

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 19, 2007

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Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 19, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 10/19/2007.

Lilligren moved acceptance of the minutes of the Regular Meeting and the Adjourned Session of October 5, 2007 and the Special Meeting of October 16, 2007. Seconded.

Adopted upon a voice vote 10/19/2007.

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 10/19/2007.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272340)

2008 Federal Low Income Housing Tax Credits: Allocations for Van Cleve West Apartments, Lowry Apartments & Creekside Commons.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272341)

46th & Hiawatha LRT Station Area Transit-Oriented Development Strategy: Increase in scope of contract with Olsson Associates & extension of expiration date.

Environmental Remediation Grant Applications for Fall, 2007: Authorizing application to MN Department of Employment & Economic Development Contamination Cleanup & Investigation Grant Program; the Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program; & the Hennepin County Environmental Response Fund.

Sale of Municipal Parking Ramps: Authorizing credit to Alatus Partners LLC to offset repair costs for Centre Village Ramp & amending original sale terms with respect to Alatus' Option Agreement with the Vikings/Metropolitan Sports Facilities Commission for Downtown East Ramp.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (272342)

Minneapolis Advisory Committee on People with Disabilities: Approve appointments of Rachel Dykoski and Amanda Tempel; and reappointments of Dorothy Balen; Kenneth Brown; Martha Hage; Jim Ramnaraine; Keith Swanson; Joan Willshire.

Senior Citizen Advisory Committee: Approve appointment of Gary Van Winkle.

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

HEALTH AND FAMILY SUPPORT SERVICES (272343)

Public Health Laboratory Services: Amend contract with Hennepin County to provide lab services on County's behalf.

Master Contract for Services: Amend Master Contract with Hennepin County to extend termination date and add \$4,000,000.

INTERGOVERNMENTAL RELATIONS:

HENNEPIN COUNTY & CITY OF MPLS (272344)

Heading Home Hennepin/The Ten-Year Plan to End Homelessness in Mpls & Hennepin County: Update.

INTERGOVERNMENTAL RELATIONS (272345)

Mpls Federal Update 10/2/2007; 10/15/2007.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (272346)

Venus Grocery (3751 Portland Av): Revoke Tobacco Dealer's License for minimum of one year period.

Licenses: Applications.

REGULATORY SERVICES (272347)

Property at 5733-35 Sander Dr: Stay Order to Demolish property for 90 days, subject to conditions.

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

POLICE DEPARTMENT (272348)

Solving Cold Cases with DNA Grant: Accept grant award and execute agreement with United States Department of Justice to investigate and prosecute old homicide cases.

Adult DWI Court in Hennepin County: Execute agreement with Fourth Judicial District Court to receive a grant to fund wages for police officers to participate in the program.

WorkForce Director: Amend Agreement with Sogeti USA LLC to amend list of available resources; clarify terms, conditions and compensation for support services, and Acquire services.

REGULATORY SERVICES (272349)

MMRS State Homeland Security Program Grant: Transfer \$150,000 and planner position from Health & Family Support to Regulatory Services.

Emergency Preparedness Services: Execute Master Contract with System Planning Corporation for emergency management and emergency preparedness services.

2007 Community Development Block Grant Program: Appropriate 2007 program income from property tax assessments to the Department of Regulatory Services.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (272350)

Special Service Districts Service Charges for 2008: Public hearing set for November 6, 2007.

Impound Lot: Change of operating hours.

Traffic Zones, Restrictions, and Controls: 3rd Quarter 2007 report.

Access Minneapolis: Draft Streetcar Feasibility Study and Draft Citywide Ten-Year Transportation Action Plan.

XCELENERGY/NSP (272351)

Utility Pole Installations at: a) 1313 Chestnut Av; b) Hennepin Cty Lake St Beautification Project; c) 4016 4th Av S; d) 3020 Elliot Av S; and e) 323 Stinson Blvd NE.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272352)

Water and Sewer Service Line Repairs: Adopt and levy assessments.

Sidewalk Easement: 5339 - 5341 Minnehaha Av.

Right-of-Way Easement: 2414 Park Av.

Special Assessment Deferment: 610 47th St E.

Coordinated Street Furniture Program: a) Guidelines Report; and b) Authorize RFP.

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

PUBLIC WORKS AND ENGINEERING (272353)

Alternative Reservoir Connection to Pump Station No 5: a) Reallocate \$500,000 to project; and b) OP 6855, Magney Construction, Inc., for Pump Station No 5 suction header improvements.

Maryland Apartments Parking Policy: Modify policy.

Capital Project Funds: Closeout projects and reallocate funds.

Sewer Project Funds: Closeout projects and reallocate funds.

Bids: a) OP 6851, Frerichs Construction Company, for Fire Stores Facility construction at 1220 Currie Av N; b) OP 6860, Northern Air Corporation, for mechanical upgrades at Fire Station No 21 (3209 E 38th St); and c) OP 6863, Carus Corporation, for potassium permanganate.

WAYS AND MEANS BUDGET:

HUMAN RESOURCES (272354)

Appointed Position Title Change: Business Services Manager.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272355)

Legal Judgment and Settlements: a) Gary and Vicki Gilmer; b) Jane Doe DR; c) Amina Ali; and d) Kathy Davison.

COMMUNICATIONS (272356)

November 2007 Utility Billing Insert: 348-SNOW and language Snow Hotlines.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272357)

Empowerment Zone Governance Board: Extend members terms.

Round II Urban Empowerment Zone Coalition Directors Summit: Accept funds to help defray cost of event.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (272358)

Terrazzo Floor: Contract with Affordable Granite and Stone.

FINANCE DEPARTMENT (272359)

Workers' Compensation case management services: a) Extend contract with Encore Unlimited, LLC; and b) Authorize Request for Proposals (RFP).

Financial Services Consultants: 3-year contract agreements with twenty three vendors.

HUMAN RESOURCES (272360)

Minneapolis Building and Construction Trades Unit, Wage reopener agreement.

Background Check Policy and Procedures: Revised.

ZONING AND PLANNING:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272361)

Minneapolis Zoning Code Text and Map Amendment Work Plan Report.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (272362)

Appeal:

Greg Spaulding (3010 W River Pkwy S): Re decision of the Planning Commission denying conditional use permit and variance.

Rezoning:

Greg Spaulding (3010 W River Pkwy S).

Julia Rice and Jonathan Pinkerton (2729 29th Ave S).

Holy Land Commissary (1617-1701 Central Ave NE).

Vacations:

Schafer-Richardson (vicinity of alley adjacent to 409 N 5th Ave and 420 N 5th St): Vacate a public alley (#1531).

Midtown Medical (2804 Chicago Ave, 2829 Columbus Ave, 723, 727 and 731 28th St E): Correction to Resolution 2007R-416 approved August 3, 2007, by the City Council; a public alley in the block bounded by Chicago Ave, Columbus Ave, 28th St E and the Midtown Greenway.

PLANNING COMMISSION/DEPARTMENT (272363)

Zoning Code Text Amendments:

Ordinance amending Title 20, Chapter 531, allowing for construction of structures accessory to nonconforming residential uses of one to four dwelling units.

Ordinances amending Title 20, Chapters 520, 525, 530, 535, 537, 541, 547, 548, 549 and 551, to make housekeeping language changes; and returning Chapters 531, 543 and 544 to author.

Nicollet Avenue - Zoning Code Text and Map Amendment (vicinity of area bounded by Nicollet Ave (east and west Alley to Alley) from Franklin Ave on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) on the south): Correction to Zoning Code Text and Map Amendment (Ordinance 2007-Or-067) approved August 31, 2007, by the City Council, amending Title 20, Chapter 521, to remove the Pedestrian Oriented (PO) overlay district from select parcels.

MOTIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272363.1)

Stimson Partners LLC (re 700-10 Hennepin Ave): Application for waiver from moratorium on establishment/retrofit of any off-premise sign or billboard with digital electronic capability to construct a new electronic billboard & relocate & convert two existing billboards by adding electronic components.

FILED:

MINNEAPOLIS FIREFIGHTER'S RELIEF ASSOCIATION (272364)

2006 Annual Report and September 2007 Articles of Incorporation and By-laws.

PAULY, DEVRIES, SMITH, DEFFNER (272365)

Letter together with notice of acceptance and acknowledgement of U.S. Trademark Registration for APS Automated Pawn System.

THREE RIVERS PARK DISTRICT (272366)

Policy Statement, with revisions, January 2007.

The following reports were signed by Mayor Rybak on October 22, 2007, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following report:

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

Comm Dev - Your Committee, having under consideration allocation of 2008 Federal Low Income Housing Tax Credits, now recommends that the proper City officers be authorized to preliminarily reserve tax credits totaling \$1,145,829 for the following projects:

- a) Van Cleve West Apartments, 917 - 12th Ave S, in the amount of \$758,763;
- b) Lowry Apartments, 2500 Polk St, in the amount of \$193,533; and
- c) Creekside Commons, 5400-5412 Stevens Ave, in the amount of \$193,533.

Adopted 10/19/2007.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the 46th and Hiawatha Light Rail Transit Station Area Transit-Oriented Development Strategy, now recommends approval of an increase in the scope of Contract C-24156 with Olsson Associates for the Transit-Oriented Development Strategy by an amount not to exceed \$30,000 (funded from the approved Department of Planning & Economic Development Preliminary Planning Fund allocation for said station, to be reimbursed from future redevelopment project revenues), and that the expiration date of the contract be extended to 5/31/2008.

Adopted 10/19/2007.

Comm Dev & W&M/Budget – Your Committee, having under consideration the submission of environmental remediation grant applications for Fall of 2007, now recommends that the proper City officers be authorized to submit the following applications:

Minnesota Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program Requests:

1. 2900 Lyndale
2. Harrison Commons
3. North Washington Industrial Park (NWIP) 2nd & Plymouth
4. Open Arms of Minnesota

Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant (TBRA) Program Requests:

1. Harrison Commons
2. NWIP 2nd & Plymouth
3. Open Arms of Minnesota
4. Nicollet Youth Housing Project
5. Soo Line Building
6. Spirit on Lake Cooperative

Hennepin County Environmental Response Fund (ERF) Grant Requests

1. 2900 Lyndale
2. Harrison Commons
3. NWIP 2nd & Plymouth
4. Open Arms of Minnesota
5. Soo Line Building
6. Spirit on Lake Cooperative

Your Committee further recommends passage of the accompanying resolutions authorizing the proper City officers to execute agreements to implement the DEED Contamination Clean Up and Investigation Grant Program, the TBRA Grant Program and the Hennepin County ERF.

Adopted 10/19/2007.

Resolution 2007R-522, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program for the following projects: 2900 Lyndale, Harrison Commons, North Washington Industrial Park 2nd and Plymouth, and Open Arms of Minnesota, was adopted 10/19/2007 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 2007R-522
By Goodman and Ostrow**

Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in contamination cleanup and/or investigation applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by November 1, 2007, subject to final staff verification of each such application's compliance with the DEED grant program's purposes and criteria: 2900 Lyndale, Harrison Commons, NWIP 2nd and Plymouth, and Open Arms of Minnesota; and

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

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

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

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED 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 Department of Employment and Economic Development for Contamination Cleanup and Investigation Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/19/2007.

Resolution 2007R-523, authorizing application to the Metropolitan Council Tax Base Revitalization Account for the following projects: Harrison Commons, North Washington Industrial Park 2nd and Plymouth, Open Arms of Minnesota, Nicollet Youth Housing Project, Soo Line Building, and Spirit on Lake Cooperative, was adopted 10/19/2007 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 2007R-523
By Goodman and Ostrow**

Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: Harrison Commons, NWIP 2nd and Plymouth, Open Arms of Minnesota, Nicollet Youth Housing Project, Soo Line Building, and Spirit on Lake Cooperative; and,

Whereas, the City intends to act as the legal sponsor for the above-referenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by November 1, 2007, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria ; and

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

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference 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 Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.
Adopted 10/19/2007.

Resolution 2007R-524, authorizing application to the Hennepin County Environmental Response Fund for the following projects: 2900 Lyndale, Harrison Commons, North Washington Industrial Park 2nd and Plymouth, Open Arms of Minnesota, Soo Line Building, and Spirit on Lake Cooperative, was adopted 10/19/2007 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 2007R-524
By Goodman and Ostrow

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in Environmental Response Fund applications to be submitted to Hennepin County on November 1, 2007, subject to final staff verification of each such application's compliance with the ERF program's purposes and criteria: 2900 Lyndale, Harrison Commons, NWIP 2nd and Plymouth, Open Arms of Minnesota, Soo Line Building, and Spirit on Lake Cooperative; 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 10/19/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration the sale of Municipal Parking Ramps to Alatus Partners LLC, authorized by Council action on 7/20/2007, now recommends:

a) Approval to provide a \$1,100,000 credit to Alatus Partners LLC to offset projected repair costs for Centre Village Ramp and as an adjustment for other due diligence issues that have emerged since 7/20/2007; and

b) Approval to amend the original sale terms with respect to Alatus' Option Agreement with the Vikings/Metropolitan Sports Facilities Commission for the Downtown East Ramp, as approved 7/20/2007, by extending the deadline for exercising the option from 12/31/2009 to 3/1/2010.

Adopted 10/19/2007.

Approved by Mayor Rybak 10/19/2007.

(Published 10/23/2007)

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

HE&E - Your Committee recommends concurrence with the recommendation of the Mayor to approve the following appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities:

Appointments

Rachel Dykoski, Ward 6, to fill the unexpired term of Jimmie Hanson to expire December 31, 2007; and a new two-year term to expire December 31, 2009

Amanda Tempel, Ward 1, to fill the unexpired term of Jason Jenkins to expire December 31, 2007, and a new two-year term to expire December 31, 2009.

Reappointments, for two-year terms to expire December 31, 2008

Dorothy Balen, Ward 10

Kenneth Brown, Ward 12

Martha Hage, Ward 7

Jim Ramnaraine, Ward 11

Keith Swanson, Ward 13

Joan Willshire, Ward 7.

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

Adopted 10/19/2007.

HE&E - Your Committee recommends concurrence with the recommendation of the Mayor and Council President to approve the appointment of Gary Van Winkle, Ward 7 (work), to the Senior Citizen Advisory Committee for a two-year term to expire December 1, 2008.

Adopted 10/19/2007.

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

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an amendment to revenue contract #23803 with Hennepin County for the City to provide public health laboratory services on the County's behalf during the period December 1, 2006 through December 31, 2010. Said contract amendment will add \$410,000 to the contract for calendar year 2008, for a new total amount not to exceed \$810,000.

Adopted 10/19/2007.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend Master Contract #19074 with Hennepin County to extend the termination date to December 31, 2010, and to add \$4,000,000 to the contract, for a new total amount not to exceed \$11,000,000, for services in the areas of employment and training, health/medical services, and human/social services. Specific funding shall be provided through Fund Availability Notices.

Adopted 10/19/2007.

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

PS&RS - Your Committee, having under consideration the application of Asian Pan Inc, dba Pagoda, 1417 4th St SE, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/19/2007.

PS&RS - Your Committee, having under consideration the application of Schubert-Phanthavong LLC, dba Otho Restaurant and Street Lounge, 949 Portland Av S, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire October 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/19/2007.

PS&RS - Your Committee, having under consideration the application of M & M Hospitality Inc, dba Michael's Cafe, 4810 Chicago Av, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2008, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/19/2007.

Approved by Mayor Rybak 10/19/2007.

(Published 10/23/2007)

PS&RS - Your Committee, to whom was referred back on October 5, 2007 a report relating to the application of La Que Buena, Inc, dba La Que Buena, 1609 E Lake St, for an On-Sale Wine Class E with Strong Beer License (indoor expansion of premises/sidewalk cafe expansion) and a Sidewalk Cafe License, now recommends that the application for an expansion of the indoor premises be granted to expire April 1, 2008, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

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

Adopted 10/19/2007.

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

Adopted 10/19/2007.

Resolution 2007R-525, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/19/2007 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 2007R-525

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 October 1, 2008

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av

Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th Street SE

Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE

Skol Inc, dba Skol Liquors, 2500 27th Av S

Meka, Inc, dba Minnehaha Liquor, 2613 E Lake St

East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St

France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S

Ken & Norm's Liquors Inc, dba Ken & Norm's Liquors, 4801 Chicago Av

McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S

Off-Sale Malt Liquor, to expire October 1, 2008

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, 1st floor (growler license)

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

Downtown Entertainment Ventures LLC, dba Club Spin/Club Cream, 10 S 5th St (change in ownership from Topshelf Club Inc)

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

Aramark Food Service Corp, dba Aramark, 600 1st Av N (new corporate officer)
City Center Hotel Ltd Partnership, dba Marriott City Center Minneapolis, 30 S 7th St
Nath Midwest Lodging LLC, dba Ramada Inn, 41 10th St N
St Regis Blue Star LLC, dba Rossi's, 80 S 9th St
Fine Line Music Ventures Inc, dba Fine Line Music Cafe, 318 1st Av N
Aramark Food Service Corporation, dba Target Center, 600 1st Av N
80 S 8th St Hotel Operations Inc, dba Windows on Minnesota, 701 Nicollet Mall, 50th floor
Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, downstairs
Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av
Dakota Cooks LLC, dba Dakota Jazz Club & Restaurant, 1010 Nicollet Mall
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall
Western Host Inc, dba Four Points by Sheraton-Minneapolis, 1330 Industrial Blvd
Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av

On-Sale Liquor Class A , to expire October 1, 2008

Wild Entertainment Ltd, dba Ground Zero/The Front, 15 4th St NE

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

Coreyx LLC, dba Nicollet Island Inn, 95 Merriam St
Ukrainian American Community Center, dba Ukrainian American Community Center, 301 Main St

NE

JLB LLC, dba The Loop, 606 Washington Av N
Campus Partners Inc, dba Sally's, 712 Washington Av SE
Babalu LLC, dba Babalu, 800 Washington Av N, #102
Restaurants Unlimited Inc, dba Walker Room, 825 Hennepin Av, #245
Whiskey Entertainment Corp, dba Whiskey Junction, 901 Cedar Av S
Library IV Limited LLP, dba Library Minneapolis (The), 1301 4th St SE
German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE
Minneapolis Aerie #34 F O E, dba Minneapolis Aerie #34, FOE, 2507 E 25th St
Pi Group LLC, dba Pi Bar & Restaurant, 2532 25th Av S (no food requirement)

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

Local LLC, dba Local An Epurican Cafe & Pub, 931 Nicollet Mall
Brit's Ltd, dba Brit's Pub & Eating Establishment, 1110 Nicollet Mall
Mirviss Israel, dba Sunny's, 2944 Chicago Av

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

Jacob Morris Properties Inc, dba Cafe Havana, 119 Washington Av N
J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N
Two Mac Inc, dba MacKenzie, 918 Hennepin Av
News Room Inc, dba News Room, 990 Nicollet Mall
J P Samuelson LLC, dba J P An American Bistro, 2937 Lyndale Av S
La Perla Del Pacifico Inc, dba La Perla Del Pacifico, 6009 Nicollet Av

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

Aramark Food Service Corp, dba Aramark, 500 11th Av S (new corporate officer)
Graves Hospitality Corporation, dba Downtown Residence Inn, 45 S 8th St
Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St
PFC Systems Inc, dba Burrito Loco, 418 13th Av SE
Aramark Food Service Corporation, dba Aramark, 500 11th Av S
Loon Cafe Inc, dba Loon Cafe, 500 1st Av N
Morton's of Chicago/Minneapolis Inc, dba Morton's of Chicago, 555 Nicollet Mall

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Fuji Two Inc, dba Fuji Ya Restaurant, 600 W Lake St
McCormick & Schmick Restaurant Corporation, dba McCormick & Schmicks Seafood Restaurant,
800 Nicollet Mall

Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av

Masa LLC, dba Masa, 1070 Nicollet Mall

Maxwell's Operations LLC, dba Maxwells American Cafe, 1201 Washington AV S

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall

Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S

Sumick Inc, dba Lyle's Bar & Restaurant, 2021 Hennepin Av

Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd

Haze 2 Group, dba Grumpy's Bar, 2200 4th St NE

TMMS Inc, dba C C Club, 2600 Lyndale Av S

Midtown Exchange Hotel LLC, dba Sheraton Restaurant, 2901 Chicago Av

All Pro Partnership of Minnesota Inc, dba Sgt Prestons, 221 Cedar Av S

Dusty's Inc, dba Dusty's Bar, 1319 Marshall St NE

On-Sale Liquor Class E, to expire October 1, 2008

Halek's Inc, dba Halek's Bar, 2024 Washington Av N

Temporary On-Sale Liquor

Minnesota AIDS Project, dba Fundraiser Benefiting Minnesota AIDS Project, 1400 Park Av
(October 27, 2007, 8:00 p.m. to 1:00 a.m. at Soap Factory, 518 2nd St SE)

Liquor Catering Services

Prom Catering, dba Prom Catering, 3300 Central Av NE

Mintahoe Inc, dba Mintahoe Hospitality Group, 40 Power St (Minneapolis Park and Recreation
Board)

On-Sale Wine Class A with Strong Beer, to expire April 1, 2008

New York Latin Restaurant LLC, dba New York Latin Restaurant, 1304 E Lake St

On-Sale Wine Class E with Strong Beer, to expire April 1, 2008

Jakeeno's Inc, dba Jakeeno's Pizza and Pasta, 3555 Chicago Av

Off-Sale Beer, to expire April 1, 2008

Banat Inc, dba Wally's Corner Market, 1523 Como Av SE (new proprietor)

AP & AA Tran Corporation, dba A & A Market, 4751 Nicollet Av (new business)

On-Sale Beer Class E, to expire April 1, 2008

Minneapolis Park & Recreation Board, dba Hiawatha Golf Course, 4553 Longfellow Av.

Adopted 10/19/2007.

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

Adopted 10/19/2007.

Resolution 2007R-526, granting applications for Business Licenses, was adopted 10/19/2007 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 2007R-526

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 October 19, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272346):

Place of Amusement Class B-1; Place of Amusement Class B-2; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Caterers; Grocery; Food Manufacturer; Food Market Distributor; Meat Market; Restaurant; Short Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Public Market; Exhibition Operator Class C; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Taxicab Neighborhood Rideshare; Theater Zone I; Theater Zone III; Tobacco Dealer; Wrecker of Building Class B.

Adopted 10/19/2007.

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

Adopted 10/19/2007.

Resolution 2007R-527, granting applications for Gambling Licenses, was adopted 10/19/2007 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 2007R-527

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

Southwest Hockey, dba Southwest Hockey, 3011 E Lake St (Site: McMahan's Pub, 3001 E Lake St)

Minnesota Chapter National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Gay 90's Inc, 408 Hennepin Av)

Gambling Lawful Exempt

Northside Arts Collective, dba Northside Arts Collective, 2027 W Broadway (Raffle November 8, 2007 at Capri Theatre, 2027 W Broadway)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo November 11, 2007)

Junior League of Minneapolis, dba Junior League of Minneapolis, 10250 Wayzata Blvd (Raffle December 30, 2007 at Windows on Minnesota, 50th Floor IDS Center)

Best Prep, dba Best Prep, 7100 Northland Cir N #402, Brooklyn Park (Raffle January 26, 2008 at McNamara Alumni Center, University of Minnesota, 200 Oak St SE).

Adopted 10/19/2007.

PS&RS - Your Committee, having under consideration the Tobacco Dealer's License held by Venus Grocery, 3751 Portland Av, and the Committee having concluded, after the holding of a license hearing, that on three separate occasions the licensee sold tobacco to minors, in violation of State Statute and the Minneapolis Code of Ordinances, now recommends that the Tobacco Dealer's License held by Venus Grocery be revoked and that the License Holder be deemed ineligible to reapply for licensure for a minimum period of one year.

Samuels moved that the report be amended by adding the following paragraph:

“Your Committee further recommends adoption of the Findings of Fact, Conclusions and Recommendations as drafted by the City Attorney’s Office, on file in the Office of the City Clerk and hereby made a part of this report by reference.” Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 10/19/2007.

PS&RS - Your Committee, having under consideration the property located at 5733-35 Sander Dr, which has been determined by the Inspections Division to constitute a nuisance under the Minneapolis Code of Ordinances; and the Nuisance Condition Process Review Panel having held a hearing and recommends that the Director of Inspections’ Order to Demolish the property be upheld, now recommends that said Order to Demolish be stayed, provided that in 90 days the property be sold and the new buyer enter into a restoration agreement with the Problem Property Unit of the Department of Regulatory Services.

Adopted 10/19/2007.

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

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution transferring \$150,000 in Metropolitan Medical Response System (MMRS) State Homeland Security Program Grant funds and moving the 1.0 Full-time Equivalent Planner position from the Department of Health & Family Support to the Department of Regulatory Services to allow for improved coordination of emergency preparedness services.

Adopted 10/19/2007.

**RESOLUTION 2007R-528
By Samuels and Ostrow**

Amending The 2007 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. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$150,000;
- b. increasing the appropriation for the Regulatory Services Agency in the Grants - Federal Fund (030-835-8510) by \$150,000;
- c. that the 1.0 Full-time Equivalent planner position be moved from the Department of Health & Family Support to the Department of Regulatory Services.

Adopted 10/19/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Master Contract with System Planning Corporation, in an amount not to exceed \$250,000, to provide emergency management and emergency preparedness services on an as needed basis.

Adopted 10/19/2007.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution appropriating up to \$376,329 of Community Development Block Grant (CDBG) program income from property tax assessments paid in 2007 to the Department of Regulatory Services, limited to the extent that CDBG program income earned in 2007 is available in Agency 835.

Adopted 10/19/2007.

RESOLUTION 2007R-529

By Samuels and Ostrow

Amending The 2007 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 CDBG & UDAG Fund (040-835-8560) by \$376,329 from the available 2007 CDBG Program Income balance.

Adopted 10/19/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a Solving Cold Cases with DNA Grant award of \$500,000 and execute a contract with the United States Department of Justice, Office of Justice Programs, to investigate, and move to prosecution, old homicide cases where investigators may discover new evidence based on new DNA technology. Further, passage of the accompanying resolution appropriating \$500,000 to the Police Department.

Adopted 10/19/2007.

RESOLUTION 2007R-530

By Samuels and Ostrow

Amending The 2007 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-C013) by \$500,000 and increasing the Revenue Source (030-400-C013 - Source 3210) by \$500,000.

Adopted 10/19/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the implementation of a new Adult DWI Court in Hennepin County, now recommends that the proper City officers be authorized to execute an agreement with the Fourth Judicial District Court to receive a grant award of \$17,748 to fund wages for police officers to participate in the program. Further, passage of the accompanying resolution appropriating \$17,748 to the Police Department.

Adopted 10/19/2007.

RESOLUTION 2007R-531

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT13) by \$17,748 and increasing the Revenue Source (060-400-DT13 - Source 3215) by \$17,748.

Adopted 10/19/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the provision of national marketing and implementation support services for the Police Department's WorkForce Director Program, now recommends that the proper City officers be authorized to amend Professional Services Agreement #C20837 with Sogeti USA LLC, as follows:

- a. to add senior business analyst and senior developer to the list of available resources;

- b. to clarify terms, conditions and compensation for WorkForce Director support services provided by Sogeti to users of WorkForce Director with Software License and Support Agreements; and
 - c. to acquire services provided under this Agreement in an amount not to exceed \$400,000 annually. Payments for contracted services are payable from 210-400-C208.
- Adopted 10/19/2007.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration assessments for water and sewer service line repairs and replacements, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the assessments and adopting the assessment rolls as set forth in Petn No 272352 on file in the office of the City Clerk.

Adopted 10/19/2007.

Resolution 2007R-532, adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements, was adopted 10/19/2007 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 2007R-532
By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 272352.

Whereas, a public hearing was held on October 9, 2007, in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated August 29, 2007, in the total amount of \$546,562.50 as shown on the proposed assessment roll set forth in Petn No 272352 on file in the office of the City Clerk, hereby are adopted and levied; and

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated August 29, 2007, in the total amount of \$39,600.00 as shown on the proposed assessment roll set forth in Petn No 272352 on file in the office of the City Clerk, hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 2008 real estate tax statements, with interest charged at the rate of 8%.

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

Adopted 10/19/2007.

T&PW - Your Committee recommends that the proper City officers be authorized to execute the required documents for the acceptance of a sidewalk easement deed from MDI Limited Partnership #64, at no cost to the City, in order to move the pedestrian sidewalk onto property owned by MDI to allow for an outside boulevard abutting the traffic lane and LRT line at 5339-41 Minnehaha Av. (Petn No 272352)

Adopted 10/19/2007.

T&PW - Your Committee recommends that the proper City officers be authorized to execute the required documents to accept a right-of-way easement deed from LSS Park Avenue Apartments, LLP (2414 Park Av), as set forth in Petn No 272352 on file in the office of the City Clerk, at no cost to the City.

Adopted 10/19/2007.

T&PW - Your Committee, having under consideration the special assessment deferment application submitted by Diane M. Siverson (Senior Citizen) to defer the special assessment (Levy 01028, Project 08WTR) for water service line repair in the original principal amount of \$3,025 for payable 2008 and subsequent years, on the property located at 610 - 47th St E, PID 14-028-24-22-0157, legal description: the West 58 ft of Lot 7, Block 2, "Vetter's Addition to Minneapolis", now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 10/19/2007.

T&PW - Your Committee, having under consideration the Coordinated Street Furniture Program, now recommends approval of the Coordinated Street Furniture Program Guidelines Report.

Your Committee further recommends that the proper City officers be authorized to issue a Coordinated Street Furniture Request for Proposals, pending PRC approval.

Adopted 10/19/2007.

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

T&PW & W&M/Budget - Your Committee, having under consideration the completion of the Alternative Reservoir Connection to Pump Station No 5, now recommends:

a) Passage of the accompanying resolution reallocating \$500,000 from the 2007 Water Distribution Improvements Project to the Reservoir Connection Project; and

b) Acceptance of OP 6855, low bid of Magney Construction, Inc., for an estimated amount of \$407,700, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Pump Station No 5 suction header improvements project, and that the proper City officers be authorized and directed to execute a contract for said services, in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 10/19/2007.

Approved by Mayor Rybak 10/19/2007.

(Published 10/23/2007)

**RESOLUTION 2007R-533
By Colvin Roy and Ostrow**

Amending The 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Decreasing the appropriation for the PW-Water-Capital Agency in the Water-Enterprise Fund (7400-950-9535-WT712) by \$500,000; and

b) Increasing the appropriation for the PW-Water-Capital Agency in the Water-Enterprise Fund (7400-950-9535-C5207) by \$500,000.

Adopted 10/19/2007.

Approved by Mayor Rybak 10/19/2007.

(Published 10/23/2007)

T&PW & W&M/Budget - Your Committee, having under consideration the Maryland Apartments Parking Policy, adopted by the City Council on March 27, 1981, allowing qualified tenants discounted monthly parking rates at the Loring Ramp, now recommends modifying the policy as follows:

- a) That the number of monthly contracts available at the ramp be reduced from 40 to the existing number of contracts (approximately 17);
- b) That no new users be permitted to join the program;
- c) That the monthly parking rate be increased from \$8.52 to \$25 effective January 1, 2008, and that the monthly rate be increased by \$10 per year effective January 1st of each year thereafter until the rate is equal to the market rate;
- d) That the program cease either through the attrition of existing users or when the parking rate equals or exceeds the market rate; and
- e) That the proper City officers be authorized to execute a reimbursement agreement with Alatus, and/or the Loring Ramp management firm, to facilitate subsidy payments for qualified program users.

Adopted 10/19/2007.

Approved by Mayor Rybak 10/19/2007.

(Published 10/23/2007)

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution receiving and accepting the final costs and adjusting the capital appropriations as necessary to officially close out 38 capital projects and reallocate \$218,095.71 in excess Net Debt Bonds to other capital projects.

Your Committee further recommends passage of the accompanying resolution requesting concurrence of the Board of Estimate and Taxation in the reallocation of said excess Net Debt Bonds.
Adopted 10/19/2007.

Resolution 2007R534, receiving and accepting the final costs and adjusting the capital appropriations as necessary to officially close out 38 capital projects and reallocate \$218,095.71 in excess Net Debt Bonds to other capital projects, was adopted 10/19/2007 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 2007R-534
By Colvin Roy and Ostrow**

Amending The 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work described in the following projects be received and accepted for the total amount specified and that the capital appropriation be adjusted as specified thereby closing the projects:

- a) There is no remaining parking capital appropriation in 7500-943-9464 project A6257 (1998 and 1999 Impound Lot Paving Project);
- b) Parking capital appropriation in 7500-943-9464 project A6279 should be decreased by \$30,000.00 (1998 Bicycle Parking Project);
- c) There is no remaining parking capital appropriation in 7500-943-9464 project A6281 (Electronic Parking Meters Project);
- d) There is no remaining parking capital appropriation in 7500-943-9464 project A6282 (1999 Variable Message Signs Project);
- e) Parking capital appropriation in 7500-943-9464 project A6283 should be decreased by \$150,000.00 (1999 Residential Parking Program Project);
- f) Parking capital appropriation in 7500-943-9464 project A6286 should be decreased by \$5,840,056.24 (Target Ramp/Skyway Project);
- g) There is no remaining parking capital appropriation in 7500-943-9464 project A6288 (10th Avenue and Washington Avenue Ramp Project);

- h) Parking capital appropriation in 7500-943-9464 project A6289 should be decreased by \$539,952.26 (Minneapolis School's Block Skyway Project);
- i) Parking capital appropriation in 7500-943-9464 project A6291 should be decreased by \$271.04 (Government Center Ramp Modification for Light Rail Transit Project);
- j) Parking capital appropriation in 7500-943-9464 project A6292 should be decreased by \$949,164.36 (Downtown East Light Rail Transit Parking Ramp Project);
- k) Parking capital appropriation in 7500-943-9464 project A6293 should be decreased by \$150,000.00 (2001 Residential Parking Program Project);
- l) Parking capital appropriation in 7500-943-9464 project A6294 should be decreased by \$2,646,076.85 (Guthrie Theatre Parking - Land Acquisition Project);
- m) Parking capital appropriation in 7500-943-9464 project A6295 should be decreased by \$125,487.86 (2002 Residential Parking Project);
- n) Parking capital appropriation in 7500-943-9464 project A6296 should be decreased by \$15,000,000.00 (East Loop Distribution Ramp Project);
- o) Parking capital appropriation in 7500-943-9464 project A6297 should be increased by \$186,337.80 (Walker Art Center Parking Ramp Project);
- p) Parking capital appropriation in 7500-943-9464 project A6298 should be decreased by \$121,681.30 (2003 Residential Parking Program Project);
- q) Parking capital appropriation in 7500-943-9464 project BIK02 should be decreased by \$0.01 (2003 Bicycle Parking Project);
- r) Parking capital appropriation in 7500-943-9464 project R1998 should be decreased by \$41,220.05 (1998 Ramp Restoration Project);
- s) Parking capital appropriation in 7500-943-9464 project R1999 should be decreased by \$140,611.38 (1999 Ramp Restoration Project);
- t) Parking capital appropriation in 7500-943-9464 project R2000 should be decreased by \$53,256.25 (2000 Ramp Restoration Project);
- u) Street Lighting capital appropriation in 4100-943-9432 project B5101 should be decreased by \$6,080.07 (Avenue of the Arts - 3rd Avenue South Project);
- v) Bridge Construction capital appropriation in 4100-937-9386 project LAKES should be decreased by \$38,500.00 (Lake Street Bridge Railing NRP Project);
- w) There is no remaining Bridge Construction capital appropriation in 4100-937-9386 project 99RHB (1999 Major Bridge Repair and Rehabilitation Projects);
- x) There is no remaining Bridge Construction capital appropriation in 4100-937-9386 project 00RHB (2000 Major Bridge Repair and Rehabilitation Projects);
- y) Bridge Construction capital appropriation in 4100-937-9386 project 01RHB should be decreased by \$45.01 (2001 Bridge Repair and Rehabilitation Projects);
- z) There is no remaining Bridge Construction capital appropriation in 4100-937-9386 project 03RHB (2003 Bridge Repair and Rehabilitation Projects);
- aa) Bridge Construction capital appropriation in 4100-943-9386 project BR101 should be decreased by \$186.81 and existing bonds re-designated (2004 Bridge Repair and Rehabilitation Projects);
- bb) Bridge Construction capital appropriation in 4100-937-9386 project BR501 should be decreased by \$63,812.30 and existing bonds re-designated (2005 Bridge Repair and Rehabilitation Projects);
- cc) Paving Construction capital appropriation in 4100-937-9374 project 99REN should be decreased by \$1,144,016.97 (1999 Street Rehabilitation Program);
- dd) Paving Construction capital appropriation in 4100-937-9374 project 00REN should be decreased by \$133,913.81 (2000 Street Rehabilitation Program);
- ee) Paving Construction capital appropriation in 4100-937-9374 project PV501 should be decreased by \$69,732.82 and existing bonds re-designated (2005 Parkway Paving Project);
- ff) There is no remaining Paving Construction capital appropriation in 4100-937-9374 project 00RTN (2000 Alley Retaining Wall Rehabilitation Program Project);
- gg) Paving Construction capital appropriation in 4100-937-9374 project 00ALY should be increased by \$4,545.17 (2000 Alley Resurfacing Project);

hh) Paving Construction capital appropriation in 4100-937-9374 project 02ALY should be increased by \$390.02 (2002 Alley Resurfacing Project);

ii) Paving Construction capital appropriation in 4100-937-9374 project 03ALY should be decreased by \$3,146.56 and existing bonds re-designated (2003 Alley Resurfacing Project);

jj) Paving Construction capital appropriation in 4100-937-9374 project PV006 should be decreased by \$81,177.22 and existing bonds re-designated (2004 Alley Resurfacing Project);

kk) There is no remaining Paving Construction capital appropriation in 4100-937-9374 project PV506 (2005 Alley Resurfacing Project); and

ll) Paving Construction capital appropriation in 4100-937-9374 project PV606 should be increased by \$48,280.00 (2006 Alley Resurfacing Project);

Be It Further Resolved that the City Council reallocate the excess Net Debt Bonds to the projects listed below with the required capital appropriation and revenue budget increases, and request the concurrence of the Board of Estimate and Taxation in the reallocation of the already issued Net Debt Bonds:

a) As a result of the above close-out of the 2004 and 2005 Bridge Repair and Rehabilitation Project (aa and bb above) and the 2005 Parkway Paving project (ee above) \$133,731.93, of Net Debt Bonds (NDB) will become available to be applied as follows:

- \$63,999.11 from the 2004 Bridge Repair and Rehabilitation Project (4100-943-9386-BR101) and 2005 Bridge Repair and Rehabilitation Project (4100-943-9386-BR501) to the 2007 Bridge Repair and Rehabilitation capital appropriation in 4100-937-9386-BR701; and
- \$69,732.82 from the 2005 Parkway Paving Project (4100-937-9374 project PV501) to the 2006 Parkway Paving capital appropriation in 4100-937-9374 project PV601.

b) As a result of the above close-out of the 2003 and 2004 Alley Resurfacing Projects (ii and jj above), \$84,363.78 of Net Debt Bonds (NDB) will become available to be applied as follows:

- \$4,545.17 to the 2000 Alley Resurfacing Project 4100-937-9374 project 00ALY;
- \$390.02 to the 2002 Alley Resurfacing Project 4100-937-9373 project 02ALY;
- \$48,280.00 to the 2006 Alley Resurfacing Project 4100-937-9374 project PV606; and
- Remaining \$31,148.59 to the 2007 Alley Resurfacing Project 4100-937-9374 project PV706.

Adopted 10/19/2007.

Resolution 2007R-535, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds, was adopted 10/19/2007 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 2007R-535
By Colvin Roy and Ostrow

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the amount of \$1,333,731.93 as follows:

- \$63,999.11 from the 2004 Bridge Repair and Rehabilitation Project (4100-943-9386-BR101) and 2005 Bridge Repair and Rehabilitation Project (4100-943-9386-BR501) to the 2007 Bridge Repair and Rehabilitation capital appropriation in 4100-937-9386-BR701; and
- \$69,732.82 from the 2005 Parkway Paving Project (4100-937-9374 project PV501) to the 2006 Parkway Paving capital appropriation in 4100-937-9374 project PV601.

Be It Further Resolved that the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the amount of \$84,363.78 from the 2003 and 2004 Alley Resurfacing Projects (4100-937-9374 project 03ALY and 4100-937-9374 project PV006) as follows:

- \$4,545.17 to the 2000 Alley Resurfacing Project (4100-937-9374 project 00ALY);
- \$390.02 to the 2002 Alley Resurfacing Project (4100-937-9373 project 02ALY);
- \$48,280 to the 2006 Alley Resurfacing Project (4100-937- 9374 project PV606); and
- Remaining \$31,148.59 to the 2007 Alley Resurfacing Project (4100-937-9374 project PV706).

Adopted 10/19/2007.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution receiving and accepting the final costs and adjusting the capital appropriations as necessary to officially close out 12 sewer projects and reallocate \$112,776.99 in excess revenue and \$993,642.79 in excess Net Debt Bonds to other sewer projects.

Your Committee further recommends passage of the accompanying resolution requesting concurrence of the Board of Estimate and Taxation in the reallocation of said excess Net Debt Bonds.

Adopted 10/19/2007.

Resolution 2007R-536, receiving and accepting the final costs and adjusting the capital appropriations as necessary to officially close out 12 sewer projects and reallocate \$112,776.99 in excess revenue and \$993,642.79 in excess Net Debt Bonds to other sewer projects, was adopted 10/19/2007 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 2007R-536
By Colvin Roy and Ostrow

Amending The 2007 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 Sewer Construction capital appropriations as specified:

- a) Sewer Construction capital appropriation in 7300-932-9324 Project 28003 should be increased by \$23,328.83;
- b) Sewer Construction capital appropriation in 7300-932-9324 project LRTHW should be increased by \$890,714.65;
- c) Sewer Construction capital appropriation in 7300-932-9324 project 99CSW should be decreased by \$13,436.10;
- d) Sewer Construction capital appropriation in 7300-932-9324 project 03CSO should be decreased by \$4.00;
- e) Sewer Construction capital appropriation in 7300-932-9324 project 43001 should be decreased by \$89,834.13;
- f) Sewer Construction capital appropriation in 7300-932-9324 project LRTCR should be decreased by \$258,742.22;
- g) Sewer Construction capital appropriation in 7300-932-9324 project LRTSH should be decreased by \$362,594.78; and
- h) Sewer Construction capital appropriation in 7300-932-9324 project PND37 should be decreased by \$923,202.69.

Be It Further Resolved that as a result of the above project close-outs, \$112,776.99 of excess revenue be reallocated to the sewer project listed below with the capital appropriation and revenue budget increases as follows:

- a) \$112,776.99 increase to Fund/Agency/Org: 4100-932-9324-31CAL and revenue source from 7300-932-9324-28003 (Harrison St NE 28003) \$10,612.67; 7300-932-9324-43001 (Nicollet Ave S Phase I 43001) \$42,143.12; 7300-932-9324-LRTCR (Light Rail at Cedar Riverside LRTCR) \$4,560.49; 7300-932-9324-LRTHW (Light Rail Transit Hiawatha LRTHW) \$49,531.66; 7300-932-9324-LRTSH (Light Rail Transit Downtown LRTSH) \$5,929.05.

Be it Further Resolved that as a result of the above project close-outs, \$993,642.79 of excess Net Debt Bonds be reallocated to the sewer projects listed below with the capital appropriation and revenue budget increases as follows:

- a) \$10,500.00 increase to Fund/Agency/Org: 4100-932-9324-01059 and revenue source;
- b) \$382,168.38 increase to Fund/Agency/Org: 7300-932-9324-02REN and revenue source;
- c) \$7,441.14 increase to Fund/Agency/Org: 4100-932-9324-31CAL and revenue source;
- d) \$87,898.73 increase to Fund/Agency/Org: 4100-932-9324-32820 and revenue source;
- e) \$143,664.21 increase to Fund/Agency/Org: 7300-932-9324-01RHB and revenue source;
- f) \$11,970.33 increase to Fund/Agency/Org: 7300-932-9324-LRTDT and revenue source; and
- g) \$350,000.00 increase to Fund/Agency/Org: 7300-932-9324-PV042 and revenue source.

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

- a) There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project 01059 (Johnson Street NE);
- b) There is no remaining Sewer Construction capital appropriation in 7300-932-9324 project 02REN (Street Renovation Program 2002);
- c) There is no remaining Sewer Construction capital appropriation in 4100-932-9324 project 31CAL (31st Ave NE & California St N); and
- d) There is no remaining Sewer Construction capital appropriation in 4100-932-9324 project 32820 (Johnson Street NE).

Adopted 10/19/2007.

Resolution 2007R-537, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds, was adopted 10/19/2007 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 2007R-537
By Colvin Roy and Ostrow

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the amount of \$993,642.79 from closed out Sewer Construction Projects (set forth in 2007R-536) to the projects listed below:

- a) \$10,500 increase to Fund/Agency/Org: 4100-932-9324-01059 and revenue source;
- b) \$382,168.38 increase to Fund/Agency/Org: 7300-932-9324-02REN and revenue source;
- c) \$7,441.14 increase to Fund/Agency/Org: 4100-932-9324-31CAL and revenue source;
- d) \$87,898.73 increase to Fund/Agency/Org: 4100-932-9324-32820 and revenue source;
- e) \$143,664.21 increase to Fund/Agency/Org: 7300-932-9324-01RHB and revenue source;
- f) \$11,970.33 increase to Fund/Agency/Org: 7300-932-9324-LRTDT and revenue source; and
- g) \$350,000 increase to Fund/Agency/Org: 7300-932-9324-PV042 and revenue source.

Adopted 10/19/2007.

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

- a) OP 6851, low bid of Frerichs Construction Company, in the amount of \$332,190, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Fire Stores Facility construction at 1220 Currie Av N;
- b) OP 6860, bid of Northern Air Corporation, in the amount of \$218,233, to furnish all labor, materials, equipment, and incidentals necessary for mechanical upgrades at Fire Station No 21 (3209 E 38th St); and

c) OP 6863, bid of Carus Corporation, for an estimated annual expenditure of \$750,000, to furnish and deliver potassium permanganate.

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

Adopted 10/19/2007.

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

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

Adopted 10/19/2007.

Resolution 2007R-538, authorizing settlement of the following legal claims of Gary and Vicki Gilmer, Jane Doe DR, Amina Ali, and Kathy Davison, was adopted 10/19/2007 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 2007R-538

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the following:

a) Gary and Vicki Gilmer v. City of Minneapolis, et al, by payment pursuant to acceptance of a Rule 68 offer of judgment of \$500 plus reasonable attorneys fees in the amount of \$4,400.96 (a total of \$4,900.96), payable to Gary and Vicki Gilmer through Peter J. Nickitas Law Office, L.L.C.; payable from the Self Insurance Fund (6900-150-1500-4000); and

b) Jane Doe DR v. the City of Minneapolis and Brian Potocnik, by payment of \$2,500, payable to the Plaintiff and her attorney, Brant D. Penney, Reinhardt Wendorf & Blanchfield; and payment of the entire fee for recently completed mediation in the amount of \$3,325 (a total of \$5,825); payable from the Self Insurance Fund (6900-150-1500-4000); and

c) Amina Ali v. City of Minneapolis, by payment of \$6,500, payable to Praxis Consulting, Inc. A/S/O The Farmers Insurance Group; payable from the Self Insurance Fund (6900-150-1500-4400); and

d) Kathy Davison v. Rocco Forte and the City of Minneapolis, by payment of \$65,000, to be divided between a payment representing attorneys fees and costs payable to Plaintiff's attorneys Woodley & McGillivray payable from the Self Insurance Fund (6900-150-1500-2800), with the remaining portion to be paid-out as back wages to Plaintiff Kathy Davison; and approve related non-monetary settlement terms including authorizing the Fire Department to promote Plaintiff to the position of full-time fire investigator with a seniority date of March 3, 2003.

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

Adopted 10/19/2007.

W&M/Budget - Your Committee recommends approval of the November 2007 utility billing insert on behalf of the Public Works Field Services providing information about 348-SNOW and language Snow Hotlines, and messages about clearing snow and sidewalks and around garbage and recycling containers.

Adopted 10/19/2007.

W&M/Budget - Your Committee recommends approval to extend the appointment term of Empowerment Zone Governance Board Members through December 31, 2008, for those whose terms are expiring as well as those who will expire in 2008, as follows:

- a) Theresa Carr;
 - b) Arlene El-Amin;
 - c) Alicia Phillips;
 - d) Osman Sahardeed; and
 - e) Xang Vang.
- Adopted 10/19/2007.

W&M/Budget - Your Committee, having under consideration the Round II Urban Empowerment Zone Coalition Directors Summit held in Minneapolis from May 2 – 4, 2007, now recommends passage of the accompanying resolutions as follows:

- a) Authorizing the acceptance of \$5,500 in funds from other Round II Urban Empowerment Zone participants, to help defray the cost of hosting the event.
 - b) Appropriating said funds.
- Adopted 10/19/2007.

RESOLUTION 2007R-539

By Ostrow

Authorizing the acceptance of \$5,500 in funds from other Round II Urban Empowerment Zone participants.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept said funds to help defray the cost of hosting the Round II Urban Empowerment Zone Coalition Directors Summit.
Adopted 10/19/2007.

RESOLUTION 2007R-540

By Ostrow

Amending The 2007 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 CPED Operating Fund (GEN0-890-8942) by \$5,500 and increasing the Revenue Source (GEN0-890-8490 - Source 3455) by \$5,500.
Adopted 10/19/2007.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Affordable Granite and Stone; effective October 2007, for a two-year performance period, for terrazzo, concrete, tile and granite replacement and refurbishment for the Minneapolis Convention Center for an estimated annual cost of \$1,000,000 in 2007 and an estimated annual amount of \$1,950,000 in 2008. Payable from Convention Center funds (0760-MCC).
Adopted 10/19/2007.

W&M/Budget - Your Committee, having under consideration the Workers' Compensation (WC) case management services, now recommends the following:

- a) Authorize the extension of the contract with Encore Unlimited, LLC from August 15, 2007 to December 31, 2007, under the same fee arrangements; and
 - b) Proper City officers be authorized to issue a Request for Proposals (RFP) for case management and consulting services.
- Adopted 10/19/2007.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Finance Officer that the City execute a contract with each of the following firms to provide financial services to the City for a three-year period and in an amount not to exceed \$300,000 per agreement:

1. Alvarez & Marsal Public Sector Service, LLC
2. Basile Baumann Prost Cole & Associates, Inc.
3. Colliers International-Turley Martin Tucker
4. Community Enhancement & Organizing (Pedestrian)
5. Ehlers & Associates, Inc.
6. Gardner, Underwood & Bacon
7. HDR Engineering, Inc.
8. Hannover Ltd.
9. Hess Roise
10. Krass Monroe, P.A.,
11. Landscape Research LLC
12. McComb Group, Ltd.
13. Mead & Hunt
14. MuniFinancial
15. Northland Securities, Inc.
16. Olsson Associates
17. Public Financial Management, Inc.
18. Rogers and Company
19. Springsted, Inc.
20. Virchow Krause & Company, LLP
21. Wells Fargo Brokerage Services, LLC
22. Michael S. Wilson, CPA
23. Yaggy Colby

Adopted 10/19/2007.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the wage re-opener labor agreement between the City of Minneapolis and the Minneapolis Building and Construction Trades Council, AFL-CIO Trades Unit for a contract that expires April 30, 2008.

Adopted 10/19/2007.

Resolution 2007R-541, approving the wage re-opener labor agreement with the Minneapolis Building and Construction Trades Council, AFL-CIO Trades Unit, was adopted 10/19/2007 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 2007R-541

By Ostrow

Approving the wage re-opener labor agreement with the Minneapolis Building and Construction Trades Council, AFL-CIO Trades Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the wage re-opener agreement between the City of Minneapolis and the Minneapolis Building and Construction Trades Council, AFL-CIO Trades Unit, as set forth in Petn No 272360, be approved.

Be It Further Resolved that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 10/19/2007.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis' Background Check Policy and Procedures, now recommends the following:

- a) Adoption of the revised policy;
 - b) Receive and file procedures; and
 - c) Direct the Human Resource Department to place the Policy and Procedures (as set forth in Petn No 272360) in the Policy Library.
- Adopted 10/19/2007.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Greg Spaulding from the decision of the Planning Commission which, notwithstanding staff recommendation, denied the following applications: a) conditional use permit to allow an accessory parking for an existing residential use; and b) variance to reduce the required drive aisle from 22 to 7 feet off of the alley, both to bring the existing parking into compliance with zoning code for the property at 3010 W River Rd S, now recommends that said appeal be forwarded without recommendation.

Colvin Roy moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "granted, and that the variance and conditional use permit be approved, subject to the conditions that 1) the conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence and that unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval; 2) that the appellant address existing fence height and interior side yard setback issues as required by Chapter 535 of the zoning code, regardless of the Planning Commission action on this application; and 3) removal of the existing front curb cut, the existing paved driveway, and the existing accessory structure at 3010 West River Parkway. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/19/2007.

Z&P - Your Committee, having under consideration the recommendation of the Planning Commission which, notwithstanding staff recommendation, recommended denial of the petition of Greg Spaulding (BZZ-3712) to rezone the property at 3010 W River Pkwy S from R1A to the R3 District to bring the existing parking into compliance with zoning code, now recommends that said petition be forwarded without recommendation.

Colvin Roy moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "granted, by passage of the accompanying ordinance amending the Zoning Code, and that the related findings prepared by the Department of Community Planning & Economic Development be adopted." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/19/2007.

Ordinance 2007-Or-076 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3010 W River Pkwy S to the R3 District, was adopted 10/19/2007 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 2007-Or-076
By Schiff
1st & 2nd Readings: 10/19/2007

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

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

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

That part of Lots 13, Block 1, Wass Addition including adjacent one-half of alley vacated, Minneapolis, Hennepin County, Minnesota (3010 W River Pkwy S - Plate 28) to the R3 District.

Adopted 10/19/2007.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Schafer Richardson, Inc to vacate the alley adjacent to 409 N 5th Ave and 420 N 5th St (#1531) for use as part of the existing parking lot, subject to retention of easement rights by the Minnesota Department of Transportation, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 10/19/2007.

Resolution 2007R-542, vacating the alley adjacent to the properties of 409 5th Ave N and 420 5th St N, was adopted 10/19/2007 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 2007R-542

By Schiff

Vacating the alley adjacent to the properties of 409 North 5th Avenue and 420 North 5th Street (#1531).

Resolved by The City Council of The City of Minneapolis:

All that part of the public alley as laid out in City of Minneapolis Special Street Resolution No. 132, dated February 26, 1915, in Block 9, Hoag's Addition to Minneapolis; all according to the plat of record, and Document No. 952721, on file and of record at the Hennepin County Recorders office, Minneapolis, Minnesota,

is hereby vacated except that such vacation shall not affect the existing easement rights and authority of the Minnesota Department of Transportation, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

A right of way easement in favor of the State of Minnesota, over that portion of Lots 7 and 8, Block 9, Hoag's Addition to Minneapolis, which lies within the right of way of US Highway 52;

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

Adopted 10/19/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Julia Rice and Jonathan Pinkerton (BZZ-3729) to rezone the property at 2729 29th Ave S from I1 to the R2B District to obtain residential zoning for an existing duplex and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 10/19/2007.

OCTOBER 19, 2007

Ordinance 2007-Or-077 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2729 29th Ave S to the R2B District, was adopted 10/19/2007 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 2007-Or-077
By Schiff
1st & 2nd Readings: 10/19/2007

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

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

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

That part of Lots 17, Block 13, Southside Addition, Minneapolis, Hennepin County, Minnesota (2729 29th Ave S - Plate 27) to the R2B District.

Adopted 10/19/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Holy Land Brand, Inc (BZZ-3734) to rezone the property at 1617-1701 Central Ave NE from C2 and I1 to the I1 District to permit construction of an accessory parking lot and loading dock for the existing building at 1617 Central Ave NE and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 10/19/2007.

Ordinance 2007-Or-078 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1617-1701 Central Ave NE to the I1 District, was adopted 10/19/2007 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 2007-Or-078
By Schiff
1st & 2nd Readings: 10/19/2007

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

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

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

That part of Lots 13 and 14, Block 4 of Harrison St. Supplemental to East Side Addition to Minneapolis, Hennepin County, Minnesota (1617-1701 Central Ave NE - Plate 10) to the I1 District.

Adopted 10/19/2007.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to *Zoning Code: Nonconforming Uses and Structures*, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 10/19/2007.

Ordinance 2007-Or-079 amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to *Zoning Code: Nonconforming Uses and Structures*, amending Section 531.60 to allow structures accessory to nonconforming residential uses of one to four dwelling units, was adopted 10/19/2007 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 2007-Or-079
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 531 related to Zoning Code: Nonconforming Uses and Structures.

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

Section 1. That Section 531.60 of the above-entitled ordinance be amended to read as follows:

531.60. Exceptions to enlargement limitations. *(a) In general.* The addition, alteration or enlargement of a deck, open balcony, open porch, handicap ramp or entrance vestibule to any nonconforming residential use or structure with four (4) or fewer dwelling units shall be allowed and exempted from the provisions of section 531.50, provided the following conditions are met:

- (1) The addition, alteration or enlargement of a deck, open balcony, open porch, handicap ramp, or entrance vestibule shall not exceed one hundred (100) square feet for any one (1) or a combination of two (2) or more of said exempted structures.
- (2) The addition, alteration or enlargement shall comply with the yard, height and all other applicable requirements of the district in which the property is located, unless a variance is granted.
- (3) No required off-street parking space(s) shall be lost as a result of the addition, enlargement or alteration.

(b) Detached accessory structures. Detached structures accessory to any nonconforming residential use or structure with four (4) or fewer dwelling units shall be allowed and exempted from the provisions of section 531.50 provided all other applicable regulations are met.

Adopted 10/19/2007.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to make housekeeping language changes to correct typographical errors, citations and cross references, and clarifying confusing provisions, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 520 relating to *Introductory Provisions*;
- b. Amending Chapter 525 relating to *Administration and Enforcement*;
- c. Amending Chapter 530 relating to *Site Plan Review*;
- d. Amending Chapter 535 relating to *Regulations of General Applicability*;
- e. Amending Chapter 537 relating to *Accessory Uses and Structures*;
- f. Amending Chapter 541 relating to *Off-Street Parking and Loading*;
- g. Amending Chapter 547 relating to *Office Residence Districts*;
- h. Amending Chapter 548 relating to *Commercial Districts*;
- i. Amending Chapter 549 relating to *Downtown Districts*;
- j. Amending Chapter 551 relating to *Overlay Districts*.

Your Committee further recommends that the following referred ordinances be returned to author:

- k. Amending Chapter 531 relating to *Nonconforming Uses and Structures*;
 - l. Amending Chapter 543 relating to *On-Premise Signs*;
 - m. Amending Chapter 544 relating to *Off-Premise Advertising Signs and Billboards*.
- Adopted 10/19/2007.

Ordinance 2007-Or-080 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 to correct the definition of *Fence*, was adopted 10/19/2007 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 2007-Or-080
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That Section 520.160, Definitions, of the above-entitled ordinance be amended to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Fence. A structure providing enclosure a barrier or screening, but not protection against the elements, erected to provide privacy or security which defines a private space and enhances the design of individual sites.

Adopted 10/19/2007.

Ordinance 2007-Or-081 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.90 to clarify section language, was adopted 10/19/2007 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 2007-Or-081
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

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

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

Section 1. That Section 525.90 (b) (14) of the above-entitled ordinance be amended to read as follows:

525.90. Zoning administrator.

(b) *Jurisdiction and authority.* The zoning administrator shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (14) To perform ~~minor site plan~~ administrative site plan review and administrative site plan review of single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units, as specified in Chapter 530, Site Plan Review.

Adopted 10/19/2007.

Ordinance 2007-Or-082 amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to *Zoning Code: Site Plan Review*, amending Sections 530.30, 530.120 and 530.170 to clarify section language and citation, was adopted 10/19/2007 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 2007-Or-082
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.

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

Section 1. That Section 530.30 (b) of the above-entitled ordinance be amended to read as follows:

530.30. Buildings and uses subject to site plan review.

(b) *Downtown districts.* Any building containing fifty thousand (50,000) square feet or more of ~~new or additional~~ gross floor area located in the Downtown districts; shall be exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements shall apply.

Section 2. That Section 530.120 (a) and (b) (2) d. of the above-entitled ordinance be amended to read as follows:

530.120. Building Design (a) *Building walls.* Building walls shall provide architectural detail and shall contain windows as required in this section in order to create visual interest and to increase the security of adjacent outdoor spaces by maximizing natural surveillance and visibility. In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length. Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building. The use of plain face concrete block as an exterior material shall be prohibited where fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.

(b) *Entrances and windows.*

(2) *Nonresidential uses.* Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs, or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.

Section 3. That Section 530.170 (c) (2) of the above-entitled ordinance be amended to read as follows:

Section 530.170. Parking and loading landscaping and screening.

(c) *Parking and loading abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.* Parking and loading facilities and all other areas upon which motor vehicles may be located that abut or are across an alley from a residence or office residence district or a permitted or conditional residential use shall comply with the following standards:

(2) Screening at least ninety-five (95) percent opaque shall be provided as specified in section ~~530.150(b)~~ 530.160(b).

Adopted 10/19/2007.

Ordinance 2007-Or-083 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, amending Sections 535.80 and 535.510 to make corrections to section language, was adopted 10/19/2007 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 2007-Or-083
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

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

Section 1. That Section 535.80 of the above-entitled ordinance be amended to read as follows:

535.80. Screening of refuse and recycling storage containers. Refuse and recycling storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

Section 2. That Section 535.510 (a) of the above-entitled ordinance be amended to read as follows:

535.510. Administrative review process. (a) *In general.* The zoning administrator, in consultation with the planning director, shall have up to ~~ten (10)~~ fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

Adopted 10/19/2007.

Ordinance 2007-Or-084 amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, amending Section 537.50 and 537.110 to make corrections to section language, was adopted 10/19/2007 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 2007-Or-084
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

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

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

Section 1. That Section 537.50 (b) of the above-entitled ordinance be amended to read as follows:

537.50. Maximum height.

(b) *Accessory structures located in the residence and OR1 Districts.* A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structures, whichever is less, where the primary exterior ~~materials~~ materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

Section 2. That Section 537.110, Overnight shelter, of the above-entitled ordinance be amended to read as follows:

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

Overnight shelter. Overnight shelters shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such overnight shelter shall be subject to the following standards:

- (1) Shelter guests shall be provided with an enclosed waiting area one (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open twenty-four (24) hours per day.

- (2) The number of guests shall not exceed the housing code occupancy requirements.
- (3) The operator shall submit a management plan for the facility and a floor plan showing sleepinareas, emergency exits, bathing and restrooms.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Adopted 10/19/2007.

Ordinance 2007-Or-085 amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Street Parking and Loading*, amending Table 541-1 to amend *Automobile Sales*, was adopted 10/19/2007 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 2007-Or-085
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Street Parking and Loading.

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

Section 1. That the following portion of Table 541-1 of the above-entitled ordinance be amended to read as follows:

Table 541-1 Specific Off-Street Parking Requirements

Use	Minimum Parking Requirement	Notes (see 541.170)
COMMERCIAL USES		
Automobile Services		
Automobile sales	1 space per 300 sq. ft. of GFA in excess of 4,000 sq. ft. (minimum of 4 spaces) + 1 space per 2,000 sq. ft. of outdoor sales area + 2 spaces per service bay, if any	2 Service bay shall not be counted as a parking space

Adopted 10/19/2007.

Ordinance 2007-Or-086 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, amending Section Table 547-2 to correct yard requirements, was adopted 10/19/2007 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 2007-Or-086
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.

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

Section 1. That the following portion of Table 547-2 of the above-entitled ordinance be amended to read as follows:

Table 547-2 Office Residence District Yard Requirements

Yards	<i>Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)</i>	<i>Required Yards for All Other Uses (Feet)</i>
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Adopted 10/19/2007.

Ordinance 2007-Or-087 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending Section 548.490 to correct section language, was adopted 10/19/2007 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 2007-Or-087
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

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

Section 1. That Section 548.490 (a) of the above-entitled ordinance be amended to read as follows:

548.490. Truck and commercial vehicle parking for nonresidential uses. (a) *Parking within one {hundred} (100) feet of a residence or office residence district boundary.* Outdoor parking of trucks and other commercial vehicles shall be limited to operable, single rear axle vehicles of not more than fifteen thousand (15,000) pounds gross vehicle weight when located within one hundred (100) feet of a residence or office residence district boundary.

Adopted 10/19/2007.

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Ordinance 2007-Or-088 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending Section 549.460 (1) to correct language relating to *Drive through facilities*, was adopted 10/19/2007 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 2007-Or-088
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.

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

Section 1. That Section 549.460 (1) of the above-entitled ordinance be amended to read as follows:
549.460 General District Regulations. The following conditions govern uses in the B4S District:
(1) ~~Drive-through facilities permitted~~ Drive-through facilities prohibited. Drive-through facilities shall be prohibited in the B4S Districts.
Adopted 10/19/2007.

Ordinance 2007-Or-089 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, amending Sections 551.490, 551.570 and 551.1020 to correct section language, was adopted 10/19/2007 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 2007-Or-089
By Schiff
Intro & 1st Reading: 8/17/2007
Ref to: Z&P
2nd Reading: 10/19/2007

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

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

Section 1. That Section 551.490 (b) (3) d. 2. of the above-entitled ordinance be amended to read as follows:

551.490. Conditional Uses.

(b) *Uses allowed. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the SH Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement:*

- (3) Electrical transmission services of under two hundred twenty (220) kilowatts, subject to the following conditions:
 - d. Right-of-way maintenance shall comply with the following:
 2. Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and ~~low-growing~~ low-growing trees shall be planted and maintained on the right-of-way.

Section 2. That Section 551.570, Definitions, of the above-entitled ordinance be amended to read as follows:

551.570. Definitions. As used in this article, the following words and phrases shall mean:

Substantial Damage. Damage of any origin sustained by a structure where the cost of materials and labor to restore the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before damage occurred.

Section 3. That Section 551.1020 of the above-entitled ordinance be amended to read as follows:

551.1020. Purpose. The NP North Phillips Overlay District is established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements that may not meet the regulations of the primary zoning district, including the limit of one (1) principal residential structure per zoning lot, where the primary zoning district allows two-family or multiple-family dwellings.

Adopted 10/19/2007.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, to add the Pedestrian Oriented Overlay District to parcels along Nicollet Avenue from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority right of way on the south; Franklin Avenue between LaSalle Avenue and I35W; and 26th Street between Nicollet Avenue and the alley between Stevens Avenue and 2nd Avenue South, and to consider base zoning changes for thirty-four (34) parcels, which was approved August 31, 2007, by the City Council (Ordinance 2007-Or-067), now recommends that the list of properties be updated to eliminate three (3) parcels that were inadvertently included on the property list as on file in the Office of the City Clerk and made a part of this report by reference.

Your Committee further recommends that the related findings be adopted and passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/19/2007.

Ordinance 2007-Or-090 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, amending Section 521.30 to remove the Pedestrian Oriented Overlay District from parcels at 11 27th St E, 13 29th St W, and 17 29th St W, was adopted 10/19/2007 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 2007-Or-090
By Schiff
Intro & 1st Reading: 5/25/2007
Ref to: Z & P
2nd Reading: 10/19/2007

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

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

Section 1. That Section 521.30 of the Minneapolis Code of Ordinances be amended by removing the Pedestrian Oriented Overlay District from the following parcels of land, or portions thereof, listed below and identified on Overlay Zoning District Plate 25, pursuant to MS 462.357:

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PID	House Number	House Fraction	Street
3402924420076	11		27TH ST E
3402924340093	13		29TH ST W
3402924340097	17		29TH ST W

Adopted 10/19/2007.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Iret Properties, A North Dakota Limited Partnership to vacate a public alley (#1514) in the block bounded by Chicago Ave, Columbus Ave, 28th Ave E and the Midtown Greenway, subject to condition that the City shall accept the applicant's proposed alternative showing the alley to dead-end behind the existing flower shop, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley, amending Resolution 2007R-416, approved August 3, 2007, by the City Council.

Adopted 10/19/2007.

Resolution 2007R-543, amending Resolution No. 2007R-416 entitled "Vacating all of the Public Alley as laid out in the Block Bounded by Chicago Avenue, Columbus Avenue, 28th Street East, and the Midtown Greenway; (#1514)", passed August 3, 2007, was adopted 10/19/2007 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 2007R-543
By Schiff

Amending Resolution No. 2007R-416 entitled "Vacating all of the Public Alley as laid out in the Block Bounded by Chicago Avenue, Columbus Avenue, 28th Street East, and the Midtown Greenway (#1514)", passed August 3, 2007.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by correcting the legal description to read as follows:

Vacating all of the public Alley as laid out, or platted in Block 1, Nimock's Subdivision of E1/2 of N1/2 of Lot 13, Emerson's Addition to Minneapolis; Block 1, C.W. Foss's Addition to Minneapolis; Block 1, Decker's Subdivision of NE1/4 of Lot 14, Emerson's addition to Minneapolis; all according to the plats of record at the Hennepin County Recorders Office, Minneapolis, Minnesota.

Adopted 10/19/2007.

Z&P – Your Committee, to whom was referred back from Council on October 5, 2007, a report recommending concurrence with the recommendation of the Planning Commission granting the application of the Metropolitan Council to vacate all of 8th Ave N (#1516, in the vicinity between Lyndale Ave N (I-94) and 7th St N adjacent to 635 8th Ave N), subject to retention of easement rights by the City of Minneapolis, Xcel Energy, and Centerpoint Energy, for use by Metro Transit for vehicular access and additional landscaping, and having held further discussion thereon, now recommends that said application be granted and that the related findings prepared by the Department of Community Planning & Economic Development be adopted.

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

Adopted 10/19/2007.

Resolution 2007R-544, vacating all of 8th Ave N heretofore not vacated, as platted and layed out in Bradford's Addition to Minneapolis, and is situated between the west line of 7th St N and the east line of I-94 (#1516), was adopted 10/19/2007 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 2007R-544
By Schiff

Vacating all of 8th Avenue North heretofore not vacated, as platted and layed out in Bradford's Addition to Minneapolis, and is situated between the west line of 7th Street North and the East line of I-94 (#1516).

Resolved by The City Council of The City of Minneapolis:

That all that part of 8th Avenue North heretofore not vacated, as platted and layed out in Bradford's Addition to Minneapolis, and is situated between the west line of 7th Street North and the East line of I-94; all according to the plats of record at the Hennepin County Recorders Office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of the Minnesota Department of Transportation or City of Minneapolis or Xcel Energy or Centerpoint Energy, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporation(s) as follows, to wit:

As to the provision of a 15 foot Wall Maintenance Easement in favor of the Minnesota Department of Transportation (MnDOT) to repair, replace, and maintain a retaining wall located on the easterly line of I-94, from a line extended west on the north line of Lot 12, Block 2, Bradford's Addition to Minneapolis, thence northwesterly on an assumed bearing to the North line of 8th Avenue North.

As to the provision of a storm and sanitary sewer easement reserved in favor of the City of Minneapolis, and Minnesota Department of Transportation (MnDOT), over all of the described 8th Avenue North to be vacated to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

As to the provision of easements for Xcel Energy, and Centerpoint Energy over the entire described areas to be vacated.

Adopted 10/19/2007.

Z&P – Your Committee, to whom was referred back from Council on October 5, 2007, a report recommending concurrence with the recommendation of the Planning Commission granting the application of the Metropolitan Council to vacate all of the public alley adjacent to 635 8th Ave N (#1517), subject to retention of easement rights by the City of Minneapolis, Xcel Energy, and Qwest, for use by Metro Transit for vehicular access and additional landscaping, and having held further discussion thereon, now recommends that said application be granted and that the related findings prepared by the Department of Community Planning & Economic Development be adopted.

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

Adopted 10/19/2007.

Resolution 2007R-545, vacating all of the public alley heretofore not vacated, as platted and layed out in Block 2, Bradford's Addition to Minneapolis (#1517, vicinity of the public alley adjacent to 635 8th Ave N), was adopted 10/19/2007 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 2007R-545
By Schiff

Vacating all of the public alley heretofore not vacated, as platted and layed out in Block 2, Bradford's Addition to Minneapolis (#1517).

Resolved by The City Council of The City of Minneapolis:

That all that part of the public Alley heretofore not vacated, as platted and layed out in Block 2, Bradford's Addition to Minneapolis. And; that part of MnDOT right of way conveyed to the City of Minneapolis in Deed Document No. 5143662, dated August 14, 1986, that lies South of 8th Avenue North, North of said platted alley, and East of the following described line: Beginning at a point on the north line of Lot 12, said Addition, distant 19 feet west of the northeast corner thereof; thence run northwesterly to the northwest corner Lot 11, said Addition and there terminating, all according to the plat of record and Deed Document No.'s 5143662 and 8912889, on file and of record at the Hennepin County Recorders Office, Minneapolis, Minnesota, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the Minnesota Department of Transportation or City of Minneapolis or Xcel Energy or Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to the provision of a 15 foot Wall Maintenance Easement in favor of the Minnesota Department of Transportation (MnDOT) to repair, replace, and maintain a retaining wall located on the easterly line of I-94, from a line extended west on the north line of Lot 12, Block 2, Bradford's Addition to Minneapolis, thence north on an assumed bearing to the south line of 8th Avenue North.

As to the provision of a storm and sanitary sewer easement reserved in favor of the City of Minneapolis over all of the described alley area, excepting that portion previously vacated via Council Resolution dated 12/26/2006, (Document No. 8912889), to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

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

As to the provision of easements for Xcel Energy, and Qwest over the entire described areas to be vacated.

Adopted 10/19/2007.

MOTIONS

Samuels moved to introduce the subject matter of an ordinance amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Rabies Control, which was given its first reading and* referred to the Public Safety & Regulatory Services Committee (clarifying requirements for impoundment of rabies suspects and dogs, cats or ferrets bitten by rabid animals).

Adopted by unanimous consent 10/19/2007.

Goodman moved to discharge the Zoning & Planning Committee from further consideration of the application of Stimson Partners LLC for a waiver from the restrictions included in the moratorium on the establishment or retrofitting of any off-premise advertising sign or billboard with new digital or electronic technology of any type capable of creating electronic images on signs in order to construct a new electronic billboard and relocate and convert two existing billboards to electronic billboards on the roof of the building at 700-710 Hennepin Ave, and that the public hearing be closed (held 10/11/2007 and continued to 10/25/2007).

Goodman further moved to grant the application of Stimson Partners LLC for a waiver from the restrictions included in the moratorium on the establishment or retrofitting of any off-premise advertising sign or billboard with new digital or electronic technology of any type capable of creating electronic images on signs in order to construct a new electronic billboard and relocate and convert two existing billboards to electronic billboards on the roof of the building at 700-710 Hennepin Ave, subject to the following conditions: a) no use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance; and b) the proposed signs shall comply with the applicable sections of Table 544-3 regarding height, area, and lighting requirements of the Downtown Entertainment Billboard District of the Zoning Code, unless a variance is granted. Seconded.

Adopted 10/19/2007.

RESOLUTIONS

Resolution 2007R-546, Honoring the Minneapolis Fire Department and Fire Station 17, was adopted 10/19/2007 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 2007R-546

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

Honoring the Minneapolis Fire Department and Fire Station 17.

Whereas, the tragic events of September 11, 2001, and the collapse of the I-35W Bridge on August 1, 2007, have highlighted the integral role of Firefighters as first responders in ways that that previously have been taken for granted; and

Whereas, Minneapolis Firefighters respond to thousands of fires in Minneapolis and other mutual aid communities, perform water rescues, and provide Emergency Medical Services for victims of heart attacks, strokes, domestic violence and other accidents and illnesses; and

Whereas, Minneapolis Firefighters respond to all emergencies to which they are called, from a nosebleed to extracting injured residents from vehicles, and do everything in between; and

Whereas, Minneapolis Firefighters protect the public by responding to and monitoring dangerous situations, including downed power lines, illegally dumped chemicals, carbon monoxide poisoning, and much more; and

Whereas, Minneapolis Firefighters help maintain strong neighborhoods by checking vacant and boarded houses, inspecting multi-unit apartment buildings, and watering new trees that build our urban forest; and

Whereas, Minneapolis Firefighters engage wholeheartedly in community building activities by attending neighborhood and community events, helping schools with fire drills, and speaking and reading to thousands of school children each year; and

Whereas, Minneapolis Firefighters at Fire Station 17, in the spirit of community service and as good neighbors, have maintained their own property and looked out for the welfare of their immediate neighbors in the Bryant and Central neighborhoods; and

Whereas, United States Warrant Officer Lenny Nelson, a close neighbor of Fire Station No 17, was deployed to Iraq in service of the United States Army from July 2006 to June 2007; and

Whereas, the Firefighters at Station 17, without request that they do so, provided physical and moral support to Officer Nelson and his wife, Sherice, by cutting the grass, shoveling snow and providing other maintenance chores at the Nelson home while Officer Nelson was in Iraq in service of his country.

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

That we thank our Firefighters, and Fire Station 17 in particular, for their everyday acts of kindness, for serving people in the neighborhoods in which they work, and creating a positive and supportive environment for residents, businesses and visitors.

Adopted 10/19/2007.

Resolution 2007R-547, Honoring FirstTech, was adopted 10/19/2007 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 2007R-547

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

Honoring FirstTech.

Whereas, FirstTech Computer and its founders, the Zuckman family, have operated a successful business in the City of Minneapolis for over 66 years; and

Whereas, the first personal computers employed for classroom use in the Minneapolis Public Schools were purchased from FirstTech in the early 1980s; and

Whereas, FirstTech has been selling Apple Computer products continuously since 1977; and

Whereas, no business has been selling Apple Computer products in Minnesota longer than FirstTech; and

Whereas, FirstTech is one of only very few dealers worldwide that has represented Apple products for 30 years; and

Whereas, FirstTech employs over 60 employees, 17 of whom have been with FirstTech for over 15 years; and

Whereas, FirstTech and the Zuckman family have been active and involved citizens in their community, having founded the South Hennepin Business Association and having served as members of the East Isles Residents Association and the East Calhoun Community Organization.

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

That we honor FirstTech and the Zuckerman Family for their years of service and involvement in the Minneapolis community.

Be It Further Resolved that we declare October 26, 2007 as FirstTech Day in the City of Minneapolis.

Adopted 10/19/2007.

UNFINISHED BUSINESS

PS&RS - Your Committee, having under consideration the property located at 1539 E 26th St, and a recommendation from the Nuisance Condition Process Review Panel to stay the Director of Inspections' Order to Demolish the property to enter into a restoration agreement with the property owner to rehabilitate the property, now recommends that said property be sent forward without recommendation.

Schiff moved that the report be amended by delting the language "that said property be sent forward without recommendation" and inserting in lieu thereof "concurrence with the Panel's recommendation to approve rehabilitation of the property". Seconded.

Adopted 10/19/2007.

Lilligren moved to adjourn to Room 315 City Hall to consider the following matters:

1. Flowers v. Don Samuels, Paul Ostrow et al., United States District Court File No. 05-2349;
 2. Flowers v. Officer Becker and Officer Mooney, United States District Court File No. 05-2484;
- and
3. Flowers v. City of Minneapolis et al., United States Court of Appeals for the Eighth Circuit Court, File No. 07-2705. Seconded.

Adopted upon a voice vote 10/19/2007.

Room 215 City Hall

Minneapolis, Minnesota

October 19, 2007 - 10:34 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Members Samuels, Ostrow, Schiff.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following matters:

1. Flowers v. Don Samuels, Paul Ostrow et al., United States District Court File No. 05-2349;
 2. Flowers v. Officer Becker and Officer Mooney, United States District Court File No. 05-2484;
- and
3. Flowers v. City of Minneapolis et al., United States Court of Appeals for the Eighth Circuit Court, File No. 07-2705.

At 10:34 a.m., Remington moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Samuels, Ostrow, Schiff.

Present - Council Members Colvin Roy (out at 12:12 p.m.), Glidden (out at 12:13 p.m.; in at 12:15 p.m.), Remington, Benson, Goodman (out at 12:18 p.m.; in at 12:25 p.m.), Hodges (out at 11:52 a.m.; in at 11:54 a.m.), Gordon, Hofstede (out at 11:52 a.m.; in at 11:57 a.m.), Schiff (in at 10:37 a.m.), Lilligren (out at 11:51 a.m.; in at 11: 54 a.m.; out at 11:55 a.m.; in at 11:56 a.m.), President Johnson.

Absent - Council Members Samuels, Ostrow.

Also present - R.T. Rybak, Mayor (out at 11:49 a.m.; in at 11:52 a.m.); Peter Ginder, Deputy City Attorney; James Moore, Assistant City Attorney; Frank Reed, Assistant City Attorney; Deputy Police Chief Rob Allen; Tina Smith, Mayor's Office; Merry Keefe, City Clerk (out at 11:20 a.m.); and Peggy Menshek, City Clerk's Office.

Moore summarized the matters of Flowers v. Don Samuels, Paul Ostrow et al., United States District Court File No. 05-2349; Flowers v. Officer Becker and Officer Mooney, United States District Court File No. 05-2484; and Flowers v. City of Minneapolis et al., United States Court of Appeals for the Eighth Circuit Court, File No. 07-2705 lawsuit from 10:36 a.m. to 12:45 p.m.

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At 12:45 p.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.
Absent - Samuels, Ostrow.

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 10/19/2007.
Absent - Samuels, Ostrow.

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

Merry Keefe,
City Clerk.

Unofficial Posting: 10/23/2007
Official Posting: 10/30/2007
Corrections: 11/19/2007; 2/29/2008