

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JUNE 30, 2006

(Published July 8, 2006, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
June 30, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda to add a Motion by Hodges to introduce the subject matter of an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, for first reading and referral to the Health, Energy & Environment and Public Safety & Regulatory Services Committees. Seconded.

Adopted upon a voice vote.

Lilligren's motion, as amended, was adopted upon a voice vote 6/30/06.

Lilligren moved acceptance of the minutes of the regular meeting held June 16, 2006 and adjourned session held June 16, 2006. Seconded.

Adopted upon a voice vote 6/30/06.

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 6/30/06.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271293)

Land Sale: 3230 Bloomington Ave S.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271294)

MacPhail Center for Music (502-2nd St S): Preliminary approval to issue bonds for new musical center.

Land Sales:

1029-22nd Ave N;

2636 Bloomington Ave S;

1101 W Broadway, 1831 Emerson Ave N & 1834, 1836 & 1838 Fremont Ave N; Term Sheet for redevelopment contract.

St. Anne's Senior Housing Project: Requesting that Hennepin County Housing & Redevelopment Authority provide financial assistance.

Certification of Tax Forfeited Land: Classification of certain forfeited land as non-conservation & the conveyance thereof.

American Dream Down payment Initiative: Modification of program guidelines re CityLiving program.

Children's Theatre Company Project: Authorize Second Amendment to Disbursing Agreement re 2003 issuance of revenue bonds.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271295)

Grain Belt Office Building (1215 Marshall St NE): Appropriation increase to cover holding costs as preparation to transfer property to private ownership.

Bid for 2814 Knox Ave N: Low bid of Iyawe & Associates Builders, Inc.

Heritage Park Project: Acceptance of U.S. EPA grant funds for pollution remediation on two sites within Bassett Creek Valley area; Appropriation increase; Authorize amendment to Contract Agreement 14623 with SR Consulting Group, Inc by extending termination date & increasing amount.

Demolition of Vacant & Boarded Properties (Chapter 249 Properties): Allocation of CDBG Program income to Department of Regulatory Services to fund demolition of Chapter 249 properties; Authorizing transfer of funds; Authorizing reimbursement to CPED; Appropriating funds.

2006 Metropolitan Council Livable Communities Demonstration Account Grant Program: Authorizing submission & priority ranking of grant applications; Authorizing agreements.

Tiro Deep Rock Project (2700 E 28th St): Appropriating funds for pollution remediation.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271296)

King Field NRP Phase II NRP Action Plan.

**ELECTIONS and INTERGOVERNMENTAL RELATIONS (See Rep):**

ELECTIONS DEPARTMENT (271307)

Mpls City Charter Instant Runoff Voting Proposal: Amendment to Chapter 2, Section 9, which amends Charter Section 16 correcting the term "general" election which was used in the original introduction to the term "special" election.

**HEALTH, ENERGY AND ENVIRONMENT:**

CIVILIAN POLICE REVIEW AUTHORITY WORKING GROUP (271297)

"A Study of Policy and Processes of Minneapolis Civilian Police Review Authority": Update on work plan.

HEALTH AND FAMILY SUPPORT SERVICES (271298)

Youth Violence Prevention Grants: Update report on funded programs.

Pandemic Flu: Report on flu planning for City continuity of operations.

REGULATORY SERVICES (271299)

Minneapolis Annual Sustainability Report.

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

CIVIL RIGHTS (271300)

Small and Women/Minority Businesses: Execute Joint Powers Agreement with Hennepin County and City of St. Paul to continue joint certification program for small businesses and those owned by women or minority citizens; and Direct staff to continue to investigate and negotiate additional partnerships and joint programming ventures.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271301)**

Minneapolis Private Industry/Workforce Council: Concur with Mayor to appointment appointments of Susan Mackay; Candice Fieldman; Laurie Rice; Carolyn Roby; Ann Eilbracht Thompson; William McCarthy; Manuel Garcia; Joe Gaspard; and Jim Roth; Designate Carolyn Roby as Chair, to replace David Nasby; and Waive residency requirement for Candice Fieldman, William McCarthy, and Manuel Garcia.

**HEALTH, ENERGY AND ENVIRONMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (271302)**

Centralized Energy Management: a) Designate Public Works Property Services Division as the department for Energy Management; b) Designate responsibilities; c) Authorize creation of Energy Manager position; and d) Direct Finance Department to determine funding for Energy Management function.

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

**HEALTH AND FAMILY SUPPORT SERVICES (271303)**

Healthy Start: Authorize hire Doriscile Everett-O'Neil at Step 4 of salary schedule for Manager, Healthy Start.

**HEALTH AND FAMILY SUPPORT SERVICES (271304)**

National Association of County and City Health Officials (NACCHO): Execute Agreement with Hennepin County to continue delivery of services as part of grant from NACCHO Advance Practice Center (plan for potential threats to food, water and safety during a disaster or public health emergency); and Approve appropriation.

**INTERGOVERNMENTAL RELATIONS:**

**CHARTER COMMISSION (271305)**

Minneapolis City Charter: Report of the 9th Revision of the City Charter; Executive Summary.

Minneapolis City Charter: Rejection of ordinance amending Chapter 2 of the City Charter re eliminating primary elections for City offices, amending filing dates & allowing for Single Transferable Vote, sometimes known as Ranked Choice Voting or Instant Runoff Voting.

**INTERGOVERNMENTAL RELATIONS (271306)**

Video Franchising: Summary of Congressional proposals.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

**INTERGOVERNMENTAL RELATIONS (271308)**

Park Dedications-Local Approval Requirement: Approval of Special Laws of Minnesota 2006, Chapter 269, Section 2 relating to dedication land or fees for park & open space purposes.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

**LICENSES AND CONSUMER SERVICES (271309)**

D'Amico Cucina (100 N 6th St): Request for Adverse License Action.

**REGULATORY SERVICES (271310)**

Pho Tauh Bay Corp (2837 Nicollet Av S): Request to deny renewal of Restaurant License due to non-payment of administrative citations.

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

INSPECTIONS DEPARTMENT (271311)

Chapter 249 Property at 1111 30th Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (271312)

Chapter 249 Property at 1110 27th Av N: Authorize rehabilitation.

INSPECTIONS DEPARTMENT (271313)

Chapter 249 Property at 1626 E Lake St: Amend May 12th rehabilitation order to reflect that property owner present a letter of credit to City staff on or before July 25, 2006.

INSPECTIONS DEPARTMENT (271314)

Chapter 249 Property at 2218 4th St N: Authorize demolition.

INSPECTIONS DEPARTMENT (271315)

Chapter 249 Property at 3928 10th Av S: Request to demolish property.

INSPECTIONS DEPARTMENT (271316)

Chapter 249 Property at 429 31st Av N: Authorize demolition.

LICENSES AND CONSUMER SERVICES (271317)

Donna Smith: Appeal filed from decision of Licenses & Consumer Services Division to deny application for Taxicab Driver's License.

LICENSES AND CONSUMER SERVICES (271318)

H & M Convenient Tobacco Cigar & Gifts (1014 Marquette Av S): Grant Confectionery and Tobacco Dealer Licenses, subject to conditions.

Bambino's Pizza & Grill (10 S 5th St): Grant On-Sale Wine Class E with Strong Beer, All Night Special Food, Place of Amusement Class B-1 and Sidewalk Cafe Licenses, subject to conditions.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (271319)

Off-Sale Liquor: Ordinance amending Title 14, Chapter 364 of Code relating to Liquor and Beer: Liquor Regulations, permitting the sale of retail off-sale liquor until 10:00 p.m. Monday through Saturday; with attachments.

LICENSES AND CONSUMER SERVICES (271320)

Taxicab Licenses: Find that public convenience and necessity warrant the authorization and issuance of additional taxicab licenses in a number, in a manner, and according to a schedule to be determined by future City Council action; and Adopt Findings and Recommendations; with attachments.

PUBLIC WORKS AND ENGINEERING (271321)

Graffiti: Authorize issue Request for Proposals and contract for services for removal of graffiti on sensitive surfaces.

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

POLICE DEPARTMENT (271322)

SafeZone Collaborative: Accept \$200,000 from State of Minnesota for sole purpose of expanding the WorkSite system throughout the City that supports the SafeZone Collaborative currently in use at the 1st Precinct; Certify that the Minneapolis Building Owners and Managers Association is serving as the fiscal agent in partnership with the City and the downtown business community.

Phillips Weed and Seed Program: Accept \$73,352 and execute contract with Greater Minneapolis Council of Churches to provide officer overtime or other police services as deemed necessary to fulfill the goals of the Phillips Weed and Seed Steering Committee; and Approve appropriation.

REGULATORY SERVICES (271323)

Lodging Establishments: Ordinances relating to boarding and lodging facilities — Repealing a portion of Title 13, Chapter 298 relating to Licenses and Business Regulations: Lodging Houses, transferring the authority to Title 12, Chapter 244; Amending Title 12, Chapter 244 relating to Housing: Maintenance Code, transferring and consolidating the administration and inspection activities from Licenses & Consumer Services to Housing Inspection Services; adopting rental licensing standards to assist with regulation; and Amending Appendix J relating to License Fees Schedule, increasing license fees.

**RULES (See Rep):**

ATTORNEY (271323.1)

City Council Rule 12: Amend Rule 12 to specify which announcements may be made at a City Council meeting.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (271324)

Aquatennial: Receive and file report summarizing aquatennial fundraising and cost reduction to the City.

Stormwater Utility: Receive and file status update.

School Pedestrian Safety Program: Receive and file update.

West Lake Street (Dupont Av S to Blaisdell Av S and Lyndale Av S from 29th St to 31st St): Receive and file streetscape petitions.

XCEL ENERGY/NSP (271325)

Utility Poles: Relocate poles along Main St NE from west side of street to the east side from 1st Av NE to 3rd Av NE for temporary service for 6 months due to bridge reconstruction; Design #165932.

Utility Poles and Lines: Abandon lines and poles on the north side of 2nd St SE & 5th Av SE and install four (4) 45' poles and one (1) 35' pole along the south side of 2nd St SE for temporary service until construction is complete (temporary service needed for one (1) year), then moved back to original location on north side of street; SR #512618.

Utility Pole: Install one (1) 30' pole and one (1) span of #6 Duplex ag 5401 Nicollet Av for nightwatch light. WO #10803858.

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

PUBLIC WORKS AND ENGINEERING (271326)

Sale of City-Owned Property: Approve sale of 2850 20th Av S to Midtown Eco Energy for \$557,500.

Building Lease: Approve negotiation of lease of Hamilton School, 4119 Dupont Av N, for City departments.

Block Event: Allow AND 1 Street Basketball Event to operate outside timeframe allowed under ordinance, and approve closure of 6th St N between 1st Av N and Hennepin Av.

Critical Parking Area: Add 3800 block of 30th Av S (both sides) to Critical Parking Area No. 26.

Disposal Services: Renew contract with Hennepin County for processing and disposal of municipal solid wastes.

Lowry Av Corridor, Phase II (Theodore Wirth Pkwy to I-94): Approve amended layout shifting alignment at Lowry and Penn Av N.

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

PUBLIC WORKS AND ENGINEERING (271327)

Professional Engineer: Authorize offering Step 6 to candidate for professional engineer position.

Additional FTE in Solid Waste and Recycling: Approve increase in Clean City Staff for Office Support Specialist II.

Chicago Plaza: Authorize amendment to contract with L.S. Black Constructors, Inc. in amount of \$37,514.95.

Bids: a) OP 6610, Accept low bid of Collins Electrical Systems, Inc. d/b/a ColliSys to accomplish the installation of traffic signal loop detectors and related items; b) OP 6613, Accept low responsive bid of TEK Supply Ltd to furnish water blaster; c) OP 6605, Accept responsive bid of CDS Technologies, Inc., for a storm water treatment structure; and d) OP 6616, Accept low bid of Carl Bolander & Sons Company to complete site preparation activities in advance of construction of Van White Memorial Blvd Project.

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

**BUSINESS INFORMATION SERVICES & PROCUREMENT (271328)**

Security Camera System: Acceptance of low bid of A+ Security, Inc. to provide a complete camera turnkey system.

**BUSINESS INFORMATION SERVICES (BIS) (271329)**

Unisys Contract: Amendment increasing Contract C-18881 to provide 7 wireless video camera units extending SafeZone Cameras in the Cedar Riverside Neighborhood; Approve appropriation.

Unisys Contract: Amendment increasing Contract C-18881 providing for 3 servers for implementation of Cognos Business Intelligence Solution.

Telecom Analyst II, BIS Telecom and Network Services: Hire Christopher Souvignier at Step 4.

Business Development Division: Authorize 2 additional FTE positions (BIS) Project Managers.

**COORDINATOR (271330)**

New Central Library Project - Change Orders: Approve Change Order No. 2 increasing Contract Number C-17584 with Architectural Alliance (\$626,100); Change Order No. 1 increasing Contract Number C-22476 with FKI Logistex (\$45,500); Change Order No. 1 increasing Contract Number C-22756 with Border States Electric (\$1,730); Change Order No. 1 increasing Contract Number C-22755 with Principle Fixture and Millwork, Inc. (\$9,783); Change Order No. 1 increasing Contract Number C-22754 with Target Commercial Interiors, Inc. (\$1,167.77); Change Order No. 1 increasing Contract Number C-22752 with Helmut Guenschel (\$3,750); Change Order No. 1 increasing Contract Number C-22753 with Interium (\$1,970); Change Order No. 1 increasing Contract Number C-22628 with Metro Furniture Solutions by Henricksen (\$500); and Change Order No. 1 decreasing Contract Number C-22768 with Dascom, Inc. (\$3,179).

**HUMAN RESOURCES (271331)**

City of Minneapolis Medical Insurance: Authorize issuance for RFP for Medical Insurance for coverage effective January 1, 2007; Authorize contract negotiations with selected vendor.

AFSCME Local #9, Attorneys Unit: Execute 1 year collective bargaining labor agreement.

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

**INSPECTIONS/BOARD OF ADJUSTMENT (271332)**

Appeals:

Infinite Developers, Inc. (813 21st St E): re decision of Board of Adjustment denying variances.

Steve Leventhal (2409 Colfax Ave S): re decision of Board of Adjustment approving a nonconforming use certificate.

**PLANNING COMMISSION/DEPARTMENT (271333)**

Rezoning:

Lyndale Park (5719 Lyndale Ave S)

MacPhail Center for Music (501 2nd St S)

Zoning Code Text Amendment Work Plan: Approve Dept. of Community Planning and Economic Development's Work Plan and returning to author the following ordinances amending Title 20 of the Minneapolis Code of Ordinances: a) Chapter 548 relating to Commercial Districts, amending the density bonuses in the Commercial Districts; and b) Chapter 548 relating to Commercial Districts; Chapter 549 relating to Downtown Districts; and Chapter 550 relating to Industrial Districts; adding antique dealers to the uses that may include outdoor sales and displays.

**FILED:**

**HOLT, STEVE AND NANCY MARTINSEN (271334)**

Vacate boulevard right-of-way at 1401 29th Ave NE for garage addition, at the corner of Buchanan St NE & 29th Ave NE.

**SCHAFFER RICHARDSON, INC. (271335)**

Permission to vacate the alley between 3rd Street North and 4th Street North, from 7th Avenue North to 10th Avenue North.

UNIVERSITY OF MINNESOTA REGENTS/REAL ESTATE OFFICE (271336)

U of M Street Vacation Request including areas near 4th St SE, relocated Oak St SE, Huron Blvd SE; Huron Blvd, 4th St SE, University Ave SE and relocated Huron Blvd. Washington Ave SE, University Ave SE, Huron Blvd SE; Oak St SE, University Ave SE 4th St SE and relocated Oak St. SE.

*The following reports were signed by Mayor Rybak on July 6, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

## REPORTS OF STANDING COMMITTEES

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

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for the MacPhail Center for Music for construction of a new 55,000 square foot musical center at 501 - 2nd St S, now recommends passage of the accompanying resolution granting preliminary approval to the issuance of up to \$11.5 million in 501(c)(3) Tax-exempt Revenue Bonds for said project.

Adopted 6/30/06.

Resolution 2006R-345, granting preliminary approval to issue up to \$11.5 million in 501(c)(3) Tax-exempt Revenue Bonds on behalf of the MacPhail Center for Music for a new musical center at 501-2nd St S, was adopted 6/30/06 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 2006R-345 By Goodman

#### **Granting preliminary approval to issue revenue bonds on behalf of the MacPhail Center for Music.**

Whereas, this Council has held a public hearing in connection with a proposal by MacPhail Center for Music (the "Borrower"), a Minnesota nonprofit corporation, to undertake a project in the City of Minneapolis (the "City") pursuant to the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 to 469.1651, as amended (the "Act") consisting generally of the acquisition, construction and equipping of an approximately 55,000 square foot music education and performing arts center that will be located at the intersection of Fifth Avenue South and South Second Street in Minneapolis, Minnesota (the "Project"); and

Whereas, the requested financing for the Project consists of the issuance by the City of its Revenue Bonds (MacPhail Center for Music Project), Series 2006, in an aggregate principal amount of up to \$11,500,000 (the "Bonds");

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

1. Preliminary approval is hereby granted to the Project and the issuance of the Bonds. This Council has a reasonable expectation that it will reimburse expenditures on the Project with the proceeds of the Bonds.

2. It is hereby found, determined and declared that the Project furthers the purposes stated in Section 469.152 of the Act.

3. In the judgment of the City Council, based upon the representations made by the Borrower, the Project as proposed would not be undertaken by the Borrower but for the availability of industrial development bond financing.

4. The Borrower has agreed to pay any and all costs incurred by the City in connection with the Project whether or not the Project is approved by the Minnesota Department of Employment and Economic Development and whether or not the Project is carried to completion.

5. Submission by City staff to the Minnesota Department of Employment and Economic Development of an Application for Approval of the Project is hereby approved, together with all such supporting documentation as may be required by law.

Adopted 6/30/06.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1029 - 22nd Ave N to Twin Cities Habitat for Humanity, Inc for \$1.00, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

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

Adopted 6/30/06.

Resolution 2006R-346, authorizing sale of land Disposition Parcel No TF 695 (1029 - 22nd Ave N), was adopted 6/30/06 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 2006R-346**  
**By Goodman**

**Authorizing sale of land Disposition Parcel No TF 695 (1029 - 22nd Avenue North).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF 695, in the Hawthorne neighborhood, from Twin Cities Habitat for Humanity, Inc. (TCHFH), hereinafter known as the Redeveloper, the Parcel TF 695, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF 695; 1029 22<sup>nd</sup> Avenue North: The West half of Lots 15 and 16, Block 24, Highland Park Addition to the City of Minneapolis. Being registered as evidenced by Certificate of Possessory Title No. 1172604; and

Whereas, the Redeveloper has offered to pay the sum of \$1.00, for TF 695 to the City for the land, and the Redeveloper's proposal is in accordance with the a Memorandum of Understanding between the City and TCHFH dated December 7, 1998, as amended September 29, 2005 (MOU); and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on June 9, 2006, a public hearing on the proposed sale was duly held on June 20, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value of the parcel is estimated to be \$19,500; however, in accordance with and for such uses as described in the MOU, the City is selling TF 695 for the sum of \$1.

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

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions: 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City; and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the 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 by the Finance Officer or other appropriate City official of the City.

Adopted 6/30/06.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2636 Bloomington Ave S to Powderhorn Community Council for \$30,000, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

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

Adopted 6/30/06.

Resolution 2006R-347, authorizing sale of land Model Cities/Tax Forfeiture Program Disposition Parcel No TF-565 (2636 Bloomington Ave S), was adopted 6/30/06 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 2006R-347  
By Goodman**

**Authorizing sale of land Model Cities/Tax Forfeiture Program Disposition Parcel No TF-565 (2636 Bloomington Avenue South).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-565, in the Midtown Phillips neighborhood, from Powderhorn Community Council (PCC), hereinafter known as the Redeveloper, the Parcel TF-565, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-565; 2636 Bloomington Ave S: Lot 3, St. Dennis Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142788; and

Whereas, the Redeveloper has offered to pay the sum of \$30,000, for Parcel TF-565 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on June 9, 2006, a public hearing on the proposed sale was duly held on June 20, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Model Cities Urban Renewal plan, as amended, is hereby estimated to be the sum of \$30,000 for Parcel TF-565 .

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 on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the 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 by the Finance Officer or other appropriate City official of the City.

Adopted 6/30/06.

**Comm Dev** - Your Committee, having under consideration the development plan of 1101 West Broadway Partners, LLC for rehabilitation of the existing structure at 1101 W Broadway and development of properties at 1831 Emerson Ave N; 1838, 1834 and 1836 Fremont Ave N, now recommends:

a) Passage of the accompanying resolution authorizing sale of the properties at 1101 W Broadway; 1831 Emerson Ave N; 1834, 1836 and 1838 Fremont Ave N to 1101 West Broadway Partners, LLC for \$50,000; and

b) Approval of the term sheet as a basis for a redevelopment contract, as contained in the Department of Community Planning & Economic Development report.

Adopted 6/30/06.

Resolution 2006R-348, authorizing sale of land West Broadway Redevelopment Project Disposition Parcels Nos. WB 216-1, WB 216-24, TF-259, TF-260, and WB 216-7 (1101 W Broadway; 1831 Emerson Ave N; 1834, 1836 and 1838 Fremont Aves N), was adopted 6/30/06 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 2006R-348**

**By Goodman**

**Authorizing sale of land West Broadway Redevelopment Project Disposition Parcels Nos. WB 216-1, WB 216-24, TF-259, TF-260, and WB 216-7 (1101 W Broadway; 1831 Emerson Ave N; 1834, 1836 and 1838 Fremont Aves N).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels WB 216-1, WB 216-24, TF-259, TF-260, and WB 216-7, in the Near North neighborhood, from 1101 West Broadway Partners, LLC, hereinafter known as the Redeveloper, the Parcels WB 216-1, WB 216-24, TF-259, TF-260, and WB 216-7, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of WB 216-1 - 1101 W. Broadway: Lot 1 and the East 6 inches front and rear of Lot 2, next to and adjoining said Lot 1, Block 35, Highland Park Addition to Minneapolis;

LEGAL DESCRIPTION of WB 216-24 - 1831 Emerson Ave N: Lots 1, 2 and 3, Block 15, Gales Subdivision in Sherburne & Beebe's Addition to Minneapolis;

LEGAL DESCRIPTION of WB 216-7 - 1838 Fremont Ave N: The North one half of Lot 20, Block 15, Gale's Subdivision in Sherburne & Beebe's Addition to Minneapolis;

LEGAL DESCRIPTION of TF 259 - 1834 Fremont Ave N: Unit Nos. 1, 2, 3 and 4, Condominium No. 389, TAHA Condominiums, a condominium located in Hennepin County. Subject to Declaration Doc No. 4780580 and Bylaws Doc No. 478058. Being registered as evidenced by Certificate of Title No. 1142808;

LEGAL DESCRIPTION of TF 260 - 1836 Fremont Ave N: The South Half of Lot 20, Block 15, Gales Subdivision in Sherburne & Beebe's Addition To Minneapolis. Being registered as evidenced by Certificate of Title No. 1142809; and

Whereas, the Redeveloper has offered to pay the sum of \$50,000, for Parcels WB 216-1, WB 216-24, TF-259, TF-260, and WB 216-7; the offer includes a development plan and commitment to improve by rehabilitating the existing structure on 1101 West Broadway. 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 the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on June 9, 2006, a public hearing on the proposed sale was duly held on June 20, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the West Broadway Redevelopment Project plan, as amended, is hereby estimated to be the sum of \$50,000 for Parcels WB 216-1, WB 216-24, TF-259, TF-260, WB 216-7.

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

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

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

Adopted 6/30/06.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to St. Anne's Senior Housing Project under the Minnesota Housing and Redevelopment Authorities Act.

Adopted 6/30/06.

Resolution 2006R-349, requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to St. Anne's Senior Housing Project under the Minnesota Housing and Redevelopment Authorities Act, was adopted 6/30/06 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 2006R-349**

**By Goodman**

**Requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to St. Anne's Senior Housing Project under the Minnesota Housing and Redevelopment Authorities Act.**

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development ("the City") that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund or other programs in an amount up to \$700,000, to the City of Minneapolis for St. Anne's Senior Housing Project on the corner of West Broadway Avenue and Queen Avenue North, Minneapolis, Minnesota (the "Project"); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, Subd 2, the County HRA cannot exercise its powers within the boundaries of the City of Minneapolis unless the City requests the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City;

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, section 469.005, the City Council hereby declares there is a need for the County HRA to exercise certain powers within the City and hereby approves the County HRA exercising its powers in the City for the limited purpose of providing financial assistance in the combined amount up to \$700,000 from the County HRA for the Project.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist the Project nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Project.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the City for the Project and the City shall retain all other powers and jurisdiction over matters relating to the City and the Project.

Be It Further Resolved that appropriate staff of the City are authorized to execute and deliver a multi-jurisdictional cooperation agreement with the County HRA relating to the Project.

Adopted 6/30/06.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution approving the classification of certain forfeited land located at 416 - 21st Ave N; 1026 - 12th Ave SE and 1497 Cedar Lake Rd, in the City of Minneapolis, as non-conservation and the conveyance thereof, and that the property at 6133 1/2 - 14th Ave S be withheld from public and private auction for a period of six months. Adopted 6/30/06.

Resolution 2006R-350, approving the classification of certain forfeited land at 416 - 21st Ave N; 1026 - 12th Ave SE and 1497 Cedar Lake Rd located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof, and withholding for six months from public and private auction the property at 6133 1/2 - 14th Ave S, was adopted 6/30/06 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 2006R-350  
By Goodman**

**Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.**

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

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

That the parcels listed below be designated as non-conservation land, and that all the property listed below be released for public auction.

<b>PID Number</b>	<b>Ward</b>	<b>Address</b>	<b>Date Of Forfeit</b>	<b>Legal Description</b>
15-029-24-23-0096	3	416 – 21 <sup>st</sup> Ave N	4/14/06	EAST 60 25/100 FEET OF LOTS 11 AND 12, BLOCK 002 "RENO'S ADDITION TO MINNEAPOLIS"
24-029-24-12-0123	2	1026 – 12 <sup>th</sup> Ave SE	4/14/06	LOT 002, BLOCK 009 ELWELL'S 2ND ADDITION TO MINNEAPOLIS

Be It Further Resolved that the parcel listed below be designated as non-conservation land, and that the property listed below be released for auction to adjacent owners.

<b>PID Number</b>	<b>Ward</b>	<b>Address</b>	<b>Date Of Forfeit</b>	<b>Legal Description</b>
29-029-24-33-0002	7	1497 Cedar Lake Rd	7/16/98	ALL THAT PART OF BLOCK 1 LYING NORTH OF A LINE PARALLEL WITH AND 75 FEET NORTHERLY FROM CENTER LINE OF RIGHT OF WAY OF ST PAUL M & M RAILWAY, BLOCK 1 "MCNAIR PARK"

Be It Further Resolved that the parcel listed below be designated as non-conservation land, and that the property listed below be withheld from public and private auction for a period of six months:

<b>PID Number</b>	<b>Ward</b>	<b>Address</b>	<b>Date Of Forfeit</b>	<b>Legal Description</b>
23-028-24-43-0123	11	6133 ½ 14 <sup>th</sup> Ave. S.	4/14/06	COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 THENCE WESTERLY 118 99/100 FEET THENCE NORTHEASTERLY 170 66/100 FEET ALONG A LINE WHICH PASSES THROUGH A POINT IN EAST LINE OF LOT 19 A DISTANCE OF 31 68/100 FEET NORTH FROM THE SOUTHEASTERLY CORNER THEREOF THEN SOUTHERLY TO A POINT IN THE EAST LINE OF LOT 19 FOR A DISTANCE OF 13 74/100 FEET NORTH FROM THE SOUTHEASTERLY CORNER THEREOF THEN SOUTH TO THE BEGINNING, BLOCK 016 "TINGDALE BROS. PORTLAND WAY"
(non-target)				

Adopted 6/30/06.

**Comm Dev** - Your Committee, having under consideration a modification in the American Dream Downpayment Initiative (ADDI) program guidelines, which program provides down payment and closing cost assistance to help lower income households purchase their first home, now recommends approval of a modification of the guidelines which would allow the funds to be used with loan products other than the City Living Home Program.

Adopted 6/30/06.

**Comm Dev** - Your Committee, having under consideration the issuance of revenue bonds in 2003 for the Children's Theatre expansion and renovation project, and having been informed that additional capital funding was raised and used to expand on the original project, now recommends that the proper City officers be authorized to execute the Second Amendment to the Disbursing Agreement and any other related documents between the City of Minneapolis and the parties to the 2003 issuance of Tax-exempt Revenue Bonds for the Children's Theatre Company Project, by passage of the accompanying resolution.

Adopted 6/30/06.

Resolution 2006R-351, consenting to the amendment of documents (Second Amendment to the Disbursing Agreement) necessary to revise the scope of the project and the payment of the project costs for the City of Minneapolis, Minnesota Variable Rate Demand Revenue Bonds for the Children's Theatre Company Project Series 2003, was adopted 6/30/06 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 2006R-351**

**By Goodman**

**Consenting to the amendment of documents necessary to revise the scope of the project and the payment of the project costs for the City of Minneapolis, Minnesota Variable Rate Demand Revenue Bonds for the Children's Theatre Company Project Series 2003.**

Whereas, the City of Minneapolis, Minnesota (the "City") has previously issued its \$10,000,000 Variable Rate Demand Revenue Bonds Series 2003 (the "Bonds") on behalf of The Children's Theatre Company (the "Borrower") pursuant to an Indenture of Trust dated as of December 1, 2003 by and between the City and Wells Fargo Bank Minnesota, National Association as trustee (the "Trustee"); and

Whereas, the Borrower wishes to revise the scope of the project to include additional renovations and improvements to the project;

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

That the City hereby resolves that the City shall take all action necessary or reasonably required to amend the revenue bond documents, and, to that end, the Finance Officer is hereby authorized to execute and deliver amendments to the Disbursing Agreement for the Bonds, and such other documents as are reasonably required to secure the Bonds under the Indenture of Trust. The execution of any such other documents as are reasonably required to secure the Bonds under the Indenture of Trust. The execution of any such documents shall constitute conclusive evidence of the approval by the City of such documents.

Adopted 6/30/06.

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

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$65,000 to cover holding costs as preparation to transfer the Grain Belt office building within the Grain Belt complex at 1215 Marshall St NE to private ownership (Project #C3880OB).

Adopted 6/30/06.

**RESOLUTION 2006R-352**

**By Goodman and Ostrow**

**Amending the 2006 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 Community Planning and Economic Development Agency in the Common Project-Uncertified Fund (CAZ0-890-8933) by \$65,000.

Adopted 6/30/06.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6599 from Iyawe and Associates Builders, Inc in the amount of \$151,450 to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish renovation of an exiting single family house, construction of a new garage and site work for property at 2814 Knox Ave N.

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

Adopted 6/30/06.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Heritage Park Project and grant funding received from the U.S. Environmental Protection Agency (EPA) for environmental remediation activities within the Bassett Creek Valley area, now recommends:

a) That the proper City officers be authorized to accept grant funds in the amount of \$400,000 from the EPA to be used for pollution remediation of two sites within the Bassett Creek Valley area;

b) Passage of the accompanying resolution:

increasing the Community Planning and Economic Development (CPED) Department appropriation by \$400,000 to reflect the receipt of funds, and increasing the revenue budget;

increasing the Public Works appropriation for Heritage Park Infrastructure work by \$217,900, and increasing the revenue budget by \$217,900 for payment from the Minneapolis Public Housing Authority (MPHA) for public infrastructure services related to the Senior Housing Development;

increasing the Public Works appropriation for Heritage Park Infrastructure work by \$240 and increasing the revenue budget by \$240 for payments from contractors seeking construction documents and plans; and

c) That the proper City officers be authorized to amend Contract Agreement 14623 dated August 28, 1999 with SRF Consulting Group, Inc by extending the termination date to December 31, 2009 and increasing the amount by \$1,500,000 for construction documentation, surveying, monitoring, inspection, completion of as-built plans, street light engineering, sewer and storm water engineering, public infrastructure maintenance manual development, geotechnical monitoring, contamination monitoring, and contamination remediation.

Adopted 6/30/06.

**RESOLUTION 2006R-353**  
**By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the Community Planning and Economic Development Agency in the Other Fund (FGO0-890-8952) by \$400,000 and increasing the revenue source (FGO0-890-8490-3210) by \$400,000;

b) Increasing the appropriation for the Public Works Agency in the Heritage Park Fund (4100-970-9719) by \$217,900 and increasing the revenue source (4100-970-9719-3225) by \$217,900;

c) Increasing the appropriation for the Public Works Agency in the Heritage Park Fund (4100-970-9719) by \$240 and increasing the revenue source (4100-970-9719-3755) by \$240.

Adopted 6/30/06.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the King Field 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 \$770,934;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$281,000 in the NRP fund for implementation of said Plan;

c) Reserve of the remaining \$489,934 for Plan implementation in a reserve account within Fund CNR0 for future year expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan (\$539,654) be obligated in the first three years after approval of the Plan; and

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

Adopted 6/30/06.

**RESOLUTION 2006R-354  
By Goodman and Ostrow**

**Amending The 2006 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 Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$281,000.

Adopted 6/30/06.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the applications for grant funding from the 2006 Metropolitan Council Livable Communities Demonstration Account (LCDA), now recommends that the following recommendations of the Department of Community Planning & Economic Development be sent forward without recommendation:

a) Passage of Resolution authorizing submission and priority ranking of up to five project grant applications to the LCDA, as follows:

1. SEMI/University Research Park
2. Currie Park Lofts/Station Place
3. Snelling Ave Extension/46th St Town Square
4. Van Cleve Court
5. Longfellow Station Project; and

b) Authorizing the proper City officers to execute such agreements as may be necessary to implement the LCDA Grant Program.

Goodman moved to amend the report by deleting the language, "sent forward without recommendation" and inserting "approved," and to further amend the report and accompanying resolution by adding the following condition to be placed on the Currie Park Lofts/Station Place application to ensure the project moves forward in a timely manner:

"The submission of an LCDA application for Currie Park Lofts/Station Place is conditioned on City receipt of written assurances on or before July 17, 2006, from Currie Park Developments LLC/Fine Associates to execute the 'Site Acquisition Loan Agreement Using Federal CMAQ Funds' within 15 days of receipt from the City of an FTA approved document, and closing on the acquisition of all project property within 15 days of executing the 'Site Acquisition Loan Agreement Using Federal CMAQ Funds.'" Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/30/06.

Resolution 2006R-355, authorizing application for Metropolitan Council, Livable Communities Demonstration Account Funds and establishing the rank and priority among sub-applicants for receipt of grant funds awarded to the City, specifically for the SEMI/University Research Park; Currie Park Lofts/Station Place; Snelling Ave Extension/46th St Town Square; Van Cleve Court; Longfellow Station projects, was adopted 6/30/06 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 2006R-355  
By Goodman and Ostrow**

**Authorizing application for Metropolitan Council, Livable Communities Demonstration Account Funds and establishing the rank and priority among sub-applicants for receipt of grant funds awarded to the City.**

Whereas, pursuant to Minnesota Statutes, Section 473.251 (Laws 1995, Chapter 255, Article 1, Section 2) the State of Minnesota Legislature adopted the Metropolitan Livable Communities Act and authorized the Metropolitan Council to create the "metropolitan livable communities fund"; and

Whereas, pursuant to Minnesota Statutes, Section 473.251(2) and 473.253, the Metropolitan Council established and funded the "Livable Communities Demonstration Account" (LCDA) grant program; and

Whereas, the City of Minneapolis (the "City") is a participant in the Livable Communities Act's Housing Incentives Program for 2006 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA grant program funds; and

Whereas, the City has identified proposed projects within the City that meet the LCDA's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council contained in its adopted "Metropolitan Development Guide"; and

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

Whereas, if the Metropolitan Council awards LCDA grant funds to the City, the City will enter into an LCDA Grant Agreement with the Metropolitan Council; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the LCDA Grant Agreement; and

Whereas, the City agrees to act as the grantee and the legal sponsor for the projects contained in the LCDA grant applications submitted on July 17, 2006;

Whereas, the City acknowledges that LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the Twin Cities Metropolitan Area, and therefore represents that the proposed projects or key components of the proposed projects can be replicated in other Twin Cities Metropolitan Area communities; and

Whereas, only a limited amount of grant funding is available through the LCDA during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur "but for" the availability of LCDA grant funding; and

Whereas, the City may submit grant applications for up to five projects during each funding cycle but, using the City's own internal ranking processes, must rank its projects by priority so the Metropolitan Council may consider those priority rankings as it reviews LCDA grant applications and makes grant awards.

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

That it is in the best interests of the City's planning and development goals and priorities for the proposed projects to occur at this particular time.

Be It Further Resolved that the projects for which this Livable Communities Demonstration Account grant application is being submitted:

a. will not occur solely through private or other public investment within the reasonably foreseeable future; and

b. will not occur within two years after the grant award unless Livable Communities Demonstration Account funding is made available for these projects at this time.

Be It Further Resolved that as part of this grant application, the City ranks the individual project funding applications, according to the City's own internal priorities and conditions, in the following priority ranking order:

1. SEMI/University Research Park

2. Currie Park Lofts/Station Place. The submission of an LCDA application for Currie Park Lofts/Station Place is conditioned on City receipt of written assurances on or before July 17, 2006, from Currie Park Developments LLC/Fine Associates to execute the "Site Acquisition Loan Agreement Using Federal CMAQ Funds" within 15 days of receipt from the City of an FTA approved document, and closing on the acquisition of all project property within 15 days of executing the "Site Acquisition Loan Agreement Using Federal CMAQ Funds."

3. Snelling Ave. Extension/46<sup>th</sup> St Town Square

4. Van Cleve Court

5. Longfellow Station Project

Be It Further Resolved that the City authorizes its Department of Community Planning and Economic Development to submit on behalf of the City applications for Metropolitan Council Livable Communities Demonstration Account grant funds for the project components identified in the applications, and to execute such agreements as may be necessary to implement the projects on behalf of the City.

Adopted 6/30/06.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the increase in the number of buildings open to trespass and in need of City-authorized boarding, now recommends:

a) Approval of the allocation of \$300,000 of Community Development Block Grant (CDBG) Program Income earned from the Department of Community Planning & Economic Development (CPED) Residential Loan programs to the Department of Regulatory Services to fund demolition vacant and boarded properties (re Chapter 249 of the Minneapolis Code of Ordinances) within the City of Minneapolis;

b) Transfer of \$125,000 of 2006 CDBG budget authority from the CPED Vacant & Boarded Housing Program to the Department of Regulatory Services to fund demolition of Chapter 249 properties;

c) That City Finance staff be authorized to reimburse CPED with proceeds from assessments paid for the properties demolished with the \$425,000 the CPED agency is making available to the Department of Regulatory Services to fund demolition of Chapter 249 properties; and

d) Passage of the accompanying resolution decreasing the CPED appropriation in Fund 400-CDBG and UDAG by \$125,000 and increasing the CPED 2006 Revenue Budget by \$425,000; and increasing the Department of Regulatory Services appropriation in Fund 400-CDBG and UDAG by \$425,000.

Adopted 6/30/06.

**RESOLUTION 2006R-356  
By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Decreasing the appropriation for the Community Planning and Economic Development Agency in the CDBG-HOME-ESG-UDAG Fund by \$125,000 (0400-890-8952) and increasing the revenue source (0400-890-8952-3455) by \$425,000; and

b) Increasing the appropriation in the Department of Regulatory Services Agency in the CDBG-HOME-ESG-UDAG Fund (0400-835-8560) by \$425,000.

Adopted 6/30/06.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the City's obligation to pay for and complete remediation of environmental contamination at the former Tiro Deep Rock property in the vicinity of 2700 E 28th St, now recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$63,442 for said pollution remediation.

Adopted 6/30/06.

**RESOLUTION 2006R-357**  
**By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the Community Planning & Economic Development Agency appropriation in the Common Project-Uncertified Fund (CAZ0-890-8933) by \$63,442; and
- b) Increasing the Community Planning & Economic Development Agency appropriation in the Deep Rock #73 Fund (CDR0-890-8933) by \$63,442.

Adopted 6/30/06.

The **ELECTIONS and INTERGOVERNMENTAL RELATIONS** Committees submitted the following report:

**Elections & IGR** - Your Committee, having under consideration an amendment to the proposed ordinance amending Chapter 2 of the Minneapolis City Charter relating to Officers—Elections, eliminating primary elections for City offices, amending filing dates, and allowing for Single Transferable Vote, sometimes known as Ranked Choice Voting or Instant Runoff Voting, amending Section 9 which amends Charter Section 16 regarding vacancy in office of mayor and council members—how filled, correcting the term “general” election which was used in the original introduction to refer to “special” election, now recommends that the proposed ordinance, as amended, be referred to the Minneapolis Charter Commission for consideration and for submittal to the qualified voters of the City for adoption or rejection at the general election to be held November 7, 2006, pursuant to the provisions of Minnesota Statutes 410.12, Subdivision 5.

Your Committee further recommends that consideration of the above amendment be made by the Minneapolis Charter Commission concurrent with the Elections Committee’s process of convening public meetings to consider the subject matter.

**Elections** - Your Committee, further having under consideration an amendment to the proposed ordinance amending Chapter 2 of the Minneapolis City Charter relating to Officers—Elections, eliminating primary elections for City offices, amending filing dates, and allowing for Single Transferable Vote, sometimes known as Ranked Choice Voting or Instant Runoff Voting, amending Section 8 which amends Charter Section 15 regarding general laws to govern elections—exceptions, by adding the language “Notwithstanding the other provisions of this chapter relating to Instant Runoff Voting” at the beginning of that paragraph, now recommends that the proposed ordinance, as further amended, be referred to the Minneapolis Charter Commission for consideration and for submittal to the qualified voters of the City for adoption or rejection at the general election to be held November 7, 2006, pursuant to the provisions of Minnesota Statutes 410.12, Subdivision 5.

Further, your Committee requests that the Charter Commission consider the amended ordinance language at its regularly scheduled meeting of August 2, 2006 and direct that the Elections Committee and the full City Council act to approve ordinance language amending the Minneapolis City Charter no later than its regularly scheduled City Council meeting on August 4, 2006.

Glidden moved to amend the report to approve the additional Elections Committee recommendations. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/30/06.

Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson.

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

**HE&E** – Your Committee, having under consideration appointments to the Minneapolis Private Industry/Workforce Council, now recommends the following:

a. concurrence with the recommendation of the Mayor to appoint the following persons to the Private Industry/Workforce Council for two year terms to expire June 30, 2008:

Susan Mackay, Mackay and Associates, representing private sector business

Candice Fieldman, Ambassador Press, representing private sector business

Laurie Rice, 3M, representing private sector business

Carolyn Roby, Wells Fargo, representing private sector business

Ann Eilbracht Thompson, University of Minnesota Physicians, representing private sector business

William McCarthy, Central Labor Union, representing organized labor

Manuel Garcia, MN-DEED, representing public employment service

Joe Gaspard, Hennepin County, representing public assistance agency sector

Jim Roth, Minneapolis Consortium of Community Development, representing economic development sector.

b. that Carolyn Roby be named as Chair of the Private Industry/Workforce Council to replace David Nasby, effective July 1, 2006.

c. that the residency requirement be waived for Candice Fieldman, William McCarthy, and Manuel Garcia, pursuant to Section 14.180(m)(3) of the Minneapolis Code of Ordinances.

Adopted 6/30/06.

**HE&E** – Your Committee, having under consideration the continuation of a joint certification program for small businesses and those owned by women or minority citizens, now recommends that the proper City officers be authorized to execute an agreement with Hennepin County and the City of St. Paul allowing the City of Minneapolis to continue as a member of the CERT Joint Certification Program. Further, that staff be directed to continue to investigate and negotiate additional partnerships and joint programming ventures, including the development of a multi-jurisdictional disparity study.

Adopted 6/30/06.

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

**HE&E, T&PW & W&M/Budget** - Your Committee, having under consideration centralized energy management for the City of Minneapolis, now recommends:

a) Designating the Public Works Property Services division as the responsible department for Energy Management for the City's Municipal Operations;

b) Designating Energy Management responsibilities to include, but not be limited to Energy Data Collection and Analysis, Energy Procurement, Energy Conservation, Renewable Energy and Alternate Fuels, Energy Budgeting and Accounting, and Utility Franchise Agreements;

c) Authorizing the creation of a staff position entitled Energy Manager within the Public Works Property Services division to be filled as soon as reasonably possible; and

d) Directing the Finance Department to determine appropriate funding of the Energy Management function for the 2007 Operating Budget and determine a long-term funding model to be included in the year 2008 Operating Budget process.

Adopted 6/30/06.

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

**HE&E & W&M/Budget** – Your Committee recommends that the Department of Health & Family Support be authorized to hire Doriscile Everett-O'Neal at Step 4 of the salary schedule for the federally funded position of Manager, Healthy Start.

Adopted 6/30/06.

**HE&E & W&M/Budget** – Your Committee, having under consideration the grant entitled “Linking Advance Practice Centers and Local Public Health Agencies” to plan responses to potential threats to food, water and safety during a disaster or public health emergency, now recommends that the proper City officers be authorized to execute an Agreement with Hennepin County to continue performing services as determined by the Goals and Objectives derived from the grant request to the National Association of County and City Health Officials Advance Practice Center in May 2006. Further, passage of the accompanying Resolution appropriating \$142,358 to the Department of Inspections. Adopted 6/30/06.

**RESOLUTION 2006R-358  
By Benson and Ostrow**

**Amending The 2006 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 Inspections Agency in the Grants - Federal Fund (030-835-8391) by \$142,358 and increasing the Revenue Source (030-835-8391 – Source 3210) by \$142,358.

Adopted 6/30/06.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

**IGR** - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2006, Chapter 269, Section 2 relating to dedication land or fees for parks and open space purposes.

Adopted 6/30/06.

Resolution 2006R-359, approving Laws of Minnesota 2006, Chapter 269, Section 2, relating to dedication land or fees for parks and open space purposes, was adopted 6/30/06 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 2006R-359  
By Hodges**

**Approving Laws of Minnesota 2006, Chapter 269, Section 2.**

Whereas, the Minnesota State Legislature has passed a law relating to dedication land or fees for parks and open space purposes; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

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

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 6/30/06.

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

**PS&RS** – Your Committee, to whom was referred an ordinance amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, permitting the sale of retail off-sale liquor until 10:00 p.m. on Monday through Saturday, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/30/06. Yeas, 10; Nays, 3 as follows:

Yeas – Benson, Goodman, Hodges, Samuels, Gordon, Schiff, Lilligren, Colvin Roy, Remington, Johnson.

Nays – Hofstede, Ostrow, Glidden.

Approved by Mayor Rybak 6/30/06.

(Published 7/5/06)

Ordinance 2006-Or-071 amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, amending Section 364.80 to permit the sale of retail off-sale liquor until 10:00 p.m. on Monday through Saturday, was adopted 6/30/06 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 2006-Or-071**  
**By Samuels**  
**Intro & 1st Reading: 6/16/06**  
**Ref to: PS&RS**  
**2nd Reading: 6/30/06**

**Amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Regulations.**

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

Section 1. That Section 364.80 of the above-entitled ordinance be amended to read as follows.

**364.80. Hours, days regulated.** (a) No on-sale of liquor may be made:

- (1) Between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) After 2:00 a.m. on Sundays, except with a valid Sunday sales license as provided in subsection (c).

(b) No off-sale of liquor may be made:

- (1) On Sundays;
- (2) Before 8:00 a.m. on Monday through Saturday;
- (3) After 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Monday through Friday and Saturday, provided that an off-sale establishment may sell liquor until 10:00 p.m. on December 31 and July 3, and on the day preceding Thanksgiving Day, except when those days fall on Sunday;
- (4) On Thanksgiving Day;
- (5) On December 25; or
- (6) After 8:00 p.m. on December 24.

(c) Sunday sales. Establishments to which "on sale" licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants and which have facilities for serving not less than fifty (50) guests at one time, may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays in conjunction with the serving of food. It is unlawful for any such establishment, directly or indirectly, to sell or serve intoxicating liquors as provided in this subsection without having first obtained a special license therefor. Application for said special license shall be made to the council in the same manner as application is made for other licenses to sell intoxicating liquor.

~~(d) Notwithstanding subsection (b)(3) of this section, any off-sale of liquor may be made after 8:00 p.m. and before 10:00 p.m. on Monday through Thursday. This subsection shall expire on June 1, 2006.~~

Adopted 6/30/06. Yeas, 10; Nays, 3 as follows:

Yeas – Benson, Goodman, Hodges, Samuels, Gordon, Schiff, Lilligren, Colvin Roy, Remington, Johnson.

Nays – Hofstede, Ostrow, Glidden.

Approved by Mayor Rybak 6/30/06.

**PS&RS** - Your Committee, having under consideration the following applications for Sidewalk Cafe Licenses to expire April 1, 2007, and having held a public hearing thereon, now recommends that licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

- a. Runyon Brothers Inc, dba Quiznos Sub, 1851 Washington Av S (new business).
  - b. MN Book & Literary Arts Bldg, dba Open Book, 1011 Washington Av S (new business).
  - c. Tao Enterprises Inc, dba Tao Natural Foods, 2200 Dupont Av S (new proprietor).
- Adopted 6/30/06.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Bambino's Pizza & Grill, 10 S 5<sup>th</sup> St, for On-Sale Wine Class E with Strong Beer, All Night Special Food, Place of Amusement Class B-1 and Sidewalk Cafe Licenses, subject to conditions.  
Adopted 6/30/06.

Resolution 2006R-360, granting the application of Bambino's Pizza & Grill, 10 S 5<sup>th</sup> St, for On-Sale Wine Class E with Strong Beer, All Night Special Food, Place of Amusement Class B-1 and Sidewalk Cafe Licenses, subject to conditions, was adopted 6/30/06 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 2006R-360**  
**By Samuels**

**Granting the application of Bambino's Pizza & Grill, 10 S 5<sup>th</sup> St, for an On-Sale Wine Class E with Strong Beer, All Night Special Food, Place of Amusement Class B-1 and Sidewalk Cafe License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Sundance Wholesale Imports Inc, dba Bambino's Pizza & Grill, 10 S 5<sup>th</sup> St, for On-Sale Wine Class E with Strong Beer, All Night Special Food, Place of Amusement Class B-1 and Sidewalk Cafe Licenses, subject to the following conditions:

a. The licensee has read and understands the Minneapolis Code of Ordinances, Section 360.70 which governs requirements for the All-Night Special Food License, and understands that the City Council may impose additional conditions on the All Night Special Food License, including limiting the hours of operation and requiring security.

b. The licensee agrees that the establishment shall not sell or serve food after 3:00 a.m., and no person or persons, except employed security, shall be allowed to remain on the premises after 3:15 for any purpose, except that the licensee and his employees may remain to clean, prepare meals, make necessary repairs or other work therein. In addition, all customers shall receive any "to-go" orders by 3:00 a.m., and all off-site deliveries shall be completed by 3:00 a.m.

c. Taking into consideration the late night hours and proximity to several nightclubs, the licensee has agreed to provide on-site security as a condition of the All Night Special Food License. On Thursday, Friday, Saturday and Sunday, security shall be composed of, at a minimum, two armed security agents or two off-duty law enforcement officers, who shall be exclusively employed by Bambino's, and/or mutually employed between Bambino's and one additional on-sale liquor establishment located within the Lumber Exchange Building. On Monday, Tuesday and Wednesday, security shall be composed of one armed security agent or one off-duty law enforcement officer, who shall be exclusively employed by Bambino's. The hours of operation that security is required to be present shall be, at a minimum, four hours in duration and shall cease at 3:30 a.m.

d. If after a reasonable length of time, should the Minneapolis Police Department determine that the number of security agents or police officers is sufficient to meet security demands, the applicant agrees to comply with Department recommendations for staffing.

e. The licensee agrees that the sidewalk cafe will not operate after 10:00 p.m. nightly.

f. All sales of wine and beer are prohibited between the hours of 2:00 a.m. and 8:00 a.m. All unopened alcoholic beverage containers must be secured and made unavailable to patrons between the hours of 2:00 a.m. and 8:00 a.m.

g. No person, including the licensee and his employees and agents, shall consume wine or beer on the premises between 2:30 a.m. and 8:00 a.m. The presence of open alcoholic beverage containers available to patrons on the premises is prima facie evidence of its intended consumption.

h. subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the application of New ISOC LLC, dba Cosi, 710 Marquette Av #150, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/30/06.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of H & M Convenient Tobacco Cigar & Gifts, 1014 Marquette Av S, for Confectionery and Tobacco Dealer Licenses, subject to conditions.

Adopted 6/30/06.

Resolution 2006R-361, granting the application of H & M Convenient Tobacco Cigar & Gifts, 1014 Marquette Av S, for Confectionery and Tobacco Dealer Licenses, subject to conditions, was adopted 6/30/06 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 2006R-361**

**By Samuels**

**Granting the application of H & M Convenient Tobacco Cigar & Gifts, 1014 Marquette Av S, for Confectionery and Tobacco Dealer Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by H & M Enterprise Inc, dba H & M Convenient, Tobacco, Cigar & Gifts, 1014 Marquette Av S, for Confectionery and Tobacco Dealer Licenses (new business) to expire April 1, 2007, subject to the following conditions:

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

b. All windows will be free of signs and other items that block the view in and out, in accordance with Section 543.350 of the Minneapolis Code of Ordinances.

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

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

Adopted 6/30/06.

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

Adopted 6/30/06.

Resolution 2006R-362, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/30/06 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 2006R-362  
By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**On-Sale Liquor Class A with Sunday Sales, to expire June 25, 2006**

Ampa Inc, dba Y'All Come Back Saloon, 830 Hennepin Av, 1<sup>st</sup> floor (temporary expansion of premises with entertainment June 25, 2006, 5:00 p.m. to 10:00 p.m. in parking lot behind building)

**On-Sale Liquor Class A with Sunday Sales, to expire July 3, 2006**

Degrees of Entertainment Inc, dba Fahrenheit Nightclub, 322 1<sup>st</sup> Av N, Suite 100 (temporary expansion of premises with outdoor entertainment July 3, 2006, 3:00 p.m. to 11:00 p.m., Heat 2006)

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007**

Yendor Corp, dba Augie's Cabaret, 424 Hennepin Av (new shareholder)

**Temporary On-Sale Liquor**

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9<sup>th</sup> St #260 (July 14, 2006, 5:00 p.m. to 11:30 p.m., Aquatennial Block Party; Washington Av S from Hennepin to 3<sup>rd</sup> Av S)

**Off-Sale Beer, to expire April 1, 2007**

Madi Inc, dba Venus Grocery, 3751 Portland Av (new proprietor)

**Temporary On-Sale Beer**

Sons of Norway, dba Sons of Norway, 1455 W Lake St (Uptown Art Fair August 4, 2006, Noon to 9:30 p.m., August 5, 2006, 10:00 a.m. to 9:30 p.m.; August 6, 2006, Noon to 6:00 p.m., 145-201 Hennepin Av.

Adopted 6/30/06.

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

Adopted 6/30/06.

Resolution 2006R-363, granting applications for Business Licenses, was adopted 6/30/06 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 2006R-363  
By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of June 30, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271318):

Carnival; Car Wash, Dancing School; Dry Cleaning & Laundry Pickup Station; All Night Special Food; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasoline Filling Station; Horse & Carriage; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lot; Motor Vehicle Repair Garage; Pet Shop; Plumber; Recycling/Salvage Yard; Secondhand Goods Class B; Suntanning Facility; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; Valet Parking; and Wrecker of Buildings Class B.

Adopted 6/30/06.

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

Adopted 6/30/06.

Resolution 2006R-364, granting applications for Gambling Licenses, was adopted 6/30/06 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 2006R-364**  
**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Lawful Exempt**

Sacred Heart Parish, dba Sacred Heart Parish, 420 22nd Av NE (Raffle August 12, 2006 on parish grounds, 220 22nd Av NE)

Saint Cyril Catholic Church, dba St Cyril Catholic Church, 1315 2nd St NE (Raffle August 19 & 20, 2006 in parking lot of church grounds, 1315 2nd St NE).

Adopted 6/30/06.

**PS&RS** – Your Committee, having held two public hearings to consider whether public convenience and necessity warrant the issuance of additional taxicab licenses by the City of Minneapolis, in accordance with the requirement set forth in Section 341.270 of the Minneapolis Code of Ordinances, now recommends the following:

a. that the Committee finds that public convenience and necessity warrant the authorization and issuance of additional taxicab licenses in a number, in a manner, and according to a schedule to be determined by future City Council action, pursuant to the introduction and consideration of a duly-proposed amendment to the Minneapolis Code of Ordinances.

b. that the Findings and Recommendations on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 6/30/06.

Declining to vote – Colvin Roy.

**PS&RS** – Your Committee, having under consideration the appeal filed by Donna Smith from the decision of the Licenses & Consumer Services Decision which denied her application for a Taxicab Driver's License but that she be allowed to reapply for a license after September 21, 2006, now recommends that said appeal be sent forward without recommendation.

Samuels moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be denied, and that Ms. Smith be allowed to reapply for a license as of August 15, 2006." Seconded.

The report, as amended, was adopted 6/30/06.

**PS&RS** – Your Committee, having received a safety update from the Police Department, now recommends the following:

a. That the Committee reaffirm the 2006 budget footnote which directed that the 2007-2010 business plan include performance measurements and standards of coverage for the Police Department. Further, the Committee shall receive an update on the standards of coverage at such point as the community policing strategy is presented to the Committee.

b. Regarding the Traffic Unit, that the previous Council directive to add 11 Traffic Officers to the Traffic Unit become effective upon full staffing based upon the 2006 budget.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the property located at 3928 10th Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and a recommendation by both the Department of Inspections and Community Planning & Economic Development (CPED) to demolish the property, now recommends that said property be sent forward without recommendation.

Glidden moved that the report be postponed. Seconded.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the property located at 429 31st Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 7, Frank W Lauderdale Subdivision in Block 10 of Morrison's Addition to Minneapolis (PID #10-029-24-32-0026), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the property located at 1111 30th Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as that part of Lots 1 and 2, Block 16, Silver Lake Addition to Minneapolis (PID #09-029-24-42-0163), as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the property located at 1110 27th Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the property owner be authorized to rehabilitate said property legally described as Lots 6 & 7, Block 18, Fairmount Park Addition to Minneapolis except the East or front 99.5 feet thereof; also the West 11 feet of the East or front 99.5 feet of the North 28 feet of Lot 6, Block 18, Fairmount Park Addition to Minneapolis (PID #09-029-24-43-0023), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the property located at 2218 4th St N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 19, Block 1, "Nickels and Smith's Addition to Minneapolis" (PID #15-029-24-23-0035), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/30/06.

**PS&RS** - Your Committee, having under consideration the property located at 1626 E Lake St which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and the City Council on May 12, 2006 having issued a rehabilitation order, subject to the property owner's compliance with certain conditions, now recommends that the rehabilitation order be amended to reflect that the property owner shall present a duly-issued letter of credit in the full amount of the estimated project cost to City staff on or before July 25, 2006.

Adopted 6/30/06.

**PS&RS** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals and contract for services for removal of graffiti on sensitive surfaces.

Adopted 6/30/06.

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

**PS&RS & W&M/Budget** - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to boarding and lodging facilities (transferring and consolidating the administration and inspection activities of these facilities from Licenses & Consumer Services to Housing Inspection Services; adopting rental licensing standards to assist in the regulation of these facilities; and increasing license fees to reflect cost recovery), now recommends that the following ordinances be given their second reading for amendment and passage:

a. Repealing a portion of Title 13, Chapter 298 relating to *Licenses and Business Regulations: Lodging Houses*, transferring the authority to Title 12, Chapter 244.

b. Amending Title 12, Chapter 244 relating to *Housing: Maintenance Code*, relating to lodging establishments.

c. Amending Appendix J relating to *License Fees Schedule*.

Adopted 6/30/06.

Ordinance 2006-Or-072 repealing a portion of Title 13, Chapter 298 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Lodging Houses*; and repealing Chapter 298 to transfer the authority of lodging houses to Title 12, Chapter 244 of the Code, was adopted 6/30/06 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 2006-Or-072**  
**By Hofstede**  
**Intro & 1st Reading: 5/26/06**  
**Ref to: PS&RS**  
**2nd Reading: 6/30/06**

**Repealing a portion of Title 13, Chapter 298 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lodging Houses.**

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

Section 1. That Chapter 298 of the Minneapolis Code of Ordinances be and is hereby repealed.

**CHAPTER 298. LODGING HOUSES**

Section 2. That Section 298.10 of the above-entitled ordinance be and is hereby repealed.

**298.10. Definitions.** *Department:* The department of licenses and consumer services:

*Director:* The director of licenses and consumer services:

*Lodging house:* Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished regularly to

roomers, for periods of one week or more, and having five (5) or more beds to let. "Lodging house" shall not include that part of a building or structure containing "shared-bath dwellings" as that term is defined in Chapter 244 of the Minneapolis Housing Maintenance Code. The term "lodging house" shall include fraternities and sororities as defined in the Minneapolis Zoning Code.

*Sleeping room:* Any room in a lodging house which is used, intended to be used, or offered or held out for use, as a place where roomers sleep. Where there are more than two (2) beds in a room, each two (2) beds in the room shall be considered a sleeping room for purposes of the license fee calculation in this chapter. Fractions shall be rounded down.

**298.15. No modification of zoning code intended.** (a) The purpose of this chapter is to meet the requirements in Minnesota Statutes, Chapter 157, for licensing of lodging houses. Nothing contained in this chapter is intended to modify the definition of a rooming house or lodging house in the zoning code, nor to enlarge rights under the zoning code, nor to legalize any use or activity which is not a valid permitted, conditional, or nonconforming use under the zoning code.

(b) The issuance of a lodging house license shall not be construed as authorizing a use which is not authorized by the zoning code.

**298.20. License required.** Every person who operates, maintains, or holds out to the public that he or she operates or maintains, a lodging house, shall first obtain a license as required in this chapter.

**298.25. Exceptions.** No lodging house license shall be required for any lodging house holding a health care license issued by the Minnesota Department of Health.

**298.30. Operation without a license prohibited.** No person shall operate, maintain, or hold out to the public that he or she operates or maintains, a lodging house, without a valid license issued under this chapter.

**298.40. Expiration.** Every lodging house license shall expire on November first of each year, subject to renewal year to year thereafter. An application for renewal shall be filed in the department at least thirty (30) days before expiration of the license.

**298.50. License fees.** The annual license fee required under this chapter for a lodging house or a lodging house with boardinghouse shall be as established in Appendix J, License Fee Schedule.

The license fee for a lodging house with boardinghouse shall be a combined license fee, and the licensee shall not be required to pay the license fee prescribed for a boardinghouse under Chapter 188. The director may issue a single license certificate for a lodging/boardinghouse, indicating that the owner holds both a lodging house and a boardinghouse license.

**298.60. Hotel units in same building.** An applicant who operates hotel units in the same building or structure containing a lodging house shall be required to hold a hotel license as well as the license required in this chapter.

**298.70. Application.** Application for a license under this chapter shall be made on forms provided by the department and shall contain the following information:

- (a) Name, business address, and home address of the applicant;
- (b) If the applicant is a corporation or partnership, the names and addresses of the shareholders, officers, directors, or partners;
- (c) Street address and telephone number of the lodging house to be licensed;
- (d) Name, address, and telephone number of the local manager of the lodging house;
- (e) The exact area of the building or structure proposed to be used as a lodging house, including room numbers if not all of the units are lodging house units. The applicant shall indicate the room numbers of all hotel units, apartment units, and other nonlodging house units in the building or structure;
- (f) Such other information as the director may require to carry out the purpose of, and verify compliance with, this chapter.

**298.80. Conditions.** A licensee under this chapter shall comply with all of the following requirements. The city council may revoke, suspend, refuse to issue, or refuse to renew, any license for failure to comply with the requirements of the following codes:

- (a) Minneapolis Fire Code;
- (b) Minneapolis Health Code;
- (c) Minneapolis Building Code;
- (d) Minneapolis Housing Maintenance Code;
- (e) Minneapolis Zoning Code.

~~**298.90. Inspection.** Pursuant to the authority granted in Minnesota Statutes, section 157.04, a duly authorized inspector of the City of Minneapolis may enter and have access to a lodging house at any time during the conduct of business thereon, for the purpose of verifying compliance with the provisions of this chapter.~~

~~**298.100. Revocation, suspension, refusal to issue or renew.** In addition to the grounds set forth in section 298.80, the city council may revoke, suspend, refuse to issue, or refuse to renew any license for any of the following reasons:~~

- ~~(a) Fraud, misrepresentation, or bribery in securing a license;~~
- ~~(b) False statement as to any material matter in the license application.~~

Adopted 6/30/06.

Ordinance 2006-Or-073 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending various sections of Chapter 244 relating to lodging establishments, summarized as follows, was adopted 6/30/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

a. Section 244.40, Definitions: Adds new definitions for sleeping room; lodging establishments; sleeping rooms or beds; lodging establishment with boarding; and group residential facility.

b. Section 244.50, Meaning of certain words: Adds in lodging establishment and sleeping room.

c. Section 244.130, Inspections required; powers: Adds in lodging establishment and sleeping room in the list of required inspections and outlines what powers allow for entry if there is no consent given.

d. Section 244, Article X: Renamed to be Rooming Houses and "Lodging Establishments".

e. Section 244.1035, No modification of zoning code intended: Keeps out unintended modifications or expansions of use.

f. Section 244.1040, Compliance required: New terms of lodging establishment and sleeping room were inserted.

g. Section 244.1045, License required: Establishes the need for a license.

h. Section 244.1050, Lavatory and bath facilities: Establishes number of people using lavatory and bath facilities; Deletes provision for general toilet rooms in a one sex building; Deletes requirement for a water closet and hand lav for guests.

i. Section 244.1060, Communal kitchens: Establishes rules of a communal kitchen; Eliminates the need for a separate food and drink license.

j. Section 244.1070, No-cooking signs: Prohibits cooking in sleeping rooms.

k. Section 244.1080, Bed linens and towels: Deletes requirement for operators to provide bed linens, towels, bedding, mattresses, and springs.

l. Section 244.1090, Sanitary maintenance: Operator must keep all parts of building in a sanitary manner.

m. Section 244.1100, Reporting of communicable disease: Deletes requirement for operators to report communicable diseases to the commissioner of health.

n. Section 244.1105, Inspection: Allows inspectors access to inspect.

o. Section 244.1110, Keeping of register: Operators must keep a current register of tenants and sleeping rooms.

p. Section 244.1120, Entry of true name in register: Tenants must register under their true name.

q. Section 244.1125, Dwelling units in same building: Requires operators to hold a separate rental dwelling license for any dwelling units in the lodging establishment.

r. Section 244.1130, Hotel units in same building: Requires operators to hold a separate hotel license for any hotel units in the lodging establishment.

s. Section 244.1135, Conditions: Licensees must comply with all Minneapolis. Fire, Health, Building, HMC, and Zoning codes, and Minnesota Rules, Chapter 4625.

t. Section 244.1140, Rehabilitation centers: Repeals section (rehabilitation centers was replaced with Group Residential Facilities in Section 244.40).

u. Section 244.1145, Expiration; renewal: Establishes a new expiration date of October 1st each year and renewal requirements.

v. Section 244.1150, License fees: Establishes the license fees in Appendix J, new license surcharges, late fees, prorated fees, and unlicensed lodging establishment administrative citation amounts.

w. Section 244.1155, Application for license: Establishes the information required on an application.

x. Section 244.1160, Licensing Standards: Treats lodging establishments the same as rental properties by applying the standards and conduct on licensed premises to lodging establishments and uses the director's determination of noncompliance and vacation of affected dwelling units when taking adverse action.

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

**ORDINANCE 2006-Or-073**  
**By Hofstede**  
**Intro & 1st Reading: 5/26/06**  
**Ref to: PS&RS**  
**2nd Reading: 6/30/06**

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

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

Section 1. That Section 244.40 of the above-entitled ordinance be amended by deleting and adding definitions in alphabetical sequence 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:

*Communal:* Used or shared by, or intended to be used or shared by the occupants of two (2) or more rooming units or sleeping rooms.

*Hotel, licensed:* Any dwelling wherein sleeping or rooming accommodations are offered or furnished to the general public for a shorter period of time than one week, with or without meals. It shall not include rooming houses or lodging establishments.

*Lodging establishment:* Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished regularly to roomers, for periods of one week or more, and having five (5) or more sleeping rooms or five (5) or more beds to let. "Lodging establishment" shall not include that part of a building or structure containing "shared-bath dwellings" as that term is defined in Chapter 244 of the Minneapolis Housing Maintenance Code. The term "lodging establishment" shall include fraternities and sororities as defined in the Minneapolis Zoning Code.

*Lodging establishment with boarding:* A lodging establishment where in meals are prepared and/or served to tenants.

*Multiple dwelling:* Any dwelling occupied, fitted up or arranged to be occupied as three (3) or more dwelling units and shall also include rooming houses and lodging establishments as defined herein.

*Occupant:* Any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit, or sleeping room or hotel unit.

*Operator:* Any person who has charge, care or control of a building, or part thereof, in which dwelling units, rooming units, sleeping rooms or hotel units are let.

*Rehabilitation center Group Residential Facility:* A "rehabilitation center group residential facility" is one operated by a lawfully established and existing philanthropic or charitable organization or agency operating on a statewide or national basis and which employs personnel of demonstrated competency in the fields of social, spiritual and physical rehabilitation, and has and operates under its own charter, regulations, rules and standards. In order to qualify, such agency must furnish adequate proof of the soundness of its governing charter, regulations and code and of its prior successful existence and practice.

*Roomer.* An occupant of a rooming house or lodging establishment who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit. This shall not be construed as to include temporary nonpaying guests of the operator.

*Sleeping room.* Any room in a lodging establishment which is used, intended to be used, or offered or held out for use, as a place where roomers sleep.

Section 2. That Section 244.50 (a) of the above-entitled ordinance be amended to read as follows:

**244.50. Meaning of certain words.** (a) Whenever the words “dwelling,” “dwelling units,” “shared bath dwelling,” “shared bath units,” “rooming house,” “rooming unit,” “lodging establishment,” “sleeping room,” “hotel,” “hotel units” or “premises” are used, they shall be construed as though they were followed by the words “or any part thereof.”

Section 3. That Section 244.130 of the above-entitled ordinance be amended to read as follows:

**244.130. Inspections required; powers.** Pursuant to provisions of this Code of Ordinances, as set forth herein, the director of inspections shall make inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, shared bath units, rooming units, sleeping rooms, hotel units, and premises located within the city for the purpose of enforcing the provisions of the housing maintenance code. The director of inspections, or designated representative, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel units, lodging units, lodging establishments, and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the director of inspections or designated representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede the commissioner of health, director of inspections, chief of the fire department, or the chief of police, or designated representative, in the performance of emergency duties and in case of emergency every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the city at all times.

Section 4. That the title of Article X, Chapter 244 of the Minneapolis Code of Ordinances be amended to read as follows:

**ARTICLE X. ROOMING HOUSES AND LODGING ESTABLISHMENTS**

Section 5. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1035 to read as follows:

**244.1035. No modification of zoning code intended.** (a) The purpose of this article is to meet the requirements in Minnesota Statutes, Chapter 157, for licensing of lodging establishments. Nothing contained in this article is intended to modify the definition of a rooming house, lodging house or lodging establishment in the zoning code, or to enlarge rights under the zoning code, or to legalize any use or activity which is not a valid permitted, conditional, or nonconforming use under the zoning code.

(b) The issuance of a lodging establishment license shall not be construed as authorizing a use which is not authorized by the zoning code.

Section 6. That Section 244.1040 of the above-entitled ordinance be amended to read as follows:

**244.1040. Compliance required.** No person shall operate a rooming house or lodging establishment, or shall occupy or let to another for occupancy any rooming unit in any rooming house or any sleeping room or any bed in a lodging establishment, except in compliance with the requirements set forth in the housing maintenance code.

Section 7. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1045 to read as follows:

**244.1045. License required.** (a) Every person who operates, maintains, or holds out to the public that he or she operates or maintains, a lodging establishment, shall first obtain a license as required by this article.

(b) Operation without a license prohibited. No person shall operate, maintain, or hold out to the public that he or she operates or maintains, a lodging establishment, without a valid license issued under this article.

(c) Exceptions. No lodging establishment license shall be required for any lodging establishment holding a health care license issued by the Minnesota Department of Health.

Section 8. That Section 244.1050 of the above-entitled ordinance be amended to read as follows:

**244.1050. Lavatory and bath facilities.** At least one water closet, hand lavatory and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing within a rooming house or lodging establishment, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house or lodging establishment where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets, and provided further that in rooming houses or lodging establishments existing prior to July 1, 1972, where a hand lavatory, connected to a water and sewer system and in good working condition, is supplied in each rooming unit or sleeping room, then the number of persons who shall share the use of a water closet and bathtub or shower shall not exceed twelve (12) persons. All such facilities shall be so located within the rooming house or lodging establishment as to be accessible to the occupants of each rooming unit or sleeping room sharing such facilities without going through a unit of another occupant. Every hand lavatory and bathtub or shower required under the provisions of this section shall be supplied with hot and cold running water at all times. No plumbing facilities required under this section except the guest toilet room may be located in a cellar. No such plumbing facilities shall be located more than one floor distant from the rooming unit for which such plumbing facilities are provided.

~~General toilet rooms may be provided to serve members of one sex but not to exceed twenty-four (24) persons. Water closet compartments and bath or shower compartments in general toilet rooms shall be constructed in such a manner so as to afford the user privacy. General toilet rooms shall have an approved mechanical ventilation system.~~

~~Rooming houses having only general toilet rooms for the tenants all of one sex shall have a toilet room containing a water closet and hand lavatory for guest use.~~

Section 9. That Section 244.1060 of the above-entitled ordinance be amended to read as follows:

**244.1060. Communal kitchens.** Communal kitchens shall be permitted only in rooming house or lodging establishment occupancies. Every rooming house or lodging establishment within which the occupants of rooming units or sleeping rooms are permitted to prepare meals shall contain a communal kitchen which has adequate cooking, refrigeration and plumbing facilities to allow the preparation of meals in a clean and healthful manner by the occupants. Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit or sleeping room sharing the use of such kitchens, without going outside the rooming house or lodging establishment and without going through a unit of another occupant.

The owner or operator of a rooming house wherein meals are served to tenants or lodging establishment with boarding shall ~~obtain a food and drink license as required by~~ comply with all applicable requirements of Chapter 188 of this Code of Ordinances.

Section 10. That Section 244.1070 of the above-entitled ordinance be amended to read as follows:

**244.1070. No-cooking signs.** The operator shall post in every rooming unit or sleeping room a sign on which shall be written or printed in letters not less than one inch in height the following words "No Cooking Permitted in This Room" and such sign shall remain so posted at all times. No person shall cook or prepare meals in any rooming unit or sleeping room, and no operator knowingly shall allow cooking or preparation of meals in any rooming unit sleeping room.

Section 11. That Section 244.1080 of the above-entitled ordinance be and is hereby repealed.

~~**244.1080. Bed linen and towels.** The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding, mattresses and springs in a clean and sanitary manner.~~

Section 12. That Section 244.1090 of the above-entitled ordinance be amended to read as follows:

**244.1090. Sanitary maintenance.** The owner or operator of every rooming house or lodging establishment shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house or lodging establishment; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house or lodging establishment is contained is leased or occupied by the operator.

Section 13. That Section 244.1100 of the above-entitled ordinance be amended to read as follows:

**244.1100. Reporting of communicable disease.** The operator of a rooming house or lodging establishment shall report to the commissioner of health within twenty-four (24) hours the name of any person living in the rooming house who is suffering from a communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house or lodging establishment may be afflicted with any communicable disease.

Section 14. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1105 to read as follows:

**244.1105. Inspection.** Pursuant to the authority granted in Minnesota Statutes, section 157.04, a duly authorized inspector of the City of Minneapolis may enter and have access to a lodging establishment at any time during the conduct of business thereon, for the purpose of verifying compliance with the provisions of this chapter.

Section 15. That Section 244.1110 of the above-entitled ordinance be amended to read as follows:

**244.1110. Keeping of register.** Every person ~~registered~~ licensed as a rooming house or lodging establishment operator shall at all times keep a register within the rooming house or lodging establishment, in which shall be written the names of all occupants renting or occupying rooming units or sleeping rooms in such rooming house or lodging establishment. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be ~~at all times~~ open to inspection within twenty-four (24) hours of request by the chief of police, commissioner of health, director of inspections or chief of the fire prevention bureau, or their authorized representatives.

Section 16. That Section 244.1120 of the above-entitled ordinance be amended to read as follows:

**244.1120. Entry of true name in register.** No person shall write or cause to be written in any rooming house or lodging establishment register any other or different name than the true name of such person or the name by which such person is generally known.

Section 17. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1125 to read as follows:

**244.1125. Dwelling units in same building.** An applicant who operates one or more residential dwelling units in the same building or structure containing a lodging establishment shall be required to hold a rental dwelling license for those dwelling units as well as the license required in this chapter.

Section 18. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1130 to read as follows:

**244.1130. Hotel units in same building.** An applicant who operates hotel units in the same building or structure containing a lodging establishment shall be required to hold a hotel license as well as the license required in this chapter.

Section 19. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1135 to read as follows:

**244.1135. Conditions.** A licensee under this chapter shall comply with all of the following requirements, as well as any other applicable statutes, rules or codes.

(a) Minneapolis Fire Code;

(b) Minneapolis Health Code;

(c) Minneapolis Building Code;

(d) Minneapolis Housing Maintenance Code;

(e) Minneapolis Zoning Code.

(f) Minnesota Rules - Chapter 4625 (Lodging Establishments)

(g) A lodging establishment licensee or operator shall comply with all rooming house or rooming unit regulations set forth in this chapter.

Section 20. That Section 244.1140 of the above-entitled ordinance be and is hereby repealed.

**244.1140. Rehabilitation centers.** A rehabilitation center as defined in section 244.40 relating to the housing maintenance code, may be operated, provided:

~~(a) Such rehabilitation center provides a definite program of medical supervision and employs personnel of demonstrated competency in social and physical rehabilitation;~~

~~(b) Files with the director of inspections written rules, standards and controls governing the rehabilitation operation and program, and files with the director of inspections any amendments or additions to its code, and such rules, standards, program and amendments thereto are approved by the city council;~~

~~(c) If the rules, standards and programs as presented are approved by the city council, such rehabilitation center may then be registered as a multiple dwelling with the housing section of the department of inspections;~~

~~(d) If the above requirements are all complied with, the rehabilitation center may then operate a multiple dwelling without compliance with sections 244.810, 244.1060 and 244.310 of this Code of Ordinances.~~

Section 21. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1145 to read as follows:

**244.1145. Expiration; renewal.** All licenses issued under this article shall expire on November first of each year, subject to renewal year to year thereafter. All licensees shall apply for renewal of their licenses on a form provided by the director of inspections. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. An application for renewal shall be filed in the department at least thirty (30) days before expiration of the license. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a lodging establishment after the license has expired is operating an unlicensed lodging establishment.

Section 22. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1150 to read as follows:

**244.1150. License fees.** (a) The annual license fee required under this article for a lodging establishment or a lodging establishment with boarding shall be as established in Appendix J, License Fee Schedule.

(b) New license surcharge. Every applicant for any license required under this article shall pay, in addition to any other specified fees required, an additional surcharge as established in Appendix J, License Fee Schedule:

- (1) Upon initial application for the required license; and
- (2) Upon application for the required license after failing to renew the license within one year of the expiration date of the previously held license.

This additional new license surcharge shall not be refunded whether or not the license sought is granted.

(c) The annual license fee shall be increased by fifty (50) percent when more than thirty (30) calendar days late. Late applicants shall not be entitled to prorated license fees. After December 31 of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (e) instead of the fee set forth in this paragraph.

(d) License fees shall be prorated as follows:

- (1) Issued during first half of license year ..... Full fee;
- (2) Issued during second half of license year ..... One-Half fee.

(e) Operation of an unlicensed lodging establishment shall be subject to an additional administrative fee of two hundred and fifty dollars (\$250.00) for the first sleeping room or bed, and ten dollars (\$10.00) for each additional sleeping room or bed. This fee shall be in addition to any other appropriate enforcement action or fees due.

Section 23. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1155 to read as follows:

**244.1155. Application for license.** Within ninety (90) days after the effective date of this article, the owner of each lodging establishment shall make written application to the director of inspections for a license to carry on the business of renting lodging establishment property. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the lodging establishment. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner. If the owner is a

- corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen-county metropolitan area.
- (2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.
- (3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- (4) Street address of the dwelling.
- (5) Number and kind of units within the dwelling (sleeping rooms and or beds provided as applicable).
- (6) Any other information deemed necessary to regulate the operations of a lodging establishment.
- (7) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the director of inspections, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of inspections, or an authorized representative of the director, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 24. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1160 to read as follows:

**244.1160. Licensing Standards.** The owner of a lodging establishment must comply with the licensing standards set forth in section 244.1910 and must comply with 244.2020. The City Council may revoke, suspend, refuse to issue, or refuse to renew any license for failure to comply with the requirements of those sections, pursuant to the procedure set forth in sections 244.1930 to 244.1970.

Adopted 6/30/06.

Ordinance 2006-Or-074 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, increasing license fees for Lodging Establishment and Lodging Establishment with Boarding, was adopted 6/30/06 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 2006-Or-074**  
**By Hofstede**  
**Intro & 1st Reading: 6/16/06**  
**Ref to: PS&RS**  
**2nd Reading: 6/30/06**

**Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule.**

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

Section 1. That the following portions of Appendix J be amended to delete the first table inset and add the second table inset to read as follows:

<b>License</b>	<b>Ordinance</b>	<b>2004 Fee</b>	<b>2005 Fee</b>	<b>2006 Fee</b>
<b>LODGING HOUSE</b>				
1-5 sleeping rooms	298.50		\$186.00	\$192.00
6-10	298.50		\$281.00	\$290.00
11-25	298.50		\$377.00	\$388.00
26 plus	298.50		\$563.00	\$580.00
<b>LODGING WITH BOARDING HOUSE</b>				
1-5 sleeping rooms	298.50		\$377.00	\$388.00
6-10	298.50		\$471.00	\$485.00
11-25	298.50		\$563.00	\$580.00
26 plus	298.50		\$752.00	\$774.00
<b>LODGING ESTABLISHMENT</b>				
<u>Non-conforming Rights &amp; Fraternity or Sorority</u>				
5-6 sleeping rooms	<u>244.1150</u>			<u>\$280.00</u>
7-16 sleeping rooms	<u>244.1150</u>			<u>\$390.00</u>
17-32 sleeping rooms	<u>244.1150</u>			<u>\$545.00</u>
33 plus sleeping rooms	<u>244.1150</u>			<u>\$655.00</u>
<b>LODGING ESTABLISHMENT</b>				
<u>Group Homes</u>				
5-6 beds	<u>244.1150</u>			<u>\$280.00</u>
7-16 beds	<u>244.1150</u>			<u>\$390.00</u>
17-32 beds	<u>244.1150</u>			<u>\$545.00</u>
33 plus beds	<u>244.1150</u>			<u>\$655.00</u>
<b>LODGING ESTABLISHMENT WITH BOARDING</b>				
<u>Non-conforming Rights &amp; Fraternity or Sorority</u>				
5-6 sleeping rooms	<u>244.1150</u>			<u>\$455.00</u>
7-16 sleeping rooms	<u>244.1150</u>			<u>\$540.00</u>
17-33 sleeping rooms	<u>244.1150</u>			<u>\$695.00</u>
33 plus sleeping rooms	<u>244.1150</u>			<u>\$850.00</u>
<b>LODGING ESTABLISHMENT WITH BOARDING</b>				
<u>Group Homes</u>				
5-6 beds	<u>244.1150</u>			<u>\$455.00</u>
7-16 beds	<u>244.1150</u>			<u>\$540.00</u>
17-32 beds	<u>244.1150</u>			<u>\$695.00</u>
33 plus beds	<u>244.1150</u>			<u>\$850.00</u>

Adopted 6/30/06.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the SafeZone Collaborative, now recommends that the proper City officers be authorized to accept a grant award of \$200,000 from the State of Minnesota for the sole purpose of expanding the WorkSite system throughout the City that supports the SafeZone Collaborative currently in use at the City's 1st Precinct.

Adopted 6/30/06.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the SafeZone Collaborative, now recommends that the Minneapolis Building Owners and Managers Association be recognized as the certified fiscal agent for the SafeZone, serving in partnership with the City of Minneapolis and the downtown business community.

Adopted 6/30/06.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$73,352 in federal grant funds and execute the required contract with the Greater Minneapolis Council of Churches to provide funding for overtime or other police services as deemed necessary to fulfill the goals of the Phillips Weed and Seed Steering Committee. Further, passage of the accompanying Resolution appropriating \$73,352 to the Police Department.

Adopted 6/30/06.

**RESOLUTION 2006R-365  
By Samuels and Ostrow**

**Amending The 2006 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 - Federal Fund (030-400-P300) by \$73,352 and increasing the Revenue Source (030-400-P300 – Source 3210) by \$73,352.

Adopted 6/30/06.

The **RULES** Committee submitted the following report:

**Rules** - Your Committee, having under consideration City Council Rule 12, entitled, "Order of Business", now recommends that the eleventh order of business be amended to read as follows:

11. Announcements. Announcements shall be limited to notification of public events or programs of community-wide significance and interest. Concerns or matters of current, pending, or future Council deliberations are not considered announcements. Council Members may not report on their activities or accomplishments.

Adopted 6/30/06.

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

**T&PW** - Your Committee, having under consideration the sale of City-owned property located at 2850 20th Av S, legally described as part of Block 2, Laymans Addition, and having held a public hearing thereon, now recommends:

a) That the proper City officers be authorized to negotiate and execute a purchase agreement with Midtown Eco Energy, LLC for the purchase of said property for \$557,500 in accordance with the requirements of the RFP, and sign any other documents necessary to facilitate the sale of the property; and

b) That the sale proceeds be deposited in the PW-General Services-Capital Agency in the Lands and Buildings Fund (6200-923-9242) to reimburse Public Works for the expenses associated with the sale, with the remainder to be deposited in the Solid Waste Enterprise Fund to be used to assist in the relocation of the current City operation at that facility.

Adopted 6/30/06.

**T&PW** - Your Committee recommends that the proper City officers be authorized to engage in formal discussions, and negotiate and execute a lease for City Departments with the Minneapolis Public Schools for space available at the Hamilton School located at 4119 Dupont Av N.

Adopted 6/30/06.

**T&PW** - Your Committee, having under consideration an application for a large block event permit for the Target Center-Midwest Entertainment AND 1 Street Basketball Event, to be held on July 6, 2006, now recommends approving the closure of 6th St N between 1st Av N and Hennepin Av for set-up and operation of the event, and that the block event be allowed to operate outside the time frame allowed under Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*.

Adopted 6/30/06.

**T&PW** - Your Committee, having under consideration a petition from residents of the 3800 block of 30th Av S to be included in the established "Type B" Critical Parking Area #26, as set forth in Petn. No. 271326, and the City Clerk having verified that said petition represents more than 75 percent of the residents of the affected properties and having determined that the findings are met and meet the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, to add the 3800 block of 30th Av S (both sides) to Critical Parking Area #26, "No Parking Except by Permit Monday-Friday from 9 am to 10 am and 7 pm to 8 pm."

Adopted 6/30/06.

Ordinance 2006-Or-075, adding both sides of 30th Avenue South between 38th and 39th Streets East to Critical Parking Area #26 (No Parking Except by Permit Monday-Friday from 9 am to 10 am and 7 pm to 8 pm), was adopted 6/30/06 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 2006-Or-075**  
**By Colvin Roy**  
**1st & 2nd Readings: 6/30/06**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*.**

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding to Critical Parking Area #26 the following No Parking Zone:

No. 3558 - Both sides of 30th Avenue South between 38th and 39th Streets East (Critical Parking Area #26) (No Parking Except by Permit Monday-Friday from 9 am to 10 am and 7 pm to 8 pm).

Adopted 6/30/06.

**T&PW** - Your Committee recommends that the proper City officers be authorized to negotiate and renew the contract with Hennepin County for the processing and disposal of municipal solid wastes collected in Minneapolis effective June 30, 2006 through March 31, 2007.

Adopted 6/30/06.

**T&PW** - Your Committee recommends passage of the accompanying resolution approving an amendment to the Council-approved layout for Hennepin County's State Aid Highway 153, Lowry Avenue North from Theodore Wirth Parkway to Interstate Highway I-94, dated December 29, 2003, shifting the alignment of the roadway at Lowry and Penn to the north to eliminate the need for building demolition.

Adopted 6/30/06.

Resolution 2006R-366, approving an amendment to Hennepin County Department of Housing, Community Works and Transit's Layout for County State Aid Highway 153, Lowry Avenue N from Theodore Wirth Parkway to Interstate Highway I-94 (dated December 29, 2003), was adopted 6/30/06 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 2006R-366**

**By Colvin Roy**

**Approving an amendment to Hennepin County Department of Housing, Community Works and Transit's Layout for County State Aid Highway (CSAH) 153, Lowry Avenue N from Theodore Wirth Parkway to Interstate Highway I-94 (dated December 29, 2003).**

Whereas, the Hennepin County Department of Housing, Community Works and Transit (County) has proposed reconstruction of Lowry Avenue from Theodore Wirth Parkway to Interstate Highway I-94 in Minneapolis and has prepared a Layout describing the proposed improvements, said Layout on file with the City Engineer identified as Layout "1" and dated December 29, 2003; and

Whereas, the City Council of the City of Minneapolis approved said Layout at its March 19, 2004 meeting (Resolution 2004R-101); and

Whereas, the County has prepared an amendment to said Layout which is on file with the City Engineer identified as "Revised Lowry & Penn Avenues N Layout" and dated June 9, 2006; and

Whereas, a primary goal of the County's Lowry Avenue N projects is to strengthen the commercial nodes along the avenue; and

Whereas, the approved Layout identified the building in the southwest corner of the intersection of Lowry Avenue N and Penn Avenue N to be razed; and

Whereas, subsequent to Layout approval, the County found that the business adjacent to the building proposed to be razed had expanded into the building; and

Whereas, the County has developed an amendment to the City Council approved Layout that will eliminate the need to raze the building; and

Whereas, Public Works has reviewed the proposed amendment and has determined that the amendment meets present and future traffic requirements; and

Whereas, staff has made its recommendation to the City Council based on said determination;

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

That the City approves the amendment to Hennepin County's Layout "1", identified as "Revised Lowry & Penn Avenues N Layout", as submitted.

Adopted 6/30/06.

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

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to offer Step 6 of the salary schedule to the candidate for the position of Professional Engineer for Engineering Services (Capital Improvement - Construction Engineer).

Adopted 6/30/06.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Chicago Plaza, now recommends that the proper City officers be authorized to execute Amendment 1, increasing Contract No. C-22332 (OP No. 6476) with L.S. Black Constructors, Inc. in the amount of \$37,514.95, for a revised contract total of \$434,636.80, to provide for supplemental agreements and change orders associated with the project. Sufficient funds remain from the tax increment bonds sold in 2003 to cover the increased costs.

Adopted 6/30/06.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Solid Waste and Recycling Clean City functions, now recommends the addition of one Full-Time Employee (FTE) for an Office Support Specialist II to administer graffiti complaints during the intake and abatement process for the remainder of the 2006 budget year. No additional appropriation required.

Adopted 6/30/06.

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

a) OP 6605, Accept responsive bid of CDS Technologies, Inc., in the amount of \$63,750, to furnish and deliver a stormwater treatment structure;

b) OP 6616, Accept low bid of Carl Bolander & Sons Company in the amount of \$954,771.20 to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete site preparation activities in advance of the construction of the Van White Memorial Boulevard Roadway and Bridge Project;

c) OP 6613, Accept low responsive bid of TEK Supply Ltd., in the amount of \$50,164, to furnish and deliver a water blaster.

Your Committee further recommends that the proper City officers be authorized and directed to execute contracts for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271327)

Adopted 6/30/06.

Approved by Mayor Rybak 6/30/06.

(Published 7/5/06)

**T&PW & W&M/Budget** - Your Committee, having under consideration the acceptance of a bid submitted to the Public Works Department on OP No. 6610 from Collins Electrical Systems, Inc. (d/b/a CollisSys), for an estimated annual expenditure of \$112,680, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the installation of traffic signal loop detectors and related items, further directing that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department (Petr. No. 271327), now recommends:

**T&PW** - Approval.

**W&M/Budget** - Approval, with direction that staff investigate compliance relating to the outdoor storage of material at 32nd & Hiawatha (MnDOT right-of-way) by CollisSys.

Glidden moved to delete the Transportation & Public Works Committee recommendation and to approve the Ways & Means/Budget Committee recommendation, as amended to read as follows:

**W&M/Budget** - Approval, with direction that staff investigate and gain compliance relating to the outdoor storage of material at 32nd & Hiawatha (MnDOT right-of-way) by CollisSys. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/30/06.

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

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881, to accommodate an increase in scope in the amount of \$239,325 to extend SafeZone Cameras to the Cedar Riverside Neighborhood. Services to provide 7 wireless video camera units, network monitoring and recording, electrical, cabling, wireless needs, and storage.

Your Committee further recommends passage of the accompanying Resolution appropriating \$239,325 in the Information & Technology Services Agency.

Gordon moved that the report be postponed. Seconded.

Adopted upon a voice vote 6/30/06.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881, to accommodate an increase in scope in the amount of \$144,949 to provide 3 servers, network connectivity and storage for implementation of Cognos Business Intelligence Solution, of \$61,870 and 42 months of managed services (including hardware costs) of \$83,079. Funding to be paid from the capital project and subsequent years of managed services will be paid from BIS operating appropriation.

Adopted 6/30/06.

Absent - Hodges.

**W&M/Budget** – Your Committee recommends that the Chief Information Officer be authorized to hire Christopher Souvignier for the position of Telecom Analyst II, in BIS Telecom and Network Services (Step 4).

Adopted 6/30/06.

Absent - Hodges.

**W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to hire two 1.0 Full-Time Equivalent (FTE) Project Managers for the Business Development Division of BIS. Funding for said positions supported by various departmental projects.

Ostrow moved to amend the report by adding the following direction to staff:

“Effective August 1, 2006, BIS should reduce its charges to departments by \$90,000, to reflect the cost savings related to 2 additional FTE. BIS and Finance should agree on an accounting of savings and departmental project budgets should be adjusted to reflect this reduction to expense. Rates charged to departments in 2007 and beyond should reflect, at a minimum, savings of \$200,000 annually over 2006 rates (adjusted for inflation).” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/30/06.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #6630 from A+ Security, Inc. in the amount of \$182,115 to furnish and deliver all labor, materials, equipment and incidentals necessary to provide a complete camera turnkey system for the Minneapolis Business Information Services (BIS) Department; and

It is further recommended that the proper City officers be authorized and directed to execute a contract for said services all in accordance with City specifications and contingent on approval of the Civil Rights Department.

Adopted 6/30/06.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 6/30/06.

Absent - Hodges.

Approved by Mayor Rybak 6/30/06.

(Published 7/5/06)

Resolution 2006R-367, approving construction change orders for contracts related to the New Central Library Project, was adopted 6/30/06 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 2006R-367**

**By Ostrow**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 2 increasing Contract Number C-17584 with Architectural Alliance by \$626,100;
- b) Change Order No. 1 increasing Contract Number C-22476 with FKI Logistex by \$45,500;
- c) Change Order No. 1 increasing Contract Number C-22756 with Border States Electric by \$1,730;
- d) Change Order No. 1 increasing Contract Number C-22755 with Principle Fixture and Millwork, Inc. by \$9,783;
- e) Change Order No. 1 increasing Contract Number C-22754 with Target Commercial Interiors, Inc. by \$1,167.77;
- f) Change Order No. 1 increasing Contract Number C-22752 with Helmut Guenschel by \$3,750;
- g) Change Order No. 1 increasing Contract Number C-22753 with Interium by \$1,970;
- h) Change Order No. 1 increasing Contract Number C-22628 with Metro Furniture Solutions by Henricksen by \$500; and
- i) Change Order No. 1 decreasing Contract Number C-22768 with Dascom, Inc. by \$3,179.

Adopted 6/30/06.

Absent - Hodges.

Approved by Mayor Rybak 6/30/06.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for City of Minneapolis Medical Insurance for coverage effective January 1, 2007.

It is further recommended that the proper City officers be authorized and directed to execute a contract with the selected vendor.

Adopted 6/30/06.

Absent - Hodges.

Approved by Mayor Rybak 6/30/06.

(Published 7/5/06)

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving the terms of a 1 year labor agreement with the AFSCME Local #9, Attorneys Unit, effective January 1, 2006 through December 31, 2006.

Adopted 6/30/06.

Absent - Hodges.

Resolution 2006R-368, approving the terms of a 1 year labor agreement with the AFSCME Local #9, Attorneys Unit, was adopted 6/30/06 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 2006R-368**

**By Ostrow**

**Approving the terms of a collective bargaining agreement with the AFSCME Local #9, Attorneys Unit and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the American Federation of State, County and Municipal Employees, District Council #5, Local Union #9, AFL-CIO Attorneys Unit (Petn No 271331), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 6/30/06.

Absent - Hodges.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Infinite Developers, Inc. from the decision of the Board of Adjustment which denied applications for variances: a) to reduce the east interior side yard setback from 7 to 6 feet; and b) to reduce the west interior side yard setback from 7 to 6 feet, both to allow for a new four-dwelling unit, multi-family structure at 813 21<sup>st</sup> St E, now recommends that said appeal be granted, with the revised floor and site plans dated 6/22/06, and the applications be approved.

Adopted 6/30/06.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lyndale Park LLC (BZZ-2954) to rezone the property at 5719 Lyndale Ave S from C2 to the OR2 District to permit a new four-story, 51-unit condominium building with two levels of enclosed parking, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 6/30/06.

Ordinance 2006-Or-076 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 5719 Lyndale Ave S to the OR2 District, was adopted 6/30/06 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 2006-Or-076**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 6/30/06**

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

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

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

That part of Lots 11, 12, 13, 14, Block 4, BACHMAN'S LYNDALe ADDITION and Lots 7 and 8, ANDREW KNUTSON'S ADDITION, according to the recorded plats thereof (5719 Lyndale Ave S - Plate 36) to the OR2 District.

Adopted 6/30/06.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of the MacPhail Center for Music (#1489) to vacate all that part of the drainage and utility easement in the vicinity of 501 2nd St S as platted in Outlot A, Block 1, Milwaukee Depot East Addition to Minneapolis, according to the recorded plat thereof, to construct the new MacPhail Center for Music building, a performing arts education facility, 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 easement.

Adopted 6/30/06.

Approved by Mayor Rybak 6/30/06.

(Published 7/5/06)

Resolution 2006R-369, vacating all that part of the drainage and utility easement in the vicinity of 501 2nd St S, was adopted 6/30/06 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 2006R-369**  
**By Schiff**

**Vacating all that part of the Drainage and Utility Easement as platted in Outlot A, Block 1, Milwaukee Depot East Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota (#1489).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the Drainage and Utility Easement as platted in Outlot A, Block 1, Milwaukee Depot East Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota is hereby vacated.

Adopted 6/30/06.

Approved by Mayor Rybak 6/30/06.

**Z&P** - Your Committee, to whom was referred back from Council on 6/16/06 a report recommending denial of the appeal filed by the Lowry Hill East Neighborhood Association from the decision of the Board of Adjustment which granted the application of Steve Leventhal for a nonconforming use certificate to legalize an existing triplex at 2409 Colfax Ave S, notwithstanding staff recommendation, and having

held further discussion thereon, now recommends that that said appeal be denied and the nonconforming use certificate be approved, in accordance with the findings of the Board of Adjustment.

Adopted 6/30/06.

**Z&P** – Your Committee, having under consideration the Department of Community Planning & Economic Development’s Zoning Code Text and Map Amendment Work Plan, now recommends that the Plan be approved, as amended by re-prioritizing the zoning code text amendment relating to minimum width requirements and returning to author the following ordinances amending Title 20 of the Minneapolis Code of Ordinances:

a) Chapter 548 relating to *Commercial Districts*, amending the density bonuses in the Commercial Districts; and

b) Chapter 548 relating to *Commercial Districts*; Chapter 549 relating to *Downtown Districts*; and Chapter 550 relating to *Industrial Districts*; adding antique dealers to the uses that may include outdoor sales and displays.

Adopted 6/30/06.

### MOTIONS

Samuels introduced the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (eliminating veterinarian partial reimbursement for spaying/neutering and eliminating petty misdemeanor penalty and replacing with an administrative fine; removing \$100 fine for not having a pet license and replacing with an administrative fine; creating a \$30 annual license fee for both dogs and cats regardless of spay/neuter status; creating a lifetime license with requirements for both dogs and cats; and transferring the authority for animal regulation from the Commissioner of Health and/or Licenses & Consumer Services to Minneapolis Animal Care & Control).

Samuels introduced the subject matter of an ordinance amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (eliminating the enforcement of Chapters 64 and 66 by the Department of Health and giving enforcement powers to Minneapolis Animal Care & Control).

Hodges introduced the subject matter of an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, which was given its first reading and referred to the Health, Energy & Environment and Public Safety & Regulatory Services Committees (adding language to Section 172.20 entitled *Scope of authority*; and Section 172.130, *Disciplinary decision*).

Schiff moved to suspend the Council Rules to amend the agenda to add an ordinance introduction under “Motions.” Seconded.

Adopted upon a voice vote 6/30/06.

Schiff introduced the subject matter of an ordinance Amending Title 11, Chapter 223 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Drugs*, which was given its first reading and referred to the Public Safety and Regulatory Services committee (adding requirements that spray paint be sold behind locked cabinets that clearly state current City law stating spray paint may not be sold to people 17 years of age or younger).

**RESOLUTION**

Resolution 2006R-370, honoring WE WIN Institute and declaring July 18, 2006 WE WIN Day, was adopted 6/30/06 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 2006R-370**

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

**Honoring WE WIN Institute and declaring July 18, 2006 WE WIN Day.**

Whereas, a recent report by Education Week magazine found that fewer than half of African American students in Minnesota receive their high school diploma; and

Whereas, 79% of all suspensions in Minneapolis Public Schools in the last school year were African American children; and

Whereas, in 2005, over 50% of African American children in Minneapolis did not make one year progress in reading or math; and

Whereas, African American girls have the highest rate of teen births in Minnesota, and in 2000, Minnesota had the 6<sup>th</sup> highest teen birth rate among African American girls in the United States; and

Whereas, having children succeed in school is essential to the well-being of a community; and

Whereas, WE WIN Institute, Inc. is a non-profit organization dedicated to the academic and social success of all children that was founded in 1995; and

Whereas, WE WIN's programs are designed to instill pride, confidence, and academic and social skills through experiences that honor and celebrate children's cultural roots and support from loving and caring adults; and

Whereas, children who participated in WE WIN programs this year had 61% fewer unexcused absences, 67% fewer suspensions, and 97% less tardiness than before participating; and

Whereas, with financial support from the Minnesota Twins and the Pohlad Foundation, July 18 will be WE WIN Family Day at the Metrodome with food, t-shirts, music, on-field events, outreach activities, and a Minnesota Twins v. Tampa Bay Devil Rays baseball game;

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

That we honor WE WIN Institute for their commitment to improving academic and social outcomes for our children.

Be It Further Resolved that we declare July 18, 2006 as WE WIN Day in the City of Minneapolis.  
Adopted 6/30/06.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 6/30/06.

Merry Keefe,  
City Clerk.

Unofficial Posting: 7/6/2006  
Official Posting: 7/12/2006  
Correction: 8/3/2006; 9/20/2006