

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF FEBRUARY 29, 2008

(Published March 8, 2008, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

February 29, 2008 - 9:30 a.m.

Council President Johnson in the Chair.

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

Schiff moved adoption of the agenda. Seconded.

Colvin Roy moved to amend the agenda to include a Resolution relating to car allowance for City Council Members. Seconded.

Adopted upon a voice vote.

Absent – Lilligren, Hodges.

The agenda, as amended, was adopted by unanimous consent 2/29/2008.

Absent – Lilligren, Hodges.

Schiff moved acceptance of the minutes of the regular meeting of February 15, 2008. Seconded.

Adopted upon a voice vote 2/29/2008.

Absent – Lilligren, Hodges.

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 2/29/2008.

Absent – Hodges.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

FINANCE DEPARTMENT (272599)

Status report on Legacy Fund, discretionary development funding and NRP funding impacted by transfer of funds from the Common Project.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (272600)

Update report on USI Wireless' progress in constructing the citywide Wireless Minneapolis network.

COMMITTEE OF THE WHOLE (See Rep):

COMMUNICATIONS (272601)

Strategy to administer Wireless Minneapolis community benefits in 2008.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272602)

Covenire Care LLC (re Nokomis Senior Assisted Living Project, 3717-23rd Ave S): Preliminary approval to issue bonds for senior housing project.

Land Sales:

2109 Aldrich Ave N, 2302 Fremont Ave N, 2525 & 2603 James Ave N; 1300 & 1316 -2nd St N & 109-14th Ave N.

Riverside Plaza Indemnity Obligation: Key terms for reimbursement & release agreement among the City, Mpls Community Development Agency & Riverside Plaza LP.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272603)

Environmental Remediation Grant Awards: Acceptance of grant awards from MN Department of Employment & Economic Development Contamination Clean Up & Investigation Grant Program, the Metropolitan Council Livable Communities Tax Base Revitalization Account Grant Program & Hennepin County Environmental Response Fund.

INTERGOVERNMENTAL RELATIONS (272604)

2008 Community Development Block Grant & Consolidated Plan Budget: Approval of revised 2008 Consolidated Plan budget.

ELECTIONS:

ELECTIONS DEPARTMENT (272605)

Ranked Choice Voting: Secretary of State's subcommittee reports.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (272606)

Minneapolis Commission on Civil Rights: Approve amendments to Rules of Procedure for Contested Case Hearings.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272607)

Target Center Green Roof: Authorize cost bidding process for three green roof options.

HEALTH, ENERGY AND ENVIRONMENT and INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER GORDON (272608)

Bisphenol-A and Phthalates in Children's Products: Legislation calling for a statewide phase-out.

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

HEALTH AND FAMILY SUPPORT SERVICES (272609)

Lead Hazard: Execute contract with Hennepin County Housing Community Works and Transit to accept \$125,000 for lead education and outreach activities; and Approve appropriation.

Workforce Investment Act: Execute WIA Title I grant agreement with Minnesota Department of Employment and Economic Development for release of funding under Adult, Youth and Dislocated WIA and the Minnesota Youth Program.

INTERGOVERNMENTAL RELATIONS (See Rep):

CHARTER COMMISSION (272610)

City Planning Commission: Ordinance amending Chapter 13, Section 1 of City Charter, eliminating the Library Board representative on the CPC & adding a representative appointed by the City Council.

INTERGOVERNMENTAL RELATIONS (272611)

Fiscal Year 2009 Federal Agenda for the City of Mpls.

INTERGOVERNMENTAL RELATIONS (272612)

Federal Representation Services: Authorize Request for Proposals for services in Washington, D.C.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (272613)

Grocery Stores: Ordinance establishing requirements for minimum staple food items in grocery stores.

Chris & Robs Chicagos Taste Authority (3101 E 42nd St): Grant On-Sale Wine Class D with Strong Beer License, with conditions.

Skyline Food Market (2400 10th Av S): Grant Grocery and Tobacco Dealer's Licenses, with conditions.

LICENSES AND CONSUMER SERVICES (272614)

Licenses: Applications.

REGULATORY SERVICES (272615)

Rental Dwelling Licenses at 2639 Girard Av N and 3431 James Av N: Revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko; and owner Terry Koenigs.

REGULATORY SERVICES (272616)

Rental Dwelling Licenses at 2731 Knox Av N; 3321 Lyndale Av N; 3235 Vincent Av N: Revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko; and owner Joseph R. Althaus.

REGULATORY SERVICES (272617)

Rental Dwelling Licenses at 3243 6th St N; 4335 Knox Av N; 3447 Oliver Av N; 2934 Queen Av N: revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko; and owners Kurt and Constance Helgason.

REGULATORY SERVICES (272618)

Rental Dwelling Licenses at 3354 Washburn Av N; 5209 Washburn Av N; 3234 Humboldt Av N; 1207 Knox Av N; 3454 Knox Av N; 3527 Knox Av N; 3506 Aldrich Av N; 3223 Vincent Av N; 3823 Queen Av N; 3658 Emerson Av N: Revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko; and owners Richard and Diane Miller.

REGULATORY SERVICES (272619)

Rental Dwelling Licenses at 4940 Bryant Av N; 3915 Colfax Av N; 3415 Emerson Av N; 3518 Girard Av N; 3649 Logan Av N; 2514 Pierce St NE; 3326 Russell Av N; 1643 Upton Av N; 4038 Dupont Av N; 3229 Humboldt Av N; 3507 Knox Av N; 3656 Morgan Av N; 3812 Park Av; 1505 Russell Av N; 3255 Vincent Av N; 3359 Benjamin St NE; 3626 Bryant Av N; 4005 Chicago Av; 3350 Colfax Av N; 3306 James Av N; 3339 James Av N; 3240 Sheridan Av N; 3443 Washburn Av N; 3443 Russell Av N; 4827 Fremont Av N; 3710 Morgan Av N: Revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko; and owners Tamara and Michael Pletan.

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

POLICE DEPARTMENT (272620)

Hennepin County Drug Court: Amend 2007 Appropriation Resolution to correctly reflect the appropriation coding.

REGULATORY SERVICES (272621)

Rental License Inspection Program: Ordinance requiring an inspection and fee at the time a property converts from homestead to rental; Approve 5.5 FTE positions; Approve appropriating a maximum expense amount of \$445,700; Return to City Council with status report by September 2008.

Vacant Building Registration: Ordinances placing the Vacant Building Registration fee in the Director's Fee Schedule, and increasing the fee from \$2,000 to \$6,000.

TRANSPORTATION AND PUBLIC WORKS:

XCELENERGY (272622)

Utility Pole Installations: a) 5335 Washburn Ave S; b) 400 E 46th St; c) 2300 38th St E; d) 12th Ave S at E Lake St; e) 5136 Hiawatha Ave; f) 2550 Chicago Ave S; and g) 1931 Portland Ave S.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272623)

Fire Station #17: Change order to contract with Northern Air Corporation.

Fire Station #21: Change order to contract with Northern Air Corporation.

Drinking Fountain Project: Final site selections.

Minneapolis-Duluth/Superior Passenger Rail Alliance Joint Powers Board: Appointments.

Urban Partnership Agreement Federal Transit Authority Section 5309 Apportionment: Marquette and 2nd Ave Transit Project.

54th St W (Upton Ave S to Penn Ave S): Reconstruction Project.

Street Lighting Policy: Framework directions.

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

PUBLIC WORKS AND ENGINEERING (272624)

Bids: a) OP 6894, H & L Mesabi, for grader/bucket blades; and b) OP 6906, Direct Digital Controls Prairie Technologies, Inc., for a computerized building automation system at Haaf Parking Ramp.

WAYS AND MEANS BUDGET:

CITY CLERK (272625)

2007 Year-end Budget Status Report.

ESTIMATE AND TAXATION (272626)

Filings of the Statement of Economic Interest: Calendar 2007.

FINANCE DEPARTMENT (272627)

City Treasury Counting Division: Closing facility.

FIRE DEPARTMENT (272628)

2007 Year-end Budget Status Report.

POLICE DEPARTMENT (272629)

2007 Year-end Budget Status Report.

PUBLIC WORKS AND ENGINEERING (272630)

Water Works 2007 Year-end Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

CITY CLERK (272631)

Open Appointment Ordinance: Ordinance amending Title 2, Chapter 14, Section 14.180, to clarify residency requirements and flexibility in timelines for the process.

FINANCE DEPARTMENT (272632)

Capital Long-Range Improvement Committee (CLIC) Appointments.

2009-2013 Capital Process & Capital Long-Range Improvements Committee (CLIC): 2008 Schedule; 2008 Capital Guidelines; and Provision of tax supported resource direction.

Sudan Resolution: Divestment of Funds.

HUMAN RESOURCES (272633)

2008 Salary Adjustments: Approve salaries and schedules for non-represented employees.

Appointed Employees 2008 Salary Adjustment: Approve salaries and schedules.

Teamsters Local 320, 911 Supervisors Unit, Wage reopener agreement.

MAYOR (272634)

City Policy on Charitable Organizations: one-time exception for Big Brothers/Big Sisters nonprofit organization.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (272635)

Appeal:

DeLaSalle High School, denial of amendment to a previously approved Certificate of Appropriateness for installation of artificial turf.

INSPECTIONS/BOARD OF ADJUSTMENT (272636)

Appeal:

Denial of Variance for property at 2708 Emerson Ave S.

PLANNING COMMISSION/DEPARTMENT (272637)

Rezoning:

2838 Fremont Ave S rezoned to R6.

The following reports were signed by Mayor Rybak on March 4, 2008, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the administration of Wireless Minneapolis community benefits, now recommends adoption of staff recommendations to engage the members of the Digital Inclusion Task Force and the Digital Inclusion Fund Advisors for a limited tenure to develop interim guidelines for 2008 to:

- a) Direct how the 100 free non-profit accounts will be allocated; solicit requests for free accounts from non-profits that meet these guidelines; and make recommendations for recipients' accounts;
 - b) Direct how the \$15,000 in volunteer service vouchers will be allocated; solicit requests for volunteer vouchers from non-profits that meet these guidelines; and make recommendations for recipients of accounts;
 - c) Define "acceptable use" for content on the community portals and in the Civic Garden and make recommendations for community portal and Civic Garden content; and
 - d) Develop recommendations for how the City of Minneapolis should address community involvement and oversight of the community benefits and the City's community technology agenda.
- Adopted 2/29/2008.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Nokomis Senior Assisted Living Housing Project at 3717 - 23rd Ave S, proposed by Covenire Care Nokomis LLC, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$13,000,000 in Tax-Exempt Multi-family Housing Revenue Bonds for said project.

Adopted 2/29/2008.

Resolution 2008R-072, giving preliminary approval to the issuance of tax-exempt assisted living facility revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing

program consisting of the acquisition and construction of an assisted living facility for elderly persons at 3717 - 23rd Ave S for the benefit of Covenire Care Nokomis, LLC, or an affiliate, was adopted 2/29/2008 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 2008R-072
By Goodman

Giving preliminary approval to the issuance of tax-exempt assisted living facility revenue bonds under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and construction of an assisted living facility for elderly persons for the benefit of Covenire Care Nokomis, LLC, or an affiliate.

Whereas, the City of Minneapolis, Minnesota (the "City") is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of Covenire Care Nokomis, LLC, or an affiliated entity (the "Developer"), has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of tax-exempt assisted living facility revenue bonds in the aggregate principal amount of up to \$13,000,000 (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction by the Developer of an approximately 77-unit assisted living facility to be located at 3717 23rd Avenue South in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds after at least 15 days published notice thereof and after submission (prior to publication of the notice) of the Program to the Metropolitan Council for review and comment; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the City, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefor;

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

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in a principal amount of up to \$13,000,000 is preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of the Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of Community Planning & Economic Development is hereby authorized, in cooperation with bond counsel to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 2/29/2008.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of properties at 2109 Aldrich Ave N, 2302 Fremont Ave N, 2525 and 2603 James Ave N to

qualified Home Ownership Works (HOW) Program purchasers for the fair market value of \$185,000, \$168,000, \$185,000 and \$185,000 respectively, subject to the following conditions:

- a) Land sale closing must occur on or before 60 days from date of offer acceptance; and
- b) Payment of holding costs of \$150 per month from the date of offer acceptance to the date of closing if land sale closing does not occur on or before 60 days from date of offer acceptance.

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

Your Committee further recommends approval of a second mortgage affordability loan in accordance with the HOW Program guidelines of not more than \$30,000 for all purchasers, if necessary.

Adopted 2/29/2008.

Resolution 2008R-073, authorizing sale of land Homeownership Works Program, Disposition Parcel Nos. HOME-81 (2109 Aldrich Ave N); HOME-63 (2302 Fremont Ave N); HOME-72 (2525 James Ave N); and HOME-78 (2603 James Ave N), was adopted 2/29/2008 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 2008R-073
By Goodman

Authorizing sale of land Homeownership Works Program, Disposition Parcel Nos. HOME-81 (2109 Aldrich Avenue North); HOME-63 (2302 Fremont Avenue North); HOME-72 (2525 James Avenue North); and HOME-78 (2603 James Avenue North).

Whereas, the City of Minneapolis, hereinafter known as the City, has adopted Home Ownership Works Program Guidelines pursuant to which the City purchases residential properties that are renovated or upon which a new home is constructed which is then offered for sale to target buyers under the program; and

Whereas, the City has acquired Parcels HOME-81; HOME-63; HOME-72 and HOME-78 in the HOW/HOME Program upon which the existing home was renovated or a new home was constructed. Parcels HOME-81, HOME-63, HOME-72 and HOME-78 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of HOME-81; 2109 Aldrich Avenue North: Lot 6, Block 10 Highland Park Addition To The City of Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1172605;

LEGAL DESCRIPTION of HOME-63; 2302 Fremont Avenue North: Lot 8, Block 31, Highland Park Addition to Minneapolis;

LEGAL DESCRIPTION of HOME-72, 2525 James Avenue North: Lot 2, Block 3, "Forest Heights". Being registered land as is evidenced by Certificate of Title No. 1205404;

LEGAL DESCRIPTION of HOME-78, 2603 James Avenue North: Lot 7, Block 1, On The Heights, An Addition To Minneapolis. A portion of which is registered land as is evidenced by Certificate of Title No. 1142757; and

Whereas, the City has had the fair market value reviewed by an appraisal expert, stating that the fair market value opinion is consistent with accepted methods in aiding the City in determining market value for each Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 8, 2008, a public hearing on the proposed sale was duly held on February 19, 2008 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 fair market value in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$185,000 for HOME-81; \$168,000 for HOME-63; \$185,000 for HOME-72; and \$185,000 for HOME-78.

Be It Further Resolved that the sale of the parcels pursuant to the Home Ownership Works Program is hereby determined to be in accordance with the City's approved Department of Community Planning & Economic Development (CPED) disposition policy.

Be It Further Resolved that the sale of each parcel is hereby approved, subject to the execution of a contract for the sale of land consistent with the Home Ownership Works Program Guidelines and further subject to the following conditions; 1) land sale closing must occur on or before 60 days from the date of offer acceptance and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 60 days from the date of offer acceptance.

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

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a contract to a qualified Purchaser; 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 a qualified Purchaser 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 by the Finance Officer or other appropriate official of the City.

Adopted 2/29/2008.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 1300 and 1316 - 2nd St N and 109 - 14th Ave N to Standard Plymouth LLC, an affiliate of Standard Heating and Air Conditioning, Inc, for \$365,365 (based on \$5 per square foot times assumed square footage of 73,073; with square footage being confirmed by survey and price being adjusted accordingly, if necessary).

Your Committee further recommends approval of the term sheet as a basis for a redevelopment contract, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 2/29/2008.

Resolution 2008R-074, authorizing sale of land North Washington Industrial Park Disposition Parcel Nos. NWIP 44-3, 44-2, & 39-6 & 7 at 1300 - 2nd St N, 1316 - 2nd St N, 109 - 14th Ave N, was adopted 2/29/2008 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 2008R-074

By Goodman

Authorizing sale of land North Washington Industrial Park Disposition Parcel Nos. NWIP 44-3, 44-2, & 39-6 & 7 at 1300 - 2nd Street North, 1316 - 2nd Street North, 109 - 14th Avenue North.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels NWIP 44-3, 44-2, & 39-6 & 7, in the Near North neighborhood, from Standard Plymouth LLC, hereinafter known as the Redeveloper, the Parcels NWIP 44-3, 44-2, & 39-6 & 7, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of NWIP 44-3; 1300 2nd Street North: Lots 10 to 12 inclusive, Block 15, Bassett, Moore and Case's Addition to the Town of Minneapolis, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

LEGAL DESCRIPTION of NWIP 44-2; 1316 2nd Street North: Lots 8 and 9, Block 15, Bassett, Moore and Case's Addition to the Town of Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142763;

LEGAL DESCRIPTION of NWIP 39-6 & 7; 109 14th Avenue North: That part of Lots 1 thru 6, Block 15, Bassett, Moore and Case's Addition to the Town of Minneapolis, which lies Westerly and Northwesterly of the following described line. Commencing at the Southwest corner of Lot 1; thence North 89 degrees 08 minutes 18 seconds East (astronomic bearing based on solar observation), along the South line of said Lot 1, a distance of 57.80 feet to the point of beginning of the line to be described; thence North 06 degrees 55 minutes 08 seconds East a distance of 147.12 feet; thence North 10 degrees 29 minutes 20 seconds East a distance of 188.62 feet to a point on the North line of said Lot 6 which bears North 89 degrees 05 minutes 01 seconds East a distance of 115.04 feet from the Northwest corner thereof, and there terminating; and

Whereas, the Redeveloper has offered to pay the sum of \$365,365 (or \$5 per sq. ft. times assumed square footage of 73,073; square footage will be confirmed by survey and price will be adjusted accordingly, if necessary), for Parcels NWIP 44-3, 44-2, & 39-6 & 7 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 February 8, 2008, a public hearing on the proposed sale was duly held on February 19, 2008, 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 North Washington Industrial Park plan, as amended, is hereby estimated to be the sum of \$365,365 (or \$5 per sq. ft.) for Parcels NWIP 44-3, 44-2, & 39-6 & 7.

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 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 by the Finance Officer or other appropriate City official of the City.

Adopted 2/29/2008.

Comm Dev - Your Committee, having under consideration the Riverside Plaza (formerly known as Cedar Square West) Indemnity Obligation, now recommends approval of the key terms for a reimbursement and release agreement among the City of Minneapolis, Minneapolis Community Development Agency (MCDA) and Riverside Plaza, LP resolving certain City indemnity obligations, and that the proper City officers be authorized to execute said agreement and related documents consistent with the terms outlined in the Department of Community Planning & Economic Development staff report.

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

Adopted 2/29/2008.

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

Comm Dev & W&M/Budget—Your Committee, having under consideration receipt of environmental remediation grant awards from Minnesota Department of Employment and Economic Development (DEED) Contamination Clean Up and Investigation Grant Program, Metropolitan Council's Livable Communities Tax Base Revitalization Account (TBRA) Grant Program and the Hennepin County Environmental Response Fund (ERF), now recommends that the proper City officers be authorized to accept and appropriate the grant awards for the following projects, and to execute grant, subrecipient and/or disbursement and related agreements for these grant awards:

Metropolitan Tax Base Revitalization Account (TBRA) Grants:

Harrison Commons, \$14,600
Nicollet Youth Housing, \$107,000
NWIP Plymouth & 2nd, \$11,400
Open Arms of Minnesota, \$87,700
Soo Line Building, \$614,500
Spirit on Lake Co-op, \$328,800

MN Department of Employment and Economic Development (DEED) Grants:

Harrison Commons, \$168,750
Open Arms of Minnesota, \$45,652

Hennepin County Environmental Response Fund (ERF) Grants (project/recipient):

2900 Lyndale Ave S/City of Minneapolis, \$30,000
Corson's Corner/Corson's Corner, LLC, \$408,461
Franklin Steele Commons/Aeon (\$243,000)
Harrison Commons/City of Minneapolis, \$14,625
NWIP Plymouth & 2nd/City of Minneapolis, \$11,429
Open Arms of Minnesota/City of Minneapolis, \$175,586
Spirit on Lake Co-op/City of Minneapolis for PRG, \$235,600
Van Cleve Development/Project for Pride in Living, \$156,780

Your Committee further recommends passage of the accompanying resolution increasing Community Planning and Economic Development Department appropriations to reflect the receipt of said grant funds.

Adopted 2/29/2008.

**RESOLUTION 2008R-075
By Goodman and Ostrow**

Amending the 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the amount in the Department of Community Planning & Economic Development (CPED) in the Grants Other Fund (01600-8900320) by \$946,267 (\$22,829 NWIP Plymouth & 2nd; \$308,938 Open Arms of Minnesota, and \$614,500 Soo Line Building);
- b) Increasing the amount in CPED in the Grants Other Fund (01600-8900220) by \$899,375 (\$30,000 2900 Lyndale Avenue South; \$197,975 Harrison Commons; \$107,000 Nicollet Youth Housing; and \$564,400 Spirit on Lake Co-op);
- c) Increasing the Revenue Source for CPED in the Grants Other Fund (01600-8900900-321504) by \$214,402;

- d) Increasing the Revenue Source for CPED in the Grants Other Fund (01600-8900900-321513) by \$1,164,000;
 - e) Increasing the Revenue Source for CPED in the Grants Other Fund (01600-8900900-322002) by \$467,240.
- Adopted 2/29/2008.

Comm Dev & W&M/Budget - Your Committee, having under consideration the 2008 Community Development Block Grant (CDBG) and Consolidated Plan Budget, and the staff report requesting a revised budget based on the difference between the estimated CDBG budget approved in December 2007 and recent U.S. Department of Housing and Urban Development (HUD) appropriation action, now recommends:

- a) Approval of the revised 2008 Consolidated Plan Budget according to the most recent staff-estimated HUD award, as set forth in the Department of Community Planning & Economic Development staff report;
 - b) Approval of the amended Schedule Four for Year 34 (2008) CDBG, reflecting the estimated increase in the CDBG budget (approved by Resolution 2007R-642, passed 12/12/2007, in the final 2008 Budget Book set forth in Petn No 272469) and, as necessary, amending the Schedule Four CDBG Program by enacting across-the-board percentage increases/decreases upon receipt of official grant award notification by HUD; and
 - c) That the Finance Department be directed to adjust appropriation levels.
- Adopted 2/29/2008.

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

HE&E – Your Committee, having under consideration proposed amendments to the Minneapolis Commission on Civil Rights, Rules of Procedure for Contested Case Hearings, now recommends approval of the proposed rules amendments as set forth in Petn No 272606 on file in the Office of the City Clerk.

Adopted 2/29/2008.

HE&E – Your Committee, having received an evaluation of the costs and benefits of a number of green roof options for re-roofing the main event roof of the Target Center, now recommends that the proper City officers be authorized to commence a cost bidding process for the following three green roof options that do not require structural enhancement:

1. an extensive green roof with a 2 inch growing medium depth.
2. a combination white roof with an extensive green roof perimeter.
3. a combination green roof with an extensive green roof perimeter.

Your Committee further recommends that Community Planning and Economic Development staff be directed to report back to the Health, Energy & Environment Committee with the results of the bidding process no later than October 16, 2008.

Adopted 2/29/2008.

The HEALTH, ENERGY & ENVIRONMENT and INTERGOVERNMENTAL RELATIONS Committees submitted the following report:

HE&E & IGR – Your Committee recommends passage of the accompanying resolution calling for a Statewide Phase-Out of Bisphenol-A and Phthalates in Children's Products.

Adopted 2/29/2008.

FEBRUARY 29, 2008

Resolution 2008R-076, calling for a Statewide Phase-Out of Bisphenol-A and Phthalates in Children's Products, was adopted 2/29/2008 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 2008R-076 By Gordon and Benson

Calling for a Statewide Phase-Out of Bisphenol-A and Phthalates in Children's Products.

Whereas, bisphenol-A, a hormone-disrupting chemical found in polycarbonate plastics, food can linings, and dental sealants, may be a threat to public health; and

Whereas, phthalates, hormone disrupting chemicals found in Polyvinylchloride plastic, cosmetics, fragrances and other plastics, may be a threat to public health; and

Whereas, the presence of bisphenol-A and phthalates in products intended for the care of and use by children under 3 years of age may pose a significant health threat to children; and

Whereas, children are most vulnerable to exposures of low doses of bisphenol-A and phthalates; and

Whereas, the City of Minneapolis is concerned about protecting the public health of its citizens; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis strongly urges the Minnesota State Legislature to vote to enact HF 2100 and SF 1858, to phase out bisphenol-A and phthalates in products intended for use by young children, including but not limited to, toys, pacifiers, baby bottles, and teethers.

Adopted 2/29/2008.

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

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County Housing Community Works and Transit to accept \$125,000 for lead education and outreach, and lead work group facilitation for the Minneapolis/Hennepin County Childhood Lead Poisoning Prevention Work Group. Further, passage of the accompanying resolution appropriating \$125,000 to the Department of Health & Family Support.

Adopted 2/29/2008.

RESOLUTION 2008R-077 By Benson and Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (01300-8600130) by \$125,000 and increasing the Revenue Source (01300-8600130-321008) by \$125,000.

Adopted 2/29/2008.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute the Workforce Investment Act (WIA) Title I grant agreement with the Minnesota Department of Employment and Economic Development to provide for the release of funding under Adult, Youth and Dislocated WIA and the Minnesota Youth Program during the period April 1, 2008 to March 31, 2011 (PY 08-010).

Adopted 2/29/2008.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee, having under consideration an ordinance amending Chapter 13, Section 1 of the Minneapolis City Charter relating to *City Planning Department—Commission and Membership*, eliminating the Library Board representative on the City Planning Commission and adding a representative who is appointed by the City Council, now concurs in the recommendation of the Minneapolis Charter Commission that the following ordinance be passed by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes, Section 410.12, Subd. 7.

Adopted 2/29/2008.

ORDINANCE 2008-Or-014
By Schiff and Hodges
Intro & 1st Reading: 12/21/2007
Ref to: IGR
2nd Reading: 2/29/2008

Amending Chapter 13, Section 1 of the Minneapolis City Charter relating to City Planning Department—Commission and Membership, eliminating the Library Board Representative on the City Planning Commission and adding a Representative who is appointed by the City Council (Charter Amendment No. 167).

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

Section 1. That Chapter 13, Section 1 of the Minneapolis City Charter be amended to read as follows:

Section 1. City Planning Department—Commission and Membership. There shall be in the City of Minneapolis an executive department of the City to be known as the "City Planning Department," which shall serve as the staff of a City planning commission consisting of ~~nine (9)~~ ten (10) persons. One shall be the Mayor; one shall be a person selected by the County Board of the County of Hennepin as its representative; the City Council, the School Board, and the Park Board shall each select one of its own members, as a member of the Commission, in January of each even-numbered year; ~~and four (4) legal voters of the municipality not members of any of the above bodies or boards shall be appointed by the Mayor with the approval of the City Council; and one (1) legal voter of the municipality not a member of any of the above bodies or boards shall be appointed by the City Council in January of each even-numbered year. The first Library Board Representative shall be appointed for a one-year term commencing January, 1995, thereafter the Library Board Representative shall be appointed as are the other Representative Commission members.~~

Each year the Mayor shall appoint two (2) members to serve for terms of two (2) years each, commencing on the first day of February of the year of their appointment. The terms of appointed members serving for terms to expire in July, 1978, and July 1979, shall each terminate on January 31, 1978, and the terms of members appointed for terms to expire in July 1980, and July 1981, shall each terminate on January 31, 1979. Vacancies for any unexpired term shall be filled by appointments or selection as in the first instance.

The members or the representative of a member of the Commission except those who are paid by the City or any other public body or agency for attending or serving on the Commission shall be paid for each official meeting attended such amount as the City Council shall establish from time to time by ordinance, with a limitation of one (1) meeting per day and four (4) meetings per month; the Commission may with the approval of the Mayor, employ engineers or other persons and incur such other expenses as are deemed necessary.

The Commission shall make and alter rules and regulations for its own organization and procedure. It shall, not later than January 31st of each year, submit an annual report of its activities, plans, and proposals for future action. Said report shall be forwarded to the Mayor and, within fifteen (15) days of receipt thereof, transmitted by the Mayor to the City Council with the Mayor's comments and recommendations.

Adopted 2/29/2008.

IGR - Your Committee, having under consideration legislation relating to public health, protecting reproductive health and the health of children, and the call for a Statewide phase-out of Bisphenol-A and Phthalates in children's products, now recommends that the City's agenda for the 2008 Legislative Session, adopted December 21, 2007, as amended, be further amended to include in the "Energy and Environment" section support for House File No. 2100 and Senate File No. 1858.

Adopted 2/29/2008.

IGR - Your Committee, having under consideration a policy statement relating to the expansion of the Mall of America (MoA), outlining conditions for City support for the project, now recommends that the City's agenda for the 2008 Legislative Session, adopted December 21, 2007, as amended, be further amended to include in the "Public Finance" section, as a priority item, the following language:

"The City is aware that the MoA adds to the region's economy by attracting patrons from other parts of the state and country and that it is a major employer of both construction and retail service workers. However, the City must oppose legislation relating to the expansion of the MoA unless the following conditions are met:

- a) the public improvements are paid from non-regional sources and not fiscal disparities which provides property tax relief for many cities;
- b) the parking structure, in part, is self funded either through fees or leases entered into by MoA tenants;
- c) the proposed theater will not upon completion or by a later modification provide performances that could compete with publicly funded theaters in the region; and
- d) the MoA's conference center will not compete with regional convention centers located in the metro area and greater Minnesota."

Benson moved to amend paragraph "c" of the report by adding language to read as follows: "c) the proposed theater will not upon completion or by a later modification provide performances that could compete with publicly funded theaters in the region; and. Theater configurations which will be assumed to be competitive include theaters configured as a dinner theater with tables on the main floor and a seating capacity which exceeds 1,500 seats, or a theater configured in the traditional auditorium style with "fly space" and a seating capacity which exceeds 500 seats; and." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/29/2008.

IGR - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for federal representation services in Washington, D.C., in an amount not to exceed \$150,000 annually.

Adopted 2/29/2008.

IGR - Your Committee recommends approval of the City's Fiscal Year 2009 Federal Legislative Agenda as set forth and described in Petn No 272611.

Colvin Roy moved to amend the Combined Sewer Overflow section of the Petition by deleting the paragraph that reads, "For FY 2009 the City would use the federal funds for a project in the City's downtown to relieve stormwater inflow into the sanitary sewer system." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/29/2008.

The INTERGOVERNMENTAL RELATIONS AND PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following report:

IGR & PS&RS - Your Committee recommends passage of the accompanying resolution in support of fully exploring the combination of the Crime Lab functions of the City of Minneapolis and Hennepin County.

Ostrow moved to amend the second "Resolved" paragraph of the resolution to read as follows:

~~Be It Further Resolved that the work team shall work with representatives of Hennepin County as determined by the Hennepin County Board of Commissioners and shall make the following~~

recommendations to the City Council and County Board within 90 days: Be It Further Resolved that the City invites the Sheriff and Hennepin County Board of Commissioners to join with the City work group with appropriate staff as determined by the Hennepin County Board of Commissioners and the Sheriff to report to the City Council and County Board within 90 days on the following issues, plus any additional issues to be raised by the Sheriff or County Board:

- a) a Joint Powers Agreement and governance model for a joint facility;
- b) a location of the crime lab that will maximize efficiency and coordination;
- c) address jurisdictional and span of control issues between the Minneapolis Police Department and the Hennepin County Sheriff's Office;
- d) funding and cost-sharing agreements for the operation of the lab;
- e) a unified strategy to fund the planning and building of a crime lab to serve both Minneapolis and Hennepin County; and
- f) a review of any collective bargaining agreements and make recommendations to address concerns of city or county employees that might be impacted by a joint facility. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/29/2008.

Resolution 2008R-078, in support of fully exploring the combination of the Crime Lab functions of the City of Minneapolis and Hennepin County, was adopted 2/29/2008 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 2008R-078
By Ostrow, Samuels and Hodges

In support of fully exploring the combination of the Crime Lab functions of the City of Minneapolis and Hennepin County.

Whereas, public safety is a top priority for the City of Minneapolis and Hennepin County; and

Whereas, the City's current forensic lab is inadequate and in need of replacement; and

Whereas, the State of Minnesota Forensic Laboratory Advisory Board (FALB) recommends regional crime labs and further recommends that "population, crime rates, and current accessibility to forensic resources be considered when determining the location of regional crime laboratories;" and

Whereas, the FALB Study further recommends that "laboratory personnel should report to and be directed by professionals within the laboratory chain of command;" and

Whereas, both the City and County will have an increasing need for state of the art accredited forensic labs to provide the tools needed to apprehend criminals and hold them accountable; and

Whereas, both financial responsibility and the demands of public safety require a full exploration of a joint City-County crime lab to evaluate service enhancements and cost savings from such a partnership; and

Whereas, the potential for a joint facility raises a number of critical issues which require greater study;

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

That the City Council directs that a work team on a joint crime lab be established consisting of the following members: Assistant Police Chief Sharon Lubinski, a representative of the Minneapolis Crime Lab, the Chief Financial Officer or his designee, a representative of Public Works/Property Services or designee, the Chair of the Public Safety and Regulatory Services Committee, and the Chair of the Ways and Means Committee.

Be It Further Resolved that the City invites the Sheriff and Hennepin County Board of Commissioners to join with the City work group with appropriate staff as determined by the Hennepin County Board of Commissioners and the Sheriff to report to the City Council and County Board within 90 days on the following issues, plus any additional issues to be raised by the Sheriff or County Board:

- a) a Joint Powers Agreement and governance model for a joint facility;

- b) a location of the crime lab that will maximize efficiency and coordination;
- c) address jurisdictional and span of control issues between the Minneapolis Police Department and the Hennepin County Sheriff's Office;
- d) funding and cost-sharing agreements for the operation of the lab;
- e) a unified strategy to fund the planning and building of a crime lab to serve both Minneapolis and Hennepin County; and
- f) a review of any collective bargaining agreements and make recommendations to address concerns of city or county employees that might be impacted by a joint facility.

Be It Further Resolved that this Resolution shall be transmitted to the Hennepin County Board of Commissioners and the Hennepin County Sheriff, along with a request that the County Board and Sheriff appoint representatives to a County-City Working Group.

Adopted 2/29/2008.

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

PS&RS – Your Committee, to whom was referred an ordinance amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to *Food Code: Grocery Stores and Specialty Food Stores*, establishing requirements for minimum staple food items in grocery stores, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 2/29/2008.

Ordinance 2008-Or-015 amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to *Food Code: Grocery Stores and Specialty Food Stores*, amending Section 203.10 to 203.30 to establish requirements for minimum staple food items in grocery stores, was adopted 2/29/2008 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 2008-Or-015
By Samuels
Intro & 1st Reading: 6/15/2007
Ref to: PS&RS
2nd Reading: 2/29/2008

Amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to the Food Code: Grocery Stores and Specialty Food Stores.

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

Section 1. That Section 203.10 of the above-entitled ordinance be amended to read as follows:

203.10. Definitions. As used in this chapter, the following words and phrases shall mean:

Accessory food items. Non-staple food items, such as coffee, tea, cocoa, carbonated and un-carbonated drinks, candy, condiments, and spices.

Grocery store. A retail establishment that sells such products as staple foods, accessory food items, and household goods.

Perishable foods. Those items that are fresh, un-refrigerated or refrigerated staple food items that will spoil or suffer significant deterioration in quality within two (2) to three (3) weeks.

Specialty food store. A retail establishment that sells only specialized types or classes of staple foods and accessory foods, including, but not limited to, such establishments as import food stores and co-ops. Such an establishment may not sell tobacco products, unless such products are in keeping with the specialized nature of the store.

Staple foods. Those food items intended for home preparation and consumption, including meat, poultry, fish, bread, and breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products.

Section 2. That Section 203.20 of the above-entitled ordinance be amended to read as follows:

203.20 Requirements. Grocery stores and specialty foods stores are both subject to the requirements of chapter 188. A grocery store that does not possess a grocery license as of the effective date of this ordinance must meet the following requirements:

(a) The grocery store shall provide and maintain a minimum sales floor area of two thousand (2,000) square feet, or a free-standing building originally constructed as a grocery convenience store shall have a minimum of two thousand (2,000) square feet, calculated by using external dimensions.

(b) The grocery store shall provide and maintain a minimum of four (4) adjoining off-street parking spaces, notwithstanding the provisions of chapter 531.

(c) All grocery stores licensed under this chapter must offer for sale food for home preparation and consumption, on a continuous basis, at least three (3) varieties of qualifying, non-expired or spoiled, food in each of the following four (4) staple food groups, with at least five (5) varieties of perishable food in the first category and at least two (2) varieties of perishable food in all subsequent categories:

(1) Vegetables and/or fruits.

(2) Meat, poultry, fish and/or vegetable proteins.

(3) Bread and/or cereal.

(4) Dairy products and/or substitutes.

Section 3. That Section 203.30 of the above-entitled ordinance be amended to read as follows:

203.30. Exemptions. The following are exempt from the requirements of sections 203.20 (a) and 203.20 (b) and 203.20 (c):

(a) Specialty food stores.

(b) Filling stations, licensed under chapter 287 of this code, and having not more than three hundred (300) square feet of retail sales floor area.

(c) Grocery stores located in the central commercial district, as defined in section 360.10.

Adopted 2/29/2008.

PS&RS - Your Committee, having under consideration the application of Namaste Natural Products LLC, dba Namaste Cafe, 2512 Hennepin Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/29/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Chris & Robs Chicagos Taste Authority, 3101 E 42nd St, for an On-Sale Wine Class D with Strong Beer License, subject to conditions.

Adopted 2/29/2008.

Approved by Mayor Rybak 3/3/2008.

(Published 3/5/2008)

Resolution 2008R-079, granting the application of Chris & Robs Chicagos Taste Authority, 3101 E 42nd St, for an On-Sale Wine Class D with Strong Beer License, subject to conditions, was adopted 2/29/2008 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 2008R-079

By Samuels

Granting the application of Chris & Robs Chicagos Taste Authority, 3101 E 42nd St, for an On-Sale Wine Class D with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by What Rob Wants Inc, dba Chris & Robs Chicagos Taste Authority, 3101 E 42nd St, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2008, subject to the following conditions:

1. The licensee will not operate the outdoor seating area after 9:00 p.m.
2. The licensee agrees to fund and install speed bumps in the alley behind their restaurant by May 1, 2008; store the speed bumps from November to April; and reinstall each year.
3. The licensee will install bike racks for at least four bikes by May 1, 2008 to encourage alternative forms of transportation to their restaurant. Also, to encourage bike use, Chris & Robs will offer a free beverage incentive for patrons that arrive by bicycle.
4. The licensee will report to the Licenses & Consumer Services Division food to alcohol sales on a monthly basis for the first six months of their upgrade, and whenever requested thereafter.
5. The licensee will not accept truck deliveries before 6:00 a.m.
6. The licensee will strictly enforce Section 364.30 of the Minneapolis Code of Ordinances and Minnesota State Statute 340A.502, Sales to obviously intoxicated persons. No person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.
7. That the Department of Regulatory Services hold a community meeting in September 2008 at which residents can report their observations related to Chris and Robs.
8. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/29/2008.

Approved by Mayor Rybak 3/3/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Skyline Food Market, 2400 10th Av S, for Grocery and Tobacco Dealer's Licenses, subject to conditions.

Adopted 2/29/2008.

Resolution 2008R-080, granting the application of Skyline Food Market, 2400 10th Av S, for Grocery and Tobacco Dealer's Licenses, subject to conditions, was adopted 2/29/2008 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 2008R-080

By Samuels

Granting the application of Skyline Food Market, 2400 10th Av S, for Grocery and Tobacco Dealer's Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Abdallah Muin, dba Skyline Food Market, 2400 10th Av S, for Grocery and Tobacco Dealer's Licenses (new proprietor) to expire April 1, 2008, subject to the following conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
2. The business will have a minimum of two staff employees working from 3:00 p.m. until the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors.
3. The business agrees not to sell single cigars or single cigarettes.
4. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with pens or roses inside), Brillo Pads or Chore Boy

products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

5. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

6. All windows will be free of signs and other items that block the view in and out, as specified in Section 543.350 of the Minneapolis Code of Ordinances.

7. Owner shall comply with the Surveillance Camera Ordinance, Section 259.230 of the Minneapolis Code of Ordinances.

8. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.

9. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

10. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

11. The business will have maximum operating hours as follows: Sunday through Thursday, 7:00 a.m. to 8:00 p.m. Friday and Saturday, 7:00 a.m. to 9:00 p.m.

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

13. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/29/2008.

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

Adopted 2/29/2008.

Resolution 2008R-081, granting applications for Liquor, Wine and Beer Licenses, was adopted 2/29/2008 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 2008R-081

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

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

Trocaderos LLC, dba Trocaderos, 107 3rd Av N (internal transfer of shares)

Trocaderos LLC, dba Trocaderos, 107 3rd Av N (new shareholder or partner)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2009

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE (new manager)

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3048 Excelsior Blvd (new manager)

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

Arambadjis Alkis, dba Aronas, 610 W Lake St (new ownership from Veno 610 Inc).

Adopted 2/29/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 2/29/2008.

Resolution 2008R-082, granting applications for Business Licenses, was adopted 2/29/2008 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 2008R-082
By Samuels**

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 29, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272614):

Laundry; All Night Special Food; Confectionery; Grocery; Food Manufacturer; Milk & Grocery Delivery Vehicle; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Repair Garage; Plumber; Rental Halls; Residential Specialty Contractor; Sign Hanger; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Wrecker of Buildings Class B.

Adopted 2/29/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 2/29/2008.

Resolution 2008R-083, granting applications for Gambling Licenses, was adopted 2/29/2008 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 2008R-083
By Samuels**

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Gambling Class A

American Legion Post 99, dba American Legion Post 99, 5600 34th Av S (Site: American Legion Post 99, 5600 34th Av S)

Gambling Class B

Washburn Amateur Hockey Association, dba Washburn Amateur Hockey Association, 1624 E 57th St (Site: Driftwood, 4415 Nicollet)

Gambling Exempt

National Fresh Water Fishing Fall of Fame, dba National Fresh Water Fishing Hall of Fame, PO Box 690, Hayward, WI (Raffle April 2 – 6, 2008 at Minneapolis Convention Center)

Minnesota Teen Challenge, dba Minnesota Teen Challenge, 1619 Portland Av S (Raffle April 25, 2008 at Minneapolis Hilton Hotel, 1001 Marquette Av).
Adopted 2/29/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Vescio's Italian Cafe, 406 14th Av SE.
Adopted 2/29/2008.

Resolution 2008R-084, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Vescio's Inc, 406 14th Av SE, was adopted 2/29/2008 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 2008R-084
By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Vescio's Inc, 406 14th Av SE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 1, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 24 months, employees of Vescio's sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis ;

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

That the following adverse license 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. Purchase and implement an identification card reader within 30 days of the Agreement being approved by the City Council.
2. Provide annual alcohol service training to begin on February 9, 2008. New alcohol servers must receive alcohol service training prior to selling/serving alcohol.
3. Whenever a staff meeting is held, have alcohol service as a standing agenda item.
4. Post alcohol service related signs in highly visible locations for reminders to staff.
5. Post signs that identify Vescio's alcohol service policy to customers.
6. Employ a youth alcohol self-check/reward program with decoy four times each year for the next two years, and keep documentation of the results within 30 days of this agreement being approved by the City Council.
7. Provide an updated alcohol service policy to Licensing due at the time of signing of the Agreement.
8. In lieu of a suspension, the City shall impose a \$3,000 sanction, of which \$1,500 shall be stayed for a period of two years from the signing of the Agreement. The licensee shall pay \$1,500 of this sanction at the time of signing the Agreement.
9. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license, and that failure to comply with any of these conditions may result in additional adverse license action.

Adopted 2/29/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Kelber Catering, 1301 2nd Av S.

Adopted 2/29/2008.

Resolution 2008R-085, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Kelber Catering, 1301 2nd Av S, was adopted 2/29/2008 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 2008R-085

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Kelber Catering, 1301 2nd Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 27, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months, employees of Kelber Catering sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis ;

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

That the 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. Kelber Catering will continue to offer its employees regular internal and professionally presented beverage alcohol training. All employees who will serve beverage alcohol will be required within 90 days of hire to undergo such training. As part of any employee orientation training, internal training, or any professionally presented training, every employee is informed of a policy stating that if there is any question regarding any identification presented for purpose of buying beverage alcohol, the staff member will go to a member of management for a second opinion. A copy of this written policy must be received by the Licenses and Consumer Services office by 1:00 p.m. on the first Friday after the adoption and publication of this action by the City Council.

2. Beverage alcohol sales are being completely removed from all general concession stands at the Minneapolis Convention Center and moved to separate point of sales areas serviced only by trained bartenders. This will allow servers in these areas to concentrate on beverage alcohol services only. If so approved through the corporate budgeting process, incorporate a cashier point of sales identification card reading system so that all identifications presented can be scanned to verify the age of the patron and help identify fake forms of identification.

3. The licensee shall be aware that it will be subject to additional compliance checks during the term of this action. As is the policy of the City of Minneapolis, the underage compliance checkers will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee, and if asked, will present their State issued identification.

4. A properly trained manager must be on site during business hours at all times.

5. Kelber Catering shall pay a sanction of \$2,000 to the City of Minneapolis, with \$1,500 stayed as long as there are no same or similar violations within one year of the signing of the Agreement. This

payment must be received by 1:00 p.m. on the first Friday after the adoption and publication of this action by the full City Council.

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

Adopted 2/29/2008.

PS&RS – Your Committee, having under consideration the Rental Dwelling Licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko and owners Richard and Diane Miller for the properties located at 3354 Washburn Av N; 5209 Washburn Av N; 3234 Humboldt Av N; 1207 Knox Av N; 3454 Knox Av N; 3527 Knox Av N; 3506 Aldrich Av N; 3223 Vincent Av N; 3823 Queen Av N; and 3658 Emerson Av N, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked, denied and/or non-renewed for failure to meet licensing standards as set forth in Section 244.1910 (13) of the Minneapolis Code of Ordinances.

Adopted 2/29/2008.

PS&RS – Your Committee, having under consideration the Rental Dwelling Licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko and owner Terry Koenigs for the properties located at 2639 Girard Av N and 3431 James Av N, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked, denied and/or non-renewed for failure to meet licensing standards as set forth in Section 244.1910 (13) of the Minneapolis Code of Ordinances.

Adopted 2/29/2008.

PS&RS – Your Committee, having under consideration the Rental Dwelling Licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko and owners Kurt and Constance Helgason for the properties located at 3243 6th St N; 4335 Knox Av N; 3447 Oliver Av N; and 2934 Queen Av N, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked, denied and/or non-renewed for failure to meet licensing standards as set forth in Section 244.1910 (13) of the Minneapolis Code of Ordinances.

Adopted 2/29/2008.

PS&RS – Your Committee, having under consideration the Rental Dwelling Licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko and owner Joseph R. Althaus for the properties located at 2731 Knox Av N; 3321 Lyndale Av N; and 3235 Vincent Av N, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked, denied and/or non-renewed for failure to meet licensing standards as set forth in Section 244.1910 (13) of the Minneapolis Code of Ordinances.

Adopted 2/29/2008.

PS&RS – Your Committee, having under consideration the Rental Dwelling Licenses held by TJ Waconia, Inc; Jon E. Helgason; and Tom J. Balko and owners Tamara and Michael Pletan for the properties located at 4940 Bryant Av N; 3915 Colfax Av N; 3415 Emerson Av N; 3518 Girard Av N; 3649 Logan Av N; 2514 Pierce St NE; 3326 Russell Av N; 1643 Upton Av N; 4038 Dupont Av N; 3229 Humboldt Av N; 3507 Knox Av N; 3656 Morgan Av N; 3812 Park Av; 1505 Russell Av N; 3255 Vincent Av N; 3359 Benjamin St NE; 3626 Bryant Av N; 4005 Chicago Av; 3350 Colfax Av N; 3306 James Av N; 3339 James Av N; 3240 Sheridan Av N; 3443 Washburn Av N; 3443 Russell Av N; 4827 Fremont Av N; and 3710 Morgan Av N, now recommends concurrence with the recommendation of the Director of Inspections that said licenses be revoked, denied and/or non-renewed for failure to meet licensing standards as set forth in Section 244.1910 (13) of the Minneapolis Code of Ordinances.

Adopted 2/29/2008.

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

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, requiring an inspection and fee at the time a property converts from homestead to rental, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends:

a. That the Department of Regulatory Services be authorized an increase of 5.5 Full-Time Equivalent (FTE) positions to implement the program.

b. Passage of the accompanying resolution appropriating a maximum expense amount of \$445,700 to the Department of Regulatory Services.

c. That staff from the Department of Regulatory Services be directed to return to the City Council with a status report on the program by September 2008.

Samuels moved that Section 244.1810 of the ordinance be amended to read as follows:

244.1810. License required. No person shall allow to be occupied, let or offer to let to another for occupancy, any dwelling unit unless the owner has first obtained a license or provisional license under the terms of this article. **The practice of pre-leasing new rental construction shall be exempt from the provisions of this section.** Seconded.

Adopted upon a voice vote.

Samuels moved that Section 244.1980 of the ordinance be amended to read as follows:

244.1980. Operation of rental dwelling without license a misdemeanor. A person who allows to be occupied, lets or offers to let to another, any dwelling unit, without a license as required by this article, is guilty of a misdemeanor, punishable as provided in section 1.30 of this Code. **The practice of pre-leasing new rental construction shall be exempt from the provisions of this section.** Seconded.

Adopted upon a voice vote.

Goodman moved that Section 244.1870 (b) of the ordinance be amended to read as follows:

244.1870. License nontransferable Point-of-conversion inspection.

(b) Whenever a dwelling is converted to rental usage, the dwelling shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage. This fee shall be in addition to the annual license fee. This provision shall not apply to **buildings containing six (6) or more dwelling units nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The Director of Inspections may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.** Seconded.

Adopted upon a voice vote.

The report, with amended ordinance, was adopted 2/29/2008.

Ordinance 2008-Or-016 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1810, 244.1850, 244.1870, 244.1910, and 244.1980 to require an inspection and fee at the time a property converts from homestead to rental, was adopted 2/29/2008 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 2008-Or-016
By Johnson, Hofstede and Samuels
Intro & 1st Reading: 11/16/2007
Ref to: PS&RS
2nd Reading: 2/29/2008

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

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

Section 1. That Section 244.1810 of the above-entitled ordinance be amended to read as follows:

244.1810. License required. No person shall allow to be occupied, let or offer to let to another for occupancy, any dwelling unit unless the owner has first obtained a license or provisional license under the terms of this article. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section.

Section 2. That Section 244.1850 of the above-entitled ordinance be amended to read as follows:

244.1850. Provisional licenses. The director of inspections may issue a provisional license to the owner of a rental dwelling who has submitted an application and paid the license fee required by this article. A provisional license shall authorize the continued occupancy of rental dwelling units in actual existence on the effective date of this article, pending issuance of a rental dwelling license. A provisional license shall authorize the continued occupancy of dwelling units converted to rental usage after the effective date of this article, which shall be inspected within one (1) year of issuance pursuant to section 244.1870 of this article. ~~Dwelling units constructed for rental usage after the effective date of this article shall not be eligible for a provisional license.~~

A provisional license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in section 244.1855 of this article. A provisional license is not a determination that the building complies with the housing maintenance code or the minimum standards set forth in this article.

As a condition of a provisional license or annual renewal of such license, the applicant shall sign a statement affirming that the licensee meets the standards of section 244.1910, subsections (11) through (14).

Section 3. That Section 244.1870 of the above-entitled ordinance be amended to read as follows:

244.1870. License nontransferable Point-of-conversion inspection. (a) A license or provisional license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling and whenever a dwelling is converted to rental usage.

(b) Whenever a dwelling is converted to rental usage, the dwelling shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage. This fee shall be in addition to the annual license fee. This provision shall not apply to buildings containing six (6) or more dwelling units nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The Director of Inspections may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.

(c) Noncompliance with written orders duly issued pursuant to the inspection required under this section shall constitute cause for the imposition of adverse license action, including but not limited to license denial.

Section 4. That Section 244.1910 of the above-entitled ordinance be amended to read as follows:

244.1910. Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the zoning code or the housing maintenance code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of the zoning code.
- (5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than

- three (3) times under either or both sections during a period of twelve (12) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920.
 - (7) The licensee or applicant shall have paid the required reinspection fees.
 - (8) The licensee or his or her agent shall allow the director of inspections and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
 - (9) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the director of the location at which the register is kept. The register shall be available for review by the director or his or her authorized representatives at all times.
 - (10) The licensee shall submit to the director of inspections or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.
 - (11) a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.
b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.
 - (12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
 - (13) Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.
 - (14) No new rental dwelling license shall be issued for the property during the pendency of adverselicense action initiated pursuant to section 244.1940.
 - (15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.
 - (16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.
b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one business-day's notice.
c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in

writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.

- d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.
- e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).
- f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
- g. This subdivision shall become effective December 1, 2004.

(17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

(18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.

(19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Section 5. That Section 244.1980 of the above-entitled ordinance be amended to read as follows:

244.1980. Operation of rental dwelling without license a misdemeanor. A person who allows to be occupied, lets or offers to lets to another, any dwelling unit, without a license as required by this article, is guilty of a misdemeanor, punishable as provided in section 1.30 of this Code. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section.

Adopted 2/29/2008.

**RESOLUTION 2008R-086
By Samuels and Ostrow**

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

That the Finance Officer be directed to increase the 2008 revenue estimate for Regulatory Services (0100-835-8560-3110) and the 2008 expense appropriation for Regulatory Services (0100-835-8560) on a quarterly basis pursuant to revenues as they are collected for the Rental Licenses Inspection at Point of Conversion Program, up to a maximum expense appropriation increase of \$445,700.

Adopted 2/29/2008.

PS&RS & W&M/Budget - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances placing the Vacant Building Registration fee in the Director's Fee

Schedule, and increasing the fee from \$2,000 to \$6,000, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Title 12, Chapter 249 relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*.
- b. Title 5, Chapter 91 relating to *Building Code: Permit Fees*.

Ostrow moved that Section 249.80 (i) (1) of the ordinance be amended to read as follows:

(i) Vacant building fees:

(1) The owner of a vacant building shall pay an annual fee of ~~two thousand dollars (\$2000.00)~~ as established in the director's fee schedule pursuant to section 91.70. The fee is imposed to ~~defray the recover all costs incurred by the City for monitoring and regulating vacant buildings, including nuisance abatement, enforcement and~~ administrative costs for registering and processing the vacant building registration form and for the costs of the city in monitoring the vacant building site This fee may be waived or suspended for the current year as a term or condition of a written restoration agreement or order issued pursuant to section 249.50. This fee may be waived for the current year and previous years if the property is acquired by the Community Planning and Economic Development (CPED) Department.
Seconded.

Adopted upon a voice vote.

The report, with amended ordinance, was adopted 2/29/2008.

Ordinance 2008-Or-017 amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building Nuisance Condition*, amending Section 249.80 (i) to place the Vacant Building Registration fee in the Director's Fee Schedule, was adopted 2/29/2008 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 2008-Or-017
By Schiff
Intro & 1st Reading: 12/7/2007
Ref to: PS&RS
2nd Reading: 2/29/2008

Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition.

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

Section 1. That Section 249.80 (i) of the above-entitled ordinance be amended to read as follows:

249.80. Vacant building registration.

(i) Vacant building fees:

(1) The owner of a vacant building shall pay an annual fee of ~~two thousand dollars (\$2000.00)~~ as established in the director's fee schedule pursuant to section 91.70. The fee is imposed to ~~defray the recover all costs incurred by the City for monitoring and regulating vacant buildings, including nuisance abatement, enforcement and~~ administrative costs for registering and processing the vacant building registration form and for the costs of the city in monitoring the vacant building site This fee may be waived or suspended for the current year as a term or condition of a written restoration agreement or order issued pursuant to section 249.50. This fee may be waived for the current year and previous years if the property is acquired by the Community Planning and Economic Development (CPED) Department.

(2) The first annual fee shall be paid no later than five (5) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

(3) Unpaid fees shall be levied and collected as a special assessment against the property as provided for under section 227.100, with interest at the rate of eight (8) percent per annum on the unpaid balance thereof. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.

Adopted 2/29/2008.

Ordinance 2008-Or-018 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, amending Section 91.70 (a) to place the Vacant Building Registration fee in the Director's Fee Schedule, was adopted 2/29/2008 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 2008-Or-018
By Schiff
Intro & 1st Reading: 2/1/2008
Ref to: PS&RS
2nd Reading: 2/29/2008

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.

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

Section 1. That Section 91.70 (a) of the above-entitled ordinance be amended to read as follows:

91.70. Unit based permit fee adjustment; director's fee schedule. (a) The minimum fee as shown in section 91.40 and certificate, permit, service or other fees calculated on a unit item or other basis, as shown in sections 46.50, 47.240, 47.310, 48.310, 50.70, 56.110, 91.15, 91.20, 91.35, 91.55, 91.105, 91.115, 91.120, 91.150, 91.190, 91.220, 91.270, 91.380, 91.390, 91.410, 91.460, 91.465, 91.610, 91.620, 91.740, 91.750, 91.770, 91.780, 91.900, 108.30, 249.80, 389.70 and 389.105 shall be subject to automatic adjustment based on annual increases in the construction cost index (CCI) for the City of Minneapolis as published quarterly by the Engineering News Record. Such adjustment, rounded off to the nearest one (1) percent, shall be effective on April first of each year based on the construction cost index for the period ending December 31 of the preceding calendar year. Thereafter the director's fee schedule shall be subject to automatic annual adjustment pursuant to the terms of subsection (a) and shall be made available to the public at least thirty (30) days prior to going into effect.

Adopted 2/29/2008.

PS&RS & W&M/Budget – Your Committee, having under consideration a report and appropriation resolution passed November 2, 2007 accepting a grant award of \$66,536 to fund Police Department liaison services for the Hennepin County Drug Court, now recommends passage of the accompanying resolution amending Resolution 2007R-558 entitled “Amending the 2007 General Appropriation Resolution”, passed November 2, 2007 to correctly reflect the appropriation coding to be the Grants – Other Fund.

Adopted 2/29/2008.

RESOLUTION 2008R-087
By Samuels and Ostrow

Amending Resolution 2007R-558 entitled “Amending The 2007 General Appropriation Resolution”, passed November 2, 2007.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – ~~Federal~~ Other Fund (~~030-400-C003~~ 01600-4003120) by \$66,536 and increasing the Revenue Source (~~030-400-C003~~ Source 3210 01600-4003120-321509) by \$66,536.”

Adopted 2/29/2008.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends that Public Works staff be directed to incorporate the following Policy Framework Directions in the development of a Street Lighting Policy:

A) Street Lighting Plan

- 1) Implement a plan that outlines lighting to be provided on all streets and a process allowing for change;

B) Funding

- 1) Use uniform assessments to pay for new street light installation costs;
- 2) Continue to use net debt bonding along with uniform assessments and grants to pay for parkway lighting installation costs;
- 3) Use general funds to pay street light operation and maintenance costs for City standard lighting;

C) Implementation Process

- 1) Install lighting without petitions as part of all reconstruction and development projects that require a large amount of excavation of the boulevard/sidewalk/curb areas, unless there is a petition to opt out by the property owners;
- 2) Install improved lighting in residential areas that opt-in before a reconstruction project occurs through a petition process.

Glidden moved that Section B, parts 1 and 2, of the report be amended as follows:

“B) Funding

- 1) Use a uniform assessments rate, not including a utility fee, to pay for new or replaced street light installation costs;
- 2) Continue to use net debt bonding along with uniform assessments direct property charges, not including a utility fee, and other available revenue sources such as grants to pay for parkway lighting installation costs;” Seconded.

Adopted upon a voice vote.

Goodman moved that Section C, part 1, of the report be amended by deleting the language “and development” and referring the subject matter to the Community Development Committee for recommendation to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 2/29/2008.

T&PW - Your Committee, having under consideration mechanical upgrades to Fire Station No 17 (330 E 38th St), now recommends approval of Change Order No 1 (final) to Contract No C-24672 with Northern Air Corporation, increasing the contract by \$8,446.51, for a revised contract total of \$308,346.51, to allow for construction contingencies provided as part of the original project budget (06200/6800350/FIR02). No additional appropriation required.

Adopted 2/29/2008.

T&PW - Your Committee, having under consideration mechanical upgrades to Fire Station No 21 (3209 E 38th St), now recommends approval of Change Order No 1 (final) to Contract No C-25086 with Northern Air Corporation, increasing the contract by \$5,735.64, for a revised contract total of \$223,968.64, to allow for construction contingencies provided as part of the original project budget (06200/6800450/680F6369). No additional appropriation required.

Adopted 2/29/2008.

T&PW - Your Committee, having under consideration the Drinking Fountain Project, ten artist-designed public drinking fountains to be located throughout the City, now recommends approval of the following final two sites for the drinking fountains:

1. Central Ave NE; and
2. Uptown area.

Adopted 2/29/2008.

T&PW - Your Committee, having under consideration the Minneapolis-Duluth/Superior Passenger Rail Alliance Joint Powers Board, now recommends appointing Council Member Robert Lilligren to represent the City of Minneapolis on the Board, and appointing Council Member Elizabeth Glidden as alternate.

Adopted 2/29/2008.

T&PW - Your Committee, having under consideration the Urban Partnership Agreement (UPA) for the Twin Cities Metropolitan area, now recommends that the proper City Officers be authorized to enter into an agreement to be bound by the conditions and requirements of the Federal Transit Authority (FTA) Certifications and Assurances, as set forth in Petition No 272623, and other requirements as provided by federal law for such projects regarding the Partnership Agreement FTA Section 5309 Apportionment, for the Marquette Avenue and Second Avenue Transit Project.

Adopted 2/29/2008.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 54th St W Street Reconstruction Project, Special Improvement of Existing Street No 6733.

Adopted 2/29/2008.

Resolution 2008R-088, designating the improvement of 54th Street W from Upton Ave S to Penn Ave S, was adopted 2/29/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-088

By Colvin Roy

**54th STREET W RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6733**

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 Portland cement concrete on a stabilized base and including other street paving related improvements as needed:

54th Street W from Upton Ave S to Penn Ave S.

Adopted 2/29/2008.

T&PW - Your Committee, having received a cost estimate of \$2,260,000 for street reconstruction improvements and a list of benefited properties for certain locations in the 54th St W Reconstruction Project, Special Improvement of Existing Street No 6733, as designated by Resolution 2008R-088 passed February 29, 2008, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2008 Uniform Assessment Rates as per Resolution 2008R-043, passed February 1, 2008.

Your Committee further recommends that a public hearing be held on March 25, 2008 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the reconstruction 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 2/29/2008.

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

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6894, Accept bid of H & L Mesabi, for an estimated annual expenditure of \$140,000, to furnish and deliver grader-bucket blades and related items as needed through December 31, 2009; and

b) OP 6906, Accept low bid of Direct Digital Controls Prairie Technologies, Inc., for an estimated expenditure of \$48,744, to furnish and deliver all labor, materials, and equipment for a computerized building automation system at the Haaf Parking Ramp.

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

Adopted 2/29/2008.

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

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, by amending section 14.180 to provide clarity of City residency and flexibility in timelines for the open appointment process; and having held a public hearing, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 2/29/2008.

Ordinance 2008-Or-019 amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to *Administration: In General*, by amending Section 14.180 to provide clarity of City residency and flexibility in timelines for the open appointment process, was adopted 2/29/2008 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 2008-Or-019
By Ostrow
Intro & 1st Reading: 2/1/2008
Ref to: W&M/Budget
2nd Reading: 2/29/2008

Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to Administration: In General.

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

Section 1. That Section 14.180 of the above entitled ordinance be amended to read as follows:

14.180. Community engagement through city boards, commissions, committees, task forces or similar organizations: Creation and Appointment Process. *(a) Principles:* The city shall create and support organizations that enhance ~~public involvement~~ community engagement in the city's decision-making process and shall, whenever appropriate, use an open process to select members. The city shall have a clear and easily accessible appointment system, available to all interested parties, and a recruitment process that ensures diversity of representation and ideas and takes into consideration the city's commitment to civil rights, affirmative action and geographic distribution wherever possible.

(b) Responsibilities: ~~The following shall have authority to develop procedures to carry out the administration of the open appointments process.~~

~~The city clerk shall administer the open appointments process, develop procedures and standards and assist departments with the creation of organizations and processing of appointments.~~

Departments are responsible for supporting organizations under their jurisdiction according to the standards established by the city clerk. This includes recruiting and coordinating appointments, staffing board meetings, evaluation of the boards accomplishments and record keeping.

The appointing authority is responsible for oversight of the recruiting and screening of applicants, selection processes used to make appointments evaluation and recognition of accomplishments.

(1) The city council shall determine whether to use the city's open appointment process or make direct appointments.

(2) The Mayor and City Council, as the appointing authorities, are responsible for oversight of the recruiting and screening of applicants, and evaluation and recognition of accomplishments.

(3) The city clerk shall administer the open appointments process, develop procedures and standards and assist departments with the creation of organizations and processing of appointments.

(4) Departments shall support organizations under their jurisdiction according to the standards established by the city clerk. Support includes recruiting and coordinating appointments, staffing meetings, evaluating accomplishments and keeping records.

~~(a)(c)~~ *Creation of city boards, commissions, committees, task forces or similar organizations:* When Council actions creating such organizations, the city council and the mayor shall state:

Organization

(1) The name, purpose and total number and type of members of the organization.

(2) The city department or division that will assist the organization.

(3) Resource requirements including The budget for the organization, if any.

(4) Reporting requirements and a date when a final report, if any, will be due.

(5) When the organization will cease to exist (sunset provision) if applicable.

(6) How the chairperson and other officers will be selected.

Membership

~~(7) Whether members will receive compensation or privileges.~~

~~(8) Any meeting attendance requirements to retain membership.~~

~~(9) Limitations on reappointment, if any.~~

~~(10) The appointments process to be followed: open appointments or other method.~~

~~(11)(1) Who appoints or designates original and succeeding members.~~

~~(12)(2) What special membership qualifications are necessary or desirable.~~

~~(13)(3) Whether exemptions to the residency is requirement are necessary required.~~

~~(14)(4) If a public hearing is required for prospective appointees.~~

~~(15)(5) The term of office of each member, including the day, month and year the term expires.~~

(6) Whether members will receive compensation or privileges.

(7) Any meeting attendance requirements to retain membership.

(8) Limitations on reappointment, if any.

~~(b)(d)~~ *Open appointments process for city boards, commissions, committees, task forces or similar organization:*

~~(1) Application process-:~~

~~a:(1) A minimum of three (3) weeks time shall be allowed for the filing of applications and a reasonable time for the consideration of any applications. The application period may be shortened by mutual consent of the board staff and the appointing authority.~~

~~b:(2) Citizens may nominate themselves or other persons, as candidates.~~

~~e:(3) Incumbents seeking reappointment need to must fully complete a re-application form.~~

~~d:(4) Incumbents maintain their member status until a successor is appointed unless specifically precluded by the bylaws of the organization or city council action.~~

~~e:(5) If there are additional vacancies within twelve (12) months after closing the original application process, the appointing authority(s) may fill the vacancies from among the original applicants without reopening the process.~~

~~(2) Selection process-:~~

~~a:(1) Applicants wishing to withdraw from consideration during the selection process must submit a letter to the city clerk.~~

b:(2) Appointments must have council approval unless otherwise specified in the originating resolution.

e:(3) Upon appointment, before assuming full member rights and responsibilities, all members are required to sign an oath of office administered by the city clerk per the City Charter, Chapter 2, Section 18 and Minnesota Statutes 358.05.

~~(3) Extension of the selection process:~~

a:(1) If necessary to achieve greater geographical or protected class representation, the appointing authority may extend the application period or re-advertise vacancies.

b:(2) If the appointing authority determines there are an insufficient number of qualified applicants for a vacancy, it may either reopen the process or suggest applicants who must file an application form prior to action by the city council.

~~(4) Residency requirements and exemptions for the open appoints process:~~ All appointments made under ~~this section~~ the open appointments process shall be made from persons who are residents of the City of Minneapolis. Continuing residence within the corporate limits of the City of Minneapolis shall be a condition of all appointees under ~~this section~~ process to hold the office or position to which they were appointed. *Exemptions:* No appointment of a nonresident under ~~this clause~~ the open appointments process will become effective unless a waiver of residency has been approved by a majority vote of the city council. The residency requirement may be waived when:

a:(1) The appointment is by law or by practice and custom made by another organization or unit of government; or

b:(2) The person otherwise eligible for appointment is an officer or director of a business or organization that pays property taxes to the City of Minneapolis; or

e:(3) The appointment relates to a person whose knowledge or expertise provides a unique or special benefit to the board, commission, committee, task force or similar organization, if residency is waived by the city council.

Adopted 2/29/2008.

W&M/Budget - Your Committee, having under consideration the 2009 - 2013 Capital Process and Capital Long-Range Improvements Committee (CLIC) Information (Petn No 272632), now recommends the following:

a) Receive and file the 2008 CLIC Schedule with a capital budget submission deadline of noon on March 31, 2008.

b) Approval of the 2008 CLIC Capital Guidelines for use in evaluating the 2009 - 2013 Capital requests.

c) Receive and file tax supported resource direction to CLIC, city departments, independent boards and commissions.

Adopted 2/29/2008.

W&M/Budget – Your Committee, having received recommendations from the Finance Department regarding Capital Long-Range Improvement Committee (CLIC) Appointments, now recommends passage of the accompanying resolution approving appointments for the term expiring January 31, 2009.

Adopted 2/29/2008.

Resolution 2008R-089, approving appointments to the Capital Long-Range Improvement Committee (CLIC) for a term expiring January 31, 2009, was adopted 2/29/2008 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 2008R-089
By Ostrow

Approving Appointments to the Capital Long-Range Improvements Committee (CLIC).

Resolved by The City Council of The City of Minneapolis:

Appointee

Name	Appointed by	Council Ward #
Becca Vargo Daggett	Council	2
Alena Chaps	Council	6
Nancy Larson	Council	6
Tim Prinsen	Council	10
Jason Blumenthal	Mayor	13

Adopted 2/29/2008.

W&M/Budget - Your Committee, having under consideration the 2008 salary adjustment for non-represented employees (Petn No 272633), now recommends the following:

a) All non-represented employees eligible for step progression will receive their normal step progression, subject to satisfactory or better performance.

b) Effective the first day of the nearest payroll period to January 1, 2008, adjust the salary schedules for any classification that is below 96% of our internal equity line to 96% of that line. Increase longevity by 2%.

c) Effective the first day of the nearest payroll period to July 1, 2008, create a "new" top step on each classification schedule (exception the student intern and fire cadet classifications) that is 2.8% above the current top step.

d) All non-represented Employees on the top step as of December 31, 2007 will be eligible to progress to the new top step on July 1, 2008, or when the new top step is created.

e) Effective at 11:59:59 p.m. on December 31, 2008, the first step of each title will be eliminated.

f) Department heads may assign employees to "merit pay" steps when additional temporary duties or special projects, not to exceed one year, are assigned. These merit rates shall be midway between established rates for all steps except the top step, which has three merit rates equal to 2%, 4% and 6% above the rates. Employees are eligible for assignment to merit rates related to their authorized regular step.

g) The Human Resources Director is authorized to administer current and future approved adjustments and pay plans.

Adopted 2/29/2008.

W&M/Budget - Your Committee, having under consideration the 2008 salary adjustments for appointed employees (Petn No 272633), now recommends that the salaries and schedules be adjusted as follows:

a) All appointed employees eligible for step progression will receive their normal step progression, subject to satisfactory or better performance.

b) Effect January 1, 2008, the salary schedule or salary for each title will receive an adjustment of 2.14%.

c) The Human Resources Director is authorized to administer these adjustments and pay plans.

Adopted 2/29/2008.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the wage re-opener labor agreement between the City of Minneapolis and the Teamsters Local #320, 911 Supervisors Unit, effective July 1, 2006.

Adopted 2/29/2008.

Resolution 2008R-090, approving the wage re-opener labor agreement with the Teamster Local #320, 911 Supervisors Unit, was adopted 2/29/2008 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 2008R-090
By Ostrow

Approving the wage re-opener labor agreement with the Teamsters Local #320, 911 Supervisors Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the wage re-opener agreement between the City of Minneapolis and the Teamsters Local #320, 911 Supervisors Unit, as set forth in Petn No 272633, be approved.

Be It Further Resolved that the Human Resources Director be authorized to implement the terms and conditions of the re-opener agreement upon its execution.

Adopted 2/29/2008.

W&M/Budget - Your Committee, in response to the City's goal "Blueprint for Action: Preventing Youth Violence", now recommends a one-time exception to the City's policy on "Regulations for Solicitation and Payroll Deduction for Nonprofit Charitable Organizations" to allow the Big Brothers/Big Sisters (BBBS) charitable organization to provide employees with information about volunteer mentorship opportunities with their organization.

Adopted 2/29/2008.

W&M/Budget - Your Committee, having under consideration the accompanying resolution regarding divestment of funds by the City of Minneapolis in the Government of Sudan, now recommends approval.

Adopted 2/29/2008.

Resolution 2008R-091, regarding divestment of funds by the City of Minneapolis in the Government of Sudan, was adopted 2/29/2008 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 2008R-091
By Hodges, Ostrow

Providing for the divestment of funds by the City of Minneapolis in Sudan.

Whereas, on July 23, 2004, the United States Congress declared that "the atrocities unfolding in Darfur, Sudan are genocide"; and

Whereas, on December 7, 2004, Congress found that "the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter"; and

Whereas, on September 25, 2006, Congress reaffirmed that “the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress party-led faction of the Government of Sudan”; and

Whereas, the Darfur crisis represents the first time in history that the United States Government has labeled ongoing atrocities as genocide; and

Whereas, on May 23, 2007, the State of Minnesota passed a bill divesting Minnesota’s State Board of Investment from companies complicit in the genocide. Upon signing, the Governor stated, “Minnesotans can be proud that we are taking action to help cut off the flow of money to Sudan’s military. We’re doing our part to stop the crimes and inhumanities in Darfur”; and

Whereas, on December 31, 2007, the President of the United States signed into law the Sudan Accountability and Divestment Act of 2007 (S. 2271), which authorizes state and local governments to divest from Sudan and prohibits federal contracts with companies that support the Khartoum government of Sudan; and

Whereas, the Federal Government has imposed sanctions against the Government of Sudan since 1997. These sanctions are monitored through the United States Treasury Department’s Office of Foreign Assets Control, also known as “OFAC”; and

Whereas, in 2006, a report from the United States House of Representatives states that “a company’s association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse result on a public company’s operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment”; and

Whereas, the current Sudan divestment movement encompasses more than one hundred universities, cities, states, and private pension plans, including the cities of St. Paul and Edina, and the University of Minnesota. Companies facing such widespread divestment present material risk to remaining investors; and

Whereas, the City of Minneapolis is concerned not only with the financial repercussions of investment in companies whose values will be negatively affected by their involvement with the genocide being waged by the Government of Sudan, but also with the moral implications of such financial arrangements. The citizens of the City of Minneapolis do not want funds used to perpetrate terrorism and atrocities against civilians; and

Whereas, the City of Minneapolis acknowledges that a refusal to invest in and divestment from companies that have been targeted as complicit with genocide is a course of last resort that should be used sparingly, consistent with a City’s fiduciary duties and only under extraordinary circumstances. In the case of Sudan, Congressional and Presidential declarations of genocide satisfy this high threshold. This Resolution is not intended to set precedent with regard to investment and divestment policies and practices of the City of Minneapolis but is solely in response to the exigencies of the declaration of genocide; and

Whereas, the Finance Director of the City of Minneapolis has determined that the City does not now own any investments in any “scrutinized company” as defined in Minn. Stat. § 11A.243, subd. 1(o);

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

That the City Council of the City of Minneapolis directs that no investments shall be made in any company or corporation identified as a scrutinized company as defined in Minn. Stat. § 11A.243, subd. 1(o).

Be it further resolved that the City of Minneapolis directs any investment held by the City that later is identified as a scrutinized company to be sold at the earliest opportunity.

Be it further resolved that this resolution shall expire upon the occurrence of any of the following:

1) The Congress or president of the United States declares that the Darfur genocide has been halted for at least 12 months;

2) The United States revokes all sanctions imposed against the government of Sudan;

3) The Congress or president of the United States declares that the government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons; and

4) The Congress or president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this resolution interferes with the conduct of United States foreign policy.

Adopted 2/29/2008.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Thomas Frattallone from the decision of the Board of Adjustment which denied his application for a variance to reduce the rear yard setback from 5 feet to 2.5 feet to allow for a detached garage to have vehicle access doors face the alley at 2708 Emerson Ave S, now recommends that said appeal be granted.

Adopted 2/29/2008. Yeas, 12; Nays, 1 as follows:

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

Nays - Remington.

Z&P - Your Committee, having under consideration the appeal filed by Erick Galatz on behalf of DeLaSalle High School from the decision of the Heritage Preservation Commission denying an application for an amendment to a previously approved Certificate of Appropriateness to permit installation of artificial turf on the DeLaSalle athletic field to be constructed on Nicollet Island at 25 W Island Ave and 201 E Island Ave, now recommends that the appeal be **sent forward without recommendation**.

Schiff moved to amend the report by deleting the language, "sent forward without recommendation" and inserting in lieu thereof, "denied, and the findings prepared by the Department of Community Planning & Economic Development be adopted." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 2/29/2008.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Acme Tag Redevelopment (BZZ-3903) to rezone the property at 2838 Fremont Ave S from I1 and R6 with TP Overlay District to the R6 (Multi-family) District and removing the TP Overlay District to permit construction of a 237 unit residential development and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 2/29/2008. Yeas, 12; Nays, 1 as follows:

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

Nays - Remington.

Ordinance 2008-Or-020 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2838 Fremont Ave S to the R6 district and removing the TP Overlay District, was adopted 2/29/2008 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 2008-Or-020
By Schiff
1st & 2nd Readings: 2/29/2008

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

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

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

That part of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 10, Windoms Addn to Minneapolis. Lots 5 and 6, Block 7, Windoms Addn to Minneapolis. A portion of the above being registered property described as follows: Lot 11, Block 10, Windoms Addn to Minneapolis, Hennepin County, Minnesota, (2838 Fremont Ave S - Plate 24) to the R6 District with removal of the TP Overlay District.

Adopted 2/29/2008. Yeas, 12; Nays, 1 as follows:

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

Nays - Remington.

RESOLUTION

Resolution 2008R-092, amending Resolution 2005R-700 entitled, "Authorizing Car Allowance for each member of the City Council for 2006 through 2009", passed December 23, 2005, allowing Council Members to utilize either the Type A or Type B automobile allowance provided for in the Minneapolis Code of Ordinances, was adopted 2/29/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-092

By Johnson

Amending Resolution 2005R-700 entitled "Authorizing Car Allowance for each member of the City Council for 2006 through 2009", passed December 23, 2005.

Whereas, Law of Minnesota, 1963, Chapter 727, authorizes the City Council by ordinance to provide for the payment of automobile allowance to any City officer or employee who officially uses his or her own automobile for the performance of public duties; and

Whereas, the City of Minneapolis has authorized the payment of automobile allowances in Minneapolis Code of Ordinances, Chapter 20, Article IX;

Whereas, on December 23, 2005, the City Council passed Resolution 2005R-700 authorizing members of the City Council to receive an automobile allowance equal to the Type B automobile allowance provided for in Minneapolis Code of Ordinances, Chapter 20, Article IX and such allowance not to exceed \$400.00 per month; and

Whereas, the City Council now wishes to amend Resolution 2005R-700 to permit each member of the City Council to elect to receive either the automobile allowance equal to the Type A allowance or the Type B allowance provided for in Minneapolis Code of Ordinances, Chapter 20, Article IX;

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

That the above-entitled Resolution be amended by adding the following paragraph:

"Effective January 1, 2008, and for the remainder of the four-year term commencing January 3, 2006, and ending January 3, 2010, that each member of the City Council shall be entitled to either the automobile allowance equal to the Type A or the automobile allowance equal to the Type B automobile allowance provided for in Minneapolis Code of Ordinances, Chapter 20, Article IX; such Type B allowance not to exceed \$400.00 (four hundred) per month."

Adopted 2/29/2008. Yeas, 10; Nays, 3, as follows:

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

Nays - Remington, Benson, Gordon.

UNFINISHED BUSINESS

Pursuant to previous notice, Schiff moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to amend permitted and conditional uses, definitions, and specific development standards for selected uses), as follows:

- a) Chapter 520 related to Introductory Provisions; and
- b) Chapter 536 relating to Specific Development Standards; and
- c) Chapter 547 relating to Office Residence Districts; and
- d) Chapter 548 relating to Commercial Districts; and
- e) Chapter 549 relating to Downtown Districts; and
- f) Chapter 550 relating to Industrial Districts; and
- g) Chapter 551 relating to Overlay Districts. Seconded.

Adopted 2/29/2008.

Pursuant to previous notice, Schiff moved to introduce the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (amending regulations related to lighting), as follows:

- a) Chapter 535 relating to Regulations of General Applicability; and
- b) Chapter 536 relating to Specific Development Standards. Seconded.

Adopted 2/29/2008.

Pursuant to previous notice, Gordon moved to introduce the subject matter of an ordinance amending Title 18 of the Minneapolis Code of Ordinances relating to Traffic Code, for referral to the Public Safety & Regulatory Services and Transportation & Public Works Committees (ensuring laws protecting the safety of bicyclists), as follows:

- a) Chapter 474 relating to Vehicle Operation; and
- b) Chapter 490 relating to Bicycles. Seconded.

Adopted 2/29/2008.

NEW BUSINESS

Remington gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code (changing the mechanism for enforcing no or low heat in rental units from outside temperature to calendar dates).

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 8.5 of the Minneapolis Code of Ordinances relating to Elections by amending Chapter 167 to read "Municipal Elections; Rules of Conduct (establishing rules for counting ranked choice voting elections).

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, (resolving differences in regulating the maximum occupancy of dwelling units and mandating disclosure of maximum occupancy of dwelling units to potential tenants):

- a) Chapter 520 relating to Introductory Provisions;
- b) Chapter 527 relating to Planned Unit Development;
- c) Chapter 546 relating to Residence Districts;

- d) Chapter 547 relating to Office Residence Districts;
- e) Chapter 548 relating to Commercial Districts;
- f) Chapter 549 relating to Downtown Districts;
- g) Chapter 551 relating to Overlay Districts.

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code (resolving differences in regulating the maximum occupancy of dwelling units and mandating disclosure of maximum occupancy of dwelling units to potential tenants).

Hodges gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement (to authorize the zoning administrator to further extend compliance deadlines and require site maintenance and improvement plans for stalled development projects).

Samuels moved to introduce an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Public Safety & Regulatory Services Committee:

- a) requiring emergency escape and rescue windows in bedrooms;
 - b) placing the responsibility on the owner for any infestation problem which is identified in either a unit, public hallway or shared space of a building with two or more units;
 - c) including State adopted requirements for carbon monoxide alarms. Seconded.
- Adopted upon a voice vote 2/29/2008.

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 2/29/2008.

Steven J. Ristuben,
City Clerk

Unofficial Posting: 3/4/2008
Official Posting: 3/7/2008
Correction: 3/28/08