

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF AUGUST 17, 2007

(Published August 25, 2007, in *Finance and Commerce*)

Council Chamber

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

Minneapolis, Minnesota

August 17, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda to include consideration of a motion to discharge the Committee of the Whole to consider *Statement of Principles - Rebuilding the I-35W Bridge*. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

Lilligren moved to further amend the agenda to include under New Business a notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements* (establishing standards and procedures for existing circus license requirements). Seconded.

Adopted upon a voice vote.

Remington recorded as voting "no".

Absent - Schiff.

The agenda, as amended, was adopted upon a voice vote 8/17/2007.

Absent - Schiff.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of August 3, 2007. Seconded.

Adopted upon a voice vote 8/17/2007.

Absent - Schiff.

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 8/17/2007.

Absent - Schiff.

Lilligren moved that the Committee of the Whole be discharged from further consideration of the *Statement of Principles - Rebuilding the I-35W Bridge*. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

Colvin Roy moved adoption of the *Statement of Principles - Rebuilding the I-35W Bridge*, as set forth in Petn No 272237 on file in the office of the City Clerk. Seconded.

Glidden moved to amend the *Statement of Principles - Rebuilding the I-35W Bridge* by adding the following language as a fifth bullet point under "Commitment to Improving Related Infrastructure", on page 2 of the Statement of Principles:

"That the new fifth lanes on the bridge should be dedicated for transit and high occupancy vehicles (HOV)." Seconded.

Adopted upon a voice vote.

Samuels moved to further amend the *Statement of Principles - Rebuilding the I-35W Bridge* by adding the following language as a sixth bullet point under "We believe:" on page 1 of the Statement of Principles:

"That the Minnesota Department of Transportation should set equal opportunity employment goals for minority and women equal to or above the current City of Minneapolis' goals." Seconded.

Adopted upon a voice vote.

Hofstede moved to further amend the *Statement of Principles - Rebuilding the I-35W Bridge* by adding the following language as a sixth bullet point under "Commitment to Improving Related Infrastructure", on page 2 of the Statement of Principles:

"That we address the impact of proposed changes on municipal streets in the corridor." Seconded.

Adopted upon a voice vote.

The Statement of Principles, as amended, was adopted 8/17/2007.

Glidden moved to reconsider the vote on the Statement of Principles. Seconded.

Adopted upon a voice vote.

Glidden moved to further amend the *Statement of Principles - Rebuilding the I-35W Bridge* by moving the fifth bullet point language contained in "Commitment to Improving Related Infrastructure" to be added as a seventh bullet point under the statement, "We believe:" as follows:

"That the new fifth lanes on the bridge should be dedicated for transit and high occupancy vehicles (HOV)." Seconded.

Adopted upon a voice vote.

The Statement of Principles, as amended, was adopted 8/17/2007.

## **PETITIONS AND COMMUNICATIONS**

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272210)

Hubbard Broadcasting, Inc (re property in vicinity of 3245-4th St SE & 3141 Eustis St SE): Termination & release of redevelopment contract by & among the Mpls Community Development Agency, St Croix Partners, LLC, Hubbard Broadcasting, Inc & Space Centers Enterprises, Inc.

Phillips Place Limited Partnership (re Phillips Place Coop, 1900-18 - 14th Ave S, 1901-15 - 13th Ave S & 1311-15 E 19th St): Amendment to Neighborhood Development Account deferred loan, extending balloon payment.

2603 James Ave N (OP No. 6829): Low bid of AA Contracting, Inc for new single family home construction.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (272211)

East Isles Neighborhood Phase I NRP Neighborhood Action Plan: Eighth modification of Plan supporting the Bridge Center for Youth's new facility.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272212)

2006 Annual Tax Increment Disclosure Report.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272213)

2007 Metropolitan Council Livable Communities Demonstration Account: Amended resolution authorizing submission & priority ranking of grant applications.

MN Department of Employment & Economic Development Grant Program: Authorizing agreements for redevelopment projects for Summer 2007.

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

**CIVIL RIGHTS (272214)**

Ball Park Agreement: Agreement with Minnesota Ballpark Authority for contract compliance services.

**HEALTH AND FAMILY SUPPORT SERVICES (272215)**

Alliance Home Visiting Services: Amendment to agreement with Hennepin County.

2007 Federal Temporary Assistance to Needy Families (TANF) Funding: Accept revenue; Appropriation; Grant-funded Family Support Specialist II position.

**INTERGOVERNMENTAL RELATIONS:**

**MN DEPARTMENT OF TRANSPORTATION (272216)**

Interstate 35W Bridge Collapse: I-35W/St Anthony Falls Bridge Replacement Presentation.

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

**LICENSES AND CONSUMER SERVICES (272217)**

Market Express (3159 Chicago Av): Grant Grocery, Off-Sale Beer and Grocery Licenses, subject to conditions.

Lumbers Express Market (10 S 5th St): Grant Grocery and Tobacco Dealer Licenses, subject to conditions.

Licenses: Applications.

**REGULATORY SERVICES (272218)**

Property at 1004 Irving Av N: Concur with recommendation of Nuisance Condition Process Review Panel to uphold Director of Inspections Order to demolish property.

**REGULATORY SERVICES (272219)**

Property at 2720-22 Penn Av N: Concur with recommendation of Nuisance Condition Process Review Panel to uphold Director of Inspections Order to demolish property.

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

**FIRE DEPARTMENT (272220)**

2007 Radiological Emergency Preparedness State Grant: Accept \$2,274 as reimbursement for participation in training; and approve appropriation.

Forest Fire Assistance: Accept \$40,672 from Minnesota Department of Natural Resources for reimbursement in assisting Hamm Lake with forest fire; and approve appropriation.

Structural Collapse Rescue Training: Accept proposal from SPEC Rescue International for training programs for fire suppression personnel and regional collapse rescue team.

**POLICE DEPARTMENT (272221)**

Security Cameras: Accept cash donation from Fairview Hospital for cameras for Cedar Riverside Neighborhood; and Approve appropriation.

**REGULATORY SERVICES (272221.1)**

Emergency Management and Preparedness Services: Execute Master Contracts for professional service providers up to \$250,000 on an as needed basis.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (272222)**

Runway Reconstruction: Federal Aviation Administration Safety Risk Management Process.

2007 SAFETEA-LU New Freedom Program: Application review.

**XCEL ENERGY (272224)**

Utility Pole Installation: 1926 Central Av NE.

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

PUBLIC WORKS AND ENGINEERING (272223)  
Currie Maintenance Facility: Dedicate to David J. Sonnenberg.  
Street Lighting Policy: Draft policy.

**WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (272225)  
2007 Financial Status Report: 2nd Quarter.  
FIRE DEPARTMENT (272226)  
June and July 2007 Budget Status Report.

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

ATTORNEY (272227)  
Legal Settlements: Anne Paulson.  
No-Fault Claim: Norma C. Miller.  
Kaplan, Kirsch, and Rockwell, LLP: Master Legal Services Agreement.  
Auto-Theft Emergency Grant: Accept and execute agreement.  
BUSINESS INFORMATION SERVICES (BIS) (272228)  
Frontlink Citizen Relationship Management (CRM) application: Unisys/Lagan contract C-21958 amendment.  
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272229)  
Lease Agreement: Hennepin County Regional Railroad Authority for site of Columbia Park Neighborhood Gateway.  
FINANCE DEPARTMENT (272230)  
Gift Acceptance: I-35W Bridge.  
Financial System Replacement Project: Revised funding plan.  
HUMAN RESOURCES (272231)  
Civil Service Commissioner Reappointment: Ellen McVeigh.

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

CITY COUNCIL (272232)  
Interim Ordinance (Moratorium): Ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances by adding a new Chapter 584, providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave N, 45th Ave N, Upton Ave N, and 41<sup>st</sup> Ave N.  
COUNCIL MEMBER (272233)  
Council Member Paul Ostrow: Committee on Urban Environment (CUE): Reorganization of the Committee on Urban Environment; Mayoral and Council appointments.  
HERITAGE PRESERVATION COMMISSION (272234)  
Heritage Preservation Commission (HPC) Appointment: Council appointment of Kevin Kelley.  
INSPECTIONS/BOARD OF ADJUSTMENT (272235)  
Appeals:  
Frattallone's Ace Hardware (3915 E Lake St): Re decision of BOA denying variance for an 8 foot tall decorative fence.  
University House (709 7th St SE): Re decision of the Zoning Board of Adjustment denying an appeal of the Zoning Administrator that the property violates the maximum occupancy in the R2B District.  
PLANNING COMMISSION/DEPARTMENT (272236)  
Appeal:  
DeLaSalle Athletic Facility (25 W Island Ave and 201 E Island Ave): Re decision of the CPC denying applications for conditional use permits and site plan review.

Rezoning:

Vantage Flats (5341, 5345 and 5359 Minnehaha Ave).

Vacations:

DeLaSalle Athletic Facility (25 W Island Ave and 201 E Island Ave): A portion of Grove Street for construction of the DeLaSalle Athletic Facility.

Minneapolis Park & Recreation Board (MPRB) (17th Ave N east of West River Road): 17th Ave N, relating to the MPRB Above the Falls Master Plan.

**MOTIONS (See Rep):**

COUNCIL MEMBER (272237)

Council Members Colvin Roy and Glidden: Statement of Principles for the rebuilding of the I-35W Bridge.

**FILED:**

MINNESOTA STATE OFFICES-State Auditor (272238)

City of Mpls, Management & Compliance report for yr ended 12/31/2006.

PARK BOARD (272239)

Park and Recreation Board, Mpls, Annual Financial Report 12/31/2006

*The following reports were signed by Mayor Rybak on August 22, 2007 unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** - Your Committee, having under consideration the redevelopment contract by and among the Minneapolis Community Development Agency (MCDA), St. Croix Partners, LLC, Hubbard Broadcasting, Inc and Space Center Enterprises, Inc for property in the vicinity of 3245 - 4<sup>th</sup> St SE and 3141 Eustis St SE, now recommends that the City of Minneapolis, as assignee of MCDA, formally terminate and release said redevelopment contract and related agreements, with the following conditions: a) The University of Minnesota (U of M) will fence and landscape the site consistent with City requirements for parking lots; b) The U of M will submit its plans for development of the site for regulatory review and approval under the City's zoning code.

Your Committee further directs City Attorney staff to research whether the subject property needs to be contiguous to the University of Minnesota campus in order to qualify for the constitutional exemption from local land use controls asserted by the University, as well as any existing formal opinions or court cases that may have dealt with issues of a land grant university as relates to regulatory processes.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote 8/17/2007.

**Comm Dev** - Your Committee recommends approval of an amendment to the Community Planning & Economic Development Neighborhood Development Account deferred loan with Phillips Place Limited Partnership, extending the balloon payment due date from August 18, 2007 to August 18, 2021, in order for the rent levels at the 23-unit affordable townhouse development (1900-18 - 14th Ave S, 1901-15 - 13th Ave S & 1311-1315 E 19th St) to remain affordable at 50% of Area Median Income during this

time, and that the proper City officers be authorized to execute necessary documents relative to said amendment.

Adopted 8/17/2007.

Absent - Hodges.

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

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low responsive bid submitted to the Department of Community Planning & Economic Development on OP No. 6829 from AA Contracting, Inc, in the amount of \$203,720, to furnish and deliver all labor, materials, equipment and incidentals necessary to construct a new single family home, garage and site work at 2603 James Ave N.

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

Adopted 8/17/2007.

Absent - Hodges.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution amending Resolution 2007R-247 entitled "Identifying the need for Livable Communities Demonstration Account Funding and authorizing applications for grant funds" (passed 5/25/2007), amending paragraph four of said resolution relating to 2007 Metropolitan Council Livable Communities Demonstration Account grant funding to include information directly from Section 11.F. of the applications, at the request of the Metropolitan Council.

Adopted 8/17/2007.

Absent - Hodges.

Resolution 2007R-421, amending Resolution No. 2007R-247 entitled "Identifying the need for Livable Communities Demonstration Account Funding and authorizing applications for grant funds," passed May 25, 2007, amending paragraph four to include information directly from Section 11.F of said applications, was adopted 8/17/2007 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-421  
By Goodman and Ostrow**

**Amending Resolution No. 2007R-247 entitled "Identifying the need for Livable Communities Demonstration Account Funding and authorizing applications for grant funds," passed May 25, 2007.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by deleting the words "as described in the project applications" from the fourth resolving paragraph and inserting in lieu thereof the language, "and states that this representation is based on the following reasons and supporting facts:

Bystrom Bros./Franklin Station Redevelopment: A portion of the project is already recommended for funding as part of the City's capital process. Seward has no Neighborhood Revitalization Program (NRP) funds remaining in either phase except a small amount directed to housing. Public road improvements are not eligible under the Affordable Housing Trust Fund program guidelines that target funds for specific affordable housing units but not associated public improvements. Elements are not eligible for CDBG or HOME funding. The Transit for Livable Communities 2007 grant for the LRT pedestrian/bike path Franklin to Midtown Greenway section was not funded. Federal sources have

already been used to capacity. Over \$ 4.2 million has already been received from Federal sources through TEA-21 TPEDD, STP and TE funding of portions of the Franklin Station. No appropriate non-local funding sources have been identified for storm water/gray water elements.

Jackson Street Northeast Artist Affordable Housing: The applicant has considered and applied for every avenue of funding that seemed appropriate for this project. Project sources include an appropriate and aggressive mix of city, state, county, Federal, and private grant and subsidy sources.

Longfellow Station Project: The Longfellow Station project had requested a grant of \$500,000 for infrastructure costs but was awarded only \$100,000 for infrastructure costs from Hennepin County from its TOD grant program. Said funding request was recently been approved. However, the request was for assistance for infrastructure costs other than the storm water management system costs and site preparation costs. The applicant has also requested funding assistance from the City of Minneapolis to help fill housing affordability funding gaps. The project hopes to utilize further assistance from the City of Minneapolis, Hennepin County, MHFA, etc. for other more traditional project cost gaps (housing affordability, infrastructure, structured parking, etc.). No non-local funding sources have been identified that are currently available for demolition/site preparation costs by a for-profit development as proposed for this project. Consultants have been retained to research any such opportunities but no sources have been yet identified. Numerous Federal grant programs have been discontinued that formerly could have assisted the project.

SEMI/University Research Park: East Granary Road: All available local funding sources have been considered and incorporated except tax increment. There is no tax increment generated at present as a result of the project and that is the reason that it has not been used. State GO Bonds sought annually since 2002. The City will continue to pursue this potential source and has included \$6,850,000 in State bonds as a part of the funding for the project

West Broadway Curve: General Obligation bonds are only available in a limited amount. Special assessments are not feasible in this area, as it places additional hardship on current struggling property owners and provides a disincentive for future investment in the area. Tax increment financing (TIF) is needed to fund development gaps within the various phases of the project; while eligible to fund the various public improvements proposed, use of TIF in this manner would widen the financial gaps already facing development phases. Tax exempt housing revenue bonds and CPED Affordable Housing Trust Fund proceeds cannot be used to finance public improvements as described in this application. Low-income housing tax credits, Federal Home Loan Bank, Minnesota Housing and Hennepin County Affordable Housing Incentive Fund programs may only be used in connection with the building construction costs for each development phase. Hennepin County Transit Oriented Development funding will be applied for in the spring of 2008.”

Adopted 8/17/2007.

Absent - Hodges.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the East Isles Neighborhood Revitalization Program (NRP) Phase I Neighborhood Action Plan, now recommends:

a) Approval of the eighth modification of said Plan, creating a new housing strategy supporting the capital campaign for the Bridge Center for Youth’s new facility and moving \$65,000 from an existing strategy to fund this support; and

b) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said modification.

Adopted 8/17/2007.

Absent - Hodges.

**Comm Dev & W&M/Budget**—Your Committee, having under consideration Minnesota Department of Employment and Economic Development (DEED) Redevelopment Grant applications for Summer 2007, now recommends passage of the accompanying resolution authorizing the proper City officers to apply to the DEED Redevelopment Grant Program for redevelopment projects at or known as and ranked as follows: 1) Heritage Park (Phases III and IV); 2) Bassett Creek Valley—Phase I (Linden Yards Project); and 3) SEMI/URP (University Research Park) Bioscience Zone. Projects also to be included,

but not ranked, are Longfellow Station, Minnesota Innovation Center, Bystrom Brothers/Franklin Station, and Spirit on Lake Cooperative.

Your Committee further recommends that the proper City officers be authorized to execute agreements to implement the DEED Redevelopment Grant Program with regard to any grants awarded to projects located within the City of Minneapolis.

Adopted 8/17/2007.

Absent - Hodges.

Approved by Mayor Rybak 8/17/2007.

(Published 8/21/2007)

Resolution 2007R-422, authorizing application to the Minnesota Department of Employment and Economic Development Redevelopment Grant Program for redevelopment projects at or known as Heritage Park (Phases III and IV), Bassett Creek Valley – Phase I (Linden Yards Project), SEMI/URP (University Research Park) Bioscience Zone, Longfellow Station, Minnesota Innovation Center, Bystrom Brothers/Franklin Station, and Spirit on Lake Cooperative, was adopted 8/17/2007 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-422  
By Goodman and Ostrow**

**Authorizing application to the Minnesota Department of Employment and Economic Development (DEED) Redevelopment Grant Program for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for the following projects that are more completely described in the Redevelopment Grant applications that were submitted to the Minnesota Department of Employment and Economic Development (DEED) on August 1, 2007, and ranked as follows: 1) Heritage Park (Phases III and IV); 2) Bassett Creek Valley – Phase I (Linden Yards Project); and 3) SEMI/URP (University Research Park) Bioscience Zone. Projects also to be included, but not ranked, are Longfellow Station, Minnesota Innovation Center, Bystrom Brothers/Franklin Station, and Spirit on Lake Cooperative; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial and financial capacity to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the State of Minnesota/DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Director or Deputy of the Department of Community Planning and Economic Development to apply to the Minnesota Department of Economic Development for Redevelopment Program grant funding for the above-referenced projects and the Finance Officer, Citywide Contracts Administrator or City Purchasing Agent to execute such agreements as are necessary to implement the projects.

Adopted 8/17/2007.

Absent - Hodges.

Approved by Mayor Rybak 8/17/2007.

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

**HE&E & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute amendment #4 to agreement #22028 with Hennepin County for Alliance Home Visiting Services to extend the termination date from December 31, 2007, to December 31, 2009, to provide funding for home visiting services for pregnant and parenting teenagers ages nineteen (19) and under who do not qualify for State Temporary Assistance to Needy Families (TANF) home visiting funds, with specific emphasis on members of the Latino Community.

Adopted 8/17/2007.

**HE&E & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minnesota Ballpark Authority to provide contract compliance services to monitor of the employment and contracting percentages of women and people of color and the participation of minority skilled and unskilled workers utilized during the construction of the new Minnesota Twins Stadium. Further, passage of the accompanying Resolution appropriating \$15,000 in 2007 and that the Finance Officer be authorized to appropriate \$25,000 per year thereafter through 2009 to the Department of Civil Rights.

Adopted 8/17/2007.

**RESOLUTION 2007R-423  
By Benson 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 Civil Rights Department in the General Fund (0100-300-3030-5130) by \$15,000 and increasing the revenue estimate (0100-300-3030-3455) by \$15,000.

Adopted 8/17/2007.

**HE&E & W&M/Budget** - Your Committee, having under consideration Federal Temporary Assistance to Needy Families (TANF) Funding for 2007, now recommends the following:

a. That the proper City officers be authorized to accept an estimated revenue of \$238,664 in Federal Temporary Assistance to Needy Families (TANF) funds from the Minnesota Department of Health, to identify and connect pregnant and parenting adolescents with public health nursing home visiting, to promote the health and well-being of children and families, and to promote family economic self-sufficiency;

b. Passage of the accompanying Resolution appropriating \$238,664 to the Department of Health & Family Support;

c. That the Department of Health & Family Support be authorized to hire 1.0 Full Time Equivalent (FTE) grant-funded Family Support Specialist II position to be added as a "systems navigator" for the TANF program; and

d. That the Director of Health and Family Support be directed to report to the Committee at the time of any future TANF funding grant with a plan related to building capacity in private organizations for the Systems Navigator function.

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

Adopted upon a voice vote.

**HE&E & W&M/Budget** - Your Committee, having under consideration Federal Temporary Assistance to Needy Families (TANF) Funding for 2007, now recommends the following:

a. That the proper City officers be authorized to accept an estimated revenue of \$238,664 in Federal Temporary Assistance to Needy Families (TANF) funds from the Minnesota Department of Health, to identify and connect pregnant and parenting adolescents with public health nursing home visiting, to promote the health and well-being of children and families, and to promote family economic self-sufficiency;

b. Passage of the accompanying Resolution appropriating \$238,664 to the Department of Health & Family Support;

c. Council authorization for the proper City officials to issue a Request for Proposals for contracted TANF services for a period not to exceed two years, contingent upon approval of the RFP by the Permanent Review Committee. Services to be provided under contract are the development of organizational referral relationships to identify pregnant teens and link them to public health nursing home visiting and other services.

The substitute report was adopted 8/17/2007.

**RESOLUTION 2007R-424  
By Benson 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 Health & Family Support Department in the Federal Grants Fund (0300-860-8612-4000) by \$238,664 and increasing the revenue estimate (0300-860-8612-3210) by \$238,664.

Adopted 8/17/2007.

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

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Market Express, 3159 Chicago Av, for Grocery, Off-Sale Beer and Tobacco Dealer Licenses, subject to conditions.

Glidden moved that the report be postponed. Seconded.

Adopted upon a voice vote 8/17/2007.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Lumbers Express Market, 10 S 5th St, for Grocery and Tobacco Dealer Licenses, subject to conditions.

Adopted 8/17/2007.

Resolution 2007R-425, granting the application of Lumbers Express Market, 10 S 5th St, for Grocery and Tobacco Dealer Licenses, subject to conditions, was adopted 8/17/2007 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-425  
By Samuels**

**Granting the application of Lumbers Express Market, 10 S 5th St, for Grocery and Tobacco Dealer Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Caravan Distributing Inc, dba Lumbers Express Market, 10 S 5th St, for Grocery and Tobacco Dealer Licenses (new proprietor) to expire April 1, 2008, subject to the following conditions:

1. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), single hollowed-out cigars sometimes referred to as blunts, Brillo Pads or Chore Boys, and small zip lock bags, also known as jewelry bags. The business also agrees not to supply matches to non-tobacco customers.

2. All windows will be 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.

3. The licensee shall comply with Section 259.230 of the Minneapolis Code of Ordinances governing surveillance cameras, which states that all new business applicants for grocery stores and tobacco dealers must immediately install surveillance cameras.

4. The licensee will provide formal training to all staff on how to avoid sales of tobacco products to minors.

5. The licensee shall clean the premises of litter and trash daily, including the area within 100 feet of the property line and dumpster area, in accordance with Section 259.125 of the Minneapolis Code of Ordinances.

6. The licensee agrees to display a copy of these conditions alongside the business license certificate, clearly visible to customers and inspectors.

Adopted 8/17/2007.

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

Adopted 8/17/2007.

Resolution 2007R-426, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/17/2007 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-426**

**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:

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

106 Enterprises LLC, dba Harvey's Bar & Grill, 106 3rd St N (change in ownership from Harvey's Operations LLC)

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

Oceanaire Minneapolis Restaurant Company, dba Oceanaire Seafood Room, 1300 Nicollet Mall (change in ownership from Oceanaire Restaurant Company Inc)

HJH Inc, dba Uptown Thai Chili, 2650 Hennepin Av (change from On-Sale Wine with Strong Beer)

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

HJH Inc, dba Sawatdee Uptown, 2650 Hennepin Av (internal transfer of shares)

**Off-Sale Beer, to expire April 1, 2008**

Latino Groceries Inc, dba Supermercado Latino, 2312 Central Av NE (new business).

Adopted 8/17/2007.

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

Adopted 8/17/2007.

## AUGUST 17, 2007

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Resolution 2007R-427, granting applications for Business Licenses, was adopted 8/17/2007 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-427 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 August 17, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272217):

Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Pet Shop; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle; Tobacco Dealer.

Adopted 8/17/2007.

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

Adopted 8/17/2007.

Resolution 2007R-428, granting applications for Gambling Licenses, was adopted 8/17/2007 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-428 By Samuels**

#### **Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

##### **Gambling Class B**

VFW Post 246 Ballentine Aux, dba VFW Post 246 Ballentine Aux,  
2916 Lyndale Av S (Site: VFW Post #246, 2916 Lyndale Av S)

##### **Gambling Lawful Exempt**

Accessibility Inc, dba Accessibility Inc, 360 Hoover St NE  
(Raffle September 13, 2007)

Clare Housing, dba Clare Housing, 929 Central Av NE (Bingo & Raffle September 22, 2007 at Zurhah Shrine Center, 2540 Park Av S)

St. John the Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffles, Paddlewheels & Pulltabs  
October 21, 2007).

Adopted 8/17/2007.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine License held by El Pantano Restaurant, 417 E Lake St.

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

Adopted upon a voice vote 8/17/2007.

**PS&RS** – Your Committee, having under consideration the property located at 1004 Irving Av N which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Demolish the property having been mailed to the property owner in 2006, which was subsequently appealed to the Nuisance Condition Process Review Panel who held a hearing on July 12, 2007, now recommends concurrence with the recommendation of the Panel that the Director of Inspections’ Order to Raze the building located at 1004 Irving Av N be upheld, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 8/17/2007.

**PS&RS** – Your Committee, having under consideration the property located at 2720-22 Penn Av N which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Demolish the property having been mailed to the property owner in 2006, which was subsequently appealed to the Nuisance Condition Process Review Panel who held a hearing on July 12, 2007, now recommends concurrence with the recommendation of the Panel that the Director of Inspections’ Order to Raze the building located at 2720-22 Penn Av N be upheld, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 8/17/2007.

**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 \$2,274 as reimbursement from the Hennepin County 2007 Radiological Emergency Preparedness State Grant for participation in the 2007 Radiological Emergency Preparedness Training. Further, passage of the accompanying resolution appropriating \$2,274 to the Fire Department.

Adopted 8/17/2007.

**RESOLUTION 2007R-429  
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 Fund (060-280-2820) by \$2,274 and increasing the Revenue Source (060-280-2820 - Source 3215) by \$2,274.

Adopted 8/17/2007.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$40,672 from the Minnesota Department of Natural Resources as reimbursement of costs incurred by the Fire Department in sending fire personnel to Ham Lake to assist with the forest fire. Further, passage of the accompanying resolution appropriating \$40,672 to the Fire Department.

Adopted 8/17/2007.

**AUGUST 17, 2007**

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**RESOLUTION 2007R-430  
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 - Other Fund (060-280-2820) by \$40,672 and increasing the Revenue Source (060-280-2820 - Source 3215) by \$40,672.

Adopted 8/17/2007.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept the proposal submitted by SPEC Rescue International to provide structural collapse rescue training programs, in the amount of \$46,014 for each training, for the Minneapolis Fire Department fire suppression personnel and surrounding departments participating in a regional collapse rescue team.

Further, that Fire Department and City Attorney staff work on the development of an agreement with SPEC Rescue International to conduct the specialized training programs for one year, with an option to renew yearly for an additional four years. The annual amount of the training shall be in an amount up to \$150,000 per year to accommodate training twice per year, should funding become available.

Adopted 8/17/2007.

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying resolutions:

- a. Authorizing the Police Department to accept a cash donation for security cameras.
- b. Appropriating \$15,000 to the Police Department.

Adopted 8/17/2007.

**RESOLUTION 2007R-431  
By Samuels and Ostrow**

**Authorizing the Police Department to accept a cash donation for security cameras.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a cash donation from Fairview Hospital, in the amount of \$15,000, for the purchase of security cameras for the Cedar Riverside Neighborhood.

Adopted 8/17/2007.

**RESOLUTION 2007R-432  
By Samuels and Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P300) by \$15,000.

Adopted 8/17/2007.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute three-year Master Contracts with the following non-profits and/or professional service providers for emergency management and emergency preparedness services in an amount up to \$250,000 on an as needed basis:

EarthTec; Lane Consulting; Memorial Institute for the Prevention of Terrorism; LBL Technology Partners; Winbourne & Bostas, Inc; Richard J Larkin; Response Systems; Yale New Haven for Emergency Preparedness and Disaster Response; Center for Public Protection.

Adopted 8/17/2007.

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

**T&PW** - Your Committee recommends that the Currie Maintenance Facility (1200 Currie Av N) be dedicated to David J. Sonnenberg, City Engineer from 1995 - 2002.

Your Committee further recommends that the City Engineer be directed to secure an appropriate plaque, arrange for installation, and conduct a dedication ceremony honoring Mr. Sonnenberg.

Adopted 8/17/2007.

**T&PW** - Your Committee, having received and filed a draft Minneapolis Street Lighting Policy, as set forth in Petition No 272223 on file in the office of the City Clerk, now recommends that the proper City officers be directed to seek public input regarding the draft policy.

Adopted 8/17/2007.

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

**W&M/Budget** - Your Committee, having received the recommendation of the Executive Committee for the reappointment of Ellen McVeigh to serve as Minneapolis Civil Service Commissioner for a term ending February 29, 2010, and having held a public hearing thereon, now recommends approval of said reappointment.

Adopted 8/17/2007.

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

Adopted 8/17/2007.

Resolution 2007R-433, authorizing settlement of the legal claims of Anne Paulson, was adopted 8/17/2007 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-433**

**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of Anne Paulson v. City of Minneapolis, by payment of \$9,000, payable to Anne Paulson and McCoy, Peterson & Jorstad, Ltd.; payable from the Self Insurance Fund (6900-150-1500-4000); and

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

Adopted 8/17/2007.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney, to approve the initial authorization to submit all current and ongoing bills relating to the no-fault claimant Norma C. Miller directly to the City Finance Officer for payment following review and signature by the City Attorney's designee pursuant to the procedures set forth in Article XIII, Section 16.1120 of the Minneapolis Code of Ordinances, payable from the Self Insurance Fund (6900-150-1500-8400).

Adopted 8/17/2007.

**W&M/Budget** - Your Committee, having under consideration the lawsuit against the Metropolitan Airports Commission to enforce noise mitigation and abatement relating to the Minneapolis/St. Paul Airport, now recommends that the proper City officers be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and Kaplan, Kirsch and Rockwell, LLP so that the compensation payable under said agreement not exceed \$1,200,000 for the term of the agreement.  
Adopted 8/17/2007.

**W&M/Budget** - Your Committee recommends that the City Attorney be authorized to accept and execute a grant agreement with the State of Minnesota, Department of Public Safety in the amount of \$27,000, to assist eligible crime victims of auto theft with the costs of vehicle impoundment during a two-year period, (as set forth in Petn No 272227).

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the City Attorney's Office to reflect receipt of said funds.  
Adopted 8/17/2007.

**RESOLUTION 2007R-434  
By Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Attorney's Office in the Grants - Other Fund (0600-140-1440) by \$27,000, and increasing the revenue source by \$27,000.

Adopted 8/17/2007.

**W&M/Budget** - Your Committee, having under consideration the Unisys/Lagan Technologies contract C-21958 for support of the Frontlink Citizen Relationship Management (CRM) solution, now recommends the following:

- a) Authorize proper city officers to amend the Unisys/Lagan CRM contract by decreasing the amount by \$444,006 for discontinuation of support during years 3, 4, and 5; and
- b) Approve execution of a contract with Lagan Technologies for support of the Frontlink CRM solution for an estimated amount of \$375,000.

Adopted 8/17/2007.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment #2 to Lease Agreement #73-11011 with the Hennepin County Regional Railroad Authority, as lessor and the City, as lessee, for the site of Columbia Park Neighborhood Gateway, for a term of 60 months, from September 1, 2007 through August 31, 2012.

Adopted 8/17/2007.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept donations made to the City of Minneapolis, as set forth in Petn No 272227 on file in the Office of the City Clerk, relating to the I-35W Bridge.

Ostrow moved that the Petition referred to in the report be amended by substituting a new donation list. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/17/2007.

**RESOLUTION 2007R-435  
By Ostrow**

**Acceptance donations made to the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:  
That the proper City officers be authorized to accept the donations made to the City of Minneapolis.  
Adopted 8/17/2007.

**W&M/Budget** - Your Committee, having under consideration the Financial System Funding Plan, now recommends the following:

- a) Approval of the revised Financial System Replacement funding plan, as set forth in Petn No 272230 on file in the Office of the City Clerk; and
  - b) Passage of the accompanying resolution amending the 2007 revenue and expense transfer budgets to carry out the intent of the revised funding plan.
- Adopted 8/17/2007.

**RESOLUTION 2007R-436**  
**By Ostrow**

**Amending The 2007 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) decrease the appropriation for the Interfund Transfers Agency in the Municipal Parking - Enterprise Fund (7500-127-1270-9010) by \$8,000,000; and transfer to the General Fund (0100-127-1270-3875); and
  - b) decrease the appropriation for the Interfund Transfers Agency in the General Fund (0100-127-1270-9064) by \$8,000,000; and transfer to the Intergovernmental Services Fund (6400-127-1270-3810).
- Adopted 8/17/2007.

**The WAYS & MEANS/BUDGET and ZONING & PLANNING Committees submitted the following report:**

**W&M/Budget & Z&P** – Your Committee, having under consideration the “Make Central Avenue Great” Plan (vicinity of Central Avenue from 7<sup>th</sup> Avenue NE to 37<sup>th</sup> Avenue NE), now recommends that proper City officers be authorized to execute a contract with Cuningham Group, Inc., for consultant services for development of said plan for an amount not to exceed \$120,000.  
Adopted 8/17/2007.

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

**Z & P** - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 584 *Providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave North, 45th Ave North, Upton Ave North, and 41st Ave North*, now recommends that said ordinance be given its second reading for amendment and passage.  
Adopted 8/17/2007.

Ordinance 2007-Or-060 amending Title 21, by adding a new Chapter 584 of the Minneapolis Code of Ordinances relating to *Interim Ordinances: Providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave North, 45th Ave North, Upton Ave North, and 41st Ave North*, to allow for the completion of a study to inform regulation of future uses in this area, was adopted 8/17/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

AUGUST 17, 2007

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

**ORDINANCE 2007-Or-060**  
**By Johnson**  
**Intro & 1<sup>st</sup> Reading: 6/29/2007**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 8/17/2007**

**Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 584 relating to *Interim Ordinances: Providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave North, 45th Ave North, Upton Ave North, and 41st Ave North.***

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 584 to read as follows:

**584. Providing for a moratorium on establishment or change of retail sales and services uses within the area bounded by Lyndale Ave North, 45th Ave North, Upton Ave North, and 41st Ave North.**

**584.10. Authority.** Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

**584.20. Findings and purpose.** The city council is concerned about the number of foreclosed commercial properties within the study area and has enacted an interim ordinance in order to allow for the completion of a study to inform regulation of future uses in this area. The appropriate revisions to the city's official controls can ensure that the establishment or change of retail sales and services uses in the area will not undermine the future orderly development of the area. The city finds that this interim ordinance should be adopted to protect this planning process and the health, safety, and welfare of the citizens.

**584.30. Zoning study.** All parcels within the area bounded by Lyndale Avenue North, 45<sup>th</sup> Avenue North, Upton Avenue North and 41<sup>st</sup> Avenue North, are hereby declared to be an interim zoning study area with respect to the establishment or change of retail sales and services uses. The planning division of the community planning and economic development department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the business licensing services division of regulatory services department, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

**584.40. Restrictions.** For a period of one (1) year from the date of introduction of this ordinance on June 29, 2008, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for building construction that allow for the establishment or change of retail sales and services uses by the zoning code shall be allowed or granted by any city department for the study area consisting of parcels within the area bounded by Lyndale Avenue North, 45<sup>th</sup> Avenue North, Upton Avenue North and 41<sup>st</sup> Avenue North. These restrictions shall not apply to the issuance of permits for any of the following:

1) Development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date of this interim ordinance;

2) Development for which complete applications have been received by the planning division of the community planning and economic development department prior to the effective date of this interim ordinance.

**584.50. Hardship.** In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 8/17/2007.

**Z&P** - Your Committee, having under consideration the appeal filed by Andrew Faulkner, on behalf of Frattallone's Ace Hardware, from the decision of the Board of Adjustment which denied the application for variance to construct an eight (8) foot tall decorative fence that would encompass a new outdoor garden sales area at 3915 E Lake St, now recommends that said appeal be granted, and the application be approved, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 8/17/2007.

**Z&P** - Your Committee, having under consideration the appeal filed by DeLaSalle High School from the decision of the Planning Commission denying applications for: a) conditional use permit to allow an athletic field; b) conditional use permit to allow light fixtures in the Shoreland Overlay District in excess of 35 feet high; and c) site plan review, all for the DeLaSalle Athletic Facility, an outdoor athletic field for football and soccer with associated seating, a press box, concession and storage structures at 25 W Island Ave and 201 E Island Ave, now recommends that notwithstanding staff recommendation, that said appeal be granted and that the applications be approved subject to conditions as follows:

a) Conditional use permit to allow an athletic field: 1. The public path around the field will not be gated; 2. The public path will be of a consistent material throughout with the exception of areas previously occupied by Grove St right-of-way; 3. Signage at path entrances/exits will explain the public nature of the path; 4. A landscape buffer of at least 5 feet between the path and the existing building will be provided; 5. CPED/Planning will review final site plans and elevation drawings; 6. Approvals are valid for one (1) year, unless an extension is granted by the Zoning Administrator; 7. The applicant will promote walking, biking, carpool and other alternative methods of transportation to games; 8. Signage on parking for DeLaSalle will state that parking is a priority for away teams; 9. 150 parking spaces shall be contracted for home games with shuttle service; said parking can be provided by the Park Board land and/or lease agreement; and 10. DeLaSalle shall work with opposing teams' schools to encourage bussing to games.

b) Conditional use permit to allow light fixtures in the Shoreland Overlay District in excess of 35 feet high: 1. CPED/Planning will review final site plans and elevation drawings; 2. Approvals are valid for one (1) year, unless an extension is granted by the Zoning Administrator; 3. Lighting will be used for up to eight (8) varsity football games, ten (10) girls' soccer games, ten (10) boys' soccer games, and up to an additional fifteen (15) evening events annually; and 4. All lights shall be off at 10:15 p.m.

c) Site plan review: 1. The public path around the field will not be gated; 2. The public path will be of a consistent material throughout with the exception of areas previously occupied by Grove St right-of-way; 3. Signage at path entrances/exits will explain the public nature of the path; 4. A landscape buffer of at least 5 feet between the path and the existing building will be provided; 5. CPED/Planning will review final site plans and elevation drawings; and 6. Approvals are valid for one (1) year, unless an extension is granted by the Zoning Administrator.

Your Committee further recommends that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 8/17/2007. Yeas, 10; Nays, 3 as follows:

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

Nays - Gordon, Hofstede, Glidden.

Approved by Mayor Rybak 8/17/2007.

(Published 8/21/2007)

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of the Minneapolis Park and Recreation Board (MPRB) to vacate 17th Ave N east of West River Rd (#1523), for proposed public trails and associated features of the *MPRB Above the Falls Master Plan*, subject to retention of easement rights by Qwest and the City of Minneapolis, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 8/17/2007.

Resolution 2007R-437, vacating part of 17th Avenue North, North Washington Industrial Center 2nd Addition to Minneapolis (#1523), was adopted 8/17/2007 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-437**

**By Schiff**

**Vacating part of 17th Avenue North, North Washington Industrial Center 2nd Addition to Minneapolis (#1523).**

Resolved by The City Council of The City of Minneapolis:

That all that part of 17<sup>th</sup> Avenue North lying east of West River Road North, and south of Outlot A, and Park 1 and Walkway; and, north of Outlot B, and Park 2 and Walkway, North Washington Industrial Center 2<sup>nd</sup> Addition to Minneapolis, all according to the plat of record at the Hennepin County Records Office, Minneapolis, Minnesota, are hereby vacated except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis and Qwest, 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 Qwest: The west 10 feet of the street to be vacated;

As to the City of Minneapolis: A 30 foot Storm Sewer Easement being 15 feet north and south of the centerline of the described area (17<sup>th</sup> Avenue North) 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 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 8/17/2007.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of MDI Limited Partnership #64 (BZZ-3619) to rezone the properties at 5341, 5345 and 5359 Minnehaha Ave from C1 with the Mississippi River Overlay District to OR2 with the Mississippi River Overlay District for Vantage Flats, a new, 37-unit 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 8/17/2007.

Ordinance 2007-Or-061 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 5341, 5345 and 5359 Minnehaha Ave to the to OR2 with the Mississippi River Overlay District, was adopted 8/17/2007 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-061**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/17/2007**

**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 8, except the North 40 feet thereof, and all of Lot 7, Block 2, Haas Addition to Minneapolis, Hennepin County, Minnesota; Lot 8, Block 1, Minnehaha Parkview Addition to Minneapolis, Hennepin County, Minnesota; and the North 40 feet of Lot 8, Block 2, Haas Addition to Minneapolis, Hennepin County, Minnesota (5341, 5345 and 5359 Minnehaha Ave - Plate 40) to the OR2 with the Mississippi River Overlay District.

Adopted 8/17/2007.

**Z&P** – Your Committee recommends approval of the Council appointment of Kevin Kelley (Ward 11, replacing Ellen Herman) to the to the Minneapolis Heritage Preservation Commission for a 3-year term of office to commence September 1, 2007 and expiring September 1, 2010.

Adopted 8/17/2007.

**Z&P** – Your Committee, having under consideration the report relating to the reorganization of the Committee on Urban Environment (CUE), now recommends that the 1968 and related City Council actions and Resolution 2005R-142 passed March 11, 2005, be amended to reorganize the Committee on Urban Environment as follows:

a. CUE shall consist of 17 members, with 14 appointed or reappointed by the City Council, and with 3 appointed or reappointed by the Mayor. In addition to the charge stated in the Council action of March 11, 2005, the CUE membership is charged with developing and implementing an orderly plan to transfer all of CUE's remaining functions to other entities no later than August 25, 2008;

b. Approval of the following 14 members as Council appointees:

- Lori Anderson (Ward 9)
- Barbara Bliss (Ward 1)
- Stephanie Boraas (Ward 12)
- Stephanie Brody (Ward 7)
- Susan Diesel (Ward 8)

Ginny Coyle (Ward 7)  
Gayle Gallagher (Ward 8)  
Pat Gill (Ward 1)  
Ed Juda (Ward7)  
Meleah Maynard (Ward 13)  
Susan Nelson (Ward 3)  
Julie Ollila (Ward 11)  
Pamela Silver (Ward 9)  
Cherylyne Vaz (Ward 12);

and confirmation of the following Mayoral appointment or reappointments:

Joyce Vincent (Ward 3, appointment);  
Phill Lindsay (Ward 10, re-appointment);  
John Uban (Ward 13, re-appointment);

all to serve a one-year term, ending August 25, 2008. Further, to allow CUE to continue to use its current City phone line (612-673-3014) and to have a mail drop in Room 210 City Hall through August 25, 2008;

c. Dissolve CUE's status as a Committee established by the City of Minneapolis as of August 25, 2008; and

d. Passage of the accompanying resolution.

Adopted 8/17/2007.

Resolution 2007R-438, reorganizing the Committee on Urban Environment (CUE), was adopted 8/17/2007 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-438**  
**By Ostrow and Schiff**

**Reorganizing the Committee on Urban Environment (CUE).**

Whereas, the Committee on Urban Environment (CUE) was established by the Minneapolis City Council on February 9, 1968, in order to encourage the preservation and development of our natural and built environment; and

Whereas, subsequent Council actions on December 16, 1977, December 30, 1988, and July 28, 1989, made minor amendments to membership, appointment process, and duties of CUE, and moved the responsibility for providing staff support for CUE from the City Coordinator to the Planning Department; and

Whereas, the City Council action on March 11, 2005, amended the charge to CUE as to be as follows: "The purpose of the Committee on Urban Environment shall be to celebrate our natural and built environment, cultural assets, parks and open spaces, and neighborhood projects and programs, which improve the quality of the environment and contribute to the livability of the City and to provide education and support for these efforts," and deleted the eleven specific duties set forth in the Council action of February 9, 1968. In addition, the Council action encouraged City officers and employees to cooperate with CUE to accomplish its purpose, directed staff to amend pertinent ordinances to delete references to CUE, and asked CUE to include representation by the American Institute of Architects and the University Design Center in its membership;

Whereas, the City of Minneapolis has benefited significantly from the commitment, talent, and energy of CUE and its members for over four decades and expresses the City's appreciation to current and former members and volunteers of CUE; and

Whereas, until early 2004, CUE was located within the Planning Department (now CPED-Planning Division). The Planning Department provided office space, equipment, supplies, and administrative assistance. Since early 2004, personnel and financial resources available to CPED-Planning Division have been substantially reduced and the department has not been financially able to support CUE with dedicated funding, personnel, and operational support; and

Whereas, the terms of all CUE members are expired, and the Council has made no appointments to CUE in several years; and

Whereas, volunteers have fulfilled the duties of CUE, in the absence of appointed CUE members; and

Whereas, implementation of the March 11, 2005, Council action necessitates redefining CUE membership and setting a date for termination of CUE; and

Whereas, independent organizations are willing and able to assume CUE programs and sponsored celebrations.

Now, therefore, be it resolved by the City Council of the City of Minneapolis that the 1968 and related City Council actions and Resolution 2005R-142 passed March 11, 2005, be amended to reorganize the Committee on Urban Environment as follows:

a. CUE shall consist of 17 members, with 14 appointed or reappointed by the City Council, and with 3 appointed or reappointed by the Mayor. In addition to the charge stated in the Council action of March 11, 2005, the CUE membership is charged with developing and implementing an orderly plan to transfer all of CUE's remaining functions to other entities no later than August 25, 2008; and

b. That the City Council appoint or reappoint 14 members to CUE as Council appointees and the Mayor appoint or reappoint 3 members as Mayoral appointees to serve a one-year term, ending August 25, 2008, and allow CUE to continue to use its current City phone line (612-673-3014) and to have a mail drop in Room 210 City Hall through August 25, 2008; and

Be it further resolved that CUE's status as a Committee established by the City of Minneapolis be dissolved as of August 25, 2008.

Adopted 8/17/2007.

**Z&P** - Your Committee, having under consideration the recommendation of the Planning Commission denying the application of DeLaSalle High School to vacate that portion of Grove St between Nicollet St and Island Ave E (#1480), and recommending that if City Council does find that the public benefits outweigh the public harm, that they not vacate the street until all outstanding issues related to the project are resolved in order to avoid having vacated a street for a project that does not materialize, for construction of the DeLaSalle Athletic Facility, an outdoor athletic field for football and soccer with associated seating, a press box, concession and storage structures at 25 W Island Ave and 201 E Island Ave, now recommends approval of said vacation application, notwithstanding staff recommendation, subject to retention of easement rights by Comcast Cable and Qwest Communications, and that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

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

Gordon moved that the report be postponed to September 21, 2007. Seconded.

Lost 8/17/2007. Yeas, 2; Nays, 11 as follows:

Yeas - Gordon, Benson.

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

The report was adopted 8/17/2007. Yeas, 10; Nays, 3 as follows:

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

Nays - Gordon, Hofstede, Glidden.

Approved by Mayor Rybak 8/17/2007.

(Published 8/21/2007)

Resolution 2007R-439, vacating that part of Grove Street as dedicated in the plat of Nicollet Island, east of Nicollet Street and west of Island Avenue East, Nicollet Island Addition to Minneapolis (#1480), was adopted 8/17/2007 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-439**

**By Schiff**

**Vacating that part of Grove Street as dedicated in the plat of Nicollet Island, east of Nicollet Street and west of Island Avenue East, Nicollet Island Addition to Minneapolis (#1480).**

Resolved by The City Council of The City of Minneapolis:

That part of Grove Street in Block 4, Nicollet Island Addition to Minneapolis, Hennepin County, Minnesota, According to the recorded plats thereof, described as follows:

All that part of Grove Street as dedicated in the plat of Nicollet Island, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the southerly extension of the westerly line of Block 4, said Nicollet Island and lying westerly of a line drawn from the most easterly corner of said Block 4 to the most northerly corner of Block 1, Eastman's Second Addition to Minneapolis, 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 of Comcast Cable and Qwest Communications, their successors and assigns, to enter upon that portion of the afore described street which is described in regard to each of said corporation(s) as follows, to wit:

As to Comcast Cable: Easement rights in favor of Comcast Cable be retained throughout the entire length and width of the referenced vacation;

As to Qwest Communications: Easement rights in favor of Qwest Communications be retained throughout the entire length and width of the referenced vacation.

Adopted 8/17/2007.

Approved by Mayor Rybak 8/17/2007.

**Z&P** - Your Committee, having under consideration the appeal filed by Richard Mark from the decision of the Board of Adjustment upholding the Zoning Administrator's decision that University House, a property at 709 7th St SE, violates the maximum occupancy in the R2B District, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Your Committee further directs staff to develop an administrative process to recognize those persons protected by the Americans with Disabilities Act and Federal Fair Housing Act and report back within two (2) months.

Adopted 8/17/2007.

**MOTIONS**

Schiff 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 (housekeeping language changes to correct typographical errors, citations and cross references, and clarifying confusing provisions), as follows:

- a. Chapter 520 relating to Introductory Provisions;
- b. Chapter 525 relating to Administration and Enforcement;
- c. Chapter 530 relating to Site Plan Review;
- d. Chapter 531 relating to Nonconforming Uses and Structures;
- e. Chapter 535 relating to Regulations of General Applicability;
- f. Chapter 537 relating to Accessory Uses and Structures;
- g. Chapter 541 relating to Off-Street Parking and Loading;
- h. Chapter 543 relating to On-Premise Signs;
- i. Chapter 544 relating to Off-Premise Advertising Signs and Billboards;
- j. Chapter 547 relating to Office Residence Districts;

- k. Chapter 548 relating to Commercial Districts;
- l. Chapter 549 relating to Downtown Districts;
- m. Chapter 551 relating to Overlay Districts.

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to Zoning Code: Nonconforming Uses and Structures, which was given its first reading and referred to the Zoning & Planning Committee (allowing for construction of structures accessory to certain nonconforming uses).

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, which was given its first reading and referred to the Zoning & Planning Committee (rezoning parcels in the vicinity of the 38th Street light rail transit station area consistent with adopted plans for the area).

Samuels introduced an ordinance amending Title 15, Chapter 393 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Weapons, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (defining the term “facsimile firearm” and regulating the carrying and possession of facsimile firearms in public).

## **RESOLUTIONS**

Resolution 2007R-440, honoring Jeremy Hernandez for his courageous and heroic efforts during the I-35W bridge collapse, was adopted 8/17/2007 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-440**

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

#### **Honoring Jeremy Hernandez for his courageous and heroic efforts during the I-35W bridge collapse.**

Whereas, Jeremy Hernandez’s selfless act of heroism helped save the lives of sixty-one passengers, the majority of whom were children, on the school bus involved in the 35W bridge collapse on August 1, 2007; and

Whereas, Jeremy has been a successful participant in the City of Minneapolis Workforce Investment Act (WIA) Youth Programs in 2003, 2004 and 2006; and

Whereas, Jeremy is a 2005 graduate of American Indian OIC’s Career Immersion High School, an alternative school contracted through Minneapolis Public Schools; and

Whereas, Jeremy’s successful employment at Pillsbury United Communities (PUC) - Waite House began with a WIA internship in 2003, and due to his work ethic and positive interactions with youth, resulted in permanent employment; and

Whereas, Jeremy has been an everyday hero to the youth he has worked with at PUC’s - Waite House because of his genuine concern for, and commitment to their well-being; and

Whereas, Jeremy’s noble actions, quick thinking and humility have been an inspiration to people worldwide; and

Whereas, Jeremy acknowledges that guardian angels (Grandpa Clark) do exist;

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

That the City commends and applauds Jeremy Hernandez for his courageous and heroic efforts during the 35W bridge collapse; and his continued dedication to Minneapolis youth.

Be It Further Resolved that the City Council wishes Mr. Hernandez much happiness, good health, many years of productive life, and of course, a well-used fishing pole.

Adopted 8/17/2007.

Resolution 2007R-441, declaring August 18, 2007, as Community Gardening Day in the City of Minneapolis, was adopted 8/17/2007 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-441**

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

**Declaring August 18, 2007, as Community Gardening Day in the City of Minneapolis.**

Whereas, the City of Minneapolis hosts more than a hundred community gardens in all 13 wards; and

Whereas, community gardens add beauty to urban neighborhoods and provide much needed green space in high density areas; and

Whereas, community gardens build community by crossing cultural and socio-economic divides by providing a common space for neighbors to meet and work together; and

Whereas, Minneapolis' community gardens reflect the cultural and ethnic diversity of the city, including gardeners who speak English, Spanish, Hmong, Somali, and Korean; and

Whereas, community gardens empower residents to become more active in their communities, providing cross-cultural and intergenerational opportunities for people to come together; and

Whereas, community gardens reduce the urban heat island effect and filter rainwater, helping to keep our rivers, lakes, and groundwater clean; and

Whereas, community gardens provide access to nutritionally rich and culturally specific foods that may otherwise be unavailable to inner-city residents; and

Whereas, community gardens provide horticultural therapy and exercise, helping to draw people out of their homes and get active; and

Whereas, community gardens educate neighbors about land stewardship, providing an informal classroom for children and adults to learn skills caring for the natural environment; and

Whereas, community gardens enhance crime prevention efforts and improve property values; and

Whereas, the Parade of Community Gardens takes place in the Twin Cities Metro on August 18<sup>th</sup>, 2007, giving residents an opportunity to learn about community gardening and visit gardens in their area;

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

That we commend the thousands of Minneapolis residents who participate in community gardens for their valuable contributions to our city.

Be It Further Resolved that we declare August 18<sup>th</sup>, 2007 as Community Gardening Day in the City of Minneapolis.

Adopted 8/17/2007.

Resolution 2007R-442, honoring Elfego Vences, Imahni Taylor, Elsa Segura, Monica Segura, Jenny Xiong, Angi Haeny, James Hanson, Michelle Klouda, Ivan Luna, Jeremy Hernandez, Sasha Bouye, Julie Graves, Gary Babineau and Kim Dahl, was adopted 8/17/2007 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-442**

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

**Honoring Elfego Vences, Imahni Taylor, Elsa Segura, Monica Segura, Jenny Xiong, Angi Haeny, James Hanson, Michelle Klouda, Ivan Luna, Jeremy Hernandez, Sasha Bouye, Julie Graves, Gary Babineau and Kim Dahl.**

Whereas, Elfego Vences, Imahni Taylor, Elsa Segura, Monica Segura, Jenny Xiong, Angi Haeny, James Hanson, Michelle Klouda, Julie Graves, Ivan Luna, Jeremy Hernandez, Sasha Bouye, Julie Graves and Kim Dahl are caretakers of children in one of Minneapolis exemplary programs for our youth; and

Whereas, several of these caregivers have been successful participants in the City of Minneapolis Workforce Investment Act Youth Programs since 2003; and

Whereas, they are charged daily with the safety and development of the children in their care; and

Whereas, they are employed by Pillsbury United Communities Waite House program which offers a myriad of innovative and unique programs in the heart of Minneapolis' Phillips neighborhood that help develop people's strengths; and

Whereas, since 1969, the dedicated and diverse staff of Waite House have been providing human services and community building activities to this ever-changing community; and

Whereas, these individuals have been everyday heroes to the youth they have worked with at Waite House because of the genuine concern for, and commitment to their well-being; and

Whereas, on August 1, these guardians of our future, in course of their duties were chaperoning 50 of our city's precious cargo in a large yellow school bus across the 35W bridge; and

Whereas, as the kids chatted and joked the bus plunged 40 feet landing perilously against the guardrail and a few feet from a tractor trailer on fire; and

Whereas, the children were thrown into the air, many falling and injuring themselves; and

Whereas, these terrified, disoriented and wounded children were in urgent need of adult comfort and leadership and would not have been able to make it to safety on their own; and

Whereas, instead of self saving panic, these brave care givers, some seriously wounded, subordinated their fears and went to work to comfort and quickly unload the children into the arms of helpful citizens and safety; and

Whereas, the noble actions, quick thinking and humility of these young heroes were achievements of global proportions and international exposure that greatly enhanced the tradition and reputation of the citizens of Minneapolis; and

Whereas, the Mayor and City Council, representing the sentiments of the people of our grateful city, are beaming with pride at their grace and courage and have an overwhelming urge to express that gratitude.

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

That we commend and applaud Elfego Vences, Imahni Taylor, Elsa Segura, Monica Segura, Jenny Xiong, Angi Haeny, James Hanson, Michelle Klouda, Ivan Luna, Jeremy Hernandez, Sasha Bouye, Julie Graves, Gary Babineau and Kim Dahl for their courageous and heroic efforts during the 35W bridge collapse; and their continued dedication to Minneapolis youth.

Be It Further Resolved that we wish these individuals much happiness, good health, and many years of productive life.

Adopted 8/17/2007.

**UNFINISHED BUSINESS**

**Z&P** - Your Committee, having under consideration the appeal filed by T-Mobile from the decision of the Heritage Preservation Commission conditionally approving an application for Certificate of Appropriateness (COA) to allow the construction of a cellular installation on the roof of the Andrews

House Apartment building's 3-story contemporary addition at 414 7th Ave SE, now recommends that said appeal be denied and the decision of the Heritage Preservation Commission be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Hofstede moved that the report be postponed. Seconded.

Adopted upon a voice vote 8/17/2007.

### **NEW BUSINESS**

Ostrow gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements* (establishing standards and procedures for existing circus license requirements).

Lilligren moved to adjourn to Room 315 City Hall to consider the matters of:

*Gilmer et al. v. Cunningham et al.; and Jenkins v. City of Minneapolis, United States District Court File No. 05-979.* Seconded.

Adopted upon a voice vote 8/17/2007.

Room 315 City Hall

Minneapolis, Minnesota

August 17, 2007 - 12:10 p.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent – Council Members Schiff, Colvin Roy.

Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits: *Gilmer et al. v. Cunningham et al.; and Jenkins v. City of Minneapolis, United States District Court File No. 05-979.*

At 12:12 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Schiff, Colvin Roy.

Present - Council Members Gordon, Hofstede (Out at 12:12 p.m.; In at 12:16 p.m.), Ostrow, Schiff (In at 12:27 p.m.; Out at 12:45 p.m.; In at 1:04 p.m.), Lilligren (Out at 12:32 p.m.; In at 12:37 p.m.; Out at 12:47 p.m.; In at 12:50 p.m.), Colvin Roy (In at 12:18 p.m.; Out at 12:19 p.m.; In at 12:27 p.m.; Out at 12:43 p.m.; In at 12:53 p.m.; Out at 1:10 p.m.), Glidden, Remington, Benson, Goodman, Hodges (Out at 1:10 p.m.), Samuels (Out at 12:41 p.m.), President Johnson.

Also present - Dana Banwer, Deputy City Attorney; James Moore, Assistant City Attorney; Greg Sautter, Assistant City Attorney; Charles Brown, Jr., Assistant City Attorney; Kris Arneson, Inspector, Police Department; Valerie Wurster, Inspector, Police Department; Sherman Patterson, Mayor's Office (In at 12:19 p.m.); Merry Keefe, City Clerk; and Anne Roth, City Clerk's Office.

Brown summarized the *Gilmer et al. v. Cunningham et al.* lawsuit from 12:13 p.m. to 12:51 p.m.

Moore summarized the *Jenkins v. City of Minneapolis*, lawsuit from 12:52 p.m. to 1:08 p.m.

At 1:08 p.m., Ostrow moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Samuels.

**AUGUST 17, 2007**

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Lilligren moved that the City Attorney be authorized to settle the lawsuit entitled *Gary Gilmer, et al. v. Cunningham*, et al. United States District Court File No. 05-1278 in the amount of \$250,000.00 payable from Fund/Org 6900-150-1500-4000 and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 8/17/2007. Yeas, 10; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Colvin Roy, Samuels.

Benson moved to approve the settlement of the case of *Jenkins v. City of Minneapolis, et al.*, United States District Court File No. 05-979 ADM/JSM by payment of \$110,000.00 to Plaintiff's attorneys. Payment shall be from Fund/Org. 690-150-1500-4000. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 8/17/2007. Yeas, 7; Nays, 5 as follows:

Yeas - Gordon, Ostrow, Schiff, Glidden, Benson, Hodges, Johnson.

Nays - Hofstede, Lilligren, Colvin Roy, Remington, Goodman.

Absent - Samuels.

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

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 8/17/2007.

Absent - Colvin Roy, Hodges, Samuels.

Merry Keefe,  
City Clerk.

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