

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF NOVEMBER 17, 2006

(Published November 25, 2006, in Finance and Commerce)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
November 17, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda and to amend the order of business by considering the first two motions regarding outdoor smoking standards and the license application for the Loring Pasta Bar as part of the Public Safety & Regulatory Services Committee portion of the meeting. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted 11/17/2006.

Lilligren moved acceptance of the minutes of the regular meeting of November 3, 2006 and the adjourned meeting held November 13, 2006. Seconded.

Adopted upon a voice vote 11/17/2006.

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

Adopted upon a voice vote 11/17/2006.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271614)

Commercial Corridor & Node Program: Proposed revisions.

Twin Cities Habitat for Humanity, Inc: Update of City-owned parcels sold to Habitat for affordable ownership housing as part of a Memorandum of Understanding.

Capital Acquisition Loan Program: Update on new capital request for partnership with Community Reinvestment Fund for the Emerging Entrepreneur Loan Program Pilot Program.

2% Commercial Corridor/Commercial Node Small Business Loan Program: Status update.

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271615)

1101 W Broadway Project Area (re 1834 Fremont Ave N Condominium): Termination of Condominium No. 399, TAHA Condominium.

2006 Revenue Bond Entitlement Carryforward: Authorizing carryforward of unused entitlement for single-family purposes & multi-family programs.

Parcel D Redevelopment Contract (re two blocks bounded by Washington, Portland, Chicago Aves S & 2nd St S): Consent to assignment of contract to Sherman Associates, Inc; Authorizing contract amendments.

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271616)**

Year 2005 Housing Revenue Entitlement Bond Allocation: Approving Joint Powers Agreement with St. Paul Housing & Redevelopment Authority to issue bonds for Torre de San Miguel Homes, Westminster Place & Vista Village.

2009 James Ave N Development Contract: Approve amendment to permit property to be leased when completed.

Mpls Housing Replacement Tax Increment Financing District II: Addition of parcels at 2101 Ilion Ave N, 1000-30th Ave N & 1109-33rd Ave N.

North Washington Industrial Park (1300 N 2nd St Project): Authorize extension of closing deadline for redevelopment contract with Landmark Minnesota, dba Master Development Group.

Tax Forfeited Land: Approving purchase of land & conveyance thereof.

Imperial Parking (US), Inc (re Lots A, B & C at 1500 4th St S, 18th Ave S & 3rd St S & 18th Ave S & Riverside Ave S): Authorizing contract for parking lot operation.

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

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271617)**

SEMI/University Research Park Area: Approve application to Minnesota Department of Employment & Economic Development for Biosciences Business Development Public Infrastructure Grant.

2638 Colfax Ave N Renovation: Low bid of EnviroBate Metro, Inc.

**NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271618)**

NPR Phase II Neighborhood Action Plans: Longfellow; Southeast Como & Windom.

**HEALTH, ENERGY AND ENVIRONMENT:**

**EMPLOYMENT AND TRAINING PROGRAM, MPLS (METP) (271619)**

Employment & Training Program: Special Projects Report.

**HEALTH AND FAMILY SUPPORT SERVICES (271620)**

Health & Family Support Business Plan.

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

**CIVIL RIGHTS (271621)**

Civil Rights Commission: Approve City Council and Mayoral appointments/reappointments.

**LEGAL RIGHTS CENTER (271622)**

Violence Prevention: Letter in support of Resolution recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee.

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

**PUBLIC WORKS AND ENGINEERING (271623)**

Hiawatha Public Works Facility: Direct staff to a) plan and design the facility to a level of quality that achieves LEED Gold Certification; b) seek additional funding sources, including grants, subject to achieving Gold certification regardless of obtaining additional funds; and c) analyze changes in its return on investment strategy regarding energy and stormwater that extend the period of time from 10 to 15 years.

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

REGULATORY SERVICES (271624)

Healthy Homes Demonstration Grant: Accept award of \$1,000,000 and execute agreement with United States Department of Housing and Urban Development to reduce allergen triggers in homes of families whose children have asthma; Create Code Compliance Officer II position to manage grant activities; and Approve appropriation.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (271625)

2007 State Legislative Agenda: Affordable Housing Issues; City Livability Issues, including 2007 Library Legislative Agenda.

PUBLIC WORKS AND ENGINEERING (271626)

U of M Area Neighborhood Impact Report.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

REGULATORY SERVICES (271627)

Regulatory Services Business Plan.

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

ATTORNEY (271628)

City Attorney Case Management System: Status Report.

LICENSES AND CONSUMER SERVICES (271629)

Aqua Nightclub (400 1st Av N): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Temple Bar & Restaurant (1201 Harmon Pl): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.

More Valu II (2747 Bloomington Av S): Approve Technical Advisory Committee recommendations relating to Grocery, Food Manufacturing and Tobacco Licenses.

A & N Victory Market (4155 Thomas Av N): Deny application for Grocery and Tobacco Dealer Licenses.

Licenses: Applications.

REGULATORY SERVICES (271630)

Rainleader Disconnect Program: Ordinance amending Title 3, Chapter 56 of Code relating to Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer, allowing for administrative citations to be issued to violators; including required fees as part of the director's fee schedule; allowing for assessments to be made against the property; allowing for assessments and a connection to storm drain as a means for compliance and removing the reference to the appeals process; and creating a new Rainleader Disconnect Program appeals and time extension appeals panel process; and ordinance amending Title 5, Chapter 91 of Code relating to Building Code: Permit Fees, adding fees relating to Section 56.110 to the Director's Fee Schedule.

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

POLICE DEPARTMENT (271631)

Operation Nightcap - Driving While Intoxicated Saturation Program: Accept award of \$13,800 and execute grant agreement with Minnesota Department of Public Safety to reimburse officer overtime for increased enforcement to reduce accidents and increase driver safety; and Approve appropriation.

Safe & Sober Grant: Accept award of \$40,000 and execute grant agreement with State Department of Public Safety to pay overtime to Traffic Unit officers for increased enforcement to reduce accidents and increase driver safety; and Approve appropriation.

Drug Enforcement State and Local Task Force: Execute Task Force Agreement with United States Drug Enforcement Administration to receive \$31,145.50 to participate with up to two officers through September 2007; and Approve appropriation.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (271632)

Solid Waste Management Options: Notice of public hearing not sent to interested parties two weeks prior to public hearing as required by statute. Public hearing to be held November 21, 2006.

SULLIVAN, CONSTANCE (271633)

Talmage Av SE: Comments from Constance Sullivan (1071 14th Av SE) regarding closure of BNSF at-grade railroad crossing on Talmage Av SE. (See report dated 9/22/06)

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

PUBLIC WORKS AND ENGINEERING (271634)

50th St W & France Av S Parking Facility (Ewing Lot): Resolution adopting special assessments; Comments.

LynLake Municipal Parking Lot: Resolution adopting special assessments.

Building Lease: Three-year extension of lease with Clifton Court, LLP at 314 Clifton Av for use by Police Employee Assistance Program (EAP).

Memorandum of Agreement: Authorize amendment to Memorandum of Agreement extending completion date for mitigation of historical impacts resulting from replacement of Chicago Av and Park Av S bridges.

Levy of Various Public Works Department Special Assessments: Resolution levying special assessments and adopting assessment rolls.

Sale of City-Owned Land: a) Approve method of "private sale" for property located at 536 1/2 Third Av N; and b) Set public hearing for November 21, 2006.

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

PUBLIC WORKS AND ENGINEERING (271635)

Cedar Lake Trail Phase 3: Accept grant of \$1,800,000 and execute grant agreement with Metropolitan Council for completion of the Cedar Lake Trail; and Approve appropriation.

Road Maintenance Agreement: Negotiate and enter into Road Maintenance Agreement with Hennepin County effective January 1, 2007 through December 31, 2009.

Security Services: Negotiate and enter into contract with Avalon Fortress Security Corporation for house security at Minneapolis Convention Center and for security services for Minneapolis Water Works and Emergency Mobilization effective December 1, 2006.

**WAYS AND MEANS BUDGET:**

COMMUNICATIONS (271636)

Competitive Franchising: Directed staff to examine the process for potential changes, that would encourage competitive franchising and to report back with recommendations.

COORDINATOR (271637)

Community Engagement Report: Receive and file report in response to the Council direction of May 12, 2006 to review and summarize feedback, reports, and recommendations on the City's current Community Engagement System and activities.

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

ATTORNEY (271638)

Legal Settlements: a) Jacqueline Schaeffer v. the City of Minneapolis; and b) Ronald Benford v. City of Minneapolis.

**BUSINESS INFORMATION SERVICES (BIS) (271639)**

Unisys Contract: Amendments increasing Contract C-18881 for: a) Mobile Computer-Aided Dispatch; b) Geographical Information Services (GIS) system; and c) Shotspotter.

Digital Inclusion Task Force: a) Approve Minneapolis Foundation as fund agent; and b) Selected Council Member Glidden as Council representative to the Interim Advisory Board.

**COMMUNICATIONS (271640)**

Utility Bill Insert: Authorize second December 2006 utility billing insert on behalf of the Finance Department explaining Local Use Tax as required by new State law.

**FINANCE DEPARTMENT (271641)**

2006 Property Tax Special Assessment of Delinquent Utility Charges.

**HUMAN RESOURCES (271642)**

Reclassified Position: Deputy Director, Transportation to Deputy Director, Public Works:

a) Approve position reclassification grade 17, 793 points, effective October 23, 2006; and b) Passage of Salary Ordinance.

International Association of Fire Fighters, Local 82: Execute 14-1/2 month collective bargaining labor agreement from October 15, 2005 through December 31, 2006.

AFSCME 9-1-1: Execute 24 month collective bargaining labor agreement effective January 1, 2006.

**REGULATORY SERVICES & POLICE DEPARTMENT (271643)**

2006 Contingency Fund Budget: Approve appropriations allocating 2006 Contingency Funds to: a) \$450,000 to Regulatory Services; and \$1,100,000 to the Police Department.

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

**INSPECTIONS/BOARD OF ADJUSTMENT (271644)**

Appeal:

Joseph Dalton (re Norstar Realty Corp, 4249 Penn Ave N): re decision of the Board of Adjustment approving an application for variance.

**PLANNING COMMISSION/DEPARTMENT (271645)**

Appeal:

Hennepin Yard (2400 Traffic St NE): re decision of the Planning Commission approving applications of John Robinson for site plan review and preliminary plat for a train shed.

**MOTIONS (See Rep):**

**LICENSES AND CONSUMER SERVICES (271646)**

Loring Pasta Bar (325 14th Av SE): Grant application of Loring Pasta Bar for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

**REGULATORY SERVICES (271647)**

Outdoor Smoking Standards: Approve standards for outdoor smoking areas at food and beverage establishments.

**FILED:**

**EXECUTIVE COMMITTEE (271648)**

Interim Civil Rights Director: 90 day redesignation of Michael K. Browne as Interim Civil Rights Director effective November 14, 2006.

**COEN+PARTNERS, INC (behalf of Jim Pohlad) (271648.1)**

Sheridan Ave S & Calhoun Pkwy vacate Drainage & Utility Easements.

**FILED (See Rep):**

LICENSES AND CONSUMER SERVICES (271649)

La Vina Restaurant (3404 Cedar Av): Grant application of La Vina Restaurant & Bar for an On-Sale Wine Class D with Strong Beer License, subject to conditions. \*(See report 10/20/2006)

The following reports were signed by Mayor Rybak on November 22, 2006. 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**

**Comm Dev** – Your Committee, having under consideration the outstanding balance in Year 2005 housing revenue entitlement bonds used in support of various single-family and multi-family initiatives, now recommends passage of the accompanying resolution giving approval to a Joint Powers Agreement between the City of Minneapolis and the Housing and Redevelopment Authority of the City of St. Paul to jointly issue Year 2005 Housing Revenue Entitlement Bond allocation of \$3,978,970 for the following multi-family rental housing facilities: Torre De San Miguel Homes, Westminster Place and Vista Village.

Adopted 11/17/2006.

Resolution 2006R-563, giving approval to a housing program for Westminster Place Limited Partnership, Torre Housing Limited Partnership and Vista Village Housing Limited Partnership, and authorizing the joint issuance of housing revenue bonds in the amount of \$3,978,970 under Minnesota Statutes, Chapter 462C, as amended; and authorizing the execution of necessary documents, was adopted 11/17/2006 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-563**

**By Goodman**

**Giving approval to a housing program for Westminster Place Limited Partnership, Torre Housing Limited Partnership and Vista Village Housing Limited Partnership, and authorizing the joint issuance of housing revenue bonds under Minnesota Statutes, Chapter 462C, as amended; and authorizing the execution of necessary documents.**

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City of Minneapolis (the "City") is authorized to issue revenue bonds for the purpose of making loans for low and moderate income housing projects; and

Whereas, Westminster Place Limited Partnership, Torre Housing Limited Partnership and Vista Village Housing Limited Partnership, all Minnesota limited partnerships (collectively the "Company") has proposed that the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA") and the City jointly issue a portion of housing revenue bonds. The revenue bonds will be issued in one or more series in the aggregate principal amount of \$9,000,000 (the "Revenue Bonds"). The proceeds of the Revenue Bonds will be loaned to the Company to finance the acquisition, rehabilitation and equipping of three multifamily rental housing facilities, including approximately 142 units located at 58 Wood Street, approximately 100 units located at 1342 Westminster Street and approximately 48 units located at 422 Concord Street, all in the City of Saint Paul (collectively the "Project"); and

Whereas, the City, pursuant to the Act, published a notice, a copy of which, with proof of publication, is on file in the office of the City Clerk of the public hearing on the proposal of the Company that the City and HRA jointly finance the Project and the City (through the Community Development Committee of the City Council) did conduct a public hearing pursuant to said notice on November 7,

2006, at which hearing all persons who appeared were given an opportunity to express their views with respect to the proposal which notice, publication and hearing are hereby in all respects approved; and

Whereas, pursuant to a Joint Powers Agreement to be entered into by and between the City and the HRA, the City will be the joint issuer with the HRA of a portion of the Revenue Bonds; and

Whereas, the proposal calls for the proceeds realized upon the sale of the Revenue Bonds to be loaned to the Company under a revenue agreement wherein the Company will be obligated to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City and HRA incident to the issuance and sale of the Revenue Bonds; and

Whereas, the HRA and City have been advised by representatives of the Company that the issuance of the tax exempt bonds will result in substantial savings in the Company's capital costs; and

Whereas, the City, the HRA, the Company and the Underwriter (as defined below) of the housing revenue bonds have agreed upon sufficient details of the housing revenue bonds to enable the City to adopt this final bond resolution (the "Resolution") on this date;

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

1. **Proposal for Issuance of Bonds.** For the purpose of providing funds to finance the acquisition rehabilitation and equipping of the Project the City hereby authorizes the joint issuance, sale and delivery of the Revenue Bonds. The Revenue Bonds will be in the aggregate principal amount of \$9,000,000; however, the City will be the joint issuer of not more than \$3,978,970 in principal amount of the GNMA Bonds (as defined below) and will provide \$3,978,970 of its 2005 Tax Exempt Bond Allocation which the City has heretofore carried forward to calendar year 2006. The GNMA Bonds shall be in such principal amounts, shall bear interest at the rates, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, and shall be in such form and have such other details and provisions as may be prescribed in the Indenture (referred to in paragraph 3 below), the form of which is on file with the City; provided that the maximum interest rate on the GNMA Bonds issued as fixed rate bonds shall not exceed 7.00% per annum; and the final maturity of the GNMA Bonds shall not be later than 50 years from their date of issuance. The Revenue Bonds shall be special obligations of the HRA and the City payable solely from the funds pledged pursuant to the Indenture. The Revenue Bonds are not to be payable from nor charged upon any funds of the City, the HRA or the City of Saint Paul ("Saint Paul") other than the revenues pledged to their payment, nor is the City or the HRA subject to any liability thereon; no holders of the Revenue Bonds shall ever have the right to compel any exercise of the taxing power of the City, the HRA or Saint Paul to pay any of the principal of, premium, if any, or interest on the Revenue Bonds; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, the HRA or Saint Paul, and each Revenue Bond shall recite that the Revenue Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof and that no Revenue Bond shall constitute a debt of either issuer within the meaning of any constitutional or statutory limitation. The Revenue Bonds shall contain a recital that they are issued pursuant to the Act and such recital shall be conclusive evidence of the validity and regularity of the issuance thereof.

2. **Bond Structure.** Pursuant to a Financing Agreement for the Revenue Bonds to be issued as GNMA secured bonds (the "GNMA Bonds") (the "Financing Agreement") and a Loan Agreement (the "Loan Agreement") for the Revenue Bonds by the HRA to be issued as a single Bond and purchased by a financial institution (the "Privately Placed Bonds"), both to be dated as of December 1, 2006, the proceeds of the Revenue Bonds will be loaned to the Company to finance the Project. The payments to be made by the Company under the Financing Agreement and Loan Agreement are established so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Revenue Bonds when due. When executed, the right, title and interest of the HRA and City in, to and under, among other things, the Financing Agreement (except as herein provided) shall have been assigned to the Trustee pursuant to the Indenture between the HRA, the City, if appropriate, and the Trustee. It is further proposed that the HRA and City assign certain rights under the Financing Agreement to the Trustee as security for payment of the GNMA Bonds under the Indenture. The GNMA Bonds will be purchased by Piper Jaffray & Co. (the "Underwriter") pursuant to a Bond Purchase Agreement among the HRA, the City, the Underwriter and the Company (the "Bond Purchase Agreement"). The Privately Placed Bonds will be privately placed with a financial institution. The Company will operate the Project

in compliance with the provisions of a Regulatory Agreement by and among the HRA, the Trustee and the Company (the "Regulatory Agreement"). A Tax Compliance Agreement among the Company, the HRA and the Trustee dated as of December 1, 2006 (the "Tax Compliance Agreement") will set forth certain requirements in order to assure the tax exempt status of the Bonds. A Joint Powers Agreement (the "Joint Powers Agreement") among the HRA and the City has been prepared pursuant to which the City and the HRA have agreed to jointly issue the GNMA Bonds.

3. **Forms of Documents Submitted.** Pursuant to the preliminary approval of this Council, forms of the following documents have been submitted to the Council for approval:

- (a) the Bond Purchase Agreement;
- (b) the Financing Agreement;
- (c) the Indenture of Trust for the GNMA Bonds;
- (d) the Tax Compliance Agreement;
- (e) the Regulatory Agreement; and
- (f) the Joint Powers Agreement.

4. **Findings.** It is hereby found, determined and declared that:

(a) the Project will further the policies of the Act;

(b) the Project promotes the public welfare by providing necessary housing facilities, so that adequate housing facilities are available to people who work in the City at a reasonable cost;

(c) the Act authorizes the acquisition, rehabilitation and installation of the facilities and equipment to be financed by the Revenue Bonds, the issuance and sale of the Revenue Bonds, the execution and delivery of the Joint Powers Agreement and the Indenture (collectively the "Bond Documents"), the performance of all covenants and agreements of the City and HRA contained in the Bond Documents, and the performance of all other acts and things required under the constitution and laws of the State of Minnesota to make the Bond Documents and Bonds valid and binding obligations of the City and HRA in accordance with their terms;

(d) it is desirable that the GNMA Bonds be issued by the City and the HRA upon the terms set forth in the Indenture;

(e) the payments under the Financing Agreement are established to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the GNMA Bonds issued under the Indenture when due, and the Financing Agreement, Loan Agreement and Indenture also provide that the Company is required to pay all expenses of the operation and maintenance of the facilities to be financed by the Revenue Bonds, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the premises of said facilities and payable during the terms of the Financing Agreement, Loan Agreement and Indenture;

(f) as provided in the Financing Agreement, Loan Agreement and Indenture, the Revenue Bonds are not to be payable from or charged upon any funds other than the revenue pledged to the payment thereof; the City, the HRA and Saint Paul are not subject to any liability thereon; no holder of any Revenue Bond shall ever have the right to compel any exercise by the City, the HRA or Saint Paul of its or their taxing powers to pay any of the Revenue Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City, the HRA or Saint Paul except the interests of the City, the HRA and Saint Paul in the Financing Agreement which have been assigned to the Trustee under the Indenture; the Revenue Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, the HRA or Saint Paul except the interests of the City, the HRA and Saint Paul in the Financing Agreement which have been assigned to the Trustee under the Indenture; the Revenue Bonds shall recite that the Revenue Bonds do not constitute or give rise to a pecuniary liability or moral obligation of the City, the HRA, Saint Paul, the State of Minnesota or its political subdivisions, and that the Revenue Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Revenue Bonds shall not constitute a debt of the City, the HRA or Saint Paul within the meaning of any constitutional or statutory limitation.

5. **Approval of Forms; Execution.** Subject to the provisions of paragraph 9 hereof, the forms of the Bond Documents and exhibits thereto and all other documents listed in paragraph 3 hereof are approved substantially in the form submitted. The Indenture, Joint Powers Agreement and Bond Purchase Agreement, in substantially the forms submitted, are directed to be executed in the name and on behalf of the City by the Finance Officer. Pursuant to the Joint Powers Agreement the City has delegated to the HRA the authority to sign all of the other documents described in Paragraph 3. Any other City documents and certificates necessary to the transaction described above shall be executed by the appropriate City officers. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in the Financing Agreement, Loan Agreement and Indenture.

6. **Official Statement.** The City hereby consents to the preparation and distribution of the Official Statement for the GNMA Bonds; provided that it is understood that the City has relied upon the Company and the Underwriter and legal counsel retained by them to assure the accuracy and completeness of the information set forth in the Official Statement and that therefore the City has not made, and will not make, any representations or warranties with respect to the information contained therein, except under the heading "The City". The drafts of the Official Statement on file with the City are hereby designated as "near final" offering memoranda for purposes of Rule 15-c2-12 of the Securities Exchange Commission.

7. **Issuance.** The City, jointly with the HRA shall proceed forthwith to issue the GNMA Bonds, in the form and upon the terms set forth in the Indenture and this Resolution, if and to the extent the City officers determine to proceed with the Project which determination shall be deemed made upon execution of the Bond Documents by the City officers. The GNMA Bonds shall be payable or prepayable at such time or times, shall bear interest at such rates and shall be subject to such other terms and conditions as set forth in the Indenture and that the City officers, the Underwriter and the Company shall agree to, which agreement shall be deemed to have been made upon execution of the Indenture by the City officers. The City officers are authorized and directed to execute and deliver the GNMA Bonds as prescribed in the Indenture.

8. **Records and Certificates.** The City Clerk and other officers of the City are authorized and directed to prepare and furnish to the Underwriter certified copies of all proceedings and records of the City relating to the GNMA Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the GNMA Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the HRA as to the truth of all statements contained therein.

9. **Changes in Forms Approved; Absent and Disabled Officers.** The approval hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City Attorney and by the City officials authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said City officials are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the Finance Officer, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Council by any member of the Council or any duly designated acting official, or by such other officer or officers of the Council as, in the opinion of the City Attorney, may act in their behalf.

10. **Headings; Terms.** Paragraph headings in this Resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used but not defined herein shall have the meanings given them in the Indenture, Financing Agreement or Loan Agreement.

Adopted 11/17/2006.

**Comm Dev** - Your Committee, having under consideration the redevelopment contract for 2009 James Ave N with The Ackerberg Group, Inc. for the development of a single family home to be sold for owner occupancy, now recommends approval of an amendment to the redevelopment contract to permit said property to be leased when completed.

Adopted 11/17/2006.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution adding parcels located at 2101 Ilion Ave N, 1000 - 30th Ave N and 1109 - 33rd Ave N to the Housing Replacement Tax Increment Financing District II.

Adopted 11/17/2006.

Resolution 2006R-564, adopting the addition to the Housing Replacement Tax Increment Financing District II of three parcels at 2101 Ilion Ave N, 1000 - 30th Ave N and 1109 - 33rd Ave N, was adopted 11/17/2006 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-564**

**By Goodman**

**Adopting the addition to the Housing Replacement Tax Increment Financing District II of three parcels at 2101 Ilion Ave N, 1000 - 30th Ave N and 1109 - 33rd Ave N.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws").

1.2. By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City.

1.3. That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District.

1.4. It has been proposed that the City adds three (3) parcels to the District and deletes no parcels previously added to the District.

**Section 2. Findings for the Adoption of the Plan**

2.1. The Council hereby finds, determines and declares that these three parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the City.

2.2. The Council further finds, determines and declares that no properties are being deleted from the District.

2.3. The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws.

2.4. The Council further finds, determines and declares that the properties to be added to and certified within the District includes no vacant parcels.

2.5. The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws.

2.6. The Council further finds, determines and declares that there will be 61 parcels in the Minneapolis Housing Replacement TIF District II with the inclusion and deletion of the parcels identified on Attachment 1 to this resolution. The maximum number of parcels that can be included in the District is 100 parcels.

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

That the following parcels listed are hereby approved for inclusion as part of the Minneapolis Housing Replacement TIF District II:

**Existing Housing Replacement District II Properties (58)**

2505 Irving Avenue North  
2509 Irving Avenue North  
2709 Humboldt Avenue North  
3010 Queen Avenue North  
2354 James Avenue North  
3243 Aldrich Avenue North  
3210 Aldrich Avenue North  
3250 6th Street North  
3223 6th Street North  
4515 5th Avenue South  
2750 Thomas Avenue North  
1900 Willow Avenue North-Lowell School Site Assemblage  
1418 25th Avenue North  
2627 Fremont Avenue North  
3201 Bryant Avenue North  
1014 30th Avenue North  
1316 14th Avenue North  
1400 25th Avenue North  
3246 Emerson Avenue North  
2300 James Avenue North  
2127 Queen Avenue North  
3207 Bryant Avenue North  
2517 James Avenue North  
2641 Emerson Avenue North  
2615 Thomas Avenue North  
1518 Morgan Avenue North  
2511 James Avenue North  
2525 James Avenue North  
2638 Colfax Avenue North  
2814 Knox Avenue North  
2542 17th Avenue South  
2826 14th Avenue South  
3504 Longfellow Avenue South  
3343 Fremont Avenue North  
630 19th Avenue Northeast  
2751 Sheridan Avenue North  
2119 James Avenue North  
2302 Fremont Avenue North  
419 31st Avenue North  
427 31st Avenue North  
428 31st Avenue North  
429 31st Avenue North  
1415 18th Avenue Northeast

3519 Oliver Avenue North  
2534 James Avenue North  
2530 James Avenue North  
1620 26th Avenue North  
1712 26th Avenue North  
1716 26th Avenue North  
5207 Girard Avenue North  
4219 Girard Avenue North  
3707 Girard Avenue North  
3700 Girard Avenue North  
3411 Fremont Avenue North  
3301 Knox Avenue North  
3730 Fremont Avenue North  
3726 Fremont Avenue North  
3442 Dupont Avenue North

**Additions to Existing Housing Replacement District II (3)**

2101 Ilion Avenue North  
1000 30th Avenue North  
1109 33rd Avenue North  
Adopted 11/17/2006.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to extend the closing deadline for the redevelopment contract between the City of Minneapolis and Landmark Minnesota, LLC, an affiliate of Master Civil & Constructing Engineering, Inc, dba Master Development Group from November 30, 2006 to April 1, 2007, for the 1300 N Washington Industrial Park/1300 N 2nd project (development proposal for three parcels of vacant land at 1300 - 2nd St N, 1316 - 2nd St N and 109 - 14th Ave N), which will allow the development of the subject site to meet the needs of Minneapolis Washer.

Adopted 11/17/2006.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution approving the purchase of certain forfeited land in the City of Minneapolis, and the conveyance thereof, and authorizing the City to file an application for title registration, pursuant to Minnesota Statutes 508.03(6).

Adopted 11/17/2006.

Resolution 2006R-565, approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and the City Clerk, was adopted 11/17/2006 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-565  
By Goodman**

**Approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and the City Clerk.**

## NOVEMBER 17, 2006

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 which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the City of Minneapolis/Department of Community Planning & Economic Development (CPED):

### 1386 Conservation/Non-Conservation List

(01) City of Minneapolis					
PID Number	Address Target Lot Size	Ward	Date of Forfeit	Current Use	Zoning Legal Description
35-029-24-24-0085	2542 – 12th Ave S TARGET 45x127.4=5735 sq	9	7/20/06	Vacant Land	R2B  LOT 012, BLOCK 001 ELLIOTTS REARRANGEMENT OF BLOCKS 9,10,15 AND 16 BRACKETT AND BOVEYS ADDITION TO MINNEAPOLIS
35-029-24-14-0106	2535 – 16TH Ave S TARGET 52x123=6459 sq ft	9	8/17/06	Vacant Land	R2B  LOT 009, BLOCK 006 GILPATRICK'S ADDITION TO MINNEAPOLIS

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the property listed below be released for public auction:

PID Number	Ward	Address	Date of Forfeit	Legal Description
18-028-23-34-0052	12	5233 – 36TH Ave S Occupied single family	6/22/06	LOT 022, BLOCK 002 "JAMES G. REID'S FIRST ADDITION TO MINNEAPOLIS"
11-029-24-41-0024	1	2415 Quincy St NE Repurchased	6/22/06	EXCEPT EAST 8 FEET FOR ALLEY OF LOT 11, BLOCK 005 "EAST SIDE ADDITION TO MINNEAPOLIS"
21-029-24-21-0095	5	1230 Logan Ave N Church – Repurchase	6/22/06	LOT 9 AND SOUTH ½ OF LOT 8, BLOCK 004 "OAK PARK ADDITION TO MINNEAPOLIS"
21-029-24-23-0019	5	722 Morgan Ave N Repurchased	6/22/06	LOT 033, BLOCK 016 "OAK PARK ADDITION TO MINNEAPOLIS"

**NOVEMBER 17, 2006**

34-029-24-33-0125	6	2937 Garfield Ave S Repurchased	6/22/06	LOT 013, BLOCK 010 "EXCELSIOR ADDITION TO MINNEAPOLIS"
35-029-24-42-0007	9	2640 14th Ave S Occupied single family	7/20/06	LOT 007, BLOCK 001 BARNES' REARRANGEMENT OF BLOCK ONE (1) WRIGHT'S ADDITION
10-029-24-41-0172	3	2327 Marshall St NE Occupied Duplex	8/17/06	LOT 19 AND NORTH 10 FEET OF LOT 18, BLOCK 003 "NORTH MOTOR LINE ADDITION TO MINNEAPOLIS"
09-028-24-44-0037	13	4427 Colfax Ave S Occupied single family	8/17/06	SOUTH 21 FEET OF LOT 8, BLOCK 51 AND THE NORTH 10 ½ FEET OF LOT 14, BLOCK 54 REMINGTON'S 3RD ADDITION TO MINNEAPOLIS
09-029-24-44-0045	3	2611 Lyndale Ave N Occupied single family	9/14/06	LOT 005, BLOCK 004 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS

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

PID Number	Ward	Address	Date of Forfeit	Legal Description
16-029-24-22-0138	5	2340 Logan Ave N 45X64=2880 sq ft	6/22/06	NORTHWESTERLY ½ OF LOT 083, BLOCK 019 "FOREST HEIGHTS"
10-029-24-32-0092	3	3022 – 4TH St N 28x125=3500	9/14/06	NORTH 28 FEET OF WEST 125 FEET OF LOT 012, BLOCK 011 MORRISONS ADDITION TO NORTH MINNEAPOLIS
10-029-24-24-0058	3	3206 – 2ND St N	9/14/06	NORTH 24 FEET OF LOT 5, BLOCK 047 "BAKER'S 4TH ADDITION TO MINNEAPOLIS"

Be It Further Resolved that the city is authorized to file an application for title registration on the tax forfeited properties listed above to be conveyed to the City signed by the Mayor and the City Clerk pursuant to Minnesota Statutes 508.03(6).

Adopted 11/17/2006.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Imperial Parking (US), Inc, to operate the City-owned parking lots A (1500 - 4th St S), B (18th Ave S and 3rd St S), and C (18th and Riverside Aves S) in the Cedar-Riverside neighborhood for up to five years, to commence 1/1/2007.

Adopted 11/17/2006.

**Comm Dev** - Your Committee, having under consideration the 1101 W Broadway Project Area, now recommends passage of the accompanying resolution terminating Condominium No. 399, TAHA Condominium located at 1834 Fremont Ave N, which was associated with a previous structure that the Minneapolis Community Development Agency demolished in 1996, and will allow completion of the sale of the property to the developer and sever the condominium from any title interest to the property.

Your Committee further recommends that the proper City officers be authorized to prepare and execute required documents with Hennepin County Registrar of Title.

Adopted 11/17/2006.

Resolution 2006R-566, terminating Condominium No. 399 TAHA Condominium at 1834 Fremont Ave N in the 1101 W Broadway Project Area, was adopted 11/17/2006 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-566**

**By Goodman**

**Terminating Condominium No. 399 TAHA Condominium (1834 Fremont Ave N in the 1101 W Broadway Project Area).**

Whereas, the City of Minneapolis (City) is the fee simple owner of the land described as Unit No. 1, 2, 3 and 4, Condominium No. 399 TAHA Condominium (the "Condominium"); and

Whereas, the Minneapolis Community Development Agency through the real property tax forfeiture upon the County of Hennepin's issuance of a Certificate of Possessory Title on July 11, 1996 and filed in the Office of the Registrar of Titles as Document No. 2724442; and

Whereas, the City's ownership of the Condominium is subject to the terms, provisions and restrictions contained in the Declaration filed as Document No. 4780580 and the By Laws filed as Document No. 4780581; and

Whereas, the building and improvements that constituted the Condominium were demolished and cleared from the Property by the Minneapolis Community Development Agency; and

Whereas, the Condominium may be terminated as provided in Article XIII of the Declaration and as provided in Minnesota Statutes Section 515A.2-120 and Minnesota Statutes, Section 515B.2-119;

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

1. That the City is the sole owner of the real property described as Units 1, 2, 3 and 4, Condominium No. 399, TAHA Condominium.

2. That there are no unit owners or mortgagees that need to join in or ratify a termination agreement.

3. That this Resolution shall be written evidence of the City's agreement to terminate Units 1, 2, 3 and 4, Condominium No. 399, TAHA.

4. That upon adoption of this Resolution, the City Council directs its Department of Community Planning and Economic Development and its Finance Department to prepare the necessary "Certificate of Termination" as provided in Minnesota Statutes Section 515A.2-120 and Minnesota Statutes, Section 515B.2-119.

5. That the Certificate of Termination shall be recorded as promptly as possible and in any event no later than December 31, 2006.

6. That this Resolution shall be null and void unless recorded by January 31, 2007.

7. That this Resolution shall inure to and benefit the successor owners of Units 1, 2, 3 and 4, Condominium No. 399, TAHA Condominium.

8. That any affairs of Units 1, 2, 3, and 4, Condominium No. 399, TAHA Condominium shall be wound up and completed on or before the date the City issues a "Certificate of Completion" as provided in the deed by which the City conveys title to Units 1, 2, 3, and 4, Condominium No. 399 TAHA Condominium to a successor, owner.

Adopted 11/17/2006.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the carryforward of \$17,848,000 of the unused 2006 tax-exempt revenue bond entitlement for single-family purposes and the remaining \$5,000,000 to be carried forward for multi-family programs.

Adopted 11/17/2006.

Resolution 2006R-567, authorizing carryforward of 2006 unused private activity bond volume cap, was adopted 11/17/2006 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-567**

**By Goodman**

**Authorizing carryforward of unused private activity bond volume cap.**

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation for 2006 under Minnesota Statutes, Chapter 474A.03, subd. 2a is \$36,848,000; and

Whereas, the City has issued bonds attributable to such allocation in the amount of \$14,000,000; and

Whereas, the City expects to have unused entitlement allocation for 2006 in the amount of \$22,848,000; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused entitlement allocation for the year 2006; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carryforward for qualified carryforward purposes any 2006 entitlement allocation remaining unused on December 31, 2006;

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

1. The City hereby elects to carryforward \$17,848,000 for qualified mortgage bonds and the balance of its 2006 entitlement allocation which remains unused at the end of 2006 for the purpose of qualified residential rental bonds.

2. The Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2007. The Director is further authorized to notify the Minnesota Department of Finance of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted 11/17/2006.

**Comm Dev** - Your Committee, having under consideration the Department of Community Planning & Economic Development (CPED) update on the status of development projects on Parcel D, located on the two blocks bounded by Washington, Portland, Chicago Aves S and 2nd St S, now recommends approval of the following actions relating to the Parcel D West Redevelopment Contract:

a) Consent to the assignment and assumption of the Redevelopment Contract between the City of Minneapolis and Brighton Park East LLC (an affiliate of Brighton Development Corporation) to Sherman Associates, Inc (or an affiliate) for the redevelopment of the Park Ave E site at 201 Park Ave S as set forth in the staff report;

b) That the proper City officers be authorized to 1) negotiate amendments to the Redevelopment Contract with Sherman Associates, Inc. for the Park Ave E site for a new development project; and 2) execute a Second Amendment to the Amended and Restated Redevelopment Contract between the City of Minneapolis and Brighton Nine/Portland LLC (an affiliate of Brighton Development Corporation) for portions of Parcel D West that would allow for the Washington Live/Work project to consist of commercial and office uses and would allow for an extension of the closing date of the Portland Condos project, subject to payment of extension fees.

Adopted 11/17/2006.

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

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to apply to the Minnesota Department of Employment and Economic Development for a Biosciences Business Development Public Infrastructure Grant for the SEMI/University Research Park area, to be used for roads needed to access the area in the SEMI/URP that is east of the Gopher Stadium and proposed University research buildings and north of the University's Intercampus Transitway and the planned Central Corridor light rail line.

Adopted 11/17/2006.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid of EnviroBate Metro, Inc submitted to the Department of Community Planning & Economic Development on OP No. 6681 in the amount of \$127,130 to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the renovation at 2638 Colfax 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 11/17/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Longfellow 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 \$2,306,477;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$770,071 in the NRP fund for implementation of said Plan;

c) Referral of \$385,035 to the 2007 budget and authorizing the proper City officers to reserve the remaining \$1,076,978.50 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 (\$1,614,534) 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 11/17/2006.

**RESOLUTION 2006R-568**  
**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 \$770,071.

Adopted 11/17/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Southeast Como 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 \$556,043;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$194,615 in the NRP fund for implementation of said Plan;

c) Referral of \$ 97,308 to the 2007 budget and authorizing the proper City officers to reserve the remaining \$264,120 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 (\$389,230) 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 11/17/2006.

**RESOLUTION 2006R-569**  
**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 \$194,615.

Adopted 11/17/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Windom 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 \$291,018;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$92,509 in the NRP fund for implementation of said Plan;

c) Referral of \$46,254 to the 2007 budget and authorizing the proper City officers to reserve the remaining \$133,560 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 (\$185,018) 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 11/17/2006.

NOVEMBER 17, 2006

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**RESOLUTION 2006R-570**  
**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 \$92,509.

Adopted 11/17/2006.

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

**HE&E** - Your Committee, having under consideration City Council and Mayoral appointments to the Civil Rights Commission, and having held a public hearing thereon, now recommends approval of the following appointments/reappointments:

*City Council*

Arthur Higinbotham, Ward 7, for a three-year term to expire August 31, 2009

Adam Free, Ward 2, for a three-year term to expire August 31, 2009

Nick Pladson, Ward 10, for a one-year term to expire August 31, 2007

John Oberreuter, Ward 13, reappointment for three-year term to expire August 31, 2009

Andrew Hauer, Ward 7, reappointment for a three-year term to expire August 31, 2009.

*Mayoral*

Adam Bahner, Ward 3, for a two-year term to expire August 31, 2008

Amal Abdalla, Ward 5, for a two-year term to expire August 31, 2008

Vladimir Monroe, Ward 3, for a one-year term to expire August 31, 2007

Kathryn Anderson (Attorney), Ward 13, for a three-year term to expire August 31, 2009

Mark Miller (Attorney), Ward 7, for a three-year term to expire August 31, 2009

Kenneth Brown, Ward 12, reappointment for a three-year term to expire August 31, 2009.

Adopted 11/17/2006.

**HE&E** - Your Committee recommends passage of the accompanying resolution recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee.

Hodges moved to amend the resolution by adding the following language to the third resolved clause:

“The membership of the panel shall include one member of the Youth Coordinating Board.”  
Seconded.

Adopted upon a voice vote.

The report, with amended resolution, was adopted 11/17/2006.

Resolution 2006R-571, recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee, was adopted 11/17/2006 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-571**  
**By Gordon, Samuels, Ostrow, Hofstede and Benson**

**Recognizing Youth Violence as a Public Health Problem and Establishing a Youth Violence Prevention Steering Committee**

Whereas, one of the City Goals, A Safe Place to Call Home, is to ensure that all Minneapolis residents live in a healthy environment and feel safe in the City with a specific strategic direction that "Guns, Gangs, Graffiti" be eliminated; and

Whereas, On February 24 the City Council Authorized City staff to work with community foundations to co-sponsor a community dialogue focused on violence prevention; and

Whereas, a group of 28 community leaders and elected and appointed local government leaders met 3 times to begin the work of identifying key components of violence prevention activities, and developing indicators to measure progress; and

Whereas, this group strongly supported the recommendations outlined in this resolution that call for a recognition of youth violence as a public health crisis that requires a long term, comprehensive and strategic response and the establishment of a Youth Violence Prevention Steering Committee to oversee further efforts to develop and implement that plan; and

Whereas, violence results in the tragic loss of life and serious injury, undermines families and neighborhoods, threatens the overall well-being of the City including the ability of children and adults to safely be outside their homes, and affects an overall sense of community connectedness and hope; and

Whereas, violence takes a disproportionate toll on people of color (especially African American males) and low-income neighborhoods with 6 out of 3 neighborhoods in the City having 90% of the homicides; and

Whereas, violence exacts a financial burden by increasing health care and public safety costs, with the average public criminal justice costs for a single incident of homicide estimated at 3 million dollars, and the costs for one non-fatal paralyzing injury resulting from gun violence may total 2-5 million dollars over the victim's lifetime for health care, living expenses, and lost productivity; and

Whereas, the United States Surgeon General, the World Health Organization, and the Centers for Disease Control and Prevention have all identified violence as a priority public health issue challenging local, national, and global communities by its negative influence on morbidity, mortality, and quality of life; and

Whereas, homicides are the leading cause of death for Minneapolis residents aged 15-24 years, and the 65 deaths by homicide among persons in this age group between 2002 and 2004 were more than four times higher than the 15 motor vehicle deaths and the 14 accidental deaths recorded during that period; and

Whereas, 858 emergency room visits by Minneapolis residents between 2001 and 2005 resulted from assaults by firearms, and this total number of gunshot-related admissions reflects annual increases from 109 incidents in 2001 to 247 incidents in 2005; and

Whereas, the risk for violence among youth is increased by their developmental stage which is characterized by impulsiveness and inability to anticipate long term consequences yet it is not an inevitable occurrence but is a learned behavior that is the result of preventable and controllable factors in the life of youth, such as poverty, family instability, domestic abuse, mental or physical illness, educational failure, a lack of engagement in productive and affirming activities, and diminished relationships with supportive adults; and

Whereas, the risk for youth violence can be reduced by increasing connectedness to family and other supportive adults and institutions; by increasing commitment to academic achievement, through connection to a positive value system; and by being able to contribute to community wellbeing; and

Whereas, the factors that contribute to or protect against youth violence can be measured, as can the effectiveness of interventions addressing those factors, and the racial and socioeconomic disparities that persist; and

Whereas, the City of Minneapolis acknowledges that a public safety approach alone is insufficient and inadequate and that innovative, comprehensive solutions that engage government, community organizations, faith communities and businesses need to be sought; and

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

That it recognizes that youth violence is a public health problem and requires a strategic, long-term, and multi-faceted response; and

Be It Further Resolved that the City of Minneapolis endorses the establishment of a Youth Violence Prevention Steering Committee to oversee efforts to significantly reduce youth violence in Minneapolis by doing the following:

- Develop a multi-year implementation plan that includes components addressing outreach, education, communications and infrastructure to oversee implementation plans and outcomes. Special emphasis will be placed on strategies to engage and support parents and opportunities for youth to connect trusted adults and with their culture.

- Develop a timeline and assign responsibility for implementation of various plan components;

- Define and measure community-wide outcomes;

- Coordinate City and County efforts to prevent youth violence;

- Facilitate cross-community partnerships and communication among various groups with a stake in project outcomes;

- Identify gaps in services, policy and funding;

- Advise the City Council, Mayor and other policy makers and funders on needs for resources, programs and policies.

Be It Further Resolved that the Steering Committee consist of no more than 15 members, up to seven members appointed by the Mayor and up to eight members appointed by the City Council, to include: representatives from the communities most affected by youth violence including at least one representative each from a faith community and the business community; elected officials representing the City and the County; appointed officials representing public safety and public health. The membership of the panel shall reflect the ethnic and the cultural diversity of Minneapolis and be co-chaired by one community representative and one government representative. The membership of the panel shall include one member of the Youth Coordinating Board.

Be It Further Resolved that the Steering Committee will report back to the City Council and the Youth Coordinating Board with a progress report no later than May 31, 2007.

Adopted 11/17/2006.

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 the planning and design of the Hiawatha Public Works Facility to be located at 1901 E 26th St, now recommends:

a) That Public Works staff be directed to plan and design the facility to a level of quality that achieves Leadership in Energy and Environmental Design (LEED) Gold Certification;

b) That Finance and Public Works staff seek additional funding sources, including grants, for the amounts necessary to achieve LEED Gold Certification, with the caveat that Gold certification is to be achieved regardless of obtaining additional funding sources; and

c) That Public Works staff be directed to analyze changes in its return on investment strategy with regard to energy and stormwater that extends the period of time for the analysis from 10 to 15 years.

Adopted 11/17/2006.

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

**HE&E & W&M/Budget** - Your Committee, having under consideration the Healthy Homes Demonstration grant to reduce allergen triggers in the homes of families whose children have asthma, now recommends:

a. that the proper City officers be authorized to accept \$1,000,000 and execute an agreement with the United States Department of Housing and Urban Development to provide funds to be used for Healthy Homes Demonstration in dwelling units within the City of Minneapolis and within jurisdictions of other grant partners.

b. that a Code Compliance Officer II position be created to manage the daily operations of grant activities.

c. passage of the accompanying resolution appropriating \$1,000,000 to Regulatory Services.  
Adopted 11/17/2006.

**RESOLUTION 2006R-572**  
**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 Regulatory Services Agency in the Grants - Federal Fund (030-835-8392) by \$1,000,000 and increasing the Revenue Source (030-835-8392 - Source 3210) by \$1,000,000.

Adopted 11/17/2006.

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

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer*, allowing for administrative citations to be issued to violators; including required fees as part of the director's fee schedule; allowing for assessments to be made against the property; allowing for assessments and a connection to storm drain as a means for compliance and removing the reference to the appeals process; and creating a new Rainleader Disconnect Program appeals and time extension appeals panel process, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee requests unanimous consent to introduce an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, adding fees relating to Section 56.110 to the Director's Fee Schedule, for first reading. Further, that said ordinance be given its second reading for amendment and passage.

Adopted 11/17/2006.

Ordinance 2006-Or-134 amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer*, amending Sections 56.50, 56.110, 56.120, 56.140, 56.150, 56.180, 56.190, 56.200 and 56.210 to allow for administrative citations to be issued to violators; to include required fees as part of the director's fee schedule; to allow for assessments to be made against the property; to allow for assessments and a connection to storm drain as a means for compliance and removing the reference to the appeals process; and to create a new Rainleader Disconnect Program appeals and time extension appeals panel process, was adopted 11/17/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

NOVEMBER 17, 2006

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

**ORDINANCE 2006-Or-134**  
**By Samuels**  
**Intro & 1st Reading: 10/20/2006**  
**Ref to: PS&RS**  
**2nd Reading: 11/17/2006**

**Amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer.**

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

Section 1. That Section 56.50 (a) of the above-entitled ordinance be amended to read as follows:

**56.50. Violations.** (a) *Violations of this Code.* Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a), and 1.40 and Chapter 2 of this Code.

Section 2. That Section 56.110 of the above-entitled ordinance be amended to read as follows:

**56.110. Permit fee.** The fee for obtaining a disconnection permit shall be established in the director's fee schedule pursuant to section 91.70, waived for permits acquired prior to January 1, 2007. On or after January 1, 2007, the permit fees shall be as follows:

(1) Fifty dollars (\$50.00) for single-family and two-family residences;

(2) One hundred dollars (\$100.00) for all other structures, buildings, property and/or disconnection work occurring on the premises;

Section 3. That Section 56.120 of the above-entitled ordinance be amended to read as follows:

**56.120. Requests for inspection.** The contractor or permit holder shall file make a request for inspection with the authority before any work of the contractor or permit holder is covered up or concealed and shall file this request within forty-eight (48) hours after the completion of any work done by said contractor or permit holder.

Section 4. That Section 56.140 of the above-entitled ordinance be amended to read as follows:

**56.140. Disconnection required.** (a) *Notification.* For all properties identified by the authority as having rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises to any sanitary sewer system the authority shall provide written notification to the owner informing the owner that they are required to disconnect from the sanitary sewer system as specified in the notice. As required by the official notification the property owner must obtain a rainleader disconnection permit and complete the disconnection prior to expiration of the permit, or request a time extension to the requirement of disconnection by the noted due date. In case the owner fails to make the disconnection as ordered, the City may elect to make the disconnection, or any part thereof, as it shall deem appropriate, and assess the cost against the property in the same manner as provided by Section 5, Chapter 9 of the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the disconnection from the City's sanitary sewer and direct the water for surface drainage in a manner that complies with all local, state and federal laws. The City shall take any steps that are legally required in order to gain entry to the property.

(b) Failure to respond. Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of the official notification shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), and 1.40 of this Code.

(b) Order to connect to storm sewer. If the authority determines based on the nature of the property that there is no reasonable way to disconnect rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises other than by connecting them to the City's storm sewer system, then the authority may, if the City Engineer concurs, order the owner in a reasonable period of time of not less than thirty (30) days to disconnect from the sanitary sewer system by connecting to the City's storm sewer system as specified by the City Engineer in a permit issued by the City Engineer. The owner shall be

responsible for the design and construction of the connecting line or lines within the terms of the permit and shall be responsible for all costs associated with the connection to the City's storm sewer system. The owner shall be responsible for all costs of maintenance, repair and replacement of the connection. In case the owner shall fail to make the connection as ordered, the City may elect to install the connection, or any part thereof, as it shall deem appropriate, and assess the cost thereof against the property in the same manner as provided by Section 5, Chapter 9 of the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the connection to the City's storm sewer and complete the disconnection from the City's sanitary sewer. The City shall take any steps that are legally required in order to gain entry to the property.

(c) Request to City Engineer to connect to storm sewer. The owner of any property that needs to disconnect from the sanitary sewer and desires to connect to the storm sewer may, voluntarily and without an order pursuant to paragraph (b), request and authorize the city, on forms prescribed by the City Engineer, to make the connection or hire a private contractor to make the connection. Such connection shall be made at the discretion of the City Engineer and upon such terms as the City Engineer shall determine. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such connection; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such connection; and the consent of the owner to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The City Engineer, upon receiving such authorization from the owner, may cause the connection of the property's stormwater line to be done by city forces or by a contractor as it shall direct. The costs of this connection shall be initially provided for by an advance of funds from the sewer rental fund or other fund as shall be determined by a council resolution or such other council action as they shall determine as appropriate, to be reimbursed from the collection of such charges. The City Engineer, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before July first, without penalty added thereto. If the charges or any part thereof for any such work is unpaid by July first, the City Engineer shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed ten (10) equal annual installments. Such assessments may include a penalty not to exceed ten (10) per cent of the amount thereof, as the council may determine, and shall bear interest at eight (8) per cent per annum or at such lesser rate as the Council shall direct consistent with the City Charter. The owner shall continue to have the responsibility to do any additional work required to complete the connection to the City's storm sewer and complete the disconnection from the City's sanitary sewer.

(d) Failure to respond. Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of any official notification or order shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), 1.40, and Chapter 2 of this Code.

Section 5. That Section 56.150 (e) of the above-entitled ordinance be amended to read as follows:

**56.150. Time extension.**

(e) *Time extension disapproved.* If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may appeal pursuant to the procedures provided in sections ~~87.300 to 87.330~~ 56.300 to 56.330 of this Code or their successor provisions. If the time extension is denied, or approved on conditions the applicant finds unacceptable, the obligation to disconnect or comply with the conditions of the time extension shall be stayed pending the specified appeal period and during the pendency of any appeal of the decision pursuant to sections ~~87.300 to 87.330~~ 56.300 to 56.330 of this Code or their successor provisions. If there is no appeal or following the conclusion of the appeal procedures, the property owner shall disconnect or alternatively comply with any time extension granted on the conditions specified. Any failure to meet these obligations shall subject the property owner to penalties as provided by sections 56.50, 1.30(a), and 1.40, and Chapter 2 of this Code.

Section 6. That Chapter 56 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 56.180 to read as follows:

**56.180. Rainleader disconnection appeals panel.** A rainleader disconnection appeals panel is hereby established to hear appeals related only to rainleader disconnection time extension decisions. The panel shall consist of the following three (3) members:

- (1) Director of Operations, Licenses and Environmental Services or designee;
- (2) City Engineer or designee;
- (3) Director of Inspections or designee.

The Director of Operations, Licenses and Environmental Services or their designee shall provide a secretary to the panel who will serve in a nonvoting capacity. The panel shall adopt its own rules for procedures which are not in conflict with applicable ordinances.

Section 7. That Chapter 56 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 56.190 to read as follows:

**56.190. Duties and responsibilities of the panel.** The panel shall hear appeals from rainleader disconnection time extension decisions as specifically provided in section 56.150 of this Code. The panel may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made in matters relative only to rainleader disconnection time extension requests as specifically provided in section 56.150 of this Code.

Section 8. That Chapter 56 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 56.200 to read as follows:

**56.200. Right to appeal; procedure.** (a) If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may, either personally or through his/her authorized agent, make an appeal to the panel. Such appeal shall be filed on a form provided by the Rainleader Disconnect Program within fourteen (14) days from the date of the adverse determination. The appellant shall file any and all documents and/or affidavits that support the appeal. The payment of a fee in the amount of one hundred dollars (\$100.00) must accompany the submission of the appeal to cover administrative and handling costs.

(b) The appeals panel shall render its decision based upon the evidence submitted, unless the panel believes that a hearing is necessary in order to reach its decision. If a hearing is determined to be necessary, the Director of Operations, Licenses and Environmental Services or designee shall schedule a hearing. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at his/her address shown on the appeal.

Section 9. That Chapter 56 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 56.210 to read as follows:

**56.210. Hearings and decisions of the panel.** (a) All hearings before the panel shall be public. A record of the entire proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the panel, but shall in no event, be greater than the cost involved. The panel may grant continuances for good cause shown.

(b) The panel shall make specific findings of fact and/or conclusions in connection with any decision upon any appeal. For those appeals without a hearing, a decision shall be made within sixty (60) days of the date of appeal. For those appeals with a hearing, a decision on any appeal shall be made at the hearing in which the appeal is heard, unless the appeal is continued to a subsequent meeting. Any decision by the panel shall be made by a majority of the quorum. All decisions by the panel shall be a final decision and shall become final when signed by the Director of Operations, Licenses and Environmental Services or their designee chair, and shall become effective and enforceable at such time or at such alternative time as is specified therein.

Adopted 11/17/2006.

Ordinance 2006-Or-135 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permits Fees, amending Section 91.70 to add fees relating to Section 56.110 to the Director's Fee Schedule, was adopted 11/17/2006 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-135**

**By Samuels**

**1st Reading: 11/17/2006**

**2nd Reading: 11/17/2006**

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

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

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

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

Adopted 11/17/2006.

**PS&RS** - Your Committee, to whom was referred back on November 3, 2006 an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, adding provisions to charge an administrative fee to the utility services bill for water shut offs sent to Housing Inspections for investigation and enforcement, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that staff from the Water Department and Inspections Department be directed to report back to the Public Safety & Regulatory Services Committee at its December 13, 2006 meeting with a method of accounting for water shut off costs that would be more consistent with an enterprise fund as part of the Water Fund.

Adopted 11/17/2006.

Ordinance 2006-Or-136 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, amending Section 244.590 adding provisions to charge an administrative fee to the utility services bill for water shut offs sent to Housing Inspections for investigation and enforcement, was adopted 11/17/2006 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-136**

**By Samuels**

**Intro & 1st Reading: 9/22/2006**

**Ref to: PS&RS**

**2nd Reading: 11/17/2006**

**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 244.590 of the above-entitled ordinance be amended to read as follows:

**244.590. Discontinuance of required services.** (a) No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the housing maintenance code to be removed, shut off, or discontinued in any occupied rooming unit, hotel unit, dwelling or dwelling unit let or occupied by said owner, or operator, except for such temporary interruption as may be necessary while actual repairs, replacements or alterations are in process of being made.

(b) An administrative fee of fifty dollars (\$50.00) shall be charged to the bill payer of a property where water services have been shut off for a period of forty-eight (48) hours for non-payment. An additional one hundred dollars (\$100.00) administrative fee shall be charged to the bill payer of a property where the property is placarded with a letter of intent to condemned for lack of utilities resulting from the water services being shut off for non-payment.

(c) Administrative fees charged for water shut off for non-payment shall be added to the property's utility services bill as set forth in section 509.870.

Utility companies supplying service through a single meter to equipment or facilities that are required by the housing maintenance code shall post, on or near the front and rear entrances of a multiple dwelling or duplex containing such equipment or facilities, a notice of delinquency in payment of utility bills after the utility bills are sixty (60) days in arrears, or a notice of intent to discontinue such service for failure to pay utility bills not less than fifteen (15) calendar days prior to the actual discontinuance of the service. Said notice shall inform tenants of their right to make rent payments directly to the utility company. When the discontinuance of the service is done by said utility, they shall notify the director of inspections' authorized designee, the supervisor of housing, either by mail, phone, or hand delivery within forty-eight (48) hours after the discontinuance of the service.

After a utility company has posted either notice described above, the tenants in the building may pay any rents owing to the owner or operator of the building directly to the utility company. The utility company shall make available to any requesting tenant or tenant's representative the utility account of the multiple dwelling or duplex housing which has been posted pursuant to this article. Any such payment shall be considered a reduction of rent owed by the tenant and a reduction of the utility bill owed by the owner or operator of the building.

A utility company shall not discontinue service if it has received payments from the tenants sufficient to:

- (1) Cover one hundred (100) per cent of the current bill and one-third of the past-due bill within thirty (30) days after posting the original notice.
- (2) Cover one hundred (100) per cent of the current bill and two-thirds of the past-due bill within sixty (60) days after posting the original notice.
- (3) Cover one hundred (100) per cent of the current bill and one hundred (100) per cent of the past-due bill within ninety (90) days after posting the original notice.

The utility company may discontinue service without further notice if it has not received the payments specified above.

No person shall deface or remove any notice posted by a utility company pursuant to this section. Such notice shall be removed only by the utility company which posted the notice or with its consent.

For the purposes of this section only, the term "utility company" shall include the water and sewer department of the City of Minneapolis.

Adopted 11/17/2006.

**PS&RS** - Your Committee, having under consideration the license application submitted by Aqua Nightclub, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting the application of Aqua Nightclub, 400 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adopted 11/17/2006.

Resolution 2006R-573, granting the application of Aqua Nightclub, 400 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was adopted 11/17/2006 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-573**  
**By Samuels**

**Granting the application of Aqua Nightclub, 400 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Twin Cities Entertainment Inc, dba Aqua Nightclub, 400 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire April 1, 2007, subject to the following conditions:

1. During all 18+ events, additional staff will be on hand to check identification at the door to ensure that 18+ clientele stays within their designated area of the club.
2. During all 18+ events, alcohol service and consumption will be confined in designated areas only and no beverage alcohol will be allowed to leave the designated areas as long as there are 18+ patrons in the establishment.
3. During all 18+ events, wristbands will be placed on those patrons of legal drinking age and different colored wristbands will be placed on all patrons under 21. Additionally, black X's will be drawn on both hands of all patrons under 21. This policy will be strictly enforced and patrons caught removing or altering their wristband or hand marks will be promptly removed from the establishment.
4. Host and security employees will require all patrons to provide a valid form of identification to ensure that each patron is of legal age.
5. Host and security employees will prevent admittance to anyone that is intoxicated.
6. Host and security employees will prevent admittance to anyone that has previously caused trouble or created a disturbance at the establishment.
7. Host and security employees will prevent admittance to anyone not in appropriate attire.
8. All employees involved in security, hosting or beverage alcohol service will undergo alcohol service training that is approved by the Department of Licenses and Consumer Services prior to or within three months of hiring.
9. This establishment shall maintain a minimum food service during a substantial portion of operating hours.
10. All litter within 100 feet of the exterior of the building housing the licensed premises must be picked upon on a daily basis.
11. Noise from the establishment will be kept to a minimum by taking appropriate measures as required in Section 360.55 of the Minneapolis Code of Ordinances, and as part of this requirement, noise coming from patrons of the establishment will be kept to a minimum so as to not disturb the peace and quiet of the residents of any dwelling unit.
12. The business agrees not to install pay phones either inside or outside the establishment.
13. The licensee will follow all laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with an on-sale beverage alcohol license.

Adopted 11/17/2006.

**PS&RS** - Your Committee, having under consideration the application of Temple Bar & Restaurant Inc, dba Temple Bar & Restaurant, 1201 Harmon PI, for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from Tiburon Restaurants LLC) to expire October 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

- a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate a Class A On-Sale Liquor License.
- b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/17/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.  
Adopted 11/17/2006.

Resolution 2006R-574, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/17/2006 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-574  
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 April 1, 2007**

80 South 8th Street Hotel Operations Inc, dba Vista Marquette Hotel, 710 Marquette Av

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

T K K Inc, dba Knight Cap, 1500 4th St NE

**On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2007**

Brit's Ltd, dba Brit's Pub & Eating Establishment, 1110 Nicollet Mall

Stasiu's Inc, dba Stasiu's, 2500 University Av NE

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2007**

Machu Picchu Inc, dba Machu Picchu Inc, 2940 Lyndale Av S

**On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2008**

Venue Management LLC, dba Pantages Theatre, 710 Hennepin Av (new corporate name)

Venue Management Inc, dba State Theatre, 805 Hennepin Av (change in corporate name)

Venue Management Inc, dba Hennepin Stages, 824 Hennepin Av (new corporate name)

Venue Management Inc, dba Orpheum Theatre, 910 Hennepin Av (new corporate name)

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007**

B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Av

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

Take One Enterprises Inc, dba Big Ten Restaurant & Bar, 606 Washington Av SE

Oceanaire Restaurant Company Inc, dba Oceanaire Seafood Room, 1300 Nicollet Mall

Pizza Luce IV Inc, dba Pizza Luce, 2200 E Franklin Av

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2007**

Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2007**

Aramark Food Service Corporation, dba Aramark, 500 11th Av S

**On-Sale Wine Class A with Strong Beer, to expire April 1, 2007**

Old Arizona Studio Inc, dba Old Arizona, 2821 Nicollet Av (no food requirement for theater)

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2007**

Los Mestizos Inc, dba El Meson, 3450 Lyndale Av S

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2007**

Naughty Dog Enterprises Inc, dba Cuppa Java, 400 Penn Av S

B & W Specialty Coffee Company, dba Gigis Cafe, 824 W 36th St

Sabor Latino Inc, dba Sabor Latino Restaurant, 2505 Central Av NE

Christos Inc, dba Christos, 2632 Nicollet Av

Manny's Tortas LLC, dba Manny's Tortas, 2700 E Lake St

Rice Paper Asian Fusion Restaurant LLC, dba Rice Paper Asian Fusion Restaurant, 2726 W 43rd

St

Pizza Joints Inc, dba Galactic Pizza, 2917 Lyndale Av S  
John & Midori Flomer, dba Floating World Cafe, 3011 27th Av S  
Pizza Luce II Inc, dba Pizza Luce, 3200 Lyndale Av S  
Al Vento Incorporated, dba Al Vento, 5001 34th Av S

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

Megusta Mexican Cuisine Inc, dba Megusta Meat Market, 405 E Lake St, 2nd floor  
RBF LLC of Wisconsin, dba Rainbow Foods, 1104 Lagoon Av  
RBF LLC of Wisconsin, dba Rainbow Foods, 1540 New Brighton Blvd  
Cedar Petroleum Inc, dba Stop-N-Shop, 1700 E Lake St  
Jerry's Enterprises, Inc, dba Cub Foods-Lake Street, 2850 26th Av S  
RBF LLC of Wisconsin, dba Rainbow Foods, 2919 26th Av S  
A to Z Gas Stop Inc, dba Stop-N-Shop #1, 3050 1st Av S.  
Adopted 11/17/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.  
Adopted 11/17/2006.

Resolution 2006R-575, granting applications for Business Licenses, was adopted 11/17/2006 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-575**  
**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 November 17, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271629):

Amusement Devices; Bed & Breakfast Facility; Check Cashing; Christmas Tree; Dance Hall; Dry Cleaner - Nonflammable; Laundry; Place of Entertainment; Caterers; Farm - Produce Permits; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Vending Machine; Gasoline Filling Station; Hospital; Hotel/Motel; Juke Box - Musical; Motor Vehicle Repair Garage; Towing Class A; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Limited; Taxicab Neighborhood Rideshare; Taxicab Vehicle; Theater Zone I; Theater Zone III; Tobacco Dealer.

Adopted 11/17/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.  
Adopted 11/17/2006.

Resolution 2006R-576, granting applications for Gambling Licenses, was adopted 11/17/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**NOVEMBER 17, 2006**

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

**RESOLUTION 2006R-576**

**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**

All Saints Catholic Church, dba All Saints Catholic Church, 435 5th St NE (Bingo November 19, 2006 at 435 5th St NE)

Downtown Ducks Unlimited, dba Downtown Ducks Unlimited, 60 S 6th St (Raffle November 30, 2006 at The Depot)

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle December 10, 2006 at Northeast Neighborhood Building, 1700 2nd St NE)

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle February 12, 2007 at Jax Cafe, 1928 University Av NE)

Patrick's Cabaret, dba Patricks Cabaret, 3010 Minnehaha Av (Raffle February 17, 2007 at Patrick's Cabaret, 3010 Minnehaha Av).

Adopted 11/17/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the Grocery, Food Manufacturing and Tobacco Licenses held by More Valu II, 2747 Bloomington Av S.

Adopted 11/17/2006.

Resolution 2006R-577, approving Technical Advisory Committee recommendations relating to Grocery, Food Manufacturing and Tobacco Licenses held by More Valu II, 2747 Bloomington Av S, was adopted 11/17/2006 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-577**

**By Samuels**

**Approving Technical Advisory Committee recommendations relating to the Grocery, Food Manufacturing and Tobacco Licenses held by More Valu II, 2747 Bloomington Av S.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on March 20, 2006 with the licensee to discuss violations of law relating to the operation of a licensed establishment in the City of Minneapolis; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee not removing items commonly known to be used as drug paraphernalia but after the time frame agreed upon with staff; and violating the Minneapolis Code of Ordinances by failing to obtain the proper permits for exterior signage;

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

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

a. the licensee shall reimburse the City of Minneapolis a total of \$300, reflective of actual staff costs expended since the initiation of the investigation for the TAC hearing. Said amount is due upon the signing of the TAC Agreement and is in lieu of the administrative fine that could be issued. This TAC

Agreement does not preclude the City from taking additional adverse action after the signing of the TAC Agreement, should the owner fail to comply with this agreement or City ordinances regarding the exterior signage.

b. The following conditions are placed upon the renewal of the aforementioned licenses:

1. "No Trespassing" signs will be posted. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.

2. The business will ensure that a minimum of two staff are working to ensure monitoring of the exterior and to reduce negative behaviors.

3. The business agrees to actively address security concerns to include loitering, drug activity, trespassing and management of the trespassing program. The business agrees to cooperate fully in the prosecution of criminal activity.

4. The business agrees not to sell single cigarettes.

5. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy, small zip lock bags also known as jewelry bags, dice, single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

6. The business agrees to keep all lights adequate and functioning properly.

7. All windows will be free of signs and other items that block the view in and out.

8. The owner shall comply with the Surveillance Camera Ordinance.

9. The business agrees not to install pay phones either inside or outside the store.

10. The business agrees to clean the property of litter and trash daily, including the area within 100 feet of the property line.

11. The business agrees to remove the signs on the exterior of the building which are not properly permitted within 10 days of the signing of the TAC Agreement. The business shall obtain the proper permits for exterior signs before placement of those signs.

12. The business agrees to provide security (off-duty police or if available due to the demands of the MPD, armed security) during the following hours: Sunday to Thursday, 2:00 p.m. to 10:00 p.m.; and Friday and Saturday, 2:00 p.m. to 11:00 p.m. If the business is unable to provide off-duty police, the business agrees to discuss the conduct of their business with the sector lieutenant for the Police Department.

Adopted 11/17/2006.

**PS&RS** - Your Committee, having under consideration the application of A & N Victory Market, Inc, dba A & N Victory Market, 4155 Thomas Av N, for a Grocery and Tobacco Dealer Licenses (new business) to expire April 1, 2007, and having held a license hearing thereon to consider whether the site plan review standards have been met for the property, and whether the applicant can provide the required number of off-street parking spaces for a grocery license, now recommends that the license application be denied.

Adopted 11/17/2006.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept an "Operation Nightcap" grant award of \$13,800 and execute an amended grant agreement with the Minnesota Department of Public Safety for a Driving While Intoxicated Saturation Program, in cooperation with the State Patrol, University of Minnesota Police, Hennepin County Sheriff and Minneapolis Police agencies. Said grant will reimburse overtime costs to police officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying resolution appropriating \$13,800 to the Police Department.

Adopted 11/17/2006.

**NOVEMBER 17, 2006**

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**RESOLUTION 2006R-578**

**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-DT13) by \$13,800 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$13,800.

Adopted 11/17/2006.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a Safe & Sober grant award of \$40,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety to fund overtime for Traffic Unit officers for increased enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety. Further, passage of the accompanying resolution appropriating \$40,000 to the Police Department.

Adopted 11/17/2006.

**RESOLUTION 2006R-579**

**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-DT13) by \$40,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$40,000.

Adopted 11/17/2006.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the City's participation in the Drug Enforcement Administration (DEA) State and Local Task Force, now recommends that the proper City officers be authorized to execute a Task Force Agreement with the United States Drug Enforcement Administration to receive \$31,145.50 to participate with up to two officers through September, 2007. Further, passage of the accompanying resolution appropriating \$31,145.50 to the Police Department.

Adopted 11/17/2006.

**RESOLUTION 2006R-580**

**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-C003) by \$31,145.50 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$31,145.50.

Adopted 11/17/2006.

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

**T&PW** - Your Committee, having under consideration the 50th St W and France Av S Parking Facility (Ewing Lot), and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the special assessments and adopting the assessment roll for the 2006 operation and maintenance of the parking facility.

Adopted 11/17/2006.

Resolution 2006R-581, adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2006 operation and maintenance of the 50th St W and France Av S Parking Facility, was adopted 11/17/2006 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-581**

**By Colvin Roy**

**Adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2006 operation and maintenance of the 50th St W and France Av S Parking Facility.**

Whereas, the total amount of the proposed special assessments is \$30,833.91 and consists of 2006 operation and maintenance costs through December 31, 2006; and

Whereas, a public hearing was held on November 9, 2006 in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the operation and maintenance, the proposed special assessments as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special assessments in the total amount of \$30,833.91, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2007 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/17/2006.

**T&PW** - Your Committee, having under consideration the Lyn/Lake Municipal Parking Facilities, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the special assessments and adopting the assessment roll for the operation and maintenance of the parking facilities.

Adopted 11/17/2006.

Resolution 2006R-582, adopting the special assessments for payable 2007, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities, was adopted 11/17/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**NOVEMBER 17, 2006**

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

**RESOLUTION 2006R-582**

**By Colvin Roy**

**Adopting the special assessments for payable 2007, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.**

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

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

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2007 to be \$42,845.62, all as contained in Petn No 271634 on file in the office of the City Clerk; and

Whereas, a public hearing was held on November 9, 2006 in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the proposed special assessments for payable 2007, as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special assessments for payable 2007 in the total amount of \$42,845.62, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2007 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/17/2006.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute an amendment to City Lease No. 21551 with Clifton Court, LLP, extending the lease for the property located at 314 Clifton Av for an additional three years for use by the Police Employee Assistance Program (EAP) at a cost of \$17,988 for the first year, \$18,738 for the second year, and \$19,487 for the final year. No additional appropriation required.

Adopted 11/17/2006.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute an amendment to Section 106 of the Memorandum of Agreement between the Federal Highway Administration, the State Historic Preservation Office, and the City of Minneapolis, as set forth in Petn. No. 271634, relating to Bridge Replacement Project S.P. 141-165-15, dated March 4, 2004, extending the completion date to October 15, 2007 for mitigation of the historical impacts resulting from the replacement of the Chicago Av S and Park Av S Bridge Projects, pending satisfactory review by the proper City officers.

Adopted 11/17/2006.

**T&PW** - Your Committee, having under consideration the levy of special assessments for various Public Works Department projects, now recommends passage of the accompanying resolution levying the special assessments upon the benefited properties, adopting the assessment rolls as prepared by the City Engineer, and directing the City Clerk to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/17/2006.

Resolution 2006R-583, adopting the 2006 levy of various Public Works Department special assessments and adopting the assessment rolls, was adopted 11/17/2006 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-583**

**By Colvin Roy**

**2006 Levy of Various Public Works Department Special Assessments and Adoption of Assessment Rolls.**

Resolved by The City Council of The City of Minneapolis:

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

1) Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$16,461.99 principal and interest for payable 2007 - Levy 01026 - Project 2897L.

2) Lake Street E (Hiawatha Av to E River Rd) Reconstruction Project, Special Improvement of Existing Street No 6709; \$1,146,810.32 principal; 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 - Project 6709C; 1 installment for assessments of \$150 or less - 4% interest - Levy 01026 - Project C6709.

3) Lowry Avenue N Reconstruction Project, Special Improvement of Existing Street No 2259; \$163,424.22 principal; 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 - Project 2259C; 1 installment for assessments of \$150 or less - 4% interest - Levy 01026 - Project C2259.

4) 28th Avenue S Reconstruction Project, Special Improvement of Existing Street No 4330; \$100,931.30 principal; 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 - Project 4330C; 1 installment for assessments of \$150 or less - 4% - Levy 01026 - Project C4330.

5) Lyndale Avenue N Street Reconstruction Project, Special Improvement of Existing Street No 2942; \$259,672.23; 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 - Project 2942C.

6) 27th Avenue S Street Reconstruction Project, Special Improvement of Existing Street No 6604; \$901,284.68; 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 - Project 6604C.

7) Lynnhurst (Northwest Area) Street Renovation Project, Special Improvement of Existing Street No 2987; \$732,049.82; 10 installments for assessments of more than \$150 - 4% interest - Levy 01026 - Project 2987R; 1 installment for assessments of \$150 or less - 4% interest - Levy 01026 - Project R2987.

8) 2006 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS06#1; \$78,000.31 principal; 5 installments for assessments of more than \$150 - 4% interest - Levy 01013 - Project FS061; 1 installment for assessments of \$150 or less - 4% interest - Levy 01013 - Project 061FS.

9) a. West Broadway Street Lighting Project, Special Improvement of Existing Street No 6710; \$343,500.83 (reduced from 771,403 due to a reduction in costs); 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 Project 6710L; 1 installment for assessments of \$150 or less - 4% interest - Levy 01026 - Project L6710.

b. Giving final approval for Street Lighting District No 1304 (said district having been established for the West Broadway Street Lighting Project No 6710); annual operation and maintenance costs in said district - \$3,324.02 - Levy 01023 - Project 1304.

10) a. 15th Avenue SE Street Lighting Project, Special Improvement of Existing Street No 6372; \$48,575.94 principal (reduced from \$212,000 due to reduction in final cost and contributed NRP funds); 20 installments for assessments of more than \$150 - 4.1% interest - Levy 01026 - Project 6372L; 1 installment for assessments of \$150 or less - 4% interest - Levy 01026 - Project L6372.

b. Giving final approval for Street Lighting District No 1319 (said district having been established for the 15th Avenue SE Street Lighting Project No 6372); annual operation and maintenance costs in said district - \$142.73 - Levy 01023 - Project 1319.

11) Project No 2007, Snow and Ice Removals from Public Sidewalks; \$71,002.90 principal (reduced from \$73,730.50 due to prepayments); 1 installment - 4% interest - Levy 01057 - Project 07S11.

12) Project No 2006, Public Sidewalk Repair and Construction; \$1,324,729.08 principal (reduced from \$1,363,113.70 due to prepayments); 10 installments for assessments of more than \$1500 - 4% interest - Levy 01052 - Project 07S10; 5 installments for assessments of more than \$150 up to \$1500 - 4% interest - Levy 01052 - Project 07S05; 1 installment for assessments \$150 or less - 4% interest - Levy 01052 - Project 07S01.

13) Project No 2007, Water Service Line Repairs; \$390,584.70 principal (reduced from \$415,191.70 due to prepayments); 5 installments at 8% interest - Levy 01028 - Project 07WTR.

14) Project No 2007 Sewer Service Line Repairs; \$86,597.50 principal (reduced from \$90,722.50 due to prepayments); 5 installments at 8% interest - Levy 01083 - Project 07SWR.

15) Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.45 per front foot.

16) Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; assessment rates for Street Lighting Districts as listed in Petn No 271634.

Adopted 11/17/2006.

**T&PW** - Your Committee, having under consideration excess City-owned land located at 536 1/2 Third Av N, now recommends that said land be sold by the method of private sale.

Your Committee further recommends that a public hearing be held on November 21, 2006 to consider the sale of said property to Hennepin County.

Adopted 11/17/2006.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration Cedar Lake Trail, Phase 3, from Royalston Av to W River Parkway, now recommends:

a) Authorizing the proper City officers to accept a grant award in the amount of \$1,800,000 and execute Grant Agreement No. SG-2006-145 between the Metropolitan Council and the City of Minneapolis for the completion of the Cedar Lake Trail, pending satisfactory review by the proper City officers; and

b) Passage of the accompanying resolution appropriating \$1,800,000 to the Cedar Lake Trail Project upon execution of the Grant Agreement.

Adopted 11/17/2006.

**RESOLUTION 2006R-584**  
**By Colvin Roy and Ostrow**

**Amending The 2006 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in PW-Transportation-Capital Agency in the Grants-Other Fund (0600-943-9480) by \$1,800,000 and increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and

b) Increasing the appropriation in PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9470-BIK01) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000.

Adopted 11/17/2006.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to negotiate and enter into Road Maintenance Agreement No. PW 21-20-26 between Hennepin County and the City of Minneapolis, effective January 1, 2007 through December 31, 2009, providing reimbursement to the City for the costs of providing routine maintenance on certain County State Aid routes and bridges located within the corporate City limits.

Adopted 11/17/2006.

Resolution 2006R-585, entering into an agreement between Hennepin County and the City of Minneapolis reimbursing the City for providing routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis, effective January 1, 2007 through December 31, 2009, was adopted 11/17/2006 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-585**  
**By Colvin Roy and Ostrow**

**Entering into an agreement between Hennepin County and the City of Minneapolis reimbursing the City for providing routine maintenance on certain County State Aid routes and bridges in the City of Minneapolis, effective January 1, 2007 through December 31, 2009.**

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enter into Proposed Road Maintenance Agreement No PW 21-20-26 with Hennepin County to provide reimbursement to the City for the costs of providing the necessary maintenance services for the roadway system including snow and ice control on downtown roadways, patching and minor repair of downtown streets, street sweeping, rubbish removal, and turf maintenance; maintenance of bridges including surface flushing, street sweeping, snow/ice control on bridge sidewalks, rubbish removal, and bridge roadway and waterway navigation lights; maintenance of traffic signal system including poles, heads, loops, cabinets, controllers and associated crash or vandalism damage; and maintenance of traffic signs and markings except for linear lane pavement striping, and other activities.

Be It Further Resolved that the total amount of this agreement for 2007 is estimated at \$938,321.

Be It Further Resolved that the amount of reimbursement for the years 2008 and 2009 be determined by the three year moving average method.

Be It Further Resolved that the Mayor and the Finance Officer are authorized to execute the Agreement.

Adopted 11/17/2006.

**T&PW & W&M/Budget** - Your Committee, having under consideration the provision of security services at the Minneapolis Convention Center and Minneapolis Water Works and Emergency Mobilization, now recommends:

**T&PW** - That the recommended contract with Avalon Fortress Security Corporation be sent forward without recommendation.

**W&M/Budget** - That the proper City officers be authorized to negotiate and enter into a contract with Avalon Fortress Security Corporation to provide house security services at the Minneapolis Convention Center at an estimated annual cost of \$1,300,000 (payable from Fund-Agency 0760-MCC), and for security services for Minneapolis Water Works and Emergency Mobilization at an estimated annual cost of \$560,000 (payable from Fund-Agency 7400-690) effective December 1, 2006, for an initial one-year period with two one-year renewal options.

Further, that said contract incorporate the following provisions consistent with letters received from Avalon Fortress Security Corporation dated November 10, 2006 (Petn. No. 271635):

- a) That voluntary card check be allowed as a means for employees to organize; and
- b) That employees currently providing security services be retained in their current positions at their existing rate of pay.

Further, that the City Attorney be directed to report back to the Ways & Means/Budget Committee on January 8, 2006 with a recommendation as to the applicability of incorporating voluntary card check, or other means of accomplishing labor peace objectives, into service contracts relating to City-owned facilities.

Colvin Roy moved to amend the report by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Glidden moved to substitute the following report for the above report. Seconded. Adopted upon a voice vote.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving a contract with Avalon Fortress Security Corporation for the provision of security services at the Minneapolis Convention Center and Minneapolis Water Works and Emergency Mobilization.

The substitute report was adopted 11/17/2006.

Resolution 2006R-586, approving a contract with Avalon Fortress Security Corporation for the provision of security services at the Minneapolis Convention Center and Minneapolis Water Works and Emergency Mobilization, was adopted 11/17/2006 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-586**

**By Glidden**

**Approving a contract with Avalon Fortress Security Corporation for the provision of security services at the Minneapolis Convention Center and Minneapolis Water Works and Emergency Mobilization.**

Whereas, the City of Minneapolis has a financial interest of at least \$1.8 million per year in its contract for security services for the protection of the Minneapolis Convention Center and Minneapolis Water Works and Emergency Mobilization; and

Whereas, it is essential that that no labor dispute interrupt the performance of said security services, which could adversely impact the revenue stream to the City from the Convention Center and interfere with the City's proprietary interest in the Convention Center;

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

That the proper City officers be authorized to negotiate and enter into a contract with Avalon Fortress Security Corporation to provide house security services at the Minneapolis Convention Center at an estimated annual cost of \$1,300,000 (payable from Fund-Agency 0760-MCC), and for security services for Minneapolis Water Works and Emergency Mobilization at an estimated annual cost of \$560,000 (payable from Fund-Agency 7400-690) effective December 1, 2006, for an initial one-year period with two one-year renewal options.

Be it Further Resolved that any contract for security services for the protection of the Minneapolis Convention Center contains the following language:

**Union contracts; No Work Stoppage; Arbitration.** The security contractor performing services at the Minneapolis Convention Center ("Contractor") shall be or become signatory to a valid collective bargaining agreement or other contract under 29 U.S.C. Section 185 with any labor organization seeking to represent security officers employed in Contractor's security operations at the Minneapolis Convention Center as a condition precedent to its contract with the City.

Such collective bargaining agreement or contract shall contain a provision prohibiting the labor organization and its members, and in the case of a collective bargaining agreement, all employees covered by the agreement, from engaging in any strike, picketing, work stoppages, work slowdown or the absence of an employee, in whole or in part, from the full and faithful and proper performance of the duties of employment, boycotts, concerted refusal to work or any other economic interference with the operations of Contractor for the duration of Contractor's contract with the City (the "No-strike pledge").

Such collective bargaining agreement or contract must provide that for the duration of Contractor's contract with the City, all disputes relating to employment conditions or the negotiation thereof shall be submitted to final and binding arbitration.

Contractor shall be relieved of the obligations of this provision with respect to a labor organization if the labor organization places conditions upon its No-strike pledge that the City Council finds, after notice and hearing, to be arbitrary or capricious.

Be It Further Resolved that provisions be incorporated into the contract for employees currently providing these services regarding pay rates and job security consistent with letters received from Avalon dated November 10, 2006, as set forth in Petn No 271635 on file in the office of the City Clerk.  
Adopted 11/17/2006.

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

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.  
Adopted 11/17/2006.

Resolution 2006R-587, authorizing settlement of the legal claims of Jacqueline Schaeffer v. City of Minneapolis, and Ronald Benford v. City of Minneapolis, was adopted 11/17/2006 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-587**  
**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

a) Jacqueline Schaeffer v. the City of Minneapolis, by payment of \$45,000, payable to Jacqueline Schaeffer and her attorney, Kenneth Udoibok; and authorize execution of any documents necessary to effectuate said settlement; and

b) Ronald Benford v. the City of Minneapolis, by payment of \$10,050, payable to Ronald Benford and payment of \$6,700, payable to Mr. Benford's attorneys, Milavetz, Gallop & Milavetz, P.A., in addition to a supplemental Minneapolis Convention Center (MCC) training session; and authorize execution of any documents necessary to effectuate said settlement and release of claims.

Adopted 11/17/2006.

**W&M/Budget** - Your Committee having under consideration the Unisys Managed Services Contract C-18881, now recommends that the proper City officers be authorized to amend said contract to accommodate the following increases in scope:

a) by \$992,000 to image the hardware, provide on-going support and maintenance of the mobile computer-aided dispatch (CAD) hardware for Minneapolis Fire and Police Departments, Hennepin County Medical Services and the University of Minnesota; passage of the accompanying resolution appropriating \$32,000 in the Business Information Services Agency.

b) by \$71,623 to alter the infrastructure of the existing Geographical Information Services (GIS) system to a full-fledged enterprise system; funding for this project out of existing appropriations under 6400-880-8870 Project 880F6211.

c) by \$62,863 to develop the infrastructure of the Shotspotter system and manage the network; further passage of the accompanying resolution appropriating \$27,724 in the Business Information Services Agency.

Adopted 11/17/2006.

**RESOLUTION 2006R-588**

**By 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 in the Business Information Services Agency in the Info Tech - Internal Service Fund (6400-880-8870-880F6711) by \$32,000; and increasing the revenue source (6400-880-8870 - Source 3455) by \$32,000.

Adopted 11/17/2006.

**RESOLUTION 2006R-589**

**By 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 in the Business Information Services Agency in the Info Tech - Internal Service Fund (6400-880-8870-880F6125) by \$27,724; and increasing the revenue source (6400-880-8870 - Source 3455) by \$27,724.

Adopted 11/17/2006.

**W&M/Budget** - Your Committee having under consideration the Digital Inclusion Task Force, now recommends approval of the selection of Minneapolis Foundation as the fund agent; and further recommends the selection of Council Member Glidden as the elected official to serve as the City of Minneapolis Council representative on the Interim Advisory Board.

Adopted 11/17/2006.

**W&M/Budget** - Your Committee recommends approval of a second December 2006 utility billing insert on behalf of the Finance Department explaining Local Use Tax as required by new State law.

Adopted 11/17/2006.

**W&M/Budget** - Your Committee recommends that the 2006 Special Tax Assessments for Delinquent Utility Charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 271641 on file in the Office of the City Clerk.

Adopted 11/17/2006.

**W&M/Budget** - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Deputy Director, Transportation, (grade 17 with 793 points) to Deputy Director, Public Works, (grade 17 with 793 points), effective October 23, 2006.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said reclassified position.

Adopted 11/17/2006.

**NOVEMBER 17, 2006**

Ordinance 2006-Or-137 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, approving the reclassified position of Deputy Director, Transportation to Deputy Director, Public Works, was adopted 11/17/2006 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-137  
By Ostrow  
1st & 2nd Readings: 11/17/2006**

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

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)  
Effective: OCTOBER 23, 2006**

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Deputy Director, Public Works	793	17	A	\$110,621	\$116,443	\$119,937	\$122,266

Adopted 11/17/2006.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving the terms of a 14 ½ month labor agreement with the International Association of Fire Fighters (I.A.F.F.), Local #82, effective October 15, 2005 through December 31, 2006.

Adopted 11/17/2006.

Resolution 2006R-590, approving the terms of a 14 ½ month labor agreement with the International Association of Fire Fighters, Local #82, was adopted 11/17/2006 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-590  
By Ostrow**

**Approving the terms of a collective bargaining agreement with the International Association of Fire Fighters, Local #82 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 International Association of Fire Fighters, Local #82 (Petn No 271642), 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 11/17/2006.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving the terms of a 24 month labor agreement with the AFSCME 9-1-1 Unit, effective January 1, 2006 through December 31, 2007.

Adopted 11/17/2006.

Resolution 2006R-591, approving the terms of a 24 month labor agreement with the AFSCME 9-1-1 Unit, was adopted 11/17/2006 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-591**  
**By Ostrow**

**Approving the terms of a collective bargaining agreement with the AFSCME 9-1-1 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, 9-1-1 Unit (Petn No 271642), 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 11/17/2006.

**W&M/Budget** - Your Committee having under consideration the appropriations from the 2006 Contingency budget, now recommends passage of the following resolutions appropriating funds as follows:

- a) \$450,000 to the Department of Regulatory Services; and
- b) \$1,100,000 to the Minneapolis Police Department.

Adopted 11/17/2006.

**RESOLUTION 2006R-592**  
**By 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 in the Regulatory Service Agency in the General Fund (0100-835-8560) by \$450,000; and decreasing the Contingency Fund appropriation (0100-175-1750) by \$450,000.

Adopted 11/17/2006.

**RESOLUTION 2006R-593**  
**By 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 in the Police Department Agency in the General Fund (0100-400-4000) by \$1,100,000; and decreasing the Contingency Fund appropriation (0100-175-1750) by \$1,100,000.

Adopted 11/17/2006.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Norstar Realty Corp. from the decision of the Board of Adjustment for property at 4249 Penn Ave N which granted an application for variance to reduce the required south interior side yard setback from 5 feet to 4 feet, 10 inches on Parcel A to allow for the reestablishment of two parcels subject to condition that the existing deck on Parcel A shall be no closer than 4 feet 10 inches to the south interior property line, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 11/17/2006.

**Z&P** - Your Committee, having under consideration the appeal filed by Warren Shade and Fulford Trust from the decision of the Planning Commission granting applications by John Robinson for site plan review and a preliminary plat, both for a train shed for storage of a historic rail car at 2400 Traffic St NE, now recommends:

a) that the appeal related to site plan review be denied in part, and the application for site plan for a train shed be approved, subject to condition that the amount of stormwater draining to neighboring properties from the property in question shall not be increased; and

b) that the appeal related to the preliminary plat be denied.

Your Committee further recommends that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 11/17/2006.

### MOTIONS

Samuels moved to discharge the Public Safety & Regulatory Services Committee from further consideration of outdoor smoking area standards for food and beverage establishments. Seconded.

Adopted 11/17/2006.

Samuels moved approval of the standards for outdoor smoking areas at food and beverage establishments, as set forth in Petn No 271647 on file in the Office of the City Clerk. Seconded.

Adopted 11/17/2006.

Hofstede moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the license application submitted by Loring Pasta Bar, 325-29 14th Av SE. Seconded.

Adopted 11/17/2006.

Hofstede moved to grant the application of Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE, for an On-Sale Liquor Class B with Sunday Sales License (upgrade from On-Sale Liquor Class C-1 with Sunday Sales) to expire July 1, 2007, now recommends that said license be granted, subject to the following conditions:

a. any violation of the sidewalk cafe ordinance by the Loring Pasta Bar will result in the relinquishing of its sidewalk cafe license for a period of at least one year from the date of the violation.

b. music from within the establishment will not emanate outside the establishment in violation of Section 360.55 or in a manner that results in more than two sustained complaints (as determined by the City of Minneapolis) due to the music being clearly audible across 14th Av SE above ambient noise levels.

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

Adopted 11/17/2006.

Samuels introduced the subject matter of the following ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to Animals and Fowl, which were given their first reading and referred to the Public Safety & Regulatory Services Committee:

a. Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits to create restrictions on dog collars and harnesses weighing more than two pounds and establishing administrative fine; to eliminate restriction

of leashes exceeding 8 feet in length and establishing administrative fine; to establish Tether requirements and administrative fine; to establish administrative fine for violation of feces clean up; to clarify service and guide dog exemptions and establishing administrative fine; to clarify requirements for occupants of residential buildings or units to obtain permit for keeping more than 3 animals; changing permit authority from the Commissioner of Health to Minneapolis Animal Care & Control; and establishing administrative fine; to define permit duration and changing permit fee for harboring more than 3 animals; and to define terms and conditions of permits and enforcement.

b. Chapter 68 relating to Pet Shops, Kennels, Etc. to change the license review authority from Commissioner of Health to Minneapolis Animal Care & Control.

c. Chapter 70 relating to Fowl, Pigeons, and Other Small Animals to change the permit and other authority from Commissioner of Health to Minneapolis Animal Care & Control; and to prohibit roosters in the City; and establish administrative fine; to define permit duration and change the fee for keeping fowl; housekeeping changes to eliminate section 70.50 and 70.70 and move to section 70.10; and to repeal section 70.60 regarding dispersal of permit fees.

d. Chapter 72 relating to Diseased, Injured or Dead Animals to grant authority for quarantine and unclaimed animal disposal to Minneapolis Animal Care & Control.

### UNFINISHED BUSINESS

**Comm Dev** - Your Committee forwards without recommendation the recommendation of the Department of Community Planning & Economic Development (CPED) to authorize the sale of the property at 1011 E 28th St to Delores Holmes for \$3,000, by passage of the accompanying resolution, subject to the following conditions:

- a) That 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; and
- c) That a conservation easement be placed on the parcel.

The sale conditions may be waived or amended with the approval of the Director of CPED.

By unanimous consent, the report was postponed 11/17/2006.

**W&M/Budget** - Your Committee, having under consideration the Fraud/Ethics Reporting Line, now recommends the following:

- a) Receive and file the Fraud/Ethics Reporting Line Committee report;
- b) Direct, under the auspices of the City Coordinator's Office, the selection of a vendor for a fraud and ethics reporting line using a competitive procurement process;
- c) Direct the City Coordinator's staff to make a recommendation about funding the fraud and ethics reporting line;
- d) Direct appropriate staff, as coordinated by the City Coordinator's office, to implement the reporting line enterprise wide; and
- e) Direct the City's Ethics Officer to provide semi-annual reports on the utilization of the fraud and ethics line to the Ways and Means/Budget Committee.

Your Committee further recommends that staff be directed to work with the City Coordinator to bring forward a recommendation for a permanent funding source for this reporting line as part of the 2007 budget deliberations and to report back to the Ways & Means/Budget Committee in the 1<sup>st</sup> Quarter of 2007 to address issues involving implementation of said reporting line.

Ostrow moved that the report be referred back to the Ways & Means/Budget Committee, in accordance with City Council Rule 1g. Seconded.

Adopted upon a voice vote 11/17/2006.

**NOVEMBER 17, 2006**

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Lilligren moved to adjourn to November 30, 2006 at 5:05 p.m. in Room 317 for the purpose of conducting the Truth in Taxation public hearing. Seconded.  
Adopted upon a voice vote 11/17/2006.

Merry Keefe,  
City Clerk.

Unofficial Posting: 11/20/2006  
Official Posting: 11/22/2006  
Corrections: 1/03/2007; 5/1/2007