

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF NOVEMBER 18, 2011

(Published November 26, 2011, in *Finance and Commerce*)

Council Chamber  
Room 317 City Hall  
350 South 5th Street  
Minneapolis, Minnesota  
November 18, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Schiff moved to amend the agenda to include under New Business: a) a motion to suspend City Council Rules 5 and 6 relating to Ordinance Introduction and Ordinance Adoption, so as to act upon a rezoning recommendation directly from the Planning Commission; and b) a motion relating to the petition of Emerge Community Development to rezone the property at 1830 Emerson Ave N. Seconded.

Chair Johnson ruled the motion out of order.

Samuels moved that Schiff's motion be added to the New Business section of the agenda.

Adopted upon a voice vote.

The agenda, as amended, was adopted 11/18/2011.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of November 4, 2011. Seconded.

Adopted upon a voice vote 11/18/2011.

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 11/18/2011.

### **AUDIT:**

INTERNAL AUDIT (275307)

Impound Lot Review Report & Powerpoint presentation.

STEPHANIE WOODRUFF (275307.1)

Internal Audit Department 2012 Proposed Budget: Letter to Audit Committee members relating to request that the 2012 budget be maintained at existing 2011 level.

**COMMITTEE OF THE WHOLE:**

INTERGOVERNMENTAL RELATIONS (275308)

Federal, State, Local Written Update.

2012 State Legislative Agenda - Items for presentation from Regulatory Services, CPED, and Public Works.

**COMMITTEE OF THE WHOLE (See Rep):**

CITY CLERK (275309)

Adoption of 2012 Council Calendar.

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275310)

Land Sale (2637-39 Upton Ave N): Sale to alliance Housing Inc.

Rehab Support Program: Addition to program to create an emergency relief fund.

Employment & Training Administration (ETA): Application to U.S. Department of Labor for ETA H1-B Technical Skills Training grant.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275311)

Minneapolis Tax Increment Financing Policy Amendment.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275312)

Peavey Plaza: Authorize funds for soil borings & staff time.

Community Revitalization Funds (CRV): Accept CRV from Minnesota Housing Finance Agency, approval of Rehab Support Program with related actions.

Minneapolis Public Housing Authority Environmental Remediation Grant Applications: Authorize application to Minnesota Department of Employment & Economic Development Contamination Cleanup & Investigation Grant Program & to Metropolitan Council's Tax Base Revitalization Account Grant Program for Heritage Park Senior Living redevelopment project.

NEIGHBORHOOD AND COMMUNITY RELATIONS (275313)

NRP Phase II Neighborhood Action Plans:

St. Anthony East;

Midtown Phillips.

Existing Phase II Contracts: Amendment to Footnote "p," Section 2 of general appropriation resolution to add clarifying language.

PURCHASING (275314)

Demolition of Structures (3758 Penn Ave N, 4131 James Ave N, 2213 Fremont Ave N, 1927 Oliver Ave N & 2626 - 6th St N): Accept low bid of Final Grade, Inc.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:**

CIVIL RIGHTS (275315)

Contract Compliance Unit: 2011 3rd Quarter Report.

Civilian Police Review Authority: 2011 Quarterly Report.

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

ATTORNEY (275316)

Management of Certain City Departments/Operations: Ordinance amending the code to reflect the current and proposed organizational structure and duties of the City Coordinator.

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

HEALTH AND FAMILY SUPPORT (275317)

Public and Environmental Health Mutual Aid: Extend Twin Cities Regional Aid Agreement for one year for response to public and environmental health emergencies.

POLICE DEPARTMENT (275318)

Adult DWI Court in Hennepin County: Execute agreement with Fourth Judicial District Court to accept \$70,900 for a portion of the implementation of the 2012 DWI Court Grant which funds wages and benefits of a police officer to participate in the program; and Approve appropriation.

Forensic Interview Services: Execute three-year agreement with CornerHouse Interagency Child Abuse Evaluation and Training Center to provide interview services for children and vulnerable adults who are a witness or victim of crime to aid in the investigation and prosecution of offenders.

PURCHASING (275319)

Bids:

OP #7537, accept single bid of Streicher's Inc to furnish and deliver ammunition to the Police Department.

OP #7535, accept low responsive bid of W.P. Mars Company to furnish and deliver Level A Hazmat Suits to the Fire Department.

**REGULATORY, ENERGY AND ENVIRONMENT (See Rep):**

LICENSES AND CONSUMER SERVICES (275320)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275321)

Victorious Ink, 2128 W Broadway: Approve Business License Operating Conditions relating to Tattooist/Body Piercing Establishment License.

Aqua Nightclub, 401 1st Av N: Approve License Settlement Conference recommendations relating to On-Sale Liquor Class B with Sunday Sales License.

Broadway Winner, 626 W Broadway: Approve License Settlement Conference recommendations relating to Grocery License.

Keys at the Foshay Bar & Grill, 821 Marquette Av: Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (275323)

My Burger, 3100 Excelsior Blvd: Grant On-Sale Wine Class E with Strong Beer License.

Howl at the Moon, 430 1st Av N: Grant On-Sale Liquor Class B with Sunday Sales License.

The Oceanaire Seafood Room, 50 S 6th St: Grant On-Sale Liquor Class E with Sunday Sales License.

10th Inning Stretch, 418 3rd Av N: Grant On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

MAYOR (275322)

Director of Regulatory Services: Approve Mayor's nomination and Executive Committee's appointment of Gregory Stubbs for the unexpired term beginning November 28, 2011 and ending January 2, 2012, and for a new two-year term beginning January 3, 2012.

REGULATORY SERVICES (275324)

Distance Requirements: Ordinance eliminating distance requirements between religious places of assembly and establishments licensed for on-sale liquor; and off-sale malt liquor.

REGULATORY SERVICES (275325)

Fire Extinguisher Sales and Service: Ordinance amending regulations on fire extinguisher sales and service, removing the Fire Marshal and Fire Department from the process of licensing fire extinguisher servicers and making it a function of Regulatory Services.

Commercial Building Registration: Ordinance allowing for the commercial building certificate of registration to be issued upon application and payment of the fee.

Rental Dwelling License Regulations: Ordinance amending regulations to update, clarify and clean up the code.

REGULATORY SERVICES (275326)

Rental Dwelling License at 1162 14th Av SE: Deny license to be held by Mei Jen Chen.

REGULATORY SERVICES (275327)

Rental Dwelling License at 3406 Colfax Av N: Revoke license held by Kevin Allendale.

REGULATORY SERVICES (275328)

Rental Dwelling License at 3915 Colfax Av N: Approve reinstatement of license to be held by Alchemist LLC - Allen Hoidal.

Rental Dwelling License at 1623 Thomas Av N: Approve reinstatement of license to be held by Fred and Virginia Wherland.

**REGULATORY, ENERGY AND ENVIRONMENT and T&PW (See Rep):**

PUBLIC WORKS AND ENGINEERING (275329)

Special Assessment Deferment, 3049 Tyler St NE: Approve application of Muriel L. Babcock to defer water service line repair, grass/weed, and unpaid administrative citation assessments for payable 2012.

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

REGULATORY SERVICES (275330)

2011 Inspections Special Assessment Levies: Approve maximum levy amounts; Authorize Regulatory Services to continue to receive pre-payments until November 30, 2011 as allowable by law, and send final levy list to the Director of the Hennepin County Property Taxation Department; and Direct the Director of Hennepin County Taxation to place assessments against certain properties to defray the cost of work performed under authorization of Regulatory Services to correct nuisance or hazardous conditions.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (275331)

Downtown Business Improvement Special Service District: Letter of objection from Riverbluff Development Company (see Petn No 275204).

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

PUBLIC WORKS AND ENGINEERING (275332)

Nongovernmental Tax Exempt Parcel Street Light Operations Fee: Assessment public hearing.

Nongovernmental Tax Exempt Parcel Street Maintenance Fee: Assessment public hearing; Comments.

4th St / I-35W On-Ramp and Auxiliary Lane Project: Municipal consent layout approval.

2011 Public Works Special Assessments: Adopt and levy assessments.

Hauling and Disposal of Treatment Residuals: Increase contract with R & R Leasing, Inc.

Snow Storage Agreement with Metro Transit: Agreement for use of property at 817 N 7th St.

Metropolitan Council Regional Transitway Guidelines: Presentation and comments.

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

PUBLIC WORKS AND ENGINEERING (275333)

Downtown Business Improvement Special Service District (DID): Increase contract with Minneapolis Downtown Improvement District, Inc.

**WAYS AND MEANS BUDGET:**

FINANCE and HUMAN RESOURCES (275334)

Early Retiree Reinsurance Program: Distribution of proceeds.

FINANCE DEPARTMENT (275335)

2011 Financial Status Report: 3rd Quarter.

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

ATTORNEY (275336)

Legal Settlements: Connor Hallgren v. City of Minneapolis; and Mark Kallenbach v. City of Minneapolis, et al.

BUSINESS INFORMATION SERVICES (BIS) (275337)

Unisys Contract: Decrease Contract C-25200 to address a structural budget deficit in the BIS department.

CITY CLERK (275338)

2011 Special Election Funding: Approve City Clerk general fund appropriation (up to \$125,000) from the 2011 contingency fund for two unplanned special elections for Senate District 59.

COMMUNICATIONS (275339)

Minneapolis Public Schools: Execute agreement for use of the Alternative Network.

MINNEAPOLIS CONVENTION CENTER and PROCUREMENT (275340)

OP #7533: Accept low bid of Twin City Garage Door for rolling doors for the Target Center.

OP #7540: Accept low responsive bid of Hufcor Minnesota for the replacement of operable wall panels for the Convention Center.

FINANCE DEPARTMENT (275341)

2011 Property Tax Special Assessment of Delinquent Utility Charges: Assessment roll.

Lease Renewal: Barge Mooring on City-owned property at 2710 Pacific Street North.

General Obligation Term Loan Note: Issuance of note with US Bank; authorize Finance Officer to act as Designated Officer to execute loan documents on behalf of the City.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (275342)

Withdrawn Appeal:

3rd North (800 N 3rd St)

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

HERITAGE PRESERVATION COMMISSION (275343)

Heritage Preservation Commission Appointments:

Appointments of Linda Mack, Robert Mack, Jody Tableporter, & Laura Faucher

Historic Landmark Designation:

Rappaport Residence (636 Elwood Ave N)

PLANNING COMMISSION/DEPARTMENT (275344)

City Council Planning Commission Appointment

Interim Use Permit:

Fraser Child & Family Center (3245 4th St SE)

Vacation Revision:

Oaks Properties & Metropolitan Council (3550 46th St E aka 4536 36th Ave S)

Rezoning:

515 Huron Blvd Apartments (515, 517, 521 Huron Blvd)

**FILED:**

CHARTER COMMISSION (275345)

Communications Committee: a) Report of October 26, 2011 meeting; and b) Draft redistricting website pages.

CITY CLERK (275346)

Chapter 249 Property at 2222 4th St N: Verbatim Transcripts of the Nuisance Condition Process Review Panel held April 14, 2011; Regulatory, Energy & Environment Committee held June 20, 2011; and the City Council held July 1, 2011.

*The following reports were signed by Mayor Rybak on November 23, 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:**

**Comm of the Whole** – Your Committee, having under consideration the 2012 Council Calendar, now recommends approval of the proposed draft as presented, set forth in Petn No. 275309.

Lilligren moved to suspend Council Rule 1(B) requiring a meeting for transacting business relating to the organization of the city council to be held on the first business day in January of each even-numbered year, and that the calendar be amended so as to hold that organization meeting instead with the first regularly scheduled meeting of 2012 on January 13. Seconded.

Adopted by unanimous consent.

The report was adopted 11/18/2011.

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

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2637-39 Upton Ave N to Alliance Housing Incorporated for \$15,000, plus reimbursement of City acquisition, holding and title costs not to exceed \$3,000, subject to conditions:

a) Land sale closing must occur no later than January 15, 2012;

b) Payment of holding costs of \$300 per month (or portion thereof) from the date of City Council approval to the date of closing if land sale closing does not occur on or before the closing deadline.

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

Adopted 11/18/2011.

Resolution 2011R-577, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No 2P010 at 2637-39 Upton Ave N, was adopted 11/18/2011 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-577**

**By Goodman**

**Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No 2P010 at 2637-39 Upton Ave N.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 2P010 in the Willard-Hay Neighborhood, from Alliance Housing Incorporated, hereinafter known as the Redeveloper, the Parcel(s) 2P010, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of 2P010; 2637-39 Upton Avenue North: Lot 6, Block 2, Radisson Heights; and

Whereas, the Redeveloper has offered to pay the sum of \$15,000, for Parcel 2P010; 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, October 28, 2011, a public hearing on the proposed sale was duly held on November 8, 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 Neighborhood Stabilization Program plan, as amended, is hereby estimated to be the sum of \$15,000, for Parcel 2P010.

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 and further subject to the following conditions; 1) land sale closing must occur no later than January 15, 2012 and 2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved 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 11/18/2011.

**Comm Dev** - Your Committee, having under consideration a Rehab Support Program Emergency Relief Fund, now recommends approval of a \$240,000 addition to the Rehab Support Program to create

an emergency relief fund and that the Department of Community Planning & Economic Development Director be authorized to approve minor changes to the program to adjust for constructions costs and timing conditions.

Adopted 11/18/2011.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to apply for grant funds in excess of \$250,000 from the U.S. Department of Labor for the Employment and Training Administration H1-B Technical Skills Training Grant.

Adopted 11/18/2011.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the revitalization of Peavey Plaza, now recommends authorization for up to \$30,000 to pay for soil borings at Peavey Plaza and Department of Community Planning & Economic Development (CPED) staff time, which will be reimbursed from State bond funds.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the CPED Preliminary Planning Fund by \$30,000 from unallocated appropriation balance within the Fund.

Adopted 11/18/2011.

**RESOLUTION 2011R-578  
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 by increasing the appropriation in the Department of Community Planning and Economic Development Preliminary Planning Fund (01CPP) for Project Code MCPAP 181 (Peavey Plaza) by \$30,000.

Adopted 11/18/2011.

**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. 7525 from Final Grade, Inc in the amount of \$83,950, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish demolition and site clearance of the following structures, per bid specifications: 3758 Penn Ave N, 4131 James Ave N, 2213 Fremont Ave N, 1927 Oliver Ave N and 2126 - 6th St 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 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

(Published 11/22/2011)

**Comm Dev & W&M/Budget** - Your Committee, having under consideration acceptance of Community Revitalization Funds (CRV) from the Minnesota Housing Finance Agency (MHFA), now recommends approval of the following recommendations:

a) Acceptance of MHFA Single Family Fall 2010 Community Revitalization Funds award totaling \$750,000;

b) Passage of the accompanying resolution increasing the Department of Community Planning & Economic Development (CPED) appropriation by \$750,000 and appropriating funds to the CPED Residential Finance in the amount of \$95,000;

- c) That the proper City officers be authorized to execute grant, sub-recipient and/or disbursement and related agreements for these funds;
  - d) Approval of the contract with Greater Metropolitan Housing Corporation to allow them to administer this program on behalf of the City; and
  - e) Approval of the Rehab Support Program as outlined in the CPED staff report.
- Adopted 11/18/2011.

**RESOLUTION 2011R-579**  
**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 as follows:

- a) Increasing the appropriation in the Department of Community Planning & Economic Development (CPED) Grants Other Fund (01600-8900230) by \$750,000 and increasing the revenue source (01600-8900900-321513) by \$750,000; and
- b) Increasing the appropriation in the CPED Residential Housing Fund (01SRF-8900230) by \$95,000.

Adopted 11/18/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration Minneapolis Public Housing Authority environmental remediation grant applications for fall, 2011, now recommends passage of the accompanying resolutions authorizing the proper City officers to submit applications to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program and to the Metropolitan Council's Tax Base Revitalization Account Grant Program for environmental remediation funding for the Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project.

Adopted 11/18/2011.

Resolution 2011R-580, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program for the Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project, was adopted 11/18/2011 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-580**  
**By Goodman and Hodges**

**Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for the Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for the following project that was more completely described in a contamination cleanup application that was submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by November 1, 2011: Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project; and

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

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

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

Whereas, upon approval of the application in question, the City may enter into an agreement with DEED for the above-referenced project and will comply with all applicable laws and regulations stated in said agreement;

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate City staff to apply to the Department of Employment and Economic Development for Contamination Cleanup and/or Investigation Grant Program funding for the above-referenced project and to execute such agreements as are necessary to implement any grant that may be awarded.

Adopted 11/18/2011.

Resolution 2011R-581, authorizing application to the Metropolitan Council Tax Base Revitalization Account for the Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project, was adopted 11/18/2011 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-581**  
**By Goodman and Hodges**

**Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for the Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project.**

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following investigation project within the City that preliminarily appears to meet the Tax Base Revitalization Account's purposes and criteria: Minneapolis Public Housing Authority's Heritage Park Senior Living Redevelopment project; and

Whereas, the City intends to act as the legal sponsor for the above-referenced project, which was more completely described in a Tax Base Revitalization Account grant application that was submitted to the Metropolitan Council on November 1, 2011; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreement(s); and

Whereas, the City finds that the contamination cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for cleanup completion;

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

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate City staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for the above-referenced project. The City acknowledges that for each grant awarded to the City, the City will be the grantee and will act as legal sponsor, and will administer and be responsible for grant funds expended for the project referred to in the applicable grant application.

Adopted 11/18/2011.

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

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$362,535;
- b) Consistent with the staff direction set out in footnote "p" of the 2011 General Appropriation Resolution adopted by the Council on December 13, 2010, as amended April 1, 2011, passage of the accompanying resolution increasing the Community Planning and Economic Development Department (CPED) NRP Fund by \$239,335.64 from existing fund balance; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 11/18/2011.

**RESOLUTION 2011R-582**  
**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 by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$239,335.64 from existing fund balance.

Adopted 11/18/2011.

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

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$243,645;
- b) Consistent with the staff direction set out in footnote "p" of the 2011 General Appropriation Resolution adopted by the Council on December 13, 2010, as amended April 1, 2011, passage of the accompanying resolution by increasing the Community Planning and Economic Development Department (CPED) NRP Fund by \$160,847.73 from existing fund balance; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 11/18/2011.

**RESOLUTION 2011R-583**  
**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 by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$160,847.73 from existing fund balance.

Adopted 11/18/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Neighborhood Revitalization Program Policy Board request to clarify the status of remaining balances in Phase II contracts are that completed and closed, now recommends passage of the accompanying resolution amending the 2011 General Appropriation Resolution footnote "p" in section 2 by adding clarifying language.

Adopted 11/18/2011.

NOVEMBER 18, 2011

---

**RESOLUTION 2011R-584  
By Goodman and Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

"p) Neighborhood Programs

2. Direct the Finance and NCR departments to allow neighborhoods to contract up to 50% of the un-contracted balance of their Phase II allocation (excluding Phase II allocated but not Contracted Reserve funds), as of City Council adoption of the 2011 budget, but not to exceed a total contracted amount of 50% of their Phase II allocation.

Notwithstanding the above, any neighborhood for which a Phase II funded contract, executed between 2001 and 2007, and for which the time of performance has expired by the end of 2010, is closed out with a balance remaining in that contract, that neighborhood shall be allowed to contract the amount released back to their Phase II plan as a result of the close-out of that contract."

Adopted 11/18/2011.

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

**PSC&H** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 21 of the Minneapolis Code of Ordinances relating to *Administration: City Coordinator*, amending the code to reflect the current and proposed organizational structure and duties of the City Coordinator, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/18/2011.

Ordinance 2011-Or-103 amending Title 2, Chapter 21 of the Minneapolis Code of Ordinances relating to *Administration: City Coordinator*, amending Sections 21.10 and 21.30 to reflect the current and proposed organizational structure and duties of the City Coordinator, was adopted 11/18/2011 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-103  
By Johnson  
Intro & 1st Reading: 11/4/2011  
Ref to: PSC&H  
2nd Reading: 11/18/2011**

**Amending Title 2, Chapter 21 of the Minneapolis Code of Ordinances relating to Administration: City Coordinator.**

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

Section 1. That Section 21.10 of the above-entitled ordinance be amended to read as follows:

**21.10. Office of the city coordinator; functions.** There shall be an office of city coordinator as a branch of city government which shall provide administrative and management services for the city, including but not limited to planning, budgeting and fiscal management, program monitoring and evaluation, personnel, data processing and purchasing. The coordinator shall coordinate city activities as directed by the city council and shall supervise the inspections department Emergency Management, 311, the Minneapolis Convention Center, ~~convention and tourism, licenses and consumer services, federal programs~~, and such other activities as the city council may direct. The Minneapolis emergency

communications center shall be a division of the Coordinator's Office and its User Board shall be responsible for its operation.

The city coordinator after consultation with city agencies shall recommend to the city council and mayor a management system for all agencies.

Section 2. That Section 21.30 of the above-entitled ordinance be amended to read as follows:

**21.30. Planning and Budgeting under coordinator.** The ~~planning department administered by the planning director and the office of the budget headed by the budget director~~ shall be under the supervision of the city coordinator, who shall appoint the budget director ~~and planning director~~.

Adopted 11/18/2011.

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

**PSC&H & W&M/Budget** - Your Committee, having under consideration the continuation of an Adult DWI Court in Hennepin County as a result of the 2012 DWI Court Grant from the Minnesota Department of Public Safety, now recommends that the proper City officers be authorized to execute an agreement with the Fourth Judicial District Court to accept a portion of the grant, in the amount of \$70,900, to fund wages and benefits for a police officer to participate in the program, including team meetings and home visits. Further passage of the accompanying resolution appropriating \$70,900 to the Police Department.

Adopted 11/18/2011.

**RESOLUTION 2011R-585  
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 (01600-4002735) by \$70,900 and increasing the revenue source (01600-4002735) by \$70,900.

Adopted 11/18/2011.

**PSC&H & W&M/Budget** - Your Committee recommends acceptance of the following bids, in accordance with City specifications:

a) single bid received on OP #7537 submitted by Streicher's Inc., in the amount of \$160,000, to furnish and deliver ammunition to the Police Department as needed and called for through December 31, 2012. Bidder offers to extend terms and conditions for two 12-month extensions through December 31, 2014 at the sole option of the City.

b) low responsive bid received on OP #7535 submitted by W. P. Mars Company, for an estimated expenditure in the amount of \$57,009, to furnish and deliver Level A Hazmat Suits to the Fire Department. Bidder offers to increase quantities up to 100% at bid prices for one year after receipt of purchase order.

Adopted 11/18/2011.

**PSC&H & W&M/Budget** - Your Committee, having under consideration the provision of public and environmental health aid to 18 participating parties in the twin cities area, now recommends that the proper City officers be authorized to amend the Twin Cities Regional Aid Agreement to extend the termination date for one year from December 31, 2011 to December 31, 2012, with all other terms and conditions of the agreement to remain the same.

Adopted 11/18/2011.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a three-year agreement with CornerHouse Interagency Child Abuse Evaluation and Training

Center, in the total amount of \$442,460, to provide forensic interview services for children and vulnerable adults who are a witness or victim of crime in order to aid in the investigation and prosecution of offenders. Said agreement may be extended for two additional years at the option of the City.

Adopted 11/18/2011.

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

**RE&E** – Your Committee, having held a public hearing on the appointment for the position of Director of Regulatory Services, now recommends approval of the Mayor’s nomination and Executive Committee’s appointment of Gregory Stubbs as the Director of Regulatory Services for the unexpired term beginning November 28, 2011 and ending January 2, 2012, and for a new two-year term beginning January 3, 2012.

Adopted 11/18/2011. Yeas, 12; Nays, 1 as follows:

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

Nays - Schiff.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, eliminating distance requirements between religious places of assembly and establishments licensed for on-sale liquor, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/18/2011. Yeas, 12; Nays, 1 as follows:

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

Nays - Gordon.

Ordinance 2011-Or-104 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Section 360.120 to eliminate distance requirements between religious places of assembly and establishments licensed for on-sale liquor, was adopted 11/18/2011 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-104**  
**By Schiff, Tuthill and Reich**  
**Intro & 1st Reading: 4/1/2011**  
**Ref to: RE&E**  
**2nd Reading: 11/18/2011**

**Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.**

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

Section 1. That Section 360.120 of the above-entitled ordinance be amended to read as follows:

**360.120. Proximity to schools and religious institution places of assembly.** No on-sale liquor, wine or beer license, except in the B4 zoning district, shall be issued for any building, room or place within three hundred (300) feet from any building space that is used primarily and regularly for any public or parochial schools ~~or used primarily and regularly for any religious institution place of assembly~~, said distance to be measured in a straight line from the principal public entrance of the school ~~or religious institution place of assembly~~ space to the main public entrance of the premises for which license is sought. No off-sale liquor license, except in the B4 zoning district, shall be issued for any building, room or place within three hundred (300) feet from any building space that is used primarily and regularly for any public or parochial schools or used primarily and

regularly for any religious institution place of assembly, said distance to be measured in the shortest straight line from the property line of the premises or building proposed as the location for the license sought to the property line of the school or religious institution place of assembly.

Adopted 11/18/2011. Yeas, 12; Nays, 1 as follows:

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

Nays - Gordon.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, eliminating distance requirements between religious places of assembly and establishments licensed for off-sale malt liquor, now recommends that said ordinance be given its second reading for amendment and passage.

Hofstede moved that Section 360.120 of the ordinance be amended to read as follows:

"An establishment licensed for the off-sale of malt liquor pursuant to section 362.45 may be located within three one hundred (300) feet from a building space that is used primarily and regularly for any religious institution place of assembly."

Lost for lack of a second.

The report was adopted 11/18/2011.

Adopted 11/18/2011. Yeas, 11; Nays, 2 as follows:

Yeas - Gordon, Reich, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels.

Nays - Hofstede, Johnson.

Ordinance 2011-Or-105 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Section 360.120 to eliminate distance requirements between religious places of assembly and establishments licensed for off-sale malt liquor, was adopted 11/18/2011 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-105**  
**By Schiff, Tuthill and Reich**  
**Intro & 1st Reading: 4/1/2011**  
**Ref to: RE&E**  
**2nd Reading: 11/18/2011**

**Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.**

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

Section 1. That Section 360.120 of the above-entitled ordinance be amended to read as follows:

**360.120. Proximity to schools and religious institution places of assembly.** No on-sale liquor, wine or beer license, except in the B4 zoning district, shall be issued for any building, room or place within three hundred (300) feet from any building space that is used primarily and regularly for any public or parochial schools or used primarily and regularly for any religious institution place of assembly, said distance to be measured in a straight line from the principal public entrance of the school or religious institution place of assembly space to the main public entrance of the premises for which license is sought. No off-sale liquor license, except in the B4 zoning district, shall be issued for any building, room or place within three hundred (300) feet from any building space that is used primarily and regularly for any public or parochial schools or used primarily and regularly for any religious institution place of assembly, said distance to be measured in the shortest straight line from the property line of the premises or building proposed as the location for the license sought to the property line of the school or religious institution place of assembly.

## NOVEMBER 18, 2011

---

An establishment licensed for the off-sale of malt liquor pursuant to section 362.45 may be located within three hundred (300) feet from a building space that is used primarily and regularly for any religious institution place of assembly.

Adopted 11/18/2011. Yeas, 11; Nays, 2 as follows:

Yeas - Gordon, Reich, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels.

Nays - Hofstede, Johnson.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Fire Extinguisher Sales and Service*, amending regulations relating to fire extinguisher sales and service and removing the Fire Marshal and the Fire Department from the process of licensing fire extinguisher servicers and making it strictly a function of the Department of Regulatory Services, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/18/2011.

Ordinance 2011-Or-106 amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Fire Extinguisher Sales and Service*, amending Sections 289.50, 289.70, 289.80, 289.90, 289.100, 289.107, and 289.110 to amend regulations relating to fire extinguisher sales and service and removing the Fire Marshal and the Fire Department from the process of licensing fire extinguisher servicers and making it strictly a function of the Department of Regulatory Services, was adopted 11/18/2011 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-106**  
**By Glidden**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: RE&E**  
**2nd Reading: 11/18/2011**

**Amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service.**

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

Section 1. That Section 289.50 of the above-entitled ordinance be amended to read as follows:

**289.50. Application for license; issuance.** (a) Any person desiring to engage in the business of servicing fire extinguishers as herein defined, and any person desiring to service his own fire extinguishers shall make written application to the director of licenses and consumer services for a license so to do. Such application shall be made on forms to be provided by the department of licenses and consumer services, and said application shall state thereon the name of the person, firm or corporation desiring such license and the place of business. An application for a Class B license shall include the address of all locations to be serviced by the applicant.

(b) No such license shall be issued unless such person, or, where the applicant is a firm or corporation, a member of such firm or officer of such corporation at the time of the making of the application, is the holder of a valid existing general certificate of competency, certified to by the fire marshal. No such license shall be issued unless the applicant has such equipment and facilities as are reasonably necessary and adequate for servicing fire extinguishers.

Section 2. That Section 289.70 of the above-entitled ordinance be and is hereby repealed.

**289.70. Certificate required.** No person shall engage in the business of or be licensed to engage in the business of servicing fire extinguishers unless that person is the holder of a current certificate of competency to do so.

Section 3. That Section 289.80 of the above-entitled ordinance be and is hereby repealed.

**289.80. Certificates of competency classified.** Certificates of competency, for the purposes of this chapter, shall be of two (2) kinds, apprentice and general. A general certificate of competency shall authorize the holder thereof, when duly licensed, to engage in and carry on the business of servicing fire extinguishers as herein defined. The apprentice certificate of competency shall authorize the holder of such certificate to train for the occupation of servicing fire extinguishers under the supervision and direction of a person holding a general certificate.

Section 4. That Section 289.90 of the above-entitled ordinance be and is hereby repealed.

**289.90. Certification procedure.** (a) Any person desiring to obtain a certificate of competency such as herein provided for, whether general or apprentice, shall make written application therefor to the fire marshal on application forms to be supplied by the Minneapolis Fire Department. The fire marshal shall investigate the qualifications of each application for such certificate of competency and shall subject the applicant to such reasonable test or tests as deemed necessary to determine whether the applicant has sufficient knowledge, training and experience to properly carry on the business of or work of servicing fire extinguishers, and to issue to each applicant who satisfactorily passes the examination the desired certificate of competency upon payment by the applicant of the fees hereinafter provided for and to issue renewals of such certificate from year to year as hereinafter provided upon the payment of the required fee therefor.

(b) General certificates of competency as required by this chapter shall expire on the first day of October of each year. An apprentice certificate shall expire one year from the date of issuance and shall be nonrenewable. In the event a general certificate of competency shall lapse for a period of one year or more, then it shall be necessary for the person, firm or corporation, whose certificate has so lapsed, to pass a new examination as heretofore required for the first original certificate of competency.

(c) Applications for certificates of competency, both general and apprentice, shall be made on forms prescribed and furnished by the fire department accompanied by an application fee of ten dollars (\$10.00). No such examination fee as paid shall be subject to refund to such applicant in the event of failure to pass an examination. For each renewal of the certificate of competency, the applicant shall pay a fee of five dollars (\$5.00). The department shall hold examinations quarterly unless it determines more frequent examinations are necessary.

Section 5. That Section 289.100 of the above-entitled ordinance be amended to read as follows:

**289.100. Certificates to be numbered; information on serviced extinguishers.** Each certificate of competency, whether general or apprentice, shall be identified with a number upon issuance, and immediately after the servicing of any fire extinguisher, the person so servicing shall clearly and legibly write or stamp on the card attached to the fire extinguisher the name of the licensee and his, her, or their certificate of competency license number and the name and number of the apprentice's certificate of competency if such servicing is performed by an apprentice.

Section 6. That Section 289.107 of the above-entitled ordinance be amended to read as follows:

**289.107. Refresher program; fee.** A refresher program of not more than a one-day session may be sponsored or conducted once each year by the fire department city. The program shall place special emphasis on new regulations. If conducted every person certified licensed under this chapter or, where the license holder is a firm or corporation, a member of the firm or officer of the corporation shall attend one (1) such refresher program every two (2) years as a condition of the license renewal of such certificate. The department city may charge a reasonable fee, not to exceed ten dollars (\$10.00), to cover the costs of such program.

Section 7. That Section 289.110 of the above-entitled ordinance be amended to read as follows:

**289.110. Revocation of Adverse license or certificate action.** (a) Revocation of license: The city council may revoke, or suspend, refuse to issue or renew or take other appropriate adverse license action against any license issued hereunder for cause. Any person, firm or corporation licensed pursuant to this chapter who shall permit any person to service any fire extinguisher as defined by this chapter without such person being certified as required by this chapter shall subject such person, firm or corporation to a revocation or suspension of such license. which may include:

(b) Revocation of certificate: After a hearing by a certificate of competency review board is conducted, the fire marshal may either refuse to issue or renew, or may suspend or revoke any certificate of competency for any of the following causes:

- (1) Any violation of any of the provisions of this chapter or chapter 259.
  - (2) Having obtained or having attempted to obtain an ~~apprentice permit or certificate of competency~~ a license by fraudulent misrepresentation.
  - (3) Malpractice or incompetency in fire extinguisher sales or servicing.
  - (4) Advertising fire extinguisher sale or servicing by means of knowingly false or deceptive statements.
  - (5) Failure to properly perform all required maintenance and testing provisions as set forth in the National Fire Protection Association Standard #10, current edition.
  - (6) ~~Violation of any provision of this chapter as formulated and administered by the fire marshal or~~ violation of any provision of these regulations.
  - (7) Other good and sufficient cause.
- Adopted 11/18/2011.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, regulating commercial building registration by allowing the certificate of registration to be issued upon application and payment of the fee, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/18/2011.

Ordinance 2011-Or-107 amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, amending Sections 174.400, 174.410, 174.420, and 174.430 to regulate commercial building registration by allowing the certificate of registration to be issued upon application and payment of the fee, was adopted 11/18/2011 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-107**  
**By Glidden**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: RE&E**  
**2nd Reading: 11/18/2011**

**Amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau.**

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

Section 1. That Section 174.400 of the above-entitled ordinance be amended to read as follows:

**174.400. Commercial building defined.** Commercial building is defined as any building subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy. For ~~these~~ buildings with mixed occupancy uses inclusive of residential occupancy, the provisions of this article shall apply to the non-residential occupancy portions of ~~such~~ the buildings.

Section 2. That Section 174.410 of the above-entitled ordinance be amended to read as follows:

**174.410. Certificate of registration required.** The owner of any commercial building shall obtain an annual renewable certificate of registration ~~indicating that the building and its associated uses and occupancies are in compliance with all requirements of this article and the fire code.~~ No building, or in the case of a mixed occupancy building, portion of a building ~~upon the judgment of the fire marshal~~, shall ~~continue to be occupied without such a~~ valid certificate of registration ~~after a reasonable time, as fixed by written order of the fire marshal pursuant to section 174.430(3).~~

Section 3. That Section 174.420 of the above-entitled ordinance be amended to read as follows:

**174.420. Issuance of certificate of registration.** The certificate of registration required pursuant to this article shall be issued after inspection by the fire marshal or the fire marshal's designee reveals

that the use and occupancy of the commercial building is in conformity with the requirements of this article and the Minnesota State Fire Code. The owner and occupants of any commercial building shall cooperate in facilitating any inspections required pursuant to this article and reinspection fees may be charged pursuant to section 1.120 of this Code for any required reinspection finding noncompliance conducted after the due date for compliance with a duly-issued order. The certificate of registration required pursuant to this article shall be required one (1) year after the initial occupancy of any commercial building and annually thereafter, and shall be required annually for any existing commercial building. The certificate of registration shall contain the following information: A certificate of registration shall be issued each year after payment of the annual fee as required in Section 174.440. The director of regulatory services, fire code official, or a designee may inspect the commercial building to determine its conformity with the Minnesota State Fire Code. The owner and tenants of the building shall cooperate in facilitating any inspections. Administrative citations as authorized pursuant to Section 1.120 may be issued for noncompliance after the due date of any duly-issued order. A certificate of registration is required one (1) year after initial occupancy of any commercial building and each year thereafter and is required annually for any existing commercial building. The certificate of registration shall be posted in a conspicuous place on the premises and shall not be removed except by the fire code official or designee. The certificate shall contain the following information:

- (1) The building certificate number.
- (2) The address of the building.
- (3) The name and address of the owner.
- (4) A description of that the portion of the building for which the certificate is issued.
- (5) ~~A statement that the described portion of the building has been inspected for compliance with the requirements of the fire code for the group and division of occupancy and the use for which the occupancy is classified.~~
- (6) The name of the building contact or official.

Section 4. That Section 174.430 of the above-entitled ordinance be amended to read as follows:

**174.430. Renewal required.** (a) For every commercial building governed by this article, a The director of regulatory services, fire code official or a designee shall schedule on a rotating basis periodic inspections shall be scheduled by the fire marshal of commercial buildings subject to the provisions of this article. When Should the results of such an inspection shall show that the commercial building fails in any respect to comply with the provisions of this article or the fire code Minnesota State Fire Code, the director of regulatory services, fire marshal code official or designee shall notify the owner to this effect and specify wherein such commercial building fails to comply with the requirements of this article or the provisions of the fire code of the deficiencies. The fire marshal code official, director of regulatory services or designee shall take the necessary action to secure compliance with the provisions of this article and the fire code, so that no immediate hazard to health or safety of the occupants or public is allowed to continue identify deficiencies and cause all fire and life safety hazards to be abated.

- ~~(1) *Temporary certificate.* If the fire marshal finds that no substantial hazard will result from occupancy of any commercial building or portion thereof before any required code compliance is completed, a temporary certificate of registration may be issued for the portion or portions of a commercial building prior to the completion of any required code compliance by the entire commercial building.~~
- ~~(2) *Posting.* The certificate of registration shall be posted in a conspicuous place on the premises and shall not be removed except by the fire marshal.~~
- ~~(3) *Denial, suspension and revocation.* The fire marshal may, in writing, suspend or revoke a certificate of registration issued under the provisions of this article whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the commercial building or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code. Whenever a certificate of registration is denied, suspended or revoked, the fire marshal shall notify the owner or operator of the commercial building in writing. The notice shall be served upon the owner or operator of the commercial building in person or by first class mail and it shall inform the owner or operator of the right, within twenty (20) days after the date of the notice to request an appeal of the denial,~~

suspension or revocation to the fire code appeals board. If an appeal is timely received the hearing before the fire code appeals board shall take place within a reasonable period thereafter.

(b) Denial, suspension and revocation. The director of regulatory services, fire code official or designee may suspend or revoke a certificate of registration issued under the provisions of this article when the certificate is issued in error, when incorrect information is supplied, or when the commercial building or portion thereof is in violation of this chapter. Whenever a certificate of registration is denied, suspended or revoked, the owner or operator of the commercial building shall be notified in writing. The notice shall be served upon the owner or operator of the commercial building in person or by first class mail, and shall also be posted on the building in a conspicuous place. The notice shall inform the owner or operator that the determination may be appealed to the fire code variance appeals board within twenty (20) days of the date of the notice. If an appeal is received within the twenty (20) day period the hearing before the fire code variance appeals board shall take place within a reasonable period thereafter.

(c) Vacation of building. If the owner or operator of a commercial building fails to renew a certificate of registration, or if the certificate is denied, suspended, or revoked, the director of regulatory services, fire code official or designee may vacate the building after providing seventy-two (72) hours notice to vacate. The notice shall be provided in writing to the owner or operator of the building and shall be posted on the building in a conspicuous place.

Adopted 11/18/2011.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, updating, clarifying and cleaning up a portion of the code relating to rental dwelling license regulations, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/18/2011.

Ordinance 2011-Or-108 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Sections 244.40, 244.450, 244.965, 244.1910, 244.1930, and 244.1940 to update, clarify and clean up a portion of the code relating to rental dwelling license regulations, was adopted 11/18/2011 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-108**  
**By Glidden**  
**Intro & 1st Reading: 10/21/2011**  
**Ref to: RE&E**  
**2nd Reading: 11/18/2011**

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

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

Section 1. That the following definition in Section 244.40 of the above-entitled ordinance be amended to read as follows:

**244.40. Definitions.** The following words and phrases when used in the housing maintenance code shall have the meanings respectively ascribed to them in this section:

*Owner.* The person who is the last owner of record or the fee owner or the contract purchaser or the agent of the aforementioned person or member resident of a warrant-owned building as defined by Minnesota Statutes, Section ~~273.133~~ 273.124, -subdivision 4 3.

Section 2. That Section 244.450 of the above-entitled ordinance be amended to read as follows:

**244.450. Screens.** Every door opening directly from a dwelling unit or habitable room to outdoor space shall have supplied screens with a supplied self-closing device, and openable windows in each

habitable room shall be supplied with a screen. Such screens shall have a mesh of not less than number fourteen (14) and shall be hung not later than May First of each year; provided, however, that such screens shall not be required in rooms located more than fifty (50) feet above ground level. Other such screening may be required by the director of inspections when deemed necessary for insect control or safety of persons.

Section 3. That Section 244.965 of the above-entitled ordinance be amended to read as follows:

**244.965. Door-closing devices; fire-resistive doors.** Every required exit door from dwelling units which opens into shared, communal or public spaces of multiple dwellings shall be provided with an approved door-closing device. Further, all passage doors opening from dwelling units into shared, communal or public spaces of multiple dwellings shall be modified in a manner approved by the director of inspections so as to provide approximately the same fire-resistive rating as provided by a one-and-three-eighths-inch-thick solid bonded wood core door. Compliance with the foregoing requirements shall be not later than August 1, 1985. Notwithstanding this compliance date, when in the opinion of the director of inspections and the chief of the fire prevention bureau, it is necessary for the protection of public health and safety, they may require the installation of the aforementioned door closers and order the door modifications to be made at an earlier date. Notwithstanding this section, temporary waivers may be allowed by the director of inspections for people with physical disabilities in compliance with Section 715 of the Minnesota State Building Code (Opening Protectives) and Sections 403.14.1 and 403.14.1.2 of the Guidelines for the Rehabilitation of Existing Buildings.

Section 4. That Section 244.1910 (a) (21) of the above-entitled ordinance be amended to read as follows:

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

(21) Any person(s), having an ownership or management interest in any property, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.

Section 5. That Section 244.1930 (a) of the above-entitled ordinance be amended to read as follows:

**244.1930. Director's determination of noncompliance; notice.** (a) If the director of inspections determines that a building or dwelling unit fails to meet the licensing standards set forth in section 244.1910, or section 244.1920, he or she shall mail a notice to the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in section 244.1910 or section 244.1920 and shall include a copy of the inspection report if applicable. However, if a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13) (a), (18) or (21), for a second time under the same owner/licensee, a notice of director's determination of noncompliance shall not be required to be sent as the building or dwelling unit may be subject to an action for denial; non-renewal; revocation or suspension pursuant to section 244.1940.

Section 6. That Section 244.1940(a) of the above-entitled ordinance be amended to read as follows:

**244.1940. Denial; non-renewal; revocation; suspension.** (a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, or if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13) (a), (18) or (21), for a second time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license. The notice shall state:

(1) That the director has determined that the building fails to comply with the licensing standards for rental dwellings in section 244.1910 and section 244.1920, that the licensee

- has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under section 244.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 244.2020(d).
- (2) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
  - (3) That the director has referred the matter to the city council with a recommendation to deny, not renew, revoke, or suspend the license or provisional license.
  - (4) That the city council will deny, refuse to renew, revoke, or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in section 244.1960.
  - (5) That after denial, nonrenewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the city council, (except where an extension of time has been granted by the director of inspections due to weather). Further, no license will be granted by the city council until an approved plan to control conduct on premises has been presented and accepted by the city council if the denial, non-renewal, revocation or suspension was under section 244.2020.
  - (6) The notice shall describe how an appeal may be filed under section 244.1960.
  - (7) The director shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Minneapolis Housing Services Office.

Adopted 11/18/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting Liquor and Wine Licenses to the following businesses:

- a) Howl at the Moon, 430 1st Av N
- b) The Oceanaire Seafood Room, 50 S 6th St
- c) My Burger, 3100 Excelsior Blvd.

Adopted 11/18/2011.

Resolution 2011R-586, granting Liquor and Wine Licenses to Howl at the Moon; The Oceanaire Seafood Room; and My Burger, was adopted 11/18/2011 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-586**

**By Glidden**

**Granting Liquor and Wine Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

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

Howl Minneapolis LLC, dba Howl at the Moon, 430 1st Av N, #120/150 (new business)

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

The Oceanaire Minneapolis Restaurant, dba Oceanaire Seafood Room, 50 S 6th St (new business)

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

My Burger Operations LLC, dba My Burger, 3100 Excelsior Blvd (new business).  
Adopted 11/18/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting the application of 10th Inning Stretch for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

(Published 11/22/2011)

Resolution 2011R-587, granting the application of 10th Inning Stretch for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 11/18/2011 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-587**

**By Glidden**

**Granting the application of 10th Inning Stretch for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by 10th Base LLC, dba 10th Inning Stretch, 418 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2012, subject to the following conditions:

1. The licensee shall have a manager on duty, at all times when open to the public, that is experienced in working in the alcohol service and adult entertainment industry.
2. The licensee shall not have outdoor seating in front of the building located at 418 3rd Avenue North.
3. Employees and contractors shall be appropriately clothed while outside immediately around the building located at 418 3rd Avenue North.
4. The licensee shall follow a City approved documented closing plan for normal operation closing and for emergencies. This plan is due at the time of signing these conditions.
5. Any changes to the licensee's business plan or floor plan must be approved by City Council prior to those changes occurring at the 418 3rd Avenue North business location.
6. The licensee, or representative, shall attend every Downtown Bar Meeting in Minneapolis for the remainder of 2010 and all of 2011.
7. The licensee shall not have performances that show the human male or female genitals or public area with less than a fully opaque covering.
8. The licensee shall not distribute or hire or engage others to distribute handbills, flyers, business advertising cards, or any other similar hand-distributed advertising trinket or memento to members of the public in the City of Minneapolis. Further, no entertainer or promoter providing entertainment services at the licensee's establishment shall distribute or post handbills in Minneapolis that advertise events at the business.
9. The licensee will have staff immediately ask people that are observed loitering in the immediate vicinity of the establishment at 418 3rd Avenue North to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering.
10. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Tattooist/Body Piercer Establishment License held by Victorious Ink, 2128 W Broadway.  
Adopted 11/18/2011.

Resolution 2011R-588, approving Business License Operating Conditions relating to the Tattooist/Body Piercer Establishment License held by Victorious Ink, 2128 W Broadway, was adopted 11/18/2011 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-588**

**By Glidden**

**Approving Business License Operating Conditions relating to the Tattooist/Body Piercer Establishment License held by Victorious Ink, 2128 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Tattooist/Body Piercer Establishment License held by Victorious Ink, 2128 W Broadway:

1. "No Trespassing" and "No Loitering" signs will be clearly posted on the exterior of the business. Staff will immediately ask people that are observed loitering anywhere on the premises to leave. If loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees to actively address security concerns to include loitering, drug activity, and trespassing.

3. The business agrees to actively participate with a community partner (i.e. West Broadway Coalition, East Gateway Partnership, Jordan Neighborhood Association, etc.).

4. The business agrees not to sell goods commonly used by drug users and drug dealers. These include bong, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The presence of alcohol is prohibited on the property along with any tobacco sales.

5. The business agrees to remove all litter and debris within 100 feet of the property line four times per day. The business shall maintain a log of when litter/trash is monitored for pickup and the log shall list date and times of monitoring.

6. Allowed hours of operation are from 6:00 a.m. until 10:00 p.m. Sunday through Thursday and from 6:00 a.m. until 11:00 p.m. Friday and Saturday. Any extension of the hours of operation will require an Extended Hours License.

7. Entertainment of any kind would require a Place of Entertainment license pursuant to Minneapolis Code of Ordinance 267.1120.

Adopted 11/18/2011.

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

Adopted 11/18/2011.

Resolution 2011R-589, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/18/2011 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-589**  
**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 275320):

**Off-Sale Liquor, to expire July 1, 2012**

Sentyrz Falyce A, dba Sentyrz Liquor Supermarket, 1612 2nd St NE, 1st floor

**On-Sale Liquor Class B with Sunday Sales, to expire November 26, 2011**

Campus Partners Inc, dba Sally's Saloon & Eatery, 712 Washington Av SE

**On-Sale Liquor Class E with Sunday Sales, to expire November 26, 2011**

Rosvold Enterprises LLC, dba Campus Pizza, 825 Washington Av SE

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

Joes Garage Inc, dba Joes Garage, 1610 Harmon Pl (downgrade of license).

Adopted 11/18/2011.

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

Adopted 11/18/2011.

Resolution 2011R-590, granting applications for Business Licenses, was adopted 11/18/2011 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-590**  
**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 November 18, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275320):

Bed & Breakfast Facility; Christmas Tree; Dancing School; Fire Extinguisher Servicing Class A; Farm Produce Permits; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Gasoline Filling Station; Hospital; Hotel/Motel; Juke Box - Musical; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Plumber; Precious Metal Dealer; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Solid Waste Hauler; Suntanning Facility; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle Non-Transferable; Theater Zone I; Theater Zone III; Tobacco Dealer; Combined Trades.

Adopted 11/18/2011.

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

Adopted 11/18/2011.

## NOVEMBER 18, 2011

---

Resolution 2011R-591, granting applications for Gambling Licenses, was adopted 11/18/2011 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-591 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 275320):

#### **Gambling Exempt**

Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo November 20, 2011, Church of All Saints)

Bestprep, dba Bestprep, 7100 Northland Circle N, Brooklyn Park (Raffle January 21, 2012, International Market Square)

Minnesota Social Service Association, dba Minnesota Social Service Association, 125 Charle Av, St. Paul (Raffle November 15, 2011, Hilton; Drawing March 15, 2012).

Adopted 11/18/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Aqua Nightclub, 401 1st Av N.

Adopted 11/18/2011.

Resolution 2011R-592, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Aqua Nightclub, 401 1st Av N, was adopted 11/18/2011 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-592 By Glidden**

#### **Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Aqua Nightclub, 401 1st Av N.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 18, 2011 with the licensee; and

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

a) on June 3, 2011 an alleged assault occurred inside Aqua involving a glass bottle;

b) on June 17, 2011 an alleged assault occurred inside Aqua;

c) on June 12, 2011 Aqua was found to be in violation of the Minneapolis Code of Ordinances and State Statute that requires establishments selling intoxicating liquor on Sunday to also sell food;

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. Aqua agrees to undergo a security review with a representative of the Minneapolis Police Department and submit a written security plan within 30 days of signing this agreement.

2. Aqua agrees to reopen its kitchen, offer a full menu to its patrons during all hours of operation, and submit the menu to the Licenses Division within 30 days of signing this agreement.  
Adopted 11/18/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery License held by Broadway Winner, 626 W Broadway Av.  
Adopted 11/18/2011.

Resolution 2011R-593, approving License Settlement Conference recommendations relating to the Grocery License held by Broadway Winner, 626 W Broadway Av, was adopted 11/18/2011 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-593**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the Grocery License held by Broadway Winner, 626 W Broadway Av.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 6, 2011 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded Broadway Winner violated the Minneapolis Code of Ordinances, as follows:

- a) Section 259.250 (1) (i) by allowing criminal activity on the business premises;
- b) Section 259.250 (4) by failing to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct and drug sales on the business premises;
- c) Section 343.20 by allowing unlicensed transient merchants on the business premises;

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

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

1. "No Trespassing" and "No Loitering" signs will be clearly posted on the exterior of the business. Staff will immediately ask people that are observed loitering anywhere on the premises to leave. If loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees to actively address security concerns to include loitering, drug activity, and trespassing. The business will develop a written policy for trespassing complete with pictures of trespassed people and this policy will be submitted at the time of signing of this agreement.

3. The business agrees to submit a drawing and photos of the exterior premises with details of: security improvements (i.e. where 5 minute limit at pumps signs are located); where all "No Trespassing" and "No Loitering" signs are located; and beautification efforts.

The detailed drawing and photos will be submitted at the time of signing of this agreement.

4. The business agrees to schedule monthly meetings with their off duty police at the 4th Precinct to discuss expectations.

5. The business agrees to provide uniforms for all employees. Description and photo of uniforms will be provided at the time of signing of this agreement.

6. The business understands that any vehicle that parks on their business property and the occupants are not making a purchase, gasoline or otherwise, shall be trespassed. Employee and the owner's vehicles are exempt from this condition.,

7. The business agrees not to sell single cigars, also known as blunts.

8. The Conditional Use Permit allows legal operating hours of 4:00 a.m. to 1:00 a.m. daily under the conditions that off duty police security be provided daily from 10:30 p.m. to 1:30 a.m.; therefore the business agrees that on any day when there is no off duty police security on site the business will revert back to the operating hours of 6:00 a.m. to 11:00 p.m.

9. The business will comply with the restricted operating hours of the car wash which are from 6:00 a.m. to 10:00 p.m. daily.

10. The business will have a minimum of two employees working from 1:00 p.m. until 9:30 p.m., when off duty police are to arrive, each day from September through May and three employees working from 1:00 p.m. until 9:30 p.m., when off duty police are to arrive, each day from June through August to ensure monitoring of the business premises and to reduce criminal activity. At least one employee will be devoted to providing service to the exterior premises of the business to include at least litter collection, pump policy compliance, and greeting of customers.

11. The business will develop a written policy for requiring identification to be checked and or scanned for any credit card purchase.

Adopted 11/18/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Keys at the Foshay, 821 Marquette Av.

Adopted 11/18/2011.

Resolution 2011R-594, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Keys at the Foshay, 821 Marquette Av, was adopted 11/18/2011 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-594**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Keys at the Foshay, 821 Marquette Av.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 12, 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, in a period of less than 24 months, employees of Keys at the Foshay Bar & Grill 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 \$500 and \$1,000 administrative fines related to the above stated 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. Keys at the Foshay Bar & Grill will require all staff serving liquor to attend alcohol server training annually, with all new staff required to attend within seven days of hire.

2. Keys at the Foshay Bar & Grill agrees to conduct their own youth alcohol compliance checks on a quarterly basis and keep a record of the results.

3. Keys at the Foshay Bar & Grill agrees to post the "legal age date" near the cash registers and on each serving tray for staff use.

4. Keys at the Foshay Bar & Grill agrees to pay a \$1,500 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 this agreement; \$500 shall be paid at the time of signing this agreement.

Adopted 11/18/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 3915 Colfax Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Housing Inspections to approve the reinstatement of said license to be held by Alchemist LLC - Allen Hoidal.

Adopted 11/18/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 1623 Thomas Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Housing Inspections to approve the reinstatement of said license to be held by Fred and Virginia Wherland.

Adopted 11/18/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Kevin Allendale for the property located at 3406 Colfax Av N; 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 said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) and (7) 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-2011-54 which are hereby made a part of this report by reference.

Adopted 11/18/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License application submitted by Mei Jen Chen for the property located at 1162 14th Av SE, and a hearing having been held before Administrative Hearing Officer Fabian Hoffner who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be denied, now recommends approval of the recommendation to deny the license for failure to meet the licensing standards pursuant to Section 244.1910 (19) 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-2011-55 which are hereby made a part of this report by reference.

Adopted 11/18/2011.

**The REGULATORY, ENERGY & ENVIRONMENT and TRANSPORTATION & PUBLIC WORKS Committees submitted the following reports:**

**RE&E & T&PW** - Your Committee, having under consideration the special assessment deferment application submitted by Muriel L. Babcock (Senior Citizen) to defer the following special assessments:

a) Levy 01028, Project 12WTR for a water service line repair in the original principal amount of \$6,300 for payable 2012 and subsequent years;

b) Levy 01081, Project 2011 for a cut grass/weeds charge in the original principal amount of \$132.50 for payable 2012; and

c) Levy 01089, Project 2011 for an unpaid Administrative Citation Fee in the original principal amount of \$220 for payable 2012

on the property located at 3049 Tyler St NE, PID 01-029-24-33-0069, legal description: Lot 28 and the S 2 ft of Lot 29, Block 11 "Chute Brothers First Addition to the city of Minneapolis", now recommends

## NOVEMBER 18, 2011

---

that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993. Adopted 11/18/2011.

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

**RE&E & W&M/Budget** - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 275330):

Levy 1061 - Winterization Condemned Properties, payable in one year - \$5,800  
Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - \$486,913.61  
Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - \$441,413.80  
Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - \$160,913.65  
Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - \$127,454.82  
Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - \$4,900  
Levy 01088 - Tenant Remedy Act, payable in one year - \$2,246.60  
Levy 1089 - Unpaid Administrative Citations Housing, payable in one year - \$582,900  
Levy 1090 - Unpaid Administrative Citations - Lead, payable in one year - \$2,420  
Levy 1092 - Emergency demolition of property, payable in one year - \$159,649.23  
Levy 1095 - Building Demolition, payable in one year - \$60,214.28  
Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - \$3,311,006  
Levy 1097 - Reinspection Fee, payable in one year - \$185,250  
Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - \$127,136  
Levy 1099 - Securing Abandoned Buildings, payable in one year - \$61,046  
Levy 1103 - Building Demolition - CDBG, payable in one year - \$462,878.89  
Levy 1104 - Building Demolition - CDBG, payable in five years - \$27,987.95  
Levy 1120 - Sewer Overflow, payable in one year - \$243,870  
Levy 1121 - Unpaid Administrative Citations - Const Code Services, Un-permit Work, payable in one year - \$16,940  
Levy 1122 - Unpaid Administrative Citations - Housing, payable in five years - \$827.33  
Levy 1124 - Unpaid Administrative Citations - Environmental, payable in one year - \$1,100  
Levy 1125 - Unpaid Administrative Citations - Const Code Services, payable in one year - \$109,190  
Levy 1160 - Nuisance Abatement, payable in five years - \$19,697.88  
Levy 1162 - Unpaid Administrative Citations - Nuisance Housing, payable in one year - \$758,300  
Levy 1163 - Unpaid Administrative Citations - High Occupancy Dwellings, payable in one year - \$2,310  
Levy 1165 - Unpaid Administrative Citations - Zoning, payable in one year - \$203,837.16  
Levy 1176 - Re-inspection Fee - Zoning, payable in one year - \$13,200.

Your Committee further recommends that the Department of Regulatory Services be authorized to continue receiving pre-payments until November 30, 2011, as allowable by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department.

Your Committee further recommends passage of the accompanying Resolutions directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of the Department of Regulatory Services to correct nuisance or hazardous conditions on certain properties.

Adopted 11/18/2011.

Resolutions 2011R-595 to 2011R-617, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of winterization of condemned properties, and abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances; itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes Section 504B395-471; unpaid administration citations and

civil fines issued in accordance with Chapter 2 of the Code; building demolition properties in accordance with Chapter 249 of Code; registering vacant properties in accordance with Chapter 249 of Code; re-inspection fees in accordance with Chapter 244, Section 190 of Code; securing any building or structure rendered uninhabitable or unoccupied, and open to trespass as a result of lawful police action in accordance with Chapter 171 of Code; securing abandoned buildings in accordance with Chapter 227 of Code; and abating nuisance conditions in accordance with Chapter 227 of Code, were adopted 11/18/2011 by the City Council. A complete copy of each 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-595**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of winterization of condemned properties in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to winterize condemned properties; and

Whereas, the law provides that the cost of winterizing condemned properties shall be charged against the real estate;

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

That the costs incurred in the winterization of condemned properties are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Number 1061 – Winterization Condemned Properties be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to winterize condemned properties.

Be It Further Resolved that Levy Number 1061 be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-596**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in the removal of offensive matter are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative

Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-597**

**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes Section 504B395-471.**

Whereas, the City Council of the City of Minneapolis is empowered to allow a court appointed administrator to petition the court for an order to receive municipal funds to make the repairs in accordance with Chapter 2 of the Minneapolis Code of Ordinances;

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

That the costs of itemized maintenance repairs and other required building costs are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Number 01088 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-598**

**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-599**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1090 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-600**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 87.100 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 87 provides that the cost of building demolition property as defined by Chapter 87.110 shall be levied and collected as a special assessment against the property as provided for in Chapter 87 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-601**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of building demolition property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1095 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-602**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-603**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244, Section 190 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101, sub. Sec. (9) of Minnesota State Statutes when the property owner fails to meet the requirement for fee payment; and

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

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-604**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

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

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

**NOVEMBER 18, 2011**

---

Be it Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-605  
By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

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

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-606  
By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter.

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1103 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be

directed to place assessments against the specified properties to be payable in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-607**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter.

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1104 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-608**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1120 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be

**NOVEMBER 18, 2011**

---

directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-609**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1121 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-610**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1122 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be

directed to place assessments against the specified properties to be paid in five (5) equal annual installments with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-611**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1124 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-612**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1125 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with

interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

Resolution 2011R-613, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 11/18/2011 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-613**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.**

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in the removal of offensive matter are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Number 1160 – Nuisance Abatement be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Number 1160 paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the office of the City Clerk.

Adopted 11/18/2011.

Resolution 2011R-614, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 11/18/2011 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-614**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue

administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1162 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-615**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1163 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-616**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1165 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**RESOLUTION 2011R-617**  
**By Glidden and Hodges**

**Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances.**

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101 sub. Sec.(9) of Minn. State Statutes when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1176 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 275330 on file at the Office of the City Clerk.

Adopted 11/18/2011.

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

**T&PW** - Your Committee, having under consideration the Nongovernmental Tax Exempt Parcel Street Light Operations Fee Assessments, Project 1337L for payable 2012, and all written and oral objections and statements regarding the assessments, and having held a public hearing on November 15, 2011 in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, now recommends that the proposed assessments in the amount of \$106,562 be adopted and levied, that

the assessment roll filed by the City Engineer (Petn No 275332) be adopted, and that a certified copy of said assessment roll be transmitted to the Hennepin County Auditor.

Adopted 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

(Published 11/22/2011)

**T&PW** - Your Committee, having under consideration the Nongovernmental Tax Exempt Parcel Street Maintenance Assessments, Project 1337M for payable 2012, and all written and oral objections and statements regarding the assessments, and having held a public hearing on November 15, 2011 in accordance with the provisions of Laws 1969, Ch. 499, as amended by Laws 1994, Ch. 587, Art. 9; Laws 1973, Ch. 393, as amended by Laws 1974, Ch. 153 and Laws 2008, Ch. 154, and the procedures set out at Minn. Stat. Section 429.061, now recommends that the proposed assessments in the amount of \$531,001 be adopted and levied, that the assessment roll filed by the City Engineer (Petn No 275332) be adopted, and that a certified copy of said assessment roll be transmitted to the Hennepin County Auditor.

Adopted 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

(Published 11/22/2011)

**T&PW** - Your Committee, having under consideration the 4th St / I-35W On-Ramp and Auxiliary Lane Project, and having held a municipal consent public hearing thereon, now recommends passage of the accompanying resolution approving the layout as submitted by Hennepin County on October 21, 2011.

Reich moved that the resolution be amended to add the following clauses:

“Whereas, the City believes the implementation of a managed corridor on Interstate 35W should be considered when further study and analysis is completed; and

Be It Further Resolved The City supports the construction of the proposed auxiliary lane on Interstate 35W and the reservation of that capacity for the conversion to a managed lane as part of a corridor-wide managed lane initiative.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/18/2011.

Resolution 2011R-618, approving the 4th St / I-35W On-Ramp and Auxiliary Lane Project, was adopted 11/18/2011 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-618**

**By Colvin Roy**

**Approving the 4th St / I-35W On-Ramp and Auxiliary Lane Project layout as submitted by Hennepin County on October 21, 2011.**

Whereas, MnDOT, Hennepin County, and the City of Minneapolis are cooperating on a project to build a new entrance ramp to northbound Interstate 35W at 4th St S, as well as an auxiliary lane on northbound I-35W from University Ave SE to Stinson Blvd; and

Whereas, Hennepin County has submitted to the City the layout with a letter requesting City approval; and

Whereas, MnDOT has also submitted a letter to the City supporting the request for City approval of the project; and

Whereas, Minneapolis Public Works has reviewed the layout and recommends approval by the City Council; and

## NOVEMBER 18, 2011

---

Whereas, the City believes the implementation of a managed corridor on Interstate 35W should be considered when further study and analysis is completed; and

Whereas, a municipal consent public hearing was held in the Transportation and Public Works Committee on November 15, 2011;

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

That the City Council approves the 4th St / I-35W On-Ramp and Auxiliary Lane Project layout as submitted by Hennepin County on October 21, 2011.

Be It Further Resolved The City supports the construction of the proposed auxiliary lane on Interstate 35W and the reservation of that capacity for the conversion to a managed lane as part of a corridor-wide managed lane initiative.

Adopted 11/18/2011.

**T&PW** - Your Committee recommends passage of the accompanying resolution levying special assessments upon the benefited properties for various Public Works Department projects, adopting the assessment rolls, and directing the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

(Published 11/22/2011)

(Republished 11/26/2011)

Resolution 2011R-619, levying 2011 special assessments for various Public Works Department projects and adopting the assessment rolls, was adopted 11/18/2011 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-619**

**By Colvin Roy**

#### **2011 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.**

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted, and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2012 real estate tax statements.

1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$13,508.46 principal and interest for payable 2012 - Levy 01026 - Project 2897Q.

2. Chicago Ave S Street Lighting Project (8th St S to 28th St E) Special Improvement of Existing Street No 6382; \$419,905.18 principal; 20 installments for assessments of more than \$150 - 3.5% interest - Levy 01026 - Project 6782L; 1 installment for assessments of \$150 or less - 2% interest - Levy 01026 - Project L6782.

3. Riverside Ave (23rd Ave S to 27th Ave S) Phase I, Reconstruction Project, Special Improvement of Existing Street No 6746; \$534,173.13 principal; 20 installments for assessments of more than \$150 - 3.5% interest - Levy 01026 - Project 6746C; 1 installment for assessments of \$150 or less - 2% interest - Levy 01026 - Project C6746.

4. Fourteenth Ave N Cul-de-Sac Construction Project, Special Improvement of Existing Street No 9895; \$110,742.55 principal; 20 installments for assessments of more than \$150 - 3.5% interest - Levy 01026 - Project 9895C.

5a. Twenty-Fifth Ave SE Street Construction Project, Special Improvement of Existing Street No 6734; \$145,748.75 principal; 20 installments for assessments of more than \$150 - 3.5% interest - Levy 01026 - Project 6734C.

5b. Twenty-Fifth Ave SE Water Main Construction Project, (in connection with the 25th Ave SE Street Construction Project), Project No 6734; \$32,201 principal; 20 installments for assessments of more than \$150 - 3.5% interest - Levy 01029 - Project 6734W.

5c. Twenty-Fifth Ave SE Sanitary Sewer Construction Project, (in connection with the 25th Ave SE Street Construction Project), Project No 6734; \$101,308 principal; 20 installments for assessments of more than \$150 - 3.5% interest - Levy 01021 - Project 6734S.

6. Chicago Ave S (38th to 46th) Street Resurfacing Project, Special Improvement of Existing Street No 5209; \$196,686.09 principal; 7 installments for assessments that total \$7,700.16 - 3% interest - Levy 01027 - Project 7-5209; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5209-1; 1 installment of \$150 or less - 2% interest - Levy 01027 - Project 1-5209.

7. Chicago Ave S (49th to 60th) Street Resurfacing Project, Special Improvement of Existing Street No 5208; \$277,223.99 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5208-1; 1 installment of \$150 or less - 2% interest - Levy 01027 - Project 1-5208.

8. Broadway St NE Phase II Street Resurfacing Project, Special Improvement of Existing Street No 5214; \$135,874.70 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5214-1.

9. Prospect Park Phase II Street Resurfacing Project, Special Improvement of Existing Street No 5207; \$64,935.24 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5207-2.

10. Prospect Park Phase III Street Resurfacing Project, Special Improvement of Existing Street No 5207; \$220,572.13 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5207-3.

11. Hale and Hale E Area Street Resurfacing Project, Special Improvement of Existing Street No 5215; \$1,159,153.89 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5215-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5215.

12. Ventura Village Area Street Resurfacing Project, Special Improvement of Existing Street No 5216; \$773,427.18 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5216-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5216.

13. Wenonah West Area Street Resurfacing Project, Special Improvement of Existing Street No 5217; \$1,017,502.50 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5217-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5217.

14. Forty-Ninth Ave N (Humboldt to Xerxes Ave N) Street Resurfacing Project, Special Improvement of Existing Street No 5218; \$383,321.81 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5218-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5218.

15. Second Ave S (32nd to 42nd St E) Street Resurfacing Project, Special Improvement of Existing Street No 5219; \$80,458.35 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5219-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5219.

16. Stevens Ave S (32nd to 40th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5220; \$80,962.66 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5220-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5220.

17. Butler Pl Street Resurfacing Project, Special Improvement of Existing Street No 5221; \$19,261.57 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5221-1.

18. Ninth St S (25th to 27th Ave S) Street Resurfacing Project, Special Improvement of Existing Street No 5222; \$49,456.67 principal; 5 installments for assessments of more than \$150 - 2% interest

## NOVEMBER 18, 2011

---

- Levy 01027 - Project 5222-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5222.

19. Sixth St S (5th to 13th Ave S) Street Resurfacing Project, Special Improvement of Existing Street No 5223; \$134,301.81 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5223-1.

20. Seventh St S (5th to Chicago Ave) Street Resurfacing Project, Special Improvement of Existing Street No 5224; \$38,420.62 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5224-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-5224.

21. Fifth St S (11th to 13th Ave S) Street Resurfacing Project, Special Improvement of Existing Street No 5225; \$79,702.06 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 5225-1.

22. 35W Detour Route Rehabilitation Project, Special Improvement of Existing Street No 9889; \$1,852,398.54 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01027 - Project 9889-1; 1 installment for assessments of \$150 or less - 2% interest - Levy 01027 - Project 1-9889.

23. 2011 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS12#1; \$82,116.55 principal; 5 installments for assessments of more than \$150 - 2% interest - Levy 01013 - Project FS121; 1 installment for assessments of \$150 or less - 2% interest - Levy 01013 - Project 121FS.

24. Project No 2012, Snow and Ice Removals from Public Sidewalks; \$50,704.54 principal (reduced from \$52,468.39 due to prepayments); 1 installment - 2% interest - Levy 01057 - Project 12S11.

25. Project No 2012, Public Sidewalk Repair and Construction; \$1,274,209.93 principal (reduced from \$1,288,618.70 due to prepayments); 10 installments for assessments of more than \$1,500 - 3% interest - Levy 01052 - Project 12S10; 5 installments for assessments of more than \$150 up to \$1,500 - 2% interest - Levy 01052 - Project 12S05; 1 installment for assessments \$150 or less - 2% interest - Levy 01052 - Project 12S01.

26. Project No 2012 Water Service Line Repairs; \$429,665 principal (reduced from \$424,815 due to prepayments); 5 installments - 5% interest - Levy 01028 - Project 12WTR.

27. Project No. 2012 Sewer Service Line Repairs; \$97,717.50 principal (reduced from \$96,712.50 due to prepayments); 5 installments - 5% interest - Levy 01083 - Project 12SWR.

28. Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.01305 per square foot for a total assessment roll in the amount of \$531,001. There is no interest charge applied - Levy 01031 - Project 1337M.

29. Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; \$0.00392 per square foot for a total assessment roll in the amount of \$106,569. There is no interest charge applied - Levy 01023 - Project 1337.

Adopted 11/18/2011.

Approved by Mayor Rybak 11/18/2011.

**T&PW** - Your Committee, having under consideration the hauling and disposal of treatment residuals, now recommends that the proper City officers be authorized to execute Amendment #2 to Contract C-28855 with R & R Leasing, Inc., increasing the contract by \$240,000.00, for a revised contract total of \$890,000.00. Funds are available within the Water Treatment and Distribution Services Operating Budget, and no additional appropriation is required.

Adopted 11/18/2011.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute a "Permission to Use Metro Transit Property" Letter of Agreement, including a hold harmless agreement, with Metro Transit for the City to use property owned by Metro Transit west of downtown Minneapolis (817 N 7th St) for winter snow storage.

Adopted 11/18/2011.

**T&PW** - Your Committee, having received and filed a presentation on the Metropolitan Council's draft Regional Transitway Guidelines, now recommends approval of the comments, as set forth in Petn No 275332, on the draft Regional Transitway Guidelines and submittal of said comments to the Metropolitan Council.

Glidden moved that the *City of Minneapolis Comments for Metropolitan Council on the Draft Regional Transitway Guidelines* be amended to add the following comment:

**“Travel Time**

The Guidelines state that Highway BRT station-to-station service should not be “not more than 35% slower than auto” for operating speed commitments for I-35W BRT. The 2005 I-35W BRT study, however, recommends that BRT lane be managed to consistently operate at posted speed limits. The City recommends that the travel time guideline be consistent with operating speed commitments as stated in the 2005 I-35W BRT study.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/18/2011.

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

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the contract with Minneapolis Downtown Improvement District, Inc., by \$387,605.01 for services provided in the Minneapolis Downtown Business Improvement Special Service District.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation by \$387,605.01.

Adopted 11/18/2011.

Resolution 2011R-620, increasing the contract with Minneapolis Downtown Improvement District, Inc., was adopted 11/18/2011 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-620  
By Colvin Roy and Hodges**

**Increasing the contract with Minneapolis Downtown Improvement District, Inc.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to increase Contract C-26627 with Minneapolis Downtown Improvement District, Inc. by \$387,605.01 to increase the 2011 payments from \$5,490,416.13 to \$5,878,021.14 for services provided in the Minneapolis Downtown Business Improvement Special Service District.

Adopted 11/18/2011.

**RESOLUTION 2011R-621  
By Colvin Roy and Hodges**

**Amending The 2011 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Minneapolis Downtown Business Improvement Special Service District (01100-6070350) by \$387,605.01 and increasing the revenue source (01100-6070350-Source 365020) by \$387,605.01.

Adopted 11/18/2011.

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

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.  
Adopted 11/18/2011.

Resolution 2011R-622, authorizing the settlements of *Connor Hallgren v. City of Minneapolis*, and *Mark Kallenbach v. City of Minneapolis, et al.*, was adopted 11/18/2011 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-622**  
**By Hodges**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

- a) *Connor Hallgren v. City of Minneapolis*, by payment of \$12,000 to Connor Hallgren and his attorneys, from the Internal Service Self Insurance Fund (06900-1500100-145400); and
- b) *Mark Kallenbach v. City of Minneapolis, et al.*, by payment of \$17,500 to Mark Kallenbach and his attorney Michael Kemp, from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 11/18/2011.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-25200 by reducing the contract amount by \$752,000 to address a structural budget deficit within the BIS department. The reduction will be taken from the technical infrastructure maintenance and refresh services.

Adopted 11/18/2011.

**W&M/Budget** - Your Committee, having under consideration the funding for (2) unplanned elections on December 6, 2011 and January 10, 2012, Special Election for Senate District 59 due to the resignation of Senator Lawrence J. Pogemiller, conservatively estimated a total fiscal impact of \$125,000 for the two elections, now recommends passage of the accompanying resolution appropriating funds.

Adopted 11/18/2011.

**RESOLUTION 2011R-623**  
**By Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the City Clerk General Fund (00100-2600500) by up to \$125,000; and decreasing the Contingency Fund appropriation (00100-1750100) by up to \$125,000.

Adopted 11/18/2011.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an Alternate Use agreement between the City of Minneapolis and the Minneapolis Public Schools for the nonexclusive right to use bandwidth on the Alternative Network, as defined in the City's franchise agreement with Comcast, for their internal, non-commercial communication needs.

Adopted 11/18/2011.

**W&M/Budget** - Your Committee recommends acceptance of the following low bids submitted by the Departments of Convention Center and Procurement:

a) OP 7533, Accept low bid of Twin City Garage Door for an estimated expenditure of \$322,500, to furnish, deliver, and installation of rolling doors for the Target Center; and

b) OP 7540, Accept low responsive bid of Hufcor Minnesota for an estimated expenditure of \$1,245,291 to furnish and deliver all labor, materials, equipment, and incidentals necessary for the replacement of operable wall panels for the Minneapolis Convention Center.

Further, that the proper City officers be authorized and directed to execute a contract for these projects, all in accordance with our specifications.

Adopted 11/18/2011.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a new two year lease agreement with Aggregate Industries, Inc. for barge mooring on City-owned property at 2710 Pacific Street North. The annual rent of \$7,000 will be deposited into the Property-Internal Services agency fund (06200-8201340).

Adopted 11/18/2011.

**W&M/Budget** - Your Committee recommends that the 2011 Special Tax Assessments for Delinquent Utility Charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 275341 on file in the Office of the City Clerk.

Adopted 11/18/2011.

**W&M/Budget** - Your Committee, having under consideration a Term Loan Agreement with U.S. Bank National Association, now recommends passage of the accompanying resolution approving the issuance of a general obligation term loan note with US Bank to refund five existing series of general obligation tax exempt variable rate bonds and requesting authorization for the Finance Officer to act as the "Designated Officer" to execute the loan document on behalf of the City.

Adopted 11/18/2011.

Resolution 2011R-624, authorizing the execution and delivery of a Term Loan Agreement with U.S. Bank National Association; authorizing the issuance of a General Obligation Term Loan Note evidencing the Term Loan; authorizing the redemption and prepayment of certain outstanding general obligations of the City of Minneapolis with the proceeds of the Term Loan; and making certain findings, covenants, and directions relating thereto, was adopted 11/18/2011 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-624**  
**By Hodges**

**Authorizing the execution and delivery of a Term Loan Agreement with U.S. Bank National Association; authorizing the issuance of a General Obligation Term Loan Note evidencing the Term Loan; authorizing the redemption and prepayment of certain outstanding general obligations of the City of Minneapolis with the proceeds of the Term Loan; and making certain findings, covenants, and directions relating thereto.**

Resolved by The City Council of The City of Minneapolis:

**SECTION 1. BACKGROUND AND AUTHORITY**

1.01. Termination of Existing Standby Bond Purchase Agreements. The City of Minneapolis (the "City") has several variable rate bond issues outstanding that are currently secured by standby bond purchase agreements provided by Dexia Credit Local. Pursuant to Resolution 2011R-548, adopted by the City Council on October 21, 2011 and approved by the Mayor on the same date, the

City Council authorized the Finance Officer of the City to enter into agreements to terminate the standby bond purchase agreements provided by Dexia Credit Local and negotiate a direct loan placement with a local bank following a competitive selection process to replace the liquidity previously provided by Dexia Credit Local.

1.02. Term Loan Agreement. After a competitive process, U.S. Bank National Association, a national banking association (the "Bank") was selected to provide the City with a direct loan placement. The City and the Bank are now in the process of negotiating the provisions of a Term Loan Agreement, to be dated on or after November 1, 2011 (the "Term Loan Agreement"), between the City and the Bank, which will set forth the terms and conditions of a term loan provided by the Bank to the City.

1.03. Redemption and Prepayment of Outstanding General Obligation Bonds. The proceeds of the Term Loan, in addition to funds on hand with the City, are proposed to be used to redeem and prepay the outstanding principal amount of the following general obligation bond issues of the City:

A. General Obligation Bonds (Block E Project), Series 2000A (the "Block E Bonds"), issued on October 26, 2000, in the original aggregate principal amount of \$10,610,000, of which \$5,820,000 is currently outstanding.

B. General Obligation Various Purpose Refunding Bonds, Series 2003 (the "Various Purpose Refunding Bonds"), issued on October 30, 2003, in the original aggregate principal amount of \$15,985,000, of which \$7,255,000 in principal amount is currently outstanding.

C. General Obligation Guthrie Parking Ramp Bonds, Series 2003 (the "Series 2003 Guthrie Parking Ramp Bonds"), issued on December 11, 2003, in the original aggregate principal amount of \$16,100,000, of which \$15,610,000 in principal amount is currently outstanding.

D. General Obligation Guthrie Parking Ramp Bonds, Series 2005 (the "Series 2005 Guthrie Ramp Parking Bonds"), issued on March 17, 2005, in the original aggregate principal amount of \$16,400,000, of which \$13,300,000 in principal amount is currently outstanding.

E. General Obligation Tax Increment Bonds (Mill Quarter Ramp), Series 2005 (the "Series 2005 Mill Quarter Ramp Bonds"), issued on March 17, 2005, in the original aggregate principal amount of \$4,250,000, of which \$3,860,000 in principal amount is currently outstanding.

The Block E Bonds, Various Purpose Refunding Bonds, Series 2003 Guthrie Parking Ramp Bonds, Series 2005 Guthrie Ramp Parking Bonds, and Series 2005 Mill Quarter Ramp Bonds are collectively referred to herein as the "Refunded Bonds."

1.04. Redemption of Refunded Bonds. The Refunded Bonds are subject to redemption and prepayment, in whole or in part, on the first day of each month at a redemption price equal to the par amount of the Refunded Bonds to be redeemed and prepaid plus accrued interest to the date of redemption. To provide for the redemption and prepayment of all of the outstanding Refunded Bonds, the City is proposing to obtain a term loan pursuant to the Term Loan Agreement, in a maximum amount of \$44,750,000 (the "Term Loan"), which shall be evidenced by a General Obligation Term Loan Note, Series 2011 (the "Note"), and apply the net proceeds derived from the Term Loan to the current refunding of the Refunded Bonds.

1.05. Authority. The City is authorized to obtain the Term Loan and issue the Note to redeem and prepay the Refunded Bonds pursuant to the terms of Minnesota Statutes, Chapter 475 (the "Municipal Debt Act") and, in particular, Section 475.67 of the Municipal Debt Act.

## SECTION 2. APPROVAL OF TERM LOAN AGREEMENT AND NOTE.

2.01. Findings of the City. The City Council hereby finds, determines, and declares that entering into a Term Loan Agreement in order to redeem and prepay the Refunded Bonds with the proceeds of the Term Loan is in the best interests of the City.

2.02. Term Loan Agreement Terms. The Finance Officer is hereby authorized to negotiate the provisions of the Term Loan Agreement in accordance with the terms of this Resolution. The maximum amount of the Term Loan, as evidenced by the Note, shall be \$44,750,000.

The Term Loan shall bear interest at a variable rate per annum approved by the Finance Officer. The principal amount of the Term Loan shall mature on such date or dates and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17 of the Municipal Debt Act (determined, if necessary, by combining such

maturities with those of other obligations of the City). The authorization to enter into the Term Loan Agreement is effective without any additional action by the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. For purposes of executing the Term Loan Agreement, the Finance Officer is the "Designated Officer" of City.

2.03. Issuance of the Note. In order to evidence the Term Loan, the City Council hereby authorizes the issuance of the Note in the original aggregate principal amount not to exceed \$44,750,000, on such date and upon the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Note shall be designated "General Obligation Term Loan Note" and shall be in substantially the form set forth in Exhibit A attached hereto. The issuance and delivery of the Note shall be conclusive evidence that the Finance Officer has approved any changes to the form of the Note on file with the City on the date hereof. The proceeds derived from the sale of the Note shall be held, transferred, expended, and invested in accordance with the directions of the Finance Officer.

### SECTION 3. EXECUTION AND DELIVERY OF NOTE AND RELATED DOCUMENTS.

3.01. Execution and Delivery. The Note shall be executed by the manual or facsimile signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Note. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of the Note. When the Note has been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Note shall be delivered to the Bank in accordance with the provisions of the Term Loan Agreement. The Note shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the Municipal Debt Act.

3.02. Certificates. If the Finance Officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the Bank at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Note or the organization of the City or incumbency of its officers, at the closing, the Finance Officer shall also execute and deliver to the purchasers a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Note. The Finance Officer shall also execute and deliver an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and shall deliver the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Note and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

### SECTION 4. PAYMENT; SECURITY; PLEDGES AND COVENANTS.

4.01. Debt Service Account. The Term Loan will be payable from the debt service account for the Note (the "Series 2011 Note Debt Service Account") established as part of the City's Debt Service Fund. The proceeds of the Revenues described in Section 4.02 hereof are hereby pledged to Series 2011 Note Debt Service Account of the Debt Service Fund (subject to any pledge of such Revenues to obligations issued on a parity basis with the Note, including obligations previously issued or obligations issued in the future). If a payment of principal or interest on the Term Loan becomes due when there is not sufficient money in the Series 2011 Note Debt Service Account to pay the same, the Finance Officer will pay such principal or interest from the general fund of the City, and the general fund will be reimbursed for those advances out of the proceeds of the Revenues, when collected.

4.02. Pledge of Revenues. The principal of and interest on the Term Loan, as evidenced by the Note, is payable primarily from available tax increment revenues from various tax increment districts located in the City and certain net revenues derived from the operation of the City's parking system (collectively, the "Revenues").

4.03. General Obligation Pledge. The full faith and credit of the City are irrevocably pledged for payment of the Term Loan and the City has obligated itself to levy ad valorem taxes on all taxable property in the City in the event of any deficiency in the Revenues, which taxes may be levied without limitation as to rate or amount.

4.04. No Tax Levy. It is hereby determined that the estimated collections of Revenues and interest thereon for payment of principal and interest on the Term Loan will produce at least five percent (5%) in excess of the amount needed to meet when due, the principal and interest payments on the Note and that no tax levy is needed at this time.

4.05. Certified Copy of Resolution. The City Clerk is hereby authorized and directed to certify a copy of this resolution and cause the same to be filed with the Director of the Taxpayer Services Department of Hennepin County, exercising the powers of the county auditor under Minnesota Statutes, Section 475.63, and to obtain the certificate of the Director of the Taxpayer Services Department of Hennepin County as to the registration of the Note.

4.06. Covenant to Appropriate. The City covenants and agrees that it shall (i) include all amounts payable as principal of and interest on the Term Loan for each fiscal year in which such amounts are due and payable in its budget for that fiscal year; (ii) appropriate such amounts from the proper funds for such payments; and (iii) duly and punctually pay or cause to be paid such payments of principal of and interest on the Term Loan.

#### SECTION 5. TAX COVENANTS.

5.01. Tax-Exempt Term Loan. No action shall be taken or authorized to be taken in connection with the application or investment of the proceeds of the Term Loan which would cause the Term Loan to be or become a "private activity bond" within the meaning of Section 141 of the Code and the applicable Treasury Regulations promulgated thereunder, or be or become an "arbitrage bond" within the meaning of Section 148 of the Code and the applicable Treasury Regulations promulgated thereunder. The City shall take all such actions as may be required under the Code and applicable Treasury Regulations to ensure that interest on the Term Loan, as evidenced by the Note, is not includable in gross income for federal income tax purposes.

5.02. Not Private Activity Term Loan. The investments of the proceeds of the Term Loan, including the investments of any Revenues pledged to the Term Loan which are considered proceeds under Section 148 of the Code and the applicable Treasury Regulations promulgated thereunder, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Term Loan shall not be or become an "arbitrage bond" within the meaning of Section 148 of the Code and the applicable Treasury Regulations promulgated thereunder. On the basis of the existing facts, estimates, and circumstances, including the foregoing findings and covenants, it is not expected that the proceeds of the Term Loan will be used in such manner as to cause the Term Loan to be or become "arbitrage bonds" within the meaning of Section 148 of the Code and the applicable Treasury Regulations promulgated thereunder. The Finance Officer shall furnish a certificate to the Bank based on the foregoing certification at the time of delivery of the Note and the Finance Officer may make any election permitted under Section 148 or Section 150 of the Code on behalf of the City.

#### SECTION 6. MISCELLANEOUS MATTERS RELATING TO NOTE.

6.01. Enforceability of Term Loan Agreement and Note. All agreements, covenants, and obligations of the City contained in this Resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this Resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Term Loan Agreement or the Note shall be liable personally on the Term Loan Agreement or the Note or be subject to any personal liability or accountability by reason of the execution of the Term Loan Agreement or the issuance of the Note.

6.02. Rights Conferred. Nothing in this Resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Term Loan Agreement or the Note and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision of this Resolution.

6.03. Persons Authorized to Execute Documents. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by an acting or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

6.04. Amendments. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated by this Resolution is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the Bank or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Note; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Term Loan (if the Note are then tax-exempt obligations); and (f) such amendments do not materially prejudice the interests of the owners of the Note. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.

6.05. Effective Date. This Resolution shall take effect and be in force from and after its approval.

**EXHIBIT A**  
**FORM OF GENERAL OBLIGATION TERM LOAN NOTE**  
UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
**CITY OF MINNEAPOLIS, MINNESOTA**  
**GENERAL OBLIGATION TERM LOAN NOTE**  
**SERIES 2011**

\$44,750,000

January 3, 2012

The City of Minneapolis, Minnesota, a duly organized and existing municipal corporation in Hennepin County, Minnesota (the "City"), acknowledges itself to be indebted and for value received, hereby promises to pay U.S. Bank National Association (the "Bank"), the principal sum of Forty-Four Million Seven Hundred and Fifty Thousand Dollars and 00/100 (\$44,750,000), payable as set forth in that certain Term Loan Agreement, dated as of November 1, 2011 (as amended, restated, extended, supplemented or otherwise modified in writing from time to time, the "*Agreement*"), between the City and the Bank. All capitalized terms used herein have the meaning given such terms in the Agreement.

The City promises to pay interest on the unpaid principal amount of the Term Loan from the date of the Term Loan (January 3, 2012) until such principal amount is paid in full, at such interest rates and at such times as provided in the Agreement. All payments of principal and interest shall be made

to the Bank in immediately available funds at the Bank's Lending Office. If any amount is not paid in full when due hereunder, such unpaid amount shall bear interest, to be paid upon demand, from the due date thereof until the date of actual payment (and before as well as after judgment) computed at the per annum rate set forth in the Agreement.

This Term Loan Note evidences the City's obligations to pay the principal of and interest on the Term Loan, as described in the Agreement. The Term Loan was obtained by the City pursuant to a resolution adopted by the City Council of the City adopted on November 18, 2011 (the "Resolution"), for the purpose of providing money to refund the outstanding principal amount of certain general obligation bonds of the City, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Section 475.67. The principal of and interest on the Term Loan are payable primarily from available tax increment revenues from various tax increment districts located in the City and certain net revenues derived from the operation of the City's parking system, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of the Term Loan and the City has obligated itself to levy ad valorem taxes on all taxable property in the City in the event of any deficiency, which additional taxes may be levied without limitation as to rate or amount.

Pursuant to the Agreement, the City covenanted and agreed that it shall (i) include all amounts payable as principal of and interest on the Term Loan for each Fiscal Year in which such amounts are due and payable in its budget for that Fiscal Year; (ii) appropriate such amounts from the proper funds for such payments; and (iii) duly and punctually pay or cause to be paid such payments of principal of and interest on the Term Loan.

This Term Loan Note is the Note referred to in the Agreement, is entitled to the benefits thereof and may be prepaid in whole or in part subject to the terms and conditions provided therein. Upon the occurrence and continuation of one or more of the Events of Default specified in the Agreement, all amounts then remaining unpaid on this Note shall become, or may be declared to be, immediately due and payable, all as provided in the Agreement. The Term Loan made by the Bank shall be evidenced by one or more loan accounts or records maintained by the Bank in the ordinary course of business. The Bank may also attach schedules to this Note and endorse thereon the date, amount and maturity of the Term Loan and payments with respect thereto.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Charter of the City and the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Term Loan Note in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Term Loan Note does not cause the indebtedness of the City to exceed any constitutional, statutory, or charter limitation of indebtedness.

This Term Loan Note is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Registrar by manual signature of one of its authorized representatives.

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the City of Minneapolis has caused this Term Loan Note to be executed in its name and on its behalf by the facsimile or manual signature of the Finance Officer and its official seal to be affixed or imprinted hereon.

**CITY OF MINNEAPOLIS, MINNESOTA**

By \_\_\_\_\_  
Finance Officer

**Registrar's Registration and Authentication Certificate**

This is the Term Loan Note described in the within mentioned Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

\_\_\_\_\_  
Finance Officer, as Registrar

Dated: \_\_\_\_\_  
(The remainder of this page is intentionally left blank.)

Adopted 11/18/2011

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

**Z&P** – Your Committee, having held a public hearing, recommends confirmation of the Council appointment of Ryan Kronzer (Ward 6) to the Minneapolis City Planning Commission, to fill the remainder of the unexpired term of Brian Gorecki running through January 31, 2012.

Adopted 11/18/2011.

**Z&P** - Your Committee, having under consideration the application of Fraser Child and Family Center for an interim use permit (BZZ-5399) for a 50 space temporary surface parking lot at 3245 4th St SE, now recommends adoption of the findings of Community Planning & Economic Development staff, and approval of said application upon the following conditions:

- 1) The interim use shall expire no later than March 31, 2014.
- 2) At the end date of the interim use the applicant will have to cease operation of the temporary parking lot, apply for applicable land use approvals, or apply for an extension of the interim use permit.
- 3) Incorporation of additional landscaping in the planting areas along 4th St SE subject to staff review and approval.

Adopted 11/18/2011.

**Z&P** – Your Committee recommends approval of the following Council appointments to the Minneapolis Heritage Preservation Commission:

- 1) Linda Mack (Ward 7- reappointment);
  - 2) Robert Mack (Ward 2); and
  - 3) Jody Tableporter (Ward 13);
- all for two year terms to run January 1, 2012 - December 31, 2014, and
- 4) Laura Faucher (Ward 1) to fill the unexpired term of Denita Lemmon running through December 31, 2012.

Adopted 11/18/2011.

**Z&P** - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Rappaport Residence at 636 Elwood Ave N be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Rappaport Residence as a local landmark.

Adopted 11/18/2011.

Resolution 2011R-625, designating the Rappaport Residence at 636 Elwood Ave N as a Historic Landmark, was adopted 11/18/2011 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-625**  
**By Schiff**

**Designating the Rappaport Residence at 636 Elwood Avenue North as a Historic Landmark.**

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on October 25, 2011 and recommended to the Standing Committee on Zoning and Planning that the Rappaport Residence at 636 Elwood Avenue North be designated as a landmark; and

Whereas, the recommended local designation of the Rappaport Residence will include the principal structure (exterior); and

Whereas, the Rappaport Residence local designation meets Local Designation Criterion Two: the property is associated with the lives of significant persons or groups; and

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on August 4, 2011; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated September 9, 2011; and

Whereas, on November 10, 2011 the Standing Committee on Zoning and Planning recommends designation as a historic landmark;

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

That the Rappaport Residence is hereby designated as a Landmark.

Adopted 11/18/2011.

**Z&P** - Your Committee recommends amending Vac-1583 approved by the City Council on July 1, 2011, via Resolution 2011R-365 to concur in the recommendation of the Planning Commission granting the application of Oaks Properties and the Metropolitan Council to vacate the remaining part of 36th Ave S between 45th and 46th Sts E, subject to the reservation of an easement to the City of Minneapolis for surface water management, traffic signal and traffic lighting infrastructure within the entire area to be vacated, 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 right of way.

Adopted 11/18/2011.

Resolution 2011R-626, vacating the remaining part of 36th Ave S between 45th St E and 46th St E (Vacation File No. 1583), was adopted 11/18/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

NOVEMBER 18, 2011

---

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

**RESOLUTION 2011R-626**  
**By Schiff**

**Vacating the remaining part of 36th Avenue South between 45th Street East and 46th Street East (Vacation File No. 1583).**

Resolved by The City Council of The City of Minneapolis:

That part of 36th Ave. S. as dedicated in the plat of Hiawatha Park Addition and described as follows: Beginning at a point on the Southwesterly corner of Lot 6, Block 5, Hiawatha Park Addition, thence northerly along the west line of said Lot a distance of 16 feet, thence West to a point on the East line of Lot 6, Block 6, said point being 16 feet North of the Southeasterly corner of said Lot, thence South along the East line of said Lot 6, Block 6 to the Southeasterly corner of said Lot, thence East to the point of beginning and there terminating., is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described as follows, to wit:

**As to the City of Minneapolis:** An easement for surface water management and traffic signal and traffic lighting infrastructure within the entire area to be vacated.

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

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

Adopted 11/18/2011.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Curt Gunsbury with Solhem LLC (BZZ-5276) to rezone the properties at 515, 517 and 521 Huron Blvd SE from I1 to the R6 District and to remove the ILOD Industrial Living Overlay District to permit a 75 unit residential development and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

**ORDINANCE 2011-Or-XXX**  
**By Schiff**  
**1st & 2nd Readings: 11/18/2011**

**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 the North 44 feet of Lot 3, measured at right angles to the North line thereof, Block 32, Regent's Addition, according to the recorded plat thereof, Hennepin County, Minnesota (515 Huron Blvd SE - Plate 22) to the R6 District and removing the IL Industrial Living Overlay District.

NOVEMBER 18, 2011

---

**ORDINANCE 2011-Or-XXX**  
**By Schiff**  
**1st & 2nd Readings: 11/18/2011**

**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 3, EXCEPT the North 44 feet measured at right angles to the North line thereof, and the North 22 feet of Lot 4, measured at right angles to the North line thereof, Block 32, Regent's Addition, according to the recorded plat thereof, Hennepin County, Minnesota;

AND

Lot 4, EXCEPT the North 22 feet measured at right angles from the North line thereof, Block 32, Regent's Addition, according to the recorded plat thereof, Hennepin County, Minnesota. (517 Huron Blvd SE - Plate 22) to the R6 District and removing the IL Industrial Living Overlay District.

**ORDINANCE 2011-Or-XXX**  
**By Schiff**  
**1st & 2nd Readings: 11/18/2011**

**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 3, EXCEPT the North 44 feet measured at right angles to the North line thereof, and all of Lot 4, Block 32, Regent's Addition, according to the recorded plat thereof, Hennepin County, Minnesota. (521 Huron Blvd SE - Plate 22) to the R6 District and removing the IL Industrial Living Overlay District.

Schiff moved to substitute the following report and ordinances for the above report and ordinances. Seconded.

Adopted by unanimous consent.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Curt Gunsbury with Solhem LLC (BZZ-5276) to rezone the properties at 515, 517-519, and 521 Huron Blvd SE from I1 to the R6 District and to remove the ILOD Industrial Living Overlay District to permit a 75 unit residential development and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 11/18/2011.

Ordinance 2011-Or-109 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 515 Huron Blvd SE to the R6 District and removing the IL Industrial Living Overlay District, was adopted 11/18/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

**NOVEMBER 18, 2011**

---

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

**ORDINANCE 2011-Or-109**  
**By Schiff**  
**1st & 2nd Readings: 11/18/2011**

**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 the North 44 feet of Lot 3, measured at right angles to the North line thereof, Block 32, Regent's Addition, Hennepin County, Minnesota. (515 Huron Blvd SE - Plate 22) to the R6 District and removing the IL Industrial Living Overlay District.

Adopted 11/18/2011.

Ordinance 2011-Or-110 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 517-519 Huron Blvd SE to the R6 District and removing the IL Industrial Living Overlay District, was adopted 11/18/2011 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-110**  
**By Schiff**  
**1st & 2nd Readings: 11/18/2011**

**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 3, Block 32, Regent's Addition, except the North 44 feet thereof as measured at right angles to the North line thereof, Hennepin County, Minnesota. (517-519 Huron Blvd SE - Plate 22) to the R6 District and removing the IL Industrial Living Overlay District.

Adopted 11/18/2011.

Ordinance 2011-Or-111 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 521 Huron Blvd SE to the R6 District and removing the IL Industrial Living Overlay District, was adopted 11/18/2011 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-111**  
**By Schiff**  
**1st & 2nd Readings: 11/18/2011**

**NOVEMBER 18, 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 all of Lot 4, Block 32, Regent's Addition, except that part which lies Southwesterly of the following described line:

Beginning at a point on the South line of said Lot 4 distant 10 feet East of the Southwest corner thereof; thence run Northwesterly to a point on the West line of Lot 4, distant 20 feet North of said Southwest corner and there terminating.

Hennepin County, Minnesota. (521 Huron Blvd SE - Plate 22) to the R6 District and removing the IL Industrial Living Overlay District.

Adopted 11/18/2011.

**REPORT FROM THE AUDIT COMMITTEE**

**Audit** - Your Committee, having under consideration the 2012 proposed budget for the Internal Audit Department, now directs that Council Member Diane Hofstede, Chair of the Audit Committee, introduce the policy issue of the 2012 operating budget proposed for the Internal Audit Department, with the recommendation that those funding levels in 2012 be restored to the existing 2011 levels, and that this policy issue be presented for consideration at the next City Council meeting of November 18, 2011.

Hofstede moved that the recommendation from the Audit Committee be referred to the Ways & Means/Budget Committee for consideration. Seconded.

Adopted 11/18/2011.

**RESOLUTIONS**

Resolution 2011R-627, recognizing the contributions of Renee A. Baron to the City of Minneapolis, was adopted 11/18/2011 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-627**

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

**Recognizing the contributions of Renee A. Baron to the City of Minneapolis.**

Whereas, Renee A. Baron faithfully served the City of Minneapolis for 36 years, beginning her career as a stenographer in 1975; and

Whereas, Renee A. Baron joined the Minneapolis City Attorney's Office in June 1977, serving as Secretary to City Attorney Bob Alfton, and Program Assistant, Supervisory to City Attorneys Surrell Brady and Jay Heffern and, in her most recent position, as Supervisor, Legal Support Services for the Criminal Division; and

Whereas, among Renee A. Baron's most notable accomplishments include her tireless efforts to provide critical input to the design and development of the Criminal Division's new case management system in 2006 and thereafter played an instrumental role in guiding its implementation and roll out to Criminal Division attorneys and staff; and

Whereas, Renee A. Baron continued her significant contributions to the new case management system by acting as a liaison during lengthy meetings with other criminal justice partners that resulted in a uniquely designed and successful integration of data from multiple agencies into a single case management system that has eased cumbersome data entry for staff by allowing for the automatic population of key data into the case management system and laid the groundwork for future integrations between outside systems, i.e., American Defender, VIBES and the Jail Management System; and

Whereas, Renee A. Baron approached the technical issues with the case management system, including the notorious "default-default" malfunction, with super human patience, tenacity and dedication, such that the Criminal Division now has a reliable, functioning system; and

Whereas, Renee A. Baron managed the Criminal Division's transition from SIP (a Hennepin County criminal information database) to MNCIS (a statewide criminal information data base), the access and auditing of the Criminal Justice Integration System and was the department administrator for assisting Criminal Division employees to gain access to the required outside systems, i.e., CAPRS, VIBES, DVS, and SILS; and

Whereas, Renee A. Baron contributed to the development and production of the Criminal Division's Policies and Procedures manual as well as the development of many training documents used by staff; and

Whereas, Renee A. Baron's unique knowledge, skills and abilities to help solve critical problems and issues have been called upon on a daily basis; and

Whereas, Renee A. Baron has been a key member of the City Attorney's Office management team for over 13 years and has been an active participant on the office's FISH committee, Labor Management Committee, the Technology Committee and for her work over the years on many City-wide projects, including the City's flu shot clinic; and

Whereas, Renee A. Baron has been a loyal, valuable, and respected employee and friend and will be deeply missed; and

Whereas, Renee A. Baron retired from employment with the City of Minneapolis on October 25, 2011; and

Whereas, the City Council wishes to recognize Renee A. Baron's dedication and contributions to the City of Minneapolis throughout her career;

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

That the City Council expresses its deep gratitude and appreciation to Renee A. Baron for her many years of dedicated service to the City of Minneapolis and to the Minneapolis City Attorney's Office.

Adopted 11/18/2011.

Resolution 2011R-628, honoring Fulton Beer, was adopted 11/18/2011 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-628**

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

**Honoring Fulton Beer.**

Whereas, the oldest known written recipe is for beer, found on a 4,000-year-old Sumerian tablet containing the Hymn to Ninkasi, a prayer to the goddess of brewing; and

Whereas, during the Middle Ages monks not only brewed beer, they were allowed to consume five quarts a day; and

Whereas, the Pilgrims planned to sail further south to a warm climate, but stopped at Plymouth Rock because they ran out of necessary supplies, as written in the diary of Mayflower passenger, William Bradford who explained, "We could not now take time for further search or consideration, our victuals being much spent, especially our beer"; and

## NOVEMBER 18, 2011

---

Whereas, Benjamin Franklin once stated simply, "Beer is proof that God loves us and wants us to be happy"; and

Whereas, the first consumer protection law ever written was enacted by Duke Wilhelm IV of Bavaria in 1516 - a purity law limiting the ingredients of beer to barley, hops, and water; and

Whereas, Minneapolitans and beer enthusiasts everywhere have embraced craft beers that use local barleys and hops to create flavorful and pleasing ales and lagers; and

Whereas, Jim Diley, Pete Grande, Ryan Petz, and Brian Hoffman first started brewing while huddled around a turkey burner one cold February day in 2006 in the Fulton neighborhood of Minneapolis; and

Whereas, Jim had no idea what he was getting himself into when he agreed to open up his home for experimentation with craft brewing; and

Whereas, neither did Jim's wife, which is why she quickly moved them out of the house and into their single-stall garage, which ultimately led to the commandeering of Pete's two-stall garage; and

Whereas, in early 2009, in light of Ryan having no luck looking for an internship, the crew's "what if" discussions about turning their hobby into a career became a "we could" conversation, and (with the help of some homebrews, of course) they decided to get into the business of brewing; and

Whereas, by fall 2009, these four ordinary guys brewing extraordinary beer had formed their business, scraped together as much money as they could, landed a distributor, and contracted to use the brewing equipment of a brewery in Black River Falls, Wisconsin; and

Whereas, today, after vigorous demand by local bars for their beer, and due to the support of local small business demonstrated by the Minneapolis City Council's passage of the Brew Beer Here ordinance and the Tap Room ordinance, the four owners now realized their opportunity to build the Minneapolis brewery of their dreams;

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

That we thank the Fulton Brewery for doing its part to rid Minneapolis of cenosillicaphobia (the fear of an empty glass) and proudly proclaim today, November 18, 2011, Fulton Beer Day in the City of Minneapolis.

Adopted 11/18/2011.

### UNFINISHED BUSINESS

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending point-of-conversion inspection requirements). Seconded.

Adopted upon a voice vote 11/18/2011.

Pursuant to notice, Gordon moved to introduce the subject matter of an ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, for first reading and referral to the Regulatory, Energy & Environment Committee (repealing Article VIII entitled *Sale of Farm Produce by Profit and Nonprofit Organizations on Public and Private Property*). Seconded.

Adopted upon a voice vote 11/18/2011.

### NEW BUSINESS

Reich gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, (to allow film, video and audio production as a conditional use in the C1, Neighborhood Commercial District), as follows:

- a) Amending Chapter 520 relating to *Introductory Provisions*;
- b) Amending Chapter 536 relating to *Specific Development Standards*;
- c) Amending Chapter 548 relating to *Commercial Districts*.

Hodges moved to introduce an ordinance amending Title 2 Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, for first reading and referral to the Ways & Means/Budget Committee for public hearing on December 5, 2011 (amending section 20.440(b) related to contributions of accrued vacation leave to remove the references to pension plans no longer in existence and standardize the contribution; and, repealing section 20.440(c) to eliminate the HCSP percentage of annual salary adjustment contribution). Seconded.

Adopted by unanimous consent 11/18/2011.

Schiff moved:

a) To suspend City Council Rules 5 and 6 relating to Ordinance Introduction and Ordinance Adoption, so as to act upon a rezoning recommendation directly from the Planning Commission; and  
b) To concur in the recommendation of the Planning Commission to grant the petition of Emerge Community Development (BZZ-5366) to rezone the property at 1830 Emerson Ave N from R4 to the OR2 High Density Office Residence District to permit a community center and adopting the related findings prepared by the Department of Community Planning & Economic Development; and further, to pass the accompanying ordinance amending the Zoning Code. Seconded.

Lilligren moved that the matter be referred to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote 11/18/2011.

Lilligren moved to adjourn to Room 315 City Hall to consider the a) *Recardo D. Meeks v. Timothy Dolan, et al.*; and b) *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association* lawsuits and thereafter to adjourn to November 30, 2011, at 6:05 p.m. in the Council Chamber for the purpose of conducting a public hearing on the Levy and 2012 Budget, as previously noted, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 18, 2011. Seconded.

Adopted upon a voice vote 11/18/2011.

Room 315 City Hall

Minneapolis, Minnesota

November 18, 2011 – 11:30 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits: a. *Recardo D. Meeks v. Timothy Dolan, et al.*; and b) *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association*.

At 11:34 a.m., Lilligren moved to suspend City Council Rule 1 relating to staff present at a closed Council meeting so as to allow another representative of Mayor R.T. Rybak's office, Peter Wagenius, to attend; and that the meeting be closed. Seconded.

Adopted upon a voice vote.

Present – Council Members Gordon (In at 11:35 a.m.), Reich, Hofstede, Schiff (In at 11:38 a.m.), Lilligren (Out at 11:57 a.m.; In at 12:01 p.m.), Colvin Roy (In at 11:38 a.m.), Tuthill, Quincy, Glidden (In at 11:35 a.m.), Goodman, Hodges, Samuels, Johnson.

Also Present – R.T. Rybak, Mayor (Out at 11:36 a.m.); Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Darla Boggs, Assistant City Attorney; Peter Wagenius, Mayor's Office (Out at 12:00 p.m.); Tim Dolan, Chief of Police; Casey Joe Carl, City Clerk; and Anne Roth City Clerk's Office.

**NOVEMBER 18, 2011**

---

Segal summarized the *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association* lawsuit from 11:34 a.m. to 11:47 a.m.

Boggs summarized the *Recardo D. Meeks v. Timothy Dolan, et al.* lawsuit from 11:48 a.m. to 12:06 p.m.

At 12:07 p.m., Schiff moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Hofstede moved to approve the settlement of the case *Recardo D. Meeks v. Timothy Dolan, et al.*, United States District Court File No.: 10-CV-2008 (DWF/LIB), with the payment of \$75,000, and reimbursement of costs in the amount of \$1,500, payable to Plaintiff and his attorneys, Klassen, P.A. and Muller and Muller, P.L.L.C. In exchange, Plaintiff agrees to dismiss all remaining claims in the lawsuit. Payment shall be from Fund/Org. 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.  
Adopted 11/18/2011.

Lilligren moved to adjourn. Seconded.  
Adopted upon a voice vote 11/18/2011.

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: 11/21/2011  
Official Posting: 11/28/2011  
Correction: 2/23/2012