

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF SEPTEMBER 2, 2011

(Published September 10, 2011, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
September 2, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda to delete under "Adjournment" the matter of *Kaibel, et al. v. MBC*. Seconded.

Adopted upon a voice vote.

Hodges moved to amend the agenda to include under "New Business" a motion to amend the City's 2011 adopted budget, as amended April 29, 2011, and the 2011 General Appropriation Resolution to mitigate, in part, the waterfall implementation in the Fire Department by transferring certain positions and the associated funding from various City departments to the Fire Department budget and to insert this motion as item 2 under the order of "New Business," and to renumber thereafter any remaining items of New Business accordingly. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 9/2/2011.

Lilligren moved acceptance of the minutes of the regular meeting of August 19, 2011. Seconded.

Adopted upon a voice vote 9/2/2011.

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

Adopted upon a voice vote 9/2/2011.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (275153)
Ampco Contract Review
Water Revenue Capture Review

COMMITTEE OF THE WHOLE:

INTERGOVERNMENTAL RELATIONS (275154)
Written Report: Federal Update on Budget Control Act of 2011.

COMMITTEE OF THE WHOLE (See Rep):

INTERGOVERNMENTAL RELATIONS (275155)

Northside Achievement Zone: Inclusion in Federal legislative agenda & passage of support resolution.

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275156)

Living Wage/Job Linkage Report.

FINANCE DEPARTMENT (275157)

2011 2nd Quarter Financial Status Report on CPED Funds.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275158)

Land Sales:

2129 Emerson Ave N to UHW R:R IV, LLC;

129 Plymouth Ave N to Lupe Development Partners, LLC.

Home Ownership Works Program Changes: Increase in Real Estate Agency Broker Compensation.

GRANTS AND SPECIAL PROJECTS (275159)

2010 Consolidated Annual Performance & Evaluation Report.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275160)

2010 Annual Tax Increment Reports.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275161)

Dunwoody Apartments Redevelopment Plan (re 110 E 18th St): Approval of Plan.

Grain Belt Office Building: Amendment #1 to contract with Northland Mechanical Contractors, Inc, increasing by \$14,162.96.

STEP-UP Program: Acceptance of funds & agreement with Northeast Metropolitan School District No. 916 for program.

Neighborhood Stabilization Program (NSP) 3 Funds: Appropriation & approval of interim construction financing loans to NSP developers for NSP projects.

PURCHASING (275162)

Demolition of Structures Bids:

OP No. 7501 of Veit & Company, Inc for 1205 Irving Ave N, 1111-15 James Ave N;

OP No. 7494 of Final Grade, Inc for 2025-3rd Ave N, 3418 Girard Ave N, 3118 Thomas Ave N, 2610 Oliver Ave N, 3238 Morgan Ave N.

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

HEALTH AND FAMILY SUPPORT (275163)

Homegrown Minneapolis Food Council: Approve creating the Homegrown Minneapolis Food Council and Recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods by Amending Resolution 2009R-283 which created the Homegrown Minneapolis Implementation Task Force.

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

HEALTH AND FAMILY SUPPORT (275164)

Grant to Reduce Depression Among Pregnant Women: Apply for three-year grant from United States Department of Health and Human Services to implement and evaluate a home-based intervention to reduce depression among pregnant women to be delivered by public health nurses from the Minnesota Visiting Nurse Agency.

Teen Pregnancy Prevention Grant: Amend contract #29002 with Hennepin County to accept revenue (\$720,000 over a four-year period) to provide enhanced health education sessions to participating teens in the six school based clinic sites; and Approve appropriation.

POLICE DEPARTMENT (275165)

Minneapolis-Saint Paul Safe Streets Task Force: Amend grant award from Minnesota Department of Public Safety to receive \$69,750 to provide funds for salaries of five officers assigned to the Task Force during the second half of 2011; and Approve appropriation.

Adult DWI Court in Hennepin County: Amend contract with Fourth Judicial District Court to reduce the amount awarded by \$3,100 which funded wages for police officers to participate in the program; and Approve appropriation decrease.

Drug Court: Execute four-year contract with Hennepin County 4th District Court to receive \$172,000 to support a police officer assigned to Drug Court for research, defendant monitoring and liaison services between the Police Department and Court; and Approve appropriation.

PURCHASING/POLICE DEPARTMENT (275166)

Bomb Unit Bid: OP #7500, accept low bid of Qineti Q North America to furnish and deliver a robotic controller for Bobcat Loader.

REGULATORY SERVICES (275167)

Minneapolis Animal Care & Control: Approve acceptance of gifts, as follows: Kuranda Dog Beds, Canine Education Posters, Towels, and Dog Food/Treats.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (275168)

Dominos Pizza, 4552 Bloomington Av: Grant Extended Hours License to operate Sunday through Saturday from 10:00 a.m. to 3:00 a.m., subject to conditions.

LICENSES AND CONSUMER SERVICES (275169)

Dominos Pizza: Application for Extended Hours Licenses to operate daily from 10:00 a.m. to 3:00 a.m. at the following locations: 215 Oak St SE; 1113 Hennepin Ave; 1901 Johnson St NE; 2441 Hennepin Av; 2801 26th Av S; 5957 Penn Av S; and 4552 Bloomington Av.

LICENSES AND CONSUMER SERVICES (275170)

Eli's East Food and Cocktails, 815 E Hennepin Av: Grant On-Sale Liquor Class E with Sunday Sales License.

Rosa Mexicano, 609 Hennepin Av: Grant On-Sale Liquor Class E with Sunday Sales License and Catering License.

Seven Seas Grocery Store, 2941 Bloomington Av: Passage of Resolution approving Business License Operating Conditions relating to Grocery License.

LICENSES AND CONSUMER SERVICES (275171)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275172)

Safari Restaurant, 3010 4th Ave S: Grant Extended Hours License to operate 24 hours daily.

aloft Hotel Minneapolis, 900 Washington Av S: Approve License Settlement Conference recommendations relating to On-Sale Liquor Class A with Sunday Sales License.

5-8 Club, 5800 Cedar Av S: Approve License Settlement Conference recommendations relating to On-Sale Wine Class E with Strong Beer License.

REGULATORY SERVICES (275173)

Managed Natural Landscape: Ordinance exempting native prairie or other purposeful plantings from the definition of offensive conditions and vegetation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (275174)

Snow and Ice Removal from Public Sidewalks: Set public hearing for 10/25/2011.

Sidewalk Repair and Construction: Set public hearing for 10/11/2011.

Chicago-Lake, Bloomington-Lake, East Lake, and Lyndale-Lake Special Service Districts: Set public hearing for 9/27/2011.

Sanitary Sewer Service Availability Charges: Set public hearing for 10/25/2011.

50th St W and France Ave S Parking Facility: Set public hearing for 9/27/2011.

National Pollutant Discharge Elimination System (NPDES) and State Disposal System Permit: Set public hearing for 9/13/2011.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (275175)

10th Ave SE Storm Tunnel Outlet Project: Amendment to contract with Engineering & Construction Innovations, Inc.

The Interchange: Cooperative Agreement with Hennepin County Regional Rail Authority for storm sewer relocation.

Lyn/Lake Municipal Parking Lot: a) Establish special assessment proceedings and impact fees, and b) Set public hearing for 9/27/2011.

Nicollet Ave Reconstruction Project No 6713 (Lake St to 40th St): a) Approve layout; b) Easements and right-of-way; c) Set public hearing re abandonment and removal of areaways for 10/25/11; and d) Comments.

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

PUBLIC WORKS AND ENGINEERING (275176)

State Ramp B 2nd Ave N Entrance Project: Change order to contract with Lund Martin Construction, Inc.

2011 Federal Highway Safety Improvement Program: Submission of 2015-2016 projects.

Cooperative Construction Agreement with Mn/DOT: Cost sharing for mill and overlay of E and W Lyndale Aves N.

Plymouth Ave N Bridge over Mississippi River: a) Amend Capital Program to add project; b) Accept Municipal State Aid Funds and State Bridge Bonds; and c) Contract amendment with Corven Engineering.

Bids: a) OP 7499, Low bid of Urban Companies, LLC for 14th Ave N Cul-De-Sac Project; b) OP 7503, Low bid of Central Roofing Company for Pump Station 5 Flat Roof Build-Up Project; and c) OP 7505, Low bids of Tecta America Stock Roofing, LLC and Berwald Roofing Company, Inc. to complete four (4) roofing projects for the Water Works Division.

WAYS AND MEANS BUDGET:

ATTORNEY (275177)

Ethical Reporting Line Report.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275178)

Business Plan: Long range budget issues report.

WAYS AND MEANS BUDGET (See Rep):

BUSINESS INFORMATION SERVICES (BIS) (275179)

FirstWatch System: Amend contract C22333 with TriTech Software Systems to purchase, implement and for first year's maintenance of the FirstWatch System.

Bentley Software Application: Amend contract C-24593 with Bentley Systems, Inc. to upgrade current system and to extend contract for 3 years to December 31, 2014.

COMMUNICATIONS (275180)

October 2011 Utility Billing Insert: Fall street sweeping, yard bags and brush collection.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275181)

Retirement Incentive Program for CPED employees: Ordinance amending Title 2, Chapter 20, adding section 20.475A to implement a retirement incentive program; and approve appropriation to fund program (Received & filed in CD Committee).

MINNEAPOLIS CONVENTION CENTER (275182)

National Health Conference: Amend contract 27376 with Meet Minneapolis for services and expenses related to the national ARRA Communities Putting Prevention to Work - 2011 Making it Better conference.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (275183)

Rezoning:

Julie & Don Vang (2747 Thomas Ave N)

Asian Media Access (2418 Plymouth Ave N)

Eric Utne (4259 Linden Hills Blvd)

Cedar Towing & Auction, Inc. (3516 & 3534 Snelling Ave)

Vacations:

Correction: MPS Education Service Center (1250 W Broadway)

Walker Methodist (3737 Bryant Ave S)

University of Minnesota (Part of Beacon St SE)

Text Amendments:

Catering as a Permitted Use (Title 20, Chapter 537)

Amending Fee Schedule (Title 20, Chapter 525)

UNFINISHED BUSINESS (See Rep):

Mayor (275184)

Mayoral Vetoes:

Letters explaining vetoed actions a) revocation of rental dwelling license at 1218 E 26th St; and b) directing one-time 2011 funds from other departments to the Fire Department (See Reports dated 8/19/2011).

NEW BUSINESS:

REGULATORY SERVICES (275185)

Traffic Control Revenue Contracts: Authorize receipt of revenue (\$50,000) per year for services for the TCF Bank Stadium on an ongoing basis; and execute related contracts.

NEW BUSINESS (See Rep):

CITY COUNCIL (275185.1)

2011 Budget Amendment: List of vacant positions to be removed from 2011 Operating Budget (New Business #2).

FILED:

CITY CLERK (275186)

Gopher 94 Wine & Spirits, 217 W Broadway: Transcripts of the following proceedings relating to the application for an Off-Sale Liquor License:

(a) RE&E Committee March 21, 2011

(b) City Council April 1, 2011

(c) City Council April 15, 2011.

The following reports were signed by Mayor Rybak on September 7, 2011, 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:

Glidden moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from September 1, 2011, regarding amending the 2012 City of Minneapolis Federal Legislative Agenda to support the Northside Achievement Zone and passing a resolution doing the same. Seconded.

Adopted by unanimous consent 9/2/2011.

Comm of the Whole - Your Committee recommends that the City's Fiscal Year 2012 Federal Legislative Agenda, adopted February 25, 2011, be further amended by inserting the following new item after the "Youth Violence Prevention" section:

"Education

The City of Minneapolis regards education as the cornerstone of our community. Along with the City, Minneapolis Public Schools, local nonprofit organizations, business and philanthropic partners strive to offer the very best education to every student in the district.

To this end, the U.S. Department of Education's *Promise Neighborhoods* grant program offers an opportunity for students and families to access the comprehensive, wrap-around services they need to guarantee college-readiness for all children living in the targeted areas.

The Northside Achievement Zone is a collaborative of 60 organizations offering these high-touch support services to children and families. The collaborative strives to ensure all children are college-ready, and to end generational poverty in the Zone by building a culture of achievement.

The City of Minneapolis supports the Northside Achievement Zone's efforts to secure funding resources from the *Promise Neighborhoods* grant program to enable them to reach our shared goal of ensuring all young people in Minneapolis are ready to succeed in college and beyond."

Your Committee further recommends passage of the accompanying resolution supporting the Northside Achievement Zone's application to the U.S. Department of Education's *Promise Neighborhoods* grant program.

Adopted 9/2/2011.

Lilligren moved to reconsider the vote on the above report. Seconded.

Adopted upon a voice vote.

The report was adopted. Yeas, 12; Nays, 0.

Declining to vote - Samuels.

SEPTEMBER 2, 2011

Resolution 2011R-440, supporting the Northside Achievement Zone's application to the U.S. Department of Education's Promise Neighborhoods grant program, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-440
By Johnson and Glidden**

Supporting the Northside Achievement Zone's application to the U.S. Department of Education's Promise Neighborhoods grant program.

Whereas, the Northside Achievement Zone is a collaborative of 60 organizations offering wrap-around, high-touch support to families living in a defined geographic area of North Minneapolis;

Whereas, through that collaborative the Northside Achievement Zone is working to guarantee college-readiness for all children living in that Zone;

Whereas, the Northside Achievement Zone intends to end generational poverty in the Zone by building a culture of achievement; and

Whereas, the Northside Achievement Zone is working with all levels of government in order to achieve these goals and their success would mean lasting and meaningful positive change for the City of Minneapolis.

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

That the City of Minneapolis supports the Northside Achievement Zone's application for support through the U.S. Department of Education's Promise Neighborhoods grant program and their efforts to ensure all students in Minneapolis are ready for college, life and citizenship.

Adopted 9/2/2011.

Declining to vote - Samuels.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends that the proper City officers be authorized to submit the City of Minneapolis 2010 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development, with any comments received, on August 29, 2011.
Adopted 9/2/2011.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of property at 2129 Emerson Ave N to UHW R:R IV, LLC, a single and wholly owned subsidiary of Urban Homeworks, Inc for \$1.00, plus reimbursement of City acquisition, holding and title costs not to exceed \$15,000.

Your Committee further recommends approval of execution of a right of entry with UHW R:R IV, LLC to begin environmental remediation prior to closing.

Adopted 9/2/2011.

Resolution 2011R-441, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No 2N009 at 2129 Emerson Ave N, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-441
By Goodman

Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No 2N009 (2129 Emerson Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 2N009 in the Jordan Neighborhood, from UHW R:R IV, LLC - a single and wholly owned subsidiary of Urban Homeworks, Inc., hereinafter known as the Redeveloper, the Parcel(s) 2N009, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of 2N009; 2129 Emerson Avenue North: Lot 1 and that part of Lot 2 lying North of the South 37.38 feet thereof, Block 33, Highland Park Addition to the City of Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$1, for Parcel 2N009; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the 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 accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, August 12, 2011, a public hearing on the proposed sale was duly held on August 23, 2011, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value, for uses in accordance with the Vacant Housing plan, as amended, is hereby estimated to be the sum of \$49,250, however, in accordance with public purpose consideration including extraordinary rehabilitative expenses, the City is selling Parcel 2N009 for the sum of \$1.

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

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

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

Adopted 9/2/2011.

Comm Dev - Your Committee, having under consideration the pass-through sale of 129 Plymouth Ave N from the Minnesota Department of Transportation (MnDOT) to Lupe Development Partners, LLC, or an affiliated entity, now recommends:

a) Passage of the accompanying resolution approving the acquisition of 129 Plymouth Ave N from MnDOT and simultaneous disposition to Lupe Development Partners, LLC for \$208,000; and

(b) That the proper City officers be authorized to execute a redevelopment contract that includes an exclusion from the City's registered apprenticeship and prevailing wage requirements, and any related documents that may be required to effectuate the aforementioned transactions.

Your Committee further clarifies that the Prevailing Wage and Registered Apprenticeship Program Policies adopted by the City Council in 2004 are intended to apply only to land disposition transactions that are subsidized by the City and not to purely pass-through transactions.

Adopted 9/2/2011.

Resolution 2011R-442, authorizing Sale of Land North Washington Industrial Park Disposition Parcel NWIP 45-1/MnDOT 29 & 30 at 129 Plymouth Ave N, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-442

By Goodman

Authorizing Sale of Land North Washington Industrial Park Disposition Parcel NWIP 45-1/MnDOT 29 & 30 (129 Plymouth Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel NWIP 45-1/MnDOT 29 & 30 in the North Loop neighborhood from Lupe Development Partners, LLC (or an affiliate) hereinafter known as the Redeveloper, the Parcel NWIP 45-1/MnDOT 29 & 30 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to-wit:

LEGAL DESCRIPTION of NWIP 45-1/MnDOT 29 & 30, 129 Plymouth Avenue North:

Tract 1:

Lots A and B, Vanderhork's Subdivision of Lots 1, 2 and 3, Block 10, in Bassett, Moore and Case's Addition to Minneapolis, according to the plat thereof on file and of record in the County Recorder in and for Hennepin County, Minnesota.

Torrens Property

Tract 2:

Lot G, Vanderhork's Subdivision of Lots 1, 2 and 3, Block 10, in Bassett, Moore and Case's Addition to Minneapolis, also that part of Lots 6 and 7, said Block 10, which lies westerly of a line running in a northerly direction of the southeasterly corner of said Lot G to a point in the northerly line of said Lot 7, which is 26 feet easterly from the northeasterly corner of said Lot G, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota.

Abstract Property

Tract 3:

Lots C, D, E and F, Vanderhork's Subdivision of Lots 1, 2 and 3, Block 10, in Bassett, Moore and Case's Addition to Minneapolis and all that part of the public alley in said subdivision lying westerly of a straight line running from the southeast corner of Lot G, said subdivision to a point in the easterly line of Lot 3 of said subdivision, distant 7.4 feet southerly from the northeast corner of Lot 3 of said subdivision, also a parcel of land comprising all of Lot 4, said Block 10 and that part of said Lot 3 and that part of adjoining 10th Avenue North vacated described as follows: Beginning at the most southerly corner of said Lot 4; thence northerly along the easterly line of Second Street North a distance of 131.16 feet to the northwest corner of said Lot 3; thence east along the north line of said Lot 3 a distance of 144 feet to the northeast corner thereof; thence southerly at an angle of 79 degrees 21 minutes to the right along the easterly line thereof a distance of 7.4 feet; thence southwesterly at an angle of 23 degrees 31 minutes to the right a distance of 65.4 feet to the point of curve; thence southwesterly along a tangential curve to the left having a radius of 503.34 feet a distance of 56 feet to its point of intersection with a line running through the point of beginning parallel with the north line of Lot 3, said point of intersection being 82.9 feet distant east from said point of beginning; thence west to point of beginning,

according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota.

Abstract Property

Tract 4:

That portion of vacated 10th Avenue North lying easterly of Second Street North and southerly of Lot 4, Block 10, in Bassett, Moore and Case's Addition to Minneapolis, Hennepin County, Minnesota, described as follows: Commencing at the northwest corner of Lot A of Vanderhork's Subdivision of Lots 1, 2 and 3, Block 10 in Bassett, Moore and Case's Addition to Minneapolis, also being the intersection of the easterly right of way line of Second Street North and the southerly right of way of Plymouth Avenue North; thence South 18 degrees 16 minutes 12 seconds East (astronomic bearing determined by solar observation), along the easterly right of way line of said Second Street North, also being the westerly line of said Lot A and the westerly line of Lots 3 and 4, Block 10, Bassett, Moore and Case's Addition to Minneapolis, a distance of 251.55 feet to the most southerly corner of said Lot 4, Block 10, Bassett, Moore and Case's Addition to Minneapolis, being the point of beginning of the parcel to be described; thence continuing South 18 degrees 16 minutes 12 seconds East, along the southeasterly extension of the easterly right of way line of said Second Street North, a distance of 34.97 feet to the centerline of vacated 10th Avenue North; thence North 44 degrees 54 minutes 15 seconds East, along said centerline, a distance of 48.01 feet to the southerly line of Tract 1 described in Warranty Deed Document No. 3812826; thence South 88 degrees 59 minutes 05 seconds West, along said southerly line (described as being parallel with the north line of Lot 3, Block 10, Bassett, Moore and Case's Addition to Minneapolis), a distance of 44.86 feet to the point of beginning.

Abstract Property

Whereas, the Redeveloper has offered to pay the sum of \$208,000 for Parcel NWIP 45-1/MnDOT 29 & 30 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on August 12, 2011, a public hearing on the proposed sale was duly held on August 23, 2011, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the North Washington Industrial Park plan, as amended, is hereby estimated to be the sum of \$208,000 for Parcel NWIP 45-1/MnDOT 29 & 30.

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

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

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

Adopted 9/2/2011.

Comm Dev - Your Committee, having under consideration proposed changes to the Home Ownership Works (HOW) Program compensation structure, now recommends approval of the staff recommended changes to the HOW Program to increase the Real Estate Agency Broker Compensation to not greater than 7% of the sale price.

Adopted 9/2/2011.

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

Comm Dev & W&M/Budget – Your Committee, having under consideration the Dunwoody Apartments Redevelopment Plan, prepared to facilitate the redevelopment by Gateway Commons, LLC, of the vacant, historic Abbott Hospital complex at 110 E 18th St into 123 rental apartments with underground and surface parking spaces, now recommends passage of the accompanying resolution approving said Redevelopment Plan.

Adopted 9/2/2011.

Resolution 2011R-443, approving the Dunwoody Apartments Redevelopment Plan for redevelopment of property at 110 E 18th St, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-443
By Goodman and Hodges**

Approving the Dunwoody Apartments Redevelopment Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Dunwoody Apartments Redevelopment Plan (the "Plan"). The Plan creates a new redevelopment project area (the "Project Area"), states the City's objectives, describes proposed development activity and indicates a land use to facilitate redevelopment of the Project Area, all pursuant to and in accordance with the Project Laws.

1.3. The City has performed all actions required by law to be performed prior to the adoption of the Plan, including, but not limited to, a review of the proposed Plan by the affected neighborhood group and the City Planning Commission, and the holding of a public hearing after published notice as required by law.

Section 2. Findings

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

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

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

2.4. The Council further finds, determines and declares that the Plan conforms to the general plan for the development or redevelopment of the city as a whole.

2.5. The Council further finds, determines and declares that the Dunwoody Apartments Redevelopment Project is a redevelopment project pursuant to Minnesota Statutes, Section 469.002, Subdivisions 14 and 16 and that the Project Area is a "blighted area" pursuant to Minnesota Statutes, Section 469.002, Subdivision 11.

2.6. The Council further finds, determines and declares that the reasons and facts supporting the findings in this Resolution are described in the Plan.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plan.

Section 3. Approval of the Plan

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

Section 4. Implementation of the Plan

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

Adopted 9/2/2011.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7501 from Veit and Company, Inc, in the amount of \$45,651, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish demolition and site clearance of the following structures, per the bid specifications: 1205 Irving Ave N and 1111-15 James Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 9/2/2011.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7494 from Final Grade, Inc, in the amount of \$77,777, to furnish and deliver all labor, materials and incidentals necessary to accomplish demolition and site clearance of the following structures, per the bid specifications: 2025 3rd Ave N, 3418 Girard Ave N, 3118 Thomas Ave N, 2610 Oliver Ave N and 3238 Morgan Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 9/2/2011.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract C-30009 (OP #7434) with Northland Mechanical Contractors, Inc. for change order 1, 2, and 4, increasing the contract by \$14,162.96 for a new total of \$98,082.96 due to unforeseen conditions to correct water drainage at the Grain Belt office building. Resources are available in Fund SHPO to pay for drainage improvements at the historic Grain Belt office building.

Adopted 9/2/2011.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Northeast Metropolitan School District No. 916 to accept funds for the purpose of providing training for City of Minneapolis STEP-UP Program participants.

Adopted 9/2/2011.

Comm Dev & W&M/Budget - Your Committee, having under consideration the appropriation of Neighborhood Stabilization Program (NSP) 3 Funds and interim construction financing loans to NSP developers for NSP projects, now recommends:

- a) Passage of the accompanying resolution increasing the appropriation in the Grants-Federal Fund by \$765,804 and CDBG and UDAG Fund by \$2,671,275 and increasing the revenue budget;
 - b) Approval to use \$750,000 from the Affordable Ownership Housing Program (AOHP) for use as a revolving loan fund for construction financing at 0% interest with a 2% origination fee for NSP rehabilitation and redevelopment projects and that the proper City officers be authorized to execute loan and related agreements for this purpose;
 - c) That the Finance Office be authorized to appropriate all loan repayments to the revolving loan fund for the provision of additional construction loans to support NSP-eligible projects.
- Adopted 9/2/2011.

RESOLUTION 2011R-444
By Goodman and Hodges

Amending the 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) 01300 Grants – Federal Fund (01300-8900230) by \$765,804 and increasing the revenue source (01300-8900900-321008) by \$765,804; and
 - b) Increasing the appropriation in the CPED 01400 Grants – CDBG and UDAG Fund (01400-8900230) by \$2,671,275 and increasing the revenue source (01400-8900900-321008) by \$2,671,275.
- Adopted 9/2/2011.

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

PSC&H - Your Committee recommends passage of the accompanying resolution creating the Homegrown Minneapolis Food Council and Recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods by Amending Resolution 2009R-283 which created the Homegrown Minneapolis Implementation Task Force.

Your Committee further recommends that Homegrown Minneapolis staff in the Department of Health & Family Support is directed to establish a nominations committee to include representatives from the Homegrown Task Force, the City Council, and the Mayor's Office to do outreach and make recommendations regarding the appointments to the new Food Policy Council.

Adopted 9/2/2011.

Resolution 2011R-445, creating the Homegrown Minneapolis Food Council and Recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods by Amending Resolution 2009R-283 which created the Homegrown Minneapolis Implementation Task Force, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-445
By Gordon and Samuels

Creating the Homegrown Minneapolis Food Council and Recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods by amending Resolution 2009R-283 entitled "recognizing the Importance of Healthy, Sustainably Produced and Locally Grown Foods and Creating the Homegrown Minneapolis Implementation Task Force", passed June 26, 2009 by reorganizing the Homegrown Minneapolis Implementation Task Force.

Whereas, Homegrown Minneapolis is a citywide initiative to help the community grow, process, distribute, eat and compost more healthy, sustainable, locally grown foods; and

Whereas, Homegrown Minneapolis principles recognize an optimal food system is health promoting, environmentally sustainable, local, resilient, inclusive, equitable, fair and transparent; and

Whereas Homegrown Minneapolis supports the following City goals and strategic directions: *Jobs and Economic Vitality* (epicenter for the new green jobs economy, proactive business development in key growth areas); *Eco-Focused* (locally grown food available and chosen, use less energy, produce less waste); *Livable Communities, Healthy Lives* (thoughtful neighborhood design with density done right, healthy choices are easy and economical); and *A City That Works* (shared democracy that empowers residents as valued partners, strong partnerships with parks, schools, government, nonprofits and private sector); and

Whereas, the City of Minneapolis has adopted a Local Food sustainability indicator; and

Whereas, the City of Minneapolis has already taken important steps to support local foods including:

- Completed an Urban Agriculture Policy Plan, a land use and development plan providing a policy framework for commercial and noncommercial urban agriculture in Minneapolis;
- Funded and guided development of a Local Food Resource Hubs Network to link residents, gardeners and entrepreneurs with the seeds, seedlings, tools, education and connections needed for food growing, preservation, distribution and composting;
- Made plots of City land available to residents for community gardening;
- Helped launch Electronic Benefits Transfer at five farmers markets in the city to make healthy food accessible to more residents;
- Updated ordinances to allow bee keeping and indoor farmers markets in the city, grocery stores to host farmers market vendors, mobile food vendors to sell non-packaged food in downtown and other areas of the city, and to require corner stores to offer at least five varieties of fresh fruits and vegetables;
- Launched a pilot Homegrown Business Development Center to provide matching loans and technical assistance for businesses based in Minneapolis; and

Whereas, the Minneapolis local food system currently includes more than 30 farmers markets, approximately 100 community gardens, four health food coops, numerous drop-off points for community supported agriculture farms, and many local restaurants serving local food; and

Whereas, the Homegrown Minneapolis initiative, begun in December of 2008, has engaged hundreds of stakeholders from multiple perspectives – farmers, community gardeners, farmers market managers, restaurateurs, food and farming nonprofits, entrepreneurs, academics, City staff, regulators, policy makers and enthusiastic local food consumers – in developing innovative policies and strategies to improve the growing, processing, distribution, consumption and composting of healthy, sustainable, locally grown foods in Minneapolis;

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

That a Homegrown Minneapolis Food Council is created on August 19, 2011 to continue strategically building on these food related efforts with residents and other partners.

Be It Further Resolved that the purpose of the Homegrown Minneapolis Food Council is to:

- Develop innovative policies and strategies to improve the growing, processing, promotion, distribution, consumption and composting of healthy, sustainable, locally grown foods in Minneapolis;
 - Advise the Mayor, City Council, and Park Board on food system related opportunities and challenges;
 - Provide technical expertise and recommendations in the ongoing development of the City's Local Food sustainability targets;
 - Advance the food system in directions that are health promoting, environmentally sustainable, local, resilient, inclusive, equitable, fair and transparent;
 - Assist in development, implementation, and evaluation of Homegrown Minneapolis recommendations; and, where necessary, convene additional expertise to innovate around challenges;
- Support, participate and provide leadership in development of regional food system work;

- Assist with opportunities to celebrate food and its role in strengthening the connections of Minneapolis' many communities and cultures.

Be It Further Resolved that the Homegrown Minneapolis Food Council will be made up of no more than 19 members. The body will be structured to include participation of community members, City staff and elected representatives, a co-ownership model proven to be effective for moving food system work forward in Minneapolis. Term length will be two years beginning in January of even-numbered years; first term to begin in January of 2012 and end in December of 2013. Members may serve up to three consecutive terms.

Be It Further Resolved that of the 19 members, 14 members will be sought from the community, striving for diverse and balanced representation and being mindful to seek out community expertise and perspective from those often underrepresented (such as communities of color). Interested applicants will go through the City's open appointments process, 7 each appointed by the Mayor and Council. The remaining 5 members will include one representative from each of the following City Departments: the Minneapolis Department of Health and Family Support, Community Planning and Economic Development, City Coordinator–Sustainability, a Mayor's representative, and a Council member or Council member representative. The body will be staffed by the Homegrown Minneapolis Coordinator unless future funding for this position is not secured, in which case the Mayor's Office will provide staffing.

Be It Further Resolved that the Minneapolis Attorney's Office and Departments of Regulatory Services, Public Works, Communications, Intergovernmental Relations, and Neighborhood and Community Relations will assist the Homegrown Minneapolis Food Council as needed; and

Be It Further Resolved that the body will be led by two co-chairs - one appointed by the Mayor and one appointed by the Homegrown Minneapolis Food Council - and guided by an Executive Committee that includes the two co-chairs, up to three Homegrown Minneapolis Food Council members and the Homegrown Minneapolis Coordinator.

Be It Further Resolved that the Homegrown Coordinator and Executive Committee of the Homegrown Minneapolis Food Council are directed to return to the Public Safety, Civil Rights and Health Committee annually in December beginning in 2012 to report on worked completed and the upcoming year's work plan. Additionally, the purpose and accomplishments of the Homegrown Minneapolis Food Council are to be reviewed every three years by the Minneapolis City Council starting in 2014.

Adopted 9/2/2011.

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

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolutions, as follows:

a) Approving acceptance of a gift of Kuranda Dog Beds, Canine Education Posters, Towels, and Dog Food/Treats.

b) Approving acceptance of a gift of Towels and Dog Food/Treats.

Adopted 9/2/2011.

Resolution 2011R-446, approving acceptance of a gift of Kuranda Dog Beds, Canine Education Posters, Towels, and Dog Food/Treats, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-446
By Samuels and Hodges**

Approving acceptance of a gift of Kuranda Dog Beds, Canine Education Posters, Towels, and Dog Food/Treats.

SEPTEMBER 2, 2011

Whereas, community members Britt and Rick Gage have contacted Animal Care and Control desiring to donate 68 dog beds to provide greater animal care to the Animal Shelter; and

Whereas, community member Anne Hendrickson donated four canine educational posters and 100 bookmarks to the Animal Shelter; and

Whereas, community member Jo Baer donated Science Diet Nature's Best dog food (15 lb), Greenies dog treats (27 oz), Healthy Select dog chews (8 oz), 60 chewable Rimadyl anti-inflammatory pills, and Beneful dog food (70 oz); and

Whereas, community member Margaret Josal donated six standard bath towels; and

Whereas, Section 465.03 of Minnesota Statutes requires such gift acceptance be made by resolution of City Council, adopted by a two-thirds majority of its members and expressing such terms in full;

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

That Britt and Rick Gage's offer to provide to Animal Care and Control 68 Kuranda dog beds shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved that Anne Hendrickson's offer to provide to Animal Care and Control four canine educational posters and 100 bookmarks shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved that Jo Baer's offer to provide to Animal Care and Control Science Diet Nature's Best dog food (15 lb), Greenies dog treats (27 oz), Healthy Select dog chews (8 oz), 60 chewable Rimadyl anti-inflammatory pills, and Beneful dog food (70 oz) shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved that Margaret Josal's offer to provide to Animal Care and Control six standard bath towels shall be accepted as a gift on behalf of the City of Minneapolis.

Adopted 9/2/2011.

Resolution 2011R-447, approving acceptance of a gift of Dog Food, Treats and Towels, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-447
By Samuels and Hodges**

Approving acceptance of a gift of Dog Food, Treats and Towels.

Whereas, community member Nancy Williams donated 20 bath towels and linens to the Animal Shelter; and

Whereas, community member Troy Azzivitto donated Pedigree adult dog food (20 lb), Beneful dog food (4 lb), and four bags of dog treats (Royal Canine, Ol Roy and Professional Brand); and

Whereas, Section 465.03 of Minnesota Statutes requires such gift acceptance be made by resolution of City Council, adopted by a two-thirds majority of its members and expressing such terms in full;

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

That Nancy Williams' offer to provide to Animal Care and Control 20 bath towels and linens shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved that Troy Azzivitto's offer to provide to Animal Care and Control Pedigree adult dog food (20 lb), Beneful dog food (4 lb), and 4 bags of dog treats (Royal Canine, Ol Roy and Professional Brand) shall be accepted as a gift on behalf of the City of Minneapolis.

Adopted 9/2/2011.

SEPTEMBER 2, 2011

PSC&H & W&M/Budget - Your Committee, having under consideration the Police Department's participation in the Minneapolis-Saint Paul Safe Streets Task Force, now recommends that the proper City officers be authorized to amend the grant award from the Minnesota Department of Public Safety to increase the amount by \$69,750 to provide funds during the second half of calendar year 2011 for salaries of five officers assigned to the Task Force. Further, passage of the accompanying resolution appropriating \$69,750 to the Police Department.

Adopted 9/2/2011.

RESOLUTION 2011R-448 By Samuels and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4003100) by \$69,750 and increasing the Revenue Estimate (01600-4003100-321509) by \$69,750.

Adopted 9/2/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration the Police Department's participation in an Adult DWI Court in Hennepin County, now recommends that the proper City officers be authorized to amend the contract with the Fourth Judicial District Court to reduce the amount of the grant awarded to Minneapolis by \$3,100 which funded wages and benefits of a police officer who participates in the program. Further, passage of the accompanying resolution decreasing the appropriation for the Police Department.

Adopted 9/2/2011.

RESOLUTION 2011R-449 By Samuels and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4002735) by \$3,100.

Adopted 9/2/2011.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute agreements with the Hennepin County 4th District Court to receive \$172,000 over a four-year period (2009 - 2013) to support a police officer assigned to Drug Court security and to serve as a liaison between the Police Department and the court. Further, passage of the accompanying resolution appropriating \$172,000 to the Police Department.

Adopted 9/2/2011.

RESOLUTION 2011R-450 By Samuels and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4003120) by \$172,000 and increasing the Revenue Estimate (01600-4003120-321509) by \$172,000.

Adopted 9/2/2011.

PSC&H & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7500 submitted by Qineti Q North America, in the amount of \$64,442, to furnish and deliver a robotic controller for Bobcat Loader to the Minneapolis Police Department Bomb Squad, in accordance with City specifications.

Adopted 9/2/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration a request by the Department of Health & Family Support to apply for a three-year grant from the United States Department of Health and Human Services to implement and evaluate a home-based intervention to reduce depression among pregnant women to be delivered by public health nurses from the Minnesota Visiting Nurse Agency, now recommends the following:

PSC&H - that the proper City officers be authorized to apply for said grant seeking an amount not to exceed \$300,000 the first budget year and \$900,000 for the full project period beginning February 1, 2012.

W&M/Budget - that said request be **sent forward without recommendation**. Staff is directed to provide to Committee Members before the September 1, 2011 Committee of the Whole Meeting information on the financial impact on the City's budget to include any administrative costs.

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

Adopted by unanimous consent.

The report, as amended, was adopted 9/2/2011.

PSC&H & W&M/Budget - Your Committee, having under consideration a request by the Department of Health & Family Support to accept Teen Pregnancy Prevention Grant funds, now recommends the following:

PSC&H - that the proper City officers be authorized to amend contract #29002 with Hennepin County to accept revenue in an amount not to exceed \$720,000 over a four-year period to provide enhanced health education sessions to teens participating in the "It's your future — Safer Sex Program" at six school clinic sites. Further, passage of the accompanying resolution appropriating \$720,000 to the Department of Health & Family Support.

W&M/Budget - that said request be **sent forward without recommendation**. Staff is directed to provide to Committee Members before the September 1, 2011 Committee of the Whole Meeting information on the financial impact on the City's budget to include any administrative costs.

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

Adopted by unanimous consent.

The report, as amended, was adopted 9/2/2011.

Approved by Mayor Rybak 9/6/2011.

(Published 9/7/2011)

**RESOLUTION 2011R-451
By Samuels and Hodges**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Federal Fund (01300-8600152) by \$720,000 and increasing the Revenue Estimate (01300-8600152-321007) by \$720,000.

Adopted 9/2/2011.

Approved by Mayor Rybak 9/6/2011.

(Published 9/7/2011)

SEPTEMBER 2, 2011

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

RE&E - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, exempting native prairie or other purposeful plantings from the definition of offensive conditions and vegetation, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the Department of Regulatory Services staff be directed to return to the Regulatory, Energy & Environment Committee no later than March of 2012 to update the Committee on housing inspections process changes resulting from the managed natural landscape ordinance.

Adopted 9/2/2011.

Ordinance 2011-Or-079 amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, amending Section 227.90 to exempt native prairie or other purposeful plantings from the definition of offensive conditions and vegetation, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-079
By Gordon
Intro & 1st Reading: 7/2/2010
Ref to: RE&E
2nd Reading: 9/2/2011

Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.

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

Section 1. That Section 227.90 of the above-entitled ordinance be amended to read as follows:

227.90. Offensive conditions and vegetation declared. (a) In general. No owner, agent or occupant of any privately owned lands or premises shall place upon, or permit upon the owner's premises any noxious weeds as are defined in Minnesota Statutes or Minnesota Rules, dirt or rubbish, or any swill, offal, garbage (except in authorized containers), ashes, barnyard litter, manure, yard cleanings, dead animals, inoperable vehicle as defined in the Zoning Code, or any other foul or unhealthy material, or any other condition on said premises, in such a manner as to constitute a nuisance. Except as part of a managed natural landscape as defined in this section, Any weeds or grass growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or which have gone or are about to go to seed are hereby declared to be a nuisance condition and dangerous to the health, safety and good order of the city. ~~Exception:~~ Ground cover planted and maintained above earth-sheltered buildings need not comply with the height limitation of this section; however, such ground cover shall not contain noxious weeds. Fallen trees, fallen tree limbs, dead trees, dead tree limbs, which in the opinion of the director of inspections constitute a health, safety or fire hazard, are declared to be a nuisance condition. Further, when in the opinion of the director of inspections, trees, brush and plant growth, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280 shall also constitute a nuisance condition.

(b) Right to install and maintain a managed natural landscape. An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules and ordinances, install and maintain a managed natural landscape.

(1) Definitions.

Managed natural landscape means a planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

Noxious weed shall have the meaning assigned by Minnesota Statutes, Section 18.77, Subd. 8.

Ornamental plants means grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

Turf-grass lawn means a lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than eight (8) inches.

(2) Findings. The city council finds that the installation and maintenance of managed natural landscapes is beneficial to the city's environment and its residents and serves to further adopted city goals in that managed natural landscapes require fewer potentially harmful and costly inputs, improve stormwater retention, increase water quality and biodiversity, reduce greenhouse gas emissions, and provide habitat for wildlife such as birds, butterflies and other beneficial insects and species.

(3) Requirements.

- a. Managed natural landscapes may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation.
- b. Managed natural landscapes may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280.
- c. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.

Adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Win LLC, dba Eli's East Food and Cocktails, 815 E Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire October 1, 2011, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Rosa Mexicano Minneapolis LLC, dba Rosa Mexicano, 609 Hennepin Av #101, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire January 1, 2012, and a Catering License (new business) to expire April 1, 2012, 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 9/2/2011.

Approved by Mayor Rybak 9/6/2011.

(Published 9/7/2011)

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery License held by Seven Seas Grocery Store, 2941 Bloomington Av.

Adopted 9/2/2011.

SEPTEMBER 2, 2011

Resolution 2011R-452, approving Business License Operating Conditions relating to the Grocery License held by Seven Seas Grocery Store, 2941 Bloomington Av, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-452
By Glidden**

Approving Business License Operating Conditions relating to the Grocery License held by Seven Seas Grocery Store, 2941 Bloomington Av.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery License held by Seven Seas Grocery Store, 2941 Bloomington Av:

1. The business agrees not to install pay phones either inside or outside the store.
 2. The owner shall comply with the surveillance camera ordinance and acknowledges the receipt of the ordinance and policies.
 3. "No Trespassing" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
 4. The business will create a system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people.
 5. The business agrees not to sell items commonly used by drug users and drug dealers in their street business. Drug Related Paraphernalia includes the following: Glass pipes or tubes (sometimes they have plastic roses inside), scrubbers such as Brillo or Chore Boys (these items can be sold if soap is added to the material), and small zip lock type bags also known as jewelry bags, regular size zip lock type bags.
 6. The business will not supply matches to non-tobacco customers.
 7. After hours, the business' parking areas will be blocked to prevent vehicles from entering your parking areas.
 8. Hours of operation are Sunday to Thursday 8 a.m. to 10 p.m. and Friday and Saturday 8:00 a.m. to 11:00 p.m.
- Adopted 9/2/2011.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 9/2/2011.

Resolution 2011R-453, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-453
By Glidden**

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275171):

SEPTEMBER 2, 2011

On-Sale Liquor Class C-1 with Sunday Sales, to expire September 3, 2011

Smith & Hance Entertainment, dba Nomad World Pub, 501 Cedar Av S (temporary expansion September 3, 2011, 4:00 p.m. to 10:00 p.m.)

On-Sale Liquor Class E with Sunday Sales, to expire September 8, 2011

World Savvy, dba World Savvy, 619 S 10th St (September 8, 2011, 5:00 p.m. to 8:00 p.m.)

Liquor Catering Services, to expire August 1, 2012

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

Complete Beverage Service, dba Darby O'Ragens, 401 3rd St N

Miss Jimmy Inc, dba Red Stag Supperclub, 509 1st Av NE

Trans Global T Inc, dba Bombay Bistro, 820 Marquette Av

Mr Susie Inc, dba Barbette, 1600 W Lake St

Mintahoe Inc, dba Mintahoe Hospitality Group, 2117 W River Rd (Minneapolis Park and Recreation Board).

Adopted 9/2/2011.

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

Adopted 9/2/2011.

Resolution 2011R-454, granting applications for Business Licenses, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-454

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 2, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275171):

Laundry; Caterers; Confectionery; Farm Produce Permits; Food Manufacturer; Food Market Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Towing Class D; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Precious Metal Dealer; Public Market; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solicitor - Individual; Solid Waste Hauler; Swimming Pool - Public; Taxicab Service Company; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Valet Parking.

Adopted 9/2/2011.

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

Adopted 9/2/2011.

Resolution 2011R-455, granting applications for Gambling Licenses, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

SEPTEMBER 2, 2011

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

RESOLUTION 2011R-455

By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275171):

Gambling Exempt

St. Anne/St. Joseph Hien Parish, dba St. Anne/St. Joseph Hien Parish, 2627 Queen Av N (Bingo, Raffles August 20 & 21, 2011)

Minneapolis Regional Chamber of Commerce, dba Minneapolis Regional Chamber of Commerce, 81 S 9th St, Suite 200 (Raffle September 15, 2011, 400 Central Av SE)

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, Raffles, Pulltabs September 16 - 18, 2011)

American Brain Tumor Association, dba American Brain Tumor Association, 8550 W Bryn Mawr Av, Suite 550 (Raffle September 24, 2011, The Depot Renaissance Minneapolis Hotel)

Accessibility, Inc, dba Accessibility, 360 Hoover St NE (Raffle September 29, 2011, 360 Hoover St)

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle October 9, 2011, Holy Rosary Church)

Doing Good Together, dba Doing Good Together, 5141 16th Av S (Raffle October 14, 2011, 50 S 6th St)

Special Olympics Minnesota, dba Special Olympics Minnesota, 100 Washington Av S, Suite 550 (Raffle March 3, 2012, Thomas Beach-Lake Calhoun).

Adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1901, 215 Oak St SE, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, 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.

Your Committee further recommends that staff from the 2nd Police Precinct be directed to respond to Committee Members as to why they have requested the security features that are contained in the security plan for the business.

Adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1918, 1113 Hennepin Av, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, 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.

Your Committee further recommends that staff be directed to report back to the Committee on the practices staff utilizes for notification of public hearings for Extended Hours Licenses.

Adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1908, 1901 Johnson St NE, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Your Committee further recommends that staff from the 2nd Police Precinct be directed to respond to Committee Members as to why they have requested the security features that are contained in the security plan for the business.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to the following conditions:

1. The licensee shall designate an employee to act as liaison to property owners to ensure:

i. Building receives regular maintenance.

ii. Lawn is regularly mowed.

iii. Sidewalk is shoveled in compliance with City ordinance. If the property owner does not shovel promptly, a Domino's Pizza employee shall be assigned shoveling duties.

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

Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1947, 2441 Hennepin Av, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1906, 2801 26th Av S, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, 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 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1923, 5957 Penn Av S, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, 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 9/2/2011.

RE&E - Your Committee, having under consideration the application of Cosmopolitan Business Solutions, dba Safari Restaurant, 3010 4th Av S, for an Extended Hours License to operate 24 hours daily (new business) to expire May 1, 2012, 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 9/2/2011.

RE&E - 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 aloft Hotel Minneapolis, 900 Washington Av S.

Adopted 9/2/2011.

Resolution 2011R-456, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by aloft Hotel Minneapolis, 900 Washington Av S, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-456
By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by aloft Hotel Minneapolis, 900 Washington Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 26, 2011 with the licensee; and

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

a) On two separate occasions within a period of less than 24 months, employees of the aloft Hotel 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.

b) The licensee has paid the associated administrative fines related to the compliance check failures;

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. The aloft Hotel agrees to implement a policy to card anyone appearing under the age of 40.
 2. The aloft Hotel agrees to conduct their own youth alcohol compliance checks on a quarterly basis for a period of two years and keep a record of the results.
 3. The aloft Hotel agrees to address alcohol service at regularly scheduled staff meetings.
 4. The aloft Hotel agrees to require all staff serving liquor to attend professional alcohol server training within 60 days of hire and at least once a year thereafter.
 5. The aloft Hotel agrees that a trained manager or second staff person will assist in age verification if there is a question regarding the age of the patron during any alcohol sale.
 6. The aloft Hotel agrees to pay a \$1,500 civil sanction in lieu of suspension for failing a second youth alcohol compliance check. \$1,000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of one year from the signing of the agreement.
 7. The aloft Hotel agrees to pay the \$500 civil sanction within 60 days of signing this agreement.
- Adopted 9/2/2011.

RE&E - 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 5-8 Club, 5800 Cedar Av S.

Adopted 9/2/2011.

Resolution 2011R-457, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by 5-8 Club, 5800 Cedar Av S, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-457
By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by 5-8 Club, 5800 Cedar Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on June 2, 2011 with the licensee; and

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

a) On two separate occasions within a period of less than 24 months, employees of the 5-8 Club 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.

b) The licensee has paid the associated administrative fines related to the compliance check failures;

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. The City of Minneapolis will impose a sanction in the amount of \$1,500 for failing two alcohol compliance checks for sales to minors; \$1,000 of the sanction will be stayed for a period of six months pending no further instances of a violation of the sale of alcohol to a person under the age of 21. The remaining \$500 sanction must be paid by August 8, 2011.

2. The licensee agrees to maintain its current comprehensive alcohol sales policy. This policy is to include the following:

a) Signs refusing the sale of alcohol to persons under the age of 21 shall be posted at the entrance door and behind the bar.

b) All employees will take annual alcohol server training and new employees will have training within 30 days of the start of their employment.

c) The business agrees that they will maintain its program to complete in-house compliance checks for the sale of alcohol to minors.

d) The business employee manual will continue to have an immediate termination policy for serving alcohol to minors.

e) The business agrees it will continue to retain a bar spotting service to self monitor the sale of beverage alcohol to a minors.

f) The business will continue to use a calendar that shows the date when an individual reaches the age of 21.

g) The business will maintain its existing ID scanner.

h) These policies will be enforced for a period of 24 months beginning April 12, 2011.

Adopted 9/2/2011.

RE&E - Your Committee, having under consideration the application of Ultimate Challenge LLC, dba Dominos Pizza #1945, 4552 Bloomington Av, for an Extended Hours License to operate Sunday through Saturday from 10:00 a.m. until 3:00 a.m. (new business) to expire May 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

1. Management at Domino's Pizza at 4552 Bloomington Avenue shall monitor that delivery drivers follow a written policy designed for this location. This policy shall be signed by each driver and shall include the following:

a) Drivers will refrain from playing their vehicles' stereos at excessive volumes while on-duty.

b) Drivers shall not use the adjacent alley to access the facility's parking lot.

c) Drivers must obey traffic laws. The store manager will perform periodic checks of drivers' records in order to confirm this.

d) Drivers shall conduct themselves in a respectful and quiet manner while on-duty near residences.

2. Domino's Pizza at 4552 Bloomington Avenue shall remove litter from their premises and within 100 feet of their premises twice daily (*at specified times*) and keep a log of litter removal. This log shall be made available to Regulatory agents at request.

3. Domino's Pizza at 4552 Bloomington Avenue shall not offer pick-up business after 11:00 p.m. on Sunday through Thursday; and after 1:00 a.m. on Friday and Saturday. Deliveries can be made up until 3:00 a.m.

4. Domino's Pizza at 4552 Bloomington Avenue shall make the store manager's phone number available to nearby residents to address concerns. The manager shall respectfully and promptly address the concerns.

5. Domino's Pizza at 4552 Bloomington Avenue shall not allow delivery trucks to block any residential driveway.

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

Adopted 9/2/2011.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the reconstruction of the 10th Ave SE Storm Tunnel Outlet, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract C-28511 (OP 7362) with Engineering & Construction Innovations, Inc. (ECI), increasing the contract by \$142,450.33, for a revised estimated contract total of \$1,308,285.33, to allow for Construction Change Orders 1-5 to cover unanticipated costs due to differing site conditions than originally identified or anticipated. Funds are available from Fund 07300-9010932-SW011/Storm Drains and Tunnels Rehabilitation Program.

Adopted 9/2/2011.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute a Cooperative Agreement with the Hennepin County Regional Rail Authority for the relocation of a storm sewer that currently crosses the Hennepin County Environmental Services Building site at 417 5th St N in conjunction with the demolition of the building.

Adopted 9/2/2011.

T&PW - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots Project, the establishment of proceedings for the assessment of project costs and expenses, and the establishment of impact fees for businesses that have bought into the lots to meet parking requirements, now recommends:

a) Passage of the accompanying resolution establishing the special assessment proceedings for payable 2012 for the Lyn/Lake Parking Facilities;

b) Establishment of impact fees for the Lyn/Lake Lots for the period of September 1, 2011 through August 31, 2012 at \$940.00 per stall for businesses that had licenses/permits to expand their businesses, or approved plans by the City to expand their businesses as of September 1, 1998, and \$1885.00 per stall for new businesses; and

c) Set a public hearing to be held on September 27, 2011, to consider the annual assessment.

Adopted 9/2/2011.

Resolution 2011R-458, establishing the special assessment proceedings for payable 2012 for the Lyn/Lake Parking Facilities, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-458
By Colvin Roy

Establishing the special assessment proceedings for payable 2012 for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities, and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2012 to be \$38,141.75, all as contained in Petn No 275175 on file in the office of the City Clerk;

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

That the proper City officers are hereby directed to prepare proposed special assessments in the total amount of \$38,141.75 and to give notice of a public hearing to be held by the Transportation and Public Works Committee on September 27, 2011, in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429, to consider the amount proposed to be assessed to each benefited property for payable 2012.

Adopted 9/2/2011.

T&PW - Your Committee, having under consideration the Nicollet Ave Reconstruction Project No 6713 (between Lake St and 40th St), now recommends:

- a) Approval of the project layout as set forth in Petn No 275175;
- b) That the proper City officers be authorized to negotiate with private property owners to acquire permanent sidewalk easements and additional right-of-way, if needed; and
- c) That a public hearing be held on October 25, 2011 to consider the abandonment and removal of areaways in conflict with the street reconstruction project.

Adopted 9/2/2011.

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

T&PW & W&M/Budget - Your Committee, to whom was referred back on May 13, 2011 the consideration of the 2nd Ave N Entrance Project at State Parking Ramp B, now recommends that the proper City officers be authorized to execute Change Order Package No 5 to Contract C-27065 with Lund Martin Construction, Inc., in the amount of \$264,110.25, for a revised contract total of \$7,075,643.77. No additional appropriation required; all project costs will be reimbursed by the Minnesota Department of Transportation.

Adopted 9/2/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the 2011 Federal Highway Safety Improvement Program Submission for 2015-2016 Projects, now recommends:

- a) That the proper City officers be authorized to submit a series of applications for Federal Highway Safety Improvement Program (HSIP) funds passed through the state; and
- b) That the proper City officers be authorized to commit local funds, per federal requirement, to support the approved HSIP projects.

Adopted 9/2/2011.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to execute a Cooperative Construction Agreement with the State of Minnesota Department of Transportation for the City to participate financially in the cost-sharing of the mill and overlay of certain segments of E Lyndale Ave N and W Lyndale Ave N (from Dunwoody Blvd to Plymouth Ave N). The City's estimated cost share is \$250,000. Funds are available in 04100-9010937-CPV065.

Adopted 9/2/2011.

Resolution 2011R-459, authorizing the execution of a Cooperative Construction Agreement with the Minnesota Department of Transportation for cost participation in the mill and overlay of portions of E Lyndale Ave N and W Lyndale Ave N, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-459
By Colvin Roy and Hodges

Authorizing the execution of a Cooperative Construction Agreement with the Minnesota Department of Transportation for cost participation in the mill and overlay of portions of E Lyndale Ave N and W Lyndale Ave N.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute a Cooperative Construction Agreement between the City of Minneapolis and the State of Minnesota Department of Transportation for the City to participate financially in the cost-sharing for the mill and overlay of certain segments of East Lyndale Ave N and West Lyndale Ave N (from Dunwoody Blvd to Plymouth Ave N).

Adopted 9/2/2011.

T&PW & W&M/Budget - Your Committee, having under consideration the repair of the Plymouth Ave N Bridge over the Mississippi River, now recommends:

a) Passage of the accompanying resolution amending the Five Year Capital Program by adding the Plymouth Ave N River Bridge Project to the 2011-2015 Capital Program and increasing the appropriation for the project by \$6,145,528;

b) Acceptance of \$2,145,528 from Minnesota Department of Transportation (Mn/DOT) Municipal State Aid Disaster Funds and \$4,000,000 from Mn/DOT State Bridge Bonds to be used for the project; and

c) Authorizing Amendment No 2 to the Consulting Services Standard Agreement (C-28369) with Corven Engineering, increasing the contract by \$55,000, for a revised contract total of \$305,000.

Adopted 9/2/2011.

Resolution 2011R-460, amending the Five Year Capital Program by adding the Plymouth Ave N River Bridge Project to the 2011-2015 Capital Program and increasing the appropriation for the project by \$6,145,528, was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-460
By Colvin Roy and Hodges

Amending Resolution 2010R-599 entitled "Adopting the 2011 - 2015 Five Year Capital Program and fixing the maximum amounts for 2011 to be expended by the various funds under the jurisdiction of the City Council", passed December 13, 2010.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by adding the Plymouth Ave N River Bridge Project (04100-9010938-CBR125) to the City's 2011 - 2015 Capital Program in 2011.

Be It Further Resolved that the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue source in the PW-Capital Improvements Fund/Department (04100-9010938-CBR125 - Revenue Source 321510) by \$6,145,528.00, to be reimbursed by Minnesota Department of Transportation (Mn/DOT) Municipal State Aid Disaster Funds in the amount of \$2,145,528.00 and Mn/DOT State Bridge Bonds in the amount of \$4,000,000.00.

Adopted 9/2/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7499 from Urban Companies, LLC, for an estimated expenditure of \$181,907.50, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the 14th Ave N Cul-De-Sac Project for the Public Works Transportation Division.

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

Adopted 9/2/2011.

Approved by Mayor Rybak 9/6/2011.

(Published 9/7/2011)

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7503 from Central Roofing Company, for an estimated expenditure of \$107,029.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Pump Station No 5 Flat Roof Build-Up Project for the Water Works Division.

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

Adopted 9/2/2011.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bids submitted to the Public Works Department on OP No 7505 to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish four (4) roofing projects for the Public Works Water Works Division, as follows:

a) Tecta America Stock Roofing, LLC, for an estimated expenditure of \$365,758.00, for Bid Package #1 (Pump Station #4) and Bid Package #3 (Fridley Filter Plant); and

b) Berwald Roofing Company, Inc., for an estimated expenditure of \$196,100.00, for Bid Package #2 (Fridley Chemical Building) and Bid Package #4 (Fridley Softening Plant).

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

Adopted 9/2/2011.

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

W&M/Budget - Your Committee, having under consideration the FirstWatch System Contract C-22333 with TriTech Software Systems, now recommends authorization to amend contract by increasing the amount by \$241,901 for the purchase, implementation and first year's maintenance. No additional appropriation required.

Adopted 9/2/2011.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend contract C-24593 with Bentley Systems, Inc., to provide licenses, maintenance and support for the Bentley SELECT software application used by the Public Works Department, as follows:

- a) Extend contract period to December 31, 2014; and
 - b) Increase contact amount by \$650,000, for a new not-to-exceed amount of \$1,214,002. No additional appropriation required.
- Adopted 9/2/2011.

W&M/Budget - Your Committee recommends approval of the October 2011 utility billing insert on behalf of Public Works providing information about fall street sweeping, yard bags and brush collection.

Adopted 9/2/2011.

W&M/Budget - Your Committee, having under consideration the Retirement Incentive Program for CPED employees with over 25 years or more of service to the City or one of the City's related affiliates (MPHA, MCDA, etc.); and to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by adding a new section 20.475A to implement a retirement incentive for the Department of Community Planning & Economic Development; and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee, further recommends passage of the accompanying resolution increasing the appropriations in both the Housing Bond Fees and Residential Finance Funds to be used to fund the program.

Adopted 9/2/2011.

Ordinance 2011-Or-080 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by adding a new section 20.475A to implement a retirement incentive for CPED, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-080
By Hodges
Intro & 1st Reading: 8/19/2011
Ref to: W&M/Budget
2nd Reading: 9/2/2011

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

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

Section 1. That Chapter 20 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.475A to read as follows:

20.475A. Minneapolis Department of Community Planning and Economic Development incentive plan. (a) Definitions.

Eligible employee. For the purposes of this section, an eligible employee means an employee of the Minneapolis Department of Community Planning and Economic Development who has accumulated twenty-five (25) years of full-time service with the Minneapolis Community Development Agency, its predecessors, and the City of Minneapolis.

Employee's health care savings account. The employee's account in the City's Health Care Savings Plan established through Minneapolis City Ordinance, Section 20.430.

Full-time service. For the purposes of this section, full-time service means service with the Minneapolis Community Development Agency, its predecessors, and the City of Minneapolis in a position which requires the service of an incumbent one hundred (100) percent of the normal work week on a year-round basis. Service on an intermittent, seasonal, or part-time basis shall also be counted

towards full-time service in direct proportion to the time actually employed. Time off pursuant to the Family Medical Leave Act, paid or unpaid, shall count toward full-time service.

(b) *Plan.* Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after November 1, 2011 and prior to or on December 7, 2011 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 23, 2011, will receive a lump-sum payment of twenty-five thousand dollars (\$25,000.00) deposited to the employee's health care savings account. Forms will be accepted by hand delivery or by delivery via U.S. Mail.

(c) *Pension benefits impact.* To the extent permitted by law, the contribution will have no financial impact on the eligible employee's current or future pension benefits.

(d) *Employment ineligibility.* Employees who separate employment under the terms of this section are ineligible for future employment with a city department under council jurisdiction.

(e) *Rescission period.* An employee may rescind the election to participate pursuant to federal law, state law, civil service rules or collective bargaining agreement.

(f) *Reimbursement of payroll advance.* An employee who received one (1) week advance as part of the 1985 payroll conversion from a one (1) week delay to a two (2) week delay will be required to reimburse the City of Minneapolis for the amount of the payroll advance received. An employee may elect to reimburse the city for the amount of the payroll advance while still employed by the city. Any remaining reimbursement amount balance amount will be taken from the employee's last paycheck.

(g) *Payment.* The payment to the employee's health care savings account under this section will be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods.

(h) *Waiver of rights.* Employees participating in the incentive under this section must release the City of Minneapolis from any and all rights, causes of action or claims in connection with the employee's employment at the City of Minneapolis, termination of that employment and all related matters. The waiver shall exclude rights, causes of action and claims arising after the date the waiver is executed. These rights and claims include, but are not limited to, those arising under any local, state, or federal laws, regulations or other requirements, including without limitation the Age Discrimination in Employment Act, as amended by the Older Workers' Benefit Protection Act. The waiver will not interfere with an employee's right to file a charge or participate in an investigation or a proceeding conducted by the Equal Employment Opportunity Commission.

Adopted 9/2/2011.

RESOLUTION 2011R-461

By Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the Housing Bond Fees Fund (01SHP) by \$650,000; and

b) Increasing the Residential Finance Fund (01SRF) by \$650,000.

Adopted 9/2/2011.

W&M/Budget - Your Committee, having under consideration the national ARRA Communities Putting Prevention to Work - 2011 *Making it Better* conference in November, now recommends that the proper City officers be authorized to amend contract C-27376 with Meet Minneapolis, by increasing the contact by an amount not-to-exceed \$110,000 for services and expenses related to the conference. No additional appropriation required.

Adopted 9/2/2011.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Jen Nichols (BZZ-5211) to rezone the property at 2747 Thomas Ave N from R1A to the R2B District to permit a two-family dwelling and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/2/2011.

Ordinance 2011-Or-081 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2747 Thomas Ave N to the R2B District, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-081
By Schiff
1st & 2nd Readings: 9/2/2011

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

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

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

That part of Lot 000, Block 001, RADISSON PARK ADDN S 11 5/10 Ft of Lot 2 All Of Lot 3 And N 28 5/10 Ft Of Lot 4 Lots 2 3 and 4 (2747 Thomas Ave N - Plate 7) to the R2B District.

Adopted 9/2/2011.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Asian Media Access, Inc., (BZZ-5217) to rezone the property at 2418 Plymouth Ave N from R1A to the OR1 District to permit use of the existing structure as an educational arts center 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 9/2/2011.

Ordinance 2011-Or-082 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2418 Plymouth Ave N to the OR1 District, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-082
By Schiff
1st & 2nd Readings: 9/2/2011

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

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

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

That part of Lot 16 and the East 1 foot of Lot 17, Block 6, South Lawn Addition to Minneapolis, Hennepin County, Minnesota (2418 Plymouth Ave N - Plate 12) to the OR1 District.

Adopted 9/2/2011.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, expanding the locations where catering is a permitted accessory use, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 9/2/2011.

Ordinance 2011-Or-083 amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, amending Section 537.110 to expand locations where catering is a permitted accessory use, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-083
By Schiff
Intro & 1st Reading: 7/1/2011
Ref to: Z&P
2nd Reading: 9/2/2011

Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.

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

Section 1. That Section 537.110 of the above-entitled ordinance be amended to read as follows:

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Catering. In addition to the zoning districts in which catering is allowed as a principal use, catering shall be allowed accessory to a restaurant or food and beverage products use board and care home, nursing home or assisted living use, child care center, food and beverage use, hospital or institutional and public use, subject to the following:

- (1) The use shall have a current institutional food or food manufacturing license in accordance with Title 10, Food Code, of the Minneapolis Code of Ordinances.
- (2) No signage for such catering use shall be visible from outside the building.
- (3) In Residence and Office-Residence districts, parking of commercial vehicles for accessory catering uses shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight. Such vehicles shall be parked in an enclosed structure. These regulations shall apply only to vehicles that are parked regularly at a site and shall not apply to pick-up and delivery activities or to the temporary use of vehicles during construction.
- (4) In Residence districts, shipment and delivery of products, merchandise or supplies shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

Adopted 9/2/2011.

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Z&P - Your Committee concurs in the recommendation of staff in approving a correction to a vacation (Vac-1580) relating to the Minneapolis Public School Education Service Center at 1250 W Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, & 2126 Girard Ave N, approved by the City Council via resolution May 13, 2011, to now correct a legal description and to not retain any easements as part of the vacation.

Your Committee further recommends passage of the accompanying resolution correcting Resolution 2011R-244.

Adopted 9/2/2011.

Resolution 2011R-462, correcting the legal description for Resolution 2011R-244: "Vacating a utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, in the Minneapolis Public Schools Educational Service Center project site (Vacation File No. 1580)", was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-462 By Schiff

Correcting the legal description for Resolution 2011R-244: Vacating a utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, in the Minneapolis Public Schools Educational Service Center project site (Vacation File No. 1580).

Resolved by The City Council of The City of Minneapolis:

That the above referenced Resolution 2011R-244 be corrected to read as follows:

Vacating the utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, and in the vacated right of way of 21st Avenue North between Fremont and Girard Avenue North in the Minneapolis Public Schools Educational Service Center project site (Vacation File No. 1580)

Resolved by The City Council of The City of Minneapolis:

That all that part of the utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, and in the vacated right-of-way of 21st Avenue North between Fremont and Girard Avenue North the area described as follows:

A 20.00 foot temporary easement for storm sewer purposes, over under and across that part of vacated 21st Avenue North as dedicated in Highland Park Addition to Minneapolis, Hennepin County, Minnesota and vacated per Doc. No. 3816680, on file and of record in the office of the County Recorder, Hennepin County, Minnesota, and per Doc. No. 963215, on file and of record in the office of the Registrar of Titles, Hennepin County, Minnesota. The centerline of said easement is described as follows:

Commencing at the northwest corner of Lot 14, Block 37, Highland Park Addition to the City of Minneapolis, said point being the intersection of the easterly right of way of Girard Avenue North and the south line of vacated 21st Avenue North; thence North 00 degrees 03 minutes 07 seconds West, assumed bearing, along said easterly right of way line of Girard Avenue North, a distance of 37.60 feet to the point of beginning of the line to be described; thence North 73 degrees 47 minutes 36 seconds East, a distance of 39.53 feet; thence South 89 degrees 49 minutes 29 seconds East, a distance of 256.39 feet; thence South 73 degrees 43 minutes

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07 seconds East, a distance of 37.99 feet to a point on the westerly right of way line of Fremont Avenue North, said point lying 38.21 feet north of the northeast corner of Lot 1, Block 37, Highland Park Addition to Minneapolis, as measured along said westerly right of way of Fremont Avenue North, and said line there terminating.

The sidelines of said easement are to be prolonged or shortened to terminate at the easterly right of way of Girard Avenue North and the westerly right of way line of Fremont Avenue North.

Said easement shall expire when permanent easement documentation over same temporary easement is filed and made of permanent record.

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

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this utility easement had not been vacated.

THOSE PARTS OF LOTS 1, 2, 12, 13, 14, BLOCK 37, HIGHLAND PARK ADDITION TO MINNEAPOLIS AND VACATED 21ST AVENUE NORTH AS ORIGINALLY DEDICATED PER HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS AND VACATED PER DOCUMENT NO. 3816680 HENNEPIN COUNTY RECORDS, HENNEPIN COUNTY, MINNESOTA, AS DESCRIBED IN DOCUMENT NO. 3819305 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 15 FEET OF LOTS 1 AND 2 AND THE EAST 15 FEET OF THE NORTH 6 FEET OF LOT 3, THE SOUTH 16 FEET OF THE NORTH 22 FEET OF LOT 12, THE WEST 15 FEET OF THE NORTH 6 FEET OF LOT 12, AND THE WEST 15 FEET OF LOTS 13 AND 14, ALL IN BLOCK 37, HIGHLAND PARK ADDITION; ALSO,

THOSE PARTS OF 21ST AVENUE NORTH, AS ORIGINALLY CONSTITUTED, AND NOW VACATED, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER-LINE OF SAID 21ST AVENUE NORTH WITH THE EXTENSION OF THE WEST LINE OF FREMONT AVENUE NORTH; THENCE SOUTH ALONG THE EXTENSION OF THE WEST LINE OF FREMONT AVENUE NORTH TO THE NORTHEAST CORNER OF LOT 1, BLOCK 37, HIGHLAND PARK ADDITION; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 15 FEET; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING; ALSO,

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER-LINE OF SAID 21ST AVENUE NORTH WITH THE EXTENSION OF THE EAST LINE OF GIRARD AVENUE NORTH; THENCE SOUTH ALONG THE EXTENSION OF THE EAST LINE OF GIRARD AVENUE NORTH TO THE NORTHWEST CORNER OF LOT 14, BLOCK 37, HIGHLAND PARK ADDITION; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 15 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING,

AND

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THOSE PARTS OF LOT 3, BLOCK 37, HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA AS DESCRIBED IN DOCUMENT NO. 3819306 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 16 FEET OF THE NORTH 22 FEET OF LOT 3, BLOCK 37, HIGHLAND PARK ADDITION, AND THAT PART OF LOT 3, BLOCK 37, SAID ADDITION, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WEST LINE OF SAID LOT 3 DISTANT 32 FEET SOUTH FROM THE NORTHWEST CORNER THEREOF, MEASURED ALONG THE WEST LINE OF SAID LOT 3; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 10 FEET; THENCE EAST ALONG A LINE DISTANT 22 FEET SOUTH FROM, MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 10 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING.

AND

THAT PART OF THE VACATED NORTH-SOUTH ALLEY AS DEDICATED IN HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS, VACATED PER DOCUMENT NO. 3983711, RESERVING EASEMENT FOR PUBLIC UTILITY PURPOSES OVER THAT PART OF SAID NORTH-SOUTH ALLEY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF EASEMENT AREA DESCRIBED PER DOCUMENT NO. 398711 AS THE NORTH SOUTH ALLEY IN SAID BLOCK 37 SAID ADDITION WHICH LIES BETWEEN LINES WHICH ARE PARALLEL WITH AND DISTANCE 6.0 FEET AND 22.0 FEET RESPECTIVELY FROM THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, BLOCK 37, SAID ADDITION is hereby vacated.

Adopted 9/2/2011.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Regents of the University of Minnesota to vacate Beacon Street SE between Ontario Street SE and University Avenue SE (#1571), subject to retention of easement rights by Xcel Energy and the City of Minneapolis, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/2/2011.

Resolution 2011R-463, vacating all of Beacon Street SE between Ontario Street SE and University Avenue SE (Vacation File No. 1571), was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2011R-463

By Schiff

Vacating all of Beacon Street SE between Ontario Street SE and University Avenue SE (Vacation File No. 1571).

Resolved by The City Council of The City of Minneapolis:

That all that part of Beacon Street Southeast as dedicated in the plat of Baker's Addition to St. Anthony, not previously vacated, lying north of Block 5 and south of Block 4 of said Baker's Addition, and between the easterly right of way line of Ontario Street Southeast and the southwesterly right of way line of University Avenue Southeast is hereby vacated except that such vacation shall not affect the existing easement

right and authority of Xcel Energy and the City of Minneapolis their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: The southern 10 feet of the to be vacated Beacon Street Southeast as it abuts Lots 1 to 4, Block 5, Baker's Addition to St. Anthony, Hennepin County, Minnesota.

As to the City of Minneapolis: That part of to be vacated Beacon Street Southeast, 15 feet either side of a line, parallel to and 14 feet north of the centerline of said Beacon Street Southeast for water main purposes.

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

Adopted 9/2/2011.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Eric Utne (BZZ-5196) to rezone the property at 4259 Linden Hills Blvd from R1 to the R3 District to permit a three-unit, multiple family dwelling, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/2/2011.

Ordinance 2011-Or-084 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4259 Linden Hills Blvd to the R3 District, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-084
By Schiff
1st & 2nd Readings: 9/2/2011

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

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

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

That part of FIRST DIVISION OF REMINGTON PARK, THAT PART OF LOT 18 AND OF THE SWLY 5 FT OF LOT 19 LYING NWLY OF THE SELY 45 FT THEREOF LOTS 18 AND 19 (4259 Linden Hills Blvd - Plate 29) to the R3 District.

Adopted 9/2/2011.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Walker Methodist to vacate that portion of the public alley not previously vacated within the Walker Methodist Campus bounded by Bryant Ave S, 37th St W, Aldrich Ave S, and 38th St W (#1586), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 9/2/2011.

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Resolution 2011R-464, vacating that portion of the public alley not previously vacated within the Walker Methodist Campus bounded by Bryant Avenue South, 37th Street West, Aldrich Avenue South and 38th Street West (Vacation File No. 1586), was adopted 9/2/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-464
By Schiff**

Vacating that portion of the public alley not previously vacated within the Walker Methodist Campus bounded by Bryant Avenue South, 37th Street West, Aldrich Avenue South and 38th Street West (Vacation File No. 1586).

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley beginning at the southwest corner of Lot 11, Block 93, Remington's Second Addition to the City of Minneapolis, Minnesota, thence North along the west line of said Lot 11 a distance of 14 feet; thence North 89 degrees, 50 minutes 18 seconds East a distance of 164.98 feet; thence South 00 degrees, 00 minutes, 39 seconds East a distance of 58.49 feet; thence South 29 degrees, 59 minutes, 21 seconds West a distance of 48 feet; thence South 00 degrees, 00 minutes, 39 seconds East a distance of 41.50 feet; thence South 89 degrees, 50 minutes, 18 seconds West a distance of 12 feet; thence North 00 degrees, 00 minutes, 39 seconds West a distance of 127.50 feet; thence South 89 degrees, 50 minutes, 18 seconds West a distance of 128.98 feet to the Point of Beginning, all according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota, is hereby vacated.

Adopted 9/2/2011.

Z&P – Your Committee concurs in the recommendation of the Planning Commission, notwithstanding the recommendation of staff, in granting the petition of Martin Kemp on behalf of Cedar Towing & Auction, Inc., (BZZ-5216) to rezone the property at 3516 & 3534 Snelling Ave to remove the PO Overlay District to permit a towing service and adopting the related findings of the City Planning Commission.

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

Adopted 9/2/2011.

Ordinance 2011-Or-085 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 3516 & 3534 Snelling Ave to remove the PO Overlay District, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2011-Or-085
By Schiff
1st & 2nd Readings: 9/2/2011**

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

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

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

That part of Lots 7-11, Block 8, Palmer's Addition to Minneapolis, Hennepin County, Minnesota (3516 & 3534 Snelling Ave - Plate 27) to remove the PO Overlay District.

Adopted 9/2/2011.

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Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending the fee schedule for land use applications and establishing application fees for new land use applications that have been established by previously approved text amendments, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, be returned to author Adopted 9/2/2011.

Ordinance 2011-Or-086 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.160 to amend the fee schedule for land use applications in recognition of the costs of services performed and work and materials furnished, and establishing application fees for new land use applications that have been established by previously adopted text amendments, was adopted 9/2/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2011-Or-086
By Schiff
Intro & 1st Reading: 7/1/2011
Ref to: Z&P
2nd Reading: 9/2/2011

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

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

Section 1. That Section 525.160 of the above-entitled ordinance be amended to read as follows:

525.160. Fees. (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the zoning ordinance shall pay fees in the amount listed in Table 525-1, Fees.

Table 525-1 Fees

<i>Application Type</i>	<i>Fee (dollars)</i>
Administrative reviews of communication towers, antennas, and base units	200
Administrative review of plazas	400
Administrative reviews of wind energy conversion systems	200
Administrative reviews of donation collection bins	100
Administrative reviews to increase height or floor area of accessory structures	250
Administrative reviews to increase height or floor area of single and two-family dwellings	150
Administrative reviews of plazas	400
Appeals of the ruling of the board of adjustment or city planning commission	350
Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance	350
Certificates of nonconforming use	550 600
Conditional use permits	
0—9,999 square feet of lot area	550 575
10,000—43,559 square feet of lot area	750 800

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43,560 square feet of lot area or more	950 <u>1,000</u>
Conditional use permits related to signs, regardless of lot area	550
Conditional use permit for wind energy conservation systems, regardless of lot area	550
Conditional use permits for planned unit developments	2,250
<u>Conditional use permits for the following uses, regardless of lot area</u>	
<u>Signs</u>	550
<u>Planned unit developments</u>	2,250
<u>Wind energy conversion systems</u>	550
Environmental reviews	500 or the actual costs of environmental review processes as determined by the planning director, whichever is greater
Expansion or change of nonconforming use	550 <u>600</u>
Floor area ratio premiums	1,000
Future Land Use Map amendments	
0—9,999 square feet of lot area	650
10,000—43,559 square feet of lot area	900
43,560 square feet of lot area or more	1,100
Interim uses	
0—9,999 square feet of lot area	450
10,000—43,559 square feet of lot area	650
43,560 square feet of lot area or more	850
Shared parking	400 <u>125</u>
Site plan review	
0—9,999 square feet of lot area	700 <u>800</u>
10,000—43,559 square feet of lot area	1,000 <u>1,200</u>
43,560, square feet of lot area or more	1,350 <u>1,600</u>
Administrative Site plan reviews, <u>Administrative</u>	
0—9,999 square feet of lot area	400 <u>425</u>
10,000—43,559 square feet of lot area	600 <u>650</u>
43,560 square feet of lot area or more	800 <u>850</u>
Site plan review, Administrative, for single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units	400 <u>425</u>
Temporary uses	125
Transfer of development rights	350
Travel demand management plans	525 <u>550</u>
Variances	
0—9,999 square feet of lot area	400 <u>425</u>
10,000—43,559 square feet of lot area	600 <u>650</u>
43,560 square feet of lot area or more	800 <u>850</u>
Variances involving residential uses on reverse corner lots or through lots having less than 10,000 square feet of lot area	150
Waiver of restrictions of interim ordinances	350
Zoning amendments	
0—9,999 square feet of lot area	650 <u>700</u>
10,000—43,559 square feet of lot area	900 <u>950</u>
43,560 square feet of lot area or more	1,100 <u>1,200</u>

(b) *Postage and publication.* For applications requiring notice of a public hearing to affected property owners, the applicant shall pay the cost of first class postage based on the number of property owners to be notified. In addition, for applications requiring publication in a newspaper of general circulation, the applicant shall pay a fee of twenty-five dollars (\$25.00).

(c) *Continuance.* After notification of a public hearing has taken place, a request by the applicant to continue an application to a subsequent public hearing of the city planning commission or board of adjustment shall be charged a fee totaling one hundred fifty dollars (\$150.00) when such request is granted. The fee shall be applied on a project-by-project basis and only when the continuance was requested by the applicant for the sole benefit of the applicant and when the zoning administrator determines that substantial staff time is required to review the project.

(d) *Forms and payment of fees.* The zoning administrator shall provide applicants with forms, designating therein the amount of fees to be paid. All fees shall be payable to the city finance officer.

(e) *Refund of fees.*

(1) *Incomplete applications.* If an applicant fails to provide a complete application and the application is withdrawn by the applicant or is deemed withdrawn and returned pursuant to section 525.140(d), the city shall retain the first one hundred dollars (\$100.00) of the total fees paid for the project. Any sum paid over the amount to be retained shall be refunded.

(2) *Complete applications.* If an applicant withdraws a complete application before the scheduled public hearing, or in the case of an application for administrative review, before the application is decided by the planning director or zoning administrator, the city shall retain the first one hundred dollars (\$100.00) of the total application fees paid for the project, exclusive of postage and publication fees, or such proportion of the fee paid as determined by the costs to the city to process the application up to the time it was withdrawn compared to the costs to completely process the application, whichever is greater. Any sum paid over the amount to be retained shall be refunded. If the scheduled public hearing is held, or if the application is decided by the planning director or the zoning administrator, no fees shall be refunded, whether or not the application is withdrawn, approved or denied.

(3) *Exception.* The city shall refund the total amount of fees paid for any application that was accepted by the zoning administrator in error.

Adopted 9/2/2011.

REPORT FROM THE AUDIT COMMITTEE

Audit - The Minneapolis Audit Committee hereby transmits the audit entitled Water Revenue Capture Review, which was received and ordered published on August 31, 2011, with the recommendation that the City Council direct the Public Works/Water Treatment and Distribution Director to report to the Minneapolis Transportation & Public Works Committee the results of their study relating to the recommendation contained in Audit Finding/Action Plan #4 regarding Un-Metered Water Usage.

Adopted 9/2/2011.

MOTION

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

Adopted 9/2/2011.

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UNFINISHED BUSINESS

Pursuant to notice, Samuels moved to introduce the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending Section 362.40 to allow the re-location of an existing off sale liquor store). Seconded.

Adopted upon a voice vote 9/2/2011.

UNFINISHED BUSINESS - CONSIDERATION OF VETOES BY THE MAYOR

Mayor R.T. Rybak returning with his veto the report of the Regulatory, Energy and Environment Committee adopted by the Council 8/19/2011 relating to revocation of the Rental Dwelling License held by Abukar Ali Jimale, and property manager Abdulaziz Sheikh for property at 1218 E 26th St, and stating his objections thereto:

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Abukar Ali Jimale, and property manager Abdulaziz Sheikh, for the property located at 1218 E 26th St; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that the license be revoked for failure to meet licensing standards pursuant to Section 244.1910, subdivision (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2011-40 which are hereby made a part of this report by reference.

Adopted 8/19/2011.

Vetoed 8/24/2011. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

Mayor R.T. Rybak addressed the Council.

The following question before the Council being, "Shall the report pass notwithstanding the objections of the Mayor?" there were -

Yeas, 13; Nays, 0.

The vote on the question being more than the two-thirds majority required by the City Charter to pass the report over the objections of the Mayor, said veto was overridden 9/2/2011.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss
CITY OF MINNEAPOLIS)

I, Casey Joe Carl, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that the foregoing report was passed by the City Council of said City at a regular meeting thereof, held August 19, 2011, and was returned by Mayor Rybak with his veto, stating his objections thereto, at a regular meeting held September 2, 2011.

I do further certify that, at the September 2, 2011, meeting of the City Council, said report was passed, notwithstanding the objections of the Mayor, by a vote of two-thirds of all the members of the City Council; the vote being:

Yeas, 13; Nays, 0.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the Charter of said City, said report has become and is valid, and I hereby certify that said report has the same force and effect as if approved by said Mayor.

SEPTEMBER 2, 2011

IN WITNESS WHEREOF, I have hereunto signed and affixed the corporate seal of the City of Minneapolis, Minnesota, this 2nd day of September, 2011.

Casey Joe Carl, City Clerk

Mayor R.T. Rybak returning with his veto the report of the Ways & Means/Budget Committee adopted by the Council 8/19/2011 and accompanying Resolution No. 2011R-434, directing one-time 2011 funds from other departments to the Fire Department, and stating his objections thereto:

W&M/Budget - Your Committee, having under consideration the City's 2011 adopted budget, as amended on April 29, 2011; and having received a report from staff on the service implications resulting from the impact of the State's recent budget actions, now recommends passage of the accompanying resolution, amending the 2011 General Appropriation Resolution, by directing specified departments with vacant positions to transfer funds in 2011 salary savings to the Fire Department budget.

Adopted 8/19/2011. Yeas, 8; Nays, 5 as follows:

Yeas - Tuthill, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Lilligren.

Vetoed 8/19/2011. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

**RESOLUTION 2011R-434
By Colvin Roy and Schiff**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

Directing departments with the following vacant positions to transfer at \$25,000 per position in 2011 salary savings to Fire Department budget, increasing its appropriation (00100-2800400) on a one-time basis by \$300,000:

Assessor	Assessor I-C
City Clerk	Asst City Clerk-C
Communications	Office Support Specialist II-C
Finance	Controller-C
Health & Family Support	Family Support Spec 3 Youth Dev
Neighborhood & Community Relations	Neighborhood Support Spec-C
PW – Traffic & Parking Services	Engineering Technician II – C
PW – Transp Maintenance & Repair	Office Support Specialist I-C
Reg Svcs	Director Regulatory Services-C
Reg Svcs	Manager Staff Services - C
Reg Svcs	Manager Green Bldg Plcy Dev – C
Reg Svcs	Manager License Consumer Srv – C

Adopted 8/19/2011. Yeas, 8; Nays, 5 as follows:

Yeas - Tuthill, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Lilligren.

Vetoed 8/19/2011. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

Mayor R.T. Rybak addressed the Council.

The question before the Council being, "Shall the action pass notwithstanding the objections of the Mayor?" there were:

Yeas, 7; Nays, 6 as follows:

Yeas - Glidden, Gordon, Reich, Hofstede, Colvin Roy, Tuthill, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Schiff, Lilligren.

The vote on the question being less than the two-thirds majority required by the City Charter to pass the action over the objections of the Mayor, said veto was sustained 9/2/2011.

NEW BUSINESS

Hodges moved to authorize the proper City officers to receive revenue of about \$50,000 per year from providing traffic management services for the TCF Bank Stadium on an ongoing basis, with approval to execute the related contracts. Seconded.

Adopted 9/2/2011.

RESOLUTION 2011R-465

By Hodges, Samuels, Quincy and Goodman

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Reducing the appropriation for the Department of Public Works Agency in the General Fund (00100-6000000) by \$34,019 and 1 Full-time Equivalent (FTE) position.

b) Reducing the appropriation for the Department of Regulatory Services Agency in the General Fund (00100-8350000) by \$104,044 and 3 FTE positions.

c) Reducing the appropriation for the Police Department Agency in the General Fund (00100-4000000) by \$76,372 and 2 FTE positions.

d) Reducing the appropriation for the City Attorney's Office in the General Fund (00100-1400000) by \$37,500 and 1 FTE position.

e) Reducing the appropriation for the Business Information Services Agency in the Info Tech - Internal Service Fund (006400-8800000) by \$31,497 and 1 FTE position, and adjust the General Fund transfer accordingly.

f) Reducing the appropriation for the Human Resources Department Agency in the General Fund (00100-8150000) by \$29,005 and 2 FTE positions.

g) Reducing the appropriation for the Department of Community Planning & Economic Development Agency in the General Fund (00100-8900000) by \$49,470 and 2 FTEs.

h) Reducing the appropriation for the Department of Civil Rights Agency in the General Fund (00100-3000000) by \$22,195 and 1 FTE position.

i) Increasing the appropriation for the Fire Department Agency in the General Fund (00100-2800000) by \$384,102; direct the Department to carry forward this appropriation until December 31, 2012, and direct the reinstatement of four firefighter positions through the end of 2012.

Samuels moved to call the question on Hodges' motion. Seconded.

Adopted upon a voice vote.

Hodges' motion was adopted 9/2/2011.

RESOLUTION 2011R-466

By Johnson

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

SEPTEMBER 2, 2011

That the above-entitled Resolution, as amended, be further amended, by transferring a Communications Office Support Specialist and associated funding to the Fire Department in 2011 and 2012.

Goodman moved to call the question on Johnson's motion. Seconded.

Adopted upon a voice vote.

Johnson's motion was adopted 9/2/2011. Yeas, 7; Nays, 6 as follows:

Yeas - Glidden, Reich, Hofstede, Schiff, Colvin Roy, Tuthill, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Gordon, Lilligren.

RESOLUTION

By Johnson

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended, by transferring an Assessor I and associated funding to the Fire Department in 2011 and 2012.

Lost 9/2/2011. Yeas, 5; Nays, 8 as follows:

Yeas - Glidden, Schiff, Colvin Roy, Tuthill, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Lilligren.

RESOLUTION 2011R-467

By Johnson

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended, by transferring a Health and Family Support Specialist 2 and associated funding to the Fire Department in 2011 and 2012.

Adopted 9/2/2011. Yeas, 7; Nays, 6 as follows:

Yeas - Glidden, Reich, Hofstede, Schiff, Colvin Roy, Tuthill, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Gordon, Lilligren.

RESOLUTION

By Johnson

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended, by transferring a Bike and Pedestrian Coordinator and associated funding to the Fire Department in 2011 and 2012.

Lost 9/2/2011. Yeas, 2; Nays, 11 as follows:

Yeas - Colvin Roy, Johnson.

Nays - Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Tuthill.

RESOLUTION

By Colvin Roy

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

SEPTEMBER 2, 2011

Amend the Fire Department budget to fund up to 6 fire fighter positions through December 31, 2011, by increasing its appropriation (00100-2800400) on a one-time basis by up to \$135,000 and reducing the contingency fund appropriation (00100-1750100) by a like amount.

Lost 9/2/2011. Yeas, 4; Nays, 9 as follows:

Yeas - Schiff, Colvin Roy, Tuthill, Johnson.

Nays - Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Lilligren.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Caldas v. Affordable Granite and Stone* lawsuit. Seconded.

Adopted upon a voice vote 9/2/2011.

Room 315 City Hall

Minneapolis, Minnesota

September 2, 2011 - 1:20 p.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Quincy, Glidden, Goodman, Hodges, Samuels, Reich, Lilligren, President Johnson.

Absent - Council Members Gordon, Hofstede, Schiff, Colvin Roy, Tuthill.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Caldas v. Affordable Granite and Stone* lawsuit.

At 1:22 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Gordon, Hofstede, Schiff, Colvin Roy, Tuthill.

Present - Council Members Quincy, Glidden, Goodman, Hodges, Samuels, Reich, Lilligren, President Johnson.

Absent - Council Members Gordon, Hofstede, Schiff, Colvin Roy, Tuthill.

Also present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Johnnie Burns, Civil Rights Department; Casey Carl, City Clerk; Peggy Menshek, City Clerk's Office.

Ginder summarized the *Caldas v. Affordable Granite and Stone* lawsuit from 1:22 p.m. to 1:28 p.m.

At 1:28 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Gordon, Hofstede, Schiff, Colvin Roy, Tuthill.

Glidden moved that the City Attorney's office be authorized to file a request for the City of Minneapolis for leave to file a brief of an Amicus Curiae in the matter of *Oscar Caldas, et al. v. Affordable Granite & Stone, Inc.*, Appellate File No. A102173. Seconded.

Adopted 9/2/2011.

Absent - Gordon, Hofstede, Schiff, Colvin Roy, Tuthill.

Lilligren moved to adjourn to Monday, September 12, 2011, at 12:00 p.m. at Minneapolis CoCo, 400 S 4th St, 4th floor, to receive Mayor Rybak's 2012 budget address. Seconded.

Adopted upon a voice vote 9/2/2011.

Absent - Gordon, Hofstede, Schiff, Colvin Roy, Tuthill.

SEPTEMBER 2, 2011

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

Casey Joe Carl,
City Clerk

Unofficial Posting: 9/06/2011
Official Posting: 9/09/2011
Corrections: 10/5/2011; 2/22/2012; 2/15/13