market revenue share formula

- Ability to accept single sort recyclables as early as Fall, 2012
- Must accept recyclable items in current recycling program.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW - Your Committee recommends passage of the accompanying resolution recognizing the month of September 2012 as Ovarian Cancer Awareness Month in the City of Minneapolis in order to allow Mn/DOT to move forward with a request from the Minnesota Ovarian Cancer Alliance to light the 35W Bridge in honor of Ovarian Cancer Awareness Month.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-397, recognizing the month of September 2012 as Ovarian Cancer Awareness Month in the City of Minneapolis, was adopted 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 2012R-397
By Glidden

Recognizing the month of September 2012 as Ovarian Cancer Awareness Month in the City of Minneapolis.

Whereas, ovarian cancer is the ninth most commonly diagnosed cancer among women, with an estimated 22,200 new cases this year; and

Whereas, in women ages 35-74, ovarian cancer is the fifth leading cause of cancer-related death; and

Whereas, every woman is at risk for ovarian cancer, regardless of age, heritage, or medical history; and

Whereas, diagnosis of ovarian cancer often does not occur until it has reached an advanced stage, making it the most deadly of all cancers of all gynecological cancers; and

Whereas, according to the American Cancer Society, nearly 400 women in Minnesota will be diagnosed this year with ovarian cancer and an estimated 260 women with the disease will die; and

Whereas, because of the late diagnosis, 45 percent of women diagnosed with ovarian cancer die within five years; and

Whereas, ovarian cancer is treatable when detected early. More than 92 percent of women survive longer than five years if the disease is detected and treated properly before it has spread beyond the ovaries; and

Whereas, relatively little is known about ovarian cancer and more research is needed to develop prevention strategies, early detection tools, better therapies, and cures; and

Whereas, women's lives will be saved by raising public awareness about ovarian cancer and educating doctors and women about the symptoms of the disease.

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

That the City of Minneapolis officially recognizes the month of September 2012 as Ovarian Cancer Awareness Month.

Adopted.

Absent - Colvin Roy, Tuthill.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 2012 Alley Resurfacing Program, Special Improvement of Existing Alleys No AL012, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the 2012 Alley Resurfacing Program; and
 - b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the program.
- Adopted.
Absent - Colvin Roy, Tuthill.

Resolution 2012R-398, ordering the work to proceed and adopting the special assessments for the 2012 Alley Resurfacing Program No AL012, was adopted 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 2012R-398
By Colvin Roy and Hodges**

**2012 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO AL012**

Ordering the work to proceed and adopting the special assessments for the 2012 Alley Resurfacing Program.

Whereas, a public hearing was held on July 10, 2012 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2012R-308, passed May 25, 2012 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2012R-308, passed May 25, 2012.

Be It Further Resolved that the proposed special assessments in the total amount of \$122,912.14 for the 2012 Alley Resurfacing Program, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-399, requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of improvements in the 2012 Alley Resurfacing Program, was adopted 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 2012R-399
By Colvin Roy and Hodges**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$122,920 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2012 Alley Resurfacing Program, Special Improvement of Existing Alleys No AL012, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW & W&M/Budget - Your Committee, having under consideration the Plymouth Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5236, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

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

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-400, ordering the work to proceed and adopting the special assessments for the Plymouth Ave N Street Resurfacing Project No 5236, was adopted 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 2012R-400
By Colvin Roy and Hodges

2012 STREET RESURFACING PROGRAM
PLYMOUTH AVE N STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5236

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

Whereas, a public hearing was held on July 10, 2012 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2012R-307, passed May 25, 2012 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2012R-307, passed May 25, 2012.

Be It Further Resolved that the proposed special assessments in the total amount of \$35,252.01 for the Plymouth Ave N Street Resurfacing Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-401, requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the Plymouth Ave N Street Resurfacing Project No 5236, was adopted 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 2012R-401
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$35,255 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Plymouth Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5236, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment No 5 to City Agreement No C-23781 with USI Wireless defining the timeframe and payment method relating to pole fees for the placement of USI wireless devices on City-owned poles (Petn No 275846).

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW & W&M/Budget - Your Committee recommends acceptance of the only bid submitted to the Public Works Department on OP No 7630 from HD Supply Waterworks, for an estimated annual expenditure of \$450,000.00, to furnish and deliver replacement hydrants to the Water Treatment and Distribution Division.

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

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW & W&M/Budget - Your Committee recommends acceptance of the only bid submitted to the Public Works Department on OP No 7642 from Brown Traffic Products, Inc., for an estimated expenditure of \$61,183.00, to furnish, deliver, provide installation support, and warranty for accessible pedestrian signaling systems to the Traffic and Parking Services Division.

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

Adopted.

Absent - Colvin Roy, Tuthill.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7644 from Omni-Midwest, Inc., for an estimated expenditure of \$78,750.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the concrete slab replacement - activated carbon tank for the Water Treatment and Distribution Division.

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

Adopted.

Absent - Colvin Roy, Tuthill.

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

W&M/Budget – Your Committee recommends passage of the accompanying resolution:

a) Approving the settlement of the special assessment appeals by 1010 Metrodome, LLC and Timeshare Systems, Inc. by authorizing the Hennepin County Auditor to reduce previously levied assessments and authorizing the City Attorney's office to execute necessary documents for the settlement;

b) Directing the Hennepin County Auditor to reduce the levied street resurfacing assessments on the parcels as identified by their Property ID Numbers for taxes payable in 2013 and subsequent years;

c) Reducing the Street Paving appropriation in the Public Works 04100 Fund for High Volume Corridor Reconditioning Program; and

d) Authorizing the transfer of funds to cover the future bond principal and interest payment on the reduced assessment.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-402, approving the settlement of special assessment appeals, 1010 Metrodome, LLC and Timeshare Systems, Inc. v. City of Minneapolis, and authorizing Hennepin County Auditor to reduce the special assessments for Public Works street resurfacing improvements for the payable 2013 and subsequent years' tax files described hereinafter, was adopted 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 2012R-402

By Hodges

Resolution of Special Assessment Appeals, 1010 Metrodome, LLC and Timeshare Systems, Inc. v. City of Minneapolis

Approving the settlement of the special assessment appeals by authorizing The City Attorney's office to execute necessary documents to effectuate settlement and authorizing Hennepin County Auditor to reduce the special assessments for Public Works street resurfacing improvements for the payable 2013 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, The City Council of the City of Minneapolis passed Resolution 2011R-619 on November 18, 2011 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2012 real estate tax statements which included the Street Resurfacing Project Nos as stated herein; and

Whereas, an appeal of the special assessments was filed as District Court File No. 27-CV-11-17692 and a settlement between the parties has been agreed upon;

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

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement.

Be It Further Resolved that the Hennepin County Auditor is hereby directed to reduce the following levied special assessments on the 2013 and subsequent years' tax statements from a total assessment amount of \$48,923.88 for Levy 01027, Project 52231 and \$44,481.37 for Levy 01027, Project 52251 to:

LEVY	PROJECT	PROPERTY ID	TOTAL AMT
01027	52231	26-029-24-13-0095	\$18,264.30
01027	52251	26-029-24-13-0095	\$16,590.73

Be It Further Resolved that Fund 04100-9010937-CPV11616TH, High Volume Corridor Reconditioning Program revenue and expense appropriation be reduced by \$42,300 to cover the reduction in future assessment collections.

Be It Further Resolved that Fund 05111-1270100-3841 be increased by \$42,300 with a transfer being made from Fund 04100-9010937-CPV11616TH, High Volume Corridor Reconditioning Program to fund future bond principal and interest payments on the reduced assessments.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of donated broadcast airtime from Comcast Cable for public service announcements.

Adopted.

Absent - Colvin Roy, Tuthill.

Resolution 2012R-403, accepting airtime for public service announcements donation, was adopted 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 2012R-403
By Hodges

Accepting airtime for public service announcements donation.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

<u>Name of Donor</u>	<u>Gift</u>
Comcast Cable	airtime for Public Service Announcements

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in communicating information promoting awareness and understanding of the new bike lane and shared lane markings on streets throughout the city, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

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

That the donations described above are accepted and shall be used for promoting awareness and understanding of the new bike lane and shared lane markings on streets throughout the city.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee recommends approval of the following nine charitable campaign federations to participate in the 2012 City of Minneapolis Charitable Campaign.

- a) Community Solutions Fund;
- b) Community Health Charities;
- c) Hennepin History Museum;
- d) Open Your Heart to the Hungry and Homeless;
- e) United Negro College Fund;
- f) United Arts;
- g) Minnesota Environmental Fund;
- h) United Way of Minneapolis Area; and
- i) Peace Maker Foundation.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP No 7636 from Prairie Technologies, Inc. of Minnesota (d/b/a Direct Controls) in the amount of \$220,250.00 to furnish and deliver all materials, labor, equipment and incidentals necessary for the installation, programming and commissioning of building automation systems for the Minneapolis Finance/Property Services Department.

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

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee, having under consideration the existing contract (C-25033) with TALX Corporation regarding the provision of certain services related to monitoring costs for unemployment compensation for departed employees and verification of payroll information, now recommends that the proper City officers be authorized to amend the contract for approximately three additional years until July 1, 2015, at an annual cost of roughly \$13,000.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee, having under consideration the existing contract (C-23403) with Advanced Public Safety for a police citation writing system and support services, now recommends that the proper City officers be authorized to: a) extend the current contract for an additional two years, through June 2014; b) increase the contract by \$200,000; and c) modify the contract to reflect the City's revised terms and conditions for 2012. No additional appropriation required; funding for the contract increase is included in the Police Department's budget.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee recommends authorizing the proper City officers to execute a new five- year contract with TALX Corporation to provide electronic services related to managing the I-9 process, for an amount not to exceed \$50,000, using TALX Corporation's contract document instead of the City's Standard Agreement Form.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee recommends authorizing the proper City officers to execute a new two-year contract with LinkedIn Corporation, for an amount not to exceed \$50,000 through May 2014, using LinkedIn Corporation's contract document instead of the City's Standard Agreement Form.

Adopted.

Absent - Colvin Roy, Tuthill.

W&M/Budget - Your Committee recommends authorizing the proper City officers to negotiate and execute master agreements with the recommended firms set forth in the staff report within the General Architecture category of the Convention Center and Target Center Consulting Pool for variable fees limited to a maximum of \$2,500,000 per contract over three years.

Adopted.

Absent - Colvin Roy, Tuthill.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Carol Lansing, on behalf of Opus Development Corporation, (BZZ-5567) to rezone the property at 616-630 Washington Ave SE and 308 Walnut St from the C1 Neighborhood Commercial District to the C3A Community Activity Center District to permit construction of a six-story, mixed use building with 98 dwelling units, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted.

Absent – Colvin Roy, Tuthill.

Ordinance 2012-Or-049 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 616-630 Washington Ave SE and 308 Walnut St to the C3A District, was adopted 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 2012-Or-049
By Schiff
1st & 2nd Readings: 7/20/2012

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 the West 45 feet of the North 44 feet of Lot 5, Block 31, St. ANTHONY CITY, Hennepin County, Minnesota; and the North 22 feet of Lot 4; all of Lot 5 except the West 45 feet of the North 44 feet of said Lot 5; all in Block 31, ST. ANTHONY CITY, Hennepin County, Minnesota; and the South 44 feet of Lot 4, Block 31, ST. ANTHONY CITY, Hennepin County, Minnesota (616-630 Washington Avenue SE, 308 Walnut Street - Plate 22) to the C3A Community Activity Center District.

Adopted.

Absent – Colvin Roy, Tuthill.

Z&P – Your Committee, having under consideration an application by Jonah Bridger for a petition to rezone the property at 2510 4th St N (BZZ-5579) to re-establish rights for 11 dwelling units within the existing vacant building, now recommends concurrence with the recommendation of the Planning Commission as follows:

- a) deny rezoning the property from the R2B Two-family District to the R5 Multiple-family District.
- b) approve rezoning the property from the R2B Two-family District to the R4 Multiple-family District, notwithstanding the recommendation of staff; and adopting the related findings of the Planning Commission.

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

Adopted.

Absent – Colvin Roy, Tuthill.

Ordinance 2012-Or-050 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2510 4th St N to the R4 District, was adopted 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 2012-Or-050
By Schiff
1st & 2nd Readings: 7/20/2012

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

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

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

That part of Lots 11 and 12, Block 1, Woodland Park, Hennepin County, Minnesota (2510 4th Street North- Plate 8) to the R4 Multiple-family District.

Adopted.

Absent – Colvin Roy, Tuthill.

Z&P - Your Committee, having under consideration the appeal filed by Tran Muehler from the decision of the Planning Commission granting the following land use applications for a new multi-family, four-story, 30 dwelling unit project at 3535, 3539 and 3543 Grand Ave:

a) variance to reduce the east rear yard setback from 11 feet to 4 feet;

b) variance to reduce the required front yard setback from the established 20 feet 5 1/2 inches to 15 feet;

c) variance to reduce the north and south side yard setbacks from 15 feet to 11 feet to allow for side entrances; and

d) site plan review with associated conditions as set forth in the staff report,

now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted.

Absent – Colvin Roy, Tuthill.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of August, 2012, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

Absent – Colvin Roy, Tuthill.

UNFINISHED BUSINESS

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Abdulaziz Sheikh for the property located at 2431 Chicago Ave, and the licensee having been notified of the City's

intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-27 which are hereby made a part of this report by reference.

Lilligren moved to postpone. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Tuthill.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code: Rental Dwelling Licenses*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending provisions regulating posting and display of license certificate and required information posting). Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Tuthill.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, for first reading and referral to the Zoning & Planning Committee (amending the definition of mural). Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Tuthill.

Pursuant to notice, Gordon moved to introduce the subject matter of an ordinance amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pedicabs*, for first reading and referral to the Regulatory, Energy & Environment Committee (allowing electric-assist bicycles to be used as pedicabs). Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Tuthill.

NEW BUSINESS

Samuels moved to introduce the subject matter of an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, for first reading and referral to the Public Safety, Civil Rights & Health Committee (amending the chapter title to *Police Conduct Oversight* and creating an Office of Police Conduct Review and a Police Conduct Oversight Commission, with duties and authority as established in the chapter). Seconded.

Adopted by unanimous consent.

Absent – Colvin Roy, Tuthill.

Johnson moved to introduce the subject matter of an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, for first reading and referral to the Ways & Means/Budget Committee (amending Article XI. Job Bank to make language more consistent with recent changes made to letters of agreement contained within current collective bargaining agreements, to remove language pertaining to provisions of the American Recovery and Reinvestment Act of 2009 regarding COBRA and to remove the sunset clause within Section 20.900 – Insurance Continuation). Seconded.

Adopted by unanimous consent.

Absent – Colvin Roy, Tuthill.

Glidden moves concurrence with the determination of the Director of Housing Inspection Services that the property located at 2935 Colfax Ave N be constituted as an immediate hazard to public health and safety, and pursuant to Section 249.30 of the Minneapolis Code of Ordinances, that the waiver of the 60-day waiting period be approved so as other procedures, set forth in Chapter 249, may be implemented immediately. Seconded.

Adopted.

Absent – Colvin Roy, Tuthill.

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses* (amending provisions related to adverse license action and authorizing the placement of conditions and restrictions on licenses).

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General* (amending provisions related to adverse license action and authorizing the placement of conditions and restrictions on licenses and permits).

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, (amending the development standards for supportive housing).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Casey Joe Carl,
City Clerk

Unofficial Posting: 7/25/2012
Official Posting: 7/27/2012
Correction: 2/15/13