

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF DECEMBER 22, 2006

(Published December 30, 2006, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street

Minneapolis, Minnesota

December 22, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved to amend the agenda to consider the Motion to discharge the Public Safety & Regulatory Services Committee regarding the removal of Fire Chief Bonnie Bleskachek at the beginning of the agenda. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 12/22/2006.

Lilligren moved acceptance of the minutes of the adjourned meeting of November 30, 2006, the regular meeting of December 1, 2006, and the adjourned meeting of December 11, 2006. Seconded.

Adopted upon a voice vote 12/22/2006.

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 12/22/2006.

## PETITIONS AND COMMUNICATIONS

### CLAIMS:

RISKMANAGEMENT (271674)

Tort Claims Summary Report: 1st, 2nd, and 3rd quarter report.

### COMMUNITY DEVELOPMENT and HEALTH & HUMAN SERVICES and ZONING & PLANNING:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271677)

CPED 2007-2011 Business Plan.

### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271675)

17TH Ave Housing LLC (re Keeler Apartments, 317-17th Ave SE): Authorizing issuance of bonds to refinance 44-unit multi-family rental housing development.

Community Housing Development Corporation (re Slater Square, 1400, 1412 1416 & 1425 Portland Ave S): Loan restructuring & reassignment.

Twin Cities Housing Development Corporation (re Elliot Ave Cooperative): Stabilization, loan restructuring & reassignment.

Hennepin County: Authorize Memorandum of Understanding re acquisition of tax-forfeited land for \$1.00.

2006 Affordable Housing Trust Fund: Recommendations for project loans.

MAYOR (271676)

Mpls Public Housing Authority Board of Commissioners: Appointment of Judy Karon as Chair.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271678)

Southeast Mpls Industrial Area/University Research Park Infrastructure: Authorizing acquisition of 700-29th Ave SE & portions of 504-29th Ave SE, 518, 520 1/2, 501, 518 & 600 Malcolm Ave SE for Malcolm Ave & Granary Rd right-of-way; appropriation increases.

Upper Harbor Terminal Operating Budget for 2007.

Environmental Remediation Grant Applications: Authorize submission of applications to Hennepin County Environmental Response Fund for 1800 Plymouth Ave Townhomes, Archdale Apartments & Heritage Park Redevelopment-Phases 3 & 4 projects.

Metropolitan Council LRT Land Assembly Grant Funding Reallocation: Request to Metropolitan Council to reallocate funds for extension of Snelling Ave at 46th St LRT station area.

African Development Center: Contract for partnership on establishing the Alternative Financing Loan Program as part of the City's small business assistance program; funding appropriations.

2700 East Lake LLC (re Coliseum Building, 2700 E Lake St): Amendment to terms of redevelopment loan, deferring principal & interest payments.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271679)

Southeast Mpls Industrial (SEMI) Redevelopment & Tax Increment Finance Plans: Modifications to Plans for pooling in Bioscience Sub-zone; Approval of prepayment of Bedford Street Townhomes TIF note; appropriation increase.

Issuance of 2007 Tax-exempt Revenue Bonds: Authorizing certain actions for bond financing for industrial/manufacturing projects.

Mpls Consortium of Community Developers: Renewal of contract & funding for partnership for small business loan programs.

Community Reinvestment Fund: Contract renewal & funding for partnership on the Emerging Entrepreneur Loan Program Pilot; authorizing Advance Commitment Agreement.

Bid acceptance: OP 6685 - Construction of single family home at 425-20th Ave NE by AA Contracting, Inc; OP 6687 - Emergency power modification at Target Center by Ridgedale Electric, Inc.

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

CIVIL RIGHTS (271680)

Civilian Police Review Authority Board: Appointments.

HEALTH AND FAMILY SUPPORT SERVICES (271681)

School Based Clinic Services: Agreement with Minneapolis Public Schools, Special School District #1, for use of school facilities and clinic services.

Public Health Advisory Committee: Appointments.

Senior Citizen Advisory Committee: Appointments.

REGULATORY SERVICES (271682)

Citizens Environmental Advisory Committee: Appointments.

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

HEALTH AND FAMILY SUPPORT SERVICES (271683)

Get Fit Twin Cities Campaign: Solicit donations.

Pregnancy Psychosocial Risk Screening Validation Study: Add 1.0 FTE Family Support Specialist position.

**INTERGOVERNMENTAL RELATIONS:**

LICENSES AND CONSUMER SERVICES (271685)  
2007 Legislative Agenda: Wine in Grocery Stores Issues.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (271684)  
2007 State Legislative Agenda.

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

LICENSES AND CONSUMER SERVICES (271686)  
Fahrenheit Nightclub (400 1st Av N): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions; and Sidewalk Cafe License.

Quick Stop #1 (2801 Grand Av S): Grant Grocery License, with conditions.

POLICE DEPARTMENT (271687)

Cooperative Law Enforcement Activities with State of Minnesota: Interchange Agreement with State of Minnesota for officers to receive on-the-job experience with the Department of Corrections.

REGULATORY SERVICES (271688)

Animals: Ordinances amending Title 4 of Code of Ordinances relating to Animals and Fowl to create restrictions on dog collars and harnesses weighing more than two pounds; to eliminate restriction of leashes exceeding 8 feet in length; to establish Tether requirements; to establish administrative fine for violation of feces clean up; to clarify service and guide dog exemptions; to clarify requirements for occupants of residential buildings or units to obtain permit for keeping more than 3 animals and changing permit authority; to define permit duration and changing permit fee for harboring more than 3 animals; to define terms and conditions of permits and enforcement; to change the license review authority; to change permit and other authority for Small Animals; to define permit duration and change the fee for keeping fowl; to grant authority for quarantine and unclaimed animal disposal to Minneapolis Animal Care & Control; with comments.

REGULATORY SERVICES (271689)

Auto Mart (4201 E Lake St): Deny renewal application for Motor Vehicle Dealer - Used Only License. Stay license denial recommendation, pending appeal.

Rental Dwelling Licenses at 2123 6th St N; 3730 Fremont Av N; 2724 Penn Av N; 506 Newton Av N; and 2407 Golden Valley Rd: Revoke, deny or non-renew licenses held by Jay Petsche.

Rental Dwelling Licenses at 3001 James Av N; 1412 8th St SE; 818 University Av NE; 1607 Hollywood Av NE; 3955 Emerson Av N; 2900 Emerson Av N; 3620 Longfellow Av; 3223 Washburn Av N; 3750 Queen Av N; 736 Madison St NE; and 3858 Sheridan Av N: Revoke licenses held by Scott Feyereisen.

REGULATORY SERVICES (271690)

Chapter 249 Property at 2623 Dupont Av N: Demolition.

New Taxicab License Regulations: Establish neutral panel to review and rate applications and business plans; Adopt criteria to be used to rank applicants; Define fuel efficient vehicle.

REGULATORY SERVICES (271691)

Remote Office Space at Hamilton School, 4119 Dupont Av N: Pre-payment and fund transfer from Regulatory Services to Public Works.

**PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (271692)

Street Furniture: Develop Street Furniture Program. (See T&PW Report)

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

ATTORNEY (271693)

Legal Resources: Mutual Assistance Agreement with City of St. Paul for added legal resources in event of a disaster.

FIRE DEPARTMENT (271694)

2007 Influenza Pandemic Planning State Grant: Accept grant of \$77,656 from State of Minnesota to continue working on issues that plan for a pandemic influenza; Approve appropriation.

2005 Urban Area Security Initiative Grant: Amending Resolution 2006R-054 to transfer \$13,959 from the Police Department to the Fire Department.

POLICE DEPARTMENT (271695)

Auto Theft Bait Vehicle Program: Accept 1998 Honda Civic from National Insurance Crime Bureau.

Federal Bureau of Alcohol, Tobacco and Firearms: Accept \$30,000 and execute agreement with ATF for overtime expenses for officers who assist the ATF; and Approve appropriation.

Police Department Employee Assistance Services: Agreements for psychologist and psychologist training services.

Detox Van Services: Contract with Hennepin County to provide services for 2007.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (271696)

Solid Waste Management Options: Receive & file 180-day program.

Parcel D East Redevelopment Contract (Park Ave E Lofts Site): Receive & file.

WINTHROP & WEINSTINE (271697)

Organized Collection of Solid Waste: Minneapolis Refuse, Inc. request for notice of proceedings.

XCEL ENERGY/NSP (271697.1)

Utility Poles:

425 Washington Av N.

1375 Willow St.

50 ft north of existing pole at 2106 Washington St for service to 2101 Washington St.

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

PUBLIC WORKS AND ENGINEERING (271698)

Cedar Lake Trail Phase III: Negotiate acquisition of trail easements.

Cutler Magner Company: Increase contract for quick lime.

Access Minneapolis-Transportation Action Plan Study: Contract date extension with agency partners.

Courtesy Benches: Return to author ordinance amending Title 13, Chapter 283 of Code relating to Licenses and Business Regulations: Courtesy Benches.

No Parking Sign Fee: Ordinance amending Title 17, Chapter 447 of Code relating to Streets and Sidewalks: Parades/Races instituting a fee for posting No Parking signs along parade/race routes; Comments.

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

PUBLIC WORKS AND ENGINEERING (271699)

800 MHz System: Reimbursement contract with Sprint-Nextel and reconfiguration service contract with Motorola Inc.

Mobile USA Inc: Agreement to receive communications equipment and cost reimbursement.

Closing Project Funds: Close-out of sewer-related work and reappropriation of available revenue to other sewer-related projects.

Police Substation (1107 W Broadway): Two-year lease with John McKay Williams Properties.

Capital Project Appropriations: Increase appropriations for Cedar Riverside Station Area Street Lighting, Lowry Av Reconstruction, and Hennepin County Navigation Lights.

Bid: OP 6690, Veit & Company, Inc. for pipeline rehabilitation.

**WAYS AND MEANS BUDGET:**

HUMAN RESOURCES (271700)

Pay Equity Compliance: 2006 Notice.

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

ATTORNEY (271701)

Legal Settlement: City of Minneapolis v. Architectural Alliance for damages relating to the Currie Maintenance Facility.

Master Legal Services Agreement: 3rd Amendment with Kaplan, Kirsch, and Rockwell, LLP.

MNCIS Integration Project: Technology Prepayment Project Proposal.

Establishment of Legal Services Panels: a) Adopt placement of attorneys and law firms on the City's Legal Services Panel; b) Authorize "Master Agreements" through December 31, 2009, with the cost for each agreement not to exceed \$300,000 for the three-year period; and c) Authorize waiving the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

BUSINESS INFORMATION SERVICES (BIS) (271702)

Safety Cameras: Increase bid amount in contract C-23509 to provide multiple complete camera turnkey systems.

Bentley Systems, Incorporated: Extend length and amount of contract for support and maintenance of the Public Works Civil Engineering application through 2008.

Qwest Master Network Interstate Service Agreement: Extend contract by 3 years and increase contract amount by \$300,000.

Domain Name: Accept donation of domain name www.cityofminneapolis.org from Emeka Ezidiegwu, Triple E Holdings, Ltd.

COMMUNICATIONS (271703)

Utility Billing Insert: Approve January 2007 insert announcing utility billing rates for 2007.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271704)

Minneapolis Empowerment Zone: Approve 2006 - 2009 Strategic Plan.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (271705)

Meet Minneapolis: Accept donation from Non-profit Convention Events Fund.

COUNCIL MEMBER (271706)

Fair Hiring Practices: Draft resolution and public comments.

FINANCE DEPARTMENT (271707)

Property Insurance Premium for Minneapolis Convention Center, Talmadge Building, and Parking Ramp: a) Review options for 2007 coverage; b) Accept XL Insurance quote; and c) Accept quote for additional terrorism coverage.

Minneapolis Police Relief Association and Minneapolis Fire Relief Association: Appoint City Representatives to the Boards of Directors for a two year term ending December 31, 2008.

HUMAN RESOURCES (271708)

Senior Associate Position: Approve Monique Jones at Step 5 in the Benefits Department of Human Resources.

Non-represented Employees 2007 Salary Adjustment: Approve salary schedules enhanced by 2 percent across the board for each classification, and all longevity steps; step movement frozen for calendar year 2007.

REGULATORY SERVICES (271709)

State of Minnesota Grant Funding: Accept funding for displaced low income families during lead hazard reduction activities.

**ZONING AND PLANNING:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271710)

Presentation: CPED Planning Department Organizational Chart.

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

INSPECTIONS/BOARD OF ADJUSTMENT (271711)

Appeal:

Neumann Residence (4820 31st Ave S): re decision of the Board of Adjustment regarding an application for variance for a one-story addition with a roof top deck to an existing single-family dwelling.

**FILED:**

CITY CLERK (271711.1)

4 You Food Market (2326 Lyndale Ave N): Verbatim Transcripts of a portion of the Public Safety & Regulatory Services Committee Meeting held October 25, 2006; and the City Council Meeting held November 3, 2006.

EXECUTIVE COMMITTEE (271712)

Fire Chief Bonnie Bleskachek: Summary conclusion report regarding evaluation and performance of Fire Chief Bonnie Bleskachek.

MDMH II, LLC BY HOLMES & ASSOCIATES, LTD. (271713)

Vacate alley between 2nd St N and 1st St N at 17th Ave N which dead-ends at vacated 16th Ave N; Lots 1-12, Block 26, Bassett, Moore and Case's addition to Minneapolis. This parcel will be added to the adjacent properties.

POWDERHORN RESIDENTS GROUP, INC. (PRG) (271714)

Vacate the southern portion of the north-south alley between 1204 and 1238 Lake Street East; Lots 15 and 15, Block 2, Eustis 3D Addition to Minneapolis for mixed use development.

JENSEN, ABIGAIL (271714.1)

Claim: Background info on claim of Abigail Jensen regarding sculpture removed from 5416 Pleasant Ave.

SEWARD REDESIGN (271715)

Vacate alley portion located between 2823 Franklin Ave E and 2812 29th Ave S or the east 1/2 of the East-West alley which connects 28th Ave S and 29th Ave S, just south of Franklin Ave for Building and green space for Seward Co-op.

*The following reports were signed by Mayor Rybak on December 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**

The **CLAIMS** Committee submitted the following reports:

**Claims** - Your Committee, having under consideration claims appealed from the decision of the Staff Claims Committee, now recommends:

a) That the following claims be denied:

- KimberlyBlackshear, 2325 E 35th St, Minneapolis  
Cause: Towing/Vehicle Sold  
Amount Claimed: Cost to recover vehicle
- Michelle Clark, 716 21st Av N, Minneapolis  
Cause: Towing  
Amount Claimed: \$350
- Abigail Jenson, 5416 Pleasant Av, Minneapolis  
Cause: Theft  
Amount Claimed: \$1,000
- Trent Trueblood, 467 Maryland Av, St. Paul  
Cause: Towing  
Amount Claimed: \$338;

b) That the claim of Erik Minge and Tazia Brunetti, in the amount of \$3,050, for damage to the water supply line at 4925 Queen Av S, be granted; and

c) That the claim of Nathen Kuehl, in the amount of \$138, for towing charges received due to parking in a temporary No Parking Zone, be **sent forward without recommendation**.

Goodman moved to amend recommendation "c" of the report by deleting the language, "sent forward without recommendation" and inserting in lieu thereof "granted". Seconded.

Adopted upon a voice vote.

Benson moved to divide recommendation "a" of the report so as to consider separately the portion relating to the claim of Abigail Jenson. Seconded.

Adopted upon a voice vote.

Benson moved adoption of the balance of the report. Seconded.

Adopted 12/22/2006.

**Claims** - Your Committee, having under consideration claims appealed from the decision of the Staff Claims Committee, now recommends:

a) That the following claim be denied:

· Abigail Jenson, 5416 Pleasant Av, Minneapolis

Cause: Theft

Amount Claimed: \$1,000

Adopted 12/22/2006. Yeas 12; Nays, 1 as follows:

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

Nays - Benson.

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

**Comm Dev** – Your Committee, having under consideration the issuance of refunding bonds on behalf of 17th Avenue Housing, LLC for the Keeler Apartments at 317 - 17th Ave SE, now recommends passage of the accompanying resolution authorizing the issuance of up to \$11,700,000 of 501(c)(3) Tax-exempt Revenue Refunding Bonds and up to \$800,000 of Taxable Revenue Refunding Bonds to refinance the 44-unit multi-family rental housing development project.

Adopted 12/22/2006.

(Published 12/27/2006)

Resolution 2006R-620, authorizing the issuance, sale, and delivery of revenue bonds for the benefit of 17th Avenue Housing, LLC to refinance the Keeler Apartments project at 317-17th Ave SE; approving the form of and authorizing the execution and delivery of the revenue bonds and related documents; and providing for the security, rights, and remedies with respect to the revenue bonds, was adopted 12/22/2006 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-620**

**By Goodman**

**Authorizing the issuance, sale, and delivery of revenue bonds for the benefit of 17th Avenue Housing, LLC to refinance the Keeler Apartments project; approving the form of and authorizing the execution and delivery of the revenue bonds and related documents; and providing for the security, rights, and remedies with respect to the revenue bonds.**

Resolved by The City Council of The City of Minneapolis:

Section 1. **Recitals.**

1.01. **The City.** The City of Minneapolis, Minnesota (the "City"), is a municipal corporation duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota.

1.02. **Statutory Authorization.** Pursuant to the laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described therein and contemplated thereby by issuing revenue bonds to provide funds

to finance the acquisition, rehabilitation, or construction of multifamily housing developments within the City, and is authorized to enter into any agreements made in connection therewith and pledge those agreements as security for the payment of the principal of, premium, if any, and interest on any such revenue bonds. Under the terms of the Act, the City may also issue revenue bonds for the purpose of refunding any revenue bonds of the Issuer issued under the Act including the payment of any redemption premium and any interest to accrue to the redemption date.

1.03. **Prior Bonds.** On October 21, 2002, the City issued the following obligations at the request of 17th Avenue Housing, LLC, a Minnesota limited liability company (the "Borrower"), whose sole member is J.A. Wedum Foundation, a Minnesota nonprofit corporation ("Wedum"), pursuant to the terms of an Indenture of Trust, dated as of October 1, 2002 (the "Prior Indenture"), between the City and U.S. Bank National Association, as trustee: (i) Housing Revenue Bonds (Keeler Apartments Project), Series 2002A (the "Series 2002A Bonds"), issued by the City in the original principal amount of \$10,035,000; and (ii) Taxable Housing Revenue Bonds (Keeler Apartments Project), Series 2002B (the "Series 2002B Bonds"), issued by the City in the original principal amount of \$495,000 (the "Series 2002A Bonds and the Series 2002B Bonds are hereinafter referred to collectively as the "Prior Bonds"). The proceeds derived from the sale of the Prior Bonds were loaned to the Borrower pursuant to the terms of a Loan Agreement, dated as of October 1, 2002 (the "Prior Loan Agreement"), between the City and the Borrower. The proceeds of the loan made pursuant to the Prior Loan Agreement were applied to finance the development, design, acquisition, construction, and equipping of a forty-four (44) unit student housing facility, known as Keeler Apartments, located at 317-17th Avenue S.E. in the City of Minneapolis (the "Project"). The Project was designed and constructed primarily for rental to and occupancy by students attending the University of Minnesota.

1.04. **The Borrower and the Project.** The Borrower has proposed that the City issue the following series of revenue bonds pursuant to the terms of a Trust Indenture, dated as of January 1, 2007 (the "Indenture"), between the City and U.S. Bank National Association, as trustee (the "Trustee"): (i) Housing Refunding Revenue Bonds (Keeler Apartments Project), Series 2007A (the "Series 2007A Bonds"), in an original aggregate principal amount not to exceed \$11,700,000, and (ii) Taxable Refunding Housing Revenue Bonds (Keeler Apartments Project), Series 2007B (the "Series 2007B Bonds"), in an original aggregate principal amount not to exceed \$800,000 (the Series 2007A Bonds and the Series 2007B Bonds are hereinafter referred to collectively as the "Series 2007 Bonds"). The proceeds derived from the issuance and sale of the Series 2007 Bonds will be loaned by the City to the Borrower pursuant to the terms of a Loan Agreement, dated as of January 1, 2007 (the "Loan Agreement"), between the City and the Borrower, and applied to the following purposes: (i) the defeasance of the Prior Bonds; (ii) the funding of a debt service reserve fund for the Series 2007 Bonds, and (iii) the payment of the costs of issuance and certain other costs associated with the issuance of the Series 2007 Bonds.

**Section 2. Terms of the Series 2007 Bonds.**

2.01. **The Series 2007 Bonds.** The Series 2007 Bonds will be issued under the Indenture. The principal of, premium, if any, and interest on the Series 2007 Bonds: (i) shall be payable solely from the revenue pledged therefor; (ii) shall not constitute a debt or a general or moral obligation of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against the City's general credit or taxing powers; and (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project.

2.02. **The Loan.** The City will loan the proceeds derived from the issuance and sale of the Series 2007 Bonds to the Borrower pursuant to the terms of the Loan Agreement. The loan repayments to be made by the Borrower under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of the principal of, premium, if any, and interest on the Series 2007 Bonds. The Loan Agreement and the Indenture also provide that the Borrower is required to pay all expenses of the operation and maintenance of the Project, 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 lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the terms of the Loan Agreement and the Indenture.

2.03. **The Security for the Series 2007 Bonds.** The repayment of the loan under the terms of the Loan Agreement and the payment of the principal of, premium, if any, and interest on the Series 2007 Bonds will be secured by a Combination Leasehold Mortgage, Security Agreement, Fixture Financing Statement and Assignment of Rents and Leases, dated as of January 1, 2007 (the "Mortgage"), between the Borrower and the City, to provide security for the payment of the Series 2007 Bonds and for the performance of the Borrower's obligations under the Loan Agreement; and (ii) a Guaranty Agreement, dated as of January 1, 2007 (the "Guaranty"), between Wedum and the Trustee for the benefit of the Holders of the Series 2007 Bonds.

2.04. **Affordability Standard.** The Borrower will comply with City of Minneapolis/Community Development Agency's Affordable Housing Policy by ensuring that at least twenty percent (20%) of the units will be affordable to households earning fifty percent (50%) or less of the metropolitan median income. Pursuant to the Act, specifically Section 462C.05, subdivision 2, the Project is designed to be affordable by persons and families with adjusted gross income not in excess of the limits set forth in Section 462C.03 subdivision 2, of the Act and by other persons and families to the extent determined to be necessary in furtherance of the policy of economic integration stated in Minnesota Statutes, Section 462A.02, subdivision 6, as amended. To ensure compliance with the occupancy restrictions established by the City and the occupancy restrictions under Section 462C.05, subdivision 2 of the Act, the Borrower will covenant under the terms of the Loan Agreement that it will comply with the City of Minneapolis/Community Development Agency's Affordable Housing Policy and the affordability standard under Section 462C.05, subdivision 2, of the Act.

2.05. **Assignment of City Interests.** The City will assign its interests in the Loan Agreement, except for the City's rights to certain fee payments, indemnification, and rights to reimbursement of certain expenses, including the loan repayments required to be made by the Borrower under the terms of the Loan Agreement, to the Trustee under the terms of the Indenture. The City will also assign its interests in the Mortgage to the Trustee, for the benefit of the bondholders, pursuant to an Assignment of Mortgage, dated as of January 1, 2007 (the "Assignment"), between the City and the Trustee.

2.06 **Documents.** Forms of the following documents have been submitted to the City and are now on file with the City: (i) the Loan Agreement; (ii) the Indenture; (iii) the Mortgage; (iv) the Assignment; (v) the Guaranty; (vi) the Tax Exemption Agreement, dated as of the date of issuance of the Bonds (the "Tax Exemption Agreement"), between the Borrower and the Trustee; (vii) the Disbursing Agreement, dated as of January 1, 2007 (the "Disbursing Agreement"), between the Borrower, the Trustee, and Commercial Partners Title, LLC, a Minnesota limited liability company, as disbursing agent; and (viii) the Bond Purchase Agreement, of even date herewith (the "Bond Purchase Agreement"), among the City, the Borrower, and Dougherty & Company LLC (the "Underwriter").

**Section 3. Issuance of Series 2007 Bonds.**

3.01. **Findings.** The City Council of the City hereby finds, determines, and declares that:

(a) The issuance and sale of the Series 2007 Bonds, the execution and delivery by the City of the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Mortgage, and the Assignment and the performance of all covenants and agreements of the City contained in the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Mortgage, and the Assignment are (i) authorized by the Act, (ii) consistent with the purposes of the Act, and (iii) constitute a public purpose and are in the best interests of the City.

(b) The housing program prepared with respect to the Project and the Borrower at the time the Prior Bonds were issued has been amended and restated (the "Amended and Restated Housing Program"). The City submitted the Amended and Restated Housing Program to the Metropolitan Council for review and comment.

(c) A public hearing was held with respect to the Project and the Amended and Restated Housing Program on December 12, 2006 after publication of notice on November 25, 2006 in *Finance and Commerce*, the official newspaper and a newspaper of general circulation in the City, with respect to: (i) the required public hearing under Section 147(f) of the Code; and (ii) the preliminary approval of the issuance of the Series 2007 Bonds.

3.02. **Authorization.** The City Council of the City, for the purposes set forth above, hereby authorizes:

(a) The issuance, sale, and delivery of the Series 2007 Bonds in an original aggregate principal amount not to exceed \$12,500,000 and in the form, and upon the terms and conditions set forth in the Indenture.

(b) The Loan Agreement, the Indenture, the Mortgage, the Assignment, and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof (including changes to the principal amount of the Series 2007 Bonds, the determination of the interest rates on the Series 2007 Bonds, changes to the terms of redemption of the Series 2007 Bonds, and changes to the terms of the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Mortgage, and the Assignment, as hereinafter defined), or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Office shall be conclusive evidence of such determination. The Finance Officer is authorized and directed to execute and deliver, on behalf of the City, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Mortgage, the Assignment and such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Series 2007 Bonds, including UCC-1 financing statements, an Endorsement to the Borrower's Tax Compliance Certificate (including certifications as to arbitrage and rebate under Section 148 of the Code), the Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. January 2002), and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Series 2007 Bonds (the "City Documents"). Copies of all City Documents and all other documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein, in the Loan Agreement and in the Indenture. All of the provisions of the City Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

(c) The City hereby authorizes the Trustee to execute and deliver the Indenture, the Tax Exemption Agreement, the Assignment, the Continuing Disclosure Agreement, the Disbursing Agreement, and any other document which is necessary or appropriate in connection with the issuance, sale, and delivery of the Series 2007 Bonds.

(d) The Amended and Restated Housing Program is hereby adopted, ratified, and approved in all respects without further amendment. The preparation of the Amended Housing Program and the submission of the Housing Program to the Metropolitan Council are hereby ratified, confirmed, and approved.

3.03. **Special, Limited Obligations.** The Series 2007 Bonds shall be special, limited revenue obligations of the City, and the proceeds derived from the issuance and sale of the Series 2007 Bonds shall be disbursed pursuant to the terms of the Indenture, the Loan Agreement, and the Disbursing Agreement, and the principal of, premium, if any, and interest on the Series 2007 Bonds shall be payable solely from the proceeds of the Series 2007 Bonds, the revenues derived from the Loan Agreement and the other sources set forth in the Indenture.

3.04. **Trustee as Paying Agent.** The Trustee is hereby appointed as Paying Agent and Bond Registrar for the Series 2007 Bonds.

3.05. **Disclosure Documents.** The City has not participated in the preparation of any disclosure document with respect to the Series 2007 Bonds, including the Preliminary Official Statement (the "Preliminary Official Statement") or the Official Statement relating to the Series 2007 Bonds (the "Official Statement") and has made no independent investigation with respect to the information contained therein, including the Appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter in connection with the sale of the Series 2007 Bonds of the Preliminary Official Statement and the Official Statement. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the City for use in connection with the offer and sale of the Series 2007 Bonds. The City hereby approves the Continuing Disclosure Agreement, dated as of January 1, 2007 (the "Continuing Disclosure Agreement"), between

the Borrower and the Trustee, in the form now on file with the City, and hereby authorizes the Trustee to execute and deliver the Continuing Disclosure Agreement, substantially in the form now on file with the City with such omissions and insertions as do not materially change the substance thereof, or as the Borrower and the Trustee, in their discretion, shall determine.

3.06. **Rights Conferred.** Nothing in this resolution or in the City Documents is intended or shall be construed to confer upon any person (other than as provided in the Indenture and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

3.07. **Severability.** In case any one or more of the provisions of this resolution, other than the provisions contained in the first sentence of Section 3.03 hereof, or of the City Documents, or of the Series 2007 Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the City Documents, or of the Series 2007 Bonds, but this resolution, the City Documents, and the Series 2007 Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein.

3.08. **Validity.** The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the City Documents, and the Series 2007 Bonds for the full, punctual and complete performance of all the terms, covenants and agreements contained in the Series 2007 Bonds, the City Documents and this resolution. In the event that for any reason the Finance Officer is unable to carry out the execution of any of the documents or other acts provided herein, any other officer or employee of the City delegated to act in lieu of the Finance Officer shall be authorized to act in the capacity of the Finance Officer and undertake such execution or acts on behalf of the City with full force and effect, which execution or acts shall be valid and binding on the City.

3.09. **Program Bonds.** The Bonds are hereby designated as "Program Bonds" and are determined to be within the "Housing Program" and the "Program," as all defined in Resolution 88R-021 of the City of Minneapolis adopted January 29, 1988, as amended by Resolution 97R-402 of the City of Minneapolis, adopted December 12, 1997.

3.10. **Effective Date.** This resolution shall be in full force and effect from and after its approval and publication.

Adopted 12/22/2006.

**Comm Dev** - Your Committee, having under consideration the Parcel D East Redevelopment Contract between the City and Brighton Park East LLC (affiliate of Brighton Development Corporation) for redevelopment of the Park Ave E site at 201 Park Ave S, now recommends that said Redevelopment Contract be extended to 1/31/2007.

Adopted 12/22/2006.

**Comm Dev** - Your Committee recommends confirmation of the Mayor's appointment of Judy Karon as Chair of the Minneapolis Public Housing Authority Board of Commissioners, for a term beginning 1/1/2007 and expiring 12/31/2009 (filling the seat formerly held by Cornell Moore).

Adopted 12/22/2006.

**Comm Dev** - Your Committee, having under consideration the proposed loan restructuring and reassignment for Community Housing Development Corporation's (CHDC) affordable housing project at 1400, 1412, 1416 and 1425 Portland Ave, known as Slater Square, now recommends approval to restructure both the Tax Increment Contribution Loan of \$2,535,000 and the Operating Subsidy Loan of \$2,000,000 by reducing the interest rate from 2.5% to 1%, extending the loan term to 30 years and assigning project debt to CHDC Slater, LLC.

Adopted 12/22/2006.

**Comm Dev** - Your Committee, having under consideration the proposed stabilization, loan restructuring and reassignment for Twin Cities Housing Development Corporation's (TCHDC) affordable housing project at 2101, 2105, 2106, 2108, 2109, 2116, 2216 and 2221 Elliot Ave S, known as Elliot Avenue Cooperative, now recommends approval of the restructuring and reassignment of deferred

Community Development Block Grant project debt in the amount of \$695,736 as described in the Department of Community Planning & Economic Development staff report, and that the proper City officers be authorized to execute necessary documents.

Adopted 12/22/2006.

**Comm Dev** - Your Committee, having under consideration the Memorandum of Understanding (MOU) with Hennepin County relating to the procedures both bodies would follow for acquisition of tax-forfeited properties, now recommends that the proper City officers be authorized to execute a MOU between the City and Hennepin County relating to the acquisition of tax forfeited land for \$1.00.

Samuels moved to amend the report by adding the following language: "Further, staff is directed to negotiate an amendment to the MOU that will increase the number and/or percentage of tax forfeited properties in targeted areas the City acquires from Hennepin County for \$1.00, and return with this amendment to the Community Development Committee no later than April, 2007." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/22/2006.

**Comm Dev** – Your Committee, having under consideration the 2006 Affordable Housing Trust Fund (AHTF) project recommendations, now recommends approval of up to \$6,297,500 in AHTF loans for the following projects, and up to \$150,000 from the Non-Profit Development Assistance (Non-Profit) for the developers noted, and that the proper City officers be authorized to execute the necessary documents relative to the loans and grants:

a) Up to \$530,000 from AHTF and \$30,000 of Non-Profit for the Abbott View project at 1801 - 1st Ave S by Plymouth Church Neighborhood Foundation or an affiliated entity;

b) Up to \$182,600 from AHTF for Buri Manor Apartments at 1515 Chicago Ave S by Central Community Housing Trust or an affiliated entity;

c) Up to \$400,000 from AHTF for Currie Park Lofts Phase I at 415 - 15<sup>th</sup> Ave S by Fine Associates LLC or an affiliated entity, contingent on satisfactory resolution of access easement issues as outlined in the City Council action of 3/10/2006;

d) Up to \$332,000 from AHTF and \$30,000 from Non-Profit for Dundry House and Dayton Apartments at 1829 - 5<sup>th</sup> Ave S and 616-18 E 22<sup>nd</sup> St by Hope Community Inc or an affiliated entity;

e) Up to \$345,400 from AHTF for Echo Flats at 2216 & 2616 - 3rd Ave S, 319 W 25<sup>th</sup> St and 2800 Pleasant Ave by Community Housing Development Corporation or an affiliated entity;

f) Up to \$400,000 from AHTF and \$30,000 from Non-Profit for Franklin Portland Gateway Site C – Franklin Steele Commons at 14, 20 & 28 Portland Ave and 500 E Franklin Ave S by Hope Community Inc and Central Community Housing Trust or an affiliated entity;

g) Up to \$400,000 from AHTF for 333 at 333 E Hennepin Ave by Sherman Associates, Inc or an affiliated entity;

h) Up to \$400,000 from AHTF for Longfellow Station Phase IA Workforce Housing at 3815 Hiawatha Ave S by Capital Growth Real Estate LLC or an affiliated entity;

i) Up to \$1,104,000 from AHTF for Minnehaha Apartments at 5359 Minnehaha Ave by Metro Plains Development LLC or an affiliated entity;

j) Up to \$495,000 from AHTF for 1822 Park by Central Community Housing Trust or an affiliated entity;

k) Up to \$496,000 from AHTF for 2011 Pillsbury and \$30,000 of Non-Profit by Alliance Housing, Inc or an affiliated entity;

l) Up to \$542,500 from AHTF for Slater Square at 100, 1412, 1416, 1420 and 1425 Portland Ave S by CHDC Slater LLC or an affiliated entity; and

m) Up to \$670,000 from AHTF and \$30,000 from Non-Profit for Van Cleve Court Apartments West (Phase II) at 917 – 13<sup>th</sup> Ave SE by Van Cleve Court Apartments West Limited Liability Company (co general partners are Project for Pride in Living, Inc and Cabrini House) or an affiliated entity.

Adopted 12/22/2006.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration modifications to the Southeast Minneapolis Industrial (SEMI) Redevelopment and Tax Increment Finance (TIF) Plans to permit pooling of tax increment revenue for costs associated with construction of public infrastructure in the Bioscience Subzone of the SEMI Redevelopment Project, now recommends:

a) Passage of the accompanying resolutions -

1) approving the Modifications to SEMI Redevelopment and TIF Plans for Pooling in a Bioscience Subzone; and

2) increasing the Department of Community Planning and Economic Development appropriation by \$85,000 to allow the TIF note for the Bedford Street Townhomes project to be paid in full and allow deletion of the Bedford parcels from the SEMI Phase 3 TI District; and

b) Approval of prepayment of the Bedford Street Townhomes Tax Increment Financing note.

Adopted 12/22/2006.

Resolution 2006R-621, adopting Modification No. 8 to the Southeast Minneapolis Industrial (SEMI) Area Redevelopment Plan, Modification No. 1 to the SEMI Area Phase 1 Tax Increment Finance (TIF) Plan, Modification No. 2 to the SEMI Area Phase 2 TIF Plan, Modification No. 2 to the SEMI Area Phase 3 TIF Plan and Modification No. 1 to the SEMI Area Phase 5 TIF Plan, to permit pooling in a Bioscience Subzone, was adopted 12/22/2006 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-621**  
**By Goodman and Ostrow**

**Adopting Modification No. 8 to the Southeast Minneapolis Industrial (SEMI) Area Redevelopment Plan, Modification No. 1 to the SEMI Area Phase 1 Tax Increment Finance (TIF) Plan, Modification No. 2 to the SEMI Area Phase 2 TIF Plan, Modification No. 2 to the SEMI Area Phase 3 TIF Plan and Modification No. 1 to the SEMI Area Phase 5 TIF Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

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

1.2. By Resolution No 95R-199 duly adopted on June 30, 1995, the City approved the SEMI Area Redevelopment Plan and the SEMI Phase 1 TIF Plan, which plans established a project area and TIF district, identified a budget for expenditures, and designated property that may be acquired, all pursuant to and in accordance with the Project Laws.

1.3. By Resolution No 96R-046, duly adopted on February 23, 1996, the City approved Modification No 1 to the SEMI Area Redevelopment Plan and approved the SEMI Area Phase 2 TIF Plan.

1.4. By Resolution No 96R-302, duly adopted on October 25, 1996, the City approved Modification No 1 to the SEMI Area Phase 2 TIF Plan, including the SEMI Area Phase 2 Hazardous Substance Subdistrict Plan, and Modification No 2 to the SEMI Area Redevelopment Plan.

1.5. By Resolution No 96R-347, duly adopted on November 22, 1996, the City approved Modification No 3 to the SEMI Area Redevelopment Plan and the SEMI Area Phase 3 TIF Plan.

1.6. By Resolution No 97R-103, duly adopted on April 25, 1997, the City approved Modification No 4 to the SEMI Area Redevelopment Plan and the SEMI Area Phase 4 TIF Plan.

1.7. By Resolution No 98R-195, duly adopted on June 12, 1998, the City approved Modification No 5 to the SEMI Area Redevelopment Plan and approved the SEMI Area Phase 5 TIF and Hazardous Substance Subdistrict Plan.

1.8. By Resolution No 99R-216, duly adopted on June 25, 1999, the City approved Modification No 6 to the SEMI Area Redevelopment Plan and Modification No 1 to the SEMI Area Phase 3 TIF Plan.

1.9. By Resolution No 99-2019M, duly adopted on October 27, 2000, the Minneapolis Community Development Agency approved Modification No 7 to the SEMI Area Redevelopment Plan, which Modification designated parcels for acquisition. By Resolution No 03-625, duly adopted on December 29, 2003, the City transferred administration of all MCDA redevelopment and TIF plans to the City.

1.10. The City has caused to be prepared, and this Council has investigated the facts with respect to, the proposed Modification No 8 to the SEMI Area Redevelopment Plan, Modification No 1 to the SEMI Area Phase 1 TIF Plan, Modification No 2 to the SEMI Area Phase 2 TIF Plan, Modification No 2 to the SEMI Area Phase 3 TIF Plan and Modification No 1 to the SEMI Area Phase 5 TIF Plan (collectively, the "Modification"), permitting the pooling of tax increment revenue for costs associated with construction of public infrastructure in the BioScience Sub-zone of the SEMI Redevelopment Project.

1.11. The City has performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, authorization from the State for designation of a portion of SEMI as a State Bio-Science Sub-zone, a review of the proposed Modification by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing upon published and mailed notice as required by law.

#### **Section 2. Findings for the Adoption of the Modification**

2.1. The Council reaffirms the findings made in the Resolutions cited in Section 1 hereof.

2.2. The Council further finds, determines, and declares that the Modification amends four SEMI Area TIF Plans to permit pooling of tax increment revenue for costs associated with construction of public infrastructure in the BioScience Sub-zone of the SEMI Redevelopment Project. Further, upon approval of the Modification, the existing outstanding Bedford Pay-As-You-Go Note will be paid in full and the County will be directed to decertify certain parcels from the SEMI Phase 3 TIF District (County Designation #79).

2.3. The Council further finds, determines, and declares that the Modification conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modification were issued and are incorporated herein by reference, and are on file in the office of the City Clerk.

2.4. The Council further finds, determines and declares that the objectives and actions authorized by the Modification are all pursuant to and in accordance with the Project Laws, including the decertification of parcels in the SEMI Area Phase 3 TIF District.

2.5. The Council further finds, determines and declares that it is necessary and in the best interest of the City to approve the Modification.

#### **Section 3. Approval of the Modification**

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

#### **Section 4. Implementation of the Modification**

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

Adopted 12/22/2006.

**RESOLUTION 2006R-622**  
**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 CS3 -SEMI Phase 3 #79 Fund (CS30-890-8933) by \$85,000 from available fund balance.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to take certain actions throughout 2007 in order to utilize tax-exempt revenue bond financing for various City industrial/manufacturing projects, as specifically set forth in the Department of Community Planning & Economic Development staff report.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a renewal contract, extending the partnership with the Minneapolis Consortium of Community Developers for another five years, through December 31, 2011, and that an allocation of \$135,000 be authorized to extend the partnership on small business loan programs for activity in 2007.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the request for approval of a contract and funding of the partnership with the Community Reinvestment Fund (CRF) and the City on the Emerging Entrepreneur Loan Program Pilot in Minneapolis, now recommends that the proper City officers be authorized to:

- a) execute a contract on the partnership of the City with CRF on expanding the Capital Acquisition Loan (CAL) Program through the Emerging Entrepreneur Loan Program Pilot in Minneapolis;
- b) Allocate \$325,000 to CRF from Hilton Legacy Funds (Fund SPH0) as part of the Department of Community Planning & Economic Development 2007 budget.

Your Committee further authorizes an Advance Commitment Agreement with CRF that will permit CAL loan activities in 2007.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6685 from AA Contracting, Inc in the amount of \$178,310 to furnish and deliver all labor, materials, equipment, and incidentals necessary for the complete construction of a single family home at 425 - 20th Ave NE.

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 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6687 from Ridgedale Electric, Inc in the amount of \$232,000 to furnish all labor, materials, equipment, and incidentals necessary to complete the emergency power modification at the Target Center.

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 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the acquisition of parcels in the Southeast Minneapolis Industrial Area (SEMI) for Malcolm Ave reconstruction and Granary Rd right-of-way, now recommends that the proper City officers be authorized to acquire through negotiation all of 700 - 29<sup>th</sup> Ave SE and portions of the properties at 504 - 29<sup>th</sup> Ave SE and 518, 520 ½, 501 and 600 Malcolm Ave SE to be used for Malcolm Ave and Granary Rd right-of-way for SEMI/ University Research Park infrastructure. The purchase price and fees, totaling approximately \$516,000, will be funded by \$258,000 in Minneapolis Industrial Land and Employment Strategy (MILES) program funds (Fund SCDMP00) and \$258,000 in state bond redevelopment grant funds administered by State of Minnesota Department of Employment and Economic Development (DEED).

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriations and increasing the revenue budget.

Adopted 12/22/2006.

(Published 12/27/2006)

**RESOLUTION 2006R-623  
By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the Community Planning and Economic Development (CPED) agency in the Community Development 595 Levy Fund (SCDMP00-890-8933) by \$258,000 from available fund balance;

b) Increasing the revenue source for the CPED agency in the State Grants & Loan Programs Fund (SMN0-890-8490-3215) by \$258,000; and

c) Increasing the CPED agency in the State Grants & Loan Programs (SMN0-890-8933) by \$258,000.

Adopted 12/22/2006.

(Published 12/27/2006)

**Comm Dev & W&M/Budget** – Your Committee recommends approval of the River Terminal Operating Budget for 2007 as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the submission of Environmental Remediation Grant applications outside of the Fall 2006 cycle, now recommends that the proper City officers be authorized to submit applications to the Hennepin County Environmental Response Fund for the following projects: 1800 Plymouth Avenue Townhomes, the Archdale Apartments and Heritage Park Redevelopment - Phases 3 and 4.

Your Committee further recommends passage of the accompanying resolution authorizing the proper City officers to execute agreements to implement the Hennepin County Environmental Response Fund.

Adopted 12/22/2006.

Resolution 2006R-624, authorizing application to the Hennepin County Environmental Response Fund for the 1800 Plymouth Avenue Townhomes, the Archdale Apartments and the Heritage Park Redevelopment - Phases 3 and 4 Projects, was adopted 12/22/2006 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-624**  
**By Goodman and Ostrow**

**Authorizing application to the Hennepin County Environmental Response Fund for the 1800 Plymouth Avenue Townhomes, the Archdale Apartments and the Heritage Park Redevelopment Projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications that were submitted to Hennepin County on November 1, 2006: 1800 Plymouth Avenue Townhomes, the Archdale Apartments Project and the Heritage Park Redevelopment Project; and

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

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

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** – Your Committee recommends that authorization be given for a request to the Metropolitan Council to reallocate \$750,000 in federal Metropolitan Council Light Rail Transit (LRT) Land Assembly (CMAQ) grant funds awarded to fund land acquisition for an extension of Snelling Ave at the 46th St LRT station area, consistent with the terms of the Department of Community Planning & Economic Development staff report.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for approval of and funding for a partnership with the African Development Center (ADC) and the City on establishing an Alternative Financing Loan Program (AFLP) as part of the City's small business assistance programs, now recommends that the proper City officers be authorized to execute a contract for the partnership of the City with the ADC on establishing the AFLP as part of the City's small business assistance programs, and to allocate \$20,000 to the ADC for the AFLP business loan activities in 2007 from the Department of Community Planning & Economic Development (CPED) Business Finance Fund SED0.

Your Committee further recommends passage of the accompanying resolutions:

a) Transferring \$467,656 from the CPED Agency in the Other Funds not City Reporting Fund (MED0) to the Economic Development Program Fund (SED0) to finance the initial projects in the AFLP, and increasing the SED0 Fund by \$467,656; and

b) Delegating authority to the Executive Director of CPED to make and execute Lender Agreements for the AFLP.

Adopted 12/22/2006.

DECEMBER 22, 2006

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**RESOLUTION 2006R-625  
By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Transferring \$467,656 from the Community Planning and Economic Development Agency in the Other Funds not City Reporting Fund (MED0) to the Economic Development Program Fund (SED0-890-8934); and

b) Increasing the appropriation for the CPED Agency in the Economic Development Program Fund (SED0-890-8934) by \$467,656.

Adopted 12/22/2006.

Resolution 2006R-626, delegating authority to the Executive Director of the Department of Community Planning & Economic Development to make and execute Lender Agreements consistent with Alternative Financing Loan Program Guidelines, was adopted 12/22/2006 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-626  
By Goodman and Ostrow**

**Delegating authority to make and execute Lender Agreements consistent with Alternative Financing Loan Program (AFLP) Guidelines.**

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

If the City Charter allows, authority is delegated by the City Council to the Director of the Department of Community Planning and Economic Development (CPED) or his designee, the Manager of Business Finance for CPED to make and execute Lender Agreements not to exceed the City Council authorized appropriation for the Alternative Financing Loan Program (AFLP) and for a maximum term of ten (10) years.

Adopted 12/22/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration changes to the repayment schedule for the Coliseum Building project at 2700 E Lake St, by Fred Lehmann/2700 East Lake Street LLC, now recommends approval of an amendment to the terms of the loan, deferring the principal and interest payments until January, 2008, and then interest only payments be made for 12 months to accommodate a lower than projected building cash flow.

Adopted 12/22/2006.

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

**HE&E** - Your Committee, having held a public hearing to consider four appointments to the Civilian Police Review Authority Board (2 Mayoral and 2 City Council) for terms to expire December 31, 2009 and December 31, 2010, now recommends that the following applicants' names be sent forward without recommendation:

- a. Michael Burns, Ward 13
- b. Joseph Dobbert, Ward 9
- c. Erin Green, Ward 6
- d. Charles Hall, Ward 4
- e. James Horan, Ward 13
- f. David Jansen, Ward 9
- g. Patrick Kvidera, Ward 1.

Benson moved that the report be referred back to the Health, Energy & Environment Committee.  
Seconded.

Adopted upon a voice vote 12/22/2006.

**HE&E** - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending the reporting authority for submission of quarterly report to be the appropriate City Council Committee, now recommends that said ordinance be returned to author.

Adopted 12/22/2006.

**HE&E** - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minneapolis Public Schools, Special School District #1, for use of school facilities and to provide School Based Clinic services for a period not to exceed ten years.

Adopted 12/22/2006.

**HE&E** - Your Committee recommends concurrence with the recommendation of the Mayor and City Council to appoint the following persons to the Public Health Advisory Committee for two-year terms to expire December 31, 2008:

- a. Noya Woodrich, representing Ward 4
- b. Samira Dini, representing Member-at-Large
- c. Kathryn Guimaraes, representing Member-at-Large
- d. Douglas K. Lemon, representing Member-at-Large.

Adopted 12/22/2006.

**HE&E** - Your Committee recommends concurrence with the recommendation of the Mayor and City Council to appoint/reappoint the following persons to the Senior Citizen Advisory Committee:

*Appointments*

Edward Gearty, representing Ward 4, to fill the unexpired term of Peter Michael Johnson to expire December 31, 2007.

*Reappointments, for terms to expire December 31, 2008*

- Joanne Labernik, representing the Downtown Network  
Thomas Leavey, representing Ward 2  
Monica Lewis, representing MAO Legal Services  
Kenneth Moritz, representing Minnesota Board on Aging  
Herbert Nelson, representing Member at Large  
Edna Sanders, representing Ward 7.

Adopted 12/22/2006.

**HE&E** - Your Committee recommends concurrence with the recommendation of the Mayor and City Council to appoint/reappoint the following persons to the Citizens Environmental Advisory Committee:

*Appointments, for two-year terms to expire December 31, 2008*

- Glenn Miller, Ward 11, representing business, to fill the unexpired term of Nina Ebbinghausen  
Mark Snyder, Ward 1, representing environmental advocacy, to fill the unexpired term of David

Byfield

- Janelle Sorenson, Ward 12, representing citizen, to fill the unexpired term of Randi Kouri  
Nicolle VanWie, Ward 6, representing business, to fill the unexpired term of Christine Ziebold

*Reappointments, for terms to expire December 31, 2008*

- Karen Utt, Ward 7 (work), representing business  
Walker Smith, Ward 9, representing environmental expertise  
Dean Abrahamson, Ward 2, representing environmental expertise  
Barb Sullivan, Ward 1, representing citizen  
Justin Eibenholz, Ward 13, representing environmental advocacy  
Corey Brinkema, Ward 10, representing business  
Ken Bradley, Ward 13, representing Denise Leezer, representing environmental expertise

Denise Leezer, Ward 11, representing environmental expertise  
Jill Boogren, Ward 12, representing environmental advocacy  
Teresa Wernecke, Ward 7 (work), representing environmental advocacy  
Brian Ross, Ward 5, representing citizen  
Patty Elaine Selly, Ward 10, representing citizen.

Benson moved that the report be referred back to the Health, Energy & Environment Committee.  
Seconded.

Adopted upon a voice vote 12/22/2006.

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

**HE&E & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the solicitation of donations for the "Get Fit Twin Cities" Campaign.

Adopted 12/22/2006.

Resolution 2006R-627, authorizing the solicitation of donations for the "Get Fit Twin Cities" Campaign, was adopted 12/22/2006 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-627**

**By Benson**

**Authorizing the Solicitation of Donations for the "Get Fit Twin Cities" Campaign.**

Whereas, Get Fit Twin Cities is a project of Steps to a Healthier Minneapolis and Steps to a Healthier St. Paul and many community partners; and

Whereas, Steps to a Healthier Minneapolis is an initiative of the City of Minneapolis Department of Health and Family Support; and

Whereas, Get Fit Twin Cities serves the public's interests by providing promotion of, information about, and access to physical activity; and

Whereas, Steps to a Healthier Minneapolis community activities are advised by a Community Consortium, a required component for the grant; and

Whereas, the Minneapolis Steps Community Consortium approved the undertaking of Get Fit Twin Cities; and

Whereas, community partnerships, in-kind services, and sponsorships are needed for a successful Get Fit Twin Cities Campaign;

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

That the proper City officials be authorized to solicit donations of sponsorships and in-kind services from the public for the purpose of supporting the Get Fit Twin Cities campaign.

That the proper City officials set up the proper accounts in Fund/Org 0600-860-8615 to receive any monetary donations.

That all potential donations of sponsorships be presented to and voted on by the City Council of the City of Minneapolis.

Adopted 12/22/2006.

**HE&E & W&M/Budget** - Your Committee, having under consideration the federal Pregnancy Psychosocial Risk Screening Validation Study to test the effectiveness of a brief screening interview in detecting prenatal patients who would benefit from mental health or substance abuse treatment, or services to respond to intimate partner violence, now recommends that the Department of Health & Family Support be authorized to add 1.0 Full-Time Equivalent (FTE) grant funded Family Support Specialist position to the Department, contingent upon the receipt of the notice of grant award.

Adopted 12/22/2006.

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

**IGR** - Your Committee recommends approval of the City's agenda for the Year 2007 Legislative Session, which describes City priorities relating to local government finance, public safety, transportation, affordable housing, municipal governance, City livability, the environment, jobs and economic development and capital bonding, as set forth in Petn No 271684.

Hodges moved to amend the Petition by amending the "priority" portion of the Public Safety Section of the agenda by inserting the language of the first bullet point at the end of the language contained in the second bullet point, to read as follows: "Funding for the entire public safety system, including such critical functions as police, fire, prosecutors, public defense, communication systems, probation and the courts. Providing public safety, a core responsibility of local government, is threatened by insufficient funding. Prioritize new criminal justice funding to address rising violent crime." Seconded. Adopted upon a voice vote.

Hodges moved to amend the Petition by deleting the bullet point language in the "supported" portion of the Public Safety Section of the agenda that reads, "Amending the burglary statutes to make it a crime for a person to enter a building without consent and masturbate therein or fondle or touch the unattended underwear of another" and inserting in lieu thereof, "Amending the burglary statutes to make it a crime for a person to enter a building without consent and commit invasion of privacy offenses." Seconded.

Adopted upon a voice vote.

Gordon moved to amend the Petition by amending the "priority" portion of the Municipal Governance Section of the agenda by deleting the bullet point language that reads, "Supports a state law allowing the Civilian Review Authority (CRA) to be granted limited subpoena power to compel the production of documents, records and other physical evidence to improve the quality of CRA staff investigations by obtaining information relevant to the allegations from entities outside the City organization," and inserting in lieu thereof, "Subpoena powers for the Civilian Review Authority." Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Glidden, Remington, Gordon, Schiff, Lilligren.

Nays - Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Colvin Roy, Johnson.

Samuels moved to amend the Petition by amending the third bullet point language in the "priority" portion of the Public Safety Section of the agenda relating to concentration of sex offenders by adding the language, "... and especially mitigates the concentration of sex offenders within vulnerable neighborhoods" to the end of the first sentence, to read as follows: "Creating a statewide coordinated plan for dealing with released sex offenders that addresses the overall concentration of offenders located within the City of Minneapolis and Hennepin County and especially mitigates the concentration of sex offenders within vulnerable neighborhoods. To ensure this equitable distribution of sex offenders, the State must fund additional housing options and placement of half-way houses and should require the county of commitment to bear financial responsibility for released offenders." Seconded.

Adopted upon a voice vote.

The report, with the Petition, as amended, was divided so as to consider separately the bullet point language in the "priority" portion of the Municipal Governance Section of the agenda that reads, "Supports a state law allowing the Civilian Review Authority (CRA) to be granted limited subpoena power to compel the production of documents, records and other physical evidence to improve the quality of CRA staff investigations by obtaining information relevant to the allegations from entities outside the City organization." Seconded.

Adopted by unanimous consent.

The balance of the report, as amended, was adopted 12/22/2006.

**IGR** - Your Committee recommends approval of the following bullet point language contained in the "priority issues for Minneapolis" portion of the "Municipal Governance" Section of the City's agenda for the Year 2007 Legislative Session, which reads as follows:

"Supports a state law allowing the Civilian Review Authority (CRA) to be granted limited subpoena power to compel the production of documents, records and other physical evidence to improve the quality of CRA staff investigations by obtaining information relevant to the allegations from entities outside the City organization."

Adopted 12/22/2006. Yeas, 10; Nays, 3 as follows:

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

Nays - Goodman, Colvin Roy, Johnson.

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

**PS&RS** - Your Committee, to whom was referred ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. amending Chapter 64 relating to *Dogs, Cats, Ferrets, and Rabbits*
  - creating restrictions on dog collars and harnesses weighing more than two pounds, and establishing an administrative fine for violations;
  - eliminating the restriction of leashes exceeding eight feet in length, and establishing an administrative fine for violations;
  - establishing Tether requirements, and an administrative fine for violations;
  - establishing an administrative fine for violations of feces clean up;
  - clarifying service and guide dog exemptions, and establishing an administrative fine for violations;
  - clarifying language regarding the maximum number of animals to require occupants of residential buildings or units to obtain a permit for keeping more than three animals, changing the permit authority from the Commissioner of Health to Minneapolis Animal Care & Control, and establishing an administrative fine for violations;
  - defining the permit duration for harboring more than three animals and increasing the permit fee from \$20 to \$30;
  - defining terms, conditions and enforcement relating to the permit requirements for keeping more than three animals.
- b. amending Chapter 68 relating to *Pet Shops, Kennels, Etc.*, changing the license review authority from the Commissioner of Health to Minneapolis Animal Care & Control.
- c. amending Chapter 70 relating to *Fowl, Pigeons, and Other Small Animals*,
  - changing the permit and other authority from the Commissioner of Health to Minneapolis Animal Care & Control;
  - defining the permit duration for small animals, and changing the permit fee for keeping fowl from \$10 to \$30;
  - repealing Sections 70.30, 70.50, 70.60 and 70.70 and incorporating all into Section 70.10.
- d. amending Chapter 72 relating to *Diseased, Injured or Dead Animals*, granting quarantine authority and unclaimed animal disposal to Minneapolis Animal Care & Control.

Adopted 12/22/2006.

Ordinance 2006-Or-141 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets and Rabbits*, amending Sections 64.20, 64.50 and 64.100 to create restrictions on dog collars and harnesses weighing more than two pounds, and establish an administrative fine for violations; to eliminate the restriction of leashes exceeding eight feet in length, and establish an administrative fine for violations; to establish Tether requirements, and establish an administrative fine for violations; to establish an administrative fine for violations of feces clean up; to clarify service and guide dog exemptions, and establish an administrative fine for violations; to clarify language regarding the maximum number of animals to require occupants of residential

buildings or units to obtain a permit for keeping more than three animals, change the permit authority from the Commissioner of Health to Minneapolis Animal Care & Control, and establish an administrative fine for violations; to define the permit duration for harboring more than three animals and increase the permit fee from \$20 to \$30; to define terms, conditions and enforcement relating to the permit requirements for keeping more than three animals, was adopted 12/22/2006 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-141**  
**By Samuels**  
**Intro & 1st Reading: 11/17/2006**  
**Ref to: PS&RS**  
**2nd Reading: 12/22/2006**

**Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets and Rabbits.**

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

Section 1. That Section 64.20 of the above-entitled ordinance be amended to read as follows:

**64.20. Collars and tags required.** Every person required to obtain a dog or cat license under this chapter shall place and keep around the neck of the dog or cat a permanent-type collar or harness to which shall be securely attached the metallic license tag issued at the time the license was applied for. No person shall make, sell, purchase, possess, place or allow to be placed on any dog or cat any metallic tag of the same form, shape, or appearance as the official metallic license tag. Collars may not exceed two (2) pounds in weight and must be made of durable material strong enough to hold the animal it is intended for. Collars or harnesses may not cause injury to the animal. Violations of this provision are subject to an administrative fine.

Section 2. That Section 64.50 of the above-entitled ordinance be amended to read as follows:

**64.50. Leashing and tethers; feces clean up.** (a) Leashing. No person having the custody or control of any dog or animal of the dog kind shall permit the ~~same dog~~ to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any private land without being effectively restrained from moving beyond such unfenced area or lot; nor shall any person having the custody or control of any dog or animal of the dog kind permit the ~~same dog~~ at any time to be on any street, alley, public park, school ground, or public place without being effectively restrained by chain or leash not exceeding eight (8) feet in length, except in areas officially designated for off leash activities. Violations of this provision may result in an administrative fine.

(b) Tethers: Tethers are a method (cable, rope or chain) of physical restraint intended to secure and confine an animal to a specific location in a safe and humane manner. Tethers must be at least three (3) times the length of animal secured to it. Any animal secured with a tether must be in an area that would not allow the animal to become tangled around objects and allow the animal access to shelter and water. Tethers must be placed in such a location as to inhibit the secured animal from reaching a public sidewalk, street, school grounds, alley or public place or any other property other than the owner or custodian's property. Tethers may not exceed five (5) pounds in weight. Violations of this provision may result in an administrative fine.

(b) (c) Feces clean up. Any person having the custody or control of any dog or domestic animal shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a sanitary manner. It shall furthermore be the duty of any person having custody or control of any dog or domestic animal on or about any public place to have in such person's possession suitable equipment for picking up, removal and sanitary disposal of animal feces. ~~The provisions of this paragraph shall not apply to a guide dog accompanying a blind person or to a service dog accompanying a disabled person or to a dog when used in police or rescue activities. Every person convicted of a violation of this provision shall be punished by a fine of not more than one hundred dollars (\$100.00).~~ Violations of this provision may result in an administrative fine.

(e) (d) The provisions of this section shall not apply to the ownership or use of Seeing Eye dogs by blind persons; a certified guide dog accompanying a blind person, a certified service dog accompanying a disabled person, or dogs used in official police activities of the city, such as the canine corps or tracking dogs used by or with the permission of the city's police department. Violations of this provision may result in an administrative fine.

Section 3. That Section 64.100 of the above-entitled ordinance be amended to read as follows:

**64.100. Maximum number animals of the dog, cat, ferret, or rabbit kind.** (a) No occupant owner or caretaker of any residential building or unit of a residential building shall knowingly allow more than three (3) animals of the dog, cat, ferret, or rabbit kind over the age of four (4) months to be kept; harbored or maintained within any the residential building or unit on any residential lot or parcel of property in the city without a permit.

(b) The number of dogs, cats, ferrets, or rabbits permitted in subsection (a) may be increased by obtaining a permit issued by Minneapolis Animal Care and Control ~~the commissioner of health or their designee.~~ Such The permit shall specify any restrictions, limitations, conditions or prohibitions required which by the Manager of Minneapolis Animal Care and Control ~~commissioner of health or their designee~~ deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health or safety. Such a The permit may be modified from time to time or revoked by the Manager of Minneapolis Animal Care and Control ~~commissioner of health or their designee~~ for failure to conform to such restrictions, limitations, conditions or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such dogs, cats, ferrets, or rabbits. Violations of this section may result in an administrative fine.

(c) The Manager of Minneapolis Animal Care and Control may grant permits pursuant to this section only after the applicant has gained the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate.

(e) (d) Any person desiring a permit shall make application to Minneapolis Animal Care and Control. Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. The permit may be denied or cancelled at the discretion of the Manager of Minneapolis Animal Care and Control. All permits issued hereunder shall expire on February January 31 of the following year first next after its issuance unless sooner revoked. The annual fee for such permit shall be twenty dollars (\$20.00) thirty dollars (\$30.00) which shall be paid at the time of the making of the application. therefor. Minneapolis Animal Care and Control Animal control shall inspect the premises annually or as deemed necessary. every other year prior to issuing a renewal of the permit. Should the permit be refused or cancelled, the fee paid with application shall be retained by Minneapolis Animal care and Control. Violations may result in an administrative fine.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this chapter.

Adopted 12/22/2006.

Ordinance 2006-Or-142 amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Pet Shops, Kennels, Etc.*, amending Section 68.10 to change the license review authority from the Commissioner of Health to Minneapolis Animals Care and Control, was adopted 12/22/2006 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-142**  
**By Samuels**  
**Intro & 1st Reading: 11/17/2006**  
**Ref to: PS&RS**  
**2nd Reading: 12/22/2006**

**Amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Pet Shops, Kennels, Etc.**

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

Section 1. That Section 68.10 (c) of the above-entitled ordinance be amended to read as follows:

**68.10. License required; application procedure; duration.**

(c) Any person desiring a license under either subdivision (a) or (b) shall file with the department of licenses and consumer services a written application ~~to the city council~~ for such license. The application shall state in full the name, place of residence of the applicant and, where applicable, the name and residence of the owners of the place, premises and location where the applicant desires to conduct said business. The department of licenses and consumer services shall forward such application for a license to ~~the commissioner of health~~ Minneapolis Animal Care and Control for a report on the sanitary conditions and other requirements of the place where the applicant intends to carry on the business, including any mobile pet care vehicle, and a report from the zoning administrator where applicable. When said reports are completed, the license shall be issued or denied pursuant to section 259.30.

Adopted 12/22/2006.

Ordinance 2006-Or-143 amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Fowl, Pigeons, and Other Small Animals*, amending Section 70.10 and repealing Sections 70.20, 70.30, 70.40, 70.50, 70.60 and 70.70 to change the permit and other authority from the Commissioner of Health to Minneapolis Animal Care & Control; and to define the permit duration for small animals and change the permit fee for keeping fowl from \$10 to \$30, was adopted 12/22/2006 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-143**  
**By Samuels**  
**Intro & 1st Reading: 11/17/2006**  
**Ref to: PS&RS**  
**2nd Reading: 12/22/2006**

**Amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Fowl, Pigeons, and Other Small Animals.**

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

Section 1. That Section 70.10 of the above-entitled ordinance be amended to read as follows:

**70.10. Permit required.** (a) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal or any fowl such as a chicken, turkey, ~~or duck~~, or ~~any~~ pigeon, without obtaining a permit ~~therefor~~ issued by Minneapolis Animal Care and Control, ~~the commissioner of health or their designee~~.

(b) The Manager of Minneapolis Animal Care and Control ~~commissioner of health or their designee~~ may grant ~~any~~ permit pursuant to this section after the applicant has sought the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate. Such written consent shall be required on the ~~first~~ and initial application and as often thereafter as the Manager of Minneapolis Animal Care and Control ~~commissioner of health or their designee~~ deems necessary.

(c) No permit shall be granted to keep any animal, fowl, or pigeon within a dwelling unit or part thereof, nor on any real estate which contains three (3) or more dwelling units.

(d) This section shall not apply to dogs, cats, ferrets, or rabbits nor to veterinarians or licensed pet shops or licensed kennels.

(e) Application for permit. Any person desiring a permit under this chapter shall make written application to Minneapolis Animal Care and Control Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. Failure to adhere to conditions is cause for cancellation of the permit and/or result in an administrative fine.

(f) Duration of permit. All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked. The annual fee for such permit shall be thirty dollars (\$30.00) which shall be paid at time of application. Minneapolis Animal Care and Control will inspect the premise annually or as deemed necessary.

(g) Refusal to grant permit. Minneapolis Animal Care and Control may refuse a permit to keep or maintain animals or fowl hereunder for failure to comply with the provisions of this chapter, and shall refuse a permit if such animals or fowl should not be kept upon the premises described in the application for the permit. If any such permit is refused, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(h) Enforcement. Minneapolis Animal Care and Control shall enforce the provisions of this chapter. Section 2. That Section 70.20 of the above-entitled ordinance be and is hereby repealed.

**70.20. Application for permit.** Any person desiring a permit under this chapter shall make written application therefor to the commissioner of health upon a form prepared by the commissioner of health, which application shall describe the real estate upon which it is desired to keep any animals and shall require the giving of such information by the applicant as the commissioner of health may desire. Such application shall contain a statement by the applicant that he will "at all times keep such animals in accordance with all conditions prescribed by the commissioner of health and failure to obey such conditions shall be a violation of this chapter and shall be cause for cancellation of the permit by the commissioner of health.

Section 3. That Section 70.30 of the above-entitled ordinance be and is hereby repealed.

**70.30. Duration of permit; fee.** (a) All permits issued hereunder shall expire on February first next after its issuance unless sooner revoked.

(b) The annual fee for a permit shall be ten dollars (\$10.00) which shall be paid at the time of the making of the application therefor.

Section 4. That Section 70.40 of the above-entitled ordinance be and is hereby repealed.

**70.40. Conditions for keeping animals or fowl; revocation of permit.** The commissioner of health may prescribe general conditions for the keeping of animals or fowl and specific conditions as to a particular animal or fowl or particular premises as in his or her judgment are necessary to safeguard public health and the general welfare. The commissioner of health may revoke any permit granted pursuant to this chapter if any such condition is violated or if any pet becomes a public nuisance.

Section 5. That Section 70.50 of the above-entitled ordinance be and is hereby repealed.

**70.50. Refusal to grant permit.** The commissioner of health may refuse a permit to keep or maintain animals or fowl hereunder for failure to comply with the provisions of this chapter, and shall refuse a permit if in his or her judgment such animals or fowl should not be kept upon the premises described in the application for the permit. If any such permit is refused, the fee paid with the application shall be retained by the city to pay its expenses in the investigation and consideration thereof and be applied as provided in section 70.60.

Section 6. That Section 70.60 of the above-entitled ordinance be and is hereby repealed.

**70.60. Dispersal of permit fees.** The city finance officer shall at the close of each month credit one-third of the permit fees collected under the provisions of this chapter to the council/clerk subdivision of the current expense fund, other than personal, to meet the cost and expense of publication of notices in the official newspaper of the city, and other similar expenses, and two-thirds thereof to the department of health fund to meet the cost and expense of the commissioner of health in connection with the inspection of premises and promulgation of any general or special order relative to the enforcement of this chapter.

Section 7. That Section 70.70 of the above-entitled ordinance be and is hereby repealed.

**70.70. Enforcement.** The commissioner of health or the commissioner's duly authorized appointees shall enforce the provisions of this chapter.

Adopted 12/22/2006.

Ordinance 2006-Or-144 amending Title 4, Chapter 72 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Diseased, Injured or Dead Animals*, amending Sections 72.30 and 72.50 to grant quarantine authority and unclaimed animal disposal to Minneapolis Animal Care & Control, was adopted 12/22/2006 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-144**  
**By Samuels**  
**Intro & 1st Reading: 11/17/2006**  
**Ref to: PS&RS**  
**2nd Reading: 12/22/2006**

**Amending Title 4, Chapter 72 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Diseased, Injured or Dead Animals.**

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

Section 1. That Section 72.30 of the above-entitled ordinance be amended to read as follows:

**72.30. Quarantine.** The commissioner of health and/or Minneapolis Animal Care and Control may order any diseased animal to be immediately quarantined. Upon certification by a licensed veterinarian that such animal is indeed suffering from one of the diseases enumerated in section 72.10, the commissioner and/or Minneapolis Animal Care and Control may order that such animal be disposed of and direct the manner thereof.

Section 2. That Section 72.50 of the above-entitled ordinance be amended to read as follows:

**72.50. Unclaimed animals.** Any sickly, injured or diseased animal found or abandoned upon any street, alley, lot or public place, which is adjudged by the commissioner of health or by any veterinarian summoned by the commissioner of health and/or Minneapolis Animal Care and Control to be past recovery, shall, if unclaimed and uncared for by the owner thereof, be disposed of pursuant to state law by order of the commissioner of health and/or Minneapolis Animal Care and Control.

Adopted 12/22/2006.

**PS&RS** - Your Committee, having under consideration the application of Degrees of Entertainment Inc, dba Fahrenheit Nightclub, 400 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire January 1, 2008, 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 touch, 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.

Your Committee, having under consideration the application of Fahrenheit Nightclub, 400 1st Av N, for a Sidewalk Cafe License (new business) to expire April 1, 2007, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/22/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Quick Stop #1, 2801 Grand Av S, for a Grocery License, subject to conditions.

Adopted 12/22/2006.

Resolution 2006R-628, granting the application of Quick Stop #1, 2801 Grand Av S, for a Grocery License, subject to conditions, was adopted 12/22/2006 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-628**

**By Samuels**

**Granting the application of Quick Stop #1, 2801 Grand Av S, for a Grocery License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Quick Stop #1 Inc, dba Quick Stop #1, 2801 Grand Av S, for a Grocery License (new proprietor) to expire April 1, 2007, subject to the following conditions:

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 licensee agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside); non-soap imbedded cleaning pads, commonly sold under the names Brillo Pad or Chore Boy; small zip lock bags, also known as jewelry bags; single cigars, sometimes referred to as blunts; and rolling papers. The licensee also agrees not to supply matches to non-tobacco customers.

3. All windows will be free of signs and other items that block the view in and out at eye level, and signage will not exceed 30% of the window area.

4. The licensee shall comply with the Surveillance Camera Ordinance.

5. The licensee agrees not to install pay phones either inside or outside of the store.

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

7. The licensee agrees to maintain the property in compliance with the ten zoning conditions specified in the 2002 nonconforming use certificate (BZZ857).

Adopted 12/22/2006.

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

Adopted 12/22/2006.

Resolution 2006R-629, granting applications for Liquor, Wine and Beer Licenses, was adopted 12/22/2006 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-629**

**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:

**Off-Sale Liquor, to expire January 1, 2008**

Haskell's, Inc, dba Haskell's, 81 S 9th St

Sam's Washington Avenue Wine Shop LLC, dba Sam's Washington Avenue Wine Shop, 218 Washington Av N

PLR Holding Corporation, dba Jug Liquor Store, 226 W Broadway

U B Liquors LLC, dba Merwin Liquors, 700 W Broadway

V & Y Inc, dba Dom's Liquor, 2201 University Av NE

Jessy & Luke Inc, dba Hi-Lake Liquors, 2218 E Lake St

PCF 25 Corporation, dba Central Ave Liquors, 2538 Central Av NE

**Off-Sale Liquor, to expire October 1, 2007**

Gawron's Liquor Store, dba River Liquor, 2435 Marshall St NE (internal transfer of shares)

**Off-Sale Malt Liquor, to expire October 1, 2007**

Uptown Brewing Co LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S (growler license)

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

701 Ventures Inc, dba First Avenue, 29 7th St N, two floors

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St

Kierans Irish Pub LLC, dba Kierans Irish Pub, 330 2nd Av S

Mangos Entertainment LLC, dba Visage, 400 3rd Av N

Gay Nineties Inc, dba Gay Nineties, 400 Hennepin Av, 1st & 2nd floors

Secure Entertainment LLC, dba Lounge (The), 411 2nd Av N

422 Hennepin Inc, dba Brass Rail on Hennepin, 422 Hennepin Av

Bellanotte Hospitality LLC, dba Bellanotte, 600 Hennepin Av #170

Graves Hospitality Corporation, dba Le Meridien Minneapolis Hotel, 601 1st Av N

Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S

University Inn Assoc a Ltd Partnership, dba Radisson Hotel Metrodome, 615 Washington Av SE

Bon Appetit Management Company, dba Cue at the Guthrie, 818 S 2nd St

AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av

SHP DT Bevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av

Loring Park Assoc Ltd Partners, dba Hyatt Regency Hotel, 1300 Nicollet Mall

Grandma's of Minneapolis Inc, dba Grandma's Saloon & Grill, 1810 Washington Av S

Twin City Catering Inc, dba Picnics Plus/Affairs to Remember, 2117 W River Rd, Suite 100

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

Topshelf Club Inc, dba Club Spin/Club Cream, 10 S 5th St (new shareholder/partner)

Topshelf Club Inc, dba Club Spin/Club Cream, 10 S 5th St (internal transfer of shares)

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

Lymar Inc, dba Lyon's Pub, 16 S 6th St, ground floor

Murray's Inc, dba Murray's, 24 S 6th St, 1st floor

Baz Inc, a Minnesota Corporation, dba Champps, 100 S 6th St (includes Class B outdoor entertainment)

Harveys Operations LLC, dba Harveys, 106 3rd St N

River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av

CSM Depot LLC, dba Courtyard by Marriott - Minneapolis Depot, 225 3rd Av S

Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE

Clarence G Fleming, dba Terminal Bar, 409 E Hennepin Av

WAS Partners LLC, dba Nochee, 500 Washington Av S

RWB Minneapolis LLC, dba NBA City, 600 1st Av N

Caboose Enterprises Inc, dba Cabooze, 913 Cedar Av S, 1st floor

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE

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

D'Amico Cucina Inc, dba D'Amico Cucina, 100 6th St N (new manager)

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

Sam Ventures Inc, dba Imperial Room, 417 1st Av N, #100

**On-Sale Liquor Class B, to expire January 1, 2008**

Axis 1 LLC, dba Axis 1 LLC, 322 1st Av N, #100 (change in ownership from Degrees of Entertainment LLC)

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

Keegan Pubs Inc, dba Keegans Pub, 16 University Av NE

HRS Enterprises Inc, dba Red Sea Bar & Restaurant, 320 Cedar Av S

8th Street Garage Inc, dba 8th Street Grill & Tavern, 800 Marquette Av

Jaeger Corporation, dba Clubhouse Jaeger, 923 Washington Av N

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

N A D LLC, dba Leaning Tower of Pizza, 2501 University Av SE

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

Concept Eatery LLC, dba 112 Eatery, 112 3rd St N

Lame Duck LLC, dba Rachel's, 222 E Hennepin Av

331 Club, dba 331 Club, 331 13th Av NE

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

Pier Group LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av

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

G & K Vegas Inc, dba Vegas Lounge, 965 Central Av NE, 1st floor

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

Two Wiseguy's Inc, dba Origami Restaurant, 30 1st St N, 1st floor

McCormick & Schmick Restaurant Corp, dba M & S Grill, 50 S 6th St

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St

Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St, #124

Brinda Companies Inc, dba Pracna on Main, 117 Main St SE

Zelo Inc, dba Zelo, 831 Nicollet Mall

Back Bar LLC, dba Eli's, 1225 Hennepin Av

Haanpaa Restaurants Inc, dba King & I, 1346 LaSalle Av

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

Azia Inc, dba Azia, 2550 Nicollet Av

Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av, #301A

3675 Minnehaha Inc, dba Rail Station Bar & Grill, 3675 Minnehaha Av

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

Manhattan LLC, dba Manhattans Martini Bar, 800 LaSalle Av (change in ownership from Raising the Bar LLC)

Uptown Brewing Company LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S

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

G & A Partners LLC, dba El Pantano Restaurant, 417 E Lake St

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

Columbia Grounds Inc, dba Columbia Grounds, 3301 Central Av NE

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

D'Amico and Partners Inc, dba D'Amico and Partners Inc, 2210 Hennepin Av (new manager).

Adopted 12/22/2006.

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

Adopted 12/22/2006.

Resolution 2006R-630, granting applications for Business Licenses, was adopted 12/22/2006 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-630**

**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 December 22, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271686):

Amusement Devices; Asphalt Shingles & Roofing Manufacturer; Bed & Breakfast Facility; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Caterers; Farm - Produce Permits; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Towing Class B; Commercial Parking Lot Class A; Pet Shop; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Suntanning Facility; Taxicab Service Company; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Valet Parking; Wrecker of Buildings Class B.

Adopted 12/22/2006.

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

Adopted 12/22/2006.

Resolution 2006R-631, granting applications for Gambling Licenses, was adopted 12/22/2006 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-631**  
**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Class B**

Italian American Club Inc, dba Italian American Club, 2223 Central Av NE (Site: Mayslacks, 1428 4th St NE)

**Gambling Lawful Exempt**

Minnesota Childrens Museum, 10 W 7th St, St. Paul (Raffle February 3, 2007 at International Market Square)

Pope John Paul II Catholic Church, 1630 4th St NE (Bingo, Raffle, Paddlewheels, Pulltabs and Tipboards February 3, 2007 at 1630 4th St NE)

Breck School, dba Breck School, 123 Ottawa Av N (Raffle April 21, 2007 at The Depot, 225 3rd Av S).

Adopted 12/22/2006.

**PS&RS** - Your Committee, having under consideration the Motor Vehicle Dealer - Used Only License held by Auto Mart Inc, dba Auto Mart, 4201 E Lake St, and having held a license hearing that concluded that the licensee failed to comply with zoning regulations relating to the site plan and failed to comply with building codes by constructing an addition to the building at 4201 E Lake Street without first submitting plans and obtaining a building permit, now recommends that the renewal license application for Auto Mart be denied.

Your Committee further recommends that in the event of an appeal by the licensee, that the Committee's license denial recommendation be stayed.

Colvin Roy moved that the report be postponed. Seconded.

Adopted upon a voice vote 12/22/2006.

**PS&RS** - Your Committee, having under consideration the rental dwelling license for the properties located at 2123 6th St N, 3730 Fremont Av N, 2724 Penn Av N, 506 Newton Av N, and 2407 Golden Valley Rd held by Jay Petsche, now recommends concurrence with the recommendation of the Director of Inspections to revoke, deny, or non-renew said licenses held by Jay Petsche for failure to meet licensing standards as set forth in Section 244.1910 (13) of the Minneapolis Code of Ordinances, and in accordance with the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Further, that Mr. Petsche be deemed ineligible to hold or have an interest in a rental dwelling license for a period of five years as a result of having two or more licenses cancelled, pursuant to Section 244.1925 of the Minneapolis Code of Ordinances.

Adopted 12/22/2006.

**PS&RS** - Your Committee, having under consideration the rental dwelling license for the properties located at 3001 James Av N, 1412 8th St SE, 818 University Av NE, 1607 Hollywood Av NE, 3955 Emerson Av N, 2900 Emerson Av N, 3620 Longfellow Av, 3223 Washburn Av N, 3750 Queen Av N, 736 Madison St NE, and 3858 Sheridan Av N held by Scott Feyereisen, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental License Board of Appeals hearing held on November 14, 2006 that concluded that the 11 referenced rental dwelling licenses held by Scott Feyereisen are subject to revocation when any individual who has had an interest in two or more such licenses are revoked or cancelled through condemnation of the affected buildings; and for failure to meet licensing standards as set forth in Section 244.1910, now recommends concurrence with the following recommendations of the Board, as more fully set forth in said Findings on file in the Office of the City Clerk, which are hereby made a part of this report by reference:

- a. that said rental dwelling licenses held by Scott Feyereisen be revoked.
- b. that Scott Feyereisen be deemed ineligible to hold or have an interest in a rental dwelling license issued by the City of Minneapolis for a period of five years.

Adopted 12/22/2006.

**PS&RS** - Your Committee, having under consideration the implementation of new taxicab license regulations, now recommends the following:

a. that a neutral panel be established to review and rate applications and business plans submitted by new and existing companies seeking the newly available taxicab vehicle licenses. The panel will be comprised of the Deputy Director of Business Licenses and/or the Manager of Business Licenses, a representative of the Mayor's Committee on Persons with Disabilities, a taxicab driver's representative, and a citizen who regularly uses Minneapolis taxicab services.

b. The panel will use the following criteria which will be weighted with specific points to rank the applicants:

1. The financial capability and responsibility of the applicant.
2. The applicant's prior experience in the taxicab business.
3. The level and quality of taxicab service provided by the applicant in the past in areas in which it has operated.
4. The experience and competence of the applicant's drivers and dispatch capabilities.
5. The applicant's prior record of compliance with the taxicab ordinance, including complaints and disciplinary actions against drivers and vehicle owners.
6. The age and condition of the vehicles proposed to be licensed by the applicant and fuel efficiency.
7. Consideration of special equipment, i.e. GPS tracking, wheelchair accessibility.
8. The applicant's prior experience in providing neighborhood service.
9. Such other factors as the City Council may deem relevant.
10. Proposed marketing strategies and/or service innovation.
11. Established company policies regarding drivers training requirements, dispatching, etc.
12. Number of requested taxi vehicle licenses versus minimum acceptable number to operate.
13. In the absence of specific experience in the taxicab industry, other experience or qualifications indicating likely success in delivering quality taxi service should be considered.

c. That the definition of a fuel efficient vehicle shall be a passenger vehicle that has an Environmental Protection Agency (EPA) fuel consumption rating of 23 miles per gallon (city driving).  
Adopted 12/22/2006.

**PS&RS** - Your Committee, having under consideration the property located at 2623 Dupont Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that report passed April 28, 2006 be reaffirmed and that the proper City Officers be authorized to demolish said property legally described as Lot 2, Block 20, Fairmount Park Addition to Minneapolis (PID #09-029-24-43-0045), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Hofstede moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 12/22/2006.

**PS&RS** - Your Committee recommends that the proper City officers be authorized to execute an Interchange Agreement with the State of Minnesota, Department of Corrections, to continue allowing the Minneapolis Police Department to interface with State agencies by allowing officers to receive training and gain on-the-job experience with the Department of Corrections, at no cost to the City of Minneapolis.

Adopted 12/22/2006.

**PS&RS** - Your Committee, having under consideration the lease of space and build-out of space at Hamilton School, 4119 Dupont Av N, to allow for the expansion of the Minneapolis Development Review Center, now recommends approval of the pre-payment and fund transfer from Regulatory Services accounts, in the amount of \$400,000, to the Public Works Property Services account.

Ostrow moved that the report be deleted. Seconded.

Adopted upon a voice vote 12/22/2006.

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 execute a Mutual Assistance Agreement with the City of St. Paul to provide additional legal resources in the event of a disaster. Said agreement will outline a procedure for requesting assistance and responding to such requests.

Adopted 12/22/2006.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the 2005 Urban Area Security Initiative Federal Grant, now recommends that Resolution 2006R-054 be amended by transferring \$13,959 in grant funding from the Police Department to the Fire Department to provide funds for other grant related costs in the Fire Department.

Adopted 12/22/2006.

**RESOLUTION 2006R-632**  
**By Samuels and Ostrow**

**Amending Resolution 2006R-054 entitled "Amending The 2006 General Appropriation Resolution", passed February 10, 2006.**

Resolved by The City Council of The City of Minneapolis:

That items "a" and "b" of the above-entitled Resolution be amended to transfer \$13,959 from the Police to the Fire Department, to read as follows:

a. increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2880) by \$13,959 and increasing the Revenue Source (030-280-2880 - Source 3210) by \$13,959.

b. decreasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT09) by \$13,959 and decreasing the Revenue Source (030-400-DT09 - Source 3210) by \$13,959.

Adopted 12/22/2006.

(Republished 1/13/2007)

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Auto Theft Bait Vehicle Program, now recommends that the proper City officers be authorized to accept a donation of a 1998 Honda Civic, valued at \$1,000, from the National Insurance Crime Bureau to be used as a bait vehicle to enhance the Program.

Adopted 12/22/2006.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept up to \$30,000 and execute a reimbursement agreement with the Federal Bureau of Alcohol, Tobacco and Firearms (ATF) for reimbursement of overtime expenses for officers while assisting the ATF. Further, passage of the accompanying resolution appropriating \$30,000 to the Police Department.

Adopted 12/22/2006.

**RESOLUTION 2006R-633  
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-C007) by \$30,000 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$30,000.

Adopted 12/22/2006.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute agreements for psychologist and psychologist training services for the Police Department's Employee Assistance Program.

Adopted 12/22/2006.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County to provide police Detox Van services for 2007 for an estimated amount of \$177,695.

Adopted 12/22/2006.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a 2007 Influenza Pandemic Planning State grant award of \$77,656 from the State of Minnesota for the City to continue working on issues that plan for a pandemic influenza. Further, passage of the accompanying resolution appropriating \$77,656 to the Fire Department.

Adopted 12/22/2006.

**RESOLUTION 2006R-634  
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 Fire Department Agency in the Grants - Other Fund (060-280-2880) by \$77,656 and increasing the Revenue Source (060-280-2880 - Source 3215) by \$77,656.

Adopted 12/22/2006.

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

**T&PW** - Your Committee, having under consideration the Cedar Lake Trail Project, Phase III (from Royalston Av to W River Parkway), now recommends that the proper City officers be authorized to enter into negotiations with abutting property owners for the acquisition of trail easements.

Adopted 12/22/2006.

**T&PW** - Your Committee, having under consideration Agreement No. C-23057 with Cutler Magner Company to furnish and deliver quick lime to the Public Works Water Treatment and Distribution Services Department, now recommends that the contract be increased by an estimated annual expenditure of \$450,000, for a revised estimated annual expenditure of \$1,290,000. No additional appropriation required.

Adopted 12/22/2006.

**T&PW** - Your Committee, having under consideration agreements with agency partners to assist in funding the Access Minneapolis - Transportation Action Plan Study, now recommends that the proper City officers be authorized to extend the following contracts from December 31, 2006 to December 31, 2007:

- MnDOT (Contract C-21785);
- Metropolitan Council (Contract C-21774); and
- Hennepin County (Contract C-21775).

Adopted 12/22/2006.

**T&PW** - Your Committee, to whom was referred an ordinance amending Title 17, Chapter 447 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Parades/Races*, instituting a fee for the posting of temporary "No Parking" signs along parade and/or race routes, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends passage of the accompanying resolution designating the fees for the posting of temporary "No Parking" signs along parade and/or race routes.

Adopted 12/22/2006.

Ordinance 2006-Or-145, amending Title 17, Chapter 447 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Parades/Races* instituting a fee for the posting of temporary "No Parking" signs along parade and/or race routes, was adopted 12/22/2006 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-145**  
**By Colvin Roy**  
**Intro & 1st Reading: 7/21/2006**  
**Refer to: T&PW**  
**2nd Reading: 12/22/2006**

**Amending Title 17, Chapter 447 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Parades/Races.**

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

Section 1. That Section 447.60 of the above-entitled ordinance be amended to read as follows:

**447.60. Permit issuance or denial.** The director of public works shall issue a permit as provided for herein. However, the director of public works shall deny the application for such a permit if from a consideration of the application and from such other information as may otherwise be obtained, the director of public works finds any of the following:

(a) The conduct of the parade/race will substantially interrupt the safe and orderly movement of other traffic contiguous to its route or will interfere with street maintenance or other legally permitted events.

(b) No permit involving bicycle racing, foot racing, race walking, wheelchair racing, rollerblading, marathons and jogging events shall be issued unless the activity is to take place between the hours of 6:00 a.m. and 3:00 p.m. on Saturday, Sunday or legal holiday.

(c) The concentration of persons, animals and vehicles at assembly points of the parade/race will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

(d) The conduct of such parade/race will interfere with the movement of firefighting equipment or emergency vehicles en route to a fire or emergency.

(e) The parade/race is not scheduled to move from its point of origin and to its point of termination expeditiously and without unreasonable delays en route.

(f) The parade is to be held for the sole purpose of advertising any product or goods and is designed to be held purely for private profit.

(g) The promoter will not agree to pay the fees listed in sections 447.120 and 447.130.

(h) To ensure that no such conditions exist and to avoid the denial of an application, the director of public works or the applicant may recommend amendments to the application before the time for action in section 447.70(a) has expired. If such amendments are accepted in writing by the applicant, the application shall be amended in conformance therewith and without affecting the timeliness of the application.

Section 2. That Section 447.120 of the above-entitled ordinance be amended to read as follows:

**447.120. Parade/race promoter responsible for the following fees.** (a) *Permit fees.* Applicants seeking a parade/race permit for a parade, the fee is twenty-five dollars (\$25.00); and a permit involving bicycle racing, foot racing, race walking, wheelchair racing, rollerblading, marathons and jogging events, the fee is one hundred dollars (\$100.00) plus fifty cents (\$0.50) per participant where that fee is not concurrently required by the park and recreation board. The participant fee shall be based on preregistration or number of participants noted in the application, whichever is higher. Within seven (7) days after the event, the applicant shall pay any additional participant fees or apply for a refund if the actual number of participants was less than originally permitted.

(b) No parking sign posting fee. If pursuant to section 447.100 the posting of temporary "No Parking" signs along a parade or race route is required, applicants seeking a parade/race permit for a parade or race must additionally pay fees that shall be set time to time by resolution of the City Council.

(c) All applicants shall file an application as provided in section 447.40. In the event that a permittee fails to pay any fees due when required to do so, no future applications will be considered until all fees are paid.

~~(b)~~ (d) Required undertakings. In addition to the information required in section 447.40, the applicant will, without expense to the city, undertake the following:

(1) The applicant will provide either authorized civilian or police personnel at all intersections requiring traffic-control personnel.

(2) The applicant will provide volunteers to monitor the barricades at all intersections not requiring traffic-control personnel, as determined by the department of public works and the police department.

(3) The applicant will provide, install and remove the barricades, signs and delineation equipment as directed by either the director of public works or the chief of police or their designees.

(4) The applicant will defend and hold the city harmless from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of the conduct of the activity authorized by such permit, including attorney fees and expenses.

Section 3. That Section 447.150 of the above-entitled ordinance be amended to read as follows:

**447.150. Indigence exception for parades.** (a) For individuals and organizations with limited financial means, it is the policy of the City of Minneapolis to waive the fee requirement of section 447.120 where such burdens substantially threaten the ability of such individuals and organizations to obtain a parade permit. Accordingly, an applicant for a parade permit may request, on a form provided by the director of public works, a waiver of such requirement(s). The director of public works may waive such requirement(s) if the following conditions are satisfied:

- (1) *All parade applications.* The parade applicant and each person responsible for organizing the parade must certify that each: (1) receives public assistance, or (2) receives average family income which is less than one hundred twenty-five (125) percent of the federal poverty line, or (3) cannot support his or her family and his or herself and also satisfy the requirements of section 447.120 without substantial hardship. The applicant shall specify the requirement(s) that should be waived in light of such financial hardship.
- (2) *Parade applicants for organizations.* In addition, if the proposed parade is to be conducted for, on behalf of, or by an organization, the applicant shall disclose assets held in the name of such organization. The parade applicant must certify to the best of his or her knowledge that the mission, operation, or existence of the organization will be substantially threatened if the requirements of section 447.120 must be satisfied by the organization. The applicant shall specify the requirement(s) that should be waived in light of such financial hardship.

(b) Waiver of fee requirement of section 447.120 (b) for parades. Individuals or organizations must request such a waiver on a form provided by the Director of Public Works. The director of public works may waive the fee if the following conditions are satisfied:

- (1) Nonprofit organizations. All applications by the following nonprofit organizations are eligible for a waiver of the fee: A corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. This may be established by providing a fully completed exemption certificate as described in Minnesota Statute 297A.665 (b), or in the alternative, by providing information deemed by the Director of Public Works to be sufficient to establish that the organization is operated exclusively for charitable, religious, or educational purposes.
- (2) Other applicants. Other applicants requesting a waiver must satisfy the requirements set forth in subdivision (a) of this section.

Adopted 12/22/2006.

Resolution 2006R-635, designating the fees for posting of temporary "No Parking" signs along parade and/or race routes, was adopted 12/22/2006 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-635**  
**By Colvin Roy**

**Designating the fees for posting of temporary "No Parking" signs along parade and race routes.**

Whereas, the City has taken action relative to Title 17 Chapter 447 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Parades/Races* to institute a fee for the posting of temporary "No Parking" signs along parade and/or race routes; and

Whereas, the City is interested in recouping a portion of the cost for all services; and

Whereas, the City received a financial review conducted by the Public Financial Management (PFM) Group on June 21, 2005 which recommended the collection of such fees; and

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Whereas, the Public Works Department has developed an initial fee structure and has held an open house on August 14, 2006 and a public hearing on August 22, 2006 to gain comments;

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

That in accordance with Title 17, Chapter 447 of the Minneapolis Code of Ordinances the following fees shall be charged to the race/parade applicant for the posting of temporary "No Parking" signs along parade and race routes:

Type A -	Less than 1 block face	\$30
Type B -	1 to 9 block faces	\$160
Type C -	10 to 19 block faces	\$535
Type D -	20 to 39 block faces	\$940
Type E -	40 to 79 block faces	\$1,720
Type F -	80+ block faces	Actual time & materials cost

Adopted 12/22/2006.

**T&PW** - Your Committee recommends that the proper City officers be authorized to develop a Street Furniture Program and issue a Request for Proposals (RFP) for the coordination of the design of all street furniture elements, including research into the possibility of incorporating public washrooms into the program.

Your Committee further recommends that the Transportation and Public Works Committee review and provide feedback concerning the RFP prior to issuance.

Adopted 12/22/2006.

**T&PW** - Your Committee, to whom was referred the subject matter of an ordinance amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Courtesy Benches*, now recommends that said ordinance be returned to author.

Adopted 12/22/2006.

**T&PW** - Your Committee recommends passage of the accompanying resolution establishing the Minneapolis Pedestrian Advisory Committee.

Adopted 12/22/2006.

(Published 12/27/2006)

Resolution 2006R-636, establishing the Minneapolis Pedestrian Advisory Committee, was adopted 12/22/2006 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-636

By Colvin Roy

#### Establishing the Minneapolis Pedestrian Advisory Committee.

Whereas, the City of Minneapolis has a significant network of sidewalks and walkways; and  
Whereas, the City of Minneapolis supports walking for transportation, recreation and health purposes; and

Whereas, the City of Minneapolis strives to be a walkable city; and

Whereas, the City of Minneapolis lacks a forum to address pedestrian issues, projects, initiatives, and programs;

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

That the Pedestrian Advisory Committee to the Mayor and the City Council of the City of Minneapolis be hereby established.

Be It Further Resolved that the Committee shall advise the Mayor and City Council on policies, programs, and actions for improving pedestrian safety, mobility, accessibility, and comfort; for promoting walking for transportation, recreation, and health purposes; and for strengthening the linkage between the pedestrian environment and public transportation.

Be It Further Resolved that the Committee be composed of 18-24 members of the public and city and partner agency staff including: 1 member of the Minneapolis Senior Citizen Advisory Committee to the Mayor and City Council; 1 member of the Minneapolis Advisory Committee on People with Disabilities; 1 member of the Minneapolis Bicycle Advisory Committee; 5-8 members representing City Departments, including the City Attorney's office, Public Works, Community Planning and Economic Development, Public Health, Police, Fire, and Communications; 5-8 members representing partner agencies, including Hennepin County, Metro Transit, Metropolitan Council, Minneapolis Park and Recreation Board, Minneapolis Public Schools, MnDOT, University of Minnesota, and U.S. Congressional Office; and 5 community residents representing the following areas: city residents, city business owners, senior citizens, persons with disabilities, university students, child/school advocates, and walking/transit advocates.

Be It Further Resolved that the 5 community members shall reside or own a business in the City of Minneapolis and shall be appointed through the open appointment process for a 4 year term, with a public hearing held in the Transportation and Public Works Committee.

Be It Further Resolved that the City departments and partner agencies shall assign a staff member to the Committee.

Be It Further Resolved that the Public Works Department shall provide staff support to the Committee.

Be It Further Resolved that the Chair of the Committee shall be appointed by the City Council and other officers shall be selected by the Committee.

Be It Further Resolved that Committee members shall receive no compensation for service on the Committee and that the Committee shall have no budget.

Adopted 12/22/2006.

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

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and enter into an agreement with Sprint-Nextel to receive reimbursement for Phase II Rebanding work on the City's existing 800 MHz system, as required by the Federal Communications Commission and performed by Motorola Inc. and by City staff.

Your Committee further recommends that the proper City officers be authorized to negotiate and enter into an agreement with Motorola Inc. to be reimbursed directly from Sprint-Nextel, as set forth in the above-mentioned agreement.

Adopted 12/22/2006.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and enter into an agreement with T-Mobile USA Inc. to receive microwave frequency communications equipment and appropriate reimbursement for City-related costs, pursuant to the Federal Communications Commission action ET Docket No. 00-258.

Adopted 12/22/2006.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution closing out sewer-related projects in which construction has been completed, adjusting capital appropriations in the Sewer Construction Capital Fund, and reallocating the revenue available as a result of the project close-outs to other sewer-related projects.

Adopted 12/22/2006.

Resolution 2006R-637, closing out sewer-related projects in which construction has been completed, adjusting capital appropriations in the Sewer Construction Capital Fund, and reallocating the revenue available as a result of the project close-outs to other sewer-related projects, was adopted 12/22/2006 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-637**  
**By Colvin Roy and Ostrow**

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

Resolved by The City Council of The City of Minneapolis:

That the following list of projects be closed out by adjusting the following capital appropriations in Sewer Construction Capital:

- Sewer Construction capital appropriation in 4100-932-9324 project 02HMR should be decreased by \$55,000.00. (Hiawatha/Minnehaha Railroad Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 00REN should be decreased by \$64,114.19. (Storm & Sewer Work Street Renovation Projects)
- Sewer Construction capital appropriation in 7300-932-9324 project 02EPA should be decreased by \$110,613.85. (US EPA Storm Water Regulations Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 02MSD should be decreased by \$26,072.50. (Miscellaneous Storm Drains, PS02 Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 02PBS should be decreased by \$500,000.00. (Park Board Capital Storm Drain Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 02RHB should be decreased by \$200,000.00. (2002 Storm Tunnel Rehabilitation Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 02SAN should be decreased by \$323,496.00. (2002 Sanitary Sewer Capital, PS01c Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 02STR should be decreased by \$500,000.00. (2002 Sanitary Tunnel Rehabilitation, PS01b Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 03EPA should be decreased by \$168,150.88. (US EPA Storm Water Regulations Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 03MSD should be decreased by \$18.59. (Miscellaneous Storm Drain Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 03PBS should be decreased by \$75,478.53. (Park Board Capital Storm Drain Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 04CLS should be decreased by \$348,929.58. (Currie Lift Station SW012 Project)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project 04EPA. (US EPA Storm Water Regulations Project)
- Sewer Construction capital appropriation in 7300-932-9324 project 04MSD should be decreased by \$13,240.52. (Miscellaneous Storm Drain Project)
- Sewer Construction capital appropriation in 7300-932-9324 project FLA05 should be decreased by \$20,000.00. (Crystal Lake New Storm Drain #5 Project)
- Sewer Construction capital appropriation in 7300-932-9324 project FLA16 should be decreased by \$34,112.72. (Flood Area #16 – Jefferson Elementary School Project)
- Sewer Construction capital appropriation in 7300-932-9324 project FLA17 should be decreased by \$36.13. (Flood Area #17 – West 43<sup>rd</sup> Street & Wentworth Ave S Project)
- Sewer Construction capital appropriation in 7300-932-9324 project FLA29 should be decreased by \$73,547.23. (Flood Area #29, 30 Project)
- Sewer Construction capital appropriation in 7300-932-9324 project FLA31 should be decreased by \$1,812.36. (Flood Area #31 – Sheridan Ave W (W 50th – 51st Streets))

- Sewer Construction capital appropriation in 7300-932-9324 project FLA33 should be decreased by \$863.92. (Flood Area #33, 38 and 39, PS39 Project)
- Sewer Construction capital appropriation in 7300-932-9324 project FLAXX should be decreased by \$101.94. (Flood Area – Miscellaneous Project)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project PND09. (Flood Area #09 – Holland Pond/Jackson Square/Edison High School Project)
- Sewer Construction capital appropriation in 7300-932-9324 project SW502 should be decreased by \$458.21. (Miscellaneous Storm Drains Project)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project SW504. (Implement Storm Water Regulations Project)

Be It Further Resolved that the excess Sewer Construction Capital be reallocated with a Capital appropriation increase and revenue budget increase as follows:

- \$5,550.66 increase to Fund/Agency/Org: 7300-932-9324-FLA08 and revenue source Fund/Agency/Org: 7300-932-9324-3410 (Block Storm Drain Project FLA08)
- \$60,214.54 increase to Fund/Agency/Org: 7300-932-9324-FLA38 and revenue source Fund/Agency/Org: 7300-932-9324-3410 (Flood Area #33, 38, 39, PS39)
- \$35,425.31 increase to Fund/Agency/Org: 7300-932-9324-FLA39 and revenue source Fund/Agency/Org: 7300-932-9324-3410 (Flood Area #33, 38, 39, PS39)
- \$404,688.02 increase to Fund/Agency/Org: 7300-932-9324-POWDR and revenue source Fund/Agency/Org: 7300-932-9324-3410 (Powderhorn Park PS07)
- \$508,605.71 increase to Fund/Agency/Org: 7300-932-9324-FLA06 and revenue source Fund/Agency/Org: 7300-932-9324-3410 (Flood Area #06 – 33<sup>rd</sup> Avenue North (Humboldt – Mississippi River))
- \$13,324.46 increase to Fund/Agency/Org: 4100-932-9324-SHCRK and revenue source Fund/Agency/Org: 4100-932-9324-3410 (Shingle Creek Wetland 1996)
- \$1,433,208.45 increase to Fund/Agency/Org: 7300-932-9324-FLA01 and revenue source Fund/Agency/Org: 7300-932-9324-3410 (Flood Area #01 42<sup>nd</sup> Ave N & Russell Avenue N)

Be It Further Resolved that the following list of projects be closed out:

- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project FLA08. (Block Storm Drain Project)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project FLA38. (Flood Area #33, 38 and 39, PS39 Project)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project FLA39. (Flood Area #33, 38 and 39, PS39 Project)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project POWDR. (Powderhorn Park PS07)
- There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project FLA06. (Flood Area #06 – 33<sup>rd</sup> Ave N (Humboldt – Mississippi River))
- There is no remaining Sewer Construction capital appropriation in 4100-932-9324 project SHCRK. (Shingle Creek Wetland 1996)

Adopted 12/22/2006.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and enter into a two-year lease, ending December 31, 2008, with John McKay Williams Properties for the property located at 1107 West Broadway, at a total cost of \$51,036.96, to be used as a police substation and community-based worksite. Funds are available in the Police Department Agency in the General Fund.

Adopted 12/22/2006.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution:

a) Increasing the appropriation and revenue for the Cedar Riverside Station Area Lighting Project by \$256,000, to be reimbursed by a Hennepin County Transit Oriented Development Grant, Neighborhood NRP Funds, and CPED Station Enhancement Funds;

b) Increasing the appropriation and revenue for signals and signing in the Lowry Avenue North Reconstruction Project (from Humboldt Av N to 3rd St N) by \$112,004, to be reimbursed by a Hennepin County Construction Cooperative Agreement and PITX funds; and

c) Increasing the appropriation and revenue for navigation lights replaced on the East Lake Street and Broadway Avenue Bridges by \$30,600, to be reimbursed by a Hennepin County Routine Maintenance Agreement.

Adopted 12/22/2006.

**RESOLUTION 2006R-638**  
**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 as follows:

a) Increasing the appropriation for the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9432) by \$256,000 and increasing the revenue source (4100-943-9432-Source 3220) by \$130,000, to be reimbursed by a Hennepin County Transit Oriented Development Grant, increasing the revenue source (4100-943-9432-Source 3845) by \$32,500, to be reimbursed by Neighborhood NRP Funds, and increasing the revenue source (4100-943-9432-Source 3845) by up to \$93,500 to be reimbursed by CPED Station Enhancement Funds;

b) Increasing the appropriation for the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-TR507) by \$112,004 and increasing the revenue source (4100-943-9440-TR507-Source 3220) by \$106,670, to be reimbursed by Hennepin County Construction Cooperative Agreement No. A060895, and increasing the revenue source (4100-943-9440-TR507-Source 3220) by \$5,334, to be reimbursed from PITX Funds; and

c) Increasing the appropriation for the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-TR507) by \$30,600 and increasing the revenue source (4100-943-9440-TR507-Source 3220) by \$30,600, to be reimbursed by Hennepin County Routine Maintenance Agreement No. PW-16-20-03.

Adopted 12/22/2006.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No. 6690 from Veit & Company, Inc. in the amount of \$65,125, to furnish and deliver all labor, materials, equipment, and incidentals necessary for pipeline rehabilitation.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petn. No. 271699)

Adopted 12/22/2006.

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

**W&M/Budget** - Your Committee recommends authorizing final settlement by accepting payment of \$142,500 from Architectural Alliance to the City of Minneapolis as damages for defective design and supervision at the Currie Maintenance Facility.

Your Committee further recommends that the proper City officers, by and through the law firm of Kennedy & Graven, be authorized to execute any documents necessary to effectuate said settlement.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee having under consideration the A+ Security, Inc. contract C-23509, now recommends that the proper City officers be authorized to amend said contract to increase the bid amount from the estimated \$161,379 to \$500,000 to provide additional complete camera turnkey systems.

Further, that staff be directed to apply the Operating Funds for Technology policy, adopted by Council on December 11, 2006; directing staff to report back to the Ways & Means/Budget Committee with a receive and file action that identifies the ongoing operating costs funded by the Minneapolis Police Department prior to purchasing the cameras.

Adopted 12/22/2006.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to extend Contract #C-17010 with Bentley Systems, Incorporated for the support and maintenance of the Public Works Civil Engineering application through 2008, increasing the contract amount by \$212,610.  
Adopted 12/22/2006.

**W&M/Budget** - Your Committee having under consideration the Qwest Master Network Interstate Service Agreement, now recommends that the proper City officers be authorized to:

- a) Extend the agreement to December 31, 2012; and
- b) Increase the contract amount by \$300,000.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends acceptance of the donation of the computer domain name www.cityofminneapolis.org from Emeka Ezidiegwu, Triple E Holdings, Ltd.  
Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends approval of the January 2007 utility billing insert on behalf of the Utility Billing Division and Finance Department announcing the 2007 Utility Billing rates.  
Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends approval of the Minneapolis Empowerment Zone (EZ) 2006-2009 Strategic Plan, in concurrence with the recommendation of the EZ Governance Board, as set forth in Petn No 271740 on file in the Office of the City Clerk.  
Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends acceptance of Non-profit Convention Events funds in the amount of \$164,500 to provide payment to Meet Minneapolis for expenses incurred for qualifying events.  
Your Committee further recommends passage of the accompanying Resolution increasing the appropriation to the Meet Minneapolis agency to reflect receipt of said funds.  
Adopted 12/22/2006.

**RESOLUTION 2006R-639**  
**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 Meet Minneapolis Agency in the Convention Center Related Fund (0760-864-8642) by \$164,500; and increasing the Meet Minneapolis revenue source (0760-864-8642 - Source 3720) by \$164,500.  
Adopted 12/22/2006.

**W&M/Budget** - Your Committee, having under consideration the Annual Property Insurance Premium for the Minneapolis Convention Center (MCC), Talmedge Building, and Parking Ramp, now recommends:

- a) Authorizing the City's Finance Officer to review options for property insurance for the Convention Center, (including the Talmedge Building, and Parking Ramp) for January 1, 2007 coverage;
- b) Acceptance of the XL Insurance quote of \$317,950 plus taxes and surcharges and lock in the binder for the 2007 property coverage; and
- c) Acceptance of the quote for additional terrorism coverage.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee, having under consideration City representatives to the Minneapolis Police Relief Association (MPRA) and Minneapolis Firefighters Relief Association (MFRA), now recommends the following appointments:

a) LeaAnn M. Stagg and Rebecca Law to the MPRA for a two year term beginning January 1, 2007 through December 31, 2008; and

b) LeaAnn M. Stagg and Jack Qvale to the MFRA for a two year term beginning January 1, 2007 through December 31, 2008.

Further, that the City will defend and indemnify Ms. Stagg, Ms. Law, and Mr. Qvale in accordance with the City's adopted defense and indemnification policy.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to offer Monique Jones (Step 5), for the position of Human Resources Senior Associate in the Benefits Department of Human Resources. Funds are available in current appropriation.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee, having under consideration the 2007 salary adjustment for non-represented employees, now recommends that the salary schedules be enhanced by 2.00% across the board for each classification, and all longevity steps, effective January 1, 2007, or the beginning of the payroll period nearest January 1, 2007.

Further, that step movement be frozen for calendar year 2007.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to:

a) Accept an additional \$10,350 from the State of Minnesota grant funding to provide temporary lead safe housing to low income families who are displaced from their homes during lead hazard reduction activities.

b) Execute the related grant contract amendment.

c) Passage of the accompanying Resolution increasing the appropriation for the Department of Regulatory Services Agency by \$10,350 to reflect receipt of said funds.

Adopted 12/22/2006.

## RESOLUTION 2006R-640

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 for the Regulatory Services Agency in the Grants - Other Fund (0600-835-8392) by \$10,350, and increasing the revenue source by \$10,350.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee, having under consideration the lawsuit against the Metropolitan Airports Commission to enforce noise mitigation and abatement relating to the Minneapolis/St. Paul Airport, now recommends that the proper City officers be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and Kaplan, Kirsch and Rockwell, LLP so that the compensation payable under said agreement not exceed \$1,050,000 for the term of the agreement.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee, having under consideration the MNCIS Integration Project, now recommends approval of a technology prepayment proposal in the amount of \$380,376; authorize the City Attorney's office to execute any documents necessary to effectuate the technology prepayment project proposal.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee, having under consideration the Establishment of Legal Services Panels, now recommends the following:

- a) Adoption of the City Attorney's recommendation for placing attorneys and law firms on the City's Legal Services Panel;
- b) Authorize the City Attorney to negotiate and execute "Master Agreements" for the period January 1, 2007 through December 31, 2009, with the cost for each agreement not to exceed \$300,000 for the three-year period; and
- c) Waiving the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution authorizing the City of Minneapolis to accept gifts on behalf of Police and Fire Personnel working on December 24 and 25, 2006.

Adopted 12/22/2006.

Resolution 2006R-641, authorizing the City of Minneapolis to accept gifts on behalf of Police and Fire Personnel, was adopted 12/22/2006 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-641**  
**By Gordon, Hofstede, Ostrow**

**Authorizing the City of Minneapolis to Accept Gifts on behalf of Police and Fire Personnel.**

Whereas, Minneapolis residents and businesses wish to express their thanks to Police and Fire personnel working on December 24 and 25, 2006, by providing a holiday meal;

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

That food and non-alcoholic beverage donations from the Second Precinct Advisory Committee (2PAC), Stadium Village Commercial Association, Dinkytown Business Association, NE Chamber of Commerce, PanHellenic Council and Intrafraternity Council shall be accepted as gifts on behalf of the City for the purpose of providing holiday meals to employees working on December 24 and 25, 2006, at the Minneapolis Police Department Second Precinct and Fire Stations #2, #11, #15 and #19.

Be It Further Resolved that food and non-alcoholic beverage donations from member businesses of the Warehouse District Business Association and member downtown restaurants belonging to Twin Cities Originals shall be accepted as gifts on behalf of the City for the purpose of providing holiday meals to employees working on December 24 and 25, 2006, at the Minneapolis Police Department First Precinct and Fire Station #1.

Adopted 12/22/2006.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution ensuring that the hiring practices of the City of Minneapolis do not discriminate against or unreasonably deny individuals with criminal history records employment with the City and further encouraging rehabilitation of criminal offenders.

Adopted 12/22/2006.

Resolution 2006R-642, ensuring that the hiring practices of the City of Minneapolis do not discriminate against or unreasonably deny individuals with criminal history records employment with the City and further encouraging rehabilitation of criminal offenders, was adopted 12/22/2006 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-642**

**By Glidden, Samuels, Ostrow, Hofstede, Colvin Roy, Schiff, Hodges**

**Ensuring that the hiring practices of the City of Minneapolis do not discriminate against or unreasonably deny individuals with criminal history records employment with the City and further encouraging rehabilitation of criminal offenders.**

Whereas, individuals with criminal records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for many forms of social service benefits (See *The Mark of a Criminal Record*, Devah Pager); and

Whereas, according to the Minnesota Department of Corrections, as of January 1, 2006, 24,279 persons were under correctional supervision in Hennepin County and Hennepin County was home to 24.6 percent of persons on supervised release statewide; and

Whereas, many people who have been convicted of offenses in other counties in the State of Minnesota have moved to Hennepin County and the City of Minneapolis to begin their lives anew; and

Whereas, people of color are arrested, convicted, and incarcerated in numbers disproportionate to their representation in the population, which disproportionately impacts their families and communities; and

Whereas, many formerly-incarcerated people in the State of Minnesota and County of Hennepin are likely to be unemployed or underemployed (In 2006, during a snapshot of time, 35% of all adults on supervised release in Hennepin County were unemployed, while 12% of adults on supervised release had only part-time employment. Only 48% of adults on supervised release were employed full-time. Hennepin County Community Corrections.); and

Whereas, the City of Minneapolis seeks to assist the rehabilitation of criminal offenders including the successful reintegration of formerly-incarcerated people into the community after their release from prison and acknowledges that the lack of employment opportunities for individuals with a criminal record is a principal factor for recidivism; and

Whereas, through enacting Minnesota Statutes Chapter 364, the Minnesota State Legislature has declared it to be the policy of the state to: encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to rehabilitation and the resumption of the responsibilities of citizenship (Minn. Stat. §364.01); and

Whereas, Minn. Stat. §364.03 implements the aforementioned policy by prohibiting the disqualification of an individual with a criminal record from employment by the state, its agencies, and political subdivisions, unless the crime directly relates to the employment sought; and

Whereas, Minn. Stat. 364.04 prohibits public employers from using records of arrests not followed by a valid conviction, convictions which have been annulled or expunged, and misdemeanor convictions where no jail sentence can be imposed, in connection with any application for employment; and

Whereas, certain positions of employment with the City of Minneapolis are exempted from Chapter 364 and thus from this Resolution, including but not limited to police and fire and other positions as defined by Minn. Stat. 364.08 and 364.09; and

Whereas, private sector employers' adoption of similar changes to their employment application form and hiring practices would have a widespread beneficial impact on our community by increasing employment opportunities for individuals with criminal history, thereby decreasing the likelihood of re-offending; and

Whereas, the Human Resources Department has reviewed the City's current hiring policies and procedures, has found them to be in conformance with Minnesota Statutes Chapter 364, and the Human Resources Department is proactively taking measures to review the City's employment application form and processes in an effort to ensure that people with criminal records have a full and fair opportunity to secure public employment in the City of Minneapolis; and

Whereas, the actions of the Human Resources Department to review its employment application form and processes are part of many proactive activities that the City of Minneapolis is already doing, will undertake in 2007, and may be considered in the future as referenced in its Resolution to "Close the Gap", adopted November 3, 2006 by the City Council;

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

That if a determination has been made that an applicant has been convicted of a crime or crimes directly relating to the position sought, the Human Resources Department will continue to comply with the notification

requirements articulated in Minn. Stat. 364.05;

Be It Further Resolved, that in addition to documentary evidence, the City of Minneapolis shall consider any evidence presented by the applicant regarding the nature and seriousness of the crime or crimes for which convicted, all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes, the age of the person at the time the crime or crimes were committed, the length of time elapsed since the crime or crimes were committed, and all other competent evidence of rehabilitation and present fitness;

Be It Further Resolved, that the City of Minneapolis will make a good faith determination as to which specific positions of employment are of such sensitivity and responsibility that a background check is warranted. If it has been established that a position requires a background check, the City will not conduct that check until after the applicant is determined to be otherwise qualified for that position;

Be It Further Resolved, that the City of Minneapolis will revise its employment application to eliminate the box requiring disclosure of past criminal records on applications for public employment, as this information is sought and revealed in any necessary background investigation;

Be It Further Resolved, that the City of Minneapolis urges private employers to adopt fair hiring practices that encourage the rehabilitation of criminal offenders, as articulated in Minn. State 364.01 et al.

Adopted 12/22/2006.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Gordon and Connie Neumann from the decision of the Board of Adjustment which, notwithstanding staff recommendation, denied an application for variance to decrease the established front yard setback from 22 feet to 20 feet 6 inches to allow for a one-story addition with a roof top deck to an existing single family dwelling at 4820 31st Ave S, now recommends that said appeal be granted and the application be approved, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 12/22/2006.

## MOTIONS

Johnson moved to reappoint Council Member Glidden to the Metropolitan Emergency Services Board for the calendar year 2007. Seconded.

Adopted upon a voice vote 12/22/2006.

Samuels moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the On-Sale Liquor Class A License application submitted by Bellanotte, 600 Hennepin Av. Seconded.

Adopted upon a voice vote 12/22/2006.

Samuels moved to amend the Licenses Petition on Page 3, #25, to grant the application of Bellanotte Hospitality LLC, dba Bellanotte, 600 Hennepin Av #170, for an On-Sale Liquor Class A with Sunday Sales License (internal transfer of shares), to expire January 1, 2007 and on Page 1 of the Addendum, #3, to grant the application for a new shareholder, to expire January 1, 2007. Seconded.

Adopted 12/22/2006.

(Republished 1/20/2007)

Samuels introduced the subject matter of the following ordinances amending Title 12 of the Minneapolis Code of Ordinances relating to *Housing*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee:

a. Chapter 240 relating to *Lead Poisoning and Prevention*, repealing Section 240.100 as obsolete.

b. Chapter 244 relating to *Maintenance Code*, repealing obsolete sections and adding new sections relating to light and ventilation; ceiling height; basement space that is not habitable; attic rooms; restricted attic use; operating without a rental license; and vacation of effected dwelling units to give Housing Inspection Services the authority to issue immediate citations.

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts* which was given its first reading and referred to the Zoning and Planning Committee (to revise provisions of the Shoreland Overlay District by amending the definition of "bluff" to be consistent with the definition accepted by the Minnesota Department of Natural Resources (DNR) and by amending the type of application that must be filed for proposed development on or within 40 feet of the top of a steep slope or bluff).

Goodman moved to extend conditional use permits C-2050, C-2054, C-2055, variance V-4599, and site plan review permit PR-578 to December 31, 2007, for the property located 324 1st St N, allowing an affiliate of Magellan Development Group LTD., successor in interest to the original applicant, to obtain building or other permits that are contingent upon valid land use approvals. Seconded.

Adopted 12/22/2006.

Gordon moved that the Public Safety & Regulatory Services Committee be discharged from further consideration of the removal of Fire Chief Bonnie Bleskachek. Seconded.

Adopted upon a voice vote 12/22/2006.

Gordon moved approval of the Executive Committee's recommendation for removal of Bonnie Bleskachek from her appointed position of Fire Chief effective immediately upon the approval of the City Council, authorizing the City Attorney to memorialize the terms and conditions of Bleskachek's continued employment with the City including Bleskachek's voluntary demotion to Staff Captain and Bleskachek's waiver of severance pursuant to Minneapolis Code of Ordinance 20.455. The City Attorney is hereby authorized to execute all necessary documents. Seconded.

Adopted 12/22/2006. Yeas, 8; Nays, 5 as follows:

Yeas: Glidden, Benson, Hodges, Samuels, Gordon, Schiff, Colvin Roy, Johnson.

Nays: Remington, Goodman, Hofstede, Ostrow, Lilligren.

Relating to the approval of the Executive Committee's recommendation for the removal of Bonnie Bleskachek from her appointed position of Fire Chief effective immediately upon the approval of the City Council, Gordon moved:

a) That it is of critical importance to the Mayor and Minneapolis City Council that the City's department heads are held to the highest of performance and ethical standards. Further, it is critical that we build on work already done (such as the passage of a new ethics ordinance in 2003) and review our policies, procedures and systems supporting these ordinances to ensure they are clear, efficient and aligned to facilitate full accountability;

b) That the City Coordinator is directed, with the appropriate cooperation from the City Attorney's Office, to conduct a thorough analysis of the issues, rules, and policies relating to the Charter Department Heads in the areas of selection, performance review, discipline and removal, to determine what changes are necessary to improve these systems; and

c) That the City Coordinator is directed to report back with a plan and components for review by the Executive Committee and City Council in one month. Seconded.

Adopted 12/22/2006.

## DECEMBER 22, 2006

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Lilligren moved to adjourn to Room 315 City Hall to consider the Kristina Lemon v. City of Minneapolis, et al. lawsuit. Seconded.

Adopted upon a voice vote 12/22/2006.

Room 315 City Hall

Minneapolis, Minnesota

December 22, 2006 - 12:14 p.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

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

Absent - Gordon, Schiff, Lilligren.

Jay Heffern, City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Kristina Lemon v. City of Minneapolis, et al. lawsuit.

At 12:15 p.m., Remington moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Gordon, Schiff, Lilligren.

Present - Council Members Glidden (Out at 12:45 p.m.), Remington (Out at 12:46 p.m.), Benson (Out at 12:45 p.m.), Goodman (Out at 12:45 p.m.), Hodges, Samuels, Gordon (In at 12:21 p.m.), Hofstede, Ostrow, Lilligren (In at 12:50 p.m.), Colvin Roy, President Johnson.

Absent - Schiff.

Also present – Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; James Moore, Assistant City Attorney, James Clack, Interim Fire Chief, R. T Rybak, Mayor, Tina Smith, Mayor's Office; Steven Bosacker, City Coordinator (In at 12:50 p.m.); Merry Keefe, City Clerk, and Jackie Hanson, City Clerk's Office.

Moore summarized the Kristina Lemon v. City of Minneapolis, et al. lawsuit from 12:16 p.m. to 12:51 p.m.

At 12:51 p.m., Ostrow moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Glidden, Remington, Benson, Goodman, Schiff.

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

Hodges moved to adjourn. Seconded.

Adopted upon a voice vote 12/22/2006.

Absent - Glidden, Remington, Benson, Goodman, Schiff.

Merry Keefe,  
City Clerk.

Unofficial Posting: 12/26/2006

Official Posting: 12/29/2006

Corrections: 01/03/2007; 5/1/2007; 8/17/2007