

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF January 12, 2007

(Published January 20, 2007, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
January 12, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to consider a motion to grant the Grocery and Tobacco License applications for Cedar Country Boy at 4164 Cedar Ave. Seconded.

Adopted upon a voice vote.

Hodges moved to amend the agenda to consider a motion to introduce the subject matter of ordinances amending Title 20, Chapters 520, 530, 535, 537, 546, 547 and 548, of the Minneapolis Code of Ordinances relating to *Zoning Code* (for review and potential revision to regulations for controls and variances related to residential infill construction of 1- 4 unit structures, including but not limited to, consideration of building mass/bulk, building height, setbacks, impervious surface, grading, definition of a story, definition of a half-story, definition of a basement, and site plan requirements).

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 1/12/2007.

Lilligren moved acceptance of the minutes of the regular meeting of December 22, 2006, and the adjourned session held December 22, 2006. Seconded.

Adopted upon a voice vote 1/12/2007.

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

Adopted upon a voice vote 1/12/2007.

PETITIONS AND COMMUNICATIONS

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271716)

Citizens Environmental Advisory Committee: Revised Appointments.

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

HEALTH AND FAMILY SUPPORT SERVICES (271716.1)

Medica Skyway Senior Center: Execute contract and set up proper accounts.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (271717)

Presentations on 2007 Legislative Agendas: Mpls School Board; Metro Cities Association of Metropolitan Municipalities; League of Minnesota Cities; North Metro Mayors Association.

PUBLIC WORKS (271718)

Moving Forward Together: University of Minnesota Area Neighborhood Impact Report.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (271719)

Water Shut Offs: Report back on application of fees related to water shut off cases on residential properties.

Chapter 249 Property at 1430 Irving Av N: Updated report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (271720)

Residence Location for Sex Offenders: Report reviewing relevant legal authority on the adoption of an ordinance that would restrict where designated sex offenders can reside within the City.

LICENSES AND CONSUMER SERVICES (271721)

Limited Space (6066 Shingle Creek Pkwy): Grant Vehicle Immobilization License, with conditions.

Kuick Mart (4653 Chicago Av S): Grant Grocery License, with conditions.

Licenses: Applications.

REGULATORY SERVICES (271722)

Rental Dwelling License at 729 8th Av SE: Authorize reinstate Rental Dwelling License to be held by Dr. Syed Raza, University Court Apartments, LLC.

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

FIRE DEPARTMENT (271723)

2006 Emergency Management Performance Grant: Accept grant award of \$19,901 from United States Department of Homeland Security for Fire Department efforts.

POLICE DEPARTMENT (271724)

Franklin Avenue Security Cameras: Accept \$65,435 and execute agreement with Ventura Village for camera installation and one year of year of monitoring.

TRANSPORTATION AND PUBLIC WORKS:

XCELENERGY/NSP (271725)

Utility Poles: W side of 30th Av NE at St. Anthony Pkwy, SR #565519; 225 Portland Av.

WAYS AND MEANS BUDGET:

ATTORNEY (271726)

Voluntary Card Check: Report update.

FINANCE DEPARTMENT (271727)

Special Compensation Fund: 2006 2nd Half Assessment.

iDSS Contract: Update documentation.

Finance 5-Year Business Plan: Presentation and Plan.

HUMAN RESOURCES (271728)

Human Resource 5-Year Business Plan: Presentation.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271729)

Legal Settlements: a) Brian and Janel Goff v. John Tepper and the City of Minneapolis; and b) Jacob John Kenfield v. Wrecker Services, Inc. and the City of Minneapolis.

Confidential Reporting Line: Approve staff directions.

BUSINESS INFORMATION SERVICES (BIS) (271730)

USI Wireless, Inc.: Authorize contract amendment to remit Digital Inclusion funds directly to designated fund recipient.

CITY CLERK (271731)

2007 Council Budget Guidelines: Approve.

COMMUNICATIONS (271732)

Minneapolis Telecommunications Network (MTN): Approve contract extension.

COORDINATOR (271733)

New Central Library Project: Approve change order with C.E. Coulter and Associates, Inc.

HUMAN RESOURCES (271734)

Appointed Employees 2007 Salary Adjustment: Approve salary schedules enhanced by 1.42 percent; allow step movement as defined by Appointed Pay Plan.

Reclassified Position: Director, Property Services: Approve position reclassification grade 15, 678 points, effective December 22, 2006.

Retitle Position: City Engineer to Director, Public Works: Approve position re-titlement grade 19, 888 points, effective December 22, 2006.

Teamsters, Local 320 Truck Drivers Unit: Execute 12 month collective bargaining labor agreement from January 1, 2006 through December 31, 2006.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (271735)

Appeal: Pokegama North (2111 and 2119 14th Ave S, 1408 E 22nd St): re decision of the Planning Commission denying conditional use permit.

Vacations: Penn Lowry Crossing, LLC (3010, 3108, and 3120 Penn Ave N, 2125 Lowry Ave N, and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Ave N): Alley, for a planned commercial development.

Pam Karahalios (vicinity of the eastern half of France Ave S, south of W 31st St): Portion of a paper street for driveway access.

Rezoning:

Pokegama North (2111 and 2119 14th Ave S, 1408 E 22nd St).

Penn Lowry Crossing, LLC (3010, 3108, and 3120 Penn Ave N, 2125 Lowry Ave N, and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Ave N).

Gloria Hiner (2514 S 8th St).

Hillcrest Development (1229, 1331, 1361 Tyler St NE; 1308 1/2 Fillmore St NE).

Hillcrest Development (1209 Tyler St NE).

Thomas and April Kiel Residence (3552 Aldrich Ave S).

PLANNING COMMISSION/DEPARTMENT (271736)

Rezoning:

3506 Bloomington Ave Building (3506 Bloomington Ave).

Aldrich Apartments - South Building (2924, 2928, 2932, 2936 and a portion of 2900 Aldrich Ave S).

Aldrich Apartments - North Building (a portion of 2900 Aldrich Ave S).

Area Plans:

Nokomis East Light Rail Transit Station Area Plan.

Bassett Creek Valley (BCV) Master Plan 2006.

FILED:

CHARTER COMMISSION (271737)

Charter Commission Vacancy: Resignation of Sue Ponsford.

The following reports were signed by Mayor Rybak on January 16, 2007. 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 **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

HE&E - Your Committee, to whom was referred back on December 22, 2006 the consideration of 16 appointments (8 Council, 8 Mayoral) to the Citizens Environmental Advisory Committee, for terms to expire December 31, 2008, now recommends that the following applicants' names be sent forward without recommendation:

Appointments

Glenn Miller, Ward 11, representing business, to fill the unexpired term of Nina Ebbinghausen

Darrell Gerber, Ward 8, representing environmental advocacy, to fill the unexpired term of David Byfield

Janelle Sorenson, Ward 12, representing citizen, to fill the unexpired term of Randi Kouri

Nicolle VanWie, Ward 6, representing business, to fill the unexpired term of Christine Ziebold.

Reappointments

Karen Utt, Ward 7 (work), representing business

Walker Smith, Ward 9, representing environmental expertise

Dean Abrahamson, Ward 2, representing environmental expertise

Barb Sullivan, Ward 1, representing citizen

Justin Eibenholz, Ward 13, representing environmental advocacy

Corey Brinkema, Ward 10, representing business

Ken Bradley, Ward 13, representing environmental expertise

Denise Leezer, Ward 11, representing environmental expertise

Jill Boogren, Ward 12, representing environmental advocacy

Teresa Wernecke, Ward 7 (work), representing environmental advocacy

Brian Ross, Ward 5, representing citizen

Patty Elaine Selly, Ward 10, representing citizen.

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

Adopted upon a voice vote.

The report, as amended, was adopted 1/12/2007.

HE&E - Your Committee, to whom was referred back a report on December 22, 2006 to consider four appointments to the Civilian Police Review Authority Board (2 Mayoral and 2 City Council), and having held a public hearing thereon, now recommends approval of the following City Council appointments:

a. Michael Burns, Ward 13, term to expire December 31, 2009.

b. Patrick Kvidera, Ward 1, term to expire December 31, 2010.

Adopted 1/12/2007.

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

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Axia Health Management, Inc. to accept on-going revenues for the "Silver Sneakers" health and fitness program at the Medica Skyway Senior Center. Further, that the Commissioner of Health be authorized to sign agreements with Axia Health Management, Inc. on behalf of the City; and to set up the proper accounts in fund 0600-860-8607 (revenue code 3720) to receive payments for services from Axia Health Management, Inc.

Adopted 1/12/2007.

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

PS&RS - Your Committee, having under consideration the application of Coffee Gallery Inc, dba Coffee Gallery, 1011 Washington Av S, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2007, 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 1/12/2007.

Approved by Mayor Rybak 1/12/2007.

(Published 1/17/2007)

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Limited Space, 6066 Shingle Creek Pkwy, for a Motor Vehicle Immobilization Service License, subject to conditions.

Adopted 1/12/2007.

Resolution 2007R-001, granting the application of Limited Space, 6066 Shingle Creek Pkwy, for a Motor Vehicle Immobilization Service License, subject to conditions, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-001

By Samuels

Granting the application of Limited Space, 6066 Shingle Creek Pkwy, for a Motor Vehicle Immobilization Service License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Limited Space LLC, dba Limited Space, 6066 Shingle Creek Pkwy, for a Motor Vehicle Immobilization Service License (new business) to expire September 1, 2007, subject to the following conditions:

1. The licensee shall ensure that the entrance signs for all lots are clearly visible at all lot entrances. In the case of a lot with shared spaces for other businesses, all parking spaces in the lot shall have signs indicating parking for that business and shall be color coded to eliminate any confusion.

2. Because of numerous past vehicle immobilization ordinance violations by the license applicant while employed by Clampdown Parking Enforcement Inc, and the other employees of Clampdown Parking Enforcement Inc, there shall be no involvement with any past owner or employees of Clampdown.

3. Employees of Limited Space will not have any criminal history in the past three years involving drugs, alcohol, threat, use of force, theft by swindle, any degree of assault, fraud, or any other related offense to this type of business.

4. The licensee will comply with all items listed in the Operations and Management Plan submitted to the Licenses Department.

5. The licensee will comply with all other applicable City ordinances dealing with the operation of a vehicle immobilization service company, and all other applicable City ordinances.

Adopted 1/12/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Kuick Mart, 4653 Chicago Av, for Grocery, Tobacco Dealer and Food Manufacturer Licenses, subject to conditions.

Adopted 1/12/2007.

Resolution 2007R-002, granting the application of Kuick Mart, 4653 Chicago Av, for Grocery, Tobacco Dealer and Food Manufacturer Licenses, subject to conditions, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-002
By Samuels**

Granting the application of Kuick Mart, 4653 Chicago AV, for Grocery, Tobacco Dealer and Food Manufacturer Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Gas It For Less Food Inc, dba Kuick Mart, 4653 Chicago Av, for Grocery, Tobacco Dealer and Food Manufacturer Licenses (new proprietor) to expire April 1, 2007, subject to the following conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The licensee agrees to cooperate fully in the prosecution of criminal activity.
2. The licensee understands that the business hours for operation are 6:00 a.m. to 10:00 p.m. Sunday to Thursday, and 6:00 a.m. to 11:00 p.m. on Friday and Saturday.
3. The licensee will have a minimum of two staff employees working from 2:00 p.m. until the close of business each day to ensure monitoring of the exterior, and to reduce negative behaviors.
4. The licensee agrees not to sell single cigars or single cigarettes.
5. The licensee agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), scrubbing pads (commonly known as Chore Boy), tobacco pipes, small zip lock bags, also known as jewelry bags, and single use tobacco products to include rolling papers. The licensee also agrees not to supply matches to non-tobacco customers.
6. The licensee agrees that the bushes shall be removed and replaced by June 1, 2007.
7. The licensee agrees to install a metal (wrought iron or steel) 4 foot fence on the perimeter of the property to assist in keeping loitering off the business property, which shall be done by June 1, 2007.
8. The licensee agrees to keep all exterior and interior lights illuminated and functioning properly.
9. All windows will be kept free of signs and other items that block the view in and out, in accordance with Section 543.350 of the Minneapolis Code of Ordinances. Specifically, no obstructions shall be located in the 3 foot to 6 foot area of the windows.
10. The licensee shall comply with the Surveillance Camera Ordinance, Chapter 259 of the Minneapolis Code of Ordinances.
11. The licensee agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.
12. The licensee agrees to change the business sign to state the correct name of the business by June 1, 2007.
13. The licensee agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The licensee shall maintain a litter receptacle in front of the business that is convenient for customer use.
14. Refuse shall be stored in a regularly services, closed container (dumpster). At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.
15. A dumpster enclosure shall be installed on the business property as required by Chapter 531 of the Minneapolis Code of Ordinances by June 1, 2007.

16. The licensee will stock a variety of common staple food items such as milk, bread, canned and frozen vegetables, soups, fruit juice, and cereals, etc. Food items shall be removed from stock when the printed shelf life date has expired.

Adopted 1/12/2007.

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

Adopted 1/12/2007.

Resolution 2007R-003, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-003
By Samuels**

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Off-Sale Liquor, to expire July 1, 2007

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

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

University Gateway Corp, dba Gateway Cafe, 200 Oak St SE

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

Haze 3 Corp, dba Grumpy's Bar & Grill, 1107 Washington Av S

Katabays Corporation, dba Blue Nile, 2027 E Franklin Av

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

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2007

Five Restaurant and Street Lounge LLC, dba Five Restaurant and Street Lounge, 2917 Bryant Av

S On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2007

101 Blu LLC, dba Aura Restaurant, 3001 Hennepin Av

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

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S

Chipotle Mex Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall (new manager)

The Bulldog Restaurant Inc, dba The Bulldog Restaurant, 2549 Lyndale Av S

On-Sale Liquor Class E, to expire January 1, 2008

S Squared LLC, dba Saffron Restaurant & Lounge, 123 3rd St N (new business).

Adopted 1/12/2007.

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

Adopted 1/12/2007.

Resolution 2007R-004, granting applications for Business Licenses, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-004
By Samuels**

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 12, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271721):

Place of Amusement Class B-1; Christmas Tree; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Caterers; Confectionery; Farm - Produce Permits; Grocery; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Motor Vehicle Repair Garage; Towing Class B; Towing Class D; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Recycling Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Steam & Hot Water Systems Installer; Suntanning Facility; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 1/12/2007.

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

Adopted 1/12/2007.

Resolution 2007R-005, granting applications for Gambling Licenses, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-005
By Samuels**

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Gambling Lawful Exempt

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Raffle and Pulltabs February 20, 2007 at Kolbe Hall)

Treasured Chests, dba Treasured Chests, 7080 Snow Owl Circle, Lino Lakes (Raffle February 22, 2007 at Zuhrah Shrine Center, 2540 Park Av S)

Pacer Center Inc, dba Pacer Center, 8161 Normandale Blvd (Raffle May 5, 2007 at Minneapolis Convention Center).

Adopted 1/12/2007.

JANUARY 12, 2007

PS&RS - Your Committee recommends passage of the accompanying resolution approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Sully's Pub, 2519 Central Av NE.

Adopted 1/12/2007.

Resolution 2007R-006, approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Sully's Pub, 2519 Central Av NE, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-006

By Samuels

Approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Sully's Pub, 2519 Central Av NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference on November 14, 2006 with the licensee to discuss possible violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee failed to be aware of a number of ordinance requirements pertaining to the operation of a liquor license in the City of Minneapolis; and failed to implement a comprehensive management plan to prevent criminal activity from occurring on the premises;

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

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

1. The licensee/owner will surrender the On-Sale Liquor application no later than January 31, 2007. A withdrawal form must be submitted with this signed agreement.
2. The owner will receive full reimbursement for the last two months of the unused liquor license.
3. The City of Minneapolis will dismiss all remaining citations and fees.
4. The licensee will manage the establishment in a responsible manner such that the actions of staff and management will effectively address criminal activity on the premises.

Adopted 1/12/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Licensing Settlement Conference recommendations relating to the Off-Sale Beer License held by Lyndale Deli and Grocery, 2551 Lyndale Av S.

Adopted 1/12/2007.

Resolution 2007R-007, approving Licensing Settlement Conference recommendations relating to the Off-Sale Beer License held by Lyndale Deli and Grocery, 2551 Lyndale Av S, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-007

By Samuels

Approving Licensing Settlement Conference recommendations relating to the Off-Sale Beer License held by Lyndale Deli and Grocery, 2551 Lyndale Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference on December 13, 2006 with the licensee to discuss possible violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions, within a period of less than three months, agents of Lyndale Deli and Grocery sold alcohol to persons under the age of 21, in violation of Section 370.10 of the Minneapolis Code of Ordinances, Minnesota Statute 340A.503, subdivision 2(1), and the established compliance check policy and procedures of the City of Minneapolis;

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

That the Off-Sale Beer License issued to Lyndale Deli and Grocery shall be subject to adverse license action, up to and including revocation, with the commencement of such adverse license action stayed through and including August 17, 2008, subject to full compliance with the following conditions, and as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

1. Lyndale Deli and Grocery will surrender its Off-Sale Beer License and withdraw its application for the license in person at City Hall. This surrender and withdrawal shall be immediate and no sale of beer by Lyndale Deli and Grocery shall occur after 8:30 a.m. on December 13, 2006.
2. Lyndale Deli and Grocery will not reapply for an Off-Sale Beer License until August 17, 2008.
3. By January 2, 2007, Lyndale Deli and Grocery will pay the outstanding \$500 administrative fine as ordered by the hearing officer at the December 12, 2006 administrative hearing.
4. By January 2, 2007, Lyndale Deli and Grocery will pay a \$250 financial sanction to the City.
5. This Agreement does not alter or preclude any previously imposed license conditions that may exist.
6. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any Federal, State or local laws, ordinances or regulations.
7. This Agreement shall remain in effect through and including August 17, 2008. This Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person(s) should the business be sold and a new license approved.

Adopted 1/12/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Greenway Liquor, 115 W Grant St.

Adopted 1/12/2007.

Resolution 2007R-008, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Greenway Liquor, 115 W Grant St, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-008
By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Greenway Liquor, 115 W Grant St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference on November 29, 2006 with the licensee to discuss possible violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded on two separate occasions within a period of less than three months, employees of Greenway Liquor sold alcohol to persons under the age of 21 in violation of Section 370.10 of the Minneapolis Code of Ordinances, Minnesota Statute 340A.503 subdivision 2(1), and the established compliance check policy and procedures of the City of Minneapolis;

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

That the Off-Sale Liquor License issued to Greenway Liquor be subject to adverse license action, up to and including revocation, with the commencement of such adverse license action stayed through and including August 31, 2008, subject to full compliance with the following conditions, and as more fully set forth in said Findings on file in the Office of the City Clerk, which are hereby made a part of this report by reference:

1. It is strongly suggested that Greenway Liquor require all customers who purchase alcohol to produce identification, as listed in Minnesota Statute Section 340A.503 subdivision 6. Greenway Liquor has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of its Off-Sale Liquor License. Greenway Liquor agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made. This includes, but is not limited to, purchase and utilization of an electronic identification card reading device.

2. A financial penalty of \$3,000 will be levied against Greenway Liquor. Of this penalty, \$500 will be imposed and payable by December 13, 2006. The imposition of the remaining \$2,500 will be stayed through August 31, 2008, provided that no further incidents of sale of alcohol to a minor occur, as defined by Minnesota State Statute 340A.503 subdivision 1(2) or Section 370.10 of the Minneapolis Code of Ordinances. A criminal conviction for said violation against any Greenway Liquor employee, or any finding against Greenway Liquor for an administrative citation issued as a result of sale of alcohol to a minor shall constitute proof of sale of alcohol to a minor.

3. The Off-Sale Liquor License of Greenway Liquor is suspended for a period of 12 days. Imposition of the 12 days of suspension will be stayed through August 31, 2008, provided that no further incidents of sale of alcohol to a minor occur, as defined by Minnesota State Statute 340A.503 subdivision 1(2) or Section 370.10 of the Minneapolis Code of Ordinances. A criminal conviction for said violation against any Greenway Liquor employee, or any finding against Greenway Liquor for an administrative citation issued as a result of sale of alcohol to a minor, shall constitute proof of sale of alcohol to a minor.

4. All Greenway Liquor employees, managers and owners involved in the daily operations of the business will attend professionally presented alcohol server training. This training shall occur on a yearly basis. The initial training shall be completed by January 31, 2007. All employees, managers or owners hired or brought into the business after this initial training must attend a training class within 30 days of hire or approval as business owner.

5. Greenway liquors will develop a written policy regarding alcohol sales. This policy will include, but is not limited to, the following items: employee training, the store's policy regarding which customers are asked for identification (i.e. anyone who appears to be under 40 years old), signage indicating the above identification policy that is posted for the public's and employees' review, use of electronic identification card readers, and the store policy regarding corrective action involving employees when a sale of alcohol is made to a minor. This policy must be received by the Commander of the Minneapolis Police License Investigation Division.

6. A properly trained manager or owner must be on site during business hours at all times.

7. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

8. The licensee is aware that it will be subject to additional compliance checks during the term of the Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee, and, if asked, will present their actual duly issued age identification.

9. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation for subsequent violations of this Agreement, or for subsequent violations or subsequently discovered violations of any Federal, State or local laws, ordinances or regulations.

10. Should the licensee violate any provision of this Agreement while it is in effect, it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period, the stayed financial penalty, as well as the potential commencement of license revocation proceedings.

11. This Agreement shall remain in effect through and including August 31, 2008.

Adopted 1/12/2007.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 729 8th Av SE, 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 Inspections to approve the reinstatement of said license to be held by Dr. Syed Raza, University Court Apartments, LLC. (Petn No 271722)

Adopted 1/12/2007.

PS&RS - Your Committee, to whom was referred the subject matter of an ordinance amending Title 15 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous* by adding a new Chapter 405 relating to *Sexual Offenders*, establishing a residence location prohibition for designated sexual offenders, now recommends that said ordinance be returned to author.

Adopted 1/12/2007.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$65,435 and execute an agreement with Ventura Village to provide funding for security cameras along Franklin Avenue, including the camera installation and one year of monitoring. Further, passage of the accompanying resolution appropriating \$65,435 to the Police Department.

Adopted 1/12/2007.

RESOLUTION 2007R-009
By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-B135) by \$65,435 and increasing the Revenue Source (060-400-B135 - Source 3720) by \$65,435.

Adopted 1/12/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$19,901 from the United States Department of Homeland Security for Fire Department efforts as part of the 2006 Emergency Management Performance Grant. Further, passage of the accompanying resolution appropriating \$19,901 to the Fire Department.

Adopted 1/12/2007.

RESOLUTION 2007R-010
By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation

for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$19,901 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$19,901.

Adopted 1/12/2007.

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

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

Adopted 1/12/2007.

Resolution 2007R-011, authorizing settlement of the legal claims of Brian and Janel Goff, and Jacob John Kenfield, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-011

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) Brian Goff and Janel Goff v. John Tepper and the City of Minneapolis, by payment of \$9,000, payable to Brian and Janel Goff and their attorney, James Schloner; and authorize execution of any documents necessary to effectuate said settlement; and

b) Jacob John Kenfield v. Wrecker Services, Inc. and the City of Minneapolis, by payment of \$15,000, payable to Jacob John Kenfield and his attorney, James A. Heuer; and authorize execution of any documents necessary to effectuate said settlement.

Adopted 1/12/2007.

W&M/Budget - Your Committee, having under consideration the USI Wireless contract, now recommends that the proper City officers be authorized to amend said contract to remit Digital Inclusion Funds directly from USI Wireless to a designated fund recipient, as more fully set forth in Petn No. 271730.

Adopted 1/12/2007.

Approved by Mayor Rybak 1/12/2007.

(Published 1/17/2007)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend the City's Contract #6544 with Minneapolis Telecommunications Network (MTN) a Minnesota Non-Profit Corporation d.b.a. Minnesota Television Network until agreement and adoption of Performance Agreement between MTN and the City of Minneapolis is adopted.

Adopted 1/12/2007.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 1 increasing Contract #C-18899 with C.E. Coulter and Associates, Inc. by \$20,000, for a new contract total of \$420,000.

Adopted 1/12/2007.

W&M/Budget - Your Committee, having under consideration the 2007 salary adjustments for City appointed employees, now recommends that the salary schedules be enhanced for appointed

employees (including political appointees) by 1.42%, effective January 1, 2007, or the beginning of the payroll period nearest January 1, 2007, allowing step movement as defined by the Appointed Pay Plan.
Adopted 1/12/2007.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Director, Property and Equipment Services, (grade 15 with 708 points) to Director, Property Services, (grade 15 with 678 points), effective December 22, 2006.

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

Adopted 1/12/2007.

Ordinance 2007-Or-001 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, approving the reclassified position of Director, Property and Equipment Services to Director, Property Services, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-001
By Ostrow
1st & 2nd Readings: 1/12/2007

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: DECEMBER 22, 2006

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After2 "B"	Step D After 3 "C"
E	1	Director, Property Services	678	15	A	\$94,314	\$99,278	\$102,256	\$104,242

Adopted 1/12/2007.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the re-titlement of the appointed position of City Engineer, (grade 19 with 888 points) to Director, Public Works, (grade 19 with 888 points), effective December 22, 2006.

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

Adopted 1/12/2007.

Ordinance 2007-Or-002 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, approving the re-titlement of the appointed position of City Engineer to Director, Public Works, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

JANUARY 12, 2007

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

ORDINANCE 2007-Or-002

By Ostrow

1st & 2nd Readings: 1/12/2007

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective: DECEMBER 22, 2006

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After2 "B"	Step D After 3 "C"
E	1	Director, Public Works	888	19	A	\$124,092	\$130,624	\$134,542	\$137,155

Adopted 1/12/2007.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 12 month labor agreement with the Teamsters, Local 320 Truck Drivers Unit, effective January 1, 2006 through December 31, 2006.

Adopted 1/12/2007.

Resolution 2007R-012, approving the terms of a 12 month labor agreement with the Teamsters, Local 320 Truck Drivers Unit, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-012

By Ostrow

Approving the terms of a collective bargaining agreement with the Teamsters, Local 320 Truck Drivers Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Teamsters, Local 320 Truck Drivers Unit, set forth in Petn No 271734, be approved.

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

Adopted 1/12/2007.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 14 ½ month labor agreement with the Minneapolis Association of Fire Chiefs, Fire Chiefs Unit, effective October 15, 2005 through December 31, 2006.

Adopted 1/12/2007.

Resolution 2007R-013, approving the terms of a 14 ½ month labor agreement with the Minneapolis Association of Fire Chiefs, Fire Chiefs Unit, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-013
By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Association of Fire Chiefs, Fire Chiefs Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Association of Fire Chiefs, Fire Chiefs Unit, set forth in Petn No 271734, be approved.

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

Adopted 1/12/2007.

W&M/Budget - Your Committee, to whom was referred back on November 17, 2006 a report relating to the Confidential Reporting Line, now recommends the following:

- a) Receive and file the Confidential Reporting Line Committee report;
- b) Direct, under the auspices of the City Coordinator's Office, the selection of a vendor for a Confidential Reporting Line using a competitive procurement process;
- c) Direct the City Coordinator's staff to make a recommendation about funding the Confidential Reporting Line;
- d) Direct appropriate staff, as coordinated by the City Coordinator's office, to implement the reporting line enterprise wide; and
- e) Direct the City's Ethics Officer to provide semi-annual reports on the utilization of the Confidential Reporting Line to the Ways and Means/Budget Committee.

Your Committee further recommends that staff be directed to report back to the Ways & Means/Budget Committee annually with the previous 12 months analyzing the outcome from investigations, and noting what types of information they were able to learn from the Confidential Reporting Line, so as to measure the future benefit of paying for this service.

Adopted 1/12/2007.

W&M/Budget - Your Committee, having under consideration the 2007 Council Budget Guidelines, as set forth in Petn No. 271731, now recommends that said guidelines be **sent forward without recommendation**.

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

Adopted by unanimous consent.

Hodges moved that the report be amended by changing Section 1 of the 2007 Council Budget Guidelines to read as follows:

"Ward Budget Procedures: For 2007, the individual Council office budget is \$10,900." Seconded.

Lost. Yeas, 2; Nays, 11 as follows:

Yeas - Hodges, Ostrow.

Nays - Remington, Benson, Goodman, Samuels, Gordon, Hofstede, Schiff, Lilligren, Colvin Roy, Glidden, Johnson.

Lilligren moved that the report be amended to include the following language in the 2007 Council Budget Guidelines:

“Respecting the concerns of Council Members who do not feel that the funds from the unfilled City Council staff position should be redistributed to the Council office budgets, direct the City Clerk to redistribute these funds only to the City Council office budgets of those Council Members who support this action.” Seconded.

Glidden moved to amend the Lilligren motion by deleting the word “only” and inserting the language “or to the office of the City Clerk” after the words “who support this action”. Seconded.

Samuels moved to call the question on Glidden’s motion. Seconded.
Adopted upon a voice vote.

Glidden’s motion lost. Yeas, 4; Nays, 9 as follows:

Yeas - Hodges, Ostrow, Schiff, Glidden.

Nays - Remington, Benson, Goodman, Samuels, Gordon, Hofstede, Lilligren, Colvin Roy, Johnson.

Hodges moved to amend the Lilligren motion by deleting the language “who support this action” and inserting in lieu thereof “who request them”. Seconded.

Lost. Yeas, 3; Nays, 10 as follows:

Yeas - Hodges, Samuels, Ostrow.

Nays - Remington, Benson, Goodman, Samuels, Hofstede, Schiff, Lilligren, Colvin Roy, Glidden, Johnson.

Colvin Roy moved to call the question on Lilligren’s motion. Seconded.
Adopted upon a voice vote.

Lilligren’s motion was adopted. Yeas, 7; Nays, 6 as follows:

Yeas - Remington, Benson, Goodman, Hofstede, Lilligren, Colvin Roy, Johnson.

Nays - Hodges, Samuels, Gordon, Ostrow, Schiff, Glidden.

Lilligren moved to call the question on the main motion, as amended. Seconded.

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

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

Nays - Ostrow.

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

Z&P - Your Committee, having under consideration the appeal filed by the American Indian Community Development Corp. from the decision of the Planning Commission denying an application for a conditional use permit to allow an increase in height from 2.5 stories to 3 stories for the proposed carriage house/garage unit structures within a 6-unit cluster development at 2111 and 2119 14th Ave S and 1408 E 22nd St, now recommends that said appeal be granted and the application for conditional use permit approved as amended for an increase in height to 3 stories, no taller than 30 feet, 4 inches, reflecting the reduced roof pitch and height compared to the plan presented to the City Planning Commission.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the American Indian Community Development Corp. (BZZ-3241) to rezone the properties at 2111 and 2119 14th Ave S and 1408 E 22nd St from R2B with the North Phillips Overlay (NP) District

to the R4 with the NP District to permit a 6-unit cluster development 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 1/12/2007.

Ordinance 2007-Or-003 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2111 and 2119 14th Ave S and 1408 E 22nd St to the R4 with the North Phillips Overlay District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-003
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of Lot 5 except the East 17.50 feet thereof and the North 1/2 of Lot 6, Block 7, Eliot's Addition to Minneapolis (2111 14th Ave S); the South 1/2 of Lot 6, Block 7, Eliot's Addition to Minneapolis, lying North of the South 40 feet of said lot (2119 14th Ave S); and Lot 7, Block 7 Eliot's Addition to Minneapolis (1408 E 22nd St) (Plate 21) to the R4 with the North Phillips Overlay District.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission relating to the applications of Penn Lowry Crossing LLC (BZZ-3229) for a planned commercial development including renovation of an existing commercial building and the construction of two new commercial buildings and a parking lot at 3010, 3108, and 3120 Penn Ave N, 2125 Lowry Ave N, and 3023, 3027, 3101, 3107, 3111, 3115 and 3119 Oliver Ave N, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone properties as follows: 1) a portion of the property located at 3010 Penn Ave N from C2 to the C1 District; 2) 3108 and 3120 Penn Ave N and 2125 Lowry Ave N from C1 to the C2 District; 3) a portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Ave N from R2B to the C2 District; 4) a portion of the property located at 3119 Oliver Ave N from R2B to the C2 District; 5) a portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Ave N to add the Transitional Parking (TP) Overlay District to the existing R2B District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate a public alley (#1505) within the block bounded Penn Ave N, Lowry Ave N, Oliver Ave N and 30th Ave N, subject to the retention of an easement in favor of Xcel Energy and Qwest, by passage of the accompanying resolution.

Adopted 1/12/2007.

Ordinance 2007-Or-004 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning a portion of the property located at 3010 Penn Ave N to the C1 District; 3108 and 3120 Penn Ave N and 2125 Lowry Ave N to the C2 District; a portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Ave N to the C2 District; a portion of the property located at 3119 Oliver Ave N to the C2 District; a portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Ave N to add the Transitional Parking (TP) Overlay

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District to the existing R2B District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-004
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land (Plate 7), pursuant to MS 462.357:

All of Lots 19, 20 and 21, Block 2, Hamisch's Second addition to Minneapolis (a portion of the property located at 3010 Penn Ave N) from C2 to the C1 District; that part of the North 27 1/2 feet of Lot 23 and all of Lots 24, 25, 26, 27 and 28, Block 2, Hamisch's Addition and all of lots 1 and 2, Block 2, Hamisch's Second addition to Minneapolis (all of 3108 and 3120 Penn Ave N and 2125 Lowry Ave N) from C1 to the C2 District; that part of the westerly 19.5 feet of Lots 3, 4, 5 and the westerly 19.5 feet of the northerly 31.2 feet of Lot 6, Block 2, Hamisch's Second addition to Minneapolis (a portion of the properties located at 3107, 3111, 3115 and 3119 Oliver Ave N) from R2B to the C2 District; that part of Lot 3, excluding the westerly 19 ½ feet, Block 2, Hamisch's Second addition to Minneapolis (a portion of the property located at 3119 Oliver Ave N) from R2B to the C2 District; and that part of Lots 4 and 5, excluding the westerly 19.5 feet thereof, Lot 6, excluding the westerly 19.5 feet thereof and the northerly 31.2 feet thereof and all of Lots 7, 8 and 9, Block 2, Hamisch's Second addition to Minneapolis (a portion of the properties located at 3023, 3027, 3101, 3107, 3111 and 3115 Oliver Ave N) to add the TP Transitional Parking Overlay district to the existing R2B District.

Adopted 1/12/2007.

Resolution 2007R-014, vacating part of the public alley in Block 2, Hamisch's Second Addition to Minneapolis, Hennepin County, Minnesota (# 1505, in the vicinity of the block bounded Penn Ave N, Lowry Ave N, Oliver Ave N and 30th Ave N), was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-014
By Schiff

Vacating part of the public alley in Block 2, Hamisch's Second Addition to Minneapolis, Hennepin County, Minnesota (# 1505, in the vicinity of the block bounded Penn Ave N, Lowry Ave N, Oliver Ave N and 30th Ave N).

Resolved by The City Council of The City of Minneapolis:

That part of the public alley in Block 2, Hamisch's Second Addition to Minneapolis, located north of a line extended west from the south line of Lot 9, Block 2, said Addition, to the east line of Lot 20, said Hamisch's Second Addition, as of record at the Hennepin County Recorder's Office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy or Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over the entire area to be vacated,
Qwest, subject to an easement over the entire area to be vacated,

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 1/12/2007.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Pam Karahalios to vacate a portion of a "paper" street, to maintain the area currently used as driveway access (#1492, in the vicinity of the eastern half of France Ave S, south of W 31st St), subject to retention of easement rights by the City of Minneapolis and Xcel Energy, 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 street.

Adopted 1/12/2007.

Resolution 2007R-015, vacating all that part of the east half of France Avenue lying southerly of the westerly extension of the north line of Lot 10, Block 8, Manhattan Park Addition to Minneapolis, and north of the westerly extension of the south line of Lot 8, said Block 8, all according to the recorded plat thereof, Hennepin County, Minnesota. (#1492, in the vicinity of the eastern half of France Ave S, south of W 31st St), was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-015
By Schiff

Vacating all that part of the east half of France Avenue lying southerly of the westerly extension of the north line of Lot 10, Block 8, Manhattan Park Addition to Minneapolis, and north of the westerly extension of the south line of Lot 8, said Block 8, all according to the recorded plat thereof, Hennepin County, Minnesota. (#1492, in the vicinity of the eastern half of France Ave S, south of W 31st St).

Resolved by The City Council of The City of Minneapolis:

That all that part all that part of the east half of France Avenue lying southerly of the westerly extension of the north line of Lot 10, Block 8, Manhattan Park Addition to Minneapolis, and north of the westerly extension of the south line of Lot 8, said Block 8, all according to the recorded plat thereof, Hennepin County, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority Xcel Energy and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Xcel: The east 10.00 feet of that part of the to be vacated street;

As to the City of Minneapolis: Subject to a water main easement over all of the to be vacated street; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other

corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Gloria Hiner (BZZ-3181) to rezone the property at 2514 S 8th St from OR3 to the C1 District to make zoning consistent with adjacent commercial properties at 2506 and 2510 Riverside Ave 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 1/12/2007.

Ordinance 2007-Or-005 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2514 S 8th St to the C1 District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-005
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of Lot 40, Rusts Subdivision Block 14 & 21, Murphy's Addition to Minneapolis (2514 S 8th St - Plate 21) to the C1 District.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Hillcrest Development (BZZ-3293) to rezone the properties at 1229, 1331, and 1361 Tyler St NE, and 1308 1/2 Fillmore St NE by adding the Industrial Living Overlay District (ILOD) to the existing I1 (1361 Tyler St NE) and I2 (1229, 1331 Tyler St NE and 1308 1/2 Fillmore St NE) Districts to keep the property as a mixed-use building with multi-tenant industrial and commercial uses 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 1/12/2007.

Ordinance 2007-Or-006 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 1229, 1331, and 1361 Tyler St NE, and 1308 1/2 Fillmore St NE by adding the Industrial Living Overlay District to the existing I1 (1361 Tyler St NE) and I2 (1229, 1331 Tyler St NE and 1308 1/2 Fillmore St NE) Districts, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-006

By Schiff

1st & 2nd Readings: 1/12/2007

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

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

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

That part of Parcel 1: That part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 29, Range 24 and of Lot 1, Auditor's Subdivision No. 127, Hennepin County, Minn., and of the vacated portion of Polk Street Northeast, the entire tract being described as follows: Commencing at a point in the West line of Polk Street NE (now vacated) distant 492.9 feet South of the point of intersection of said West line of Polk Street NE with the Southwesterly right-of-way line of the Northern Pacific Railroad; thence Easterly to a point in the East line of said Polk Street NE distant 438.1 feet South of the point of intersection of said East line of Polk Street NE distant 438.1 feet South of the point of intersection of said East line of Polk Street NE with the Southwesterly line of the Northern Pacific Railway Company right-of-way; thence Easterly at a right angle to the East line of Polk Street NE (now vacated) at a distance of 133.7 feet; thence Northerly deflecting to the left at an angle of 89 degrees 46 minutes a distance of 39 feet; thence Northerly and Northwesterly on a 6 degree curve, convex to the Northeast, a distance of 344.0 feet, more or less, to a point in the Southwesterly line of the right-of-way of the Northern Pacific Railroad Company distant 95.4 feet Southeasterly from the point of intersection of said Southwesterly right-of-way line with the East line of Polk street NE; thence Northwesterly along the Southwesterly line of said railroad right-of-way to the point of intersection of said right-of-way line with a line drawn parallel with and 71.0 feet West of the West line of Polk Street NE; thence Southerly parallel with the West line of Polk Street NE a distance of 196.8 feet more or less, to the intersection with a line drawn parallel with the North line of the Southwest Quarter of the Northwest Quarter of said Section 13 from a point in the West line of Polk Street NE distant 355.0 feet North of the point of beginning; thence West parallel with the North line of the Southwest Quarter of the Northwest Quarter of said Section 13 a distance of 193.0 feet to the East line of Tyler Street NE; thence Southerly along the East line of Tyler Street NE a distance of 355.0 feet to the point of intersection with a line drawn West from the point of beginning and parallel with the North line of said Southwest Quarter of Northwest Quarter of Section 13; then East Parallel with the North line of said Southwest Quarter of Northwest Quarter of Section 13 a distance of 264 feet to the point of beginning. (Torrens Property, Certificate of Title no. 838724) (1229 Tyler St NE);

Parcel 2: That part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 29, Range 24, described as commencing at a point on the West line of Polk Street Northeast distant 137.9 feet South along said West line from its intersection with the Southwesterly right-of-way line of the Northern Pacific Railway Company; thence West, parallel with the North line of said Southwest Quarter of the Northwest Quarter to an intersection with a line drawn parallel with and 71 feet West of the West line of Polk Street Northeast, said intersection being the actual point of beginning; thence West, parallel with the North line of said Southwest Quarter of the Northwest Quarter a distance of 193 feet, more or less, to the East line of Tyler Street Northeast; thence North along said East line 357.1 feet, more or less, to the Southwesterly right-of-way line of the Northern Pacific Railway Company; thence Southeasterly along said Southwesterly right-of-way line to its intersection with a line drawn parallel with and 71 feet West of the West line of Polk Street Northeast; thence South along the last described parallel line 196.8 feet, more or less, to the actual point of beginning. (Torrens Property, Certificate of Title No. 838724) (1331 Tyler St NE);

Parcel 3: That part of Lot 1, Auditor's Subdivision Number One Hundred Twenty-seven (127) Hennepin County, Minn. Described as commencing at a point on the Southwesterly right-of-way line of the Northern Pacific Railway Company where said right-of-way line intersects the East line of Polk Street Northeast (now vacated); thence Southeasterly along said Southwesterly right-of-way line

(assumed to bear South 50 degrees 26 minutes East) a distance of 95.4 feet to the actual point of beginning of the land to be described; thence Southeasterly along the center line of a railroad spur track on a 6 degree curve having a radius of 955.37 feet, and a chord bearing of South 15 degrees 01 minutes East a distance of 179.86 feet; thence East in a straight line 164.6 feet more or less to a point on said Southwesterly right-of-way line, Southeasterly from the actual point of beginning; thence Northwesterly along said Southwesterly right-of-way line 273.9 feet to the actual point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota (Abstract Property) (1308 1/2 Fillmore St NE).

Parcel 4: The Southwesterly 46.0 feet of The Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 200.0 foot wide Station Ground Property at Minneapolis, Minnesota, being 100.0 feet wide on each side of said Railway Company's Main Track centerline as now located and constructed upon, over and across the NW ¼ of Section 13, Township 20 North, Range 24 West of the 4th Principal Meridian, Hennepin County, Minnesota lying between two lines drawn parallel with and distant, respectively, 54.0 feet and 100.0 feet Southwesterly of, as measured at right angles from said Railway Company's Main Track centerline and bounded on the Northwest by the Easterly extension of the North line of 14th Avenue NE, according to the recorded plat of Johnson's Addition to Minneapolis, and bounded on the Southeast by a line drawn parallel with and distant 8.5 feet Westerly of, as measured at right angles from said Railway Company's Crown iron Works Spur Track No. 1 centerline, as originally located and constructed, said Crown Iron Works Spur being located within the right of way of Polk Street, according to the recorded plat thereof (1361 Tyler St NE);

by adding the Industrial Living Overlay District (ILOD) to the existing I1 (1361 Tyler St NE) and I2 (1229, 1331 Tyler St NE and 1308 1/2 Fillmore St NE) Districts (Plate 10).

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Hillcrest Development (BZZ-3294) to rezone the property at 1209 Tyler St NE by adding the Industrial Living Overlay District (ILOD) to the existing I2 District to keep the property as a mixed-use building with multi-tenant industrial and commercial uses 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 1/12/2007.

Ordinance 2007-Or-007 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1209 Tyler St NE by adding the Industrial Living Overlay District to the existing I2 District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-007
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 29, Range 24 described as follows:

Commencing on the West line of Polk Street in the City of Minneapolis, 492.9 feet South of its intersection with the Southwesterly line of right of way of the Northern Pacific Railroad; thence West to the East line of Tyler Street; thence South along said East line 150 feet; thence East to the West line of Polk Street; thence North along said West line 150 feet to the point of beginning.

Also that part of Lot 1, Auditor's Subdivision Number 127, Hennepin County, Minnesota, described as follows, to-wit:

Commencing at a point on the Easterly line of Polk Street 438.1 feet South of the intersection of said Easterly line with the Southerly line of the Northern Pacific Railroad right of way; thence South along the Easterly line of Polk Street 80 feet; thence Easterly 133.7 feet to the center of a spur track or side track; thence North following the center of said spur track or side track 80 feet to a point 133.7 feet East of the point of beginning; thence West to the point of beginning.

Also that part of Auditor's Subdivision Number 94, Hennepin County, Minnesota, described as follows, to-wit:

Commencing at a point on the West line of Polk Street as heretofore platted 642.9 feet South of the South line of the right of way of the Northern Pacific Railroad; thence West to the east line of Tyler Street thence South along the East line of Tyler Street 150 feet; thence East to the West line of Polk Street; thence North 150 feet along the westerly line of Polk Street to the point of beginning.

There is included with each of the above described premises the adjoining half of Polk Street vacated, excepting, however, the East 15 feet of that portion of the West 1/2 of Polk Street, vacated, lying adjacent to the South 220 feet of said premises.

The above described premises are according to the United States Government Survey and the recorded plats thereof; and for purpose of this description Polk Street and Tyler Street are considered as running due North and South and the direction of East and West are considered as drawn at right angles to said streets, and situate in Hennepin County, Minnesota.

That part of Lot 1, Auditor's Subdivision Number 127, Hennepin County, Minnesota and that part of Polk Street now vacated, lying adjacent to said Lot 1, in the City of Minneapolis described as follows:

Commencing at a point on the Easterly line of said Polk Street 518.1 feet South of the intersection of said Easterly line of Polk Street with the Southerly line of the Northern Pacific Railroad Company right of way; thence Westerly 48 feet at right angles to said Easterly line of Polk Street; thence South 220 feet parallel to said Easterly line of Polk Street; thence East at right angles to the last described parallel line, a distance of 171.7 feet; thence Northerly parallel to said East line of Polk Street a distance of 220 feet to a point 123.7 feet East of the point of beginning; thence Westerly at right angles to the last described parallel line a distance of 123.7 feet to the point of beginning, according to the plat thereof on file and of record in the Office of the Register of Deeds, and in and for Hennepin County, Minnesota (1209 Tyler St NE - Plate 10) by adding the Industrial Living Overlay District (ILOD) to the existing I2 District.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Thomas and April Kiel (BZZ-3302) to rezone the property at 3552 Aldrich Ave S from R2B to the R3 District to allow conversion of a single-family to a two-family dwelling 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 1/12/2007.

Ordinance 2007-Or-008 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3552 Aldrich Ave S to the R3 District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

JANUARY 12, 2007

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

ORDINANCE 2007-Or-008
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of Lot 7, Block 77, Remington's 2nd Addition to Minneapolis (3552 Aldrich Ave S - Plate 24) to the R3 District.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Zook-Stanley Holding Company, LLC (BZZ-3274) to rezone the property at 3506 Bloomington Ave from R2B to the C1 District for a proposed artist studio and office in an existing non-residential building 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 1/12/2007.

Ordinance 2007-Or-009 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3506 Bloomington Ave to the C1 District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-009
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of Lots 5 and 6, Block 9, Bloomington Avenue Addition to Minneapolis (3506 Bloomington Ave - Plate 26) to the C1 District.

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lyn-Lake Development Partners, LLC (BZZ-3283) to rezone the properties at 2924, 2928, 2932, 2936 Aldrich Ave S from C2 to the C3A District and extend the Pedestrian Overlay (PO) to the entire site, and a portion of 2900 Aldrich Ave S from I1 to the C3A District and adding the PO District for construction of the Aldrich Apartments - South Building, a 6-story, 146-unit, mixed use building with underground parking, 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 1/12/2007.

Ordinance 2007-Or-010 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2924, 2928, 2932, 2936 Aldrich Ave S to the C3A District and extend the Pedestrian Overlay (PO) to the entire site, and a portion of 2900 Aldrich Ave S to the C3A District and adding the PO District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-010
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of Lot 1, Block 31, Windom's Addition to Minneapolis (2924 Aldrich Ave S); Lot 2, Block 31, Windom's Addition to Minneapolis (2928 Aldrich Ave S); Lot 3, Block 31, Windom's Addition to Minneapolis (2932 Aldrich Ave S); and Lots 4, 5, and 6, Block 31, Windom's Addition to Minneapolis (2936 Aldrich Ave S) to the C3A District and extending the Pedestrian Overlay (PO) District to the entire site; and

that part of [the southern-most 30 feet of] Lot 6, Block 18, Windom's Addition to Minneapolis (a portion of 2900 Aldrich Ave S) to the C3A District and adding the PO District; (Plate 24).

Adopted 1/12/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lyn-Lake Development Partners, LLC (BZZ-3284) to rezone a portion of the property at 2900 Aldrich Ave S from I1 to the R6 District for construction of the Aldrich Apartments - North Building, a 98-unit, 6-story residential building with underground parking, 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 1/12/2007.

Ordinance 2007-Or-011 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning a portion of the property at 2900 Aldrich Ave S to the R6 District, was adopted 1/12/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-011
By Schiff
1st & 2nd Readings: 1/12/2007

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

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

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

That part of Lot 1, 2, 3, 4, 5, and that part of [northern-most 15.84 feet of] lot 6, Block 18, Windom's Addition to Minneapolis (a portion of 2900 Aldrich Ave S - Plate 24) to the R6 District.

Adopted 1/12/2007.

Z&P – Your Committee, having under consideration the Nokomis East Light Rail Transit Station Area Plan, a proposed policy framework for the future of the area served by the 50th Street/Minnehaha Park and VA Medical Center Light Rail Transit (LRT) stations on the Hiawatha Line, now recommends:

Concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Planning & Economic Development staff be adopted, and that said Plan be adopted as a small area plan, subject to the recommended changes identified in the Table of Public/Staff Comments and Recommended changes, with the following additional revisions:

A. Section 1.2.1: Replace “3-4 Storey Mixed Use” designation with “2-3 Storey Mixed Use.” Staff is directed to amend the remainder of the plan to reflect this change.

B. Section 2.10.2: “In its consideration of future development in the Yardville precinct, the City should develop more explicit guidelines for the potential transfer of the Mn/DOT property and Yardville ROW which preserve the spirit of the historic “Yardville” name and shared nature of the open space.”

C. Section 2.10.8: “Given that Yardville is within close proximity to the VA LRT station, higher density residential housing can be supported in this area. The type of residential development could range from detached single family to multi-family, and include a mix of owner-occupied and rental units. Given the amount of publicly owned land within the precinct, the sale of this property will be the first market opportunity. The subsequent development opportunities on this property will be determined partly by the purchaser. This is an opportunity for a public/private partnership which would involve market rate and affordable housing types.”

Adopted 1/12/2007.

Z&P – Your Committee, having under consideration the Bassett Creek Valley (BCV) Master Plan 2006, a proposed small area plan and replacement to the Bassett Creek Valley Master Plan 2000, for an area of approximately 230 acres bounded on the west by Cedar Lake Road, on the east by I-94, on the north by the Heritage Park development, and on the south by I-394, and an articulation of and amendment to the comprehensive plan's policies related to the BCV Area, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Planning & Economic Development staff be adopted, and that said Plan be adopted as a small area plan, subject to review and approval by the Metropolitan Council, and subject to the changes recommended by the City Planning Commission.

Adopted 1/12/2007.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of February, 2007, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 1/12/2007.

Hodges introduced the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, which were given their first reading and referred to the Zoning & Planning Committee (for review and potential revision to regulations for controls and variances related to residential infill construction of 1- 4 unit structures, including but not limited to, consideration of building mass/bulk, building height, setbacks, impervious surface, grading, definition of a story, definition of a half-story, definition of a basement, and site plan requirements), as follows:

Amending Chapter 520 related to Zoning Code: *Introductory Provisions*;
Amending Chapter 530 related to Zoning Code: *Site Plan Review*;
Amending Chapter 535 related to Zoning Code: *Regulations of General Applicability*;
Amending Chapter 537 related to Zoning Code: *Accessory Uses and Structures*;
Amending Chapter 546 related to Zoning Code: *Residence Districts*;
Amending Chapter 547 related to Zoning Code: *Office Residence Districts*;
Amending Chapter 548 related to Zoning Code: *Commercial Districts*.

Glidden moved that the application of Abbaa Senaa, LLC, dba Cedar Country Boy, 4164 Cedar Av S, for Grocery and Tobacco Licenses (new proprietor) to expire April 1, 2007 be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Seconded.

Adopted 1/12/2007.

Approved by Mayor Rybak 1/12/2007.

(Published 1/17/2007)

RESOLUTIONS

Resolution 2007R-016, honoring Ruth Sobcinski for her years of service and dedication to the City of Minneapolis, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-016

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

Honoring Ruth Sobcinski for her years of service and dedication to the City of Minneapolis.

Whereas, Ruth Sobcinski dedicated more than 29 years, 3 months, and 12 days to the City of Minneapolis and is retiring from her position as Office Support Specialist III, previously classified as Council Documents Indexer, reclassified from Clerk Typist II, and upgraded from Clerk Typist I, since she was hired in 1977. She grew into her current position as technology developed, shaped and improved all functions in the City Clerk's Office. Ruth contributed her organizing skills, coordinating abilities and her lessons in patience, dealing with the most difficult of difficult people while maintaining her quiet, respectful and professional demeanor; and

Whereas, Ruth began her career with the City Clerks' Elections Department in September 1977, just days before the Primary Election, and later that year moved to Council Indexing to assist and learn how to catalog, by subject, the City Council Proceedings; and

Whereas, during her tenure in the City Clerk's Office, Ruth indexed City Council actions consisting of 6,229 ordinance amendments; 15,870 resolutions; and thousands of committee reports. Ruth worked for two City Clerks, four Mayors and forty five different Council Members; and

Whereas, Ruth's knowledge, skills and dedication to her profession earned her the respect and friendship of colleagues, elected officials and customers and identified her as the "go to" person for Minneapolis' municipal code, the resource referenced daily by City departments and the public; and

Whereas, Ruth embraced bringing better information to the public with the implementation of Council "e-packets" and making Council information available to countless people on the internet; and

Whereas, Ruth's strength and spirit makes it possible for the City Clerk's office to be more like family than a traditional work environment; and

Whereas, Ruth also

- Can cite with "encyclopedic accuracy" all municipal codes, ordinances, resolutions and City Charter that have been enacted since the first Minneapolis "town council" was organized in 1858

- Has tirelessly and patiently updated Council Ward web pages with ongoing information
- Provided leadership, guidance, and training to numerous City Council, Mayor, City Clerk and other Minneapolis employees with a gentle combination of wisdom, grace and humor
- Has been an exemplary member of the American Federation of State, County and Municipal Employees (AFSCME) Local 9;

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

That we thank Ruth Sobcinski for her outstanding service and dedication to the City of Minneapolis.

Be It Further Resolved that we wish Ruth much happiness, good health and personal fulfillment in the years to come knowing she will go on to great new challenges and successes.

Adopted 1/12/2007.

Resolution 2007R-017, honoring the 2007 Reverend Dr. Martin Luther King, Jr. Essay Contest winners, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-017

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

Honoring the 2007 Reverend Dr. Martin Luther King, Jr. Essay Contest winners.

Whereas, the Minneapolis Civil Rights Commission was established in 1975 to implement Civil Rights policies through public information, education, mediation, conciliation and adjudication; and

Whereas, the Commission provides leadership in the areas of civil rights and carries forward the policies of the city through the prevention and elimination of bias and discrimination; and

Whereas, the Reverend Dr. Martin Luther King, Jr. believed that liberty, justice and freedom were the 'inalienable rights' of all men, women and children, and that all people were equal in the sight of God and deserving of dignity and self-worth; and

Whereas, the Reverend Dr. Martin Luther King, Jr. a recipient of the Nobel Prize, became a national hero whose birthday has been declared a national holiday by his nation's government; and

Whereas, Reverend Dr. Martin Luther King, Jr. inspired people and nations world-wide to strive in a non-violent manner for the human rights, civil liberties, and economic guarantees rightfully due people of all races; and

Whereas, the Minneapolis Civil Rights Commission established the Annual Rev. Martin Luther King, Jr. Essay Contest in 2005 as an opportunity to continue and renew this endeavor through education; and

Whereas, all sixth, seventh and eighth grade students who reside in Minneapolis were eligible to participate by submitting one entry on the topic, "Reflect on what you have learned about immigration to the United States: Contributions of immigrants to the USA in years past and today, treatment/mistreatment of immigrants past and present, historical background of responses to immigrants [laws and policies], or your own experiences." Include thoughts on how should the Universal Declaration of Human Rights, U.S. Bill of Rights, and the Minnesota Human Rights Act effect immigration policies. Students were asked to write their thoughts on all or some of the following questions: Do people have a human right to live wherever they choose on this earth? Why or why not? What recommendations do you have regarding the current controversy surrounding immigration to the United States?"; and

Whereas, the Minneapolis Commission on Civil Rights selected the following winners:

1st Prize awarded to Maddie Mosel, 8th grade, Susan B. Anthony Middle School

2nd Prize awarded to Elena Anderson, 7th grade, Northeast Middle School

3rd Prize awarded to Jessaymn Anderson, 8th grade, Anwatin Middle School

Honorable Mention awarded to Ali Zenisek, 8th grade, Lake Harriet Upper School

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:
That we commend the winners of the 3rd Annual Martin Luther King Essay Contest and encourage all people to live to the ideal that the Dr. Reverend King epitomizes.
Adopted 1/12/2007.

Resolution 2007R-018, honoring Senior Chief Petty Officer Thomas E. Higgins and Petty Officer 2nd Class Michael J. Holtz for their contributions to our nation, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-018

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

Honoring Senior Chief Petty Officer Thomas E. Higgins and Petty Officer 2nd Class Michael J. Holtz for their Contributions to Our Nation.

Whereas, the submarine service, known as the silent service, has protected and defended our nation for more than 100 years; and

Whereas, the City of Minneapolis is proud to have a Los Angeles-class, attack submarine named, in part, for our great city; and

Whereas, throughout the history of naval warfare, submarines have proven themselves in battle and in peacetime operations; and

Whereas, we pay homage to the memory of two USS Minneapolis – Saint Paul sailors, Senior Chief Electronics Technician Thomas Higgins, of Paducah, Kentucky and Sonar Technician 2nd Class Petty Officer Michael Holtz, of Lakewood, Ohio, who have given their lives while proudly serving their country; and

Whereas, special recognition goes to these outstanding sailors who have served with dedication and honor while making the ultimate sacrifice;

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

That the City Council honors Senior Chief Petty Officer Thomas E. Higgins and Petty Officer 2nd Class Michael J. Holtz, and expresses our deepest sympathies to their families, friends and shipmates and acknowledges their tremendous contributions to our nation.

Be It Further Resolved that the City of Minneapolis is thankful for the sacrifices made by the men and women serving in the United States Armed Forces.

Adopted 1/12/2007.

Resolution 2007R-019, honoring Stephanie Ball-Bailey for her community service and life long work on behalf of young people in the City of Minneapolis, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-019

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

Honoring Stephanie Ball-Bailey for her Community Service and Life Long Work on Behalf of Young People in the City of Minneapolis.

Whereas, Stephanie Ball-Bailey, a true citizen of Minneapolis, was an authentic friend of the city and all its people; and

Whereas, Stephanie Ball-Bailey, often at the forefront of youth development issues, was a tireless worker for the good of young people and accepted responsibility, demanded accountability and earned the respect of those on both sides of issues she espoused; and

Whereas, Stephanie Ball- Bailey was co-founder of the Minneapolis Chapter of MADDADS, and the 1st President of the Mom's Division of the Street Outreach team; and

Whereas, Stephanie Ball-Bailey was a leader in several Minneapolis organizations and projects, including Welfare to Work, Community Passages, Community Living Rooms, Toys for Tots, Community Mapping, Family Fitness, Juneteenth, and The People's Institute Undoing Racism and Beyond; and

Whereas, Stephanie Ball-Bailey collaborated with "Yo' The Movement" to create the "Where My Girls At" Conference aimed at young women and the Hip Hop Industry; and

Whereas, Stephanie Ball-Bailey's tireless advocacy for young people garnered the attention and respect of city, county and community Leaders throughout Minneapolis; and

Whereas, Stephanie Ball-Bailey worked at Freeport West for almost two decades and was actively engaged in Phillips Weed and Seed; and

Whereas, Stephanie Ball-Bailey as a Central Neighborhood resident was a strong advocate for the rights of young people and to reduce crime and violence; and

Whereas, Stephanie Ball-Bailey, citizen, activist, advocate, and mentor to many Southside youth and to others across the city and metro area, has left a lasting example for Minneapolis and its residents;

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

That we honor Stephanie Ball-Bailey for her tireless and invaluable work on behalf of young people, particularly African American Youth, in the City of Minneapolis.

Adopted 1/12/2007.

Resolution 2007R-020, recognizing The Science Museum Of Minnesota's Celebration Of Martin Luther King Day with the new exhibit – *RACE: Are We So Different?*, was adopted 1/12/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-020

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

**Recognizing The Science Museum Of Minnesota's Celebration Of Martin Luther King Day
with the new exhibit – *RACE: Are We So Different?***

Whereas, the Science Museum of Minnesota, in partnership with the American Anthropological Association, has developed a major traveling exhibition called *RACE: Are We So Different?* and is proud to host its national premiere and to manage the tour of the exhibition to cities around the U. S. during the next five years; and

Whereas, the educational goal of the *RACE* project is to help individuals of all ages better understand the origin and manifestations of race and racism in everyday life by investigating race and human variation through the framework of science; and

Whereas, the *RACE* exhibition explores the themes of the science of human variation, the history of the idea of race, and the contemporary experience of race and racism in the United States; and

Whereas, the St. Paul Travelers Foundation, The Saint Paul Foundation, The Minneapolis Foundation, the Archie D. and Bertha H. Walker Foundation have supported the creation of special resources and programs for teachers, families and adults, along with a series of *RACE* Talking Circles in which groups may engage in meaningful conversations about race and racism in our communities; and

Whereas, the *RACE* exhibition is an opportunity to build relationships among diverse communities and to increase the quantity and quality of conversations in our community;

Now, Therefore, be it Resolved by The City Council of The City of Minneapolis:

That we honor the Science Museum for hosting this exhibit and encourage the public to take advantage of the learning opportunities afforded by *RACE: Are We so Different?*

Adopted 1/12/2007.

UNFINISHED BUSINESS

PS&RS - Your Committee, having under consideration the Motor Vehicle Dealer - Used Only License held by Auto Mart Inc, dba Auto Mart, 4201 E Lake St, and having held a license hearing that concluded that the licensee failed to comply with zoning regulations relating to the site plan and failed to comply with building codes by constructing an addition to the building at 4201 E Lake Street without first submitting plans and obtaining a building permit, now recommends that the renewal license application for Auto Mart be denied.

Your Committee further recommends that in the event of an appeal by the licensee, that the Committee's license denial recommendation be stayed.

Samuels moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 1/12/2007.

Lilligren moved to adjourn to Wednesday, January 17, 2007, at 12:30 p.m. in the Council Chamber. Seconded.

Adopted upon a voice vote 1/12/2007.

Merry Keefe,
City Clerk.

Unofficial posting: 1/16/2007
Official posting: 1/18/2007
Corrections: 3/23/2007; 8/17/2007