

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 1, 2011

(Published April 9, 2011, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
April 1, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 4/1/2011.

Lilligren moved acceptance of the minutes of the regular meeting of March 10, 2011 and the adjourned session of February 25, 2011, held March 8, 2011. Seconded.

Adopted upon a voice vote 4/1/2011.

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 4/1/2011.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (274832)

Status Report on Audit Activities as of 3/25/2011.

Internal Audit Department First Quarter 2011 Report.

Finance Department Training information.

COMMITTEE OF THE WHOLE:

INTERGOVERNMENTAL RELATIONS (274833)

Federal, State, and Local Update: Receive and File report.

NEIGHBORHOOD AND COMMUNITY RELATIONS (274834)

Report from Neighborhood Funding Work Group: Report back from January 14, 2011 staff directive.

Update on December 13, 2010 Staff Directive: Receive and file report relating to process being recommended by NCEC in response to directive.

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

NEIGHBORHOOD AND COMMUNITY RELATIONS (274835)

Neighborhood Revitalization Program (NRP) Fund Release: Recommended action from update on implementation of December 13, 2010 staff directive.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274836)

Land Sale (2029-2033 W Broadway): Sale to Plymouth Christian Youth Center.

Mount Olivet Home (5517 Lyndale Ave S): Preliminary & final approval to issue refunding bonds.

Minnesota Home Ownership Center: Exception to procurement policy to allow extension of contract with MN Home Ownership Center without RFP process; Extend contract & authorize extension carryforward of remaining 2010 funds.

Minneapolis Housing Replacement Tax Increment Financing Districts: Addition of 107 parcels to & deleting 8 parcels from the districts.

Home Ownership Works Program: Modification to program allowing use of program funds as a revolving loan fund for construction financing.

Civic Justice Corps Grants Servicing Juvenile Offenders: Application for grant funds from Department of Labor.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274837)

Homegrown Business Development Center: Contract & funding of partnership with Metropolitan Consortium of Community Developers.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and REGULATORY, ENERGY & ENVIRONMENT:

REGULATORY SERVICES (274838)

Fire Inspection Services: Report on progress of integration, training programs and performance of all inspections programs between the Fire Department and the Department of Regulatory Services.

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

FIRE DEPARTMENT (274839)

Assistance to Firefighter Grants: Accept FY 2010 Assistance to Firefighter competitive grant of \$100,000 to purchase Self-Contained Breathing Apparatus parts totaling \$125,000; and Approve appropriation.

HEALTH AND FAMILY SUPPORT SERVICES (274840)

Farmers Market Services: Execute contract with Blue Cross Blue Shield to accept \$50,000 for program expenses related to the Electronic Benefits Transfer and Market Bucks Programs at four Minneapolis Farmers Markets; and Approve appropriation.

Local Food Resource Network and Hubs Project: Amend contract with Gardening Matters to increase amount by \$40,000 and extend through the growing season to ensure uninterrupted continuation of implementation activities to assist residents in growing, accessing and consuming healthy

POLICE AND FIRE DEPARTMENTS (274841)

Health Club Memberships for Sworn Fire, Police and Park Police: Request to grant Life Time Fitness exception to City's Equal Benefits Ordinance. For duration of contract with City.

POLICE DEPARTMENT (274842)

Auto Theft Bait Vehicle Program: Accept donation of a Toyota Corolla from Hennepin Technical College.

Police Mounted Patrol Boarding Services: Issue Request for Proposals for boarding services for three-year period, subject to approval by the Permanent Review Committee; and Extend current contract through July 31, 2011 and increase amount by \$12,000.

Transfer of Outdated Police Shotguns: Authorize transfer 25 Remington Model 870 Police Shotguns to the Pine County Sheriff's Office to be converted for less lethal firearms for use in Pine County Detention Facility.

REGULATORY, ENERGY AND ENVIRONMENT:

REGULATORY SERVICES (274843)

Rental Dwelling Licenses at 1223 42nd Av N: Subject matter of licenses held by Joseph Abell & Joseph Primas.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274844)

Gopher 94 Wine & Spirits (217 W Broadway): Grant Off-Sale Liquor License, subject to conditions.

LICENSES AND CONSUMER SERVICES (274845)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (274846)

Masu Sushi and Robata (328 E Hennepin Av): Grant On-Sale Liquor Class E with Sunday Sales License.

Chicago Food & Deli (2500 Chicago Av S): Approve License Settlement Agreement relating to the Grocery, Food Manufacturer, Restaurant and Tobacco Dealer Licenses.

REGULATORY SERVICES (274847)

Lone Tree (528 Hennepin Av): Revoke On-Sale Liquor Class B License, at the request of the Minnesota Department of Revenue, for an overdue tax liability.

Rental Dwelling License at 2906 Emerson Av N: Approve reinstatement of license to be held by Mahmood Khan.

Hours of Operation: Ordinances establishing permitted hours open to the public in the business licensing regulations; and creating an Extended Hours of Operation License; and Approve addition of license fees relating to Extended Hours of Operation License and Extended Hours of Operation Investigative Fee.

Areaways: Ordinance adding new language related to areaways, requiring compliance with the Building Code, and setting inspection schedules.

REGULATORY SERVICES (274848)

Rental Dwelling Licenses at 2301, 2318, 2323 and 2339 Cole Av SE: Recommendation to revoke licenses held by Frank Zaragoza.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (274849)

2011 Potential Spring Flooding: PowerPoint Presentation.

TRANSPORTATION AND PUBLIC WORKS See Rep):

PUBLIC WORKS AND ENGINEERING (274850)

Public Lands and Buildings: Ordinances moving certain Property Service Division responsibilities from the City Engineer to the Finance Department.

Mississippi Watershed Management Organization: Joint and Cooperative Agreement.

Cedar Ave Bridge over Washington Ave SE: Approve Hennepin County construction plans for modifications.

2nd Ave S and Stevens Ave S Street Resurfacing Projects No 5219 and No 5220: Project designation.

Butler Pl and 9th St S Street Resurfacing Projects No 5221 and No 5222: Project designation.

Prospect Park Area Phase III Street Resurfacing Project No 5207: Project designation.

Riverside Ave Phase I Reconstruction Project No 6746: Project designation.

PUBLIC WORKS AND ENGINEERING (274851)

University Ave SE Central Corridor Adjacent Street Lighting Project No 2280: Project approval and assessment public hearing; Comments.

Washington Ave SE Central Corridor Adjacent Street Lighting Project No 2279: Project approval and assessment public hearing.

Source Water Protection Plan: Joint Powers Agreement with City of St. Cloud and Board of Water Commissioners of the City of St. Paul.

University of Minnesota Trail, Phase III: Amendment to agreements with Minnesota Department of Transportation.

Downtown Transportation Management Organization (TMO): Amendment #1 to Grant Agreements.

Non-Motorized Transportation Pilot Program (NTP): Bicycle Parking Award.

Bids: a) OP 7395, Low bid of Graymont (WI) LLC for quick lime; b) OP 7401, Low responsive bid of Wieser Concrete Products, Inc for pre-cast reinforced concrete access structures; c) OP 7410, Low re-bid of Veit and Company, Inc for disposal of clean fill excavation spoils; d) OP 7411, Bid of Brown Traffic Products, Inc for pedestrian signals; e) OP 7414, Bid of Carus Corporation for potassium permanganate; and f) OP 7417, Low bid of Cemstone Products Company for ready mix concrete and equipment.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (274852)

2010 Financial Status Report: 4th Quarter.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274853)

Legal Settlements: a) Cecilia Santos Dominguez; and b) Nicole Madison.

BUSINESS INFORMATION SERVICES (BIS) (274854)

LinkedIn: Extend contract C-28528 through May 2012 to use LinkedIn's contract document form.

Unisys Contract: Increase Contract C-25200 to provide upgrades to two network security firewalls.

Unisys Contract: Increase Contract C-25200 for change order transactions for the remainder of 2011.

CITY CLERK (274855)

Heritage Park Project: Reaffirm Committee actions (Petrn 268566); correct Council proceedings due to scrivener error of February 14, 2003; and direct Finance to release project funding.

2010 Fiscal Year Fund Balance: Rollover fund balance to 2011 departmental budget for election transition.

FINANCE DEPARTMENT (274856)

Time and Labor Project: Amend funding plan to delay rollout by one month. Additional funding shared by Human Resources, Park Board, and MPHA.

Capital Long-Range Improvement Committee (CLIC) Appointments: Approve additional appointments for term January 1, 2011 to December 31, 2011.

HUMAN RESOURCES (274857)

Civil Service Commissioner Reappointment: Macey Wheeler.

PUBLIC WORKS AND ENGINEERING (274858)

Pothole Repair: Approve additional general fund appropriation by \$1,000,000 to increase the number of general pavement repair crews.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (274859)

Landmark Designation: Henry E, Ladd House, 131 Oak Grove Street.

MAYOR (274860)
Planning Commission Appointments:
Reappointment of Theodore Tucker and Alissa Luepke-Pier.
PLANNING COMMISSION/DEPARTMENT (274861)
Zoning Code Text Amendments:
Hours Open to the Public, amending Title 20, Chapters 525, 536, 546, 547, 548, 549, 550.
Rezoning:
2653 Hennepin Ave S
Nimbus Theater (1517-1519 Central Ave).

FILED:

DOMINIUM DEVELOPMENT (274862)
Vacate northern half of alley on Lake Street between Colfax Ave S and Dupont Ave S which the southern half was already vacated.
GARFIELD PROPERTIES LLC (274863)
Vacate between 116 and 115 Chowen Ave S.

The following reports were signed by Mayor Rybak on April 4, 2011. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

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

Comm of Whole & W&M/Budget - Your Committee, having under consideration the recommendation of staff to release \$2,680,000 of the NRP fund balance suspended as a result of the December 13, 2010, Budget Staff Directive footnote (p), now recommends:

Comm of Whole: That said recommendation be approved.

W&M/Budget: That said recommendation be approved.

Further, passage of the accompanying resolution amending the General Appropriation Resolution 2010R-598 entitled "Fixing the maximum amounts to be expended by the various departments for 2011 from the various funds under the jurisdiction of the City Council for which the City Council levies taxes and fees.", passed by the City Council on December 13, 2010, by amending footnote "p", Section "2" to read as follows:

"p) Neighborhood Programs

2. Direct the Finance and NCR departments to allow neighborhoods to contract ~~up to 50% of the un-contracted balance of their Phase II allocation~~ an amount not to exceed 50% of their Phase II allocation (excluding Phase II allocated but not ~~Contracted~~ contracted Reserve funds), as of City Council adoption of the 2011 budget, ~~but not to exceed a total contracted amount of 50% of their Phase II allocation.~~ plus the neighborhood's portion, if any, of the \$2.68 million released to NRP after execution of this directive, as allocated by the Policy Board."

Lilligren moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Committee of the Whole recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/1/2011.

Resolution 2011R-124, amending Resolution 2010R-598 entitled "Fixing the maximum amounts to be expended by the various departments for 2011 from the various funds under the jurisdiction of the City Council for which the City Council levies taxes and fees", passed December 13, 2010, was adopted 4/1/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 1, 2011

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

RESOLUTION 2011R-124
By Lilligren and Hodges

Amending Resolution 2010R-598 entitled "Fixing the maximum amounts to be expended by the various departments for 2011 from the various funds under the jurisdiction of the City Council for which the City Council levies taxes and fees.", passed December 13, 2010.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to amend footnote "p", Section 2 to read as follows:

"p) Neighborhood Programs

2. Direct the Finance and NCR departments to allow neighborhoods to contract an amount not to exceed 50% of their Phase II allocation (excluding Phase II allocated but not contracted Reserve funds), as of City Council adoption of the 2011 budget, plus the neighborhood's portion, if any, of the \$2.68 million released to NRP after execution of this directive, as allocated by the Policy Board."

Adopted 4/1/2011.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of City-owned real property at 2029-2033 W Broadway to Plymouth Christian Youth Center or an affiliated entity for \$347,800.

Your Committee further recommends approval of the Term Sheet dated 3/22/2011 as a basis for a redevelopment contract as set forth in the Community Planning & Economic Development staff report, and that the proper City officers be authorized to enter into agreements with the purchaser in accordance with the terms of said report and Term Sheet.

Adopted 4/1/2011.

Resolution 2011R-125, authorizing sale of land West Broadway Redevelopment Disposition Parcels WB 6-11 and WB 6-12 at 2029-2033 W Broadway, was adopted 4/1/2011 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 2011R-125
By Goodman

Authorizing sale of land West Broadway Redevelopment Disposition Parcels WB 6-11 and WB 6-12 at 2029-2033 West Broadway.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels WB 6-11 and WB 6-12 in the Willard - Hay neighborhood, from Plymouth Christian Youth Center or an affiliated entity, hereinafter known as the Redeveloper, the Parcels WB 6-11 and WB 6-12 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of WB 6-11; 2029 West Broadway: Lot 2, Block 21, Forest Heights, Hennepin County, Minnesota, together with that portion of the adjacent vacated alley accruing thereto, except that portion taken for street;

LEGAL DESCRIPTION of WB 6-12; 2033 West Broadway: The Southeasterly 30 feet of Lot 3, Block 21, Forest Heights, Hennepin County, Minnesota, together with that portion of the adjacent vacated alley accruing thereto, except that portion taken for street; and

Whereas, the Redeveloper has offered to pay the sum of \$347,800, for Parcels WB 6-11 and WB 6-12 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 11, 2011, a public hearing on the proposed sale was duly held on March 22, 2011, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the West Broadway Redevelopment plan, as amended, is hereby estimated to be the sum of \$347,800 for Parcels WB 6-11 and WB 6-12.

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

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

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

Adopted 4/1/2011.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for Mount Olivet Home with respect to refunding of bonds previously issued for the 94-bed skilled care facility at 5517 Lyndale Ave S, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$6,100,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2011 for Mount Olivet Home.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency Board of Commissioners.

Adopted 4/1/2011.

Resolution 2011R-126, giving preliminary and final approval to and authorizing the refinancing of a project on behalf of Mount Olivet Home at 5517 Lyndale Ave S, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 4/1/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 1, 2011

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

RESOLUTION 2011R-126

By Goodman

Giving preliminary and final approval to and authorizing the refinancing of a project on behalf of Mount Olivet Home (the "Company") at 5517 Lyndale Avenue South, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

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

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

Whereas, it has been proposed that the Agency issue a refunding revenue bond in an amount not to exceed \$6,100,000 (the "Bond") to refund revenue bonds previously issued by the City with respect to Company's 94-bed boarding care facility located at 5517 Lyndale Avenue South in the City (the "Project"); and

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

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

Whereas, the Bond shall bear interest at an initial interest rate expected to not exceed 4.50% per annum, shall have a final maturity date not later than December 1, 2026, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$6,100,000 for the purpose of refinancing the Project.

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

Adopted 4/1/2011.

Comm Dev - Your Committee, having under consideration the 2011 Minnesota Home Ownership Center contract, now recommends approval of the following recommendations:

a) Approve an exception to the procurement policy to allow the City to extend the contract with the Minnesota Home Ownership Center without following a Request For Proposals process;

b) Extend the contract with the Minnesota Home Ownership Center to add \$415,000 for homeownership counseling (\$98,000) and foreclosure prevention counseling (\$317,000); and

c) Authorize the extension of the contract together with the carryforward of remaining funds, if any, covered under the 2010 contract.

Adopted 4/1/2011.

Comm Dev - Your Committee recommends passage of the accompanying resolution adding 107 parcels to and deleting 8 parcels from the Minneapolis Housing Replacement Tax Increment Financing (TIF) Districts.

Adopted 4/1/2011.

Resolution 2011R-127, approving the addition of 107 parcels and deletion of 8 parcels in Housing Replacement Tax Increment Financing Districts II and III, was adopted 4/1/2011 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 2011R-127

By Goodman

Approving the addition and deletion of parcels in Housing Replacement Tax Increment Financing Districts II and III.

Section 1. Recitals.

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

1.2. Whereas, Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Laws of Minnesota 1996, Chapter 471, Article 7; Laws of Minnesota 1997, Chapter 231, Article 10; Laws of Minnesota 2002, Chapter 377, Article 7; Laws of Minnesota 2008, Chapter 154, Article 9; Laws of Minnesota 2008, Chapter 366, Article 5; and Laws of Minnesota 2010, Chapter 216, Sections 45 and 46 (collectively, the "Special Legislation") authorizes the City to establish housing replacement tax increment financing districts; and

1.3. Whereas, by Resolution 95R-397 duly adopted December 29, 1995 and Resolution 2008R-275 duly adopted July 11, 2008, the City approved the Special Legislation; and

1.4. Whereas, by Resolution 96R-210 duly adopted August 9, 1996, the City approved the Housing Replacement District Plan and created a Housing Replacement TIF District. By Resolution 2003R-386 duly adopted August 22, 2003, the City approved the Housing Replacement District II Plan and created Housing Replacement TIF District II. By Resolution 2009R-602 duly adopted December 18, 2009, the City approved the Housing Replacement District III Plan (collectively with the Housing Replacement District Plan and the Housing Replacement District II Plan, the "Plans") and created Housing Replacement TIF District III (collectively with the Housing Replacement TIF District and Housing Replacement TIF District II, the "Districts"); and

1.5. Whereas, the Special Legislation and the Plans specify the procedures whereby parcels may be added to and deleted from the Districts. Parcels may be added or deleted by a resolution adopted by the City Council; and

1.6. Whereas, it is proposed that the City add 107 parcels to Housing Replacement TIF District III and delete 8 parcels from Housing Replacement TIF District II;

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

Section 2. Findings.

2.1. That the Council hereby finds, determines and declares that the following 8 parcels are to be deleted from Housing Replacement TIF District II because either the intended acquisition did not occur or redevelopment did not occur:

35-029-24-42-0116	1407 26th Street E
10-029-24-32-0020	409 31st Avenue North
03-028-24-41-0076	3512 Clinton Avenue South
09-029-24-12-0171	3534 Fremont Avenue North
16-029-24-24-0117	2034 James Avenue North
16-029-24-24-0116	2038 James Avenue North
03-028-24-44-0013	415 East 36th Street
35-029-24-21-0239	2215 Chicago Avenue South

2.2. Be It Further Resolved that the Council further finds, determines and declares that the following 107 parcels are to be added to Housing Replacement TIF District III and that the properties are either vacant land, vacant housing, or substandard housing and will be sold for the development of new or rehabilitated market rate housing, pursuant to the Special Legislation:

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12-118-21-34-0152	4522 Aldrich Avenue North
12-118-21-34-0153	4526 Aldrich Avenue North
12-118-21-34-0023	4634 Aldrich Avenue North
12-118-21-31-0046	4700 Bryant Avenue North
13-029-24-31-0135	642 Buchanan Street Northeast
09-029-24-44-0154	2640 Colfax Avenue North
09-029-24-44-0139	2714 Colfax Avenue North
09-029-24-11-0018	3510 Colfax Avenue North
04-029-24-44-0159	3656 Colfax Avenue North
04-029-24-14-0231	4111 Colfax Avenue North
04-029-24-14-0173	4133 Colfax Avenue North
09-029-24-14-0156	3226 Dupont Avenue North
16-029-24-12-0086	2305 Emerson Avenue North
09-029-24-43-0042	2648 Emerson Avenue North
09-029-24-43-0091	2811 Emerson Avenue North
04-029-24-42-0082	3955 Emerson Avenue North
36-029-24-23-0017	1911 EM Stately Street
16-029-24-12-0107	2315 Fremont Avenue North
09-029-24-13-0059	3319 Fremont Avenue North
09-029-24-13-0043	3322 Fremont Avenue North
11-029-24-24-0070	3707 Fremont Avenue North
04-029-24-43-0052	3738 Fremont Avenue North
16-029-24-43-0057	1406 Girard Avenue North
09-029-24-43-0140	2638 Girard Avenue North
17-029-24-41-0028	2301 Golden Valley Road
16-029-24-24-0053	1530 Hillside Avenue North
16-029-24-24-0061	1564 Hillside Avenue North
09-029-24-21-0214	3435 Humboldt Avenue North
16-029-24-24-0044	2127 Irving Avenue North
09-029-24-34-0190	2614 Irving Avenue North
09-029-24-31-0046	3118 Irving Avenue North
04-029-24-24-0001	4155 Irving Avenue North
16-029-24-24-0142	2031 James Avenue North
09-029-24-34-0012	2635 James Avenue North
09-029-24-34-0144	2731 James Avenue North
04-029-24-24-0066	4101 James Avenue North
16-029-24-34-0066	1320 Knox Avenue North
09-029-24-21-0150	3514 Knox Avenue North
16-029-24-34-0100	1418 Logan Avenue North
16-029-24-22-0133	2318 Logan Avenue North
09-029-24-31-0153	2918 Logan Avenue North
15-029-24-23-0064	2218 Lyndale Avenue North
10-029-24-23-0041	3326 Lyndale Avenue North
09-029-24-11-0152	3407 Lyndale Avenue North
17-029-24-11-0244	2406 McNair Avenue
17-029-24-11-0243	2410 McNair Avenue
09-029-24-33-0062	2700 Morgan Avenue North
21-029-24-32-0041	401 Newton Avenue North
09-029-24-33-0190	2610 Newton Avenue North
09-029-24-32-0184	2939 Newton Avenue North
16-029-24-23-0071	2203 Oliver Avenue North
09-029-24-32-0190	2946 Oliver Avenue North
11-118-21-12-0096	5201 Oliver Avenue North
16-029-24-23-0079	2100 Penn Avenue North

17-029-24-11-0192	2301 Penn Avenue North
09-029-24-33-0223	2622 Penn Avenue North
09-029-24-33-0110	2724 Penn Avenue North
08-029-24-41-0093	2933-35 Penn Avenue North
09-029-24-23-0108	3354 Penn Avenue North
09-029-24-22-0118	3456 Penn Avenue North
05-029-24-44-0119	3711 Penn Avenue North
11-118-21-12-0157	5200 Penn Avenue North
17-029-24-44-0071	1511 Queen Avenue North
17-029-24-14-0048	1919 Queen Avenue North
17-029-24-14-0040	2023 Queen Avenue North
08-029-24-44-0123	2659 Queen Avenue North
08-029-24-41-0152	2935 Queen Avenue North
05-029-24-44-0134	3750 Queen Avenue North
08-029-24-44-0131	2640 Russell Avenue North
17-029-24-44-0189	1317 Sheridan Avenue North
08-029-24-41-0025	2938 Sheridan Avenue North
05-029-24-41-0162	3858 Sheridan Avenue North
17-029-24-44-0175	1514 Thomas Avenue North
08-029-24-44-0087	2718 Thomas Avenue North
08-029-24-41-0226	3126 Thomas Avenue North
21-029-24-33-0119	2047 3rd Avenue North
15-029-24-23-0040	2211 4th Street North
15-029-24-23-0039	2215 4th Street North
15-029-24-23-0035	2218 4th Street North
15-029-24-22-0219	2321 4th Street North
15-029-24-22-0242	2501 4th Street North
10-028-24-11-0112	3807 5th Avenue South
15-029-24-23-0104	2134 6th Street North
11-029-24-24-0075	2631 6th Street Northeast
10-029-24-32-0114	2917 6th Street North
10-029-24-32-0006	3015 6th Street North
10-029-24-23-0121	3251 6th Street North
10-029-24-22-0128	3442 6th Street North
26-029-24-43-0061	1911 14th Avenue South
35-029-24-13-0010	2413-15 15th Avenue South
35-029-24-14-0043	2441 16th Avenue South
15-029-24-11-0110	52 18th Avenue Northeast
16-029-24-24-0041	1511 22nd Avenue North
16-029-24-21-0161	1600 22nd Avenue North
10-029-24-32-0165	424 31st Avenue North
10-029-24-32-0163	427 31st Avenue North
10-029-24-32-0164	428 31st Avenue North
02-028-24-11-0247	1804 31st Street East
03-029-24-33-0117	314 36th Avenue North
13-118-21-21-0024	901 45th Avenue North
04-029-24-13-0090	4019 Girard Avenue North
16-029-24-24-0048	2109 Irving Avenue North
14-029-24-14-0012	1235 Monroe Street Northeast
09-029-24-33-0107	2712-14 Penn Avenue North
08-029-24-13-0193	3210 Vincent Avenue North
35-029-24-13-0231	2527 14th Avenue South
15-029-24-22-0154	619 26th Avenue North

Section 3. Implementation.

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

Adopted 4/1/2011.

Comm Dev - Your Committee, having under consideration interim construction financing for the Home Ownership Works Program, now recommends approval of a modification to the Home Ownership Works Program allowing for the use of the program funds as a revolving loan fund for construction financing with a 2% loan origination fee which will be recycled back into the program to assist future projects, paid by the developer. Further, that the proper City officers be authorized to execute loan and related agreements for this purpose with the Department of Community Planning & Economic Development Director-approved non-profit developers.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

Comm Dev - Your Committee recommends that the proper City officers be authorized to submit a grant application to the United States Department of Labor seeking \$1.5 million for the Civic Justice Corps Grants Serving Juvenile Offenders project.

Adopted 4/1/2011.

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

Comm Dev, PSC&H & W&M/Budget - Your Committee, having under consideration a contract and funding of the partnership with the Metropolitan Consortium of Community Developers (MCCD) and the City to establish the Homegrown Business Development Center as part of the City's small business assistance programs, now recommends:

a) Authorization for an allocation of \$150,000 to the MCDD to establish the Homegrown Business Development Center;

b) Passage of the accompanying resolutions -

1) Appropriating \$150,000 to the Department of Community Planning and Economic Development (CPED) Fund and increasing the revenue budget; and

2) Delegating authority to the Executive Director of CPED or their designee to make and execute a contract with MCCD consistent with the Homegrown Business Development Center guidelines.

Adopted 4/1/2011.

**RESOLUTION 2011R-128
By Goodman, Samuels and Hodges**

Amending the 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Economic Development Program Fund (01SED-8900330) by \$150,000 from the available fund balance, and increasing the revenue source (01SED-8900330) by \$150,000.

Adopted 4/1/2011.

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Resolution 2011R-129, delegating authority to make and execute loan agreements and other appropriate loan documents consistent with the Homegrown Business Development Center Guidelines, was adopted 4/1/2011 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 2011R-129
By Goodman, Samuels and Hodges**

Delegating authority to make and execute loan agreements and other appropriate loan documents consistent with the Homegrown Business Development Center Guidelines.

Resolved by The City Council of The City of Minneapolis:

Authority is delegated by the City Council to the Director of the Department of Community Planning and Economic Development (CPED) or their designee the Manager of Business Finance for CPED, to make and execute Loan Agreements and other appropriate Loan Documentation not to exceed the City Council authorized appropriation for the Homegrown Business Development Center Program.

Adopted 4/1/2011.

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

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Blue Cross Blue Shield to accept revenue in an amount not to exceed \$50,000 for program expenses related to the Electronic Benefits Transfer and Market Bucks Programs at four Minneapolis Farmers Markets. Further, passage of the accompanying resolution appropriating \$50,000 to the Department of Health & Family Support.

Adopted 4/1/2011.

**RESOLUTION 2011R-130
By Samuels and Hodges**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Other Fund (01600-8600130) by \$50,000 and increasing the Revenue Source (01600-8600130 - Source 372001) by \$50,000.

Adopted 4/1/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration the development and implementation of a Local Food Resource Network and pilot neighborhood level Resource Hubs in Minneapolis, now recommends that the proper City officers be authorized to amend Contract #28141 with Gardening Matters to increase the amount by \$40,000, for a new total contract amount not to exceed \$90,000, and to extend the termination date through the growing season to ensure uninterrupted continuation of implementation activities to assist Minneapolis residents in growing, accessing, and consuming healthy foods.

Adopted 4/1/2011.

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting the donation of a Toyota Corolla from Hennepin Technical College for the Police Department's Auto Theft Vehicle Program.

Adopted 4/1/2011.

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**RESOLUTION 2011R-131
By Samuels and Hodges**

Accepting the donation of a Toyota Corolla from Hennepin Technical College for the Police Department's Auto Theft Vehicle Program.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of a 2003 Toyota Corolla, valued at \$8,100, from Hennepin Technical College to be used to enhance the Police Department's Auto Theft Bait Vehicle Program. The vehicle will be repaired through the Hennepin Technical College Vehicle Repair Program before being added as a bait vehicle to the Police Department's Program.

Adopted 4/1/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration boarding services for the Police Mounted Patrol horses, now recommends that the proper City officers be authorized to:

a) Issue a Request for Proposals for boarding services for a three-year period, subject to approval by the Permanent Review Committee.

b) Extend the current contract for boarding services through July 31, 2011, and increase the amount by \$12,000 to allow time for the RFP and contracting process.

Adopted 4/1/2011.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to transfer 25 Remington Model 870 Police Shotguns to the Pine County Sheriff's Office to allow for the shotguns to become a permanent part of Pine County's inventory to be converted for less lethal firearms for use in their Detention Facility.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a FY 2010 Assistance to Firefighter competitive grant, in the amount of \$100,000, for the Fire Department to purchase Self-Contained Breathing Apparatus parts totaling \$125,000. Further, passage of the accompanying resolution appropriating \$100,000 to the Fire Department.

Adopted 4/1/2011.

**RESOLUTION 2011R-132
By Samuels and Hodges**

Amending The 2011 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 (01300-2800700) by \$100,000 and increasing the Revenue Source (01300-2800700 - Source 321015) by \$100,000.

Adopted 4/1/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration the provision of health club memberships for sworn members of the Fire, Police and Park Police Departments, and having received a request by staff to grant Life Time Fitness an exception to Section 18.200 (g) (c) of the Minneapolis Code of Ordinances relating to compliance with the City's Equal Benefits Ordinance, now recommends:

PSC&H - that said request **be sent forward without recommendation.**

W&M/Budget - that said request be approved for the duration of Life Time's contract with the City (\$460,400 annually).

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety, Civil Rights & Health Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/1/2011.

Yeas, 9; Nays, 4 as follows:

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

Nays - Gordon, Schiff, Lilligren, Tuthill.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

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

RE&E – Your Committee, to whom was referred an ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* relating to hours of operation license, now recommends that the following ordinances be given their second reading for amendment and passage:

a) Amending Chapter 259 relating to *In General*, establishing permitted hours open to the public in the business licensing regulations; and

b) Adding a new Chapter 309 entitled *Extended Hours of Operation*, establishing an Extended Hours of Operation License.

Your Committee further recommends that the following fees be added to the License Fee Schedule:

c) Extended Hours of Operation License Fee, in the amount of \$140; and

d) Extended Hours of Operation Investigative Fee, in the amount of \$400.

Adopted 4/1/2011.

Ordinance 2011-Or-024 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.300 to establish permitted hours open to the public in the business licensing regulations, was adopted 4/1/2011 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 2011-Or-024

By Schiff

Intro & 1st Reading: 2/11/2011

Ref to: RE&E

2nd Reading: 4/1/2011

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

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

Section 1. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.300 to read as follows:

259.300. Hours open to the public. (a) *In general.* Uses located in the Residence, Office Residence, C1 Neighborhood Commercial, C2 Neighborhood Corridor Commercial, C3S Community Shopping Center, C4 General Commercial, and Industrial zoning districts shall comply with the following regulations governing maximum hours open to the public, except as otherwise provided by applicable ordinance:

Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.

Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

Uses located in the Downtown and C3A Community Activity Center zoning districts shall comply with the following regulations governing maximum hours open to the public, except as otherwise provided by applicable ordinance:

Sunday through Thursday, from 6:00 a.m. to 1:00 a.m.

Friday and Saturday, from 6:00 a.m. to 2:00 a.m.

(b) *Exceptions.* Hospitals, birth centers, hotels, religious institutions, residential uses, and colleges and universities shall not have hours restricted.

(c) *Uses licensed to sell alcoholic beverages.* The hours open to the public for uses licensed to sell alcoholic beverages shall be those permitted by the liquor, wine or beer license and any special late hours food or entertainment license approved for the establishment, in Title 14.

(d) *Licensed parking facilities.* The hours open to the public for licensed parking facilities shall be governed by the specific license terms and regulations of chapter 319.

(e) *Operations not open to the public.* Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public, for example production or processing activities or the stocking of inventory, may occur.

Adopted 4/1/2011.

Ordinance 2011-Or-025 amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* by adding a new Chapter 309 relating to *Extended Hours of Operation* to establish an Extended Hours of Operation License, was adopted 4/1/2011 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 2011-Or-025
By Schiff
Intro & 1st Reading: 2/11/2011
Ref to: RE&E
2nd Reading: 4/1/2011

Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations by adding a new Chapter 309 relating to Extended Hours of Operation.

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 309 to read as follows:

CHAPTER 309. EXTENDED HOURS OF OPERATION

309.10. License required. No use that is open to the public shall operate outside of the hours allowed in the applicable zoning district pursuant to section 259.300 without first having obtained an extended hours of operation license.

309.20. Fees. (a) The fee for an extended hours of operation license shall be as established in Appendix J, License Fee Schedule.

(b) All applicants shall pay a nonrefundable investigative filing fee as established in Appendix J, License Fee Schedule.

309.30. When licenses expire. Licenses issued under this chapter shall expire on May first of each year.

309.40. Application required/contents of application. An applicant for an extended hours of operation license shall make application on the forms furnished by the licenses and consumer services division and shall provide all information deemed necessary by the director, including but not limited to the following:

- (1) The full name of the applicant, date of birth, and current residential address.
- (2) The applicant's social security number, individual tax identification number, or Minnesota sales tax identification number. For purposes of this requirement, "applicant" means an

individual if the license is sought for or in the name of an individual or a corporation or partnership if the license is sought for or in the name of a corporation or partnership.

“Applicant” also means an officer or director of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.

- (3) Proof of ownership of the property, or an executed lease agreement for the property.
- (4) The nature of the business to be conducted and its impacts of noise, light, and traffic.
- (5) Proximity to permitted or conditional residential uses.
- (6) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
- (7) History of complaints related to the use.
- (8) A business plan is required for approval of this license that contains the following elements:
 - a. Hours of operation;
 - b. A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;
 - c. Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;
 - d. Description of how the business will have people exit the establishment at closing time and during an emergency that requires all people to exit the establishment quickly;
 - e. Such other reasonable and pertinent information as the city council may require; and
 - f. An applicant shall promptly notify the director, in writing, of amendment to the submitted business plan.

309.50. Public hearing required. Upon the filing of the application, the director of licenses and consumer services shall refer the application to its standing committee on licenses for consideration and the conduct of a hearing thereon. The director of licenses and consumer services shall notify, at least twenty-one (21) days in advance, by mail all residents, to the extent such notice is feasible, and property owners within three hundred (300) feet of the business requesting extended hours of the time and place at which such application shall be considered by the committee. Said notice shall go to all owners of record of property as identified in the records of the Hennepin County Department of Property Taxation. The director shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing.

309.60. Denial, revocation, suspension or non-renewal of license application. An extended hours of operation license may be denied, revoked, suspended or not renewed, after notice and opportunity for hearing thereon, for any of the following reasons:

- (1) The application contains material omissions, or false, fraudulent or deceptive statements.
- (2) The applicant or licensee has violated one (1) or more of the provisions Title 13 or 14 of this Code within the previous three (3) years.
- (3) The existing or proposed operation is in violation of any federal, state or local laws or ordinances, including but not limited to, any law relating to zoning, building maintenance, fire prevention, liquor, health or safety.
- (4) The applicant or licensee, including any partners, directors, officers, identified shareholders or on-site manager, if applicable, has been convicted of a felony or two (2) misdemeanors relating to or arising from the operation of the business or similar businesses within the previous five (5) years.
- (5) The applicant or licensee, including any partners, directors, officers, identified shareholders or on-site manager, if applicable, has prior revocations of licenses or adverse license actions related to the operation of the business or similar businesses within the previous five (5) years.
- (6) Operation outside of allowed hours would unreasonably disturb the peace, quiet or repose of surrounding neighborhood.
- (7) Operation outside of allowed hours would contribute to crime, disorderly behavior, noise, traffic, litter or parking problems in the area surrounding the business location.
- (8) Any other good cause related to the operation of the business.

309.70. Existing conditional use permits for extended hours of operation. Uses with conditional use permits for extended hours of operation issued prior to April 9, 2011 shall be allowed

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to be open to the public during the hours approved by the conditional use permit, provided the use complies with all conditions of the original approval and the hours of operation are not discontinued for a continuous period of more than one (1) year.

Adopted 4/1/2011.

RE&E - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachments*, adding new language related to areaways, requiring compliance with the Building Code, and setting inspection schedules, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/1/2011.

Ordinance 2011-Or-026 amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachments*, amending Section 95.12 to add new language related to areaways, require compliance with the Building Code, and set inspection schedules, was adopted 4/1/2011 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 2011-Or-026
By Glidden
Intro & 1st Reading: 2/25/2011
Ref to: RE&E
2nd Reading: 4/1/2011

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

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

Section 1. That Section 95.12 of the above-entitled ordinance be amended to read as follows:

95.12. Issuance of building permit Compliance with the building code. ~~The director of inspections shall not issue a permit for any encroachment requiring a permit from the city engineer without verification by the city engineer that all conditions relating to acceptance of the terms of the permit and filing of the insurance policy have been complied with.~~ All projections and encroachments shall comply with and conform to applicable requirements of the building code. A building permit shall be required to perform any work regulated by the building code and such permit shall be in addition to the encroachment permit or any other required permits. A building permit shall not be issued for work on a projection or encroachment prior to issuance of any required encroachment permit.

Section 2. That Section 95.90 (e) of the above-entitled ordinance be amended to read as follows:

95.90. Areways.

(e) ~~Safety inspection and certification of areaways~~ Safety inspection and certification of areaways. All areaways shall be inspected when they become ~~thirty-five (35)~~ twenty (20) years of age, and every ~~ten (10)~~ five (5) years thereafter, by an inspecting engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Said inspecting engineer shall be selected, hired and paid by the owner of the areaway, to determine whether said areaway is capable of carrying the required loads and is otherwise structurally sound and in compliance with the provisions of this section.

The inspecting engineer shall make an engineering report of findings which shall consist of the following: (i) a statement as to whether or not the areaway is capable of carrying required loads, is structurally sound and is in compliance with the requirement of subsection (c) for areaways constructed prior to January 1, 1990, or subsection (b) for areaways constructed on or after January 1, 1990; and (ii) a list of the modifications, if any, that must be made in order to make the areaway capable of carrying required loads, structurally sound and in compliance with the appropriate subsection (b) or (c) as stated

above; and (iii) a signed signature paragraph, stating the inspection and report was done by or under direct supervision of the inspecting engineer who is a duly licensed professional engineer under the laws of the State of Minnesota. In lieu of extensive modifications, the owner of the areaway may opt to make lesser modifications and more frequent engineering report of findings inspections, all as recommended by the inspection engineer, and included as an option in the engineering report of findings; provided, that such lesser modifications shall, in any event, incorporate sufficient structural and safety features to satisfy the appropriate subsections (b) or (c). In all cases, the full list of modification to meet the requirement (ii) above must be submitted to the director of inspections.

~~The director of inspections or designee shall visually inspect all areaways when they become twenty (20) years of age and every ten (10) years thereafter. If, on such visual inspection, the inspector notices deterioration of the areaway, the director may require the owner to have it inspected forthwith and periodically thereafter by an inspecting engineer in the same manner and under the same requirements as set forth above for areaways which are thirty-five (35) years of age or more shall provide notification of the inspection and certification requirements of this section to the owner of any affected areaway whenever an order is issued requiring compliance with the inspection and certification provisions of this section.~~

The director of inspections shall, within one hundred twenty (120) days following the publication of this ordinance, mail a notice to the owners of all areaways for which there is an encroachment permit, notifying them of the requirements of subsection (e) and (f). Thereafter, as areaways are required to be inspected pursuant to this subsection, the director of inspections shall mail a notice to the owner of the areaway at least ninety (90) days prior to the date an engineering report of findings inspection is due to be made and thirty (30) days prior to the date of a visual inspection. The owner shall be required to submit to the director of inspections the engineering report of findings from the inspecting engineer on or before the date set forth in the notice. If the engineering report of findings requires modifications to be made, the owner shall also submit with the engineering report of findings, a time schedule for making the modifications. In no event shall the time schedule exceed one (1) year for the completion of all recommended modifications.

This subsection (e) shall apply to all areaways in existence prior to the effective date of this ordinance as well as those constructed after the effective date. For areaways in existence at the effective date of this ordinance, the initial implementation for both the visual inspection and engineering report of findings inspection, shall be done in an orderly manner as scheduled by the director of inspections with the general direction that the primary intent of this subsection is to require inspections of the areaways at the regular intervals, as stated above, and that the dates of the inspections, in relation to the age of the areaways, is secondary and reasonably adjustable. Whenever the age of an areaway is not readily ascertainable, the director ~~or~~ of inspections shall use reasonable and best efforts to estimate the age of the areaway. Said estimated age shall then be used for the purpose of setting inspection schedules, as stated above. The areaway owner may, for whatever reason, have an engineering report of findings inspection done at any time. Once the engineering report of findings is submitted to the director of inspections and the fee is paid, the future inspection schedule shall be adjusted, maintaining the frequencies of visual inspections and engineering report of findings inspections, as described above, without regard to the actual age of the areaway.

Whenever the city engineer or the director of inspections becomes aware of any areaway for which there is no encroachment permit, the city engineer shall send a written notice to the owner of the areaway, setting forth the requirements of this subsection. Also included in the notice shall be the requirements of an encroachment permit for the areaway. Within sixty (60) days after the city engineer has sent the written notice to the owner, the owner shall submit a completed encroachment permit application and an engineering report of findings by the owner's inspecting engineer as required by this subsection, if the areaway is more than ~~thirty-five (35)~~ twenty (20) years of age. ~~If the areaway is between twenty (20) years and thirty-five (35) years of age, the director of inspections, or designee, will conduct a visual inspection of the areaway.~~ The owner shall comply with all provisions of this section relating to the making of necessary modifications to the areaway in the same manner and time schedule as required herein as to owners who have an encroachment permit. The owner shall also comply with all of the encroachment permit requirements of this chapter applicable to areaways. Should the owner fail to comply with these requirements, no encroachment permit shall be issued and the owner of the

areaway may be ordered by the city council to remove the areaway pursuant to section 95.20 of this chapter.

The city council may revoke any previously issued encroachment permit for the failure to comply with the provisions of this section, including the failure to cause the required areaway inspections to be made or the failure to make the necessary modifications within the submitted time schedule. Upon revocation of such permit, the owner of the areaway may be ordered by the city council to remove it pursuant to section 95.20.

This subsection (e) shall not apply to any areaway that is appurtenant to a parking ramp for which an operating certificate has been issued and is currently in effect pursuant to Chapter 108 of this Code.

Adopted 4/1/2011.

RE&E - Your Committee, having under consideration the application of D'Amico Catering LLC, dba D'Amico Catering at the Walker, 1750 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire April 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

RE&E - Your Committee, having under consideration the application of M S & R I LLC, dba Masu Sushi and Robata, 328 E Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2012, and a Sidewalk Cafe License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

RE&E - Your Committee, having under consideration the application of Gopher 93, LLC, dba Gopher 94 Wine & Spirits, 217 W Broadway, for an Off-Sale Liquor License to expire July 1, 2011, now recommends that said license be granted, subject to the following conditions:

1. The licensee will not accept payments in coins only.
2. The licensee will not have a pay phone inside or outside of the business.
3. The licensee will hire security to be on duty for at least four hours per day, Wednesday through Saturday.
4. The licensee will require a picture ID for all alcohol purchases.
5. The licensee will post "No Trespassing" and "No Panhandling" signs on the exterior of the business.
6. The licensee will endeavor to operate the premises in a manner that will discourage panhandling and loitering in and around the premises and shall cooperate with the Minneapolis Police Department.
7. The licensee will have interior and exterior security cameras that have a recording capacity of at least 30 days. The licensee will produce copies of recordings from these cameras upon request of the Minneapolis Police Department and/or Business Licensing.
8. The licensee will not sell single cans or bottles of beer or malt beverages unless the container holds more than 16 ounces.
9. The licensee will not sell any liquor or wine in quantities smaller than one pint or the metric equivalent from any display that is visible through the windows from the sidewalk or upon walk-up approach to the cash register counter.
10. The licensee will not sell low end alcohol. The specific list of alcohol products the licensee will not sell include: M/D 20 & 20; Night Train; Cisco; Thunderbird; Richard's Wild Irish Rose; Ripple; Popov; White Wolf; Karkov; Kamchatka; UV; Old Crow; Sam Cougar Black; Mickey's; Steel Reserve 211; Colt 45; Olde English 800; and King Cobra, or similar.

11. The licensee will use bags with their logo in large print to identify the origin of the purchases made from the business.

12. The licensee will clean the area surrounding the business of litter within 100 feet twice daily. The licensee will maintain a log of the cleaning schedule.

13. The licensee will have a trained, experienced off-sale liquor establishment manager on duty during all hours of operation.

14. Under no circumstance will the building design ever offer an additional OR alternative customer entryway facing West Broadway or the adjacent parking lot that was not represented on the Site Plan as approved by the City of Minneapolis Planning Commission January 10, 2010.

15. The licensee will participate in East Gateway Partnership (EGP) camera initiative by purchasing an additional camera across the street and also by allowing their private cameras to interface with the system that the City and other law enforcement entities use.

16. The licensee will participate to EGP's entire toolkit approach to safety with a commitment to do internal and external security through EGP or similar company.

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

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

Adopted. Yeas, 8; Nays, 5 as follows:

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

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

RE&E - Your Committee, having under consideration the application of Gopher 93, LLC, dba Gopher 94 Wine & Spirits, 217 W Broadway, for an Off-Sale Liquor License to expire July 1, 2011, now recommends that said license be denied.

Adopted 4/1/2011. Yeas, 8; Nays, 5 as follows:

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

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

Glidden moved that the City Attorney's Office be directed to draft Findings of Fact in support of the City Council's decision relating to Gopher 94 Wine & Spirits to be presented for adoption at the next City Council Meeting. Seconded.

Adopted upon a voice vote 4/1/2011.

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

Adopted 4/1/2011.

Resolution 2011R-133, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/1/2011 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 2011R-133

By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274845):

Off-Sale Liquor, to expire April 1, 2012

John Wolf Enterprises Inc, dba Chicago Lake Liquor Store, 825 E Lake St

M G M Wine & Spirits Inc, dba M G M Wine & Spirits, 3058 Excelsior Blvd

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2012

Seville Operations LLC, dba The Seville Club, 15 Glenwood Av

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80 So 8th St Hotel Operations Inc, dba Marquette Hotel, 710 Marquette Av
Culinaire International Inc, dba Guthrie Theater - Culinaire, 818 S 2nd St, Tract E
Scalzo Hospitality Inc, dba Ramada Plaza Minneapolis, 1330 Industrial Blvd

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2011

Inception Entertainment LLC, dba Bootleggers, 323 1st Av N (new proprietor)
Food and Drink Inc, dba Barfly, 711 Hennepin Av (permanent expansion of premises)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2011

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, 1st floor (new corporate officer)

Old Chicago Colorado Inc, dba Old Chicago, 2841 Hennepin Av (new corporate officer)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2012

The Appian Way Company LLC, dba Twisted Fork & Crooked Pint,
501 Washington Av S (new business)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2012

Russel-Harris Enterprises, dba Annies Kitty Cat Klub, 313 14th Av SE
Crowne Plaza Northstar, dba Crowne Plaza Northstar, 618 2nd Av S
T K K Inc, dba Knight Cap, 1500 4th St NE

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

Fransen Inc, dba Glueks Restaurant, 16 6th St N
K & K Hospitality LLC, dba Erte & Peacock Lounge at Erte, 1304 University Av NE
Market Bar-B-Que Inc, dba Market BBQ, 1414 Nicollet Av
Rudolph's Bar B Que Inc, dba Rudolphs Bar B-Que, 1933 Lyndale Av S

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

Brinda-Heilicher Riverfront Inc, dba Vics Restaurant, 201 Main St SE
Monte Carlo Restaurant Inc, dba Monte Carlo, 219 3rd Av N
El Paraiso Restaurant Inc, dba El Paraiso Restaurant, 3501 Nicollet Av
Out of the Blue Ventures LLC, dba Cafe Maude, 5411 Penn Av S (corporate name change)

On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2012

Black Forest Inn Inc, dba Black Forest Inn, 1 E 26th St

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2012

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill,
229 Cedar Av S (new manager)

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2012

Haza Charters Inc, dba 19 Bar, 19 W 15th St
Dan Kelly's Corporation, dba Dan Kelly's Bar & Grill, 212 S 7th St
Full and Content Inc, dba Black Bamboo, 333 S 7th St #190
Take One Enterprises Inc, dba Big Ten Restaurant & Bar, 606 Washington Av SE
Rosvold Enterprises Inc, dba Campus Pizza, 825 Washington Av SE
ZHC Inc, dba Wasabi Fusion Cuisine, 903 Washington Av S
Victoria Enterprises Inc, dba Amore Victoria, 1601 W Lake St
ZG Mill City Cafe Co, dba Mill City Cafe, 2205 California St NE

On-Sale Wine Class A with Strong Beer, to expire April 1, 2012

Brave New Institute, dba Brave New Workshop, 2605 Hennepin Av (theater does not have a food requirement)

The Jungle Theater, dba Jungle Theater, 2951 Lyndale Av S (theater does not have a food requirement)

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2012

Brasa Rotisserie LLC, dba Brasa Rotisserie, 600 E Hennepin Av
Create Catering & Consulting LLC, dba Create Catering, 1121 Jackson St NE

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2012

Wagner Brothers LLC, dba North East Social Club, 359 13th Av NE
Little Taj Mahal Corporation, dba Gandhi Mahal, 3009 27th Av S

On-Sale Wine Class D with Strong Beer, to expire April 1, 2012

What Rob Wants Inc, dba Chris & Robs Chicagos Taste Authority, 3101 E 42nd St

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Chatterbox Enterprises Inc, dba Chatterbox Pub, 4501 France Av S
On-Sale Wine Class E with Strong Beer, to expire April 1, 2012
3 Tiers Inc, dba 3 Tiers, 5011 34th Av S (new business)
Pizza Nea Inc, dba Pizza Nea, 306 E Hennepin Av
Naughty Dog Enterprises Inc, dba Cuppa Java, 400 Penn Av S
Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1242 Hennepin Av
Yellow Lantern LLC, dba Tony's Diner, 1327 4th St SE
Lucky Dragon Riverside Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Av
La Gran Colombia Inc, dba La Colonia Restaurant, 2205 Central Av NE
Molly's Inc, dba Broders Cucina Italiana, 2308 W 50th St
Himalayan Restaurant LLC, dba Himalayan Restaurant, 2401 E Franklin Av
Oven Door Eatery LLC, dba Citizen Cafe, 2403 E 38th St
Sen Yai Sen Lek LLC, dba Sen Yai Sen Lek, 2424 Central Av NE
Sabor Latino Inc, dba Sabor Latino Restaurant, 2505 Central Av NE
Christos Inc, dba Christos, 2632 Nicollet Av
Tooties on Lowry, dba Tooties on Lowry, 2706 Lowry Av N
Civitali Restaurant Corp, dba Punch Neapolitan Pizza, 3226 W Lake St
Nelmatt LLC, dba Matt's Bar, 3500 Cedar Av S
Bruce Boe Inc, dba Cedar Inn, 4155 Cedar Av S
The Chestnut Tree Inc, dba Piccolo, 4300 Bryant Av S
Tumdee LLC, dba Ba Gu Restaurant, 4741 Chicago Av
Sea Salt Eatery LLP, dba Sea Salt Eatery, 4801 Minnehaha Av
Neighborhood Food LLC, dba Prima Pasta Salads Panini, 5325 Lyndale Av S
Off-Sale Beer, to expire April 1, 2012
Holiday Stationstores Inc, dba Holiday Stationstore #404, 601 N 5th St
A & R Fuel Inc, dba Lowry Handy Stop, 700 Lowry Av NE
Dawood Lalji Inc, dba Centre Village Shop, 700 5th Av S
Holiday Stationstores Inc, dba Holiday Stationstore #335, 1331 Industrial Blvd
Los Arcos Imports, dba Los Arcos Imports, 1515 E Lake St #107
Crown Coco Inc, dba Broadway E-Z Stop Store, 1617 Broadway St NE
Crown Coco Inc, dba Old Colony EZ Stop, 1624 Washington Av N
Holiday Stationstores Inc, dba Holiday Stationstore #2, 2124 E Franklin Av
Twin Cities Gas Inc, dba Riverside Winner, 2517 Riverside Av
Good Choice Inc, dba Los Amigos, 2746 Blaisdell Av
Latino Groceries Inc, dba Panamericano Market, 3408 Cedar Av S
Holiday/Cedar Avenue LLC, dba Holiday Stationstore #407, 3550 Cedar Av S
Madi Inc, dba Venus Grocery, 3751 Portland Av
Holiday Stationstores Inc, dba Holiday Stationstore #25, 5444 Nicollet Av
On-Sale Beer Class E, to expire April 1, 2012
Minh Le Corp, dba Bona Restaurant, 815 Washington Av SE
Davanni's Inc, Davanni's Pizza & Hot Hoagies, 1414 W Lake St
John-Fred Co Inc, dba Sunrise Inn, 4563 34th Av S.
Adopted 4/1/2011.

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

Adopted 4/1/2011.

Resolution 2011R-134, granting applications for Business Licenses, was adopted 4/1/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 1, 2011

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

RESOLUTION 2011R-134

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 1, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274845):

Amusement Devices; Place of Amusement Class B-1; Bowling Alley; Dry Cleaner - Non-Flammable; Dry Cleaning & Laundry Pickup Station; Laundry; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Ice Producer - Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Food Shelf; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Wholesale Sausage Manufacturer & Distributor; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Liquid Waste Hauler; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Plumber; Precious Metal Dealer; Public Market; Refrigeration Systems Installer; Rental Halls; Secondhand Goods Class A; Sign Hanger; Suntanning Facility; Swimming Pool - Public; Taxicab Service Company; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; Wrecker of Buildings Class B; and Pawnbroker Class A.

Adopted 4/1/2011.

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

Adopted 4/1/2011.

Resolution 2011R-135, granting applications for Gambling Licenses, was adopted 4/1/2011 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 2011R-135

By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274845):

Gambling Class B

Knights of Columbus, dba Knights of Columbus, 3637 11th Av S (Bingo)

Gambling Exempt

Special Olympics Minnesota, dba Special Olympics Minnesota, 100 Washington Av S (Raffle March 5, 2011)

Minnesota Social Service Association, dba Minnesota Social Service Association, 125 Charles Av, Saint Paul (Raffle March 21 - 24, 2011)

Minnpost.Com, dba Minnpost.Com, 900 6th St SE #220 (Raffle April 1, 2011)

MN DU Special Events, dba MN DU Special Events, 10602 Washington Blvd NE, Blaine (Raffle April 2, 2011)

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Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle April 3, 2011)
The Minnesota Hundred Club, dba The Minnesota Hundred Club, 3050 Centre Point Dr #170, Roseville (Raffle April 14, 2011)
Saint Paul Jaycees, dba Saint Paul Jaycees, 1 W Water St #275, Saint Paul (Raffle April 15, 2011)
Lake Country School, dba Lake Country School, 3755 Pleasant Av (Raffle April 30, 2011)
Edison Community & Sports Foundation, dba Edison Community & Sports Foundation, 700 22nd Av NE (Bingo and Raffle May 2, 2011)
Minnesota Orchestra Volunteer Association, dba Minnesota Orchestra Volunteer Association, 1111 Nicollet Mall (Raffle May 6, 2011)
Pacer Center Inc, dba Pacer Center Inc, 8161 Normandale Blvd (Raffle May 7, 2011)
Philanthrofund Foundation, dba Philanthrofund Foundation, 1409 Willow St #210 (Raffle May 7, 2011)
Pope John Paul II Catholic School, dba Pope John Paul II Catholic School, 1630 4th St NE (Raffle May 13, 2011)
Family Hope Services, dba Treehouse, 5666 Lincoln Dr #201 (Raffle May 19, 2011)
Fraser Academy, dba Fraser Academy, 1534 6th St NE (Raffle May 19, 2011)
Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Bingo, Raffle and Pulltabs June 5, 2011)
Scott Carver Dakota Cap Agency, dba Scott Carver Dakota Cap Agency, 712 Centerbury Rd, Shakopee (Raffle August 12, 2011).
Adopted 4/1/2011.

RE&E - Your Committee, having under consideration the On-Sale Liquor Class B License held by Bartums Inc, dba Lone Tree Bar and Grill, 528 Hennepin Av, and having received notification from the State of Minnesota Department of Revenue that Lone Tree Bar and Grill has an outstanding tax liability, now recommends that said license be revoked and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.
Adopted 4/1/2011.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Agreement relating to the Grocery, Food Manufacturer, Restaurant and Tobacco Dealer Licenses held by Chicago Food & Deli, 2500 Chicago Av.
Adopted 4/1/2011.

Resolution 2011R-136, approving License Settlement Agreement relating to the Grocery, Food Manufacturer, Restaurant and Tobacco Dealer Licenses held by Chicago Food & Deli, 2500 Chicago Av, was adopted 4/1/2011 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 2011R-136 By Glidden

Approving License Settlement Agreement relating to the Grocery, Food Manufacturer, Restaurant and Tobacco Dealer Licenses held by Chicago Food & Deli, 2500 Chicago Av.

Whereas, the Licenses & Consumer Services Division has instituted adverse license proceedings against the business licenses held by Bander Beyla, Inc, Mahamood Shere Ahmed and Burham Shire (the "Licenses") dba Chicago Food & Deli by filing a Notice and Order for Hearing in the State of Minnesota Office of Administrative Hearings dated October 13, 2010; and

Whereas, the Notice and Order for Hearing alleged numerous bases to support the imposition of adverse license action against said business licenses; and

Whereas, the Licensee, through its counsel, has contested the legal and factual basis supporting the imposition of adverse license action; and

Whereas, with the advice and approval of counsel, both parties have jointly offered to compromise and resolve all claims subject to the Notice and Order for Hearing for good and lawful consideration;

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

That in consideration of the premises and the mutual promises contained herein, it is agreed that all parties recommend the following terms of settlement be adopted:

1. Fine. On or before April 1, 2011, the Licensee shall remit a civil penalty, in the amount of \$1,000, payable to the City of Minneapolis - Finance Department.

2. Temporary Closure. On or before April 1, 2011, the Licensee shall close the establishment doing business as Chicago Food & Deli at 2500 Chicago Avenue South for a period consisting of three consecutive and complete business days. The establishment shall be completely closed to any business and no members of the public shall be allowed to enter the facility. The closure must occur on days the establishment is normally open for business and advance notification of the days selected for closure shall be provided at least seven days prior to the closure to Inspector Julie Casey.

3. License Withdrawal. Prior to the close of the temporary closure period described above, the current business licenses for the premises shall be withdrawn by the Licensee.

4. New Corporation & Sole Proprietorship. Upon completion of the closure period referenced above, and upon completion of all necessary documentation and compliance with any other requirement of application, the Chicago Food & Deli location will be granted a new license under a new corporate and d/b/a name, to be held by a corporation of which Mahamood Shere Ahmed is the sole owner and shareholder. As sole owner and proprietor at the location, Mahamood Shere Ahmed agrees that he will be held ultimately responsible for any violations of Minneapolis Code of Ordinances Section 259.250 (1) (a) - (l) occurring after the granting of new business licenses at the establishment by any employees, regardless of whether he possesses direct or indirect knowledge thereof, to the extent provided by Minneapolis Code of Ordinances Section 259.250 (3). For a period lasting until April 1, 2012, Mahamood Shere Ahmed shall not negotiate or transfer any ownership shares or license interest in the establishment without first seeking and obtaining the approval of the City of Minneapolis. This section shall in no way absolve Mahamood Shere Ahmed from complying with any license application or requirements imposed by the City of Minneapolis or law.

5. Burham Shire to Relinquish All Interests. Prior to the execution of this agreement, Burham Shire shall have fully relinquished any ownership, proprietary, employment, or beneficial interest in the establishment doing business as Chicago Food & Deli. AS a condition of the licensure of any future corporation or establishment doing business at the premises in which Mohamood Shere Ahmed holds any interest whatsoever, Burham Shire shall not be allowed to hold any interest whatsoever in said establishment and shall not be allowed to be present or to remain on the premises for any reason. Should Burham Shire appear or attempt to appear on the premises, Mohamood Shere Ahmed shall cooperate with the Minneapolis Police Department in issuing a trespass notice to Mr. Shire and in any subsequent enforcement of the trespass notice.

6. Divestment. Mohamood Shere Ahmed shall, on or before May 15, 2011, completely divest himself of any ownership, license or beneficial interest in the establishment doing business as "West Bank Grocery" located at 417 Cedar Avenue South and shall hold no other interest in any other similar licensed establishment in Minneapolis (with the exception of the Chicago Food & Deli location) for a minimum period lasting until April 1, 2012. Any such divestment shall have no affect on the City's ability to pursue additional adverse license action against any remaining licensees or partners in West Bank Grocery, if supported by law. Any application received from Mohamood Shere Ahmed after such period seeking licensure or an ownership interest in any additional and similar licensed establishments will be reviewed and decided upon by the City of Minneapolis with reference to existing legal standards as well as the applicant's level of compliance with this agreement and with any other related statutes, ordinances or laws.

7. Additional Conditions. Ahmed agrees to the Additional Conditions attached and marked as Exhibit A.

8. Effective Date. This Settlement Agreement shall not become effective until and unless approved and published by the City Council of the City of Minneapolis.

9. Right to Withdraw. In the event the City Council of the City of Minneapolis fails to approve the Settlement Agreement or imposes additional terms and conditions that are deemed unacceptable by Mahamood Shere Ahmed, Mr. Ahmed shall have the right to withdraw from the Settlement Agreement and the parties shall proceed with an Administrative Hearing before an Administrative Law Judge.

EXHIBIT A
ADDITIONAL CONDITIONS

1. A "No Trespassing" sign will be clearly posted on the exterior of the business. The business understands that pursuant to Minneapolis Code of Ordinances Section 259.250 (1) (i) it has a duty to take appropriate actions to prevent loitering on the business premises. Appropriate actions shall include, but are not limited to, staff requesting anyone observed loitering on the premises or within the immediate vicinity of the store entrance to leave and to utilize 911 to request police assistance to disperse any loiterers refusing to leave. Any individual observed for a period of time in excess of 15 minutes without making any purchases or engaging in any shopping or legitimate business activity or interaction may be deemed to be loitering. The business shall at all times cooperate with the police and any prosecutorial agencies in the prosecution of any criminal activity occurring on the premises.

2. The business agrees to purchase all products sold on the premises from wholesale or retail operations recognized by the City of Minneapolis or the State of Minnesota. Invoices for all products purchased within the last 90 days will be maintained on the premises and made available to the Business License, Environmental Health and Police Departments upon request.

3. All customers under the age of 27 must provide proof of age through a photo identification card issued by a government authority for purchase of any alcohol or tobacco products. The business will supply either a calendar listing the date individuals turn 18 years or age or an identification card scanner. These items shall be used in every transaction involving the sale of alcohol and tobacco products.

4. The business understands Minneapolis ordinance prohibits the sale of single cigarettes.

5. The business agrees not to sell the following items that are commonly used by drug users and dealers: plastic or zip lock bags smaller than sandwich size, blunts, glass pipes, steel wool products (specifically "Chore Boy"), tobacco/postal scales, paper rolling devices, tobacco pipes, and single use tobacco products. The business will not supply matches to non-tobacco customers.

6. Persons working at the business shall wear name tags at all times.

7. The business will maintain Workers' Compensation insurance at all times in compliance with Minnesota State Statutes. The business understands that they will notify the Business License Division any time there is a change in the requirement for workers' compensation insurance or a change in the policy.

8. The sale of goods considered to be formerly used items requires a secondhand goods license. The business will not sell secondhand goods without first obtaining the required license.

9. All license applications and renewals submitted by the business shall contain true and correct information concerning the ownership, conduct of the business, or other requested information. The business understands that the submission of false or fraudulent information will be subject to revocation of all business license.

10. The business will comply with the policies and ordinances in regard to surveillance cameras. The surveillance camera shall be in operating order at all times.

11. The business will have operating hours as specified in the Minneapolis Zoning Codes which states: Sunday through Thursday, 7:00 a.m. to 10:00 p.m. and Friday and Saturday, 7:00 a.m. to 11:00 p.m.

Adopted 4/1/2011.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 2906 Emerson Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Mahmood Khan.

Adopted 4/1/2011.

RE&E - Your Committee, having under consideration the Rental Dwelling Licenses held by Frank Zaragoza for the properties located at 2301, 2318, 2323 and 2339 Cole Av SE, and a hearing having been held before an administrative hearing officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling licenses be revoked for failure to meet licensing standards pursuant to Section 244.1910 (13) of the Minneapolis Code of Ordinances which restricts any person who has had an interest in two or more licenses revoked from holding or having an interest in a rental dwelling license or provisional license for a period of five years, now recommends that said licenses be **sent forward without recommendation**.

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

Adopted by unanimous consent.

The report, as amended, was adopted 4/1/2011.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to responsibilities of the Property Services Division, and having held a public hearing thereon, now recommends that the following ordinances be given their second reading for amendment and passage:

a) Title 2, Chapter 22 relating to *Administration: City Engineer*, repealing Section 22.140 entitled "Control of lands and buildings used for municipal operations";

b) Title 2, Chapter 17 relating to *Administration: Finance Department*, moving certain property services responsibilities from the City Engineer to the Finance Department; and

c) Title 10, Chapter 202 relating to *Food Code: Municipal Market*, placing the municipal market under the direction of the Finance Officer.

Adopted 4/1/2011.

Ordinance 2011-Or-027 amending Title 2, Chapter 22 of the Minneapolis Code of Ordinances relating to *Administration: City Engineer* by repealing Section 22.140 entitled "Control of lands and buildings used for municipal operations", was adopted 4/1/2011 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 2011-Or-027
By Colvin Roy
Intro & 1st Reading: 2/11/2011
Ref to: T&PW
2nd Reading: 4/1/2011

Amending Title 2, Chapter 22 of the Minneapolis Code of Ordinances relating to Administration: City Engineer.

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

Section 1. That Section 22.140 of the above-entitled ordinance be and is hereby repealed.

22.140. Control of lands and buildings used for municipal operations. ~~The city engineer shall control all public lands and buildings owned or leased by the city for municipal operations under the jurisdiction of the city council. The city engineer shall take such measures for the proper maintenance and protection of public lands and buildings as in the judgment of the city engineer may be necessary. The city engineer shall also purchase or sell public lands and buildings subject to the approval of the city council. All leases of public property must involve adequate consideration to reimburse the city for property expenses. The section shall not apply to purchases, sales or leases for development purposes.~~

Adopted 4/1/2011.

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Ordinance 2011-Or-028 amending Title 2, Chapter 17 of the Minneapolis Code of Ordinances relating to *Administration: Finance Department*, moving certain property services responsibilities from the City Engineer to the Finance Department, was adopted 4/1/2011 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 2011-Or-028
By Colvin Roy
Intro & 1st Reading: 2/11/2011
Ref to: T&PW
2nd Reading: 4/1/2011

Amending Title 2, Chapter 17 of the Minneapolis Code of Ordinances relating to Administration: Finance Department.

Section 1. That Section 17.60 of the above-entitled ordinance be amended to read as follows:

17.60. Duties of finance officer. The finance officer:

(a) Shall oversee all functions of the finance department.
(b) Shall serve as treasurer to all city boards and commissions but shall not be a member of any city board or commission and shall not act as treasurer to nor be a member of the Minneapolis Employees' Retirement Board.

(c) Shall serve as treasurer to the Police Relief Association but shall not be a member of its board.

(d) Shall assume all of the powers and duties that an assistant coordinator of finance and management would have and shall assume all of the powers and duties of the finance officer set forth in the City Charter or applicable laws of the State of Minnesota and such additional powers and duties as may be delegated to the finance officer by the city coordinator or the city council including but not necessarily limited to the powers and duties as defined by the following provisions of the City Charter:

- (1) Chapter 3, Sections 11 through 20;
- (2) Chapter 4, Section 20;
- (3) Chapter 5, Sections 11, 14 through 27, 29, 30, 31, 33, and 35;
- (4) Chapter 9, Sections 8 and 9;
- (5) Chapter 10, Section 23;
- (6) Chapter 16, Sections 1, 5 through 7;
- (7) Chapter 17, Sections 5 and 6;
- (8) Chapter 19, Sections 2 and 17.

(e) Shall assure that all administrative duties are performed as are set forth in Chapter 16 of this Code.

(f) Shall pursuant to Minnesota Laws 1986, Chapter 359, review and countersign all annual financial reports prepared by the boards of the Minneapolis Police and Minneapolis Fire Relief Associations, shall receive and deposit all money received for the special fund of the relief associations, and shall countersign all disbursements of five thousand dollars (\$5,000.00) or more made by the relief associations.

(g) Shall control public lands and buildings owned or leased by the city for municipal operations under the jurisdiction of the city council and shall take such measures for the proper maintenance and protection of public lands and buildings as in the judgment of the finance officer may be necessary. The finance officer shall also purchase or sell public lands and buildings subject to the approval of the city council. All leases of public property must involve adequate consideration to reimburse the city for property expenses. This subsection shall not apply to purchases, sales or leases for development purposes, or to those certain public lands and buildings that the city coordinator and city engineer determine are more appropriately maintained and controlled by a separate city official.

Adopted 4/1/2011.

APRIL 1, 2011

Ordinance 2011-Or-029 amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to *Food Code: Municipal Market*, placing the municipal market under the direction of the Finance officer, was adopted 4/1/2011 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 2011-Or-029
By Colvin Roy
Intro & 1st Reading: 2/25/2011
Ref to: T&PW
2nd Reading: 4/1/2011

Amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to Food Code: Municipal Market.

Section 1. That Section 202.90 of the above-entitled ordinance be amended to read as follows:

202.90. Position of market manager created; supervision duties. (a) There shall be a market manager who shall, under the direction of the city ~~engineer~~ finance officer, have the supervision, management and control of said municipal market. The market manager may be appointed a special police officer by the mayor to exercise police powers within the municipal market and the territory adjoining and surrounding said market, as may be defined in the order of appointment under Section 3 of Chapter VI of the Charter.

(b) If the city shall enter into a contract with any individual, corporation or association, for the operation of the market for the city, the market manager shall be appointed by and be an employee of said individual, corporation or association; but the appointment must be approved by the city ~~engineer~~ finance officer who will hold the individual, corporation or association together with their appointed market manager responsible for the orderly operation of the market in conformity with the said contract and this code.

Section 2. That Section 202.110 of the above-entitled ordinance be amended to read as follows:

202.110. Rentals. (a) Upon recommendation of the city ~~engineer~~ finance officer, the city council shall fix from year to year the length of the market season, the market fees and stall rentals, service charges, and any market concession rentals. When the market is operated under contract with an individual, corporation or association, the market season and market fees shall be fixed by the individual, corporation, or association subject to the approval of the city ~~engineer~~ finance officer and review of the council from time to time. The market manager shall assess and collect such fees and rentals from all persons who occupy such stall spaces on the municipal market for selling purposes. In recommending stall rentals, the city ~~engineer~~ finance officer may classify the stall spaces, both underneath and outside of market sheds, according to desirability of location and other factors affecting their value, and different charges may be made for such different classes of stalls. In order to better utilize the selling spaces on the market, the market manager may rent a single stall to two (2) or more persons under adequate rules and regulations, and in such case a fixed scale of reduced rentals may be made to apply. Each year the ~~city engineer shall file with the city~~ finance officer shall create and maintain a list of file listing the classes of stalls on the municipal market and the stall numbers which make up such class, together with the rental charges for the stalls, service charges and concession rentals which have been fixed by the city council.

(b) In assigning market stalls on a seasonal basis, the market manager may separate vendors into classes according to the kinds of products which they sell or the periods during which they come to the municipal market, or both, and assign certain market sheds or certain sections of such sheds to certain classes of vendors, in such a way that the best interests of the market will be served. Unless it is desirable to transfer a person from one stall to another, in order to place the person with the proper class, a person who rents a stall one year shall have the renewal of that stall for the next year provided the person has complied with the provisions of this chapter and the market rules a regulation.

Section 3. That Section 202.130 of the above-entitled ordinance be amended to read as follows:

202.130. Open hours. The municipal market shall be open for business during such hours as shall be determined by the market manager with the approval of the city ~~engineer~~ finance officer, so as to best serve the reasonable needs of the farmers, market gardeners and the public.

Section 4. That Section 202.180 of the above-entitled ordinance be amended to read as follows:

202.180. Eating facilities. (a) The city council may conduct on the market, eating places which will provide the buyers and sellers on the market with suitable accommodations of this nature; or, in its discretion, it may rent such facilities, under such rules and regulations as it may prescribe, to a private party. When such action is made effective, thereafter no other person shall display, offer for sale on the market grounds or in buildings thereon any prepared foods or beverages designed for the immediate consumption of the buyers and sellers on the market. It shall be understood that the refectory privileges on the market, whether operated by the city or by a private party, carry with them the exclusive right to sell such foods and beverages on the market.

(b) Provided, that the city council may permit any duly licensed caterer to vend his goods, wares and merchandise in a place or stall properly assigned to such caterer by the city ~~engineer~~ finance officer acting through the market manager and upon such conditions and regulations as the city ~~engineer~~ finance officer shall impose and direct. Any person desiring to so operate shall make application to the market manager for such a permit and shall pay an appropriate fee for such permit.

Adopted 4/1/2011.

T&PW - Your Committee recommends passage of the accompanying resolution authorizing the execution of a revised Mississippi Watershed Management Organization Joint and Cooperative Agreement.

Adopted 4/1/2011.

Resolution 2011R-137, authorizing the execution of the Mississippi Watershed Management Organization Joint and Cooperative Agreement, was adopted 4/1/2011 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 2011R-137

By Colvin Roy

Authorizing the execution of the Mississippi Watershed Management Organization Joint and Cooperative Agreement.

Whereas, the City of Minneapolis, hereinafter known as the City, is party to a joint powers agreement, effective 2002, entitled JOINT AND COOPERATIVE AGREEMENT FOR THE MISSISSIPPI WATERSHED MANAGEMENT ORGANIZATION (the "Joint Powers Agreement"); and

Whereas, the Joint Powers Agreement expired by its terms on January 1, 2010; and

Whereas, the Mississippi Watershed Management Organization (MWMO) has continued to act and exercise its powers and duties, notwithstanding the expiration of the Joint Powers Agreement; and

Whereas, it has been and is the intent of the City that the MWMO continue to act as a watershed management organization for the watershed and will continue to do so in the future; and

Whereas, the City has been presented with a revised twenty (20) year Joint Powers Agreement, which, among other things, establishes an expiration date of January 1, 2031;

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

That the proper City officers be authorized to execute the Joint Powers Agreement.

Adopted 4/1/2011.

APRIL 1, 2011

T&PW - Your Committee recommends approval of the Hennepin County Transportation Department's construction plans for modifications to the Cedar Ave S Bridge over Washington Ave SE.

Your Committee further recommends passage of the accompanying resolution authorizing the execution of a City/County Construction Cooperative Agreement relating to the bridge modifications, pending satisfactory review by the City Attorney's Office.

Adopted 4/1/2011.

Resolution 2011R-138, authorizing the execution of a City/County Construction Cooperative Agreement for modifications to the Cedar Ave S Bridge over Washington Ave SE, was adopted 4/1/2011 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 2011R-138

By Colvin Roy

Authorizing the execution of a City/County Construction Cooperative Agreement for modifications to the Cedar Ave S Bridge over Washington Ave SE.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute a City/County Construction Cooperative Agreement (County Agreement No PW 01-20-11) with Hennepin County relating to Hennepin County's construction plans for modifications to the Cedar Ave S Bridge over Washington Ave SE (County Project No 1026). The planned modification to said bridge is acceptable and approves the County's plans as required by state statute.

Adopted 4/1/2011.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2011 Street Resurfacing Program, 2nd Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5219 and Stevens Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5220.

Adopted 4/1/2011.

Resolution 2011R-139, designating the locations and streets to be improved in the 2nd Ave S and Stevens Ave S Street Resurfacing Projects, was adopted 4/1/2011 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 2011R-139

By Colvin Roy

**2011 STREET RESURFACING PROGRAM
2ND AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5219 &
STEVENS AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5220**

Designating the improvement of certain existing streets in the 2011 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

APRIL 1, 2011

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing-related improvements as needed:

Second Ave S (5219)

2nd Ave S from I-35W ramp north of 32nd St E to 34th St E; and

2nd Ave S from 37th St E to 42nd St E.

Stevens Ave S (5220)

Stevens Ave S from I-35W ramp north of 32nd St E to 34th St E; and

Stevens Ave S from 37th St E to 40th St E.

Adopted 4/1/2011.

T&PW - Your Committee, having received cost estimates of \$277,120 for street resurfacing improvements and a list of benefited properties for certain locations in the 2nd Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5219, and having received a cost estimate of \$214,130 for street resurfacing improvements and a list of benefited properties for certain locations in the Stevens Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5220, as designated by Resolution 2011R-139 passed April 1, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that public hearings be held on May 17, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/1/2011.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2011 Street Resurfacing Program, Butler Pl Street South Resurfacing Project, Special Improvement of Existing Street No 5221 and 9th St S Resurfacing Project, Special Improvement of Existing Street No 5222.

Adopted 4/1/2011.

Resolution 2011R-140, designating the locations and streets to be improved in the Butler Pl and 9th St S Street Resurfacing Projects, was adopted 4/1/2011 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 2011R-140

By Colvin Roy

**2011 STREET RESURFACING PROGRAM
BUTLER PL STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5221 &
9TH ST S RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5222**

Designating the improvement of certain existing streets in the 2011 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

APRIL 1, 2011

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing-related improvements as needed:

Butler PI (5221)

Butler PI from 24th Ave S to Riverside Ave.

9th St S (5222)

9th St S from 20th Ave S to Riverside Ave.

Adopted 4/1/2011.

T&PW - Your Committee, having received cost estimates of \$65,880 for street resurfacing improvements and a list of benefited properties for certain locations in the Butler PI Street Resurfacing Project, Special Improvement of Existing Street No 5221, and having received a cost estimate of \$178,920 for street resurfacing improvements and a list of benefited properties for certain locations in the 9th St S Street Resurfacing Project, Special Improvement of Existing Street No 5222, as designated by Resolution 2011R-140 passed April 1, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that public hearings be held on May 17, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/1/2011.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2011 Street Resurfacing Program, Prospect Park Area Phase III Street Resurfacing Project, Special Improvement of Existing Street No 5207.

Adopted 4/1/2011.

Resolution 2011R-141, designating the locations and streets to be improved in the Prospect Park Area Phase III Street Resurfacing Project, was adopted 4/1/2011 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 2011R-141

By Colvin Roy

**2011 STREET RESURFACING PROGRAM
PROSPECT PARK AREA STREET RESURFACING PROJECT PHASE III
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5207**

Designating the improvement of certain existing streets in the 2011 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing-related improvements as needed:

Prospect Park Area Phase III (5207)

River Ter E from Franklin Ave SE to Cecil St SE;

Seymour PI SE from River Pkwy E to River Ter E; and

Cecil St SE from River Pkwy E to the railroad right-of-way.

Adopted 4/1/2011.

T&PW - Your Committee, having previously received a cost estimate of \$134,980 for street resurfacing improvements that included Phase II and Phase III of the Prospect Park Street Resurfacing Project approved March 10, 2011 and now receiving a list of benefited properties for certain locations in the Prospect Park Area Phase III Street Resurfacing Project, Special Improvement of Existing Street No 5207, as designated by Resolution 2011R-141 passed April 1, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036 passed January 28, 2011.

Your Committee further recommends that a public hearing be held on May 17, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/1/2011.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Riverside Ave Phase I Reconstruction Project, Special Improvement of Existing Street No 6746.

Adopted 4/1/2011.

Resolution 2011R-142, designating the locations and streets to be improved in the Riverside Ave Phase I Street Reconstruction Project, was adopted 4/1/2011 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 2011R-142
By Colvin Roy

RIVERSIDE AVE RECONSTRUCTION PHASE I PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6746

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

Resolved by The City Council of The City of Minneapolis:

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

Riverside Ave from 23rd Ave S approximately 2,800 feet to Franklin Ave E.

Adopted 4/1/2011.

T&PW - Your Committee, having received a cost estimate of \$5,210,000 for street construction improvements and a list of benefited properties for certain locations in the Riverside Ave Phase I Reconstruction Project, Special Improvement of Existing Street No 6746, as designated by Resolution 2011R-142, passed April 1, 2011, now recommends that the City Engineer be directed to prepare a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the 2011 Uniform Assessment Rates as per Resolution 2011R-036, passed January 28, 2011.

Your Committee further recommends that a public hearing be held on May 3, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street location, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/1/2011.

APRIL 1, 2011

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

T&PW & W&M/Budget - Your Committee, having under consideration the University Ave SE Central Corridor Adjacent Street Lighting Project, Special Improvement of Existing Street No 2280, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project; and
- c) Declaring intent to reimburse project costs with tax-exempt bonds.

Adopted 4/1/2011.

Resolution 2011R-143, ordering the work to proceed and adopting the special assessments for the University Ave SE Central Corridor Adjacent Street Lighting Project, was adopted 4/1/2011 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 2011R-143
By Colvin Roy and Hodges**

**UNIVERSITY AVE SE CENTRAL CORRIDOR ADJACENT
STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2280**

Ordering the work to proceed and adopting the special assessments for the Washington Ave SE Central Corridor Adjacent Street Lighting Project.

Whereas, a public hearing was held on March 22, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-040 passed January 28, 2011, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-040 passed January 28, 2011.

Be It Further Resolved that the proposed special assessments in the amount of \$265,000 for the University Ave SE Central Corridor Adjacent Street Lighting Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.

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

Adopted 4/1/2011.

Resolution 2011R-144, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the University Ave SE Central Corridor Adjacent Street Lighting Project, was adopted 4/1/2011 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 2011R-144
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$265,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the University Ave SE Central Corridor Adjacent Street Lighting Project, Special Improvement of Existing Street No 2280, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/1/2011.

Resolution 2011R-145, declaring intent to reimburse project costs related to the University Ave SE Central Corridor Adjacent Street Lighting Project with tax exempt bonds, was adopted 4/1/2011 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 2011R-145
By Colvin Roy and Hodges

Declaring intent to reimburse project costs with tax-exempt bonds.

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse up to \$265,000 of expenditures related to the University Ave SE Central Corridor Adjacent Street Lighting Project (TR025) from the proceeds of tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services, and staff costs reasonably allocated to the project, as well as costs incurred and paid for the design and construction of the project. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt to be issued by the City consists of special assessments collected on the annual property tax statement of the affected property owners.

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the Washington Ave SE Central Corridor Adjacent Street Lighting Project, Special Improvement of Existing Street No 2279, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project; and
- c) Declaring intent to reimburse project costs with tax-exempt bonds.

Adopted 4/1/2011.

Resolution 2011R-146, ordering the work to proceed and adopting the special assessments for the Washington Ave SE Central Corridor Adjacent Street Lighting Project, was adopted 4/1/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 1, 2011

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

**RESOLUTION 2011R-146
By Colvin Roy and Hodges**

**WASHINGTON AVE SE CENTRAL CORRIDOR ADJACENT
STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2279**

Ordering the work to proceed and adopting the special assessments for the Washington Ave SE Central Corridor Adjacent Street Lighting Project.

Whereas, a public hearing was held on March 22, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-041 passed January 28, 2011, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-041 passed January 28, 2011.

Be It Further Resolved that the proposed special assessments in the amount of \$220,023.96 for the Washington Ave SE Central Corridor Adjacent Street Lighting Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.

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

Adopted 4/1/2011.

Resolution 2011R-147, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the Washington Ave SE Central Corridor Adjacent Street Lighting Project, was adopted 4/1/2011 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 2011R-147
By Colvin Roy and Hodges**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$220,025 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the Washington Ave SE Central Corridor Adjacent Street Lighting Project, Special Improvement of Existing Street No 2279, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/1/2011.

APRIL 1, 2011

Resolution 2011R-148, declaring intent to reimburse Washington Ave SE Central Corridor Adjacent Street Lighting Project costs with tax-exempt bonds, was adopted 4/1/2011 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 2011R-148
By Colvin Roy and Hodges

Declaring intent to reimburse project costs with tax-exempt bonds.

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse up to \$220,000 of expenditures related to the Washington Ave SE Central Corridor Adjacent Street Lighting Project (TR024) from the proceeds of tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services, and staff costs reasonably allocated to the project, as well as costs incurred and paid for the design and construction of the project. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt to be issued by the City consists of special assessments collected on the annual property tax statement of the affected property owners.

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the Upper Mississippi Source Water Protection Project, now recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the City of St. Cloud and the Board of Water Commissioners of the City of St. Paul for the implementation of source water protection activities under the Upper Mississippi Source Water Protection Project.

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the University of Minnesota Trail, Phase III, now recommends passage of the accompanying resolution authorizing Amendment No 1 to Minnesota Department of Transportation Agreements No 92905 and No 92693 to include required language regarding the Federal Funding and Transparency Act and increasing the cost of reimbursement from federal funds.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

Resolution 2011R-149, authorizing amendments to Minnesota Department of Transportation agreements related to federal aid participation for the University of Minnesota Trail, Phase III, was adopted 4/1/2011 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 2011R-149
By Colvin Roy and Hodges

Authorizing Amendment No 1 to Minnesota Department of Transportation (Mn/DOT) Agreements No 92905 and No 92693 to include required language regarding the Federal Funding and Transparency Act (FFATA) and increasing the estimated cost of reimbursement from federal funds.

Whereas, in 2007 and subsequently again in 2010, the City of Minneapolis pursued and received federal aid grant funding in the total amount of \$2,598,535 to cover costs associated with right-of-way acquisition, design, construction, and construction engineering on the University of Minnesota Trail, Phase III; and

Whereas, that pursuant to Minnesota Statute 161.36, Subd. 2, the federal aid funds are distributed to the states through the State Highway Agency, which are then made available to the local agencies for eligible transportation projects; and

Whereas, in the State of Minnesota, the Minnesota Department of Transportation (Mn/DOT) Commissioner of Transportation is the appointed Agent to distribute these funds; and

Whereas, before project costs are eligible for reimbursement, the City of Minneapolis needs to enter into agreements with Mn/DOT which outlines the use of the funds and the condition of the agency as prescribed by federal laws; and

Whereas, Agreement No 92905 has been entered into for Federal Participation in Right-of-Way, and Agreement No 92693 has been entered into for Federal Participation in Force Account;

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

That the proper City officers are hereby authorized and directed, on behalf of the City, to enter into Amendment Number 1 with the Mn/DOT Commission of Transportation prescribing the amended terms and condition of said federal aid participation, as set forth and contained in both Minnesota Department of Transportation Agreement Number 92905 and Agreement Number 92693.

Adopted 4/4/2011.

Approved by Mayor Rybak 4/4/2011.

T&PW & W&M/Budget - Your Committee, having under consideration grant agreements with Metropolitan Council and the Downtown Minneapolis Transportation Management Organization (TMO), now recommends:

a) That the proper City officers be authorized to execute Amendment No 1 to the Metropolitan Council Pass Through Grant Agreement No SG-2009-016 (City Agreement No C-27331) between the Metropolitan Council and the City of Minneapolis to provide up to \$925,945 in federal grant funding (FTA-CMAQ) for Transportation Demand Management (TDM) projects in effect for the period of April 1, 2009 through December 31, 2011;

b) That the proper City officers be authorized to execute Amendment No 1 to the City Agreement (No C-27332) with Downtown Minneapolis Transportation Management Organization (TMO) to perform specific work efforts as outlined in and in accordance with Met Council Contract SG-2009-016 that provides up to \$925,945 in federal grant funding in effect for the period of April 1, 2009 through December 31, 2011; and

c) Passage of the accompanying resolution increasing the appropriation and revenue for the project by \$264,148 (from \$661,797 to \$925,945).

Colvin Roy moved that Parts (a) and (b) of the report be amended by deleting "Amendment No 1" and inserting in lieu thereof "an extension". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/1/2011.

RESOLUTION 2011R-150
By Colvin Roy and Hodges

Amending the 2011 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (01300-9010943) by \$264,148 (from \$661,797 to \$925,945) and increasing the revenue source (01300-9010943 - Source 321050) by \$264,148.

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the Non-Motorized Transportation Pilot Program (NTP) Bicycle Parking Award (SP 141-091-28), now recommends:

- a) Authorizing the proper City officers to accept an NTP federal grant award for \$75,000 Bicycle Parking, SP 141-091-28;
- b) Authorizing the proper City officers to execute Agreement No 97553 with the State of Minnesota Department of Transportation to obtain such grant award funds and allowing the state to act as the City's agent in accepting the federal funds;
- c) Passage of the accompanying resolution appointing the Commissioner of Transportation as the City's agent in accepting the federal funds;
- d) Passage of the accompanying resolution increasing the appropriation and revenue for the project by \$75,000; and
- e) Authorizing the proper City officers to execute cooperative agreements with eligible agencies to participate in this bicycle parking program.

Adopted 4/1/2011.

Resolution 2011R-151, appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept federal aid funds for the eligible transportation-related project, was adopted 4/1/2011 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 2011R-151
By Colvin Roy and Hodges

Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept federal aid funds for the eligible transportation-related project.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Stat Sec 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation, as set forth and contained in "Minnesota Department of Transportation Agency Agreement No 97553", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted 4/1/2011.

RESOLUTION 2011R-152
By Colvin Roy and Hodges

Amending the 2011 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (1300-9010943) by \$75,000 and increasing the revenue source (1300-9010943 - Source 321012) by \$75,000.

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7395 from Graymont (WI) LLC, for an estimated annual expenditure of \$1,700,000.00, to furnish and deliver quick lime to the Minneapolis Public Works Water Works Division through March 31, 2012.

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

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No 7401 from Wieser Concrete Products, Inc., for an estimated annual expenditure of \$250,000.00, to furnish and deliver pre-cast reinforced concrete access structures for the Public Works Sewer Construction Division.

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

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low re-bid submitted to the Public Works Department on OP No 7410 from Veit and Company, Inc., for an estimated annual expenditure of \$879,875.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the disposal of clean fill excavation spoils for the Public Works Paving Division.

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

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7411 from Brown Traffic Products, Inc., for an estimated annual expenditure of \$65,000.00, to furnish and deliver pedestrian signals for the Public Works Transportation Division.

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

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7414 from Carus Corporation, for an estimated annual expenditure of \$500,000.00, to furnish and deliver potassium permanganate to the Minneapolis Public Works Water Works Division.

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

Adopted 4/1/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7417 from Cemstone Products Company, for an estimated annual expenditure of \$1,117,314.00, to furnish and deliver Ready Mix concrete and equipment as needed to the Public Works Department from April 1, 2011 through March 31, 2012.

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

Adopted 4/1/2011.

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 4/1/2011.

Resolution 2011R-153, authorizing settlement of legal matters of *Dominguez et al. vs. City of Minneapolis*, and *Nicole Madison vs. Willis*, was adopted 4/1/2011 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 2011R-153
By Hodges

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:

a) *Dominguez et al. vs. City of Minneapolis*, by payment of \$16,000 to Cecilia Santos Dominguez and Jose Sabino Daniel Maldonado Montoya and their attorney, Sharifa Elaraj, Esq., from the Internal Service Self Insurance Fund (06900-1500100-145400); and

b) *Nicole Madison vs. Willis*, by payment of the jury verdict and fees and costs ordered in the amount of \$21,000 and \$275,490.07 from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 4/1/2011.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend term of contract C-28528 with LinkedIn through May 2012 using LinkedIn's contract document instead of the City's Standard Agreement Form. No additional appropriation required.

Adopted 4/1/2011.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys managed services contract C-25200 by \$67,674 for an increase in scope to provide upgrades to two network security firewalls. No additional appropriation required. Funding for the request is included in the BIS Capital budget for Enterprise Infrastructure.

Adopted 4/1/2011.

W&M/Budget - Your Committee, having under consideration the Unisys Managed Services Contract C-25200, now recommends increasing the contract amount by \$750,000 for additional change orders (of \$50,000 or less) anticipated for the remainder of 2011.

Lost 4/1/2011. Yeas, 6; Nays, 7 as follows:

Yeas - Glidden, Hodges, Samuels, Schiff, Lilligren, Colvin Roy.

Nays - Quincy, Goodman, Gordon, Reich, Hofstede, Tuthill, Johnson.

W&M/Budget - Your Committee, having under consideration the Time & Labor Project, now recommends approving a one month delay of the roll-out of self service time and labor to the City in order to ensure a successful implementation, further authorizing to amend the project funding plan by \$170,000. Increased funding to be shared by Human Resources, the Park Board and MPHA, as set forth in the Department of Finance staff report.

Adopted 4/1/2011.

W&M/Budget - Your Committee, having under consideration five (5) Council appointments to the Capital Long-Range Improvement Committee (CLIC), now recommends the following appointees, terms beginning January 1, 2011 and ending December 31, 2012:

Council Appointment	Council Ward #
Philip Miller	8
Marcia Bethke	11
Daniel McConnell	12
Marty Demgen	12
Matt Perry	13

Schiff moved to amend the report to add to the list of Council appointments, the names of Joshua Houdek, for Ward 9 and Cecil Smith, for Ward 6. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/1/2011.

W&M/Budget - Your Committee, having received the recommendation of the Executive Committee for the reappointment of Macey Wheeler to serve on the Minneapolis Civil Service Commission, for a second term, ending February 28, 2014, and having held a public hearing thereon, now recommends approval of said reappointment.

Adopted 4/1/2011.

W&M/Budget - Your Committee, having under consideration the February 14, 2003 Council Proceedings regarding the Heritage Park Project due to a scrivener's error, now recommends the following:

- a) Reaffirm actions by Transportation & Public Works Committee and Ways & Means/Budget Committee, increasing the appropriation for Heritage Park infrastructure by \$1,250,000 and increasing the revenue for the Metropolitan Council's 2002 TEA-21 Affordable Housing Enhancement Demonstration (AHED) grant by \$1,250,000 (set forth in Petn 268566);
- b) That the City Council proceedings for February 14, 2003 be corrected; and
- c) Direct the Finance Department to release the project funds in accordance with the Council's direction for the Heritage Park Project.

Further, passage of the accompanying resolution amending the 2011 Capital Improvement Appropriation Resolution appropriating funds into the PW-Transportation Capital agency.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

(Published 4/5/2011)

Resolution 2011R-154, amending the 2011 Capital Improvement Resolution appropriating funds, was adopted 4/1/2011 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 2011R-154
By Hodges

Amending The 2011 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW-Transportation Capital agency in the Permanent Improvement Projects (04100-9010970) by \$1,250,000; and increasing the PW-Transportation Capital agency revenue source in the Permanent Improvement Projects (04100-9010970) by \$1,250,000 for the Metropolitan Council's 2002 TEA-21 Affordable Housing Enhancement Demonstration (AHED) grant approved by the Met Council Livable Communities Committee on December 16, 2002.

Adopted 4/1/2011.

Approved by Mayor Rybak 4/4/2011.

W&M/Budget - Your Committee, having under consideration a request from the City Clerk for authority to use 2010 Fiscal Year Fund Balance in 2011 for various projects, (Petn 274855), now recommends authorizing the Finance Officer to rollover up to \$75,000 for the purpose of elections transition.

Adopted 4/1/2011.

W&M/Budget - Your Committee, having under consideration a request from the Department of Public Works for additional funding in the amount of \$1,000,000 for the purpose of increasing the number of general pavement repair crews within the Transportation Maintenance & Repair Division, from four (4) to eight (8) crews for a period of seven weeks to perform pothole repairs, now recommends passage of the accompanying resolution appropriating \$1,000,000 into the Public Works General Fund agency by re-appropriate \$386,705 from the remaining 2010 General Fund balance above the 15% reserve requirement, and drawing down sooner than planned \$613,295 from the Community Development Fund (01SPH).

Adopted 4/1/2011.

RESOLUTION 2011R-155

By Hodges

Amending The 2011 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 2011 appropriation in the Public Works Department (00100 6070500) in the amount of \$1,000,000, by re-appropriate \$386,705 from the remaining 2010 General Fund balance above the 15% reserve requirement, and drawing down sooner than planned \$613,295 from the Community Development Fund (01SPH).

Adopted 4/1/2011.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee recommends concurrence with the recommendation of the Mayor in reappointing Theodore Tucker (Ward 3) and Alissa Luepke-Pier (Ward 3) to the Minneapolis City Planning Commission, for terms of office running February 1, 2011 - January 31, 2013.

Adopted 4/1/2011.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, regarding eliminating most zoning code references to hours open to the public, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

- a) Amending Chapter 525 relating to *Administration and Enforcement*;
- b) Amending Chapter 536 relating to *Specific Development Standards*;
- c) Amending Chapter 546 relating to *Residence Districts*;
- d) Amending Chapter 547 relating to *Office Residence Districts*;
- e) Amending Chapter 548 relating to *Commercial Districts*;
- f) Amending Chapter 549 relating to *Downtown Districts*; and
- g) Amending Chapter 550 relating to *Industrial Districts*.

Your Committee further recommends that Chapter 551 be returned to author.

Adopted 4/1/2011.

APRIL 1, 2011

Ordinance 2011-Or-030 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, adding a new Section 525.375 to address existing conditional use permits for extended hours of operation, was adopted 4/1/2011 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 2011-Or-030
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

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

Section 1. That Chapter 525 of the above-entitled ordinance be amended by adding thereto a new Section 525.375 to read as follows:

525.375. Existing conditional use permits for extended hours of operation. Uses with conditional use permits for extended hours of operation prior to February 11, 2011 shall be allowed to be open to the public during the hours approved by the conditional use permit, provided the use complies with all conditions of the original approval and the hours of operation are not discontinued for a continuous period of more than one (1) year.

Adopted 4/1/2011.

Ordinance 2011-Or-031 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to eliminate zoning code references to hours open to the public, was adopted 4/1/2011 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 2011-Or-031
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

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

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

Section 1. That the following specified development standard in Section 536.20 of the above-entitled ordinance be amended to read as follows:

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

Car wash.

- (1) Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

- (2) Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
- (3) ~~All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.~~
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Adopted 4/1/2011.

Ordinance 2011-Or-032 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, repealing Section 546.60 to eliminate zoning code references to hours open to the public, was adopted 4/1/2011 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 2011-Or-032
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.

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

Section 1. That Section 546.60 of the above-entitled ordinance be and is hereby repealed.

546.60. Hours open to the public. *(a) In general.* All uses located in the residence districts, except residential uses and religious institutions, shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Thursday, from 7:00 a.m. to 10:00 p.m.

Friday and Saturday, from 7:00 a.m. to 11:00 p.m.

(b) Extension of hours open to the public. The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impacts of noise, light and traffic.
- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
- (4) History of complaints related to the use.

(c) Operations not open to the public. Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public may occur.

Adopted 4/1/2011.

Ordinance 2011-Or-033 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence District*, repealing Section 547.60 to eliminate zoning code references to hours open to the public, was adopted 4/1/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

APRIL 1, 2011

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

ORDINANCE 2011-Or-033
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.

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

Section 1. That Section 547.60 of the above-entitled ordinance be and is hereby repealed.

547.60. Hours open to the public. ~~(a) In general.~~ All uses located in the office residence districts, except residential uses, religious institutions, hotels, birth centers, hospitals and colleges and universities, shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Thursday, from 7:00 a.m. to 10:00 p.m.

Friday and Saturday, from 7:00 a.m. to 11:00 p.m.

~~(b) Extension of hours open to the public.~~ The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impacts of noise, light and traffic.
- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
- (4) History of complaints related to the use.

~~(c) Operations not open to the public.~~ Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public may occur.

Adopted 4/1/2011.

Ordinance 2011-Or-034 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, repealing Section 548.60 and amending Sections 548.240, 548.300, 548.360, 548.420, and 548.480 to eliminate zoning code references to hours open to the public, was adopted 4/1/2011 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 2011-Or-034
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

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

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

Section 1. That Section 548.60 of the above-entitled ordinance be and is hereby repealed.

548.60. Hours open to the public. ~~(a) In general.~~ All uses located in the commercial districts, except residential uses, religious institutions, birth centers and hotels, shall comply with the regulations governing maximum hours open to the public as set forth in each district, except where the city planning commission further restricts such hours:

(b) *Extension of hours open to the public.* The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impacts of noise, light and traffic.
- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
- (4) History of complaints related to the use.

(c) *Uses licensed to sell alcoholic beverages.* The hours open to the public for uses licensed to sell alcoholic beverages shall be those permitted by the liquor, wine or beer license and any special late hours entertainment license approved for the facility. Hours open to the public beyond those permitted by the license may be requested by applying for a conditional use permit.

(d) *Operations not open to the public.* Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public, for example production or processing activities or the stocking of inventory, may occur.

Section 2. That Section 548.240 of the above-entitled ordinance be amended by deleting subdivision (4), as follows, and renumbering subdivisions (5) through (8):

548.240. General district regulations. The following conditions govern uses in the C1 District:

- ~~(4)~~ *Hours open to the public.* Hours open to the public shall be as follows:
Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.
Friday and Saturday, from 6:00 a.m. to 11:00 p.m.
- ~~(5)~~ *Drive-through facilities and car washes prohibited.* Drive-through facilities and car washes shall be prohibited.
- ~~(6)~~ *Outdoor speakers prohibited.* Commercial outdoor speakers shall be prohibited, except when used in conjunction with self-service fuel pumps. Speaker boxes designed to communicate from pump islands shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- ~~(7)~~ *Fast food restaurants.* Fast food restaurants shall be located only in storefront buildings existing on the effective date of this ordinance, provided further that no significant changes shall be made to the exterior of the structure and freestanding signs shall be prohibited.
- ~~(8)~~ *Automobile convenience facility and minor automobile repair.* Automobile convenience facilities and minor automobile repair uses shall not expand beyond the boundaries of the zoning lot existing on the effective date of this ordinance, and may not be reestablished if changed to another use.

Section 3. That Section 548.300 of the above-entitled ordinance be amended by deleting subdivision (3), as follows, and renumbering subdivisions (4) through (8):

548.300. General district regulations. The following conditions govern uses in the C2 District:

- ~~(3)~~ *Hours open to the public.* Hours open to the public shall be as follows:
Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.
Friday and Saturday, from 6:00 a.m. to 11:00 p.m.
- ~~(4)~~ *Drive-through facilities permitted.* Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading, except as otherwise prohibited by this article.
- ~~(5)~~ *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided that speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- ~~(6)~~ *Fast food restaurants.* Fast food restaurants established after the effective date of this ordinance shall be located only in storefront buildings existing on the effective date of this ordinance, provided further that no significant changes shall be made to the exterior of the structure and freestanding signs shall be prohibited, except where the property is part of an area of at least six hundred sixty (660) feet of continuous C2, C3S, C4 or industrial zoning fronting along the same side of the street as the fast food

restaurant, without interruption by a residence, office residence, C1, C3A or Pedestrian Oriented Overlay District.

- ~~(7) 6~~ *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use.
- ~~(8) 7~~ *Production, processing and storage.* Limited production and processing uses shall be limited to one thousand two hundred (1,200) square feet of gross floor area. Other production, processing, and storage uses shall be limited to four thousand (4,000) square feet of gross floor area.

Section 4. That Section 548.360 of the above-entitled ordinance be amended by deleting subdivision (3), as follows, and renumbering subdivisions (4) through (10):

548.360. General district regulations. The following conditions govern uses in the C3A District:

- ~~(3)~~ *Hours open to the public.* Hours open to the public shall be as follows:
Sunday through Saturday, from 6:00 a.m. to 1:00 a.m.
- ~~(4) 3~~ *Drive-through facilities and car washes prohibited.* Drive-through facilities and car washes shall be prohibited.
- ~~(5) 4~~ *Outdoor speakers prohibited.* Commercial outdoor speakers shall be prohibited.
- ~~(6) 5~~ *Shopping centers.* Notwithstanding section (1) above, shopping centers with primarily interior access to individual uses shall be allowed, provided that the individual uses shall be limited to four thousand (4,000) square feet. Shopping centers with primarily exterior access to individual uses shall be subject to the maximum floor area requirements of section (1) above.
- ~~(7) 6~~ *Fast food restaurants.* Fast food restaurants shall be located only in storefront buildings existing on the effective date of this ordinance, provided further that no significant changes shall be made to the exterior of the structure and freestanding signs shall be prohibited, or as part of a shopping center with interior access to individual uses, provided further that freestanding signs shall be prohibited.
- ~~(8) 7~~ *Production, processing and storage.* Limited production and processing uses shall be limited to one thousand two hundred (1,200) square feet of gross floor area. Other production, processing, and storage uses shall be limited to four thousand (4,000) square feet of gross floor area.
- ~~(9) 8~~ *Community residential facilities.* Community residential facilities serving six (6) or fewer persons shall be located in structures existing on the effective date of this ordinance.
- ~~(10) 9~~ *Secondhand goods stores.* Secondhand goods stores shall be limited to the sale of used clothing and related accessories.

Section 5. That Section 548.420 of the above-entitled ordinance be amended by deleting subdivision (2), as follows, and renumbering subdivisions (3) through (6):

548.420. General district regulations. The following conditions govern uses in the C3S District:

- ~~(2)~~ *Hours open to the public.* Hours open to the public shall be as follows:
Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.
Friday and Saturday, from 6:00 a.m. to 11:00 p.m.
- ~~(3) 2~~ *Drive-through facilities permitted.* Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading.
- ~~(4) 3~~ *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- ~~(5) 4~~ *Automobile sales.* Automobile sales shall be limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use.
- ~~(6) 5~~ *Community residential facilities.* Community residential facilities serving six (6) or fewer persons shall be located in structures existing on the effective date of this ordinance.

Section 6. That Section 548.480 of the above-entitled ordinance be amended by deleting subdivision (2), as follows, and renumbering subdivisions (3) through (6):

548.480. General district regulations. The following conditions govern uses in the C4 District:

- ~~(2)~~ *Hours open to the public.* Hours open to the public shall be as follows:
Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.
Friday and Saturday, from 6:00 a.m. to 11:00 p.m.
- ~~(3)~~ *Drive-through facilities permitted.* Drive-through facilities shall be permitted, subject to the standards of Chapter 530, Site Plan Review and Chapter 541, Off-Street Parking and Loading.
- ~~(4)~~ *Outdoor speakers permitted.* Outdoor speakers shall be permitted, provided speaker boxes shall not be audible from a residence or office residence district boundary or from a permitted or conditional residential use.
- ~~(5)~~ *Production, processing and storage.*
 - a. *In general.* Production, processing and storage uses shall be limited to thirty thousand (30,000) square feet of gross floor area.
 - b. *Hazardous materials.* Warehousing and distribution uses shall not include the storage of hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use, except as provided in Chapter 535, Regulations of General Applicability, regarding the storage of Class I flammable liquids, flammable gases and flammable liquefied gases.
- ~~(6)~~ *Community residential facilities.* Community residential facilities serving six (6) or fewer persons shall be located in structures existing on the effective date of this ordinance.

Adopted 4/1/2011.

Ordinance 2011-Or-035 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, repealing Section 549.60 to eliminate zoning code references to hours open to the public, was adopted 4/1/2011 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 2011-Or-035
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

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

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

Section 1. That Section 549.60 of the above-entitled ordinance be and is hereby repealed.

549.60. Hours open to the public. (a) *In general.* All uses located in the downtown districts, except residential uses, religious institutions, hotels, colleges and universities, hospitals and parking facilities, shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Saturday, from 6:00 a.m. to 1:00 a.m.

(b) *Extension of hours open to the public.* The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impacts of noise, light and traffic.
- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.
- (4) History of complaints related to the use.

(e) *Uses licensed to sell alcoholic beverages.* The hours open to the public for uses licensed to sell alcoholic beverages shall be those permitted by the liquor, wine or beer license and any special late hours entertainment license approved for the facility. Hours open to the public beyond those permitted by the license may be requested by applying for a conditional use permit.

(d) *Operations not open to the public.* Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public, for example production or processing activities or the stocking of inventory, may occur.

Adopted 4/1/2011.

Ordinance 2011-Or-036 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, amending Section 550.90 to eliminate zoning code references to hours open to the public, was adopted 4/1/2011 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 2011-Or-036
By Schiff
Intro & 1st Reading: 6/18/2010
Ref to: Z&P
2nd Reading: 4/1/2011

Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.

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

Section 1. That Section 550.90 of the above-entitled ordinance be and is hereby repealed.

550.90. Hours open to the public. (a) *In general.* All uses located in the industrial districts, except residential uses, religious institutions, hotels and hospitals, shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours:

Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.

Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

(b) *Extension of hours of open to the public.* The hours open to the public may be extended by conditional use permit as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- (1) Proximity to permitted or conditional residential uses.
- (2) Nature of the business and its impacts of noise, light and traffic.
- (3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area, and specific development standards.
- (4) History of complaints related to the use.

(c) *Uses licensed to sell alcoholic beverages.* The hours open to the public for uses licensed to sell alcoholic beverages shall be those permitted by the liquor, wine, or beer license and any special late hours food license approved for the facility. Hours open to the public beyond those permitted by the license may be requested by applying for a conditional use permit.

(d) *Operations not open to the public.* Operations incidental to and commonly associated with the use and performed during the hours the use is closed to the public, for example production or processing activities or the stocking of inventory, may occur.

Adopted 4/1/2011.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Charles A. Hanson and Louis A. Bohl (BZZ-5073) to rezone the property at 2653 Hennepin Ave S from C1 to the C2 Neighborhood Commercial District to permit use as a tobacco shop 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 4/1/2011.

Ordinance 2011-Or-037 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2653 Hennepin Ave S to the C2 District, was adopted 4/1/2011 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 2011-Or-037
By Schiff
1st & 2nd Readings: 4/1/2011

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 South 40 feet of Block 005, Kings Addition to Minneapolis, Hennepin County, Minnesota, (2653 Hennepin Ave S - Plate 24) to the C2 District.

Adopted 4/1/2011.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Nimbus Theater (BZZ-5075) to rezone the property at 1517-1519 Central Ave from I1 to add the IL Industrial Living Overlay District to permit an indoor theater, with live performances only, 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 4/1/2011.

Ordinance 2011-Or-038 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 1517-1519 Central Ave NE to add the IL Overlay District, was adopted 4/1/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

APRIL 1, 2011

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

ORDINANCE 2011-Or-038
By Schiff
1st & 2nd Readings: 4/1/2011

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 REGISTERED LAND SURVEY NO. 1375, Tract A except STS, (1517-1519 Central Ave - Plate 10) to add the IL Industrial Living Overlay District.

Adopted 4/1/2011.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Henry E. Ladd House at 131 Oak Grove Street be designated as a local landmark, and that the findings and designation study, including the additional information submitted on Henry Ladd at the Heritage Preservation Commission designation hearing, be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Henry E. Ladd House as a local landmark.

Adopted 4/1/2011.

Resolution 2011R-156, designating the Henry E. Ladd House at 131 Oak Grove Street as a Historic Landmark, was adopted 4/1/2011 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 2011R-156
By Schiff

Designating the Henry E. Ladd House at 131 Oak Grove Street as a Historic Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on March 1, 2011, and recommended to the Standing Committee on Zoning and Planning that the Henry E. Ladd House at 131 Oak Grove Street become a landmark; and

Whereas, the recommended local designation of the Henry E. Ladd House will include the principal structure (interior and exterior) as well as the stone retaining walls on the property; and

Whereas, the Henry E. Ladd House local designation meets Local Designation Criterion Two: the property is associated with the lives of significant persons or groups; Local Designation Criterion Three: the property contains or is associated with distinctive elements of city or neighborhood identity; Local Designation Criterion Four: the property embodies the distinctive characteristics of an architectural or engineering type or style or method of construction; and Local Designation Criterion Six: the property exemplifies works of master builders, engineers, designers, artists, craftsmen, or architects; and

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on January 27, 2011; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated February 3, 2011; and

APRIL 1, 2011

Whereas, on March 24, 2011 the Standing Committee on Zoning and Planning recommends designation as a historic landmark;
Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:
That the Henry E. Ladd House is hereby designated as a Landmark.
Adopted 4/1/2011.

MOTION

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of May, 2011, be approved and ordered paid subject to audit by the Finance Officer.
Seconded.
Adopted 4/1/2011.

RESOLUTION

Resolution 2011R-157, honoring Hymie's Vintage Records for 25 years in business, was adopted 4/1/2011 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 2011R-157

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

Honoring Hymie's Vintage Records for 25 Years in Business.

Whereas, Hymie's Vintage Records, originally located at 3318 East Lake Street, was established by James Peterson and Kent Hazen in 1986 and got its name from a nickname given to James Peterson by his high school Spanish teacher; and

Whereas, Laura and Dave Hoenack bought Hymie's in 2009, and re-located the shop five blocks east to 3820 East Lake Street; and

Whereas, the Hoenacks were named "Best New Business Owners of an Established Lake Street Business" by the Lake Street Council in 2011; and

Whereas, in 2010 *Rolling Stone Magazine* named Hymie's one of the top 25 Best Records Stores in the United States, calling it "a classic, overstuffed mom-and-pop used-vinyl haven," and has been named "Best Place to Buy Vinyl" by *City Pages*, which wrote that "the case could be made for Hymie's as the best pop-culture museum in the state"; and

Whereas, local, independent record stores like Hymie's Vintage Records are an important part of a vibrant music scene, and contribute to the overall vitality of the Minneapolis economy; and

Whereas, Hymie's is known for its quirky, welcoming environment, including peculiar sections like "Difficult Listening" and "Belly Dancing Music" and a shop dog named Irene; and

Whereas, Hymie's is a place where every kind of music is appreciated and celebrated, from the cutting edge to the woefully out of fashion; and

Whereas, Hymie's is hosting a street fair on April 16 in honor of Record Store Day, an international celebration bringing musicians and music lovers to the shops which connect them; and

Whereas, the street fair will include two stages for live music and street performers, local artists and neighborhood organizations;

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

That the City Council of the City of Minneapolis honors Hymie's Vintage Records for its first quarter-century in business and wishes the store another 25 successful years.

Adopted 4/1/2011.

UNFINISHED BUSINESS

RE&E - Your Committee having under consideration the application of Northside Food Market, dba Northside Food Market, 3559 Lyndale Av N, for a Grocery License to expire April 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Glidden moved that the report be referred back to the Regulatory, Energy & Environment Committee. Seconded.

Adopted upon a voice vote 4/1/2011.

RE&E - Your Committee recommends that the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Karma, 315 1st Av N **be sent forward without recommendation.**

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

Adopted by unanimous consent.

The report, as amended was adopted 4/1/2011.

Resolution 2011R-158, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Karma, 315 1st Av N, was adopted 4/1/2011 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 2011R-158

By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Karma, 315 1st Av N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on January 5, 2010 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded:

a. On December 11, 2009 Karma was found to be in violation of Section 234.30 of the Minneapolis Code of Ordinances regarding indoor smoking standards;

b. On December 11, 2009 Karma was found to be in violation of Section 259.135 of the Minneapolis Code of Ordinances requiring the business license certificate and operating conditions to be posted in a conspicuous place of the business;

c. The licensee has paid the administrative citation fine relating to the above violations;

d. Karma has come into compliance with its liquor licensing conditions as of March 26, 2010; and

e. Karma will undertake revisions to its operating procedures to assist the Minneapolis Police Department in its duties in the Warehouse District, pursuant to Exhibit A attached to the agreement; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

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

1. Karma will adopt the following procedures, described more fully in Exhibit A:

a. Clothing and identification for security personnel will be provided.

b. Karma will attempt to usher its patrons and other citizens on to the public sidewalk.

c. Karma will adopt an emergency evacuation plan effective for all seasons.

d. Karma and its security and staff will liaison with Minneapolis Police on-site supervisors to address Police Department response to emergency situations in or adjacent to Karma.

e. Karma will offer emergency medical service to any injured patron and security staff will exercise reasonable discretion to call for emergency medical service, even without a victim's request, when an injury is severe.

f. Karma security will exercise reasonable judgment and contact 911 for an emergency situation or when a criminal act is observed on the premises.

g. Karma security will take reasonable steps to attempt to identify any suspects and victims to police officers in an emergency situation or when a crime occurs in or adjacent to Karma.

h. Karma has adopted last call and closing procedures that include starting and ending times of entertainment.

i. Karma will meet and confer with the Minneapolis Police Department's 1st Precinct to discuss its security plan if future issues arise.

2. Karma will attempt to provide reasonable notice to the Minneapolis Police Department 1st Precinct Inspector in writing prior to holding an "18 plus" event, but no later than 24 hours prior to the event.

3. Karma will minimize the service of beverages in glass containers for under-21 events in the establishment, except in its VIP areas where under 21 patrons are not authorized.

4. Karma will participate in MPD Bar Watch meetings.

5. Karma agrees that the license conditions signed on April 21, 2008 and attached as Exhibit B remain in full force and effect.

Adopted 4/1/2011.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, for first reading and referral to the Regulatory, Energy & Environment Committee (eliminating distance requirements between religious places of assembly and on-sale licenses). Seconded.

Adopted upon a voice vote 4/1/2011.

Pursuant to notice, Glidden moved to introduce the subject matter of the following ordinances amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, for first reading and referral to the Regulatory, Energy & Environment Committee:

a) Adding provisions for revocation notices to be sent to the property owner and their representative;

b) Adding provisions requiring rental license applicants to have no unpaid fines or fees owed to the City of Minneapolis and prohibiting those person(s) who have had an interest in a license revoked from holding a new rental dwelling license for three years;

c) Adding provisions for revocation notices to be sent to the property owner and their representative and that a second occurrence of failure to meet licensing standards shall not require a notice of noncompliance be sent. Seconded.

Adopted upon a voice vote 4/1/2011.

NEW BUSINESS

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses* (adjusting the number of temporary expansion of premises licenses allowed in a twelve month period).

Goodman moved to introduce the subject matter of an ordinance amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General*, for first reading and referral to the Regulatory, Energy & Environment Committee (revising regulations relating to sidewalk cart vendors, sidewalk cart food vendors, and mobile food vendors). Seconded.

Adopted by unanimous consent 4/1/2011.

APRIL 1, 2011

Lilligren moved to adjourn to Room 315 City Hall to consider the matters of *Pall Corp v. City of Minneapolis*; *Winder v. Lukes*; and *Wuchko v. Storlie et al.* lawsuits. Seconded.
Adopted upon a voice vote 4/1/2011.

Council Chamber
Room 315 City Hall
350 South 5th Street
Minneapolis, Minnesota
April 1, 2011 - 10:55 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving *Pall Corp v. City of Minneapolis*; *Winder v. Lukes*; and *Wuchko v. Storlie et al.*

At 10:56 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Reich, Hofstede, Schiff, Colvin Roy.

Present - Council Members Quincy, Glidden (out 11:21 a.m.-11:25 a.m.), Goodman, Hodges (out 11:06 a.m.-11:17 a.m.), Samuels, Gordon, Reich (in at 11:02 a.m.), Hofstede (in at 11:02 a.m.), Schiff (in at 11:01 a.m.), Lilligren (out 10:57 a.m.-11:00 a.m.), Colvin Roy (in at 11:03 a.m.), Tuthill, President Johnson.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (out 11:20 a.m.-11:26 a.m.); Tim Skarda, Assistant City Attorney; Sara Lathrop, Assistant City Attorney (in at 11:26 a.m.); Charles Nauen, Lockridge, Grindal, Nauen (out at 11:20 a.m.); Janee Harteau, Assistant Chief of Police (in at 11:26 a.m.); Steven Kotke, Director of Public Works (out at 11:20 a.m.); [Casey Carl](#), City Clerk; and Anne Roth, City Clerk's Office.

Charles Nauen summarized the *Pall Corp v. City of Minneapolis* lawsuit from 10:57 a.m. to 11:20 a.m.

Tim Skarda summarized the *Winder v. Lukes* lawsuit from 11:21 a.m. to 11:26 a.m.

Sara Lathrop summarized the *Wuchko v. Storlie et al.* lawsuit from 11:27 a.m. to 11:33 a.m.

At 11:34 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Schiff moved to settle the case of Tanise M. Winder v. Erick Lukes, United States District Court File No. 09-01338, upon the following terms and conditions: payment in the amount of \$190,000 to Tanise M. Winder and her attorneys Gaskins, Bennett, Birrell, Schupp, L.L.P.

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900 1500 1500 4000. Seconded.

Adopted 4/1/2011.

Goodman moved that the claims asserted in John Wuchko v. Charles Storlie, United States District Court File No. 09-cv-01236-MJD-AJB, be settled in the amount of \$40,000, payable to John Wuchko and his attorneys, from Fund/Org. 06900 1500100 145400.

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

Adopted 4/1/2011.

APRIL 1, 2011

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 4/1/2011.

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

Casey Joe Carl,
City Clerk.

Unofficial Posting: 4/05/2011
Official Posting: 4/11/2011
Corrections: 4/13/2011, 4/18/2011, 10/6/2011