

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF MARCH 27, 2009

(Published April 4, 2009, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

March 27, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting and adjourned session of March 6, 2009, and the adjourned session of March 12, 2009. Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

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 3/27/2009.

Absent - Colvin Roy.

### PETITIONS AND COMMUNICATIONS

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (273343)

Friends of WISE (re 1501 Aldrich Ave N): Preliminary approval to issue bonds for WISE Charter School project.

Land Sales:

523 Morgan Ave N (to Anthony Real Estate Holdings, LLC);

5344, 5348, 5352, 5356 & 5360 Riverview Rd (Lot 1 of 54th & Riverview Rd Townhomes to Twin Cities Habitat for Humanity, Inc);

5100, 5106, 5110 & 5114 E 54th St & portions of 5344, 5348, 5352, 5356 & 5360 Riverview Rd (Lot 2 of 54th & Riverview Rd Apartments to PCNF Acquisition LLC).

Mpls Public Housing Authority Board of Commissioners: Appointments/reappointments of Steve Minn, Steve Yanisch, Dawn Davis & Darlene Rogers.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273344)

Tax Forfeited Properties in Mpls: Memorandum of Understanding between Hennepin County & the City.

2008 Affordable Housing Trust Fund: Loans for Fremont Flats, Many Rivers East & Walker Apartments projects.

Great Streets Neighborhood Business District Program: Target categories for commercial nodes, corridors, activity centers & LRT station areas.

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273345)

Granary Road Construction Project No 6738 & Adjacent Stormwater Treatment Pond (25th Ave SE to the City limits): Authorizing acquisition of properties re SEMI/University Research Park infrastructure.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273346)

KMOJ-FM Center for Communication & Development (re Delisi building, 2119 W Broadway): Empowerment Zone Governance Board recommendation for grant.

City Consulting Services Agreements to Assist in the Sale of Excess Public Property: Delegating authority to CPED to enter into agreements.

MN Department of Employment & Economic Development Bioscience Business Development Public Infrastructure Grant Program: Acceptance of grant award for SEMI/University Research Park.

Neighborhood Stabilization Program: Acceptance of award from MN Housing Finance Agency, related actions.

City Consulting Services Agreement to Assist Special School District No 1: Agreement to assist with sale of Howe & Northrop School sites.

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

COORDINATOR (273347)

Earth Hour 2009: Resolution in support of Earth Hour.

HEALTH AND FAMILY SUPPORT SERVICES (273348)

Minneapolis Advisory Committee on People with Disabilities: Approve Mayoral reappointments of Dorothy Balen, Kenneth Brown, Martha Hage, Jim Ramnaraine, Keith Swanson and Joan Willshire.

Senior Citizen Advisory Committee: Approve Mayoral and City Council reappointments of Thomas Leavey, Terry Diebold, Marilyn Holm, Mary Ann Blade, Gary Van Winkle, Kenneth Moritz, Herbert Nelson and Elana Gravitz.

MAYOR (273349)

Civilian Police Review Authority: Approve Mayoral appointment of Vernon Wetternach to fill the unexpired term of Ryan Li Dahlstrom.

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

HEALTH AND FAMILY SUPPORT SERVICES (273350)

Twin Cities Healthy Start Program: Issue Request for Proposals for provision of infant mortality reduction and improved birth outcome services during period June 1, 2009 through May 31, 2014.

Statewide Health Improvement Program (SHIP): Submit two-year grant from Minnesota Department of Health seeking up to \$2,710,932 to reduce tobacco use and prevent obesity in diverse Minneapolis populations.

**INTERGOVERNMENTAL RELATIONS:**

FINANCE DEPARTMENT (273351)

State/Local Fiscal Relations: Report on policy alternatives.

INTERGOVERNMENTAL RELATIONS (273352)

Federal/State/Local Update 3/24/2009.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

ATTORNEY (273353)

Street Prostitution: Prosecution Update Report.

POLICE DEPARTMENT (273354)

Street Prostitution: 2008 Prostitution Arrest Report.

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

LICENSES AND CONSUMER SERVICES (273355)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273356)

Cedar Towing & Auction (359 Hoover St NE): Approve License Settlement Conference recommendations relating to Towing Class A License.

Roundup Beer Hall (201 E Lake St): Approve License Settlement Conference recommendations relating to On-Sale Beer Class D License.

LICENSES AND CONSUMER SERVICES (273357)

Parkway Pizza, 4450 42nd Av S: Comments relating to application for On-Sale Wine Class E with Strong Beer License.

Zen Restaurant, 3016 Lyndale Av S: Comments relating to application for On-Sale Wine Class E with Strong Beer License.

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

POLICE DEPARTMENT (273358)

School Patrol Program: Accept donation of \$24,239 from Minnesota AAA to purchase a school patrol van; and approve appropriation.

Violent Offender Task Force: Execute contract with Minnesota Department of Public Safety to receive \$15,000 to purchase laptop computers; and approve appropriation.

K-9 Service Dog Care: Execute three-year contract with University of Minnesota College of Veterinary Medicine to provide care for K-9 service dogs.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (273359)

Downtown Business Improvement Special Service District: Letters of objection as per Section 465.100 of ordinance (see Petn # 273182.1).

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

PUBLIC WORKS AND ENGINEERING (273360)

CSO Projects #016, #025, and #117: Execution of easements.

Van White Memorial Boulevard Project: Increase contract with Toltz, King, Duvall, Anderson & Assoc (TKDA).

Marquette Ave S and Second Ave S Reconstruction: Parking restrictions.

Large Block Event: Music as a Weapon Tour, May 8, 2009.

Downtown Business Improvement Special Service District: Special services, cost estimates, and service charge assessments.

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

PUBLIC WORKS AND ENGINEERING (273361)

I-35W Surge Chamber: Agreement with Mn/DOT.

Areaway Abandonment and Removal Assessment: 2700-2708 Lake St E.

Coordinated Street Furniture Program: a) Reject proposals, b) Donation from Clear Channel Outdoor; and c) Extension with CBS Outdoor.

Dewatering System Improvements: Request for Proposals for design and construction/request to utilize Public Works Consulting Pool for design and construction.

Bids: a) OP 7065, Bulach Custom Rock, LLC for Heritage Park - South Park Overlook Construction; b) OP 7095, Cemstone Products Company, for Ready Mix Concrete; and c) OP 7101, Max Steinger, Inc., for Marquette and 2nd Ave Transit Project, Phase II Construction.

**WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (273362)

Pension Obligations: Budget footnote (k)(1) report.

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

911/311 (273363)

311 Contact Center: Execute contract with top 3 temporary staffing agencies.

ATTORNEY (273364)

Restorative Justice Organization Contracts: Restorative Justice Community Action, Inc., Midtown Community Restorative Justice, and Seward Longfellow Restorative Justice Partnership.

BUSINESS INFORMATION SERVICES AND PROCUREMENT (273364.1)

OP #6874: Accept low responsive bid of Hubb Systems, LLC d/b/a Data 911 for Mobile Data Computers.

FINANCE DEPARTMENT (273365)

Capital Long-Range Improvement Committee (CLIC) Appointments.

2010-2014 Capital Process & Capital Long-Range Improvements Committee (CLIC): 2009 Schedule; 2009 Capital Guidelines; and Provision of tax supported resource direction.

Investment Management Services: Issue RFP.

INTERGOVERNMENTAL RELATIONS (273366)

Neighborhood Stabilization Program (NSP) Grant Award: Acceptance of grant award from U.S. Department of Housing and Urban Development (HUD); and approve appropriations to respective agencies.

MINNEAPOLIS CONVENTION CENTER (273367)

Extremetix, Inc.: Termination of Master Agreement for Ticketing Operation Services.

MINNEAPOLIS CONVENTION CENTER AND PROCUREMENT (273368)

OP #7081: Accept low bid of Kone, Inc. to provide elevator and escalator maintenance.

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

HERITAGE PRESERVATION COMMISSION (273369)

Revisions to Title 23, Chapter 599 Preservation.

PLANNING COMMISSION/DEPARTMENT (273370)

Vacation:

Excelsior Development, LLC, (corner cut easement at 2301 Elliot Ave & portion of alley and alley easement at 912 E 24th St).

Rezoning:

Lowry Apartments (2500 & 2510 Polk St NE & 947, 949, 953 & 955 Lowry Ave NE).

Area Plan Adoption:

15th Ave SE Urban Design Plan

Zoning Code Text Amendment:

Plazas, Amending Title 20, Chapters 525 and 535.

Minimum Lot Area Requirements, Amending Title 20, Chapters 546 & 548.

**FILED:**

MINNESOTA STATE OFFICES-Auditor (273371)

Minneapolis Neighborhood Revitalization Policy Board, year end 12/31/2007, audit report.

MINNESOTA STATE OFFICES-Auditor (273372)

Youth Coordinating Board, Minneapolis, Management and Compliance Report, year ended 12/31/2007.

YOUTH COORDINATING BOARD (273373)

Youth Coordinating Board, Mpls, Annual Financial Report, yr ended December 31, 2007.

*The following reports were signed by Mayor Rybak on March 30, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** – Your Committee, having under consideration the request of Friends of WISE for financing for the purchase of the former Franklin Middle School building at 1501 Aldrich Ave N for operation as a public charter school, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$8.5 million in 501(c)(3) Tax-Exempt Revenue Bonds and up to \$1 million in Taxable Revenue Bonds for the Friends of WISE Charter School project.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-098, giving preliminary approval to the proposed issuance of revenue bonds under Minnesota Statutes, Sections 469.152-469.1651, as amended, for the purpose of financing the acquisition and renovation of a school facility for the benefit of Friends of WISE and Carter G. Woodson Institute for Student Excellence, doing business as W.I.S.E. Charter School (1501 Aldrich Ave N), was adopted 3/27/2009 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 2009R-098**

**By Goodman**

**Giving preliminary approval to the proposed issuance of revenue bonds under Minnesota Statutes, Sections 469.152-469.1651, as amended, for the purpose of financing the acquisition and renovation of a school facility for the benefit of Friends of WISE and Carter G. Woodson Institute for Student Excellence, doing business as W.I.S.E. Charter School.**

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized by the provisions of Minnesota Statutes, Sections 469.152-469.1651, as amended (the "Act"), to carry out the public purposes described therein and contemplated thereby by issuing its revenue bonds or other obligations to finance, in whole or in part, the costs of the acquisition, construction, improvement, betterment, and extension of "projects" and of related public improvements; and

Whereas, the term “project” is defined in Section 469.153, subdivision 2(b), as follows: “Project” also includes any properties, real or personal, used or useful in connection with a revenue producing enterprise, or any combination of two or more such enterprises engaged in any business; and

Whereas, Friends of WISE, a Minnesota nonprofit corporation (the “Corporation”), and an organization exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the “Code”), as a result of the application of Section 501(c)(3) of the Code, has submitted an application to the City requesting the issuance of one or more series of revenue bonds pursuant to the Act, in a principal amount not to exceed \$9,500,000 (the “Bonds”); and

Whereas, the Corporation has proposed that the City loan the proceeds derived from the sale of the Bonds to the Corporation pursuant to the terms of a Loan Agreement between the City and the Corporation (the “Loan Agreement”) to finance: (i) the acquisition and renovation of an existing school facility located at 1501 Aldrich Avenue North in the City (the “Project”); (ii) the funding of a debt service reserve fund to secure payment of the Bonds; (iii) the payment of a portion of the interest on the Bonds; and (iv) the payment of a portion of the costs of issuing the Bonds; and

Whereas, the Project is proposed to be leased by the Corporation to Carter G. Woodson Institute for Student Excellence, a Minnesota nonprofit corporation (the “School”), an operating public charter school doing business as W.I.S.E. Charter School, and an organization exempt from federal income taxation under Section 501(a) of the Code, as a result of the application of Section 501(c)(3) of the Code; and

Whereas, the School will occupy the Project for use as a public charter school building; and

Whereas, the Bonds proposed to be issued by the City to finance the Project will constitute revenue bonds secured solely by: (i) the revenues derived from the Loan Agreement between the City and the Corporation; (ii) a pledge and assignment of all School revenues, including money due to the School from the Minnesota Lease Aid Payment Program (the “Program”); (iii) an agreement to pay all money due to the School from the Program to a dedicated account subject to a monthly sweep to trustee accounts for the benefit of the holders of the Bonds; (iv) other revenues pledged to or otherwise received by the Corporation, except for those revenues necessary for ordinary operational expenses and required under Minnesota law; (v) a debt service reserve fund to be held by a trustee for the benefit of the holders of the Bonds; (vi) a first mortgage and security agreement granted by the Corporation with respect to the Project; (vii) an operating reserve fund; and (viii) other security provided or arranged by the Corporation or the School; and

Whereas, pursuant to Section 469.154, subdivision 4, of the Act, prior to submitting an application to the Minnesota Department of Employment and Economic Development (“DEED”) for approval of the Project, the City must conduct a public hearing on the proposal to undertake and finance the Project; and

Whereas, a notice of public hearing must be published at least once not less than fourteen (14) days, nor more than thirty (30) days, prior to the date fixed for the public hearing in the official newspaper of the City and in a newspaper of general circulation in the City and such notice must state the time and place of the public hearing, the general nature of the Project, the owner of the Project, and an estimate of the principal amount of the Bonds to be issued to finance the Project; and

Whereas, such notice must state that a draft copy of the proposed application to DEED, together with all attachments and exhibits, will be available for public inspection following the publication of the notice and must specify the place and times where and when it will be so available; and

Whereas, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Treasury Regulations promulgated thereunder (“Treasury Regulations” or “Regulations”), require that prior to the issuance of the Bonds, the City Council (or other “applicable elected representative”) of the City must approve the Bonds after conducting a public hearing thereon preceded by publication of a notice of public hearing (in the form required by Section 147(f) of the Code and applicable Treasury Regulations) in a newspaper of general circulation in the City at least fourteen (14) days prior to the public hearing date; and

Whereas, pursuant to the Act and the Code, a notice of public hearing in the form required by the Act and Section 147(f) of the Code was published in Finance & Commerce, the official newspaper of the City on February 21, 2009, and in the Star Tribune, a newspaper of general circulation in the City on February 21, 2009; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on March 10, 2009, on the proposed issuance of the Bonds and such public hearing was conducted no less than fourteen (14) days nor more than thirty (30) days following the publication of the notice of public hearing; and

Whereas, the Bonds are to be issued as revenue bonds and shall not constitute a general or moral obligation of the City, the Bonds shall not constitute a debt of the City within the meaning of any state constitutional provision or statutory limitation, the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the City, the Bonds shall not constitute or give rise to a pecuniary liability of the City, and the Bonds shall be payable solely out of the funds and properties expressly pledged as security therefor;

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

That the City Council of the City hereby grants preliminary approval to the issuance of the Bonds for the purposes referenced in this resolution in an aggregate principal amount not to exceed approximately \$9,500,000, subject to the approval of the Project by DEED, as required by the Act, and subject to the mutual agreement of the City, the Corporation, and the initial purchaser(s) of the Bonds as to the details of the Bonds and provisions for their payment. But in all events, it is understood that the Bonds shall not constitute a general or moral obligation of the City or a pecuniary liability or charge, lien or encumbrance, legal or equitable, upon any funds, assets, taxing powers, or any other property of the City, except the City's interest in the Loan Agreement; and the Bonds, when, as, and if issued, shall recite in substance that the Bonds, including interest thereon, are payable solely from the revenues received from the Loan Agreement and other property expressly pledged by the Corporation and the School to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds, or the interest thereon, or to enforce payment thereof against any property of the City.

Be It Further Resolved that it is hereby found and determined that the Project furthers the purposes set forth in the Act and the Project constitutes a "project" within the meaning of Section 469.153, subdivision 2(a) and (b) of the Act.

Be It Further Resolved that in accordance with Section 469.154 of the Act, the City shall cooperate with the Corporation in submitting the proposal for the financing of the Project to DEED, including the execution of necessary documentation by City officials.

Be It Further Resolved that in accordance with Section 469.154, subdivision 7, of the Act, the officers, employees, and agents of the City are hereby authorized and directed to encourage the Corporation to provide employment opportunities to economically disadvantaged or unemployed individuals. Such individuals may be identified by such mechanisms as are available to the City, such as a first source agreement in which the Corporation agrees to use a designated State employment office as a first source for employment recruitment, referral, and placement.

Be It Further Resolved that the Corporation shall pay to the City any and all costs incurred by the City in connection with the Bonds or the financing of the Project, whether or not the financing of the Project is approved by DEED, whether or not the financing is carried to completion, and whether or not the Bonds or operative instruments are executed and delivered. The Corporation shall also comply with the City's deposit and fee policies respecting such revenue bond issues.

Be It Further Resolved that all commitments of the City expressed herein are subject to the condition that by March 1, 2010, the City and the Corporation and the initial purchaser of the Bonds shall have agreed to mutually acceptable terms and conditions of the Loan Agreement, the Bonds, and of the other instruments and proceedings relating to the Bonds and their issuance and sale. If the events set forth herein do not take place prior to the date set forth above, or any extension thereof, and the Bonds are not sold within such time, this resolution will expire and be of no further effect unless the date of expiration has been extended by action of the City Council.

Be It Further Resolved that the adoption of this resolution does not constitute a guaranty or firm commitment that the City will issue the Bonds as requested by the Corporation. The City retains the right in its sole discretion to withdraw from participation and accordingly not to issue the Bonds, or to issue the Bonds in an amount less than the amount referred to herein, should the City at any time prior to issuance thereof determine not to issue the Bonds, or to issue the Bonds in an amount less than

the amount referred to in paragraph 1 hereof, or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents required for the transaction.

Be It Further Resolved that the staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to finance the Project through the issuance of the Bonds.

(a) The United States Department of the Treasury has promulgated final Treasury Regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or a conduit borrower from the City for project expenditures paid prior to the date of issuance of such bonds. Treasury Regulations, Section 1.150-2 (the "Reimbursement Regulation"), requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Reimbursement Regulation also generally requires that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Reimbursement Regulation generally permits reimbursement of capital expenditures and costs of issuance of the bonds.

(b) The City reasonably expects to reimburse the Corporation for the expenditures made for costs of the Project from the proceeds of the Bonds in an estimated maximum aggregate principal amount of \$9,500,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulation and also qualifying expenditures under the Act.

(c) Based on representations by the Corporation, no expenditures for the Project have been made by the Corporation more than sixty (60) days before the date of adoption of this resolution other than: (i) expenditures to be paid or reimbursed from sources other than the Bonds; (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Reimbursement Regulation; (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations; or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Reimbursement Regulation).

(d) Based on representations by the Corporation, as of the date hereof, there are no funds of the Corporation reserved, allocated on a long term-basis, or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Corporation as they exist or are reasonably foreseeable on the date hereof.

Be It Further Resolved that this Resolution shall be in full force and effect from and after its passage.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the Vacant Housing Recycling Program parcel at 523 Morgan Ave N, now recommends passage of the accompanying resolutions:

a) Approving the purchase of tax forfeited land at 523 Morgan Ave N from Hennepin County to facilitate a sale with a conservation easement to Anthony Real Estate Holdings, LLC; and

b) Authorizing sale of the property at 523 Morgan Ave N to Anthony Real Estate Holdings, LLC for \$6,000, subject to the following conditions:

1) Land sale closing must occur on or before 30 days from date of Notice of City's acquisition of the property; and

2) Payment of holding costs of \$150 per month from the date of said notice to the date of closing if land sale closing does not occur on or before 30 days from date of City acquisition.

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

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-099, approving the purchase of certain forfeited land located at 523 Morgan Ave N, in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof, was adopted 3/27/2009 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 2009R-099**  
**By Goodman**

**Approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, (523 Morgan Ave N), and the conveyance thereof.**

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

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

That the following parcel be purchased by and conveyed to the City of Minneapolis pursuant to the provision of Minnesota Statutes 282-01; Subd. 1b: TF-733; 523 Morgan Avenue North, legally described as Lot 9, Block 6, Maben, White & Le Brons Addition to Minneapolis.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-100, authorizing sale of land Disposition Parcel No TF-733 at 523 Morgan Ave N, was adopted 3/27/2009 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 2009R-100**  
**By Goodman**

**Authorizing sale of land Disposition Parcel No TF-733 at 523 Morgan Ave N.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel TF-733, in the Harrison Neighborhood Area, from Anthony Real Estate Holdings, LLC, hereinafter known as the Purchaser, the Parcel TF-733, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description of TF-733; 523 Morgan Avenue North: Lot 9, Block 6, Maben, White & Le Brons Addition to Minneapolis; and

Whereas, the Purchaser has offered to pay the sum of \$6,000, for Parcel TF-733, to the City for the land; and

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

Whereas, the City has determined the offer of \$6,000 to purchase the Parcel to be reasonable; and

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

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on February 27, 2009, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held

March 27, 2009

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on March 10, 2009, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

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

That the re-use value for the TF-733 is hereby estimated to be the sum of \$6,000.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date of Notice of the City's acquisition of the property and 2) payment of holding costs of \$150.00 per month from the date of said notice if the land sale closing does not occur on or before 30 days from the date of Notice of the City's acquisition of the property.

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

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

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

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of Lot 1 of the 54th and Riverview Road Development Project (portions of 5344, 5348, 5352, 5356 & 5360 Riverview Rd) to Twin Cities Habitat for Humanity, Inc, or an affiliated entity, for \$11.59 per square foot, for development of the Riverview Townhomes Project, and that the proper City officers be authorized to execute a redevelopment contract, in accordance with the terms contained in the Community Planning & Economic Development (CPED) staff report.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-101, authorizing sale of land 54th and Riverview Road Development Project Disposition Parcel Nos. 10M, 9M, 3M, 2M and 1M (5344, 5348, 5352, 5356 & 5360 Riverview Rd), was adopted 3/27/2009 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 2009R-101**

**By Goodman**

**Authorizing sale of land 54th and Riverview Road Development Project Disposition Parcel Nos. 10M, 9M, 3M, 2M and 1M (5344, 5348, 5352, 5356 & 5360 Riverview Road).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop a portion of Disposition Parcels 10M, 9M, 3M, 2M and 1M, in the Minnehaha neighborhood, from Twin Cities Habitat for Humanity, Inc. or an affiliated entity, hereinafter known as the Redeveloper, the Parcels 10M, 9M, 3M, 2M and 1M, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of Portions of 10M, 9M, 3M, 2M & 1M ; 5344, 5348, 5352, 5356 & 5360 Riverview Road Portions of Lots 5, 6, 7, 8, and 9, Block 2, Thorpe Bros. Minnehaha Grove Addition to Minneapolis; Said Lot 7 is Registered Land, Certificate of Title No. 1215455; The legal description of the property will be determined after the replat of the property; and

Whereas, the Redeveloper has offered to pay the sum of \$11.59 per square foot, for Parcels 10M, 9M, 3M, 2M and 1M to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on February 27, 2009, a public hearing on the proposed sale was duly held on March 10, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the 54th and Riverview Road Development Project plan, as amended, is hereby estimated to be the sum of \$11.59 per square foot for Parcels 10M, 9M, 3M, 2M and 1M.

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

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

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

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the 54th and Riverview Road Apartments development site, now recommends:

a) Passage of the accompanying resolution authorizing sale of Lot 2 of the 54th and Riverview Road Development Project (5100, 5106, 5110 & 5114 E 54th St and portions of 5344, 5348, 5352, 5356 & 5360 Riverview Rd) to PCNF Acquisition LLC, or an affiliated entity created specifically to undertake development of the Riverview Apartments Project, for \$11.59 per square foot;

b) That the Department of Community Planning & Economic Development (CPED) be authorized to reduce its Good Faith Deposit from 10% to 5% of the purchase price; and

c) That the proper City officers be authorized to execute a redevelopment contract, in accordance with the terms contained in the CPED staff report.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-102, authorizing sale of land 54th & Riverview Road Development Project Disposition Parcel Nos. 5M, 6M, 7M, 8M, 10M, 9M, 3M, 2M and 1M (5100, 5106, 5110 & 5114 E 54th St; and portions of 5344, 5348, 5352, 5356 & 5360 Riverview Rd), was adopted 3/27/2009 by the City

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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 2009R-102**  
**By Goodman**

**Authorizing sale of land 54th & Riverview Road Development Project Disposition Parcel Nos. 5M, 6M, 7M, 8M, 10M, 9M, 3M, 2M and 1M (5100, 5106, 5110 & 5114 E 54th St; and portions of 5344, 5348, 5352, 5356 & 5360 Riverview Road).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels 5M, 6M, 7M, 8M, and a portion of Disposition Parcels 10M, 9M, 3M, 2M and 1M, in the Minnehaha neighborhood, from PCNF Acquisition LLC or an affiliated entity, hereinafter known as the Redeveloper, the Parcels 5M, 6M, 7M, 8M, 10M, 9M, 3M, 2M and 1M, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of 5M, 6M, 7M, 8M; 5100, 5106, 5110 and 5114 East 54th Street: Lots 17, 18, 19, and 20, Block 2, Thorpe Bros. Minnehaha Grove Addition to Minneapolis;

Portions of 10M, 9M, 3M, 2M & 1M; 5344, 5348, 5352, 5356 & 5360 Riverview Road Portions of Lots 5, 6, 7, 8, and 9, Block 2, Thorpe Bros. Minnehaha Grove Addition to Minneapolis. Said Lot 7 is Registered Land, Certificate of Title No. 1215455.

The legal description of the property will be determined after the replat of the property; and

Whereas, the Redeveloper has offered to pay the sum of \$ 11.59 per square foot, for Parcels 5M, 6M, 7M, 8M, 10M, 9M, 3M, 2M and 1M to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 27, 2009, a public hearing on the proposed sale was duly held on March 10, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the 54th & Riverview Road Development Project plan, as amended, is hereby estimated to be the sum of \$11.59 per square foot for Parcels 5M, 6M, 7M, 8M, 10M, 9M, 3M, 2M and 1M.

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

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

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof;

provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends approval of the following City Council appointments to the Minneapolis Public Housing Authority Board of Commissioners:

- a) Steve Minn, for a term to expire 12/31/2010;
- b) Steve Yanisch, for a term to expire 12/31/2011;
- c) Dawn Davis (reappointment), for a term to expire 12/31/2011; and
- d) Darlene Rogers (reappointment), for a term to expire 12/31/2011.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to enter into a Memorandum of Understanding between Hennepin County and the City of Minneapolis regarding the purchase of tax forfeit properties located in Minneapolis, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration a balance of 2008 Affordable Housing Trust Fund (AHTF) Pipeline monies, now recommends approval of a total of up to \$1,797,361 from the AHTF Pipeline for the following projects, and that the proper City officers be authorized to execute necessary documents for the AHTF loans:

- a) A loan up to \$178,361 for Fremont Flats, 1814, 1816 and 1820 – 22 Fremont Ave N, by Project for Pride in Living or an affiliated entity;
- b) A loan up to \$179,000 for Many Rivers East, 1500 E Franklin, by American Indian Community Development Corporation or an affiliated entity; and
- c) A loan up to \$1,440,000 for the Walker Apartments, 12th and Hennepin Ave, by MetroPolitan Development, Inc. or an affiliated entity.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the Great Streets Neighborhood Business District Program, now recommends adoption of target categories for commercial nodes, corridors, activity centers, and Light Rail Transit station areas as defined by *The Minneapolis Plan for Sustainable Growth*, and set forth in the Department of Community Planning & Economic Development staff report.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**Comm Dev, T&PW & W&M/Budget** - Your Committee, having under consideration acquisition of right of way for Granary Rd (25th Ave SE to the City Limits) Construction Project No 6738 and adjacent stormwater treatment pond, now recommends that the proper City officers be authorized to pursue acquisition through negotiation with property owners or through condemnation, portions of the following properties to be used for the Granary Road and adjacent pond portion of SEMI/University Research Park infrastructure:

PID 30-029-23-21-0059 (Chicago & NW RR merged to Union Pacific RR Co.)

PID 30-029-23-12-0009 (Chicago & NW RR merged to Union Pacific RR Co.)

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PID 30-029-23-12-0011 (Chicago & NW RR merged to Union Pacific RR Co.)  
PID 30-029-23-12-0012 (Chicago & NW RR merged to Union Pacific RR Co.)  
PID 30-029-23-12-0004 (Whitebox Commercial Holding Corp.)  
PID 30-029-23-12-0005 (Whitebox Commercial Holding Corp.)  
PID 30-029-23-12-0010 (Wall Development Company, LLC)  
PID 30-029-23-12-0014 (Wall Development Company, LLC)  
PID 30-029-23-11-0009 (Wall Development Company, LLC)  
PID 30-029-23-11-0011 (Wall Development Company, LLC)  
PID 30-029-23-11-0012 (Wall Development Company, LLC)  
PID 30-029-23-21-0002 (US Development-I, LLC)  
PID 30-029-23-12-0006 (Mathisen Properties, LLC)  
PID 30-029-23-12-0007 (Mathisen Properties, LLC)  
PID 30-029-23-12-0008 (Mathisen Properties, LLC)  
PID 30-029-23-12-0003 (JJN-L, LLC)  
PID 30-029-23-11-0006 (B N and Santa Fe Railway)  
PID 30-029-23-11-0010 (Minnesota Products, Inc.)

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by \$1,272,000.

Adopted 3/27/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-103**  
**By Goodman, Colvin Roy and Ostrow**

**Amending the 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development SEMI-Phase 1 Fund (01CSI-8900000-8900320) by \$1,272,000 from available fund balance.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**Comm Dev & W&M/Budget** - Your Committee recommends concurrence in the recommendation of the Empowerment Zone Governance Board in approving a \$300,000 grant to KMOJ-FM Center for Communication and Development for tenant improvements to space at 2119 W Broadway (the Delisi building).

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution delegating authority to the Department of Community Planning & Economic Development Director or designees to enter into standard form City Consulting Services Agreements to Assist in the Sale of Excess Public Property for Private Development, and that the proper City officers be directed to prepare a Procedure Document consistent with the Minneapolis Contract Monitoring Procedures Manual prior to any execution of the subject agreement.

Goodman moved to amend the report by adding the following paragraph:

“The CPED Department Director or his designee will notify City Council Members when CPED Department is asked to assist another public entity in the sale of that entity’s excess property in the ward they represent through a Consultant Services Agreement.” Seconded.

Adopted by unanimous consent.  
Absent - Colvin Roy.  
The report, as amended, was adopted 3/27/2009.  
Absent - Colvin Roy.

Resolution 2009R-104, delegating authority to make and execute City Consulting Services Agreements to assist in the sale of excess public property for private development form contracts, was adopted 3/27/2009 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 2009R-104**

**By Goodman**

**Delegating authority to make and execute City Consulting Services Agreements to assist in the sale of excess public property for private development form contracts.**

Resolved by The City Council of The City of Minneapolis:

That pursuant to City Charter chapter 4, section 25, the City Council hereby delegates authority to the Community Planning & Economic Development department head or designees to make and execute real estate consulting services agreements with other public entities to assist those public entities to evaluate development proposals from prospective developers or development opportunities for their surplus public properties, at no cost to the City, for a term not to exceed twelve months using a form approved by the City Attorney.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration receipt of a \$3,500,000 Bioscience Development Grant awarded by the Minnesota Department of Employment & Economic Development (DEED) Bioscience Business Development Public Infrastructure Grant Program, now recommends that the proper City officers be authorized to accept and appropriate the \$3,500,000 award for the SEMI/University Research Park, and to execute grant, subrecipient and/or disbursement and related agreements for said grant.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation by \$3,500,000 to reflect the receipt of said grant funds.

Adopted 3/27/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-105**

**By Goodman and Ostrow**

**Amending the 2008 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants-State & Local Fund (01600-8900320) by \$3,500,000; and increasing the revenue source (01600-8900900-321504) by \$3,500,000.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the State of Minnesota award of Neighborhood Stabilization Program (NSP) funds to Minneapolis and sub-awards of NSP funds to applicants responding to Minneapolis' request for proposals (RFP) for the purchase and rehabilitation of foreclosed and/or abandoned properties, and the following staff recommendations:

a) Acceptance of an award of \$8,401,272 in NSP funds from the Minnesota Housing Finance Agency (Minnesota Housing), \$1,590,000 of which was approved by Minnesota Housing in its 2008 fall Community Revitalization Fund (CRV) round, subject to receipt of NSP funding from the Department of Housing and Urban Development (HUD);

b) That the proper City officers be authorized to execute a grant agreement with Minnesota Housing for the above award and sub-recipient agreements with Minnesota Housing's identified local sub-recipients for the \$1,590,000 in CRV/NSP funding;

c) Approval of the Department of Community Planning & Economic Development (CPED) staff recommendation to award \$6,495,636 for development gap financing to 9 of 14 entities which submitted proposals in response to the City's Foreclosure Recovery Rehabilitation Program RFP, as outlined in the CPED staff report;

d) That the proper City officers be authorized to enter into sub-recipient and related agreements with the selected proposers;

e) That the CPED Director be authorized to make changes to the local sub-recipient awards if necessitated by refinements made to the City of Minneapolis' award from Minnesota Housing;

now recommends:

**Comm Dev** - Approval of the staff recommendations.

**W&M/Budget** - Approval of the staff recommendations. In addition, staff is directed to meet with developers pursuing NSP program funds in Minneapolis and encourage them to include in their plan a standard for landscaping, curb appeal and basic perimeters for landscaping. Landscaping elements to include are trees, shrubs, annual and perennial flowering plants and grasses.

Goodman moved that the report be amended by approving the Community Development Committee recommendation and deleting the Ways & Means/Budget Committee recommendation. Seconded. Adopted by unanimous consent.

Absent - Colvin Roy.

The report, as amended, was adopted 3/27/2009.

Absent - Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the request of the Minneapolis Public Schools/Special School District No. 1 (SSD1), that the City provide real estate consulting services to assist with the disposition of the Howe and Northrop School sites, now recommends:

a) Approval of the Consulting Services Agreement between the City of Minneapolis and SSD1 to assist with the sale of the Howe and Northrop School sites as excess public property for private development; and

b) That the proper City officers be authorized to execute said agreement with SSD1.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**HE&E** – Your Committee recommends concurrence with the recommendation of the Mayor to approve the appointment of Vernon Wetternach to the Civilian Police Review Authority Board to fill the unexpired term of Ryan Li Dahlstrom to expire December 31, 2011.

Adopted 3/27/2009.

Absent – Colvin Roy.

**HE&E** – Your Committee recommends concurrence with the recommendation of the Mayor to approve the following reappointments to the Minneapolis Advisory Committee on People with Disabilities for two-year terms to expire December 31, 2011:

*Reappointments*

Dorothy Balen, Ward 10  
Kenneth Brown, Ward 12  
Martha Hage, Ward 7  
Jim Ramnaraine, Ward 11  
Keith Swanson, Ward 13  
Joan M Willshire, Ward 7.  
Adopted 3/27/2009.  
Absent – Colvin Roy.

**HE&E** – Your Committee recommends concurrence with the recommendation of the Mayor and Council President to approve the following reappointments to the Senior Citizen Advisory Committee for two-year terms to expire December 31, 2011:

*Reappointments*

Thomas Leavey, Ward 2  
Terry Diebold, Ward 10  
Marilyn Holm, Ward 12  
Mary Ann Blade, Ward 1, agency representative  
Gary Van Winkle, Ward 7, agency representative  
Kenneth Moritz, Ward 10, agency representative  
Herbert Nelson, Ward 11, at large representative  
Elana Gravitz, Ward 12, at large representative.  
Adopted 3/27/2009.  
Absent – Colvin Roy.

**HE&E** – Your Committee recommends passage of the accompanying resolution supporting Earth Hour 2009.

Benson moved that the final resolved clause of the resolution be amended by adding the following businesses:

**35W Bridge**  
**5th St Towers**  
**Campbell Mithum Tower**  
**City of Minneapolis Stone Arch Bridge Lights**  
**Common Roots Cafe**  
**Core Power Yoga**  
**Fifty South Sixth**  
**Retek on the Mall.** Seconded.  
Adopted by unanimous consent.  
Absent – Colvin Roy.  
The report was adopted 3/27/2009.  
Absent – Colvin Roy.

Resolution 2009R-106, supporting Earth Hour 2009, was adopted 3/27/2009 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 2009R-106**  
**By Benson, Gordon, Hofstede and Lilligren**

**Supporting Earth Hour 2009.**

Whereas, our Minneapolis community is deeply concerned about the impacts of climate change and the future health and well-being of our planet and believes energy efficiency, natural resource conservation, and a demand by the voting public for action by elected officials are important element to combating climate change; and

Whereas, Earth Hour is both an international and local symbolic event organized by World Wildlife Fund to raise awareness about climate change issues, to encourage businesses, individuals and government to take actions to reduce their carbon emissions and their impact on the environment in their daily lives and operations; and

Whereas, Earth Hour asks all citizens, businesses, government agencies, and commercial and non-commercial establishments to turn off all non-essential lighting for one hour beginning at 8:30 pm on March 28, 2009 and to encourage citizens and businesses to commit to actions they can take in the coming year to reduce their carbon footprints and conserve energy; and

Whereas, extinguishing non-essential lights in city government buildings and public landmarks for at least for one hour and urging all businesses and citizens to do the same will send a clear message that the people of Minneapolis are concerned about climate change, stand with the rest of the world in seeking solutions and are demanding that elected leaders act immediately to take measures that will help fight global climate change effort to stop climate change, including the passage of legislation and good-faith participation in global climate treaty negotiations in Copenhagen in December 2009; and

Whereas, in Minnesota 35% of Greenhouse Gas emissions comes from electricity; and

Whereas, those Minneapolis buildings participating in Twin Cities "Lights Out" Campaign are to be commended for turning off lights during spring and fall bird migration in order to reduce the risk of birds hitting tall office buildings during the night; and

Whereas, the Minnesota Energy Challenge is a great way for Minneapolis residents and businesses to learn more about how they can reduce their energy use and combat climate change; and

Whereas, in 2008 the City of Minneapolis and many area businesses and residents participated in Earth Hour;

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

That on March 28, 2009, the city will participate in Earth Hour by turning off all uses of electricity in municipal buildings not required for life, safety or operations, and will turn off the decorative lighting on the Stone Arch Bridge and the City Hall Clock tower in order to conserve energy and raise awareness about global climate change.

Be It Further Resolved that residents of Minneapolis are encouraged to participate in Earth Hour and reduce their energy usage during every hour of the year.

Be It Further Resolved that we encourage all Minneapolis businesses to participate in Earth Hour and specifically recognize and thank the following for their leadership and participation:

**35W Bridge**  
**5th St. Towers**  
**701 Building**  
**Accenture Tower**  
**Campbell Mithun Tower**  
**City of Minneapolis City Hall**  
**City of Minneapolis Stone Arch Bridge lights**  
**Common Roots Cafe**  
**Core Power Yoga**

**Fifty South Sixth  
Hennepin County Library Central  
Hennepin County Government Center Plaza  
Hennepin County Century Plaza  
Hennepin County Environmental Services Building  
Hennepin County Family Justice Center  
Hennepin County Juvenile Justice Center  
IDS Center  
LaSalle Plaza  
Retek on the Mall  
Target Corporate Offices  
US Bancorp Center  
US Bank Plaza  
Wells Fargo Center  
Wells Fargo Home Mortgage Center  
Xcel Energy – Nicollet Mall**

Adopted 3/27/2009.

Absent – Colvin Roy.

**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 issue a Request for Proposals for the federally funded Twin Cities Healthy Start Program for the provision of infant mortality reduction and improved birth outcome services during the period June 1, 2009 through May 31, 2014.

Adopted 3/27/2009.

Absent – Colvin Roy.

**HE&E & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit a grant application to the Minnesota Department of Health seeking up to \$2,710,932 over a two-year period (July 1, 2009 through June 30, 2011) from the Statewide Health Improvement Program (SHIP) to reduce tobacco use and prevent obesity in diverse Minneapolis populations.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**IGR** - Your Committee recommends passage of the accompanying resolution in support of a fair and equitable merger of the Minneapolis Employees Retirement Fund into the Public Employees Retirement Association.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-107, in support of a fair and equitable merger of the Minneapolis Employees Retirement Fund (MERF) into the Public Employees Retirement Association (PERA), was adopted 3/27/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

March 27, 2009

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

**RESOLUTION 2009R-107**

**By Ostrow and Hodges**

**In support of a fair and equitable merger of the Minneapolis Employees Retirement Fund (MERF) into the Public Employees Retirement Association (PERA).**

Whereas, the Minneapolis Employees Retirement Fund (MERF) Board of Directors and the Minneapolis City Council previously adopted a resolution in support of a consolidation of MERF into the Public Employees Retirement Association (PERA); and

Whereas, the City has always met its financial obligations under current law; and

Whereas, discussions at the Council and at MERF in anticipation of this resolution always anticipated an equitable solution that would not unduly and unfairly burden the property taxpayers of Minneapolis; and

Whereas, the current merger bill would require Minneapolis property taxpayers to pay an additional estimated 60 million dollars per year for the next 23 years; and

Whereas, the current merger bill places the entire burden for the costs of this merger upon the employers and is not equitable;

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

That the City of Minneapolis opposes any bills consolidating the MERF into PERA (S.F. 914 and H.F. 1100) unless they are revised to reduce substantially the extraordinary burden on Minneapolis taxpayers. The City further requests that any merger also include financial contributions from the State and other provisions to lower the burden on the Minneapolis taxpayer.

Be It Further Resolved that the City of Minneapolis will continue to work with the MERF Board, MMRA and the state legislature to find an equitable solution that will not unduly and unfairly burden Minneapolis taxpayers and equitably shares the financial burden of a merger.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**PS&RS** - Your Committee, having under consideration the application of Wagner Bros LLC, dba North East Social Club, 355 13th Av NE, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2009, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 3/27/2009.

Absent – Colvin Roy.

Approved by Mayor Rybak 3/30/2009.

(Published 3/31/2009)

**PS&RS** - Your Committee, having under consideration the application of Parkway Pizza Inc, dba Parkway Pizza, 4457 42nd Av S, for an On-Sale Wine Class E with Strong Beer License to expire April 1, 2010, 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 3/27/2009.

Absent – Colvin Roy.

**PS&RS** - Your Committee, having under consideration the application of Bravo Inc, dba Zen Restaurant, 3016 Lyndale Av S, for an On-Sale Wine Class E with Strong Beer License to expire April 1, 2010, 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 3/27/2009.

Absent – Colvin Roy.

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

Adopted 3/27/2009.

Absent – Colvin Roy.

Resolution 2009R-108, granting applications for Liquor, Wine and Beer Licenses, was adopted 3/27/2009 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 2009R-108**

**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 (Petn No 273355):

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2009**

P J Hafiz Club Management Inc, dba Sneaky Petes Bar & Grill, 14 N 5th St (expansion of premises)

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2009**

LM-Minneapolis Inc, dba Comfort Suites-Minneapolis Downtown, 425 S 7th St (change in ownership from Embassy Suites)

501 Club Inc, dba 501 Club, 501 Washington Av S (new business)

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2010**

Chipotle Mex Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE (new manager)

**Temporary On-Sale Wine**

SRO Productions Inc, dba The Southern Theater, 4645 Orleans Ln, Plymouth (April 3, 2009, Wine Pour at City Pages Wine Tasting, International Market Square, 275 Market St).

Adopted 3/27/2009.

Absent – Colvin Roy.

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

Adopted 3/27/2009.

Absent – Colvin Roy.

Resolution 2009R-109, granting applications for Business Licenses, was adopted 3/27/2009 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 2009R-109**

**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 March 27, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273355):

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Place of Amusement Class B-1; Dry Cleaning & Laundry Pickup Station; Food Distributor; Milk & Grocery Delivery Vehicle; Short-Term Food Permit; Sidewalk Cafe; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Plumber; Residential Specialty Contractor; Solid Waste Hauler; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Service Company; Taxicab Vehicle – Fuel Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle – Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Transient Merchant; Tree Servicing.

Adopted 3/27/2009.

Absent – Colvin Roy.

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

Adopted 3/27/2009.

Absent – Colvin Roy.

Resolution 2009R-110, granting applications for Gambling Licenses, was adopted 3/27/2009 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 2009R-110**  
**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  
(Petrn No 273355):

**Gambling Class B**

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 3865 Minnehaha (Pulltabs, pulltabs with dispensing device, tipboards, bingo, and bar bingo February 28, 1020 at Cowboy Slims, 1320 W Lake St)

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Pulltabs, tipboard, paddlewheel and bar bingo March 31, 2010 at Gabby's Saloon & Eatery, 1900 Marshall St NE)

**Gambling Exempt**

Family Hope Services, dba Treehouse, 5666 Lincoln Dr Suite 201, Edina (Raffle April 8, 2009 at The Depot Minneapolis)

The Minnesota Hundreds Club, dba The Minnesota Hundreds Club, 3030 Centre Pointe Dr, Roseville (Raffle April 16, 2009 at Jax Cafe, 1928 University Av NE)

Minneapolis Police Activities League, dba Minneapolis Police Activities League, 4119 Dupont Av N (Raffle April 17, 2009 at Bootlegger's, 323 1st Av N)

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5426 12th Av S (Raffle April 25, 2009 at Our Lady of Peace School, 5435 11th Av S)

Twin Cities Womens Choir, dba Twin Cities Womens Choir, 1672 Mackubin St, St. Paul (Raffle May 2, 2009 at St. Mary's Greek Orthodox Church)

Metropolitan Boys Choir, dba Metropolitan Boys Choir, PO Box 19348 (Raffle May 5, 2009 at 9 West Rustic Lodge Av)

Hope Chest News, dba Hope Chest News, 796 Regent Dr, Shakopee (Raffle/Card Raffle, golf tournament, July 27, 2009, at Elsie's, 729 Marshall St NE)

Shir Tikvah, dba Shir Tikvah, 5000 Girard Av S (Raffle June 20, 2009 at Shir Tikvah Congregation).

Adopted 3/27/2009.

Absent – Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Beer Class D License held by Roundup Beer Hall, 201 E Lake St.

Adopted 3/27/2009.

Absent – Colvin Roy.

Resolution 2009R-111, approving License Settlement Conference recommendations relating to the On-Sale Beer Class D License held by Roundup Beer Hall, 201 E Lake St, was adopted 3/27/2009 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 2009R-111**

**By Samuels**

**Approving License Settlement Conference recommendations relating to the On-Sale Beer Class D License held by Roundup Beer Hall, 201 E Lake St.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 13, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee may have violated the Minneapolis Code of Ordinances by allowing controlled substances on the licensed premises; and that the licensee is directly and vicariously responsible for any violations on the premises, including parking areas by employees;

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

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

1. the licensee agrees that the business licenses at 201 E Lake St are withdrawn and surrendered as of Midnight April 30, 2009. The licensee understands that if she does not close her business as agreed, a license revocation and hearing will be held at the Minneapolis City Council for failing to honor this agreement.

Adopted 3/27/2009.

Absent – Colvin Roy.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Towing Class A License held by Cedar Towing & Auction, 359 Hoover St NE.

Adopted 3/27/2009.

Absent – Colvin Roy.

Resolution 2009R-112, approving License Settlement Conference recommendations relating to the Towing Class A License held by Cedar Towing & Auction, 359 Hoover St NE, was adopted 3/27/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-112**

**By Samuels**

**Approving License Settlement Conference recommendations relating to the Towing Class A License held by Cedar Towing & Auction, 359 Hoover St NE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 13, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated provisions of towing regulations set forth in Chapter 349 of the Minneapolis Code of Ordinances;

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

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

1. The licensee shall pay administrative citation No 07-0557508 issued on April 4, 2007 in the amount of \$400 for failure to complete order form prior to towing of a vehicle. The remaining 11 citations shall be dismissed.

2. The licensee shall pay administrative citation No 07-0557628 issued on April 5, 2007 in the amount of \$200 for temporarily dropping a hooked vehicle at a location other than the storage lot owned by the licensee. The remaining 11 citations shall be dismissed.

3. The licensee shall pay to the City of Minneapolis \$741 as reimbursement for the administrative and investigative costs involved with the License Settlement Conference process. Said payment will be made upon execution of this agreement.

4. The licensee shall ensure that the person signing the towing request as the authorized person shall be one of the following as outlined in Section 349.90 of the Minneapolis Code of Ordinances:

(a) owner of the property; (b) license holder of the parking lot license for the property; (c) a bona fide employee of the owner or parking lot license holder; (d) a duly authorized protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot license holder, or (e) a bona fide resident of a residential dwelling of four units or less authorized in writing by the owner of this property to authorize towing.

5. The licensee shall ensure that the person authorizing the tow is not an employee of Cedar Towing and Auction in any manner (i.e. temporary, part time, independent contractor, etc). If requested, the licensee will be able to show documentation to verify that the person signing as the authorized agent meets the requirements of Section 349.90 of the Minneapolis Code of Ordinances listed in Section 4 above.

6. The licensee shall ensure that all the required information and procedures listed in Section 349.90 of the Minneapolis Code of Ordinances are adhered to regarding the order form and police reports.

7. The licensee will redraft its order form to include only the information required by Section 349.90 of the Minneapolis Code of Ordinances:

- Licensee's business name;
- Address and telephone number of the storage lot;
- Name of the person authorizing the service, printed and signed legibly, together with the business address and telephone number of the person authorizing the service;
- Time the service was requested;
- Description of the vehicle, including the year, manufacturer, model, and license plate number;
- Amount of the tow charge.

The licensee may draft a separate inventory form to include additional information that will assist the efficient handling of the towed vehicle. The licensee will submit the proposed tow order form to City staff for approval within 30 days of this agreement.

8. The licensee will comply with all other applicable City ordinances dealing with the operation of a Class A Motor Vehicle Service License.

9. The licensee understands that any additional violations of the Minneapolis City ordinances, involving the operation of Cedar Towing and Auction may result in additional fines and adverse license action.

Adopted 3/27/2009.

Absent – Colvin Roy.

**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 resolutions authorizing the acceptance of a donation from Minnesota AAA to purchase a school patrol van for the Police Department; and appropriating \$24,239 to the Police Department.

Adopted 3/27/2009.

Absent – Colvin Roy.

**RESOLUTION 2009R-113**

**By Samuels and Ostrow**

**Authorizing the acceptance of a donation from Minnesota AAA to purchase a school patrol van for the Police Department.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a donation of \$24,239 from Minnesota AAA to purchase a school patrol van for the Police Department to be used with the School Patrol Program in the Minneapolis Public Schools.

Adopted 3/27/2009.

Absent – Colvin Roy.

**RESOLUTION 2009R-114**

**By Samuels and Ostrow**

**Amending The 2009 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 Police Department – Special Revenue Fund (01210-4003150-372001) by \$24,239.

Adopted 3/27/2009.

Absent – Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the Minnesota Department of Public Safety, Office of Justice Programs, to receive \$15,000 to purchase laptop computers to be used by the Violent Offender Task Force for field operations. Further, passage of the accompanying resolution appropriating \$15,000 to the Police Department.

Adopted 3/27/2009.

Absent – Colvin Roy.

**RESOLUTION 2009R-115**

**By Samuels and Ostrow**

**Amending The 2009 General Appropriation Resolution.**

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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 (01300-4003130-321010) by \$15,000.

Adopted 3/27/2009.

Absent – Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a three-year agreement with the University of Minnesota College of Veterinary Medicine, Veterinary Medical Center, in an amount not to exceed \$23,000 in any contract year, for care of the K-9 Service dogs.

Adopted 3/27/2009.

Absent – Colvin Roy.

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of a gift by Clear Channel for billboard design and space to promote the City's anti-prostitution message.

Adopted 3/27/2009.

Absent – Colvin Roy.

Resolution 2009R-116, authorizing the acceptance of a gift by Clear Channel for billboard design and space to promote the City's anti-prostitution message, was adopted 3/27/2009 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 2009R-116**

**By Samuels and Ostrow**

**Authorizing the acceptance of a gift by Clear Channel for billboard design and space to promote the City's anti-prostitution message.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a gift by Clear Channel for billboard design and space to promote the City's anti-prostitution message. The message will run on billboards throughout Minneapolis for 6 months. Billboard locations will be determined as space is available.

Adopted 3/27/2009.

Absent – Colvin Roy.

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

**T&PW** - Your Committee recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2009 in the Downtown Business Improvement Special Service District, directing the City Engineer (with the Minneapolis Downtown Improvement District) to proceed with the work, and directing the City Finance Officer to administer the 2009 invoicing and cash collection process for service charges.

Adopted 3/27/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 3/30/2009.

(Published 3/31/2009)

Resolution 2009R-117, approving special services, the cost estimates, service charges, and the lists of service charges for 2009 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work, was adopted 3/27/2009 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 2009R-117**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges, and the lists of service charges for 2009 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.**

Whereas, a public hearing was held on March 10, 2009 in accordance with Laws of Minnesota, Chapter 428A and Chapter 465 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 273360 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed special services, the proposed cost estimate in the total amount of \$3,065,520 for 2009 and that the proposed service charges and the proposed lists of service charges for 2009 in the total amount of \$3,003,521 (being a newly-implemented special service district with services revenues beginning in 2009 as provided for in Section 465.80 of the Minneapolis Code of Ordinances and \$62,000 to be raised through other sources) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Downtown Business Improvement Special Service District.

Be It Further Resolved that the City Engineer (with the Minneapolis Downtown Improvement District) is hereby directed to proceed with the work.

Be It Further Resolved that the City Finance Officer is directed to mail an invoice in late May 2009 for 2009 services. An early payment discount will be available for payments in full received by 11/15/2009. Service charges unpaid in 2009 will be part of the 2010 real estate tax statements issued by Hennepin County. Service charges not collected in 2009 will be collected in one (1) installment on the 2010 real estate tax statements in the same manner as special assessments and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 3/27/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 3/30/2009.

**T&PW** - Your Committee, having under consideration the City's Infiltration/Inflow Program to eliminate Combined Sewer Overflows (CSO), now recommends that the proper City officers be authorized to execute easements with private property owners to acquire temporary (construction) and permanent easements, as follows:

a) CSO #016, Alley storm drain located between West Broadway and Ferrant Place, west of Sheridan Ave N and east of Russell Ave N. Easements will be acquired from:

- 2426 Ferrant Place
- 2424 Sheridan Ave N
- 2420 Sheridan Ave N;

b) CSO #025, Alley storm drain located along the north property line of 4638 Garfield Ave S; and

c) CSO #117, Street drain at 2nd St N and 23rd Ave N that crosses the Burlington Northern Santa Fe Railroad and JADT Development properties.

Adopted 3/27/2009.

Absent - Colvin Roy.

**T&PW** - Your Committee, having under consideration the Bassett Creek Valley portion of the Van White Memorial Boulevard Project, now recommends that the proper City officers be authorized to execute Amendment #2 to Contract Agreement 21009, dated October 1, 2004, with Toltz, King, Duvall, Anderson & Assoc. (TKDA), increasing the amount of the contract by \$40,000, for a revised contract

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total of \$1,840,000, to cover the costs of unanticipated survey requests by Hennepin County. No additional appropriation required.

Adopted 3/27/2009.

Absent - Colvin Roy.

**T&PW** - Your Committee, having under consideration the Marquette Ave S and Second Ave S Reconstruction Projects, now recommends passage of the accompanying resolution adopting parking restrictions on Marquette Ave S and Second Ave S between the limits of 1st St S and 12th St S, per the Council approved layout and as required by Minnesota State Aid requirements.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-118, directing the City Engineer to establish no parking or no stopping restrictions on both the easterly and westerly sides of Marquette Ave S and 2nd Ave S between the limits of 1st St S and 12th St S, was adopted 3/27/2009 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 2009R-118**

**By Colvin Roy**

**Directing the City Engineer to establish no parking or no stopping restrictions on both the easterly and westerly sides of Marquette Ave S between the limits of 1st St S and 12th St S; and establishing no parking or no stopping restrictions on both the easterly and westerly sides of 2nd Ave S between the limits of 1st St S and 12th St S.**

Whereas, the City of Minneapolis and Hennepin County wish to reconstruct Marquette Ave S between the limits of 1st St S and 12th St S and reconstruct 2nd Ave S between the limits of 1st St S and 12th St S; and

Whereas, Minnesota Department of Transportation (Mn/DOT) State Aid Rule 8820 requires parking provisions to meet the existing average daily traffic and peak hour traffic volumes and a minimum number of drive lanes, lane widths, and parking widths; and

Whereas, to meet State Aid Rule 8820 the County and the City recommend establishing No Parking (9 am to 4 pm Monday-Friday) at the following locations:

- Easterly side of Marquette Ave S between the limits of 1st St S and 12th St S;
- Westerly side of 2nd Ave S between the limits of 1st St S and 12th St S; and

Whereas, to meet State Aid Rule 8820 the County and the City recommend establishing No Parking Anytime at the following locations:

- Westerly side of Marquette Ave S between the limits of 1st St S and 12th St S;
- Easterly side of 2nd Ave S between the limits of 1st St S and 12th St S; and

Whereas, to meet State Aid Rule 8820 the County and the City recommend establishing No Stopping (7-9 am and 4-6 pm Monday-Friday) at the following locations:

- Easterly side of Marquette Ave S between the limits of 1st St S and 12th St S;
- Westerly side of 2nd Ave S between the limits of 1st St S and 12th St S; and

Whereas, State Aid rules require a certified resolution documenting the requested action;

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

That the City Engineer is hereby directed to install the parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

Adopted 3/27/2009.

Absent - Colvin Roy.

**T&PW** - Your Committee, having under consideration an application for a large block event permit for the Music as a Weapon Tour Outdoor Festival to be held on May 8, 2009 at 6th St N between 2nd Ave N and Hennepin Ave, now recommends approval of the application, as set forth in Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the Dewatering Plant Infrastructure Improvements Project at the City of Minneapolis Water Works Facility, now recommends:

**T&PW** - That the proper City officers be authorized to issue a Request for Proposals (RFP) for the design and construction of dewatering infrastructure improvements at the Water Works Facility.

**W&M/Budget** - That the proper City officers be authorized to negotiate and execute an agreement with a consultant(s) from the Public Works Consulting Pool for engineering design and construction supervision of the Dewatering Plant Improvements Project at the Minneapolis Water Works Facility, for an approximate amount of \$2,000,000, notwithstanding the terms set forth in the Master Service Agreement setting the maximum fee per Consulting Pool project at \$300,000. Funds are available within the existing project budget.

Glidden moved that the report be amended to approve the W&M/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

The report, as amended, was adopted 3/27/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 3/30/2009.

(Published 3/31/2009)

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

a) Adopting and levying an assessment for areaway abandonment and removal at 2700 - 2708 Lake St E; and

b) Requesting the Board of Estimate and Taxation to issue and sell bonds for the purpose of paying the assessed cost of the areaway abandonment and removal.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-119, adopting and levying the assessments for the unpaid charges for the areaway abandonment and removal at 2700 - 2708 Lake St E, was adopted 3/27/2009 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 2009R-119**  
**By Colvin Roy and Ostrow**

**Adopting and levying the assessments for the unpaid charges for the areaway abandonment and removal for the benefited property as set forth in Petition No. 273361.**

Whereas, a public hearing was held on March 10, 2009, in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessment as shown on the proposed assessment roll on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessment in the amount of \$409,358.46 against the affected property at:  
2700 - 2708 E Lake St, PID 36-029-24-43-0077, legally described as:  
Lots 13, 14 and 15, except that part taken for street, Block 24, "South  
Side Addition" to the City of Minneapolis;

as set forth in Petition No. 273361 in accordance with the East Lake Street (Hiawatha Ave S to W River Pkwy) Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6709, as ordered by Resolution 2006R-089, in the total amount of \$409,358.46, and as shown on the proposed assessment roll on file in the office of the City Clerk, be and hereby are adopted and levied.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statement.

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

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-120, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of areaway abandonment and removal at 2700 - 2708 East Lake St, was adopted 3/27/2009 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 2009R-120**  
**By Colvin Roy and Ostrow**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$409,350 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of areaway abandonment and removal at 2700 - 2708 East Lake St, PID 36-029-24-43-0077 in accordance with the East Lake Street (Hiawatha Ave S to W River Pkwy) Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6709, to be assessed against said benefited properties as estimated by the City Council, which assessment shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 3/27/2009.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to negotiate and execute an agreement with the Minnesota Department of Transportation (Mn/DOT) specifying the City's cost participation in conjunction with the construction of surge chambers on Interstate 35W near 35th and 39th Streets.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-121, authorizing negotiation and execution of an agreement between the City of Minneapolis and the Minnesota Department of Transportation (Mn/DOT) covering cost participation in conjunction with the construction of surge chambers on Interstate 35W near 35th and 39th Streets, was adopted 3/27/2009 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 2009R-121**  
**By Colvin Roy and Ostrow**

**Authorizing negotiation and execution of an agreement between the City of Minneapolis and the Minnesota Department of Transportation (Mn/DOT) covering cost participation in conjunction with the construction of surge chambers on Interstate 35W near 35th and 39th Streets.**

Whereas, the City of Minneapolis entered into Agreement No 89224-R, dated May 12, 2006, with the Minnesota Department of Transportation to participate in costs associated with construction of Trunk Highway 35W and 62; and

Whereas, the City of Minneapolis agreed to participate in the cost of surge chamber construction; and

Whereas, the City of Minneapolis contributes stormwater to the 35W south tunnel;

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

That the Director of Public Works/City Engineer, and/or any other proper City officer, be authorized to negotiate and execute Agreement No 93698-R that specifies the City's cost participation for surge chamber construction and ensures that the City of Minneapolis can divert clear water from the sanitary sewer system into the 35W storm tunnel so as to continue the City's Combined Sewer Overflow (CSO) reduction program in a cost effective manner.

Adopted 3/27/2009.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the development of a Coordinated Street Furniture Program, now recommends:

a) That all proposals received during the RFP process for the Coordinated Street Furniture Program be rejected;

b) That the proper City officers be authorized to negotiate with CBS Outdoor to extend the existing bus shelter franchise agreement beyond the November 9, 2009 expiration date;

c) Passage of the accompanying resolution accepting the donation of bus shelter designs from Clear Channel Outdoor for the design of bus shelters on Marquette Ave and 2nd Ave;

d) That the proper City officers be directed to work with Metro Transit to determine ownership and funding, complete the design, develop specifications, and issue bids to effectively procure and install 30 bus shelters along Marquette Ave and 2nd Ave using the UPA/FTA funding process; and

e) That the proper City officers be directed to work with Metro Transit, the Downtown Improvement District, and others as appropriate to develop operation and maintenance strategies, methods, and funding to provide for the proper operation, cleaning and maintenance of said bus shelters.

Goodman moved to delete Item (c). Seconded.

Glidden moved that the report be amended by adding new language to Item (c) and including a new Item (f) regarding bus shelters, to read as follows:

"c) Passage of the accompanying resolution accepting the donation of bus shelter designs from Clear Channel Outdoor for the design of bus shelters on Marquette Ave and 2nd Ave. Design acceptance does not include acceptance of advertising or size specifications for the bus shelters;

f) That staff be directed to report back to the Transportation & Public Works Committee on the final design and size specifications of the bus shelters prior to implementation." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-122, authorizing the Department of Public Works to accept the donation of bus shelter designs, was adopted 3/27/2009 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 2009R-122**  
**By Colvin Roy and Ostrow**

**Authorizing the Department of Public Works to accept the donation of bus shelter designs.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of bus shelter designs from Clear Channel Outdoor, valued at approximately \$40,000, to be used for the design of bus shelters in the Marquette and 2nd Avenue Transit Projects.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

a) OP 7065, Accept low responsive bid of Bulach Custom Rock, LLC, in the amount of \$83,084.25, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Heritage Park - South Park Overlook Construction;

b) OP 7095, Accept low bid of Cemstone Products Company, for an estimated annual expenditure of \$1,000,000, to furnish and deliver Ready Mix Concrete to the Public Works Department through March 31, 2010; and

c) OP 7101, Accept qualified low bid of Max Steininger, Inc., for an amount not to exceed \$5,244,704, including potential early completion bonuses and contingency, to furnish all labor, materials, equipment, permits, and incidentals necessary to accomplish the Marquette and Second Avenue Transit Projects, Phase II Construction Plan, including Streetscape.

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 3/27/2009.

Absent - Colvin Roy.

Approved by Mayor Rybak 3/30/2009.

(Published 3/31/2009)

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

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney that proper City officers be authorized to distribute remaining available funds in the amount of \$70,850, for restorative justice services from February 1, 2009 to December 31, 2009 to the following Minneapolis Restorative Justice organizations:

Restorative Justice Community Action, Inc.	\$41,850
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Midtown Community Restorative Justice	\$21,000
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Seward Longfellow Restorative Justice Partnership	\$8,000
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Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends acceptance of the low responsive bid received on OP #6874 from Hubb Systems, LLC d/b/a Data 911 for an estimated annual expenditure of up to \$400,000 to furnish, deliver and install Mobile Data Computers, as set forth in Petn No 273364.1.

Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to terminate the Master Agreement with Extremetix, Inc. to provide ticketing operation services at the Minneapolis Convention Center, effective March 31, 2009.

Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #7081 from Kone, Inc. for an estimated annual expenditure of \$300,000 to furnish, deliver all labor, materials, equipment and incidentals necessary to provide elevator and escalator maintenance at the Minneapolis Convention Center (Petn No 273368).

Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the 2010 - 2014 Capital Process and Capital Long-Range Improvements Committee (CLIC) Information (Petn No 273365), now recommends that the following be received and filed:

- a) 2009 CLIC Schedule with a capital budget submission deadline of noon on April 7, 2009.
- b) 2009 CLIC Capital Guidelines for use in evaluating the 2010 - 2014 Capital requests.
- c) Tax supported resource direction to CLIC, city departments, independent boards and commissions.

Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having received recommendations from the Finance Department regarding Capital Long-Range Improvement Committee (CLIC) Appointments, now recommends passage of the accompanying resolution approving the appointments for a two-year term, February 1, 2009 through January 31, 2011.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-123, approving appointments to the Capital Long-Range Improvement Committee (CLIC) for a two-year term expiring January 31, 2011, was adopted 3/27/2009 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 2009R-123**

**By Ostrow**

**Approving Appointments to the Capital Long-Range Improvements Committee (CLIC) for a two-year term expiring January 31, 2011.**

Resolved by The City Council of The City of Minneapolis:

**Council Appointments**

Michael Haynes

Roger Worm

Michael Hatting

**Council Ward #**

8

10

11

**Council Re-appointments**

Michael Vennewitz

Ginger DeRosier

Becca Vargo Daggett

Ann Jaede

Sue Pilarski

Anthony Hofstede

**Council Ward #**

1

1

2

2

3

3

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Jeffrey Strand	4
John Helgeland	4
Michael Paul Weber	5
Jennifer Day	5
Alena Chaps	6
Nancy Larson	6
Bruce Shnider	7
John Bernstein	7
Kris Brogan	9
Brad Pass	9
Tim Prinsen	10
Willie Bridges	11
John Barron	12
Ronald Leurquin	12
Rodger Ringham	13

**Mayoral Re-appointments**

**Council Ward #**

Raymond Dehn	5
Heather Fraser	5
Charles Vanek	9
Jason Blumenthal	13
John Finlayson	13
Adopted 3/27/2009.	
Absent - Colvin Roy.	

**W&M/Budget** - Your Committee recommends authorizing proper City officers in the City's Treasury Division to issue a Request for Proposals (RFP) for Investment Management Services to assist in managing the City investments; contingent upon approval by the Permanent Review Committee (PRC).

Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the following federal Neighborhood Stabilization Program (NSP) funds totaling \$14,003,239 from federal and state partners: U.S. Department of Housing and Urban Development (HUD) in the amount of \$5,601,967, and Minnesota Housing in the amount of \$8,401,272, now recommends the following:

a) Acceptance of Neighborhood Stabilization Program Grant Award in the amount of \$5,601,967 from the U.S. Department of Housing and Urban Development (HUD);

b) That the proper City officers be authorized to sign necessary award documents to receive said funds;

c) Passage of resolution increasing the 2009 Operating Budget revenue in the amount of \$14,003,239; and approving appropriations.

Adopted 3/27/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-124**

**By Ostrow**

**Amending The 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the 2009 Operating Budget revenue fund (01400-1230000) by \$14,003,239; and

b) Increasing the 2009 Operating Budget appropriations in the following departments:

1. Community Planning and Economic Development (01400-8900000) by \$12,023,239.
2. Regulatory Services (01400-8350000) by \$1,700,000.
3. Finance Department (01400-8200000) by \$140,000.
4. Intergovernmental Relations (01400-8410000) by \$140,000.

Adopted 3/27/2009.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the request to authorize proper City officers to enter into contracts with the top 3 selected temporary staffing agency providers for the 311 Contact Center, in accordance with the City's Request for Proposals (RFP) process; and upon receiving a hiring freeze waiver, now recommends that said request **be sent forward without recommendation.**

Ostrow moved that the report be referred back to the Ways & Means/Budget Committee.

Seconded.

Adopted 3/27/2009.

Absent - Colvin Roy.

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

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation Regulations*, (to update regulations related to demolition, designation, and historic resources; to introduce an article on conservation districts; and to clarify language within each article of the chapter) now recommends that the ordinance be sent forward without recommendation.

Schiff moved to amend the report by striking the language "sent forward without recommendation" and inserting in lieu thereof "given its second reading for amendment and passage and that the related findings prepared by the Department of Community Planning & Economic Development be adopted."  
Seconded.

Adopted upon unanimous consent.

Absent - Colvin Roy.

Gordon moved to amend Section 599.110 of the ordinance by adding language to the definition of Destruction to read as follows:

*"Destruction:* The removal, damage, or enclosure of architectural, mechanical, or landscape features that may have an adverse effect on the historical integrity and significance of a property including but not limited to, the removal of the primary façade(s), character defining façade(s), or the removal of the roof of the structure for the purpose of raising the overall height of the building or roof."  
Seconded.

Ostrow moved to amend Gordon's motion by changing the language to read as follows:

*"Destruction:* The removal, damage, or enclosure of architectural, mechanical, or landscape features, including but not limited to, the removal of the primary façade(s), character defining façade(s), or the removal of the roof of the structure for the purpose of raising the overall height of the building or roof that may have an adverse effect on the historical integrity and significance of a property."  
Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Gordon's motion, as amended, was adopted upon a voice vote.

Absent - Colvin Roy.

Schiff moved to amend Section 599.46 of the ordinance to read as follows:

**"599.460. Review of demolitions permits.** The planning director shall review all building permit applications that meet the definition for demolition or destruction for a demolition permit to determine whether the affected property is an historic resource. If the planning director determines that the property is not an historic resource, the demolition-building permit shall be approved. If the planning director determines that the property is an historic resource, the building permit shall not be issued without review and approval by the commission following a public hearing as provided in section 599.170." Seconded.

March 27, 2009

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Adopted upon a voice vote.  
Absent - Colvin Roy.  
The report, as amended, was adopted 3/27/2009.  
Absent - Colvin Roy.

Ordinance 2009-Or-023, amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation: Heritage Preservation Regulations*, regarding regulations related to demolition, designation and historic resources, was adopted 3/27/2009 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 2009-Or-023**  
**By Schiff**  
**Intro & 1st Reading: 1/9/2009**  
**Ref to: Z&P**  
**2nd Reading: 3/27/2009**

**Amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation: Heritage Preservation Regulations.**

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

Section 1. That Section 599.110 of the above-entitled ordinance be amended by adding and amending definitions in alphabetical sequence to read as follows:

**599.110. Definitions.**

*Cultural Resource.* An item, fixture, property, collection of properties, or place that is believed to have historical, cultural, architectural, archaeological or engineering integrity and significance.

*Demolition.* The act of moving or razing a building including the removal or enclosure of sixty (60) percent or more of the structure.

*Destruction.* The removal, damage or enclosure of architectural, mechanical or landscape features, including, but not limited to, the removal of the primary façade(s), character defining façade(s), or the removal of the roof of the structure for the purpose of raising the overall height of the building or roof, that may have an adverse effect on the historical integrity and significance of a property.

*Potential Historic District.* A collection of property that is believed to have historical, cultural, architectural, archaeological or engineering significance and to meet at least one (1) of the criteria for designation as an historic district as provided in this chapter.

*Significance.* The authenticity of a landmark, historic district, nominated property under interim protection or historic resource evidenced by association with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history; association with the lives of significant persons or groups; because it contains or is associated with distinctive elements of city or neighborhood identity; embodiment of the distinctive characteristics of an architectural or engineering type or style, or method of construction; its exemplification of a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail; exemplification as a work of master builders, engineers, designers, artists, craftsmen or architects; because it has yielded, or may be likely to yield, information important in prehistory or history.

*The Secretary of the Interior's Standards for Rehabilitation.* The most recent standards for rehabilitating historic buildings the treatment of historic properties established by the National Park Service, United States Department of the Interior.

Section 2. That Chapter 599 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 599.115 to read as follows:

**599.115. Concurrent review.** For the efficient administration of this preservation ordinance, whenever a project or proposal requires more than one (1) application for review by the planning director, heritage preservation commission, city planning commission and the board of adjustment, including but not limited to certificate of appropriateness, certificate on no change, historic variance, and transfer development rights, all applications shall be processed concurrently. Land use reviews by the zoning administrator, city planning commission, and the board of adjustment shall not be regulated by this section.

Section 3. That Section 599.120 (c), (d) and (f) of the above-entitled ordinance be amended to read as follows:

**599.120. Heritage preservation commission.**

(c) *Commission membership.* The commission shall consist of ~~eleven (11)~~ ten (10) members, each of whom shall reside in Minneapolis. Members shall be persons with demonstrated interest, knowledge, ability or expertise in historic preservation, neighborhood revitalization, archaeology, urban planning, history or architecture. One shall be the representative of the mayor. If available, at least two (2) shall be registered architects, at least one shall be a licensed real estate agent or appraiser, at least one shall reside in or own a landmark or property in an historic district, ~~at least one shall be a member of the Minneapolis committee on urban environment and if available~~ at least one (1) shall be a member of the Hennepin County historical society. All appointments, except the mayor's representative, shall be made by the city council and shall follow the open appointments process contained in section 14.180 of the Minneapolis Code of Ordinances, and as provided in the rules and procedures of the commission. Applicants for appointment to the commission shall be interviewed by a committee of the planning director; and one (1) member of the commission and one member of the city planning commission who shall recommend applicants to the zoning and planning committee of the city council. Members shall serve for a term of three (3) years, and shall be appointed as the terms of the present members of the commission expire. ~~The term of any member presently serving without a specified term shall begin on the effective date of this chapter. All members, including members of the commission serving on the effective date of this chapter, shall continue in office until their successors are appointed. The mayor's representative shall be appointed to the first available vacancy following adoption of this chapter. No member shall serve more than three (3) full terms consecutively. The term limit shall apply to present members of the commission upon their next reappointment following adoption of this chapter. Any member may reapply for appointment after missing one full term.~~

(d) *Public hearings.* The commission shall schedule public hearings not less than ~~twice~~ once per month, ~~except in those months where the chair determines that because of holiday schedules or the number of agenda items one (1) meeting is sufficient to carry out the commission's duties.~~ Such public hearings shall be noticed and conducted pursuant to the provisions of section 599.170.

(f) *Compensation.* Members of the commission shall be paid at the rate of fifty dollars (\$50.00) for each public hearing meeting attended with a limitation of ~~one (1) meeting per day~~ and four (4) meetings per month.

Section 4. That Section 599.160 (b) and (c) of the above-entitled ordinance be amended to read as follows:

**599.160. Application procedures.**

(b) *Determination of completeness of application.* The planning director shall review all applications and determine whether such applications are complete. ~~An application~~ Applications shall not be accepted as complete until the applicant has complied with all of the ~~requirements set forth in the application form, including the submission of all required supporting information and any required list of property owners.~~ following:

- (1) Submittal of all required application forms relating to the application, including all additional applications, as required in sections 599.120.
- (2) Submittal of all supporting information required by city ordinance, the planning director, the application forms, or by law, including a list of all owners of record of property

located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property, as identified in the records of the Hennepin County Department of Property Taxation.

- (3) Submittal of all applicable fees.
- (4) Submittal of all applicable environmental reviews.
- (5) Submittal of progress towards approval of all required state and federal reviews and permits where applicable. The planning director may, for good cause require application to provide written statement from the state or federal authority in whose review the work or permits are under consideration.
- (6) For all preservation applications requiring a public hearing as set forth in this preservation ordinance, except appeals of decisions of the heritage preservation commission, a pre-application meeting with city staff during which the appropriate application types, procedures, requirements and applicable preservation ordinance provisions are reviewed and explained.
- (7) For all preservation applications requiring a public hearing as set forth in this preservation ordinance, except appeals of decisions of the heritage preservation commission, submittal of evidence that notification of the application has been mailed or delivered to the ward council office and the neighborhood group(s) for the area in which the property is located. The neighborhood group(s) to be notified are those organizations that appear on the list maintained by the planning director for this purpose. The notification shall include the following information: a description of the project; the preservation approvals that the applicant is aware are needed for the project; the address of the property for which a preservation application is sought; and the applicant's name, address, telephone number, and e-mail address, if available. Where the property for which preservation approval is sought is located on a public street that acts as a boundary between two (2) neighborhoods, the above information shall also be provided to the neighborhood group(s) representing the adjacent area(s).

*(c) Incomplete applications.* If after the application has been accepted, the planning director determines that an application is not complete, the planning director shall notify the applicant in writing within fifteen (15) business days of receipt, specifying any deficiencies of the application, including any additional information that must be supplied, and that no further action shall be taken by the city on the application until the deficiencies are corrected.

- (1) Remedy of deficiencies. If the applicant fails to correct the specified deficiencies within thirty (30) calendar days of the notification of deficiency, the application shall be deemed withdrawn and will be returned to the applicant.
- (2) Extensions of time. Upon written request by the applicant, the planning director may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant by these application procedures.

Section 5. That Section 599.170 (a) of the above-entitled ordinance be amended to read as follows:

**599.170. Public hearings.** (a) *Notice.* For all applications requiring a public hearing as set forth in this chapter, except appeals of decisions of the heritage preservation commission, notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

- (1) Newspaper of general circulation. The planning director shall publish notice of the time, place and purpose of the public hearing at least once, not less than ten (10) calendar days before the hearing, in a newspaper of general circulation.
- (2) Affected property owners. The planning director shall mail notice to all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property not less than ten (10) calendar days before the hearing.
- (3) Registered neighborhood groups. The planning director shall mail notice of time, place and purpose of the public hearing to the registered neighborhood group(s) for the area

in which the subject property is located not less than ten (10) calendar days before the hearing.

(4) Posted card. Notice of time, place and purpose of such public hearing shall also be posted, with a card sign furnished by the planning director's office, on the four (4) corners of the site involved. Said sign shall be posted not later than ten (10) days prior to the date of the hearing.

Section 6. That Table 599.1 of the above-entitled ordinance be amended to read as follows:

Table 599.1 Fees

TABLE INSET:

<b>Application Type</b>	<b>Fee (Dollars)</b>
Appeal of the ruling of the heritage preservation commission	<del>300.00</del> <u>350.00</u>
Appeal of the ruling of the zoning administrator, planning director, or other official involved in the administration or the enforcement of this preservation ordinance	<del>300.00</del> <u>350.00</u>
Certificate of no change	0.00
Certificate of appropriateness	
Alteration	
0—5,000 sf of lot area	250.00
5,001—9,999 sf of lot area	450.00
10,000—43,559 sf of lot area	<del>650.00</del> <u>750.00</u>
43,560 sf of lot area or more	<del>850.00</del> <u>950.00</u>
<b>New construction</b>	
0—9,999 sf of lot area	450.00
10,000—43,559 sf of lot area	<del>650.00</del> <u>750.00</u>
43,560 sf of lot area or more	<del>850.00</del> <u>950.00</u>
<u>Demolition of historic resource</u>	<u>350.00</u>
Historic variance	250.00
Transfer development rights	350.00

Section 7. That Section 599.180 of the above-entitled ordinance be amended to read as follows:

**599.180. Appeals of decisions of the planning director.** All findings and decisions of the planning director, director of inspections or other official involved in the administration or the enforcement of these heritage preservation regulations shall be final subject to appeal to the heritage preservation commission, except that appeal of a decision of the director of inspections involving a violation of Title 5 of the Minneapolis Code of Ordinances, Building Code, or Title 12 of the Minneapolis Code of Ordinances, Housing, shall be as provided in the written order. Appeals may be initiated by any affected person by filing the appeal with the planning director on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160-~~;~~ and fees as specified in section 599.175. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed; No action shall be taken by any person to alter the property in any manner until after a final decision has been made by the heritage preservation commission, unless the planning director certifies to the commission, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The commission shall hold a public

hearing on each complete application for an appeal as provided in section 599.170. All findings and decisions of the commission concerning appeals shall be final, subject to appeal to the city council as specified in section 599.190.

Section 8. That Section 599.190 of the above-entitled ordinance be amended to read as follows:

**599.190. Appeals of decisions of the heritage preservation commission.** All decisions of the heritage preservation commission, except decisions to commence designation studies, designations, historic variances and transfers of development rights, shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the planning director on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160-, and fees as specified in section 599.175. All appeals shall be filed within ten (10) calendar days of the date of decision by the commission. No action shall be taken by any person to alter the property in any manner until expiration of the ten (10) day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the planning director shall mail notice of the hearing to the property owner and the surrounding property owners who were sent notice of the public hearing before the commission. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

Section 9. That Section 599.210 (3) of the above-entitled ordinance be amended to read as follows:

**599.210. Designation criteria.**

- (3) The property contains or is associated with distinctive elements of city or neighborhood identity.

Section 10. That Section 599.230 of the above-entitled ordinance be amended to read as follows:

**599.230. Commission decision on nomination.** The commission shall review all complete nomination applications. If the commission determines that a nominated property appears to meet at least one (1) of the criteria for designation contained in section 599.210, the commission may direct the planning director to ~~commence~~ prepare or cause to be prepared a designation study of the property. In cases where an application for demolition is initiated by the property owner, the planning director may determine that the property owner bears the full financial responsibility of conducting the designation study. In all cases, the planning director shall define the scope of services for a designation study, review qualifications of agent conducting study and make a determination of what constitutes a final submission upon completion.

Section 11. That Section 599.350 of the above-entitled ordinance be amended to read as follows:

**599.350. Required findings for certificate of appropriateness.** (a) *In general.* Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings ~~that the alteration will not materially impair the integrity of the landmark, historic district or nominated property under interim protection and is consistent with the applicable design guidelines adopted by the commission, or if design guidelines have not been adopted, is consistent with the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation, except as otherwise provided in this section:~~ based upon, but not limited to, the following:

- (1) The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.  
(2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.

- (3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.
- (4) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.
- (5) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.

*(b) Destruction of any property.* Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.

*(c) Adequate consideration of related documents and regulations.* Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings that alterations are proposed in a manner that demonstrates that the applicant has made adequate consideration of the following documents and regulations:

- (1) The description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.
- (2) Where applicable, Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.
- (3) The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstructing, and restoring historic buildings.

*(d) Additional findings for alterations within historic districts.* Before approving a certificate of appropriateness that involves alterations to a property within an historic district, the commission shall make findings based upon, but not limited to, the following:

- (1) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.
- (2) Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.
- (3) The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.

Section 12. That Section 599.420 of the above-entitled ordinance be amended to read as follows:

**599.420. Required findings for certificate of no change.** *(a) In general.* Before approving a certificate of no change, and based upon the evidence presented in each application submitted, the planning director shall determine that the application is consistent with the applicable design guidelines adopted by the commission, or if design guidelines have not been adopted, is consistent with the

recommendations contained in The Secretary of the Interior's Standards for Rehabilitation: make findings based upon, but not limited to, the following:

- (1) The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.
- (2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.
- (3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.
- (4) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.
- (5) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan.

(b) Additional findings for alterations within historic districts. Before approving a certificate of appropriateness that involves alterations to a property within an historic district, the commission shall make findings based upon, but not limited to, the following:

- (1) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.
- (2) Granting the certificate of no change will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.
- (3) The certificate of no change will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.

Section 13. That Section 599.460 of the above-entitled ordinance be amended to read as follows:

**599.460. Review of demolitions permits.** The planning director shall review all building permit applications for a demolition permit that meet the definition for demolition to determine whether the affected property is an historic resource. If the planning director determines that the property is not an historic resource, the ~~demolition~~ building permit shall be approved. If the planning director determines that the property is an historic resource, the ~~demolition~~ building permit shall not be issued without review and approval by the commission following a public hearing as provided in section 599.170.

Section 14. That Section 599.480 of the above-entitled ordinance be amended to read as follows:

**599.480. Commission decision.** (a) *In general.* If the commission determines that the property is not an historic resource, the commission shall approve the demolition permit. If the commission determines that the property is an historic resource, the commission shall deny the demolition permit and direct the planning director to ~~commence~~ prepare or cause to be prepared a designation study of the property, as provided in section 599.230, or shall approve the demolition permit as provided in this section.

(b) *Destruction of historic resource.* Before approving the demolition of a property determined to be an historic resource, the commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the demolition. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible

alternative uses. The commission may delay a final decision for ~~a reasonable period of time~~ up to one hundred eighty (180) days to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

(c) *Mitigation plan.* The commission may require a mitigation plan as a condition of any approval for demolition of an historic resource. Such plan may include the documentation of the property by measured drawings, photographic recording, historical research or other means appropriate to the significance of the property. Such plan also may include the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items for use in restoration elsewhere.

(d) *Demolition Delay.* The commission may stay the release of the building, wrecking or demolition permit for up to one hundred eighty (180) days as a condition of approval for a demolition of an historic resource if the resource has been found to contribute to a potential historic district to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it. The release of the permit may be allowed for emergency exception as required in section 599.50(b).

Adopted 3/27/2009.

Absent - Colvin Roy.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Excelsior Development, LLC, to vacate a portion of the alley adjacent to 912 East 24th Street and an easement corner cut adjacent to 2301 Elliot Avenue, both on the block bound by East 22nd Street, East 24th Street, Elliot Avenue South and 10th Avenue South (#1555), 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 portion and easement corner cut.

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-125, vacating a public alley at 912 E 24th St, was adopted 3/27/2009 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 2009R-125**

**By Schiff**

**Vacating part of the public alley in Block 2, Calhoun 2nd Addition to Minneapolis; (Vacation File No. 1555).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley "Beginning at a point on a line parallel to and 14.00 feet south of the north line of Lot 3, Block 2, Calhoun 2nd Addition to Minneapolis, distant 20.00 feet west of the east line of said Lot 3, thence easterly along said parallel line a distance of 20.00 feet to the east line of Lot 3, thence continuing easterly along the extension of said parallel line across an existing public alley a distance of 14.00 feet to the west line of Lot 14, said Block 2, thence south along the west line a distance of 6.00 feet, thence westerly 14.00 feet to a point on the east line of Lot 3, 22.00 feet south of the northeasterly corner of said Lot 3, thence northwesterly a distance of 20.88 feet to the point of beginning", all according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota, is hereby vacated.

Easement: A 10' X 10' "corner-cut" easement will be provided to the City of Minneapolis over the southeasterly corner of Lot 2, Block 2, Calhoun 2nd Addition to Minneapolis.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lowry Apartments Limited Partnership(BZZ-4296) to rezone the property at 2500 and 2510 Polk Street NE, and 947, 949, 953 and 955 Lowry Avenue NE from R5 to the C1 District to permit construction of a 4-story, mixed use development with a total of 31 residential units and approximately 6,500 square feet of ground level commercial space 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 3/27/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-024, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally* rezoning the property at 2500 and 2510 Polk Street NE, and 947, 949, 953 and 955 Lowry Avenue NE to the C1 District, was adopted 3/27/2009 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 2009-Or-024**  
**By Schiff**  
**1st & 2nd Readings: 3/27/2009**

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

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

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

That part of Lot 11. the East 37 feet of Lots 12 and 13, the East 35 feet of the West 140 feet of Lots 12 and 13, the East 35 feet of the West 105 feet of Lots 12 and 13, the East 35 feet of the West 70 feet of Lots 12 and 13, the West 35 feet of Lots 12 and 13, Block 10 Manages Supplement to East Side Addition to Minneapolis, Hennepin County, Minnesota (Abstract Property), (2500 and 2510 Polk Street NE, and 947, 949, 953 and 955 Lowry Avenue NE - Plate 10) to the C1 District.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Z&P** – Your Committee, having under consideration the *15th Avenue SE Urban Design Plan* as an articulation of and amendment to the policies found in ***The Minneapolis Plan for Sustainable Growth***, now recommends that the plan be approved.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, regarding establishing regulations and development standards for plazas and to authorize a variance from those development standards, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 525 relating to *Administration and Enforcement*; and
- b. Amending Chapter 535 relating to *Regulations of General Applicability*.

Adopted 3/27/2009.

Absent - Colvin Roy.

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Ordinance 2009-Or-025, amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement* regarding authorizing variances from regulations for plazas, was adopted 3/27/2009 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 2009-Or-025**  
**By Goodman**  
**Intro & 1st Reading: 11/7/2008**  
**Ref to: Z&P**  
**2nd Reading: 3/27/2009**

**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 525.520 of the above-entitled ordinance be amended to add the following language:

**525.520. Authorized variances.** Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

(29) To vary the development standards of Chapter 535, Plazas.

Adopted 3/27/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-026, amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability* regarding establishing regulations and development of standards for plazas, was adopted 3/27/2009 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 2009-Or-026**  
**By Goodman**  
**Intro & 1st Reading: 11/7/2008**  
**Ref to: Z&P**  
**2nd Reading: 3/27/2009**

**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 Chapter 535 of the Minneapolis Code of Ordinances be amended by adding thereto a new article XI, including new Sections 535.770-535.810, to read as follows:

ARTICLE XI. PLAZAS

**535.770. Purpose.** Standards governing plazas are established to promote year-round gathering places designed to enhance pedestrian access, interaction and visibility, reinforce public spaces, create community identity, promote public safety, and visually enhance development.

**535.780. Definitions.** As used in this article, the following words shall mean:

Plaza. An exterior open space designed for community gathering that is primarily hardscaped and accessible to the public, fronting along a public street, public sidewalk, or public pathway. Plazas shall include those on privately-owned property, public property and public right-of-way intended for active or passive use by the general public for circulation, seating, or activity space.

**535.790. Permitted uses subject to administrative review and approval.** Plazas shall be permitted in all zoning districts. Plazas with at least two thousand (2,000) square feet of contiguous area, shall be subject to administrative review and approval by the zoning administrator, as specified in section 535.800, and shall comply with the standards of section 535.810.

**535.800. Administrative review process.** (a) *In general.* The zoning administrator, in consultation with the planning director, shall 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. If proposed as part of a project that includes a separate land use application, a plaza may be reviewed concurrently with said application, provided all requirements of this section have been met.

(b) *Submittal requirements.* In addition to the general application requirements of Chapter 525, Administration and Enforcement, the applicant shall submit the following:

- (1) A scaled and dimensioned site plan, including the following items:
  - a. All property lines.
  - b. Adjacent streets, sidewalks, pathways and alleys, including proposed pedestrian access points.
  - c. Adjacent buildings with uses and heights identified, including pedestrian access from any adjacent buildings.
  - d. Square footages of plaza area with surface materials identified.
  - e. Any proposed right-of-way encroachments.
  - f. Planting plan showing existing plants to remain and proposed shrubs, trees, perennials, native grasses and groundcovers, including location and type.
  - g. Mechanical equipment, if any.
  - h. Proposed furnishings.
  - i. Proposed lighting.
  - j. Grading and drainage plan.
  - k. North arrow and date the plan was drawn.

(c) *Appeals.* Notwithstanding the provisions of Chapter 525, Administration and Enforcement, decisions of the zoning administrator regarding the administrative review of permitted plazas shall be subject to appeal to the city planning commission.

**535.810. Development standards for all permitted plazas.** All plazas with at least two thousand (2,000) square feet shall be subject to the following standards:

- (1) *Placement.*
  - a. The placement of plazas shall not detract from and shall enhance natural surveillance and visibility of adjacent spaces and public sidewalks and facilitate pedestrian access and circulation.
  - b. Plazas shall be designed to enhance interaction with occupants of adjacent buildings and uses.
- (2) *Access.*
  - a. All plazas shall be designed to allow for pedestrian and bicycle access through and/or around the plaza.
  - b. Multiple access points shall be provided for each plaza, with one access point being connected to a public street, public sidewalk or public pathway.
  - c. All plazas shall be designed in accordance with the accessibility requirements of the Americans with Disabilities Act.
  - d. Unobstructed walkways a minimum of four (4) feet in width shall connect the plaza to an entrance of any building on the same zoning lot.

- e. When adjacent to a transit stop, said transit stop shall be integrated into the design of the plaza.
- (3) Natural surveillance and visibility. Plazas shall be designed to control and guide movement through the site, promote natural observation and provide opportunities for people to observe adjacent spaces and public sidewalks.
- (4) Aerial obstructions. Plazas shall be unobstructed to the sky except for seating, arbors, trellises, kiosks, lighting, water features, public art and landscaping. Up to thirty (30) percent of the plaza area may include umbrellas, awnings or an arcade.
- (5) Surface materials. With the exception of landscaped areas, plazas shall be surfaced with durable and decorative materials, including but not limited to pervious pavers, decorative pavers, stamped concrete, colored concrete, or brick.
- (6) Seating.
  - a. A minimum of one (1) linear foot of seating shall be provided for each fifty (50) square feet of plaza area.
  - b. A minimum of twenty (20) percent of the required seating shall consist of fixed seating. A minimum of twenty (20) percent of the required seating shall consist of seating with backs.
  - c. A minimum of two different types of seating shall be required. Seating may take on multiple forms, including traditional and non-traditional seating, provided that it is accessible and all other seating requirements of this section are met.
  - d. All seating must be of appropriate ergonomic design.
  - e. Seating provided for sidewalk cafes or other adjacent uses shall not count toward the minimum seating requirement of this ordinance.
- (7) Encroachments and setbacks.
  - a. Plazas shall not encroach into the public right-of-way without the property owner first obtaining an encroachment permit.
  - b. All seating, water features, arbors, trellises, trash receptacles or other accessory equipment and furnishings shall comply with the minimum yard requirements of the zoning district in which they are located.
- (8) Plantings.
  - a. Plazas shall provide a minimum of one (1) tree for each one thousand (1,000) square feet of plaza area. If proposed as part of a project that has a general landscaping requirement, trees located in the plaza shall contribute toward compliance with the general landscaping requirement.
  - b. A landscaped area equivalent to ten (10) percent of the total plaza area may be provided in lieu of trees.
- (9) Additional amenities. Plazas must provide at least one of the following additional amenities. Plazas in excess of five thousand (5,000) square feet shall provide a minimum of two of the following additional amenities:
  - a. Living Wall. Provide a living wall on at least one building façade directly fronting on the plaza. The living wall shall be composed of panels that total a minimum of fifty (50) percent of the wall area on the building façade. A portion of the plantings shall provide greenery year round, if possible.
  - b. Water feature, including but not limited to, fountains, reflecting pools, children's play features and waterfalls. Water features shall be designed and maintained for year-round functionality and aesthetics.
  - c. Art feature. Art shall strive to promote quality design, enhance a sense of place and be maintained in good order for the life of the plaza. The art shall be located where it is highly visible to the public. The art shall be valued at not less than one-fourth (.25) of one (1) percent of the capital cost of the principal structure.
  - d. Moveable chairs. Such chairs shall be equivalent to twenty-five (25) percent of the minimum seating requirement. Moveable chairs may be removed during the nighttime hours of 8:00 p.m. to 7:00 a.m.

- e. Game tables and associated seating. A minimum of two (2) game tables and associated seating shall be provided.
  - f. Kiosk. Such kiosk may be no greater than one hundred (100) square feet in area and may only be occupied by uses permitted in the underlying zoning district.
  - g. Public drinking fountain. Such public drinking fountain shall be visible from an adjacent public street, public sidewalk or public pathway.
  - h. Stormwater functionality. Provide capacity for infiltrating stormwater generated onsite. Such stormwater amenity may be counted as two amenities if done in an artistic and educational manner.
- (10) Lighting. All plazas shall be illuminated in accordance with Chapter 535, Regulations of General Applicability.
- (11) Winter use. Plazas shall be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from winds, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal. Plazas should be located so that they receive natural sunlight during daytime hours in all seasons.
- (12) Trash receptacles. A minimum of one trash receptacle and one recycling receptacle shall be provided for each two thousand (2,000) square feet of plaza area.
- (13) Mechanical equipment. All exhaust vents and mechanical equipment located adjacent to a plaza shall be screened in accordance with the required screening provisions of Chapter 530, Site Plan Review.
- (14) Maintenance required. All plazas shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings. Minimum landscaping and seating requirements shall be maintained for the life of the plaza. All adjacent streets, sidewalks and pathways shall be inspected regularly for purposes of removing any litter found thereon.
- (15) Downtown districts. Projects seeking a floor area ratio premium in a downtown district by providing an outdoor urban open space shall comply with all requirements of this section and the requirements of the outdoor urban open space premium as specified in Chapter 549, Downtown Districts.

Adopted 3/27/2009.

Absent - Colvin Roy.

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, revising the floor area ratio regulations and minimum residential lot area per dwelling unit regulations in selected zoning districts, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 546 relating to *Residence Districts*; and
- b. Amending Chapter 548 relating to *Commercial Districts*.

Your Committee further recommends that Chapters 547 and 551 be returned to author.

Adopted 3/27/2009.

Absent - Colvin Roy.

Ordinance 2009-Or-027, amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts* regarding revising the floor area ratio regulations in selected zoning districts, was adopted 3/27/2009 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 2009-Or-027**  
**By Schiff**  
**Intro & 1st Reading: 11/21/2008**  
**Ref to: Z&P**  
**2nd Reading: 3/27/2009**

**Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.**

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

Section 1. That Section 546.440 of the above-entitled ordinance be amended to read as follows:

**546.440. Purpose.** The R3 Multiple-family District is established to provide an environment of predominantly single and two-family dwellings, cluster developments and smaller multiple-family developments on lots with a minimum of five thousand (5,000) square feet and at least ~~two thousand five hundred (2,500)~~ one thousand five hundred (1,500) square feet of lot area per dwelling unit. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 2. That Table 546-11 of the above-entitled ordinance be amended to read as follows:

**Table 546-11 R3 Lot Dimension and Building Bulk Requirements**

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>
<b>RESIDENTIAL USES</b>			
<b>Dwellings</b>			
Cluster development	7,500 or <del>2,500</del> <u>1,500</u> sq. ft. per dwelling unit, whichever is greater	40	None
Multiple-family dwelling	5,000 or <del>2,500</del> <u>1,500</u> sq. ft. per dwelling unit, whichever is greater	40	1.0
Planned residential development	2 acres or <del>2,500</del> <u>1,500</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.0

Section 3. That Section 546.490 of the above-entitled ordinance be amended to read as follows:

**546.490. Purpose.** The R4 Multiple-family District is established to provide an environment of predominantly medium density apartments and congregate living arrangements, single-family and two-family dwellings and cluster developments, on lots with a minimum of five thousand (5,000) square feet of lot area and at least ~~one thousand five hundred (1,500)~~ one thousand two hundred fifty (1,250) square feet of lot area per dwelling unit. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 4. That Table 546-13 of the above-entitled ordinance be amended to read as follows:

Table 546-13 R4 Lot Dimension and Building Bulk Requirements

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area (Multiplier)</i>	<i>Maximum Height</i>
<b>RESIDENTIAL USES</b>				
<b>Dwellings</b>				
Cluster development	5,000 or <del>4,500</del> <u>1,250</u> sq. ft. per dwelling unit, whichever is greater	40	None	2.5 stories, not to exceed 35 ft.
Multiple-family dwelling	5,000 or <del>4,500</del> <u>1,250</u> sq. ft. per dwelling unit, whichever is greater	40	1.5	4 stories, not to exceed 56 ft.
Planned residential development	2 acres or <del>1,500</del> <u>1,250</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	1.5	4 stories, not to exceed 56 ft.

Section 5. That Section 546.540 of the above-entitled ordinance be amended to read as follows:

**546.540. Purpose.** The R5 Multiple-family District is established to provide an environment of high density apartments, congregate living arrangements and cluster developments on lots with a minimum lot area of five thousand (5,000) square feet and at least ~~nine~~ seven hundred (~~900~~700) square feet of lot area per dwelling unit. In addition to residential uses, institutional and public uses and public services and utilities may be allowed.

Section 6. That Table 546-15 of the above-entitled ordinance be amended to read as follows:

Table 546-15 R5 Lot Dimension and Building Bulk Requirements

<i>Uses</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Maximum Floor Area Ratio (Multiplier)</i>	<i>Maximum Height</i>
<b>RESIDENTIAL USES</b>				
<b>Dwellings</b>				
Cluster development	5,000 or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever	40	None	2.5 stories, not to exceed 35 ft.

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Multiple-family dwelling	5,000 or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	40	2.0	4 stories, not to exceed 56 ft.
Planned residential development	2 acres or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.	2.0	4 stories, not to exceed 56 ft.
<b>Congregate Living</b>				
Community residential facility serving seven (7) to thirty-two (32) persons	5,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	40	2.0	4 stories, not to exceed 56 ft.
Fraternity or sorority	10,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	80	2.0	2.5 stories, not to exceed 35 ft.
Hospitality residence	10,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	80	2.0	4 stories, not to exceed 56 ft.
Supportive housing	5,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	40	2.0	4 stories, not to exceed 56 ft.

Adopted 3/27/2009.  
Absent - Colvin Roy.

Ordinance 2009-Or-028, amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts* regarding revising the minimum residential lot area per dwelling unit regulations in selected zoning districts, was adopted 3/27/2009 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 2009-Or-028**  
**By Schiff**  
**Intro & 1st Reading: 11/21/2008**  
**Ref to: Z&P**  
**2nd Reading: 3/27/2009**

**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 Table 548-4 of the above-entitled ordinance be amended to read as follows:

**Table 548-4 Residential Lot Dimension Requirements in the C1 District**

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Cluster development	5,000 or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	40
Dwelling unit, as part of a mixed use building	<del>900</del> <u>700</u> sq. ft. per dwelling unit	None
Multiple-family dwelling	5,000 or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	40
Planned residential development	2 acres or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.
<b>Congregate Living</b>		
Community residential facility serving seven (7) to sixteen (16) persons	5,000 or <del>900</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	40

Section 2. That Table 548-5 of the above-entitled ordinance be amended to read as follows:

**Table 548-5 Residential Lot Dimension Requirements in the C2 District**

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Cluster development	5,000 or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	40
Dwelling unit, as part of a mixed use building	<del>900</del> <u>700</u> sq. ft. per dwelling unit	None
Multiple-family dwelling	5,000 or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	40
Planned residential development	2 acres or <del>900</del> <u>700</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.

**Congregate Living**

Community residential facility serving seven (7) to thirty-two (32) persons	5,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	40
Inebriate housing	5,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	40
Supportive housing	5,000 or <del>750</del> <u>700</u> sq. ft. per rooming unit, whichever is greater	40

Section 3. That Table 548-7 of the above-entitled ordinance be amended to read as follows:

**Table 548-7 Residential Lot Dimension Requirements in the C3S District**

<i>Use</i>	<i>Minimum Lot Area (Square Feet)</i>	<i>Minimum Lot Width (Feet)</i>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Cluster development	5,000 or <del>900</del> <u>400</u> sq. ft. per dwelling unit, whichever is greater	40
Dwelling unit, as part of a mixed use building	<del>900</del> <u>400</u> sq. ft. per dwelling unit	None
Multiple-family dwelling	5,000 or <del>900</del> <u>400</u> sq. ft. per dwelling unit, whichever is greater	40
Planned residential development	2 acres or <del>900</del> <u>400</u> sq. ft. per dwelling unit, whichever is greater	As approved by C.U.P.
<b>Congregate Living</b>		
Community residential facility serving seven (7) to thirty-two (32) persons	5,000 or <del>750</del> <u>400</u> sq. ft. per rooming unit, whichever is greater	40

Section 4. That Section 548.410 of the above-entitled ordinance be amended to read as follows:

**548.410. Building bulk requirements.** The maximum height of all principal structures located in the C3S District, except single and two-family dwellings and cluster developments, shall be four (4) stories or fifty-six (56) feet, whichever is less. The maximum height of single and two-family dwellings and cluster developments shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum floor area ratio of all structures shall be ~~one~~ two and seven-tenths (~~1.7~~ 2.7)

Adopted 3/27/2009.

Absent - Colvin Roy.

**RESOLUTIONS**

Ostrow moved passage of the accompanying resolution amending Resolution 2009R-096 entitled "Appropriating Sanitary and Storm Sewer Enterprise Revenues to pay a portion of construction costs for the Public Works Hiawatha Facility", passed by the City Council on March 12, 2009, by correcting the transfer amount from \$1,450,000 to \$1,200,000. Seconded.

Adopted 3/27/2009.

Absent - Colvin Roy.

**RESOLUTION 2009R-126**

**By Ostrow**

**Amending Resolution 2009R-096 entitled "Appropriating Sanitary and Storm Sewer Enterprise Revenues to pay a portion of construction costs for the Public Works Hiawatha Facility", passed March 12, 2009.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by correcting the transfer amount from the Sanitary Sewer Enterprise funds to the Capital Improvements project fund to cover the non-bond funded share of construction costs for the Public Works Hiawatha Facility from \$1,450,000 to \$1,200,000, to read as follows:

Expense - Sanitary Sewer Fund 07100 – 1270100 – 904101	1,200,000
Revenue - Capital Improvements Fund 04100 – 9010923 – 387101	1,200,000

Adopted 3/27/2009.

Absent - Colvin Roy.

Resolution 2009R-127, establishing April 1, 2009, as Census Awareness Day, was adopted 3/27/2009 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 2009R-127**

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

**Establishing April 1, 2009, as Census Awareness Day.**

Whereas, the 2010 Decennial Census plays an essential role in the social and economic successes enjoyed by all residents of Minneapolis; and

Whereas, \$300 billion per year in federal and state funds are distributed based on Census counts; and

Whereas, the work of 2010 Decennial Census requires advanced planning, training, implementation and promotion in order to obtain a complete and accurate count of all residents of Minneapolis; and

Whereas, U.S. Census Awareness Week will be observed during the week of Monday, March 30, 2009, to recognize the importance of the 2010 Decennial Census and the contribution that it plays in securing that residents of Minneapolis are adequately represented at all levels of government, and that Minneapolitans receive their fair share of our nation's resources; and

Whereas, the theme of the Minneapolis' U.S. Census Awareness Day 2009 is "Stand-Up and Be Counted"; and

Whereas, achieving a complete count of all city residents is crucial to achieving the City's goal of "One Minneapolis;"

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Whereas, the City of Minneapolis intends to improve on its 2000 Census response rate of 67%;  
Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council does hereby declare April 1, 2009, as U.S. Census Awareness Day, recognizing the value of a complete and accurate Decennial Census and calls upon all Minneapolitans to support and promote the 2010 Census over the next year in order to achieve a complete count throughout our entire City.

Adopted 3/27/2009.

Absent - Colvin Roy.

Ostrow moved to postpone a proposed resolution honoring the 2008-2009 State Champion South High Lady Tigers Basketball Team until 4/24/2009. Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

Ostrow moved to postpone a proposed resolution honoring all-time leading scorer Tayler Hill until 4/24/2009. Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

### UNFINISHED BUSINESS

**HE&E** – Your Committee, to whom was referred an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, adding a vice chairperson to be appointed by the Mayor, with the chairperson and vice chairperson to have two-year staggered terms; and allowing the Board to appoint an acting chairperson in the absence of a chairperson or vice chairperson with full authority to conduct actions, now recommends that said ordinance be given its second reading for amendment and passage.

Gordon moved that Section 172.30 of the ordinance be amended to read as follows:

**“172.30. Review authority membership.** (a) *Composition.* The review authority shall be comprised of eleven (11) members, six (6) of whom shall be appointed by the city council, and five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. The members shall serve for terms of four (4) years. From the members, a chairperson and vice-chairperson of the review authority shall be appointed by the mayor, for a ~~staggered terms~~ of two (2) years, subject to the approval of a majority of the city council. ~~The vice-chairperson shall only have chairperson duties in the absence of the chairperson. In the absence of a chairperson or vice-chairperson, the board shall appoint an acting chairperson by a majority vote to serve until the next board meeting or until a chairperson is duly appointed.~~ **In the absence of a chairperson or vice-chairperson, the chairperson or vice-chairperson may designate an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. If the chairperson or vice-chairperson are unable for any reason to designate an acting chairperson, the board shall appoint an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed.** The acting chairperson shall have full authority to conduct actions of the chairperson. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.” Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy.

The report was adopted 3/27/2009.

Absent – Colvin Roy.

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Ordinance 2009-Or-029, amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, amending Section 172.30 to add a vice chairperson to be appointed by the Mayor, with the chairperson and vice chairperson to have two-year staggered terms; and to allow for the appointment of an acting chairperson in the absence of a chairperson or vice chairperson with full authority to conduct actions, was adopted 3/6/2009 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 2009-Or-029**  
**By Benson**  
**Intro & 1st Reading: 7/11/2008**  
**Ref to: HE&E**  
**2nd Reading: 3/27/2009**

**Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.**

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

Section 1. That Section 172.30 (a) of the above-entitled ordinance be amended to read as follows:

**172.30. Review authority membership.** (a) *Composition.* The review authority shall be comprised of eleven (11) members, six (6) of whom shall be appointed by the city council, and five (5) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council. The members shall serve for terms of four (4) years. From the members, a chairperson and vice-chairperson of the review authority shall be appointed by the mayor, for a staggered terms of two (2) years, subject to the approval of a majority of the city council. The vice-chairperson shall only have chairperson duties in the absence of the chairperson. In the absence of a chairperson or vice-chairperson, the chairperson or vice-chairperson may designate an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. If the chairperson or vice-chairperson are unable for any reason to designate an acting chairperson, the board shall appoint an acting chairperson to serve until the next board meeting or until a chairperson is duly appointed. The acting chairperson shall have full authority to conduct actions of the chairperson. All members shall continue to serve until their successors have been appointed. A majority of the members shall constitute a quorum.

Adopted 3/27/2009.

Absent – Colvin Roy.

Pursuant to previous notice, Ostrow moved to introduce an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, for first reading and referral to the Ways & Means/Budget Committee, as follows:

a) Article I, Conflict of interest (correcting a typographical error) and Soliciting or accepting gifts (conforming language to the language of the state gift ban)

b) Article III, Ethical practices board (changing the appointment process and eliminating the requirement to submit a budget request) and Ethics education (requiring ethics education every three years). Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

Pursuant to previous notice, Gordon moved to introduce an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, for first reading and referral to the Public Safety & Regulatory Services Committee (that Section 341.775 relating to Review of Fares shall become effective on March 1, 2010; and prior to March 1, 2010, the

maximum meter fare amounts for mileage charges shall be equal to the amounts as were authorized to be charged on February 28, 2009.). Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

### NEW BUSINESS

Schiff moved to introduce the subject matter of an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, for first reading and referral to the Zoning & Planning Committee (to amend fees for land use applications). Seconded.

Adopted by unanimous consent 3/27/2009.

Absent - Colvin Roy.

Schiff moved to introduce the subject matter of an ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations, for first reading and referral to the Zoning & Planning Committee (to amend fees for subdivision applications). Seconded.

Adopted by unanimous consent 3/27/2009.

Absent - Colvin Roy.

Benson moved to introduce an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, for first reading and referral to the Public Safety & Regulatory Services Committee (limiting the amount of time that a personal storage container may be placed at a residence). Seconded.

Adopted by unanimous consent 3/27/2009.

Absent - Colvin Roy.

Lilligren moved to adjourn to Room 315 City Hall for the purpose of discussing the initiation of a lawsuit by the City of Minneapolis against Hotels.com; Hotwire.com; Cheap Tickets, Inc.; Expedia, Inc.; Orbitz, LLC; Priceline.com, Inc.; Travelocity.com, Inc.; and/or other online companies. Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

Room 315 City Hall

Minneapolis, Minnesota

March 27, 2009 - 10:45 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Glidden, Remington, Benson, Goodman, Hodges, Ostrow, President Johnson.

Absent - Lilligren, Gordon, Samuels, Hofstede, Schiff, Colvin Roy.

Segal stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the initiation of a lawsuit by the City of Minneapolis against Hotels.com; Hotwire.com; Cheap Tickets, Inc.; Expedia, Inc.; Orbitz, LLC; Priceline.com, Inc.; Travelocity.com, Inc.; and/or other online companies.

At 10:46 a.m., Ostrow moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Gordon, Samuels, Hofstede, Schiff, Colvin Roy.

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Present - Council Members Glidden, Remington, Benson, Goodman, Hodges, Samuels (in at 10:57 a.m.), Gordon (in at 10:48 a.m.), Hofstede (in at 10:55 a.m.), Ostrow, Schiff (in at 10:50 a.m.), Lilligren (in at 10:55 a.m.), President Johnson.

Absent – Council Member Colvin Roy.

Also present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (in at 10:48 and out at 11:01 a.m.); R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Irene Kasper, City Clerk's Office.

Segal summarized the matter of the initiation of a lawsuit by the City of Minneapolis against Hotels.com; Hotwire.com; Cheap Tickets, Inc.; Expedia, Inc.; Orbitz, LLC; Priceline.com, Inc.; Travelocity.com, Inc.; and/or other online companies, from 10:46 a.m. to 11:08 a.m.

At 11:08 a.m., Hodges moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Hodges moved to adjourn. Seconded.

Adopted upon a voice vote 3/27/2009.

Absent - Colvin Roy.

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

Steven J. Ristuben,  
City Clerk.

Unofficial Posting: 4/01/2009  
Official Posting: 4/3/2009; 5/4/2009  
Corrections: 12/3/2009