

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 21, 2012

(Published September 29, 2012, in *Finance and Commerce*)

Council Chamber  
350 South 5th Street  
Minneapolis, Minnesota  
September 21, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Hodges moved to amend the agenda to include under "Motions" a motion to adopt the related findings of fact prepared by the City Attorney's office as directed by the City Council on August 31, 2012 to support denial of the application by France 44, LLC, for waiver from Moratorium in the Linden Hills Neighborhood on file as FOF-2012-34 in the Office of the City Clerk. Seconded.

Adopted upon a voice vote.

Hodges moved to amend the agenda to include under the reports from the Ways & Means/Budget Committee as item 10 a report authorizing entering into a contract with PricewaterhouseCoopers for professional advisory services for the Accounts Payable review. Seconded.

Adopted upon a voice vote.

Vice President Lilligren assumed the Chair.

Johnson moved to amend the agenda to include under "Motions" a motion to grant a Class C Permit application submitted by G.W. Exotic Animal Park for an event scheduled at the State Theatre on September 21, 2012, n/w/s the staff recommendation. Seconded.

Adopted upon a voice vote.

President Johnson resumed the Chair.

The agenda, as amended, was adopted.

Lilligren moved acceptance of the minutes of the regular meeting of August 31, 2012. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

## PETITIONS AND COMMUNICATIONS

### AUDIT:

INTERNAL AUDIT (275975)

Audit Committee Workshop 8/29/2012: a) Report; and b) KPMG PowerPoint presentation.

INTERNAL AUDIT (275976)

Fleet Management Review Report.

Report of Internal Auditor: Powerpoint.

INTERNAL AUDIT (275977)

State of Minnesota Office of State Auditor: a) City of Minneapolis Management and Compliance Report; and b) Minneapolis Park & Recreation Board Management and Compliance Report.

### AUDIT (See Rep):

INTERNAL AUDIT (275978)

Xcel Energy Review Report.

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

NEIGHBORHOOD AND COMMUNITY RELATIONS (275979)  
2012 Boards & Commissions Diversity Survey Report.

**COMMITTEE OF THE WHOLE and WAYS & MEANS/BUDGET (See Rep):**

NEIGHBORHOOD AND COMMUNITY RELATIONS (275980)  
2011 Annual Neighborhood Report: Close-out of NRP administration.

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275981)  
Land Sale (2723 Polk St NE): to Jim Dropps.  
Classification of Tax-forfeited Land.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275982)  
Hi-Lake Triangle Apartments: TIF Plan, Modification No. 23 to Model City Urban Renewal Plan & Modification No. 122 to the Common Plan.  
Technology Drive Reconstruction Project No. 9921 (Marshall St NE to 37th Ave NE): Application to MN Department of Employment & Economic Development for Innovative Business Development Public Infrastructure Program grant.  
Grain Belt 1949 Warehouse Addition: Lease to Robert Chouinard.

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

CIVIL RIGHTS (275983)  
Ordinance: Ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority, amending the chapter title and creating an Office of Police Conduct Review and a Police Conduct Oversight Commission.  
HEALTH AND FAMILY SUPPORT (275984)  
Influenza Immunization Agreement: Authorize five-year agreement with Minnesota Visiting Nurse Agency (MVNA) for the provision of annual immunization clinics for city employees and their families.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET:**

FIRE DEPARTMENT (275985)  
Minneapolis Fire Department Implementation Action Plan based on recommendations from Emergency Services Consulting International (ESCI): Review and discuss to receive and file the MFD Implementation Action Plan.

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

FIRE DEPARTMENT (275986)  
Minnesota Board of Firefighter Training and Education: Accept MBFTE redistribution funding from Round 4 training reimbursement in the amount of \$39,554.50 for training conducted between July 1, 2011 and June 30, 2012.  
HEALTH AND FAMILY SUPPORT (275987)  
US Department of Justice Grant Acceptance: Accept \$20,000 and enter into a grant agreement with the DOJ to develop a citywide Youth Violence Prevention Strategic Plan, building on the foundation of the current plan, Blueprint for Action: Preventing Youth Violence in Minneapolis.  
POLICE DEPARTMENT (275988)  
Accept Grant Funds: Authorize acceptance of \$16,724 from the Minnesota Department of Commerce and the execution of a grant contract amendment for the Auto Theft Prevention Program.  
POLICE DEPARTMENT (275989)  
Business Watch International, Inc.: Authorize entering into a non-disclosure agreement with BWI, Inc.

**POLICE DEPARTMENT (275990)**

Donation to National Law Enforcement Officers Memorial Fund: Approve \$2,500 donation from federal forfeiture funds for the purpose of constructing a museum in Washington, DC, to honor officers killed in the line of duty, including Minneapolis Officers Jerry Haaf, Melissa Schmidt, and David Loeffler, and Minneapolis Park Police Officer Mark Bedard.

**REGULATORY, ENERGY AND ENVIRONMENT:**

**LICENSES AND CONSUMER SERVICES (275991)**

Downtown Pizza & Diner, 10 N 5th St: Application for Extended Hours License to allow the Restaurant to remain open until 3:30 a.m. daily.

**LICENSES AND CONSUMER SERVICES (275992)**

Jimmy John's, 14 University Ave NE: Application for Extended Hours License to operate on Thursday until 2:00 a.m. and Friday and Saturday until 3:00 a.m.

**REGULATORY, ENERGY AND ENVIRONMENT (See Rep):**

**COORDINATOR (275993)**

Xcel Energy's Solar Rewards Program: Authorize submit comments to the Minnesota Department of Commerce, Division of Energy Resources, related to the State's proposed Conservation Improvement Plan Decision regarding: Xcel Energy's 2013-2015 Minnesota Electric and Natural Gas CIP.

**LICENSES AND CONSUMER SERVICES (275994)**

American Swedish Institute, 2600 Park Ave: Grant Expansion of Premises for newly completed building addition.

Bullfrog Cajun Bar, 1111 Hennepin Ave: Grant On-Sale Liquor Class C-1 with Sunday Sales License.

Lynn on Bryant, 5003 Bryant Ave S: Grant On-Sale Wine Class E with Strong Beer License.

Snack Mob, 451 Taft St NE: Grant Extended Hours License to allow business hours of 6:00 a.m. to 3:00 a.m. daily.

Wings N Things, 624 W Broadway: Approve Business License Operating Conditions relating to Extended Hours License.

**LICENSES AND CONSUMER SERVICES (275995)**

Licenses: Applications.

**REGULATORY SERVICES (275996)**

Rental License Posting Regulations: Ordinance amending provisions regulating posting and display of license certificate and required information posting.

Rental Dwelling License at 2939 Lyndale Ave N: Approve reinstatement of license to be held by Christopher Petersen.

Rental Dwelling License at 1527 Upton Ave N: Approve reinstatement of license to be held by Scot Pekarek, Affordable Green Homes, LLC.

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

**REGULATORY SERVICES (275997)**

2013 License Fees: Approve 0 percent increase for license fees, with the exception of approving a 3 percent increase in the pollution control annual billing fees.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (275998)**

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 1st quarter 2012 (See Petn No 275625).

**PUBLIC WORKS AND ENGINEERING (275999)**

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 2nd quarter 2011 (See Petn No 275072).

**PUBLIC WORKS AND ENGINEERING (276000)**

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 3rd quarter 2011 (See Petn No 275267).

**PUBLIC WORKS AND ENGINEERING (276001)**

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 4th quarter 2011 (See Petn No 275444).

**PUBLIC WORKS AND ENGINEERING (276002)**

Uptown (Hennepin-Lake), Dinkytown, Central Avenue, Stadium Village, Nicollet Ave S, S Hennepin Ave, 48th St E and Chicago Ave S, and Linden Hills (43rd St W and Upton Ave S) Special Service Districts: Set assessment public hearing for October 9, 2012.

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

**PUBLIC WORKS AND ENGINEERING (276003)**

Chicago-Lake, Bloomington-Lake, East Lake, and Lyndale-Lake Special Service Districts:

a) Assessment public hearing; and b) Comments.

Downtown Business Improvement Special Service District: a) Assessment public hearing; and b) Comments.

Solid Waste Management: Set public hearing for October 9, 2012 to begin 180-day process to evaluate options for future collection of garbage, recycling, problem materials, and yard wastes.

Technology Drive Reconstruction Project No 9921: Project designation.

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

**PUBLIC WORKS AND ENGINEERING (276004)**

Hauling of Treatment Residuals: Contract amendment with Huls Bros. Trucking Inc.

Electric Car Charging Stations in Parking Ramps: a) Grant agreement with Minnesota Pollution Control Agency; b) Appropriation increase; and c) Agreement with Mn/DOT.

Bids: a) OP 7662, Low bid of United States Mechanical, Inc for rainleader disconnections at parking ramps; b) OP 7666, Low bid of Summit Fire Protection Company (d/b/a Dakota Mechanical) for ABC Ramps Boiler Replacement Project; c) OP 7679, Low bid of Hawkins, Inc (d/b/a Hawkins Water Treatment Group) for corrosion inhibitor; and d) OP 7667, Low responsive and responsible bid of Veit & Company, Inc for the University Transitway Bike Trail Phase 3 Project.

**WAYS AND MEANS BUDGET:**

**FINANCE AND PROPERTY SERVICES DEPARTMENT (276005)**

2013 Truth-in-Taxation Supplemental Notice: Receive and file information to be submitted to Hennepin County for distribution with property tax statements.

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

**ATTORNEY (276006)**

Legal Settlement: Approve settlement of Tiffany Crowder et al v. David Menter et al (\$5,500).

**COMMUNICATIONS (276007)**

MTN Appointment: Approve reappointment of Peter Larsen to the Minneapolis Television Network Board for a term running January 16, 2011 - January 15, 2015.

**FINANCE AND PROPERTY SERVICES DEPARTMENT (276008)**

Donation Acceptance: Accept donations of fee waivers from Oracle/PeopleSoft for two City employees to attend the 2012 Oracle Open World Conference September 30-October 4, 2012.

**FINANCE AND PROPERTY SERVICES DEPARTMENT (276009)**

Morcon Construction Co Contract Amendment: Approve amendment 1 to contract C-35638 to increase the contract amount by \$3,415.30 for the Ballistics Renovation at the Haaf Parking Ramp.

**FINANCE AND PROPERTY SERVICES DEPARTMENT (276010)**

Standby Tariff Contract: Authorize execution of contract with Xcel Energy to connect the 100kW solar installation at Royalston Maintenance facility to Xcel's power grid.

**HUMAN RESOURCES (276011)**

Life and Long-Term Disability (LTD) Insurance: Authorize contract with CIGNA as the selected provider, effective January 1, 2013, for three years with an option to renew for two additional years.

**INFORMATION TECHNOLOGY DEPARTMENT (276012)**

Donation of Safety Camera and Installation: Accept donation from Minneapolis Public Schools for camera to be placed on Girard Ave N between 22nd and 23rd Avenues North.

**INFORMATION TECHNOLOGY DEPARTMENT (276013)**

ShotSpotter, Inc. Contract Increase: Increase Contract C-35511 by \$80,640 for replacement equipment for the gunfire detection system.

**INFORMATION TECHNOLOGY DEPARTMENT (276014)**

TALX Corporation Contract Finalization: Approve finalizing contract terms and conditions to execute a five-year contract to provide electronic services related to managing the I-9 process.

**INTERNAL AUDIT (276015)**

Authorize contract with PricewaterhouseCoopers (PWC) for professional advisory services for the Accounts Payable review, included in the 2012 Audit Plan.

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

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276016)**

Film, Video, and Audio Production Use Standards: Ordinance establishing an exception to the minimum window requirement for film, video, and audio production uses.

Currency Exchange Regulations: Ordinances revising regulations for currency exchanges.

Grandma's Associates LLC, 2nd St S and 19th Ave S: Grant application to vacate a City sewer easement located at the southwest corner of the intersection of 2nd St S and 19th Ave S.

Heritage Preservation Regulations: Ordinance extending the length of time for which a decision from the Zoning Administrator, Planning Director, Heritage Preservation Commission or City Council is valid.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276017)**

WaHu Student Housing, 1016, 1024 and 1032 Washington Ave SE, 1025 Delaware St SE, and 2408 University Ave SE: Deny the following portions of the appeal filed by Hossein Azhakh, on behalf of H.A. Properties, LLC and Caspian Bistro, Inc, from the decision of the Planning Commission granting land use applications associated with a new 6 and 11-story mixed use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space, and adopt the related findings prepared by staff: Conditional Use Permit to increase the maximum permitted height of a mixed use building from 4 stories or 56 feet to approximately 11 stories or 132 feet at the tallest point; and Variance to increase the maximum permitted floor area ratio from 4.32 to 5.14. Grant variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point, subject to conditions. Approve rezoning of the property at 1016 Washington Ave SE from the C2 Neighborhood Corridor Commercial District to the C3A Community Activity Center District, retaining the Pedestrian Oriented Overlay District and the University Area Overlay District.

**MOTIONS:**

**ATTORNEY (276018)**

Moratorium Waiver, 4525, 4529, 4537 and 4541 France Ave S: Adopt the related findings of fact prepared by the City Attorney's office in support of denying a waiver from the moratorium on large-scale development within neighborhood commercial nodes and along community corridors in the Linden Hills Neighborhood.

**MOTIONS (See Rep):**

**REGULATORY SERVICES (276019)**

Denial of Class C Permit: Grant appeal of denial of Class C Permit application for G.W. Exotic Animal

Park to exhibit 2 tiger cubs for a Masters of Illusion Show at the State Theater on Friday, September 21, 2012.

**FILED:**

CHARTER COMMISSION (276020)

Plain Language Charter Revision: a) National Civic League Model City Charter; and b) Proposed amendments by Commissioner Schwarzkopf.

CHARTER COMMISSION (276021)

Resignation of Commissioner Barry Lazarus (term expiring 6/1/2014).

*The following reports were signed by Mayor Rybak on September 25, 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 COMMITTEE OF THE WHOLE submitted the following report:**

**Comm of the Whole** - Your Committee, having under consideration the 2012 Boards and Commissions Diversity Survey Report, now recommends:

a) That the Director of the Department of Neighborhood and Community Relations be directed to work with the Neighborhood and Community Engagement Commission to:

1. Develop draft principles or guidelines that support increased diversity on the City boards and commissions for the City Council and the Mayor to consider when filling vacancies;
2. Review and make recommendations on the selection process, including an examination of successful models in the City and the use of alternates in advisory boards;
3. Report back to the Committee of the Whole by January 31, 2013; and

b) That the City Clerk be directed to review eligibility requirements for the City's boards and commissions to ensure their relevancy and to recommend to the City Council by January 31, 2013, where possible, the elimination of unnecessary requirements.

Adopted.

**The COMMITTEE OF THE WHOLE and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**Comm of the Whole & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the appropriation and revenue budget in the Department of Neighborhood and Community Relations by \$39,713 to reflect the close-out of the Neighborhood Revitalization Program administration.

Adopted.

**RESOLUTION 2012R-469**

**By Lilligren 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 in the Department of Neighborhood and Community Relations Fund 01800 - NCR Special Revenue (01800-8450100) by \$39,713 and increasing the revenue source (01800-8450100-345501) by \$39,713.

Adopted.

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from September 20, 2012, relating to appointments to the Stadium Implementation Committee. Seconded.

Adopted by unanimous consent.

**Comm of the Whole/IGR** - Your Committee recommends passage of the accompanying resolution amending Resolution No. 2012R-354 entitled "Appointing additional representatives to the Stadium Implementation Committee and related actions," passed June 29, 2012, by adding the appointment of Jim Norkosky, President, East Downtown Council, to the Stadium Implementation Committee.

Adopted.

Resolution 2012R-470, amending Resolution No. 2012R-354 entitled "Appointing additional representatives to the Stadium Implementation Committee and related actions," passed June 29, 2012, to add the appointment of Jim Norkosky, President of East Downtown Council, 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-470**  
**By Johnson**

**Amending Resolution No. 2012R-354 entitled "Appointing additional representatives to the Stadium Implementation Committee and related actions," passed June 29, 2012.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by adding language as follows:

Whereas, the City Council adopted a resolution approving the Minneapolis Convention Center Special Law and related amendments contained in Laws 2012, Chapter 299 (Stadium Law); and

Whereas, Article 1, Section 20, Subdivision 6 of the Stadium Law relates to creation of a Stadium Implementation Committee within 30 days of local approval of the Special Law (June 29, 2012); and

Whereas, the Stadium Implementation Committee is charged with making recommendations to the Planning Commission on planning and land use issues for a new stadium on the current Metrodome site within certain time frames and to make recommendations on the design plans submitted for the stadium, infrastructure and related improvements; and

Whereas, the City Council on June 15, 2012 appointed the following City representatives to the Stadium Implementation Committee: Mayor Rybak, Council President Johnson and Council Members Reich, Hofstede, Colvin Roy and Hodges and appointed David Wilson and Tom Fisher as co-chairs;

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

That the City Council appoints the following additional representatives to the Stadium Implementation Committee:

- Peter McLaughlin, Hennepin County Commissioner
  - Chris Ferguson, Entrepreneur and owner of Dairy Queen franchise in Stadium Village; member of the Central Corridor's Corridors of Opportunity Committee
  - Tim Baylor, Developer and member of the Sports Facilities Commission
  - Clint Hewitt, Retired landscape architect and former U of M planner
  - Craig Taylor, Executive Director, U of M's office of business and community economic development
  - Peggy Lucas, Developer and member of the Sports Facilities Commission
  - Rolf Eng, Vice President and General Counsel, Valspar
  - Cathy Rydell, Executive Director, American Academy of Neurology
  - Wade Luneburg, Secretary-Treasurer, UNITE-HERE Local 17
  - Tom Meyer, Architect and Downtown East resident
  - David Fields, Community Development Coordinator, Elliot Park Neighborhood Association
- 
- Cory Merrifield, Founder, Save the Vikes

- Russ Adams, Executive Director, Alliance for Metropolitan Stability
- Judith Yates Borger, Downtown East resident
- Hussein Ahmed, Executive Director, West Bank Community Coalition
- Sarah Harris, Executive Director, Downtown Improvement District transitioning to University of Minnesota Foundation
- Jesse Winkler, Member, Downtown Neighborhood Association
- Jim Norkosky, President, East Downtown Council

Be It Further Resolved that each of the public members serves a one year term commencing on July 1, 2012 and ending on June 30, 2013.

Adopted.

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from September 20, 2012, relating to appointments to the Target Center Implementation Committee. Seconded.

Adopted by unanimous consent.

**Comm of the Whole/IGR** - Your Committee recommends passage of the accompanying resolution amending Resolution No. 2012R-430 entitled "Appointing City representatives to Target Center Implementation Committee and related actions," passed August 17, 2012, by adding the appointments of Andrew Parker, Pat Denzer, David Evelo and Steve Benson to the Target Center Implementation Committee.

Adopted.

Resolution 2012R-471, amending Resolution No. 2012R-430 entitled "Appointing City representatives to Target Center Implementation Committee and related actions," passed August 17, 2012, to add the appointments of Andrew Parker, Pat Denzer, David Evelo and Steve Benson, 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-471**  
**By Johnson**

**Amending Resolution No. 2012R-430 entitled "Appointing City representatives to Target Center Implementation Committee and related actions," passed August 17, 2012.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by adding language as follows:

Whereas, the City Council adopted a resolution approving the Minneapolis Convention Center Special Law and related amendments contained in Laws 2012, Chapter 299 (Stadium Bill); and

Whereas, the Special Law grants to the City the right to use its Convention Center taxes for debt service, operating costs and capital improvements at Target Center; and

Whereas, a 2010 M.A. Mortenson study identified capital needs at Target Center of approximately \$135 million, the allocation of which will need to be negotiated among the City, AEG, its operator and the Minnesota Timberwolves; and

Whereas, it is the desire of the City to establish a Target Center Implementation Committee to guide capital expenditures at Target Center;

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

That the City appoints the following elected officials to serve on the Target Center Implementation Committee: Mayor R.T. Rybak, Council President Barbara Johnson, Council Members Elizabeth Glidden, Lisa Goodman, John Quincy, Don Samuels, and Meg Tuthill.

Be It Further Resolved that Jerry Bell be appointed as Chair of the Target Center Implementation Committee.

Be It Further Resolved that the following be appointed as members of the Target Center Implementation Committee: Kelly Doran, Fred Krohn, Brian Woolsey, Devon George, Kevin Dooley, Dan McConnel, Karen Rosar, Joanne Kaufman, Tim Baylor, ~~and~~ Archie Givens, Andrew Parker, Pat Denzer, David Evelo and Steve Benson.

Be It Further Resolved that the City Council authorizes creation of a Staff Technical Team consisting initially of the following departments: Community Planning & Economic Development (CPED), Public Works, City Attorney, Finance, Civil Rights, Convention Center, and Regulatory Services with representatives of other departments added as needed.

Be It Further Resolved that the City Council designates Jeremy Hanson Willis, Director of CPED, as the lead City staff on this project and to the extent needed within the parameters of the City's procurement policy to retain consultants to assist City staff, work with the Target Center Implementation Committee and Staff Technical Committee.

Adopted.

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

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2723 Polk St NE to Jim Dropps for \$6,700, subject to the following conditions:

- a) Land sale closing must occur on or before 90 days from the date of City Council approval; and
- b) Payment of holding costs of \$300 per month (or portion thereof) if land sale closing does not occur on or before the closing deadline.

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

Adopted.

Resolution 2012R-472, authorizing sale of land Vacant Housing Disposition Parcel No. VH-312 at 2723 Polk St NE, 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-472**

**By Goodman**

**Authorizing sale of land Vacant Housing Disposition Parcel No. VH-312 at 2723 Polk St NE.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-312, in the Audubon Park neighborhood, from Jim Dropps, hereinafter known as the Redeveloper, the Parcel VH-312, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of VH-312; 2723 Polk Street NE: Lot 19, Block 5, Menage's Supplement to East Side Addition to Minneapolis, Hennepin County, Minnesota; and

Whereas, the Redeveloper has offered to pay the sum of \$6,700, for Parcel VH-312 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 August 31, 2012, a public hearing on the proposed sale was duly held on September 11, 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 Vacant Housing plan, as amended, is hereby estimated to be the sum of \$6,700 for Parcel VH-312.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

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

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City 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.

**Comm Dev** - Your Committee, having under consideration classification of tax forfeited land, now recommends passage of the accompanying resolutions:

- a) Requesting actions with respect to the conveyance of certain tax-forfeited land located in the City of Minneapolis;
- b) Approving the classification of certain tax-forfeited land as non-conservation and the conveyance thereof.

Further, that the Mayor and City Clerk be authorized to sign an application for title registration which will be filed pursuant to Minnesota Statutes 508.03(6).

Goodman moved to amend the resolution entitled "Requesting actions with respect to the conveyance of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota" by removing the properties at 2210 California St NE, 4831 Colfax, 3646 Newton, 3607 Bryant, 2630 Upton, 3218 Irving Aves N and 3546 - 4th St N from the list of parcels to be released for public auction and inserting the properties in the list of parcels contained on the 1606 Conservation/Non-Conservation list to be withheld from sale for six months. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Resolution 2012R-473, requesting actions with respect to the conveyance of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, 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-473  
By Goodman**

**Requesting actions with respect to the conveyance of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota.**

## September 21, 2012

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

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

That the parcels listed below contained on the 1606 Conservation/Non Conservation list be withheld from sale for six months:

<b>PIN</b>	<b>Target</b>	<b>Lot Dim</b>	<b>CURRENT USE</b>
<b>Address</b>	<b>Zoning</b>	<b>Sq. Ft.</b>	<b>LEGAL DESCRIPTION</b>
09 029 24 43 0077	Y	42.6 x 127.3	VACANT LAND
2705 Emerson Ave N	OR1	5425	LOT 006 BLOCK 023 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
16 029 24 12 0123	Y	39 x 100	VACANT LAND
1216 25th Ave N	R2B	3900	EAST 39 FEET OF LOTS 8 AND 9 BLOCK 042 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 026 24 33 0106	Y	43 x 125.5	VACANT BOARDED SINGLE FAMILY
1912 15th Ave N	R1A	5250	LOT 009 BLOCK 002 "ROSEDALE PARK"
17 029 24 14 0095	Y	40 x 128	VACANT SINGLE FAMILY
2026 Sheridan Ave N	R1A	5120	LOT 029 BLOCK 003 "NICHOL'S-FRISSELL CO.'S SHADY OAKS ADDITION TO MINNEAPOLIS"
01 028 24 21 0066	Y	50 x 76	OCCUPIED SINGLE FAMILY
2318 32ND ST E	R5/PO	3800	WEST 50 FEET OF LOTS 24 AND 25 EXCEPT PART TAKEN FOR STREET LOTS 24 AND 25 BLOCK 006 GRISWOLDS 3RD ADDITION TO MINNEAPOLIS
03 028 24 21 0114	Y	41.5 x 165	VACANT SINGLE FAMILY
3136 Pillsbury Ave	R5	6848	LOT 011 BLOCK 001 RICHARDSON'S ADDITION TO MINNEAPOLIS
08 029 24 42 0040	Y	40 x 127	VACANT BOARDED CONDEMNED SINGLE FAMILY
2919 Upton Ave N	R1A	5120	LOT 011 BLOCK 004"GARDNER'S ADDITION TO MINNEAPOLIS"
08 029 24 44 0019	Y	40 x 128	VACANT LAND
2719 Queen Ave N	R1A	5132	LOT 011 BLOCK 001 "NICHOLS-FRISSELL CO.'S PENN-LAWN ADDITION TO MINNEAPOLIS"
09 029 24 31 0108	Y	40 x 126	VACANT BOARDED SINGLE FAMILY
3115 Knox Ave N	R1A	5051	LOT 005 BLOCK 002 LAUDERDALE'S SUBDIVISION OF LOTS I, J, K, & L, BABBITS OUTLOTS
09 029 24 31 0116	Y	40 x 126	VACANT LAND
3011 Knox Ave N	R1A	5048	LOT 013 BLOCK 002 LAUDERDALE'S SUBDIVISION OF LOTS I, J, K, & L, BABBITS OUTLOTS
09 029 24 12 0129	N	40 x 125	VACANT BOARDED CONDEMNED SINGLE FAMILY
3519 Dupont Ave N	R2B	5035	LOT 011 BLOCK 001 "LIVINGSTON PARK"
02 028 24 32 0126	Y	42.4 x 122	VACANT LAND CONTRACT CANCELLATION

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3532 Chicago Ave	R2B	5124	E 122 FEET LOT 003 BLOCK 001 FRENCH'S ADDITION TO MINNEAPOLIS
16 029 24 11 0010	Y	50 x 157	VACANT LAND CONTRACT CANCELLATION
2507 Lyndale Ave N	R2B	7850	LOT 006 BLOCK 001 HIGHLAND PARK ADDITION TO MINNEAPOLIS
16 029 24 11 0184	Y	43.1 x 50	VACANT LAND CONTRACT CANCELLATION
708 25th Ave N	R2B	2158	W 43.17 FEET OF EAST 119.55 FEET LOT 7 BLOCK 1 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 029 24 11 0185	Y	37.4 x 50	VACANT LAND CONTRACT CANCELLATION
712 25th Ave N	R2B	1873	THAT PART OF LOT 7 BLOCK LYING W OF E 119.55 FEET THERE OF HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
26 029 24 43 0003	Y	33.3 x 143	VACANT LAND CONTRACT CANCELLATION
1525 18th St E	R2B/NP	4719	NORTH 143.00 FEET LOT 059 AUDITOR'S SUBDIVISION NO. 033 HENNEPIN COUNTY, MINN
34 029 24 14 0013	Y	50 x 88	VACANT LAND APARTMENT CONTRACT CANCELLATION
515 24th St E	R6	4400	LOT 014 AUDITOR'S SUBDIVISION NO. 213 HENNEPIN COUNTY, MINN
35 029 24 13 0094	Y	58 x 127.5	VACANT LAND CONTRACT CANCELLATION
2446 15th Ave S	R2B	7395	LOT 005 BLOCK 007 "GALES 1ST ADDITION TO MINNEAPOLIS"
35 029 24 24 0085	Y	45 x 127	VACANT LAND CONTRACT CANCELLATION
2542 12th Ave S	R2B	5735	LOT 012 BLOCK 001 ELLIOTS REARRANGEMENT OF BLOCKS 9, 10, 15 AND 16 OF BRACKETT AND BOVEY'S ADDITION TO MINNEAPOLIS
35 029 24 41 0147	Y	35.8 x 123	VACANT LAND CONTRACT CANCELLATION
2623 17th Ave S	R2B	4391	LOT 011 REARRANGEMENT OF BLOCK TWO (2) GOULDS ADDITION TO MINNEAPOLIS
09 029 24 41 0103	Y	62 x 40	VACANT BOARDED SINGLE FAMILY
1012 29th Ave N	R2B	2496	THAT PART LYING E OF WEST 64 FEET LOT 016 BLOCK 004 "HARMONY TERRACE"
09 029 24 41 0196	Y	40 x 120	VACANT BOARDED CONDEMNED SINGLE FAMILY
1015 Lowry Ave N	R4	4800	LOT 004 BLOCK 009 THE OAKLAND ADDITION TO MINNEAPOLIS
09 029 24 43 0044	Y	42.6 x 127	VACANT BOARDED CONDEMNED SINGLE FAMILY
2627 Dupont Ave N	R2B	5432	LOT 001 BLOCK 020 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
09 029 24 44 0178	Y	42.6 x 127	VACANT BOARDED CONDEMNED DUPLEX
2605 Colfax Ave N	R2B	5433	LOT 006 BLOCK 013 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
10 029 24 33 0033	Y	44 x 157	VACANT BOARDED CONDEMNED SINGLE FAMILY
2727 3rd St N	R2B	6908	LOT 016 BLOCK 003 HOLWAY AND TAYLOR'S ADDITION TO MINNEAPOLIS
14 029 24 31 0133	Y	40 x 130	VACANT SINGLE FAMILY
421 6th Ave NE	R2B	5200	LOT 003 A. M. REID'S SUBDIVISION OF THE NORTHEASTERLY ONE-HALF OF BLOCK FOUR IN THE TOWN OF ST. ANTHONY
15 029 24 22 0066	Y	41 x 85	VACANT BOARDED CONDEMNED NON

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			COMPLIANT BUILDING
2231 3rd St N	R2B	3485	LOT 001 BLOCK 001 NICKELS AND SMITH'S ADDITION TO MINNEAPOLIS
15 029 24 23 0036	Y	40 x 157	VACANT SINGLE FAMILY
2222 4th St N	R2B	6280	LOT 020 BLOCK 001 NICKLES AND SMITH'S ADDITION TO MINNEAPOLIS
16 029 24 11 0035	Y	54 x 100	VACANT BOARDED DUPLEX
2424 Aldrich Ave N	R2B	5400	WEST 100 FEET OF LOT 14 AND NORTH 10 FEET OF WEST 100 FEET OF LOT 13 LOTS 13 AND 14 BLOCK 002 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 029 24 11 0124	Y	25 x 157	VACANT BOARDED CONDEMNED SINGLE FAMILY
2415 Bryant Ave N	R2B	3925	NORTH 1/2 LOT 004 BLOCK 016 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 029 24 12 0106	Y	50 x 157	VACANT LAND
2317 Fremont Ave N	R2B	7850	LOT 003 BLOCK 040 HIGHTLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 029 24 13 0074	Y	50 x 157	VACANT LAND
2126 Fremont Ave N	R2B	7850	LOT 015 BLOCK 033 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 029 24 14 0065	Y	50 x 157	VACANT LAND
2120 Aldrich Ave N	R2B	7850	LOT 014 BLOCK 005 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
16 029 24 21 0078	Y	45 x 125	VACANT SINGLE FAMILY
2369 James Ave N	R2B	5620	LOT 027 BLOCK 008 "FOREST HEIGHTS"
16 029 24 23 0069	Y	45 x 124	VACANT LAND
2211 Oliver Ave N	R2B	5580	LOT 003 BLOCK 022 "FOREST HEIGHTS"
16 029 24 24 0014	Y	42.6 x 171	OCCUPIED DUPLEX
2218 Irving Ave N	R1A	7480	LOT 004 BLOCK 013 "FOREST HEIGHTS"
12 118 21 22 0129	N	40 x 127	VACANT BOARDED SINGLE FAMILY
5207 Girard Ave N	R1A	5080	LOT 002, BLOCK 004 "LE BARON'S FIRST ADDITION TO MINNEAPOLIS"
10 029 24 41 0051	Y	46 x 119	OCCUPIED DUPLEX
2210 California St NE	R2B	5474	LOT 5 AND S 3 FEET OF LOT 4 BLOCK 006 "LOUIS KAMPFF'S ADDITION TO MINNEAPOLIS"
12 118 21 31 0214	N	40 x 128	VACANT BOARDED CONDEMNED SINGLE FAMILY
4831 Colfax Ave N	R1A	5150	LOT 008 BLOCK 004 NEWCOMB'S ADDITION TO MINNEAPOLIS
04 029 24 33 0199	N	40 x 127	OCCUPIED SINGLE FAMILY
3646 Newton Ave N	R1A	5092	LOT 024 BLOCK 002 "NORTHLAND OAKS ADDITION TO MINNEAPOLIS"
04 029 24 44 0143	N	40 x 125	VACANT BOARDED SINGLE FAMILY
3607 Bryant Ave N	R2B	5030	LOT 014 BLOCK 014 "WALTON PARK"
08 029 24 43 0023	Y	40 x 128	OCCUPIED SINGLE FAMILY REPURCHASED
2630 Upton Ave N	R1A	5136	LOT 023 BLOCK 001 "RADISSON HEIGHTS"
09 029 24 24 0019	N	40 x 125	VACANT SINGLE FAMILY
3218 Irving Ave N	R1A	5014	LOT 009 BLOCK 001 "JAMES AVENUE ADDITION TO MINNEAPOLIS"
10 029 24 22 0031	N	40 x 157	VACANT SINGLE FAMILY

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3546 4th St N	R1A	6280	LOT 027 BLOCK 003 "NICHOLS-FRISSELL CO.'S STEWART HEIGHTS ADDITION TO MINNEAPOLIS"
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Be It Further Resolved that the parcels listed below be designated as non-conservation land if not previously so designated, and that all the properties listed below be released for public auction:

<b>PIN</b>	<b>Target</b>	<b>Lot Dim</b>	<b>CURRENT USE</b>
<b>Address</b>	<b>Zoning</b>	<b>Sq. Ft.</b>	<b>LEGAL DESCRIPTION</b>
01 028 24 33 0064	N	40 x 125	OCCUPIED DUPLEX
3622 Longfellow Ave	R2B	5000	LOT 007 BLOCK 002 "C.A. BARTLETT'S ADDITION TO MINNEAPOLIS"
02 028 24 11 0252	Y	49 x 75.7	OCCUPIED SINGLE FAMILY
1707 31st St E	R2B	3709	LOTS 1 AND 2 BLOCK 003 "GOODRICH'S SUBDIVISION IN BLOCKS 1 & 3 GOODRICH PARK ADDITION TO MINNEAPOLIS"
10 028 24 14 0010	N	42 x 122	OCCUPIED SINGLE FAMILY
4032 Portland Ave S	R1A	5124	LOT 009 BLOCK 001 PORTLAND PARK ADDITION TO MINNEAPOLIS
21 028 24 42 0078	N	40 x 128	VACANT SINGLE FAMILY
1301 58th St W	R1/SH	5120	LOT 001 BLOCK 003 "KAVLI'S LYNHURST PARK HENNEPIN COUNTY MINN."
01 029 24 32 0111	N	40 x 116	OCCUPIED SINGLE FAMILY
3114 Tyler St NE	R1A	4640	LOT 12 BLOCK 005 "CHUTE BROTHERS FIRST ADDITION TO THE CITY OF MINNEAPOLIS"
01 029 24 32 0132	N	40 x 125	OCCUPIED SINGLE FAMILY
3116 Polk St NE	R1A	5000	LOT 11 BLOCK 006 "CHUTE BROTHERS FIRST ADDITION TO THE CITY OF MINNEAPOLIS"
04 029 24 21 0136	N	40 x 128	VACANT LAND
4309 Irving Ave N	R1A	5122	LOT 22 BLOCK 002 "HARVEY'S ADDITION TO MINNEAPOLIS"
20 029 24 12 0110	Y	40 x 128	OCCUPIED SINGLE FAMILY
1015 Vincent Ave N	R1A/SH	5120	LOT 005 BLOCK 019 "HOMEWOOD, MINNEAPOLIS, MINNESOTA"
20 029 24 14 0067	Y	48 x 129	OCCUPIED SINGLE FAMILY
710 Thomas Ave N	R1A	6192	LOT 25 SOUTH 8 FEET OF LOT 26 BLOCK 013 "BRODERICK'S ADDITION TO MINNEAPOLIS"
07 028 23 32 0001	N	70 x 140	VACANT LAND COMMERCIAL
3115 42nd St E	R1A	9860	LOTS 1 AND 2 BLOCK 001 "DEAN'S SOUTH PARK ADDITION TO MINNEAPOLIS"
03 028 24 44 0129	Y	40 x 131	OCCUPIED SINGLE FAMILY
3716 5th Ave S	R1A	5240	LOT 005 BLOCK 010 VINTON PARK ADDITION TO MINNEAPOLIS
09 028 24 44 0085	N	40 x 131	OCCUPIED SINGLE FAMILY REPURCHASED

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822 45th St W	R1A	5240	WEST 45 FEET OF LOTS 8 AND 9 BLOCK 055 REMINGTON'S 3RD ADDITION TO MINNEAPOLIS
10 028 24 43 0068	N	60 x 126	VACANT SINGLE FAMILY
4512 1st Ave S	R1A/AP	7560	LOT 4 AND S 18 FEET OF LOT 3 BLOCK 006 TURNER AND WARNOCKS FIRST ADDITION TO MINNEAPOLIS MINNESOTA
11 028 24 33 0094	N	40 x 117	OCCUPIED SINGLE FAMILY
4520 Oakland Ave	R1A/AP	4680	LOT 006 BLOCK 005 AUDITOR'S SUBDIVISION NO. 257 HENNEPIN COUNTY, MINN
15 028 24 14 0060	N	45 x 118	VACANT BOARDED SINGLE FAMILY
4904 Portland	R1A/AP	5310	LOT 002 BLOCK 001 "STARING'S MINNEHAHA BOULEVARD ADDITION TO MINNEAPOLIS MINNESOTA"
03 029 24 32 0092	N	40 x 157	VACANT LAND
3822 6th St N	R2B	6280	LOT 018 BLOCK 005 "FARNHAM'S ADDITION TO MINNEAPOLIS"
04 029 24 14 0057	N	42 x 126	VACANT LAND
4018 Bryant Ave N	R1A	5329	LOT 012 BLOCK 002 "BARNES BROTHERS' ADDITION TO MINNEAPOLIS"
04 029 24 41 0122	N	40 x 126	OCCUPIED SINGLE FAMILY
3841 Aldrich Ave N	R1A	5052	LOT 006 BLOCK 003 "FARNHAM'S THIRD ADDITION TO MINNEAPOLIS"
04 029 24 41 0197	N	40 x 126	VACANT LAND
3838 Colfax Ave N	R2B	5064	LOT 025 BLOCK 001 "NICHOLS-FRISSELL CO'S MCKINLEY PLACE ADDITION TO MINNEAPOLIS"
09 029 24 12 0175	N	40 x 125	VACANT LAND
3550 Fremont Ave N	R4	5030	LOT 028 BLOCK 002 "LIVINGSTON PARK"
07 028 23 24 0080	N	40 x 150	OCCUPIED SINGLE FAMILY CONTRACT CANCELLATION
4021 Snelling Ave	R1A	6000	LOT 030 BLOCK 001 "ELMHURST ADDITION TO MINNEAPOLIS"
36 029 24 41 0058	Y	48 x 157	OCCUPIED COMMERCIAL BUILDING CONTRACT CANCEL
2619 28th Ave S	I2/IL	7536	LOT 020 BLOCK 003 "SOUTH SIDE ADDITION" TO THE CITY OF MINNEAPOLIS
09 029 24 34 0047	Y	42 x 129	OCCUPIED SINGE FAMILY
2623 James Ave N	R1A	5443	LOT 002 BLOCK 001 "ON THE HEIGHTS, AN ADDITION TO MINNEAPOLIS"
09 029 24 43 0085	Y	43.1 x 127	OCCUPIED SINGLE FAMILY
2722 Fremont Ave N	R2B	5488	LOT 013 AND SOUTH 5/10 FT OF LOT 14 LOTS 13 AND 14 BLOCK 023 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
09 029 24 44 0094	Y	41 x 127	OCCUPIED SINGE FAMILY REPURCHASED

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2700 Bryant Ave N	R2B	5243	LOT 008 BLOCK 007 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
10 029 24 24 0033	N	60 x 92	OCCUPIED SINGLE FAMILY
209 33rd Ave N	I2	5523	WEST 1/2 OF LOT 1 AND NORTH 14 FEET OF WEST 1/2 OF LOT 2 BLOCK 029 "BAKER'S 4TH ADDITION OT MINNEAPOLIS"

Be It Further Resolved that the City is authorized to file an application for title registration on the tax-forfeited properties listed in this resolution for acquisition by the City of Minneapolis signed by the Mayor and the City Clerk pursuant to Minnesota Statutes 508.03(6).

Adopted.

Resolution 2012R-474, approving the classification of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof, 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-474**  
**By Goodman**

**Approving the classification of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.**

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

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

That all of the parcels listed below be designated as non-conservation land:

<b>PIN</b>	<b>Address</b>
12 118 21 22 0129	5207 Girard Ave N
12 118 21 31 0214	4831 Colfax Ave N
01 028 24 21 0066	2318 32nd St E
01 028 24 33 0064	3622 Longfellow Ave
02 028 24 11 0252	1707 31st St E
10 028 24 14 0010	4032 Portland Ave S
21 028 24 42 0078	1301 58th St W
01 029 24 32 0111	3114 Tyler St NE
01 029 24 32 0132	3116 Polk St NE
04 029 24 21 0136	4309 Irving Ave N
09 029 24 43 0077	2705 Emerson Ave N
16 029 24 12 0123	1216 25th Ave N
16 026 24 33 0106	1912 15th Ave N
17 029 24 14 0095	2026 Sheridan Ave N
20 029 24 12 0110	1015 Vincent Ave N
20 029 24 14 0067	710 Thomas Ave N
07 028 23 32 0001	3115 42nd St E
03 028 24 21 0114	3136 Pillsbury Ave
03 028 24 44 0129	3716 5th Ave S

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09 028 24 44 0085	822 45th St W
10 028 24 43 0068	4512 1st Ave S
11 028 24 33 0094	4520 Oakland Ave
15 028 24 14 0060	4904 Portland
03 029 24 32 0092	3822 6th St N
04 029 24 14 0057	4018 Bryant Ave N
04 029 24 33 0199	3646 Newton Ave N
04 029 24 41 0122	3841 Aldrich Ave N
04 029 24 41 0197	3838 Colfax Ave N
04 029 24 44 0143	3607 Bryant Ave N
08 029 24 42 0040	2919 Upton Ave N
08 029 24 43 0023	2630 Upton Ave N
08 029 24 44 0019	2719 Queen Ave N
09 029 24 12 0129	3519 Dupont Ave N
09 029 24 12 0175	3550 Fremont Ave N
09 029 24 24 0019	3218 Irving Ave N
09 029 24 31 0108	3115 Knox Ave N
09 029 24 31 0116	3011 Knox Ave N
02 028 24 32 0126	3532 Chicago Ave
07 028 23 24 0080	4021 Snelling Ave
16 029 24 11 0010	2507 Lyndale Ave N
16 029 24 11 0184	708 25th Ave N
16 029 24 11 0185	712 25th Ave N
26 029 24 43 0003	1525 18th St E
34 029 24 14 0013	515 24th St E
35 029 24 13 0094	2446 15th Ave S
35 029 24 24 0085	2542 12th Ave S
35 029 24 41 0147	2623 17th Ave S
36 029 24 41 0058	2619 28th Ave S
09 029 24 34 0047	2623 James Ave N
09 029 24 41 0103	1012 29th Ave N
09 029 24 41 0196	1015 Lowry Ave N
09 029 24 43 0044	2627 Dupont Ave N
09 029 24 43 0085	2722 Fremont Ave N
09 029 24 44 0094	2700 Bryant Ave N
09 029 24 44 0178	2605 Colfax Ave N
10 029 24 22 0031	3546 4th St N
10 029 24 24 0033	209 33rd Ave N
10 029 24 33 0033	2727 3rd St N
10 029 24 41 0051	2210 California St NE
14 029 24 31 0133	421 6th Ave NE
15 029 24 22 0066	2231 3rd St N
15 029 24 23 0036	2222 4th St N
16 029 24 11 0035	2424 Aldrich Ave N
16 029 24 11 0124	2415 Bryant Ave N
16 029 24 12 0106	2317 Fremont Ave N
16 029 24 13 0074	2126 Fremont Ave N
16 029 24 14 0065	2120 Aldrich Ave N
16 029 24 21 0078	2369 James Ave N
16 029 24 23 0069	2211 Oliver Ave N

16 029 24 24 0014

2218 Irving Ave N

Adopted.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Hi-Lake Triangle Apartment project at 2230 E Lake St, now recommends:

- a) Passage of the accompanying resolution approving the Hi-Lake Triangle Apartments Tax Increment Financing (TIF) Plan, Modification No. 23 to the Model City Urban Renewal Plan and Modification No. 122 to the Common Development and Redevelopment Plan and Common TIF Plan; and
- b) Approval of the redevelopment contract business terms described in the Department of Community Planning & Economic Development staff report.

Adopted.

Resolution 2012R-475, approving the Hi-Lake Triangle Apartments Tax Increment Financing Plan, Modification No 23 to the Model City Urban Renewal Plan and Modification No 122 to the Common Development and Redevelopment Plan and Common Tax Increment Financing 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-475  
By Goodman and Hodges**

**Approving the Hi-Lake Triangle Apartments Tax Increment Financing Plan, Modification No 23 to the Model City Urban Renewal Plan and Modification No 122 to the Common Development and Redevelopment Plan and Common Tax Increment Financing 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 thereby established the Model City Urban Renewal Area. Subsequent modifications to the Model City Urban Renewal Plan have been prepared and approved by City Council resolutions.

1.3. By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan (the "Common Plans") and established the Common Development and Redevelopment Project (the "Common Project").

1.4. By Resolution 2000R-217 duly adopted May 19, 2000 and approved May 24, 2000, the City approved the Hiawatha and Lake Redevelopment Plan and thereby established the Hiawatha and Lake Redevelopment Project (the "Project Area"). By Resolution 2002R-259 duly adopted July 26, 2002 and approved July 31, 2002, the City approved Modification No 1 to the Hiawatha and Lake Redevelopment Plan.

1.5. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Hi-Lake Triangle Apartments Tax Increment Financing Plan (the

“TIF Plan”), Modification No 23 to the Model City Urban Renewal Plan (“Modification No 23”), and Modification No 122 to the Common Plans (collectively, the “Plans”). The TIF Plan creates a new housing TIF district (the “TIF District”) within the Hiawatha and Lake Redevelopment Project Area, designates property to be included in the TIF District, states the City’s objectives, describes proposed development activity, and identifies a budget for expenditures. Modification No 23 changes the Model City Urban Renewal Area boundary to remove the property located within the TIF District (2230 East Lake Street) from the Model City Urban Renewal Area. Modification No 122 to the Common Plans changes the Common Project boundary to remove the property located within the TIF District from the Common Project. The property located within the TIF District remains within the Hiawatha and Lake Redevelopment Project Area. These actions are all pursuant to and in accordance with the Project Laws.

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

## Section 2. Findings and Election

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

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

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

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

2.5. The Council further finds, determines and declares that the Hi-Lake Triangle Apartments TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.6. The Council further finds, determines and declares that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

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

2.8. The Council elects the method of computation provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a). The Council acknowledges that, by making this election, the entire fiscal disparity contribution required of the City for development occurring within this district will be taken from outside the Hi-Lake Triangle Apartments TIF District.

2.9. 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 Plans.

## Section 3. Approval of the Plans

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

## Section 4. Implementation of the Plans

4.1. 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 Plans, 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.

4.2. As provided under Minnesota Statutes, Section 469.178, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this TIF District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. The term of this advance shall end upon the termination of the TIF District, although as revenues are available in the fund for the TIF District, the advance shall be offset by such amounts.

Adopted.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing application to the Minnesota Department of Employment and Economic Development (DEED) for grant funds from the Innovative Business Development Public Infrastructure Program for up to half of the Technology Drive (Marshall St NE to 37th Ave NE) Reconstruction Project No. 9921 costs.

Adopted.

Resolution 2012R-476, authorizing application to the Minnesota Department of Employment and Economic Development Innovative Business Development Public Infrastructure Grant Program for the Technology Drive Reconstruction Project No. 9921 (Marshall St NE to 37th Ave NE), 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-476**  
**By Reich, Goodman and Hodges**

**Authorizing application to the Minnesota Department of Employment and Economic Development Innovative Business Development Public Infrastructure Grant Program.**

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis act as the legal sponsor for the project known as Technology Drive Street Reconstruction Project Special Improvement of Existing Street No 9921 contained in the Business Development Infrastructure Application to be submitted after adoption of this resolution and that the Director of the Department of Community Planning and Economic Development (or their designee) is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of City of Minneapolis.

Be It Further Resolved that the City of Minneapolis has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

Be It Further Resolved that the City of Minneapolis has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

Be It Further Resolved that upon approval of its application by the state and acceptance by the City Council, the City of Minneapolis may enter into an agreement with the State of Minnesota for the above referenced project, and certifies that it will comply with all applicable laws, regulations and rules as stated in all contract agreements and the Business Development Infrastructure Application.

Be It Further Resolved that upon approval of its application by the state and acceptance by the City Council, the City of Minneapolis will commit at least 50% of the project costs towards the local match requirement.

Be It Further Resolved that upon approval of its application by the state and acceptance by the City Council, the City's Finance Officer or his designee will be authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the City of Minneapolis.

Adopted.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Grain Belt 1949 Warehouse Addition (39 13th Ave NE), now recommends that the Department of Community Planning & Economic Development Director be authorized to execute a two-year lease to Robert Chouinard for the Grain Belt's 1949 Warehouse Addition and to enter into one-year lease extensions thereafter.

Adopted.

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

**PSC&H** – Your Committee recommends authorizing proper City officers to enter into a five-year agreement with the Minnesota Visiting Nurse Agency for the provision of annual influenza immunization clinics for City employees and their families, and to execute any non-monetary amendments developed to facilitate day-to-day and year-to-year execution of the goals of the agreement.

Adopted.

**PSC&H** – Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending the chapter title to Police Conduct Oversight, and creating an Office of Police Conduct Review and a Police Conduct Oversight Commission, now recommends that said ordinance be given its second reading for amendment and passage.

Gordon moved to amend a portion of section 5 of the ordinance, to modify the new language in Section 172.40 (1) as follows:

- (1) Each review panel shall be comprised of ~~four (4)~~ five (5) panelists. Two (2) of the panelists shall be a sworn officers of the police department holding the rank of lieutenant or higher assigned by the chief of police or the chief's designee and ~~two (2)~~ three (3) panelists shall be civilians assigned by the director of civil rights or the director's designee. Seconded.

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

Yeas - Glidden, Hodges, Gordon, Schiff, Lilligren, Quincy.

Nays - Goodman, Samuels, Reich, Hofstede, Colvin Roy, Tuthill, Johnson.

Gordon moved to amend a portion of section 4 of the ordinance, to add to the new language in Section 172.30 as follows:

- (f) Firewall. Information from investigations shall be shared only with staff assigned to the Office of Police Conduct Review and Police Conduct Oversight Commission, unless otherwise specifically authorized by law. Seconded.

Adopted.

Gordon moved to amend a portion of section 4 of the ordinance, to add to the new language in Section 172.30 (c) as follows:

- (c) *Complaint investigation.* All other qualifying complaints shall be formally investigated by the office through assignment to an investigator or investigators from the civilian unit and/or the internal affairs unit. The office shall endeavor to complete any reviews and investigations as promptly and efficiently as possible, given the staffing and workload of the office. Any complaint alleging criminal misconduct by an officer shall be investigated by the internal affairs unit. Complaints not alleging criminal misconduct shall be assigned to the civilian unit at the formal request of a complainant. The investigative report shall be in a format designated by the office and all final reports shall be reviewed and approved by supervisory staff of the office from both the civilian unit and the internal affairs unit. The investigative report shall not include any recommendation or conclusion regarding the merits of the complaint.

Seconded.

Schiff moved to amend the motion by changing the word "shall" in the new language to "may".  
Seconded.

Adopted. Yeas, 9; Nays, 4 as follows:

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

Nays - Goodman, Samuels, Colvin Roy, Johnson.

Gordon's motion, as amended, was adopted. Yeas, 8; Nays, 5 as follows:

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

Nays - Goodman, Samuels, Colvin Roy, Tuthill, Johnson.

The report, with amended ordinance, was adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Goodman, Samuels, Reich, Hofstede, Colvin Roy, Tuthill, Quincy, Johnson.

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

Ordinance 2012-Or-061 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending the chapter title and creating an Office of Police Conduct Review and a Police Conduct Oversight Commission, 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-061**  
**By Samuels**  
**Intro & 1st Reading: 7/20/2012**  
**Ref to: PSC&H**  
**Public Hearing: 9/12/2012**  
**2nd Reading: 9/21/2012**

**Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.**

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

Section 1. That the Title of Title 9 of the Minneapolis Code of Ordinances be amended to read as follows:

**CHAPTER 172. CIVILIAN POLICE REVIEW AUTHORITY CONDUCT OVERSIGHT**

Section 2. That Section 172.10 of the above-entitled ordinance be amended to read as follows:

**172.10. ~~Civilian police review authority~~ Police conduct oversight system established.** ~~There is hereby created a Minneapolis Civilian Police Review Authority for~~ For the purposes of (1) assuring that police services are delivered in a lawful and nondiscriminatory manner, (2) providing to the public meaningful participatory oversight of the police and their interactions with the citizenry and (3) investigating allegations complaints of misconduct on the part of officers of the Minneapolis Police Department and making findings of fact and conclusions based upon those findings of fact recommendations regarding the merits of such complaints to the chief of police, there is hereby created an Office of Police Conduct Review and a Police Conduct Oversight Commission, with duties and authority as described in this chapter.

Section 3. That Section 172.20 of the above-entitled ordinance be amended to read as follows:

**172.20. Scope of authority, office of police conduct review.** The office of police conduct review shall consist of a civilian unit under the authority of the director of civil rights and an internal affairs unit under the authority of the chief of police. The review authority office shall receive complaints that allege

misconduct by an individual police officer or officers, ~~including, but not limited to,~~ involving any of the following:

- ~~(a)~~ Use of excessive force.
- ~~(b)~~ Inappropriate language or attitude.
- ~~(c)~~ Harassment.
- ~~(d)~~ Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, disability or age or sexual orientation.
- ~~(e)~~ Theft.
- ~~(f)~~ Failure to provide adequate or timely police protection.
- ~~(g)~~ Retaliation for filing a complaint with the review authority.
- ~~(h)~~ Any violation of the Minneapolis Police Department's policy and procedure manual.
- ~~(i)~~ Criminal misconduct.

Section 4. That Section 172.30 of the above-entitled ordinance be amended to read as follows:

**172.30. Review authority membership.** ~~(a) Composition.~~ The review authority shall be comprised of eleven (11) members, six (6) of whom shall be appointed by the city council, and five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. All board members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. The members shall serve for terms of four (4) years. From the members, a chairperson and vice-chairperson of the review authority shall be appointed by the mayor, for staggered terms of two (2) years, subject to the approval of a majority of the city council. The vice-chairperson shall only have chairperson duties in the absence of the chairperson. In the absence of a chairperson or vice-chairperson, the chairperson or vice-chairperson may designate an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. If the chairperson or vice-chairperson are unable for any reason to designate an acting chairperson, the board shall appoint an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. The acting chairperson shall have full authority to conduct actions of the chairperson. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.

~~(b) Qualifications.~~ All members shall be residents of the city. Residents currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the authority.

~~(c) Minimum training requirements.~~

- ~~(1) All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights.~~
- ~~(2) All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law and Minnesota Public Employee Labor Relations Act, conflict of interest.~~
- ~~(3) Within two (2) years of appointment, all new members must complete the portions of the Citizen's Academy as determined by the Minneapolis Department of Civil Rights. Members will be compensated fifty dollars (\$50.00) for each Citizen's Academy session attended.~~

~~(d) Removal.~~ Any member of the review authority may be removed, by vote of a majority of the city council and approval of the mayor, for incompetence, neglect of duty, misconduct or malfeasance, failure to participate in and complete minimum training requirements. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the mayor subject to approval of the city council. A member who has three (3) absences from meetings or complaint hearings in a calendar year shall automatically cease to be a member of the authority.

~~(e) Compensation-Limitation.~~ Each member shall be paid fifty dollars (\$50.00) for each day when the member attends one (1) or more meetings or hearings, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members. The total amount of per diem, payment for file review, and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs.

**Complaint filing, preliminary review and investigation.** (a) *Complaint filing.* Any person who has personal knowledge of alleged misconduct on the part of a Minneapolis police officer may file a complaint with the office of police conduct review by submitting said complaint by means of any readily available method approved by the office. The office shall endeavor to facilitate the complaint filing process by providing multiple and accessible avenues for the filing of complaints. Absent extenuating circumstances deemed sufficient to warrant untimely filing, no person may file a complaint if more than two-hundred seventy (270) days have elapsed since the alleged misconduct.

(b) *Complaint review.* All complaints shall be jointly and collaboratively assessed and preliminarily reviewed by supervisory staff of the office from both the civilian unit and the internal affairs unit. A complaint may be declined with no further action required pursuant to the authority and discretion of the office if, on its face, it fails to allege a violation within the purview and jurisdiction of the office. A complaint may also be referred to another more appropriate governmental agency or, in the case of allegations which rise only to a potential "A" level infraction under the police department's adopted discipline matrix, may be referred to a program of mandatory mediation instituted by the office of police conduct review or directly to the officer's supervisor for coaching. Such complaints may also, pursuant to the authority and discretion of the office, be referred for formal investigation pursuant to subsection (c).

(c) *Complaint investigation.* All other qualifying complaints shall be formally investigated by the office through assignment to an investigator or investigators from the civilian unit and/or the internal affairs unit. The office shall endeavor to complete any reviews and investigations as promptly and efficiently as possible, given the staffing and workload of the office. Any complaint alleging criminal misconduct by an officer shall be investigated by the internal affairs unit. Complaints not alleging criminal misconduct may be assigned to the civilian unit at the formal request of a complainant. The investigative report shall be in a format designated by the office and all final reports shall be reviewed and approved by supervisory staff of the office from both the civilian unit and the internal affairs unit. The investigative report shall not include any recommendation or conclusion regarding the merits of the complaint.

(d) *Procedural discretion and decision making.* Any procedural issue related to the duties and authority of the office for which supervisory staff from the civilian unit and the internal affairs unit is unable to reach agreement upon shall be referred to the director of civil rights and the chief of police, who shall jointly determine the matter. In the event the director and the chief are unable to resolve the issue, a designee of the mayor may mediate, and if necessary resolve, the issue.

(e) *Mediation.* Upon the joint direction of supervisory staff of the office of police conduct review from both the civilian unit and the internal affairs unit, a complaint may be referred to mandatory mediation upon preliminary review of the complaint or at any other time in the course of investigation when deemed to be appropriate. The mediation shall proceed according to procedures adopted and instituted by the office of police conduct review. Mediators shall be neutral trained mediators unaffiliated with the office of police conduct review, the police conduct oversight commission, the civil rights department or any other department of the City of Minneapolis.

(f) *Firewall.* Information from investigations shall be shared only with staff assigned to the Office of Police Conduct Review and Police Conduct Oversight Commission, unless otherwise specifically authorized by law.

Section 5. That Section 172.40 of the above-entitled ordinance be amended to read as follows:

**~~172.40. Review authority--Administrative duties.~~** (a) ~~*Rulemaking notice and hearing.*~~ The review authority shall adopt rules governing its operation. All rules, and any amendments thereto shall be enacted after a public hearing, at which interested persons may present written and oral evidence. The review authority shall, at least thirty (30) days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing notice of the proposed rule, the date and location of the hearing. The notice shall also be provided to the mayor, city council and chief of police.

(b) ~~*Rulemaking hearing procedure.*~~ Rulemaking hearings shall be presided over by the chairperson

of the review authority. The chairperson shall ensure that all persons involved in the hearing are treated fairly and impartially. After hearing and considering evidence, the review authority may choose to enact the proposed rule, enact an amended rule, or to not enact a rule. If the review authority chooses to enact a rule, the review authority shall enter into the record any written exhibits in support of the rule, along with a brief statement explaining why the review authority has adopted the rule and shall submit such rule for approval by the city council. Rules adopted by the review authority shall not be effective until approved by the city council.

~~(c) The review authority shall cooperate with the chief of police in developing procedures pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967) and *Gardner v. Broderick Police Commissioner NY*, 392 U.S. 273 (1968).~~

**Review panel procedure.** All final and approved investigative reports shall be forwarded to a review panel for the purpose of making recommendations regarding the merits of the complaint to the chief of police.

(1) Each review panel shall be comprised of four (4) panelists. Two (2) of the panelists shall be sworn officers of the police department holding the rank of lieutenant or higher assigned by the chief of police or the chief's designee and two (2) panelists shall be civilians assigned by the director of civil rights or the director's designee.

(2) The panels shall be scheduled on an as-needed or regular basis by the office of police conduct review. Each panel shall appoint a chair, although the office of police conduct review shall designate whether the chair of each panel shall be a civilian or officer member on a rotating and equal basis.

(3) The panel shall review and discuss the investigative report but shall take no testimony or argument from witnesses or parties unless a request from the panel is specifically approved by the office of police conduct review.

(4) The panel shall issue its recommendation within three (3) business days of the panel review, which shall be returned to the office of police conduct review and promptly forwarded to the chief of police. The recommendation shall be in a format approved by the office of police conduct review, shall be signed by all panelists, and shall include a recommendation as to whether each allegation is supported or not supported along with reference to the investigative evidence which supports the recommendation. Alternatively, the panel may return the investigative report with a request for additional information, which shall be identified with particularity.

(5) The recommendation shall include the votes of each panelist, and in the event the panel is evenly divided on any recommendation, such division shall be noted.

(6) The standard of proof necessary to recommend that an allegation be sustained is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision.

(7) The office of police conduct review shall provide written notice to the officer of the review panel's recommendation. The office shall provide written notice to the complainant of any allegation not sustained in the review panel's recommendation.

Section 6. That Section 172.50 of the above-entitled ordinance be amended to read as follows:

**172.50. Meetings.** ~~(a) The review authority shall meet once every month at a regularly scheduled time and place for the purpose of hearing requests for reconsideration, establishing the next month's hearing panel(s) and/or to conduct any other business necessary to the operation of the review authority. The review authority may meet at such additional times and places deemed necessary by its members, or on the call of the chairperson.~~

~~(b) Each month the chairperson of the review authority shall appoint panel(s) of three (3) members to conduct hearings related to complaints as necessary during the subsequent month. The chairperson of the review authority shall designate a chairperson of each panel. The panels of three review authority members shall meet at scheduled times and places for the purpose of conducting hearings related to complaints.~~

**Request for reconsideration by complainant.** (a) Within fifteen (15) days of receipt of notification of the review panel's decision recommending that a complaint not be sustained, a complainant may submit a written request for reconsideration to the office of police conduct review.

(b) Any request for reconsideration shall be jointly and collaboratively reviewed by supervisory staff of the office of police conduct review from both the civilian unit and the internal affairs unit. If the review determines that the request for reconsideration alleges newly discovered and relevant evidence or information not previously available to the complainant, the complaint may be remanded for additional investigation by office staff and reconsideration by the designated review panel. The review panel may sustain, reject or modify its prior recommendation regarding the complaint. Alternatively, the complaint and new evidence or information may be forwarded directly to the chief of police pursuant to section 172.70.

(c) The office of police conduct review shall provide written notification to the officer of the request for reconsideration and its outcome.

Section 7. That Section 172.60 of the above-entitled ordinance be amended to read as follows:

**172.60. Review authority—Substantive duties and powers.** ~~(a) Receive complaints alleging misconduct on the part of a Minneapolis police officer and conduct such investigations and inquiries as may reasonably appear necessary to find the facts with respect to the complaints.~~

~~(b) Conduct hearings related to complaints as provided in this chapter.~~

~~(c) Forward all investigatory findings and case recommendations to the chief of police.~~

~~(d) Conduct a program of research and study for the purpose of ascertaining how the objectives of this title may be attained and sustained.~~

~~(e) Compile statistics relating to complaints of police officer misconduct and present results of such analysis on a quarterly basis to the Public Safety and Regulatory Services Committee.~~

~~(f) Review Minneapolis Police Department policies and training procedures and make recommendations for change.~~

~~(g) Facilitate, along with Minneapolis Police Department, appropriate cultural awareness training for sworn officers as determined by the review authority.~~

~~(h) Participate in the performance review of the chief of police.~~

~~(i) Create and implement a community outreach program. Coordinate outreach activities with the Minneapolis Commission on Civil Rights.~~

~~(j) Submit quarterly reports to the public safety and regulatory services committee as to the activities of the review authority.~~

**Review panel civilian appointments.** (a) Composition. The pool of civilian review panelists shall be comprised of a minimum of seven (7) members, four (4) of whom shall be appointed by the city council, and three (3) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. If more than seven (7) members are appointed to comprise the pool of civilian review panelists, the city council shall appoint the eighth member, the mayor the ninth member, subject to approval by a majority of the city council, and alternating thereafter. All civilian review panel members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180, except as provided in this section. In order to stagger the expiration of terms, the original appointments of civilian panelists shall be for terms of two (2), three (3) or four (4) years, as determined by the city clerk. Thereafter, appointments shall be for four (4) years.

(b) Qualifications. All members shall be residents of the city. Individuals currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the pool. The office of police conduct review may establish additional required qualifications.

(c) Minimum training requirements.

- (1) All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights.
- (2) All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law, the Minnesota Public Employee Labor Relations Act, ethics and conflict of interest.
- (3) Within two (2) years of appointment, all new members must complete the portions of the Citizen's Academy as determined by the Minneapolis Department of Civil Rights. Members will be compensated fifty dollars (\$50.00) for each Citizen's Academy session attended.

(d) Removal. Any member of the review panel pool may be removed, by vote of a majority of the city council and approval of the mayor, for incompetence, neglect of duty, misconduct or malfeasance, or failure to participate in and complete minimum training requirements. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the mayor subject to approval of the city council.

(e) Compensation--Limitation. Each civilian member shall be paid fifty dollars (\$50.00) for each day when the member attends one (1) or more meetings or panel reviews, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members. The total amount of per diem, payment for file review, and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs.

Section 8. That Section 172.70 of the above-entitled ordinance be amended to read as follows:

~~**172.70. Complaint filing.** Any person who has personal knowledge of alleged misconduct on the part of a Minneapolis police officer may file a complaint with the review authority by submitting said complaint at locations to be determined by the review authority. The review authority shall select at least one location for the receipt of complaints that is not affiliated with the Minneapolis Police Department, nor staffed by Minneapolis Police Department employees.~~

**Disciplinary decision by chief.** (a) Upon conclusion of the panel review process, the office of police conduct review shall forward the investigatory file and panel recommendation to the chief of police for the chief's determination, which shall be made within forty-five (45) days of receipt. The chief, upon making his or her determination, shall return the determination and file to the office of police conduct review. For any allegation which the review panel recommends to be supported by a majority vote for which the chief determines that no discipline shall be imposed, the chief shall notify the review panel and the office of the reasons for such determination.

Section 9. That Section 172.80 of the above-entitled ordinance be amended to read as follows:

~~**172.80. Preliminary review.** Within seven (7) days of the date that a complaint was filed, review authority staff shall make a preliminary review of each complaint and determine whether an investigation of the alleged misconduct is warranted, whether mediation is appropriate or whether no further action is necessary. All complaints shall be kept on file regardless of whether an investigation is initiated.~~

**Police conduct oversight commission.** (a) *Composition.* The police conduct oversight commission shall be comprised of seven (7) members, four (4) of whom shall be appointed by the city council, and three (3) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. All commissioners shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. In order to stagger the expiration of terms, the original appointments of commissioners shall be for terms of one (1) or two years, as determined by the city clerk. Thereafter, appointments shall be for two (2) years. From the members, a chairperson and

vice-chairperson of the commission shall be appointed by the mayor, for terms of two (2) years, subject to the approval of a majority of the city council. In order to stagger the terms of the chairperson and vice-chairperson, the initial appointment of the vice-chairperson shall be for one (1) year. The vice-chairperson shall only have chairperson duties in the absence of the chairperson. In the absence of a chairperson or vice-chairperson, the chairperson or vice-chairperson may designate an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. If the chairperson or vice-chairperson are unable for any reason to designate an acting chairperson, the commission shall appoint an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. The acting chairperson shall have full authority to conduct actions of the chairperson. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.

(b) *Qualifications.* All members shall be residents of the city. Residents currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the commission. The office of police conduct review may establish additional required qualifications.

(c) *Minimum training requirements.*

- (1) All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights.
- (2) All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law, the Minnesota Public Employee Labor Relations Act, ethics and conflict of interest.
- (3) Within two (2) years of appointment, all new members must complete the portions of the Citizen's Academy as determined by the Minneapolis Department of Civil Rights. Members will be compensated fifty dollars (\$50.00) for each Citizen's Academy session attended.

(d) *Removal.* Any member of the commission may be removed, by vote of a majority of the city council and approval of the mayor, for incompetence, neglect of duty, misconduct or malfeasance, or failure to participate in and complete minimum training requirements. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the mayor subject to approval of the city council.

(e) *Compensation--Limitation.* Each member shall be paid fifty dollars (\$50.00) for each day when the member attends one (1) or more meetings, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members. The total amount of per diem and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs.

(f) *Authority.* The commission shall meet once every month at a regularly scheduled time and place for the purpose of conducting any business necessary to the operation of the commission. The commission may meet at such additional times and places deemed necessary by its members, or on the call of the chairperson. The commission may:

- (1) Conduct a program of research and study for the purpose of ascertaining how the objectives of this chapter may be attained and sustained.
- (2) Collect, review and audit summary data and compile aggregate statistics relating to complaints of police officer misconduct and present results of such analysis on a periodic basis to the public safety subcommittee of the city council, inclusive of identifying any

patterns which may merit further examination by the police department, commission or city council.

- (3) Review police department policies and training procedures and make recommendations for change.

- (4) Facilitate, along with the police department, appropriate cultural awareness training for sworn officers as determined by the commission.
- (5) Contribute to the performance review of the chief of police.
- (6) Create and implement a community outreach program and coordinate outreach activities with the Minneapolis Commission on Civil Rights.
- (7) Submit periodic reports to the public safety subcommittee of the city council regarding the activities of the commission.
- (8) Establish, amend and repeal rules and procedures governing its own internal organization and operations in a manner and form consistent with this Code.
- (9) Form subcommittees to assist in fulfilling its duties and responsibilities.
- (10) Request from the mayor and city council the appointment of such staff as is necessary to carry out the duties of the commission.

Section 10. That Section 172.85 of the above-entitled ordinance be amended to read as follows:

~~**172.85. Dismissal after the preliminary review.** (a) If after the preliminary review, the manager determines that further investigation is not warranted, the manager may request a dismissal from the chair of the board. The dismissal request must state the basis for the dismissal. The chair shall schedule a hearing for the dismissal.~~

~~(b) The manager may administratively dismiss complaints against misidentified officers, officers out-of-jurisdiction, and officers no longer with the Minneapolis Police Department. The manager shall notify the civilian review authority board of the administrative dismissal.~~

**Confidentiality.** The members, staff, and contractors of the office of police conduct review and the police conduct oversight commission shall comply with all of the provisions of the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. All members and contractors, paid and volunteer, shall sign a contract agreeing to comply with the provisions of the Minnesota Government Data Practices Act, currently Chapter 13 of Minnesota Statutes. In return, the city will afford to such member or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment.

Section 11. That Section 172.90 of the above-entitled ordinance be amended to read as follows:

~~**172.90. Investigations.** If review authority staff determines that further investigation is warranted, the complaint shall be investigated by a review authority investigator. The investigator shall prepare recommended findings of fact and a recommendation of sustained or not sustained in a written summary. Such investigation shall be completed within sixty (60) days of the date that the complaint was filed. The review authority manager may once extend this deadline by an additional thirty (30) days, with a written explanation of the reason(s) for the extension. The application of this deadline may be held in abeyance during such time as the complainant and officer are participating in mediation or the review authority staff determine that an investigation might impede or harm a criminal investigation.~~

**Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials.** The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information and for access to data and records for the purpose of enabling the office of police conduct review and the police conduct oversight commission to carry out their responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information or access shall be deemed an act of misconduct.

Section 12. That Section 172.95 of the above-entitled ordinance be and is hereby repealed.

~~**172.95. Investigation review.** Within seven (7) days of the date the written summary is submitted, the review authority manager shall review the investigative file and written summary. The review authority manager may recommend further investigation that shall be completed within thirty (30) days. In all cases~~

in which no further investigation is recommended, the review authority manager shall present the case at the next meeting of a hearing panel of the review authority allowing for proper notice to the complainant and the police officer.

Section 13. That Section 172.100 of the above-entitled ordinance be and is hereby repealed.

~~**172.100. Hearings related to complaints.** (a) Upon the completion of the investigation of a complaint, a three (3) member panel of the review authority shall weigh and consider all reliable and credible evidence presented. The review authority shall make reasonable efforts to conduct hearings related to complaints within thirty (30) days of the completion of the investigation.~~

~~(b) Prior to the hearing, a review authority investigator or the manager shall present the investigatory findings of fact and recommendations to the panel. No person other than a review authority investigator or the manager and the panel members shall be present during the presentation and discussion of the case.~~

~~(c) At the hearing, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint. Other paid or volunteer review authority staff may attend with and assist the complainant, but will not otherwise participate in the hearing.~~

~~(d) Within thirty (30) days of the completion of a hearing, the hearing panel shall either remand the complaint to review authority staff for further investigation or issue a written report containing findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.~~

~~(e) Notice.~~

~~(1) At least ten (10) days prior to the scheduled hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the hearing.~~

~~(2) The review authority shall provide written notification of the hearing panel's decision to the complainant and officer.~~

Section 14. That Section 172.110 of the above-entitled ordinance be and is hereby repealed.

~~**172.110. Standard of proof.** The standard of proof necessary to sustain a complaint is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision.~~

Section 15. That Section 172.120 of the above-entitled ordinance be and is hereby repealed.

~~**172.120. Request for reconsideration by complainant.** (a) Within thirty (30) days of receipt of the hearing panel's decision to not sustain a complaint, a complainant may submit a written request for reconsideration to the review authority.~~

~~(b) The review authority shall reconsider the complaint at its next regularly scheduled meeting that is not less than ten (10) days after the filing of the request. If the review authority determines that the request for reconsideration alleges newly discovered evidence, the complaint should be remanded to authority staff to investigate and resubmit findings within thirty (30) days. The review authority may sustain or reject the prior hearing panel decision regarding the complaint.~~

~~(c) The complainant and the police officer, or their representatives, shall be permitted ten (10) minutes each in the presence of each other to address the review authority regarding the request for reconsideration.~~

~~(d) Notice.~~

~~(1) The review authority staff shall provide written notification to the officer of the request for reconsideration.~~

~~(2) — At least ten (10) days prior to the reconsideration hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the reconsideration hearing.~~

~~(3) — The review authority shall provide written notification of its reconsideration decision to the complainant and officer.~~

Section 16. That Section 172.130 of the above-entitled ordinance be and is hereby repealed.

~~**172.130. Disciplinary decision.** (a) Upon conclusion of the hearing and request for reconsideration process, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the chief of police. The chief's disciplinary decision shall be based on the adjudicated facts as determined by the civilian review authority board, and shall not include a de novo review of the facts by the Minneapolis Police Department's internal affairs unit or any other police officer, unit, or division.~~

~~In cases where the civilian review authority board has determined that specific facts constitute a violation of the Minneapolis Police Department policy and procedure manual, under no circumstances should the Minneapolis Police Department internal affairs unit or any other police officer, unit, or division be allowed to alter, augment, or revise the designation.~~

~~(b) In all cases where the review authority sustained the complaint, the chief of police shall do one of the following within thirty (30) days (except where noted) of receipt of the case from the review authority:~~

~~(1) — Impose discipline and notify the review authority in writing that discipline has been imposed; or~~

~~(2) — Determine that no discipline will be imposed and notify the review authority in writing of such determination and the reasons for such determination; or~~

~~(3) — Make a one time written request that the review authority reconsider the sustained finding; or~~

~~(4) — Submit in writing to the review authority a request for an extension of time, not to exceed an additional thirty (30) days, to take one of the actions in subparagraphs (1) through (3) with a statement of the reason for the extension and a proposed date by which one of such actions will be taken.~~

~~If the chief has determined that no discipline will be imposed pursuant to subparagraph (2), the review authority may require the chief (or his/her designee) to appear at a meeting of the full board, which shall be closed to the public pursuant to Minnesota Statutes Section 13D.05, subdivision 2, to discuss the basis for the determination.~~

~~If the chief has requested that the review authority reconsider a sustained finding, the chief or his/her designee shall appear before the entire review authority board to present the factual and legal basis on which the chief asserts that the complaint(s) should be not sustained. After the review authority has reconsidered the matter, the decision of the review authority shall be provided to the chief in writing. If the review authority again determines that the complaint(s) should be sustained, the chief may then take one of the actions specified in subparagraphs (1), (2) or (4), above.~~

~~(c) The review authority shall provide notice to the complainant of the final disciplinary decision.~~

~~(d) The level of compliance with this section shall be included as an element of the chief's annual performance evaluation, pursuant to section 172.60(h) of this section. The civilian police review authority chairperson shall notify the executive committee of the chief's failure to comply with the requirements of this section, and such failure may subject the chief to disciplinary action.~~

Section 17. That Section 172.140 of the above-entitled ordinance be and is hereby repealed.

~~**172.140. Confidentiality.** The members, staff, and contractors of the review authority shall comply with all of the provisions of the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. All members and contractors, paid and volunteer, of the review authority shall sign a contract agreeing to comply with the provisions of the Minnesota Government Data Practices Act, currently Chapter 13 of Minnesota Statutes. In return, the city will afford to such member or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment.~~

Section 18. That Section 172.150 of the above-entitled ordinance be and is hereby repealed.

~~**172.150. Mediation.** (a) The review authority manager shall refer complaints to mediation subject to the terms of this section. Referral to mediation may be made upon preliminary review of the complaint or at any other time in the course of investigation when the manager deems mediation to be appropriate. Referral to mediation shall be in the discretion of the review authority manager, and shall not be appealable.~~

~~(b) The complainant and the subject police officer(s) shall be required to participate in good faith in the mediation process. The mediation process shall continue for as long as the mediator believes it may result in the resolution of the complaint, except that it shall not extend beyond thirty (30) days from the date of the initial mediation session without approval of the review authority manager.~~

~~(c) The complainant and the subject police officer(s) shall attend the mediation session.~~

~~(d) If mediation is successful, the mediator and the parties shall sign a mediation agreement.~~

~~(e) If mediation is unsuccessful, the complaint shall be referred back to the review authority for further investigation, hearing and review pursuant to this chapter.~~

~~(f) If, after referral to mediation, the complainant fails or refuses to participate in mediation in good faith and without a valid excuse, the review authority manager shall dismiss the complaint.~~

~~(g) If, after referral to mediation, a subject police officer fails or refuses to participate in mediation in good faith, such failure or refusal shall constitute misconduct and grounds for disciplinary action. If warranted by the evidence, the chief of police shall cause appropriate disciplinary action to be initiated against the officer and shall notify the review authority manager of the outcome of such action. If a police officer fails or refuses to participate in mediation in good faith, the review authority manager shall refer the complaint for further investigation, hearing, and review under this chapter.~~

~~(h) The review authority manager shall inform the chief of police of a decision to proceed to mediation.~~

~~(i) Mediation tolls the timelines established for the review authority investigation and hearing processes.~~

~~(j) No record will be made of the mediation proceedings, and no information discussed will be used in subsequent proceedings.~~

~~(k) All complaints shall be referred to mediation with the following exceptions and limitations:~~

~~(1) Where there are multiple allegations against the same officer, all allegations must qualify for mediation.~~

~~(2) Where the complaint contains allegations against multiple officers, all officers must qualify for mediation.~~

~~(3) Mediation is not appropriate if the officer has a prior sustained complaint involving the same or similar allegations arising from an incident which occurred within one (1) year prior to the date of the incident from which the current complaint arises.~~

~~(4) Excessive force complaints are eligible only if physical injuries are de minimus and medical treatment is not required.~~

~~(5) Wrongful search or seizure complaints involving custodial arrest or other interference with liberty of significant duration are not eligible.~~

~~(6) Theft and intentional damage to property complaints are not eligible.~~

~~(7) The review authority manager may depart from the above guidelines for good cause.~~

~~(l) The mediators shall be neutral trained mediators unaffiliated with the review authority, the civil rights department or any other department of the City of Minneapolis.~~

~~(m) This section shall apply to complaints filed on and after the effective date of this section.~~

Section 19. That Section 172.160 of the above-entitled ordinance be and is hereby repealed.

~~**172.160. Period of limitation.** No person may file a complaint with the review authority if one year has elapsed since the alleged misconduct.~~

Section 20. That Section 172.170 of the above-entitled ordinance be and is hereby repealed.

~~**172.170. Staff.** (a) The Minneapolis Department of Civil Rights shall provide staff to support the objectives of this chapter. Review authority staff shall consist of a manager and a community outreach advocate and other positions as necessary. The manager may employ unpaid volunteers to perform the duties of the community outreach advocate on a temporary basis.~~

~~(b) *General duties of the manager.* The manager of the review authority shall be an attorney and shall report to the director of the department of civil rights. The manager shall administer the day-to-day operation of the review authority and aid the review authority in carrying out its purpose, including the implementation of a community outreach program.~~

~~(c) *General duties of the review authority community outreach advocate.* The community outreach advocate shall report to the manager of the authority and shall perform administrative duties as assigned including:~~

- ~~(1) Timely and regular communications with complainant from complaint intake through final determination of case.~~
- ~~(2) Consultation with the manager regarding case review process prior to the manager's recommendation of sustained or not sustained.~~
- ~~(3) Implementation of community outreach program.~~
- ~~(4) Attendance at hearings when requested by the manager of the authority.~~
- ~~(5) Other duties as assigned by the manager of the authority.~~

~~(d) *Firewall.* Department of civil rights staff with access to review authority files shall not have access to civil rights investigation files. Department of civil rights staff with access to civil rights investigation files shall not have access to the review authority files. Information from civil rights investigations shall not be shared with staff assigned to the review authority. Information from review authority investigations shall be shared only with staff assigned to the review authority. The director of the department of civil rights shall have an administrative role with regards to the review authority. The director shall have access to review authority investigative files for administrative purposes consistent with establishing management goals and objectives, evaluating employee performance, providing case management support, and making budgetary decisions, but shall not participate in the decision-making process regarding individual complaint files.~~

Section 21. That Section 172.180 of the above-entitled ordinance be and is hereby repealed.

~~**172.180. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority.** The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings and mediations, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct. The police officer identified in the complaint may, but shall not be required to, attend the public portion of the scheduled hearing.~~

Section 22. That Section 172.185 of the above-entitled ordinance be and is hereby repealed.

~~**172.185. Notification of officer's reinstatement.** In the event that a dismissed officer has been reinstated to the Minneapolis Police Department, the chief of police shall provide notification to the civilian review authority of the officer's return to the department within thirty (30) days of the officer's reinstatement.~~

Section 23. That Section 172.190 of the above-entitled ordinance be and is hereby repealed.

~~172.190. Complainant's choice.~~ A complainant shall be offered the choice to proceed under this title or go to the Minneapolis Police Department internal affairs division.

Adopted. Yeas, 8; Nays 5 as follows:

Yeas - Goodman, Samuels, Reich, Hofstede, Colvin Roy, Tuthill, Quincy, Johnson.

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

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

**PSC&H & W&M/Budget** – Your Committee recommends the Police Department be authorized to make a donation of \$2,500 to the National Law Enforcement Officers Memorial Fund, using the Minneapolis Police Department's Federal Forfeiture Funds in accordance with the Federal Forfeiture Rules & Regulations, for the purpose of constructing a museum to honor law enforcement officers killed in the line of duty.

Adopted.

**PSC&H & W&M/Budget** - Your Committee now recommends the proper City officers be authorized to accept grant funds from the Minnesota Department of Commerce and execute a contract amendment with them for the Auto Theft Prevention Program in the amount of \$16,724. Further, passage of the accompanying resolution appropriating \$16,724 to the Police Department.

Adopted.

**RESOLUTION 2012R-477  
By Samuels 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 Police Department Agency in the Grants - Other Fund (01600-4003100) by \$16,724 and increasing the revenue source (01600-4003100-321513) by \$16,724.

Adopted.

**PSC&H & W&M/Budget** - Your Committee recommends that the Police Department be approved to enter into a non-disclosure agreement with Business Watch International (BWI), Inc., and authorize the proper City officers to execute any documents necessary to effectuate the agreement.

Adopted.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept reimbursement funding from the Minnesota Board of Firefighter Training and Education (MBFTE) under the Round 4 training reimbursement program in the amount of \$39,554.45. Further, passage of the accompanying resolution appropriating \$39,554.45 to the Fire Department.

Adopted.

**RESOLUTION 2012R-478  
By Samuels 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 Fire Department Agency in the Grants - Other Fund (01600-2800700) by \$39,554.45 and increasing the revenue source (01600-2800700-321513) by \$39,554.45.

Adopted.

**PSC&H & W&M/Budget** - Your Committee recommends the proper City officers be authorized to execute a grant agreement with the United States Department of Justice to accept grant funds to develop a citywide Youth Violence Prevention Strategic Plan. Further, passage of the accompanying resolution appropriating \$20,000 to the Department of Health & Family Support.  
Adopted.

**RESOLUTION 2012R-479  
By Samuels 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 Health & Family Support Agency in the Grants - Federal Fund (01300-8600111) by \$20,000 and increasing the revenue source (01300-8600111-321010) by \$20,000.  
Adopted.

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

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending provisions regulating posting and display of license certificate and required information posting, now recommends that said ordinance be given its second reading for amendment and passage.

Glidden moved that the ordinance be amended by replacing the word "principle" with "principal" wherever it appears in Section 244.2000. Seconded.

Adopted by unanimous consent.

The report, with amended ordinance, was adopted.

Ordinance 2012-Or-062 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.2000 to amend provisions regulating posting and display of license certificate and required information posting, 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-062  
By Schiff  
Intro & 1st Reading: 7/20/2012  
Ref to: RE&E  
2nd Reading: 9/21/2012**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

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

Section 1. That Section 244.2000 (a) of the above-entitled ordinance be amended to read as follows:

**244.2000. Duties of licensee.** Every holder of a rental dwelling license or provisional license shall:

(a) Post his or her license certificate, along with any other required informational posting as approved by the director of inspections, when the certificate or required informational posting is received from the director of inspections. If the informational posting is provided in a color format, the posting or any replacement posting must also be in color and the posting and license shall at all times be clearly and readily legible and visible. In multiple dwelling buildings, the certificate and required informational posting shall be conspicuously posted in a frame or frames with transparent cover in a public corridor, hallway, or lobby of the dwelling for which it is issued the common area immediately adjoining the front or

principal entrance of the building. If there exists no such qualifying common area in the multiple dwelling building, the certificate and required informational posting shall be prominently posted within each dwelling unit, at or near the front or principal entrance. For other than multiple dwellings, the certificate and required informational posting shall be prominently posted at or near the front or principal entrance of the building.

Adopted.

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

a) American Swedish Institute, 2600 Park Ave (expansion of premises for newly completed building addition)

b) Bullfrog Cajun Bar, 1111 Hennepin Ave (upgrade of license from Class E with Sunday Sales)

c) Lynn on Bryant, 5003 Bryant Ave S (new business).

Adopted.

Resolution 2012R-480, granting Liquor and Wine Licenses to the American Swedish Institute, 2600 Park Ave; Bullfrog Cajun Bar, 1111 Hennepin Ave; and Lynn on Bryant, 5003 Bryant 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-480  
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 B with Sunday Sales, to expire April 1, 2013**

The American Swedish Institute, dba American Swedish Institute, 2600 Park Ave (permanent expansion of premises)

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

Bullfrog Inc, dba Bullfrog Cajun Bar, 1111 Hennepin Ave (upgrade of license from Class E with Sunday Sales)

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

Serve It Forth LLC, dba Lynn on Bryant, 5003 Bryant Ave S (new business)

Lucky Dragon Riverside Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Ave.

Adopted.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Extended Hours License held by Wings N Things, 324 W Broadway.

Adopted.

Resolution 2012R-481, approving Business License Operating Conditions relating to the Extended Hours License held by Wings N Things, 324 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-481  
By Glidden**

**Approving Business License Operating Conditions relating to the Extended Hours License held by Wings N Things, 324 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Extended Hours License held by Wings N Things, 324 W Broadway:

1. The business will cease walk up service at the front entrance at 12:00 a.m. daily.
2. The business will share trespass information immediately with management of Fourth Street Saloon.
3. The window operation will be reviewed 12 months from the date of signing this agreement. If there are any conditions that exist which disturb the peace, safety or legal operation of either business, the business will cease this operation.

Adopted.

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

Adopted.

Resolution 2012R-482, 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-482  
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 275995):

**Off-Sale Liquor, to expire October 1, 2013**

Brothers Image LLC, dba B & G Wine and Liquor, 2201 University Ave NE

Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE

Skol Inc, dba Skol Liquors, 2500 27th Ave S

Meka, Inc, dba Minnehaha Lake Wine & Spirits, 2613 E Lake St

Zipp's Liquor Store Inc, dba Zipp's Liquor, 2618 E Franklin Ave

JPOC Inc, dba Union Liquor Store, 3219 Penn Ave N

East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St

Think Family LLC, dba Camden Liquors, 4153 Lyndale Ave N

Wallis Inc, dba Ken and Norm's Liquor, 4801 Chicago Ave

**Off-Sale Malt Liquor, to expire October 1, 2013**

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Ave, 1st floor

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

Hells Kitchen Inc, dba Hells Kitchen, 80 S 9th St

Koch Group Mpls LLC, dba 7 Seven, 700 Hennepin Ave

80 S 8th St Hotel Operations Inc, dba Windows on Minnesota, 701 Nicollet Mall, 50th floor

Lee Consultants Ltd, dba Sticks, 708 1st St N

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Ave, downstairs

Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall

Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Ave

**On-Sale Liquor Class A, to expire October 1, 2013**

Wild Entertainment Ltd, dba Ground Zero/The Front, 15 4th St NE

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

Ukrainian American Community Center, dba Ukrainian American Community Center, 301 Main St NE

LM-Minneapolis Inc, dba Comfort Suites-Minneapolis Downtown, 425 S 7th St

Campus Partners Inc, dba Sally's Saloon & Eatery, 712 Washington Ave SE

University of St. Thomas, dba University of St. Thomas, 1000 LaSalle Ave

Library IV Ltd LLP, dba The Library Minneapolis, 1301 4th St SE

Poor Mans Paradise Inc, dba Psycho Suzi's Motor Lounge, 1900 Marshall St NE

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

Smith Entertainment Inc, dba Nomad World Pub, 501 Cedar Ave S (internal transfer of shares)

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

Cafe Maude at Loring LLC, dba Cafe Maude at Loring, 1612 Harmon Pl (new business)

**On-Sale Liquor Class E with Sunday Sales, to expire September 29, 2012**

After Midnight Group, dba Cowboy Slims, 1320 W Lake St (temporary expansion of premises  
September 29, 2012, 10:00 a.m. to 12:00 p.m., Summer Going Away Event)

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

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

Lynn M. Vashro, Inc., dba Otter's Saloon, 617 Central Ave NE

WIM LLC, dba Eli's East Food and Cocktails, 815 E Hennepin Ave

MASA LLC, dba MASA, 1070 Nicollet Mall

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

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

Asian Taste Inc, dba Asian Taste, 1400 Nicollet Ave

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

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

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

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

**Temporary On-Sale Liquor**

The Cowles Center, dba Cowles Center, 528 Hennepin Ave (September 16, 2012, 3:30 p.m. to 5:30  
p.m., Beer & Food Tasting)

**Liquor Catering Services, to expire August 1, 2013**

Rudolphs Bar B-Que Inc, dba Rudolphs Bar B-Que, 1933 Lyndale Ave S (new business)

Sawatdee, Inc, dba Sawatdee Thai Restaurant, 607 Washington Ave S (new business)

D'Amico Catering LLC, dba D'Amico Catering, 275 Market St, Suite C25.

Adopted.

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

Adopted.

Resolution 2012R-483, 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-483**

**By Glidden**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file  
and of record in the Office of the City Clerk under date of September 21, 2012 be granted, subject to final  
inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275995):

Car Wash; Dancing School; Fire Extinguisher Servicing Class A; Farm Produce Permits; Grocery;  
Institutional Food Service; Food Manufacturer; Mobile Food Vendor; Restaurant; Short-Term Food

Permit; Seasonal Short Term Food; Bulk Gas & Oil Storage; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Precious Metal Dealer; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Antique Dealer Class B; Solicitor – Individual; Solid Waste Hauler; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle Non-Transferable; Theater Zone I; Combined Trades; Wrecker of Buildings Class B.

Adopted.

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

Adopted.

Resolution 2012R-484, 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-484**  
**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 275995):

**Gambling Exempt**

St. Mary's Taste of Northeast Festival, dba St. Mary's Taste of Northeast Festival, 1701 5th St NE (Bingo and Raffle, September 29, 2012, St. Mary's Orthodox Church)

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Ave (Raffle October 7, 2012)

Community of Recovering People/The Retreat, dba The Retreat, 1221 E Wayzata Blvd, Wayzata (Raffle October 27, 2012, The Depot).

Adopted.

**RE&E** - Your Committee, having under consideration the application of Snack Mob LLC, dba Snack Mob, 451 Taft St NE, for an Extended Hours License (new business) to operate seven days a week from 6:00 a.m. to 3:00 a.m. to expire May 1, 2013, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 2939 Lyndale Ave N, 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 Regulatory Services to approve the reinstatement of said license to be held by Christopher Petersen.

Adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 1527 Upton Ave N, 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 Scot Pekarek, Affordable Green Homes, LLC.

Adopted.

**RE&E** – Your Committee, having under consideration Xcel Energy’s 2013-2015 Minnesota Electric and Natural Gas Conservation Improvement Program (CIP) and its proposal to eliminate the Solar Rewards Program which offers a financial rebate for qualifying small/medium sized solar photovoltaic installations; and the State of Minnesota having filed a decision which includes a belief that it is necessary to continue the Solar Rewards Program through 2015, now recommends that the proper City officers be authorized to submit comments to the Minnesota Department of Commerce, Division of Energy Resources related to the State’s proposed CIP Decision re: Xcel Energy’s 2013-2015 Minnesota Electric and Natural Gas Conservation Improvement Program, Docket Number E G002, E002/CIP-12-447, in accordance with the summary and potential impacts as contained in the staff report on file in the office of the City Clerk.

Adopted.

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

**RE&E & W&M/Budget** - Your Committee, having received a request from staff to increase license fees by 3 percent effective January 1, 2013, now recommends that license fees be increased by 0 percent and that the pollution control annual billing fees be increased by 3 percent effective January 1, 2013 (Petn No 275997).

Adopted.

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

**T&PW** - Your Committee recommends passage of the accompanying resolution approving special services, cost estimates, service charges, and the lists of service charges for 2013 in the Chicago-Lake, Bloomington-Lake, East Lake and Lyndale-Lake Special Service Districts and directing the City Engineer to proceed with the work.

Adopted.

Approved by Mayor Rybak 9/21/2012.

(Published 9/25/2012)

Resolution 2012R-485, approving special services, the cost estimates, service charges, and the lists of service charges for 2013 in the Chicago-Lake, Bloomington Lake, East Lake and Lyndale-Lake Special Service Districts and directing the City Engineer to proceed with the work, 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-485**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges, and the lists of service charges for 2013 in the Chicago-Lake, Bloomington Lake, East Lake and Lyndale-Lake Special Service Districts and directing the City Engineer to proceed with the work.**

Whereas, public hearings were held on September 11, 2012 in accordance with Laws of Minnesota, Chapter 428A, Sections 428A.01 through 428A.10 and Chapters 460, 461, 462 and 463 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 276003 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special services, the proposed cost estimate in the total amount of \$47,250 for 2013 and that the proposed service charges and the proposed list of service charges for 2013 in the total amount of \$44,610 (amount remaining after adjusting the cost estimate of \$47,250 for previous years’ unexpended balances and additional costs as provided for in Section 461.70 of the Minneapolis Code of

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

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$45,000 for 2013 and that the proposed service charges and the proposed list of service charges for 2013 in the total amount of \$26,644 (amount remaining after adjusting the cost estimate of \$45,000 for previous years' unexpended balances and additional costs as provided for in Section 460.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Bloomington-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$52,500 for 2013 and that the proposed service charges and the proposed list of service charges for 2013 in the total amount of \$55,635 (amount remaining after adjusting the cost estimate of \$52,500 for previous years' unexpended balances and additional costs as provided for in Section 462.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the East Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$134,000 for 2013 and that the proposed service charges and the proposed list of service charges for 2013 in the total amount of \$168,898 (amount remaining after adjusting the cost estimate of \$134,000 for previous years' unexpended balances and additional costs as provided for in Section 463.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Lyndale-Lake Special Service District.

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

Be It Further Resolved that the service charges be collected in one (1) installment on the 2013 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor. Adopted.

Approved by Mayor Rybak 9/21/2012.

**T&PW** - Your Committee recommends passage of the accompanying resolution approving special services, cost estimates, service charges, and the lists of service charges for 2013 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.

Adopted.

Approved by Mayor Rybak 9/21/2012.

(Published 9/25/2012)

Resolution 2012R-486, approving special services, the cost estimates, service charges, and the lists of service charges for 2013 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work, 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-486**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges, and the lists of service charges for 2013 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.**

Whereas, a public hearing was held on September 11, 2012 in accordance with Laws of Minnesota, Chapter 428A and Chapter 465 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 276003 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter; and

Whereas, the proposed special services and the proposed cost estimate is in the total amount of \$6,574,783 for 2013, which includes \$380,796 funded by dollars that are received outside the

assessment process including donations, direct-service agreements, and some properties that opt to contribute directly;

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

That the proposed service charges and the proposed list of service charges (special assessments) for 2013 in the total amount of \$6,193,987.05 (amount remaining after reducing the cost estimate of \$6,574,783 by \$380,796 received as funding by other sources) as provided for in Section 465.80 of the Minneapolis Code of Ordinances as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Downtown Business Improvement Special Service District.

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

Be It Further Resolved that the service charges be collected in one (1) installment on the 2013 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted.

Approved by Mayor Rybak 9/21/2012.

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Technology Dr Reconstruction Project, Special Improvement of Existing Street No 9921.

Adopted.

Resolution 2012R-487, designating the locations and streets to be improved in the Technology Dr Reconstruction Project, Special Improvement of Existing Street No 9921, 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-487**

**By Colvin Roy**

**TECHNOLOGY DRIVE STREET RECONSTRUCTION PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 9921**

**Designating the improvement of certain existing streets at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing street within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with asphalt, with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Technology Drive from Marshall St NE to 37th Ave NE

Be It Further Resolved that the City Engineer be directed to prepare working drawings for said proposed Technology Drive Street Reconstruction.

Adopted.

**T&PW** - Your Committee recommends that a public hearing be held on October 9, 2012, pursuant to Minnesota Statutes, Section 115A.94, Subd. 4, and the authority of the Minneapolis City Charter, to consider adopting a resolution announcing the City's intent to organize collection of solid waste in the City and inviting the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system. The public hearing will be for the purpose of taking comments on the proposed resolution and on the matter of City staff being directed to begin a 180-day process to evaluate options and discuss with the current contractor and other interested parties options for a future contract for collection of garbage, recycling, problem materials (metals and mattresses), and yard wastes for one-half of the City's dwelling units (MRI-side of the City).

Adopted.

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

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment No 1 to Contract No C-32006 with Huls Bros. Trucking, Inc., increasing the contract by \$400,000, for a revised contract total of \$1,600,000, to continue the hauling and disposal of treatment residuals from the Public Works Water Treatment and Distribution Services Division Dewatering Plant through December 2012 due to increased water demand and an associated increased amount of treatment residuals hauled.

Adopted.

**T&PW & W&M/Budget** - Your Committee, having under consideration a Minnesota Pollution Control Agency (MPCA) grant in the amount of \$220,000, with an expected match requirement of \$55,000, for the installation of up to 25 electric car charging stations between Ramp A, Ramp B, Leamington and Haaf Ramps, now recommends:

a) That the proper City officers be authorized to execute a grant contract agreement (FHWA CFDA #20.519) with the MPCA to accept grant funds of up to \$220,000, with \$55,000 matching funds to be provided by City of Minneapolis Parking Services and the Minnesota Department of Transportation (Mn/DOT) upon satisfactory review by the City Attorney's Office;

b) Passage of the accompanying resolution increasing the appropriation for the project; and

c) That the proper City officers be authorized to execute an agreement with Mn/DOT to address the ownership, maintenance, and installation of car charging stations in Ramps A and B, upon satisfactory review by the City Attorney's Office.

Adopted.

**RESOLUTION 2012R-488  
By Colvin Roy and Hodges**

**Amending The 2012 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for 2012 Haaf Stations in the Municipal Parking-Enterprise Fund (07500-9010946) by \$40,000 and increasing the revenue source (07500-9010946-321012) by \$32,000 (Federal Grant) and \$8,000 (Parking Fund Revenue);

b) Increasing the appropriation for 2012 Leamington Stations in the Municipal Parking-Enterprise Fund (07500-9010946) by \$40,000 and increasing the revenue source (07500-9010946-321012) by \$32,000 (Federal Grant) and \$8,000 (Parking Fund Revenue);

c) Increasing the appropriation for 2012 685TAD5 Stations in the Municipal Parking-Enterprise Fund (07500-685TAD5) by \$40,000 and increasing the revenue source (07500-685TAD5-321012) by \$32,000 (Federal Grant) and \$8,000 (reimbursement by the State Ramp); and

d) Increasing the appropriation for 2012 685TAD7 Stations in the Municipal Parking-Enterprise Fund (07500-685TAD7) by \$155,000 and increasing the revenue source (07500-685TAD7-321012) by \$124,000 (Federal Grant) and \$31,000 (reimbursement by the State Ramp).

Adopted.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7662 from United States Mechanical, Inc., in the amount of \$192,880.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete rainleader disconnections at four (4) parking ramps for the Public Works Transportation 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.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7666 from Summit Fire Protection Company (d/b/a Dakota Mechanical), in the amount of \$397,067.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the ABC Ramps Boiler Replacement Project.

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

Adopted.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low responsive and responsible bid submitted to the Public Works Department on OP No 7667 from Veit & Company, Inc., in the amount of \$926,969.22, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the University Transitway Bike Trail Phase 3 Project.

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

Adopted.

Approved by Mayor Rybak 9/21/2012.

(Published 9/25/2012)

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7679 from Hawkins, Inc. (d/b/a Hawkins Water Treatment Group), for an estimated annual expenditure of \$250,000.00, to furnish and deliver corrosion inhibitor to the Public Works 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.

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

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

Adopted.

Absent - Colvin Roy.

Resolution 2012R-489, authorizing settlement of the legal matter of *Tiffany Crowder et al v. David Menter et al*, 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-489**

**By Hodges**

**Authorizing legal settlement.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of the Claim of *Tiffany Crowder et al v. David Menter et al*, by payment of \$5,500 to Tiffany Crowder and her attorney Peter Nickitas, from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends the reappointment of Peter Larsen (Ward 11) to the Minneapolis Television Network (MTN) Board to a term running from January 16, 2011 to January 15, 2015. This action corrects an unintentional missed term following Mr. Larsen's appointment to the balance of a partial term that expired January 15, 2011.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends the proper City officers be authorized to execute Amendment No. 1 to Contract C-35638 with Morcon Construction Company, Inc. to increase the contract amount by \$3,415.30 for a revised total amount of \$152,115.30, for the Ballistics Renovation at the Haaf Parking Ramp located at 424 South 4th Street.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the non-monetary gift from the Minneapolis Public Schools of a safety camera and funding for installation expenses on Girard Avenue North, midblock between 22nd and 23rd Avenues.

Adopted.

Absent - Colvin Roy.

Resolution 2012R-490, accepting the donation of a safety camera and funding for installation expenses, 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-490**

**By Hodges**

**Accepting the donation of a safety camera and funding for installation expenses.**

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>
Minneapolis Public Schools	Donation of one safety camera and funding to cover the installation cost.

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

Whereas, all such donations have been contributed to assist the city in public safety 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 Minneapolis:

That the donations described above are accepted and shall be used as part of the City's safety camera system, as enhanced safety feature near the Minneapolis Public School's new facility in North

Minneapolis. The camera will be placed midblock on Girard Avenue North between 23rd and 22nd Avenues.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends the proper City officers be authorized to increase the amount of Contract C-35511 with ShotSpotter, Inc., by \$80,640, for replacement equipment related to the gunfire detection system. Funding for the increase will be covered within the existing Police Department budget using forfeiture funds and a portion of the General Fund; no additional appropriation is required.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends the proper City officers be authorized to finalize a five-year contract with TALX Corporation for I-9 services, in an amount not to exceed a total of \$50,000, with variations of the City's standard contract terms and conditions as outlined in the staff report.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends the proper City officers be authorized to enter into a contract with CIGNA as the selected provider of life and long-term disability insurance benefits for employees of City departments and participating boards and agencies, to be effective January 1, 2013, for a period of three years with an option to renew for an additional two years.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends the proper City officers be authorized to execute documents with Xcel Energy for connection of the 100kW solar installation at the Royalston Maintenance Facility to Xcel's power grid.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of a non-monetary gift from Oracle/PeopleSoft of fee waivers to the Oracle Open World Conference for two HR/Finance Department representatives.

Adopted.

Absent - Colvin Roy.

Resolution 2012R-491, accepting the donation of fee waivers to the 2012 Oracle Open World Conference, 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-491**

**By Hodges**

**Accepting the donation of fee waivers to the 2012 Oracle Open World Conference.**

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>
Oracle	Two fee waivers for City staff to attend the 2012 Oracle Open World Conference on September 30 - October 4, 2012.

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

Whereas, all such donations have been contributed to assist the city in obtaining training and information to help manage its enterprise PeopleSoft, Human Resource, Payroll and financial systems, 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 Minneapolis:

That the donations described above are accepted and shall be used for two people representing the City's HR and Finance Departments to obtain training and information at the 2012 Open World Conference to help manage the City's PeopleSoft enterprise Human Resource/payroll and financial systems more effectively.

Adopted.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the authorization of a contract with PricewaterhouseCoopers for professional advisory services for the Accounts Payable review, included in the 2012 Internal Audit Plan, now recommends that authorization to enter into the amended contract language presented in the revised staff report be granted.

Adopted.

Absent - Colvin Roy.

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

**Z&P** – Your Committee, to whom was referred an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, establishing an exception to the minimum window requirement for film, video and audio production uses, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2012-Or-063 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to establish an exception to the minimum window requirement for film, video and audio production uses, 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-063**

**By Schiff**

**Intro & 1st Reading: 6/15/2012**

**Ref to: Z&P**

**2nd Reading: 9/21/2012**

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.**

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

Section 1. That Section 536.20 of the above-entitled ordinance be amended by amending to the following specific development standard in alphabetical sequence to read as follows:

**536.20. Specific development standards.** The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

*Film, video and audio production.*

(1) Except in the I3 District, all activity shall be within a completely enclosed building with soundproofing, and sound shall not be audible outside the building.

- (2) The zoning administrator may authorize a reduction to, or elimination of, the minimum window area requirement for film, video and audio production uses where it is determined that compliance with the window requirement would unreasonably interfere with the soundproofing needs of the business. In order to meet the intent of the ordinance, the zoning administrator may impose conditions to mitigate the impact of the reduced window area. To achieve this reduction, film, video and audio production uses are subject to the following:
- a. Submission of a report prepared by an acoustical engineer detailing the need for additional soundproofing that is not attainable through the use of windows.
  - b. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length.
  - c. Exterior materials used to close any existing window openings shall be similar to and compatible with the existing materials of the building.
  - d. The applicant shall propose amenities or improvements that address any adverse effects of reducing the window requirement. Amenities or improvements may include, but are not limited to, additional landscaping and screening, murals, or other graffiti resistant treatments.

Adopted.

**Z&P** – Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, revising regulations for currency exchanges, now recommends that the following ordinances be given their second reading for amendment and passage:

- a) Chapter 520 relating to *Introductory Provisions*
- b) Chapter 536 relating to *Specific Development Standards*
- c) Chapter 541 relating to *Off-Street Parking and Loading*
- d) Chapter 548 relating to *Commercial Districts*
- e) Chapter 549 relating to *Downtown Districts*.

Adopted.

Ordinance 2012-Or-064 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 to revise regulations for currency exchanges, 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-064**  
**By Schiff**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: Z&P**  
**2nd Reading: 9/21/2012**

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

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

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

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

Alternative financial establishment. A person, firm, association, corporation or partnership engaged in the business or service of check-cashing or making loans to be repaid in one (1) lump sum or in installments over a set period of time, either collateralized or not, for which there is a fee or service charge, or interest received, including but not limited to loans collateralized by personal check, payroll check, wage assignment or personal property title, or collateralized with the promise to relinquish possession of any personal property upon default. Alternative financial establishment includes but is not limited to consumer small loan lenders, currency exchanges, industrial loan and thrifts, and regulated loan companies, as defined and licensed by the Minnesota Department of Commerce. Alternative financial establishment does not include federal or state chartered banks, credit unions, or savings banks, nor does it include a person, firm, association, corporation or partnership that provides the service of cashing checks, drafts, money orders, or travelers' checks for a fee, incidental to the person's primary business and the charge for cashing a check or draft does not exceed one dollar (\$1.00) or one (1) percent of the value of the check or draft, whichever is greater. An alternative financial establishment shall not include any use which could be defined as a pawnshop.

Bank or financial institution. A bank, trust company, bank and trust company, or savings bank organized under the laws of the State of Minnesota, or any national banking association or affiliate exercising trust powers in Minnesota. A bank or financial institution shall not include any use which could be defined as an alternative financial establishment.

~~Currency exchange.~~ An establishment, except a bank, trust company, savings bank, savings and loan association, credit union or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or traveler's checks or exchanging currency for a fee, as defined in Minnesota Statutes section 53A.01.

Adopted.

Ordinance 2012-Or-065 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to revise regulations for currency exchanges, 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-065**  
**By Schiff**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: Z&P**  
**2nd Reading: 9/21/2012**

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.**

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

Section 1. That Section 536.20 of the above-entitled ordinance be amended to read as follows:

**536.20. Specific development standards.** The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Alternative financial establishment.

- (1) The use shall be located at least one thousand (1,000) feet from all existing alternative financial establishments, pawnshops and missions.
- (2) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
- (3) The window and door area of any existing first floor façade that faces a public street or

sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.

- (4) For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.
- (5) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- (6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

*Currency exchange.*

- ~~(1) The use shall be located at least one thousand (1,000) feet from all existing currency exchanges, pawnshops and missions.~~
- ~~(2) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.~~
- ~~(3) The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.~~
- ~~(4) For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.~~
- ~~(5) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.~~
- ~~(6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.~~

*Mission.*

- (1) The use shall be located at least one thousand (1,000) feet from all existing missions, ~~currency exchanges~~ alternative financial establishments and pawnshops.
- (2) The use shall conspicuously post legible signs at the public entrance(s) advising patrons of the hours of operation of the facility and its meal service, if applicable.
- (3) A waiting area for clients shall be provided which shall be available to clients one (1) hour prior to the posted opening of the use and shall include toilet facilities.
- (4) Trash receptacles shall be located at the public entrance(s), and the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5) An appointment or set hours for the acceptance of donated merchandise shall be required.
- (6) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

*Pawnshop.*

- (1) The use shall be located at least one thousand (1,000) feet from all existing pawnshops, ~~currency exchanges~~ alternative financial establishments and missions.
- (2) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
- (3) The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
- (4) For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level.
- (5) The use of bars, chains or similar security devices that are visible from a public street or

sidewalk shall be prohibited.

(6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

(7) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

Adopted.

Ordinance 2012-Or-066 amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Street Parking and Loading*, amending Table 541-1 and 541-3 to revise regulations for currency exchanges, 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-066**  
**By Schiff**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: Z&P**  
**2nd Reading: 9/21/2012**

**Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Street Parking and Loading.**

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

Section 1. That the following portion(s) of Table 541-1 of the above-entitled ordinance be amended to read as follows:

**Table 541-1 Specific Off-Street Parking Requirements**

Use	Minimum Parking Requirement	Maximum Allowed	Parking	Notes (see 541.170)
<b>COMMERCIAL USES</b>				
<b>Retail Sales and Services</b>				
Alternative financial establishment	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	1 space per 200 sq. ft. of GFA		1
Currency exchange	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	1 space per 200 sq. ft. of GFA		4

Section 2. That the following portion(s) of Table 541-3 of the above-entitled ordinance be amended to read as follows:

**Table 541-3 Bicycle Parking Requirements**

Use	Minimum Bicycle Parking Requirement	Notes (see 541.180)
<b>Minimum bicycle parking requirement, in general.</b> Non-residential uses having one thousand (1,000) square feet or less shall be exempt from minimum bicycle parking requirements. Unlisted uses do not have a minimum bicycle parking requirement.		
<b>COMMERCIAL USES</b>		
Alternative financial establishment	3 spaces	1
Currency exchange	3 spaces	4

Adopted.

Ordinance 2012-Or-067 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending Table 548-1 to revise regulations for currency exchanges, 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-067**  
**By Schiff**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: Z&P**  
**2nd Reading: 9/21/2012**

**Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.**

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

Section 1. That the following portion(s) of Table 548-1 of the above-entitled ordinance be amended to read as follows:

**Table 548-1 Principal Uses in the Commercial Districts**

Use	C1	C2	C3A	C3S	C4	Specific Development Standards
<b>COMMERCIAL USES</b>						
<b>Retail Sales and Services</b>						
Alternative financial establishment		P		P	P	✓
Currency exchange		P		P	P	✓

Adopted.

Ordinance 2012-Or-068 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending Table 549-1 to revise regulations for currency exchanges, 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-068**  
**By Schiff**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: Z&P**  
**2nd Reading: 9/21/2012**

**Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.**

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

Section 1. That the following portion(s) of Table 549-1 of the above-entitled ordinance be amended to read as follows:

**Table 549-1 Principal Uses in the Downtown Districts**

Use	B4	B4S	B4C	B4N	Specific Development Standards
<b>COMMERCIAL USES</b>					
<b>Retail Sales and Services</b>					
<u>Alternative financial establishment</u>		<u>P</u>	<u>P</u>	<u>P</u>	✓
<u>Currency Exchange</u>		<u>P</u>	<u>P</u>	<u>P</u>	✓

Adopted.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the application of Grandma’s Associates LLC to vacate a City sewer easement located at the southwest corner of the intersection of 2nd St S and 19th Ave S (#1606), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said sewer easement.

Adopted.

Resolution 2012R-492, granting the application of Grandma’s Associates LLC to vacate a City sewer easement located at the southwest corner of the intersection of 2nd St S and 19th 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-492  
By Schiff**

**Vacating a City sewer easement at the southwest corner of the intersection of 2nd Street South and 19th Avenue South (Vacation File No. 1606).**

Resolved by The City Council of The City of Minneapolis:

The sewer easement at the southwest corner of the intersection of 2nd Street South and 19th Avenue South as described in Hennepin County Document 9059179 is hereby vacated.

Adopted.

**Z&P** – Your Committee, to whom was referred an ordinance amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation: Heritage Preservation Regulations*, extending the length of time for which a decision from the Zoning Administrator, Planning Director, Heritage Preservation Commission or City Council is valid, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2012-Or-069 amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation: Heritage Preservation Regulations*, amending Section 599.70 to extend the length of time for which a decision from the Zoning Administrator, Planning Director, Heritage Preservation Commission or City Council is valid, 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-069  
By Schiff  
Intro & 1st Reading: 5/25/2012  
Ref to: Z&P  
2nd Reading: 9/21/2012**

**Amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation: Heritage Preservation Regulations.**

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

Section 1. That Section 599.70 of the above-entitled ordinance be amended to read as follows:

**599.70. Period of decision.** No approval granted pursuant to this chapter, except designations, shall be valid for a period longer than ~~one (1)~~ two (2) years from the date of such decision unless the required permit is obtained within such period and the action approved is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The planning director, upon written request, may for good cause shown grant up to a one (1) year extension to this time limit.

Adopted.

**Z&P** - Your Committee, having under consideration the appeal filed by Hossein Azhakh, on behalf of H.A. Properties, LLC and Caspian Bistro, Inc, from the decision of the Planning Commission granting land use applications associated with a new 6 and 11-story mixed use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space at 1016, 1024 and 1032 Washington Ave SE, 1025 Delaware St SE, and 2408 University Ave SE, now recommends the following portions of the appeal be denied and that the related findings prepared by the Community Planning & Economic Development staff be adopted:

a) A Conditional Use Permit to increase the maximum permitted height of a mixed-use building from 4 stories or 56 feet to approximately 11 stories or 132 feet at the tallest point.

b) A variance to increase the maximum permitted floor area ratio from 4.32 to 5.14.

Your Committee further recommends that the following portion of the appeal be **sent forward without recommendation**:

c) A variance to reduce the setback along the east interior side yard from 15 feet to 0 feet at the closest point.

Gordon moved that item "c" of the report be amended by denying in part and granting in part the appeal to approve the variance relating to the setback along the east interior side yard, subject to the following conditions:

"The applicant will comply with all building code requirements, including snow loading provisions of the building code, and will work with the appellant to evaluate the existing structural condition of the Caspian building and the measures that need to be taken to protect its structural integrity and address storm water drainage issues during and after construction." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of BKV Group, Inc (BZZ-5638) to rezone the property at 1016 Washington Ave SE from the C2 Neighborhood Corridor Commercial District to the C3A Community Activity Center District, retaining the Pedestrian Oriented Overlay District and the University Area Overlay District, to permit construction of a 6 and 11-story, mixed use development that includes 333 residential dwelling units with 790 bedrooms and approximately 30,500 square feet of ground level commercial/retail space 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.

Ordinance 2012-Or-070 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1016 Washington Ave SE to the C3A Community Activity Center 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.

September 21, 2012

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**ORDINANCE 2012-Or-070**  
**By Schiff**  
**1st & 2nd Readings: 9/21/2012**

**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 vacated 24th Ave SE, and that part of Lot 1, Block 22, and that part of Lots 2, 3 and 6, Block 23, all in Regents Addition described as follows: Beginning at the point of intersection of the SWly line of said Lot 1, Block 22 with the Sly line of Washington Ave SE as opened by the City of Minneapolis; thence SEly along the SEly lines of Lot 1, Block 22, and said Lot 2, Block 23 and extensions thereof a distance of 317.35 feet; thence deflecting to the left at an angle of 110 degrees 04 minutes 56 seconds of a distance of 13219 met; thence deflecting to the left at an angle of 69 degrees 55 minutes 04 seconds a distance of 233.59 feet to the Sly line of Washington Ave SE as opened by the City of Minneapolis; thence Ely, along the Sly line of Washington Ave SE, 129.95 Met to the point of beginning, Hennepin County, Minnesota (1016 Washington Ave SE - Plate #22) to the C3A Community Activity Center District, Stadium Village Area PO (Pedestrian-Oriented) Overlay District, and UA (University Area) Overlay District.

Adopted.

**The AUDIT Committee submitted the following report:**

**Audit** - The Minneapolis Audit Committee hereby transmits the audit entitled "*Xcel Energy, Inc. Franchise Agreement Review*", which was received and ordered published on September 19, 2012, with the recommendation that the City Council refer the audit to the Ways & Means/Budget Committee.

Adopted.

**MOTIONS**

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

Adopted.

Hodges moved to adopt the related findings of fact prepared by the City Attorney's office as directed by the City Council on August 31, 2012 to support denial of the application by France 44, LLC, for waiver from Moratorium in Linden Hills Neighborhood on file as FOF-2012-34 in the Office of the City Clerk. Seconded.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Johnson.

Nays – Schiff.

Johnson moved to grant a Class C Permit application submitted by G.W. Exotic Animal Park for an event scheduled at the State Theatre on September 21, 2012, n/w/s the staff recommendation, as set forth in Petn 276019 and upon payment of fees and provision of insurance. Seconded.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Glidden, Goodman, Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Johnson.

No – Gordon.

Abstained from vote – Hodges.

**RESOLUTIONS**

Resolution 2012R-493, honoring Latino Heritage Month in 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-493**

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

**Honoring Latino Heritage Month in Minneapolis.**

Whereas, the social, cultural, and economic vibrancy of Minneapolis is made possible by the generations of Latinos who have sacrificed, shaped and strengthened our city. Latinos enrich our identity with deeply rooted traditions and diverse ancestries; and

Whereas, like so many Americans, Latinos have overcome great obstacles to persevere and flourish in every sector of our society through their values of faith, family, and sacrifice; and

Whereas, 40,073 Latino residents make up the social fabric of Minneapolis and are a growing presence throughout our City's neighborhoods; and

Whereas, across Minneapolis, Latinos are leaders in all aspects of our city, they protect us as police officers, they guide students as teachers, and they revitalize our economic corridors as sharp entrepreneurs and business owners; and

Whereas, the City Council passed legislation to support the Latino community by separating immigration agents from police and advocated for the deferral of action for childhood arrivals; and

Whereas, the future of Minneapolis is inextricably linked to the future of our Latino community. Our city thrives on the diversity and ingenuity of all our people, and our ability to step-up, innovate, and grow will depend greatly on the success of Latinos.

Now, Therefore, Be It Resolved by the Mayor & the City Council of the City of Minneapolis recognizes the invaluable contributions of the Latino community in Minneapolis.

Be It Further Resolved that the City Council of the City of Minneapolis declares September 15 through October 15, 2012, as Latino Heritage Month in the City of Minneapolis.

Adopted.

Resolution 2012R-494, honoring the Lake Street Council for preserving the history of Lake Street through the Museum in the Streets<sup>®</sup>. 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-494**

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

**Honoring the Lake Street Council for preserving the history of Lake Street through the Museum in the Streets<sup>®</sup>.**

Whereas, Lake Street's future as an important corridor through 16 Minneapolis neighborhoods was secured when, in 1888, it was chosen as the route on which to construct the cross-river bridge linking Minneapolis and St. Paul; and

Whereas, for generations, Lake Street has played an important role as home to the city's new immigrants, including the small businesses and cultural organizations they established in their pursuit of the American Dream; and

Whereas, the Museum in the Streets<sup>®</sup> installations were created and organized by The Lake Street Council; and

Whereas, the Museum in the Streets<sup>®</sup> recognizes the people, events, businesses, cultural institutions and homes that influenced the making of Lake Street. Every Lake Street business, building and cultural institution, past and present, has a story to tell. These stories and the stories of the people of Lake Street are valuable treasures to be passed down to future generations; and

Whereas, the Museum in the Streets<sup>®</sup> fosters a sense of historic identity, educates, encourages preservation of historic sites and promotes the knowledge of the stories, events and traditions of the Lake Street communities; and

Whereas, the Museum in the Streets<sup>®</sup> is designed as a bilingual historical and cultural walking tour wherein Spanish was chosen as the second language in recognition of the substantial population of Hispanics and Latinos who live in and visit our city; and

Whereas, the Museum in the Streets<sup>®</sup> Lake Street project will provide enduring value to the citizens of Minnesota and especially to the residents, businesses, and visitors to the neighborhoods along Lake Street; and

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

That the City Council of the City of Minneapolis hereby designate September 25, 2012 as Museum in the Streets Day and encourage all Minneapolitans to learn about the history of Lake Street by walking and reading the Museum in the Streets<sup>®</sup> plaques.

Be It Further Resolved that the Mayor and City Council hereby express our gratitude and appreciation to Joyce Wisdom and the Lake Street Council for their diligence and enthusiasm in preserving the history of Lake Street for future generations.

Adopted.

#### NEW BUSINESS

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 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions* (eliminating the spacing requirement and amending the definition of supportive housing).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Casey Joe Carl,  
City Clerk

Unofficial Posting: 9/24/2012

Official Posting: 9/28/2012

Corrections: 4/11/2013