

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF AUGUST 3, 2007

(Published August 11, 2007, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

August 3, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda so as to consider the resolution declaring a State of Emergency in the City of Minneapolis at the beginning of the meeting. Seconded.

Adopted up a voice vote.

Johnson moved to amend the agenda to include a briefing on the Interstate 35W bridge collapse to follow the closed session. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote 8/3/2007.

Lilligren moved acceptance of the minutes of the regular meeting of July 20, 2007. Seconded.

Adopted upon a voice vote 8/3/2007.

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

Adopted upon a voice vote 8/3/2007.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272165)

Easement Interest Sale (re Stimson Building Property, 700 Hennepin Ave).

1822 Park LLC (a/k/a Central Community Housing Trust, 1822 Park Ave): Preliminary & final approval to issue bonds for improvements to apartment building.

MDI Limited Partnership #64 (re Minnehaha Apartments, a/k/a Vantage Flats, 5341, 5345 & 5359 Minnehaha Ave): Final approval to issue bonds for affordable housing project.

3707 Girard Ave N: Authorize Hennepin County Housing & Redevelopment Authority to conduct business with the City, to act as a pass through for sale of property.

Hennepin County Housing & Redevelopment Authority: Endorse one grant applicatoin to Metropolitan Council 2007 Livable Communities Demonstration Account for Henepin County Lowry Avenue Corridor Redevelopment.

Coloplast Project (1525, 1601 & 1615 W River Rd): Project analysis authorization.

Hennepin County Housing & Redevelopment Authority Affordable Housing Incentive Fund: Financial assistance to 11 projects & approving ownership of 10 units at 2414 Park Ave S.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272167)

Environmental Remediation Grants: Awards by MN Department of Employment & Economic Development Contamination Clean Up & Investigation Grant Program; Metropolitan Council Livable Communities Tax Base Revitalization Account Grant Program & Hennepin County Environmental Response Fund.

Bids:

1818-26th Ave N (OP #6817);

2109 Aldrich Ave N (OP #6827).

FY 2007 HOME Budget & HOME Program Income: Approve.

GRANTS AND SPECIAL PROJECTS (272168)

Department of Housing & Urban Development Housing Opportunities for Persons with AIDS: Approve funding for Metropolitan Council HRA & Minnesota AIDS Project.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (272166)

Folwell NRP Phase II Neighborhood Action Plan.

Bryant Neighborhood: Hennepin County "Second 7.5%" NRP funds for Urban Arts Academy.

HEALTH AND HUMAN SERVICES:

REGULATORY SERVICES (272169)

Minneapolis Air Quality Study: Summer 2007 Report.

UNIVERSITY OF MINNESOTA (272170)

Civil Rights Contract Compliance Unit: PowerPoint regarding evaluation of Unit.

HEALTH AND HUMAN SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272171)

Workforce Investment Act: Authorize Mayor sign Program Year 2007 local plan.

HEALTH AND FAMILY SUPPORT SERVICES (272172)

Senior Citizen Advisory Committee: Approve reappointments of Mary Ann Blade; Terry Diebold; Rosemary (Sully) Gilbert; Elana Gravitz; and Marilyn Holm.

HEALTH AND HUMAN SERVICES and INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272173)

Workforce Service Area: Support Minneapolis as a Workforce Service Area.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272174)

NorthWay Family Project: Accept \$380,000 and execute contract with NorthWay Community Trust to provide family-centered approach to serving disadvantaged and low income youth/families.

HEALTH AND FAMILY SUPPORT SERVICES (272175)

Grant to Improve Reproductive Health Services for Young Males in Minneapolis: Accept \$116,500 federal grant funds; and Passage of Resolution approving appropriation. (9 votes)

HUMAN RESOURCES (272176)

Citywide Health and Wellness Program: Establish a comprehensive Citywide Health and Wellness Program that affirms the City's commitment to employees' overall health and well-being.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (272177)
Second Quarter 2007 Report.

INTERGOVERNMENTAL RELATIONS (See Rep):

FINANCE DEPARTMENT (272178)

Mpls Firefighters' Relief Association (MFRA): Local approval requirement for legislation increasing MFRA's supplemental retirement benefits by up to 1/2 of excess investment income.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (272179)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (272180)

Tree Servicing: Ordinance establishing professional certification and performance standards for Tree Servicing licensees.

La Vina Restaurant and Banquet Center (3010 4th Av S): Conditions relating to application for On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Brito Auto Paint, Collision & Mechanics (3013 Pillsbury Av S): Grant Motor Vehicle Repair Garage License, subject to conditions.

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

FIRE DEPARTMENT (272181)

Donation to Fire Department: Accept exercise equipment.

POLICE DEPARTMENT (272182)

Auto Theft Prevention Program: Accept 1997 Honda Civic.

Auto Theft Prevention: Accept funds and execute agreement with Pillsbury United Communities for police overtime in Central Weed and Seed Program.

Auto Theft Prevention Program Grant: Accept funds and execute agreement with Minnesota Department of Public Safety to support prosecuting auto thieves.

Speed Limit Enforcement Grant: Accept funds and execute agreement with Minnesota Department of Public Safety for increased enforcement targeting speed violations and other enforcement to reduce accidents.

State Buffer Zone Protection Grant: Amend agreement with State of Minnesota to extend grant period and increase amount for expenses incurred for homeland, buffer zone security.

Financial Crimes Task Force: Amend contract with Minnesota Department of Public Safety for funding to support one Police Department investigator.

POLICE DEPARTMENT (272183)

Bomb Unit: Accept grant and execute agreement with Minnesota Department of Public Safety for equipment and training related to bomb and hazardous materials detection and disposal.

Bomb Disposal Services: Execute Joint Powers Agreement with Minnesota Department of Public Safety to provide services to other jurisdictions within the State as needed.

Tobacco-Related Investigations: Execute agreement with North St. Paul Police Department and Twin Cities Task Force for investigations.

Hennepin County/Minneapolis Drug Task Force: Accept funding and execute agreement with Minnesota Department of Public Safety to participate in 2007 Task Force.

Minnesota Gang Strike Force: Accept additional grant and amend agreement with State of Minnesota for one commander and up to seven officers on Metro Gang Strike Force.

PUBLIC WORKS AND ENGINEERING (272184)

Emergency Operations Training Facility: City and County to proceed with design, construction and commissioning of the proposed facility at City's Fire Training site at 25 37th Av NE; Request that

Hennepin County support City's request for State Bonding; and Negotiate, prepare and execute appropriate development, ownership, operating and maintenance management agreements with Hennepin County for project and site.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (272185)

Excavation Permit Fees: a) Proposed changes (deleted from agenda); and b) Correspondence from Qwest Corporation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272186)

Uptown Art Fair: Approve block event permit.

Heritage Park: Increase contract with Veit & Company, Inc.

Joint Cooperative Agreement: With City of St. Paul for use of public works personnel and equipment.

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

PUBLIC WORKS AND ENGINEERING (272187)

2007 Alley Resurfacing Program: a) Assessment public hearing; and b) Order work to proceed.

Heritage Park: Accept grants from Mississippi Watershed Management Organization and the State of Minnesota for infrastructure work.

Skyway Agreement: Connection between Ivy Hotel and Residence and 11th and Marquette Municipal Parking Ramp.

East River Parkway Bridge: a) Transfer funds from 5th Av S Project; and b) Increase contract with Edward Kraemer and Sons.

Project Close-Outs: Accept final costs and close out 54 projects.

WAYS AND MEANS BUDGET:

ATTORNEY (272188)

Park Dedication Fees: Legal Update on Park Board Ordinance.

CITY CLERK (272189)

July 2007 Budget Status Report.

FINANCE DEPARTMENT (272190)

Long-term Mutual Fund Equity Investment: Liquidation in MCDA Account.

FINANCE DEPARTMENT (272191)

Workers' Compensation Expenses: 2nd, 3rd, 4th Quarter 2006; and 1st, 2nd Quarter 2007.

POLICE DEPARTMENT (272192)

July 2007 Budget Status Report.

PUBLIC WORKS AND ENGINEERING (272193)

Water Works July 2007 Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272194)

Legal Settlements: Felicia Craig and Shauna Vega.

FINANCE DEPARTMENT (272195)

2nd Quarter 2007 Gift Acceptance; increased value amount to \$15,000 or less.

HUMAN RESOURCES (272196)

Life and Long-term Disability Insurance coverage: RFP.

Administration Resources Corporation (ARC): Contract extension; and amend to reflect increase in administration fees.

Reclassified Position: Director, Transportation Planning and Engineering.

AFSCME 911 Unit: Wage reopener agreement.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272197)

Interim Use Permit:

Ackerberg Group (2838 Fremont Ave S): To allow a temporary 174-space surface parking lot.

INSPECTIONS/BOARD OF ADJUSTMENT (272198)

Appeal:

Tam Le (2759 Marshall St NE): Re decision of Board of Adjustment conditionally approving variances for construction of a duplex.

PLANNING COMMISSION/DEPARTMENT (272199)

Appeals:

Pacific Flats, LLC (215 and 223 2nd St N): Re decision of the City Planning Commission re site plan review for development of an 11-story hotel.

Pacific Flats, LLC (206, 214, 214 1/2 and 218 Washington Ave N and 216 2nd Ave N): Re decision of the City Planning Commission re site plan review for development of an 11-story mixed-use building.

Vacations:

Pacific Flats, LLC (215 and 223 2nd St N): Platted alley.

Barbara Lutz (alley north of 533 Sheridan Ave N): Public alley right-of-way for construction of a LEED certified single family home at 535 Sheridan Ave N.

Midtown Medical (2804 Chicago Ave, 2829 Columbus Ave & 723,727 and 731 28th St E): Public alley.

Rezoning:

Midtown Medical (2804 Chicago Ave, 2829 Columbus Ave & 723,727 and 731 28th St E): 731 28th St E.

PLANNING COMMISSION/DEPARTMENT (272200)

Zoning Code Text Amendment:

Ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, to limit the size of food and beverages uses in Industrial Districts: Chapter 550 relating to Industrial Districts; Chapter 551 relating to Overlay Districts

COMMITTEE OF THE WHOLE:

COORDINATOR (272201)

2008 Republication National Convention - Free Speech Work Group: Operating principles.

FILED:

CHARTER COMMISSION (272202)

Charter Revision: a) Draft 9A; b) Response to Lane Analysis; c) IRV Charter Amendment; and d) H.F. No 1973 (all submitted 6/6/07).

Charter Revision: a) Draft 9B; and b) Response to Lane Analysis (all submitted 8/1/07).

CHARTER COMMISSION (272203)

Charter Revision: a) Drafts dating back to February 2004; and b) City Attorney's analyses of Drafts 5, 6, and 9.

HENNEPIN COUNTY (272204)

Environmental Quality Report.

MAYOR (272204.1)

Mayor's Declaration of Emergency: Re collapse of I35W bridge over Mississippi River.

MINNESOTA STATE OFFICES-Auditor (272205)

Ltr & Management & Compliance Report, Library Board, Yr ended 12-31-06.

FAIRVIEW HEALTH SERVICES (272206)

Vacate 24th Ave S, between vacated 6th St. S and Riverside Ave.

FAIRVIEW HEALTH SERVICES (272207)

Vacate 7th St. S between 24th Ave S and 25th Ave S, near Riverside Ave.

OLIN 4, LLC (272208)

Vacate Alley at 48th Ave S, behind Minnehaha Ave, near 53rd St E.

The following reports were signed by Mayor Rybak on August 6, 2007, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the 2008 Republican National Convention, now recommends approval of the Free Speech Work Group Operating Principles, as set forth in Petn No 272201 on file in the office of the City Clerk.

Your Committee further directs the Free Speech Work Group to create a model for how the City can preserve the right to political speech and civic debate without disrupting community life during the 2008 Republican National Convention. The model the group develops will include strategies to help:

- 1) Secure the right of the community to constitutional association, speech, and petition;
 - 2) Ensure that any time/place/manner restrictions are used only as absolutely needed to protect legitimate public safety purposes;
 - 3) Ensure that time/place/manner restrictions are fixed by local groups with expertise in relevant areas and with mutual commitment to constitutional priorities;
 - 4) Ensure that utmost care is taken in differentiating lawful and protected organizing and speech from "terrorist" security concerns;
 - 5) Minimize community inconvenience from public street closures and the movement of entourages; and
 - 6) Ensure that law enforcement will:
 - a) Not engage in "infiltration" of lawful and protected associations;
 - b) Not use any information gained through such "infiltration"; and
 - c) Treat those exercising constitutional rights of association, speech and petition respectfully.
- Adopted 8/3/2007.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the easement interest in Tract T of the Stimson Building property at 700 Hennepin Ave to Stimson Partners LLC.

Adopted 8/3/2007.

Resolution 2007R-374, authorizing sale of Easement Interest in the Stimson Building, Disposition Parcel SB-2B, at 700 Hennepin Ave, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-374

By Goodman

Authorizing sale of Easement Interest in the Stimson Building, Disposition Parcel SB-2B, at 700 Hennepin Ave.

Whereas, the City owns an easement interest in the Stimson Building at 700 Hennepin Avenue;
and

Whereas, the City and Stimson Partners, LLC have entered into that certain Contract for Deed for Sale of Outdoor Advertising Display Lease and Easement dated as of January 4, 2007 for the property;
and

AUGUST 3, 2007

Whereas, the Department of Community Planning & Economic Development (CPED) Appraiser has previously determined this transaction price to be fair re-use value and has previously reported this to the City Council; and

Whereas, the conveyance of the lease and easement was negotiated in conjunction with the sale of the Stimson Building on January 4, 2007. City Council approved the sale of the Stimson Building and billboard lease in August 2004; however did not approve the conveyance of the easement at that time; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on July 13, 2007, a public hearing on this conveyance was duly held on July 24, 2007, 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 proper City officers be authorized to execute a Quit Claim Deed and related documents for sale of the easement interest legally described as Parcel SB-2B; 700 Hennepin Avenue: All Seller's right, title and interest in Tract T, Registered Land Survey No. 1771, situated in the County of Hennepin and State of Minnesota.

Adopted 8/3/2007.

Comm Dev— Your Committee, having under consideration the issuance of revenue bonds on behalf of 1822 Park LLC (a/k/a Central Community Housing Trust), to finance expenses associated with major renovations of an 18-unit apartment building at 1822 Park Ave, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,100,000 in 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency (MCDA) Revenue Bonds for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 8/3/2007.

Resolution 2007R-375, giving preliminary and final approval to and authorizing the financing of a project on behalf of 1822 Park LLC at 1822 Park Ave, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-375

By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of 1822 Park LLC (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond or note in an amount not to exceed \$1,100,000 (the "Bond") to finance the improvement by the Company of an 18-unit apartment building located at 1822 Park Avenue in the City, to be used by the Company for rental housing with services for persons with mental disabilities; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate (subject to adjustment) expected to not exceed 6.00% per annum, shall have a final maturity date not later than December 1, 2032, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount of up to \$1,100,000 for the purpose of financing the rental housing facility described above.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 8/3/2007.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of MDI Limited Partnership #64 for the Minnehaha Avenue Apartments (a/k/a Vantage Flats), a 37-unit mixed-income affordable housing project at 5341, 5345 and 5359 Minnehaha Ave, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$3,915,000 in Tax-Exempt Multi-family Rental Housing Entitlement Bonds for said project.

Adopted 8/3/2007.

Resolution 2007R-376, authorizing the issuance, sale and delivery of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – Vantage Flats Project), Series 2007A and Subordinate Multifamily Housing Revenue Bonds (Vantage Flats Project at 5341, 5345 and 5359 Minnehaha Ave), Series 2007B; prescribing the form of and authorizing the execution of related documents; authorizing the use of an official statement; and providing for the security, rights and remedies of the holders of said revenue bonds, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-376

By Goodman

Authorizing the issuance, sale and delivery of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – Vantage Flats Project), Series 2007A and Subordinate Multifamily Housing Revenue Bonds (Vantage Flats Project), Series 2007B; prescribing the form of and authorizing the execution of related documents; authorizing the use of an official statement; and providing for the security, rights and remedies of the holders of said revenue bonds.

Whereas, the City of Minneapolis, Minnesota (the "City") is a municipal corporation and political subdivision duly organized and existing under the Constitution and laws of the State of Minnesota; and

Whereas, pursuant to the Constitution and laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described therein and contemplated thereby in the financing of housing within its jurisdiction, by issuing revenue bonds to defray, in whole or in part, the development costs of a low and moderate income rental housing development, and by entering into any agreements made in connection therewith and by pledging any such agreements as security for the payment of the principal of and interest on any such revenue bonds; and

Whereas, MDI Limited Partnership #64, a Minnesota limited partnership (the "Owner") has requested the City to issue its Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – Vantage Flats Project) Series 2007A (the "Senior Bonds") and its Subordinate Multifamily Housing Revenue Bonds (Vantage Flats Project), Series 2007B (the "Subordinate Bonds" and together with the Senior Bonds, the "Bonds"); and

Whereas, the proceeds of the Bonds will be loaned to the Owner and used to finance a project consisting of 37 units of multifamily housing in a four-story elevator building over below grade parking (the "Project"), to be located on the site with current addresses of 5341, 5345 and 5359 Minnehaha Avenue in the City; and

Whereas, by Resolution 2007R-302 adopted June 29, 2007 and published July 7, 2007, the City adopted a housing finance program for the issuance of the Bonds (the "Program") after a public hearing held thereon and gave its preliminary approval to the issuance of the Bonds to finance the Project which was referred to therein as Minnehaha Apartments, but has since been renamed Vantage Flats; and

Whereas, the Bonds shall be payable solely from amounts pledged therefor under the Indenture hereinafter referred to, and neither the City (except to the extent of the trust estate pledged in the Indenture or pledged to the payment of the Subordinate Bonds), Hennepin County (the "County") nor the State of Minnesota nor any political subdivision thereof shall be liable on the Bonds, and the Bonds shall not be a debt of the City (except to the extent of the trust estate pledged in the Indenture or pledged to the payment of the Subordinate Bonds), the County or the State of Minnesota or any political subdivision thereof, and in any event shall not give rise to a charge against the credit or taxing power of the Issuer, the County, the State of Minnesota, or any political subdivision thereof; and

Whereas, forms of the following documents (including the exhibits referred to therein) (the "Senior Bond Documents") have been submitted to the City for approval:

- (a) The Indenture of Trust relating to the Senior Bonds;
- (b) The Financing Agreement relating to the Senior Bonds;
- (c) The Housing Regulatory Agreement; and
- (d) The Preliminary Official Statement relating to the Senior Bonds;

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

That the City acknowledges, finds, determines, and declares that the preservation of the quality of life in the City is dependent upon the maintenance, provision, and preservation of an adequate housing stock, which is affordable to persons and families of low or moderate income, and that accomplishing this is a public purpose.

Be It Further Resolved that the Project constitutes a "multifamily housing development" authorized by the Act, and furthers the purposes of the Act.

Be It Further Resolved that under the provisions of Section 462C.07 of the Act, the Bonds shall be special obligations of the City payable solely from the revenues of the Project. The Bonds do not constitute an indebtedness, liability, general or moral obligation (except to the extent of the trust estate pledged under the Indenture or the Subordinate Bond documents) or a pledge of the faith and credit or any taxing power of the City, Hennepin County, the State of Minnesota, or any political subdivision thereof.

Be It Further Resolved that for the purpose of financing a portion of the cost of the Project, there is hereby authorized the issuance of the Bonds, in an aggregate principal amount not to exceed \$3,915,000. The Bonds shall bear interest at such rates, not to exceed 6.5% per annum for the Senior Bonds and not to exceed 7.5% per annum for the Subordinate Bonds, shall be in such denominations, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other details and provisions as are prescribed by the Indenture described herein, as to the Senior Bonds, and the Subordinate Bond documents, as to the Subordinate Bonds. The final principal amount and interest rate shall be approved by the Finance Officer of the City (the "Finance Officer"), in his discretion; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

Be It Further Resolved that the City hereby authorizes and directs the Finance Officer to execute the Senior Bond Documents and the documents prepared in connection with the issuance of the Subordinate Bonds (the "Subordinate Bond Documents"), and hereby authorizes and directs the execution of the Bonds in accordance with the Indenture and the Subordinate Bond Documents, and hereby provides that the Indenture and Subordinate Bond Documents shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the bondholders, the City, and the Trustee as set forth therein.

Be It Further Resolved that all of the provisions of the Senior Bond Documents and Subordinate Bond Documents, when executed as authorized herein, shall be in full force and effect from the date

of execution and delivery thereof. The Senior Bond Documents and the Subordinate Bond Documents shall be substantially in the forms on file with the City on the date hereof, and are hereby approved, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such forms and as the Finance Officer, in his discretion, shall determine; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

Be It Further Resolved that the Finance Officer is hereby designated as the representative of the City with respect to the issuance of the Bonds and the transactions related thereto and is hereby authorized and directed to accept and execute the Bond Purchase Agreements for the sale of the Bonds to the initial purchasers thereof. All of the provisions of the Bond Purchase Agreements, when executed and delivered as authorized herein, shall be in full force and effect from the date of execution and delivery thereof. The Bond Purchase Agreements shall be substantially in the forms on file with the City on the date hereof, and are hereby approved, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such forms as the Finance Officer, in his discretion, shall determine; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

Be It Further Resolved that except as otherwise provided in this Resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed, upon the City by the provisions of this Resolution, the Indenture, the Subordinate Bond Documents or other documents authorized hereby shall be exercised or performed by the City, or by such officers, board, body, or agency as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained or contained in the Indenture, the Subordinate Bond Documents or other documents authorized hereby shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any officer, agent, or employee of the City in that person's individual capacity, and neither the members of this City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this Resolution or in the Indenture, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the City, and the Trustee, as fiduciary for owners of the Bonds, any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision hereof or of the Indenture or any provision thereof; this Resolution, the Indenture and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and the Trustee as fiduciary for owners of the Bonds issued under the provisions of this Resolution, the Indenture and the Subordinate Bond Documents, and the Owner to the extent expressly provided in the Indenture and the Subordinate Bond Documents.

Be It Further Resolved that in case any one or more of the provisions of this Resolution or of the Indenture, the Subordinate Bond Documents or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, the Indenture, the Subordinate Bond Documents or of the Bonds, but this Resolution, the Indenture, the Subordinate Bond Documents and the Bonds shall be construed as if such illegal or invalid provision had not been contained therein. The terms and conditions set forth in the Indenture and the Subordinate Bond Documents, the pledge of revenues derived from the Project referred to in the Indenture and the Subordinate Bond Documents, the pledge of collateral derived from the Project referred to in the Indenture and the Subordinate Bond Documents, the creation of the funds provided for in the Indenture and the Subordinate Bond Documents, the provisions relating to the application of the proceeds derived from the sale of the Bonds pursuant to and under the Indenture and the Subordinate Bond Documents, and the application of said revenues, collateral, and other monies are all commitments, obligations, and agreements on the part of the City contained in the Indenture and the Subordinate Bond Documents, and the invalidity of the Indenture or the Subordinate Bond Documents shall not affect the commitments, obligations, and agreements on the part of the City to create such funds and to apply said revenues, other monies, and proceeds of the Bonds for the purposes, in the manner, and according to the terms and conditions fixed in the Indenture or the Subordinate Bond Documents, it being the intention hereof that such commitments on the part of the

City are as binding as if contained in this Resolution separate and apart from the Indenture and the Subordinate Bond Documents.

Be It Further Resolved that the Mayor, the City Clerk and the Finance Officer of the City, officers of the City, and attorneys and other agents or employees of the City are hereby authorized to do all acts and things required by them by or in connection with this Resolution and the Indenture, the Subordinate Bond Documents and the other documents referred to above for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the Indenture, the Subordinate Bond Documents and the other documents referred to above, and this Resolution.

Be It Further Resolved that the City hereby authorizes the use by the Underwriter in connection with the sale of the Senior Bonds, of a preliminary and final Official Statement, in substantially the form of the Preliminary Official Statement on file with the City as of the date hereof. The Official Statement is the sole material authorized by the City for use in connection with the offer and sale of the Senior Bonds. The City has not made any independent investigation of the information contained in the Official Statement, makes no representations or warranties as to the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that the Finance Officer and other officers of the City are authorized and directed to execute any and all certificates, agreements or other documents which are required by the Indenture, the other Senior Bond Documents, the Subordinate Bond Documents or the Bond Purchase Agreements, or any other agreements, certificates or documents which are deemed necessary or appropriate by bond counsel to evidence the validity or enforceability of the Bonds, the Indenture, the Subordinate Bond Documents or the other documents referred to in this Resolution, or to evidence compliance with Section 42(m) or Section 142(d) of the Internal Revenue Code of 1986, as amended; and all such agreements or representations when made shall be deemed to be agreements or representations, as the case may be, of the City.

Be It Further Resolved that if for any reason the Finance Officer of the City is unable to execute and deliver those documents referred to in this Resolution, any member of the City Council of the City may execute and deliver such documents with the same force and effect as if such documents were executed by the Finance Officer.

Be It Further Resolved that this Resolution shall be in full force and effect upon publication.
Adopted 8/3/2007.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the Hennepin County Housing and Redevelopment Agency to conduct business within the City of Minneapolis for the purpose of acting as a pass through for the property located at 3707 Girard Ave N to the City of Lakes Community Land Trust, to provide a long term affordable home ownership opportunity in the City.

Adopted 8/3/2007.

Resolution 2007R-377, approving the acquisition and sale of tax-forfeited land at 3707 Girard Ave N, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-377

By Goodman

Approving the acquisition and sale of tax-forfeited land at 3707 Girard Avenue North.

Whereas, the Hennepin County Housing and Redevelopment Authority proposes to purchase tax-forfeited land located at 3707 Girard Avenue North in Minneapolis, Minnesota, and convey said land to City of Lakes Community Land Trust for the development of affordable single family housing (the "Project"); and

Whereas, Minnesota Statutes, Section 383B.77, Subd 3, requires that this City Council must approve a project undertaken by the Hennepin County Housing and Redevelopment Authority before such a project may be undertaken within this City; and

Whereas, it is deemed in the best interest of this community to approve the Hennepin County Housing and Redevelopment Authority's implementation of the Project as an approved project;

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

That pursuant to Minnesota Statutes, Section 383B.77, Subd 3, the City Council approves the Project and approves of the Project assistance to be provided by the Hennepin County Housing and Redevelopment Authority to facilitate the acquisition and redevelopment of the subject property, subject to the following requirements: That this City retains its jurisdiction over all issues of local concern relating to zoning, land usage, building code requirements and compliance with all applicable city codes and ordinances.

Adopted 8/3/2007.

Comm Dev - Your Committee recommends that the City endorses one Metropolitan Council Livable Communities Demonstration Account (LCDA) Grant application from the Hennepin County Housing and Redevelopment Authority requesting the amount of \$750,000, and that the City supports the project as part of the Hennepin County West Lowry Avenue Corridor Redevelopment. Said grant application will not be put in priority order among the other LCDA grant applications submitted by the City of Minneapolis.

Adopted 8/3/2007.

Comm Dev - Your Committee, having under consideration the Coloplast project at 1525, 1601 and 1615 W River Rd, now recommends that the proper City officers be authorized to continue the analysis of the Coloplast project proposal; negotiate terms and conditions of a redevelopment contract with Coloplast; and prepare a redevelopment plan and tax increment financing plan for this project, subject to final determination of project eligibility, required reviews, public input, notices, and hearings.

Adopted 8/3/2007.

Comm Dev – Your Committee recommends passage of the accompanying resolution approving Hennepin County Housing and Redevelopment Authority (HRA) Affordable Housing Incentive Fund (AHIF) financial assistance to the following projects located in Minneapolis, and approving Hennepin County HRA ownership of ten units at 2414 Park Ave S:

- a) 1822 Park, \$250,000
- b) Abbott View, \$520,000
- c) Alliance Housing Scattered Sites Rehab, \$176,620
- d) Bridge Center for Youth, \$300,000
- e) CLCLT Homebuyer Initiated Program, \$450,000
- f) LSS Park Avenue Apartments, \$500,000
- g) Minnehaha Avenue Apartments, \$400,000
- h) Minnesota Lead-Safe Housing Partnership, \$100,000
- i) Spirit on Lake Cooperative, \$225,000
- j) The Nokoma, \$370,000
- k) Van Cleve Apartments West Phase II, \$120,000

Adopted 8/3/2007.

Resolution 2007R-378, granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to 1822 Park (\$250,000), Abbott View (\$520,000), Alliance Housing Scattered Sites Rehabilitation (\$176,620), Bridge Center for Youth (\$300,000), CLCLT Homebuyer Initiated Program (\$450,000), LSS Park Avenue Apartments (\$500,000), Minnehaha Avenue Apartments (\$400,000), MN Lead-Safe Housing Partnership (\$100,000), Spirit on Lake Cooperative (\$225,000), The Nokoma (\$370,000), and Van Cleve Apartments West, Phase II (\$120,000) and own real property containing ten units of rental housing serving families experiencing homelessness pursuant to the Minnesota Housing Finance Agency's Publicly Owned Housing

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Program, under the Minnesota Housing and Redevelopment Authorities Act, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-378
By Goodman

Granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to 1822 Park (\$250,000), Abbott View (\$520,000), Alliance Housing Scattered Sites Rehabilitation (\$176,620), Bridge Center for Youth (\$300,000), CLCLT Homebuyer Initiated Program (\$450,000), LSS Park Avenue Apartments (\$500,000), Minnehaha Avenue Apartments (\$400,000), MN Lead-Safe Housing Partnership (\$100,000), Spirit on Lake Cooperative (\$225,000), The Nokoma (\$370,000), and Van Cleve Apartments West, Phase II (\$120,000) and own real property containing ten units of rental housing serving families experiencing homelessness pursuant to the Minnesota Housing Finance Agency's Publicly Owned Housing Program, under the Minnesota Housing and Redevelopment Authorities Act.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development ("CPED") that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to \$3,411,620, for the eleven (11) projects identified in this resolution in Minneapolis, Minnesota (the "Projects"); and

Whereas, the County HRA will purchase and own real property at 2414 Park Avenue, Minneapolis, Minnesota (the "Property") for the development of ten permanent supportive rental housing units; and

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

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance for the Projects and ownership of the Property in the City;

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to \$3,411,620 from the County HRA and the ownership of the Property which will utilize funding by the State of Minnesota for acquisition and construction of ten rental units solely for the purpose of creating ten permanent supportive rental units as conditioned by the Minnesota Housing Finance Agency.

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

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

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects and Property to be undertaken.

Adopted 8/3/2007.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the two applications in response to request for proposals for grant funding for the 2007 round of the Department of Housing & Urban Development (HUD) Housing Opportunities for Persons with AIDS (HOPWA) Program, now recommends approval of funding for Metropolitan Council HRA, and Minnesota AIDS Project, and that the proper City officers be authorized to execute agreements as necessary to implement subrecipient and subgrantee contracts.

Adopted 8/3/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant applications, now recommends that the proper City officers be authorized to accept and appropriate the following grant awards with the agencies and for projects listed below, and that the proper City officers be authorized to execute grant, subrecipient and/or disbursement and related agreements for these grants:

Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Awards:

1. Coloplast, \$54,500
2. Delisi Building, \$47,500
3. Longfellow Station, \$295,200
4. Seward Co-op, \$102,600

Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program Awards:

1. 1361 Tyler St NE (former Crown Iron/Electric Machinery), \$698,850
2. Coloplast, \$890,000
3. Longfellow Station, \$265,000

Hennepin County Environmental Response Fund Grant Awards:

1. 1361 Tyler St NE (former Crown Iron/Electric Machinery), \$35,100; recipient City of Minneapolis, on behalf of E 7th St POS, LLC
2. Franklin Steele Commons (Franklin-Portland Gateway Phase IV), \$15,000; recipient Central Community Housing Trust
3. Midwest Machinery Building, \$68,750; recipient City of Minneapolis
4. Riverside Market, \$169,338; recipient Seward Redesign for Riverside Ventures LLC
5. Spirit on Lake Cooperative, \$37,150; recipient Powderhorn Residents Group, Inc
6. Van White Memorial Boulevard/Bassett Creek Valley Enhancement, \$400,000; recipient City of Minneapolis

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation to reflect the receipt of grant funds, and increasing the revenue budget.

Adopted 8/3/2007.

RESOLUTION 2007R-379

By Goodman and Ostrow

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation for the Community Planning and Economic Development (CPED) Agency in the Other Grants - State & Local Fund (0600-890-8933) by \$1,828,550 (\$733,950-1361 Tyler Street NE; \$944,500-Coloplast; \$47,500-Delisi Building; and \$102,600-Riverside Market);

b) Increasing the appropriation for the CPED Agency in the Other Grants - State & Local Fund (0600-890-8952) by \$1,028,950 (\$560,200-Longfellow Station; \$68,750-Midwest Machinery; and \$400,000-Van White Memorial Boulevard/Bassett Creek Enhancement);

c) Increasing the CPED revenue source (0600-890-8490-3215-04) by \$1,853,850; revenue source (0600-890-8490-3215-13) by \$499,800 and revenue source (0600-890-8490-3220-02) by \$503,850.

Adopted 8/3/2007.

(Republished 9/19/2007)

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6817 from AA Contracting, Inc in the amount of \$152,020 to furnish all labor, materials, equipment, and incidentals necessary for the new home construction at 1818 - 26th Ave N.

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

Adopted 8/3/2007.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development on OP No. 6827 from AA Contracting, Inc in the amount of \$205,810 to furnish and deliver all labor, materials, equipment, and incidentals necessary to construct a new single family home, garage and site work at 2109 Aldrich Ave N.

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

Adopted 8/3/2007.

Comm Dev & W&M/Budget - Your Committee recommends approval of the Fiscal Year 2007 HOME Budget, as set forth in the Department of Community Planning & Economic Development staff report.

Your Committee further recommends passage of the accompanying resolution increasing the CPED appropriation by \$1,026,129 to reflect HOME program income accrual.

Adopted 8/3/2007.

**RESOLUTION 2007R-380
By Goodman and Ostrow**

Amending the 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Fund (FGO0-890-8952) by \$1,026,129.

Adopted 8/3/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Folwell Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

a) Approval of said action plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$730,376;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$229,869 in the NRP fund for implementation of said Plan;

c) Referral of \$448,982 for Plan implementation in a reserve account within Fund CNR0 for future year expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan be obligated in the first three years after approval of the Plan; and

d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.
Adopted 8/3/2007.

**RESOLUTION 2007R-381
By Goodman and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNRO-890-3550) by \$229,869.
Adopted 8/3/2007.

Comm Dev & W&M/Budget - Your Committee, having under consideration Hennepin County's "Second 7.5%" Neighborhood Revitalization Program (NRP) funds for the Bryant Neighborhood NRP Plan, now recommends:

- a) Approval of the use of \$10,000 of the County's "Second 7.5%" NRP funds to support the Urban Arts Academy programs in the Bryant Neighborhood, retroactive to 1/1/2006;
- b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$10,000 in the NRP fund; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said request.
Adopted 8/3/2007.

**RESOLUTION 2007R-382
By Goodman and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNRO-890-3550) by \$10,000.
Adopted 8/3/2007.

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

HE&E - Your Committee recommends that the Mayor be authorized to sign the Program Year 2007 Local Plan for the Workforce Investment Act (WIA) during the period July 1, 2007 to June 30, 2008.
Adopted 8/3/2007.

HE&E - Your Committee recommends concurrence with the City Council to reappoint the following persons to serve on the Senior Citizen Advisory Committee for two-year terms to expire December 31, 2008:

- Mary Ann Blade, representing Minnesota Visiting Nurse Agency
- Terry Diebold, representing Ward 10
- Rosemary (Sully) Gilbert, representing Ward 8
- Elana Gravitz, representing Hennepin County
- Marilyn Holm, representing Ward 12.
Adopted 8/3/2007.

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The HEALTH, ENERGY & ENVIRONMENT and INTERGOVERNMENTAL RELATIONS Committees submitted the following report:

HE&E & IGR - Your Committee recommends passage of the accompanying resolution supporting Minneapolis as a Workforce Service Area.

Adopted 8/3/2007.

Resolution 2007R-383, supporting Minneapolis as a Workforce Service Area, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-383
By Benson and Hodges**

Supporting Minneapolis as a Workforce Service Area.

Whereas, the Minnesota Department of Employment and Economic Development intends to consider the issue of Workforce Service Area geographic designation over the summer of 2007; and

Whereas, the Legislative Auditor also conducted a study of the Workforce System in February 2005 and made no suggestion that boundaries should be changed; and

Whereas, the Governor's Workforce Development Council concluded in a study in February 2004 that there was no reason to re-draw the workforce service area geographic boundaries at that time; and

Whereas, the City of Minneapolis Employment and Training Program (METP), as a Workforce Service Area, receives and administers funds from federal and state sources; and

Whereas, METP uses this government funding to leverage additional dollars from other sources to target the City's highest priority employment and training challenges to create programs such as Close-the-Gap that successfully closed the unemployment rate gap between Minneapolis and the surrounding metro area; and

Whereas, the City of Minneapolis has a unique service delivery structure that is designed to identify and respond to the unique needs of the City's diverse population which also has higher concentrations of poverty and limited English proficiency than surrounding areas; and

Whereas, METP runs outcome-based programs that have had outstanding effectiveness and efficiency in comparison with similar programs nationwide; and

Whereas, a local approach to employment and training in Minneapolis allows the City to be flexible and most responsive to resident and employer workforce needs; and

Whereas, the Minneapolis Private Industry Council/Workforce Council already actively participates in the Metropolitan Workforce Council to coordinate and collaborate on important regional initiatives; and

Whereas, the City of Minneapolis Private Industry Council/Workforce Council has successfully recruited influential local business leaders to serve on the board, whose leadership enhances business participation for the entire workforce development system in the region; therefore

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

That the City expresses strong support for maintaining the City of Minneapolis' status as a Workforce Service Area in order to best meet the job training needs of the residents and businesses in Minneapolis.

Be It Further Resolved that the City expresses concern that redrawing workforce service area boundaries would detract from the good work that local workforce investment boards are currently achieving in collaboration with their local partners.

Adopted 8/3/2007.

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

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$380,000 and execute a contract with NorthWay Community Trust to provide a family-centered approach to serving disadvantaged and low income youth and their families in North Minneapolis by obtaining work based life skills as part of the NorthWay Family Project during the period June 15, 2007 to June 14, 2008.

Adopted 8/3/2007.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds totaling \$116,500 as part of the federal grant to improve reproductive health services for young males in Minneapolis. Further, passage of the accompanying resolution appropriation \$116,500 to the Department of Health & Family Support.

Adopted 8/3/2007.

**RESOLUTION 2007R-384
By Benson and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8618) by \$116,500 and increasing the Revenue Source (030-860-8618 - Source 3210) by \$116,500.

Adopted 8/3/2007.

HE&E & W&M/Budget - Your Committee recommends passage of the accompanying resolution establishing a comprehensive Citywide Health and Wellness Program that affirms the City's commitment to employees' overall health and well-being.

Adopted 8/3/2007.

Resolution 2007R-385, establishing a comprehensive Citywide Health and Wellness Program that affirms the City's commitment to employees' overall health and well-being, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-385
By Hodges, Benson and Ostrow**

Establishing a comprehensive Citywide Health and Wellness Program that affirms the City's commitment to employees' overall health and well-being.

Whereas, the City is committed to providing opportunities for employees to improve their health and quality of life; and

Whereas, the City continues to demonstrate a strong leadership role in seeking solutions to stabilize rising health care costs; and

Whereas, the City encourages employees to become better health care consumers as evidenced by past support of the medical plan changes in 2004 and subsequent council actions, including but not limited to, considering a commitment to health and wellness programming when selecting our health plan insurer; and

Whereas, the City's most prevalent and costly conditions such as cardiovascular, diabetes and mental health may be directly impacted by lifestyle factors, such as nutrition, physical activity and maintaining a healthy weight; and

Whereas, research shows that comprehensive health and wellness programs increase employees' overall health and productivity and reduce health care costs, absenteeism and workers' compensation costs; and

Whereas, the City will continue to partner with union representatives, benefit plan vendors, city council departments, independent boards and agencies and employees to identify and implement strategies and programs to assist employees lead healthier lifestyles and decrease rising health care costs.

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

That the City Council does hereby declare that it will assist employees in leading healthier lives by supporting activities associated with a comprehensive Health and Wellness Program to be extended to employees and retirees of the City and its independent boards and agencies with the goal of reduced health care costs and an improved quality of life at work and at home.

Be It Further Resolved that the City Council will support the formation of a Wellness Committee that will develop and promote a comprehensive Health and Wellness Program to address our most costly and prevalent areas of risk. Such committee will be composed of all levels of employees, both represented and non represented, from various departments across the City. The departments of Human Resources and Health and Family Support will establish and co-chair the committee.

Be It Further Resolved that all departments will allow and encourage employees to participate in health and wellness activities.

Be It Further Resolved that the Wellness Committee will report annually on the program participation and other findings to the Executive Sponsor, to include one Council Member, one union representative, the Director of Human Resources and the Commissioner of Health.

Adopted 8/3/2007.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee recommends passage of the accompanying resolution opposing Laws of Minnesota 2007; Chapter 134, Article 9, Section 2, relating to the Minneapolis Firefighters' Relief Association doubling the excess investment income amount available for distribution to members in the form of postretirement benefit increase checks.

Adopted 8/3/2007.

Declining to vote - Johnson.

Resolution 2007R-386, opposing Laws of Minnesota 2007 Legislative Session; Chapter 134, Article 9, Section 2 relating to the Minneapolis Firefighters' Relief Association doubling the excess investment income amount available for distribution to members in the form of postretirement benefit increase checks, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-386

By Hodges

Opposing Laws of Minnesota 2007 Legislative Session; Chapter 134, Article 9, Section 2.

Whereas, the Minnesota State Legislature has passed legislation relating to the Minneapolis Firefighters' Relief Association (MFRA) doubling the excess investment income amount available for distribution to members in the form of postretirement benefit increase checks; and

Whereas, the City of Minneapolis has shown its commitment to meeting its obligations to retirees by fully funding all contributions to these funds as required by statute; and

Whereas, the MFRA is currently only 88% funded; and

Whereas supplemental excess investment income checks are being issued to retirees at the same time the City is levying \$3.1 million for MFRA; and

Whereas, MFRA's members have received ten distributions of excess investment distribution checks since 1992 in average annual amounts ranging from \$1,800 to over \$10,000 per member; and

Whereas, on June 1, 2007 postretirement benefit checks for retirees with forty-two units were estimated at \$2,582; and

Whereas, in the future event of a market down turn, the taxpayers of the City of Minneapolis will bear the full responsibility for any liabilities created by increases to short-term payouts to members; and

Whereas, the City maintains its position that the most appropriate use of these taxpayer dollars would accelerate MFRA's return to full funding; and

Whereas, said legislation, by its terms, requires an affirmative vote of a majority of the members of the City Council by the first day of the next regular session of the legislature before it may become effective; and

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

That the Minneapolis City Council does not approve said legislation.

Adopted 8/3/2007.

Declining to vote - Johnson.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tree Servicing*, establishing professional certification and performance standards for Tree Servicing licensees, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/3/2007.

Ordinance 2007-Or-056 amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Tree Servicing*, amending Section 347.20, 347.30, 347.35, 347.40, 347.50, 347.60, 347.65 and 347.90 to establish professional certification and performance standards for Tree Servicing licensees, was adopted 8/3/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-056
By Ostrow
Intro & 1st Reading: 6/29/2007
Ref to: PS&RS
2nd Reading: 8/3/2007

Amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing.

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

Section 1. That Section 347.20 of the above-entitled ordinance be amended to read as follows:

347.20. License required. No person shall engage in tree servicing for hire, or engage in the business of so doing, without being licensed under this chapter, except that residents or owners of a subject property and persons holding garbage or refuse haulers' licenses pursuant to Chapter 225 of this Code shall be excluded from the provisions of this chapter if they are engaged solely in the removal or hauling away of trees or parts thereof.

Section 2. That Section 347.30 of the above-entitled ordinance be amended to read as follows:

347.30. Application for license. Any person desiring to engage in the business of tree servicing shall apply to the director of licenses and consumer services, hereinafter referred to as director, for a license; ~~which~~ The application shall state the name and address of the applicant; whether applicant

is an individual, partnership, firm or corporation; the number, make and style of vehicles to be used by the applicant in carrying on the business of servicing; and the names of the individual or individuals possessing the certification or educational degree required pursuant to section 347.35, and such application shall be accompanied by payment of the license fee.

Section 3. That Chapter 347 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 347.35 to read as follows:

347.35. ISA certification or Urban forestry or Arboriculturist degree required. All licensees shall employ an individual who possess current certification as an arborist from the International Society of Arboriculture (ISA) or post-secondary degree in urban forestry, arboriculturist, or an equivalent area of study, from an accredited institution of higher learning before a license will be issued to the applicant. An individual certified arborist, or urban forester or arboriculturist may not, at any time, be designated as the person in responsible charge of work by more than one (1) tree servicer. The certified arborist or urban forester or arboriculturist shall be responsible for property and tree protection, provide supervision of tree servicing, and comply with all applicable American National Standards for Arboricultural (ANSI) standards. Tree service licensees who obtained their license from the City of Minneapolis prior to the passing of this ordinance shall provide the name or names of the certified arborists or urban foresters or arboriculturist by December 31, 2008. In the event of a major storm or other tree emergency, the director may, upon request by the director of Forestry of the Minneapolis Park and Recreation Board, exempt tree servicers who are under contract with the board to provide removal of diseased or infested trees and stumps from the requirements of this section for services completed under such contracts.

Section 4. That Section 347.40 of the above-entitled ordinance be amended to read as follows:

347.40. Insurance required. No license or renewal shall be granted until the applicant shall first have filed with the ~~director of licenses and consumer services~~ an insurance policy or certificate thereof issued by an insurance company authorized to do business in the State of Minnesota, insuring said applicant for at least one hundred thousand dollars (\$100,000.00) against liability for bodily injuries or death of any person not covered by workmen's compensation law, for at least three hundred thousand dollars (\$300,000.00) against liability for bodily injuries or death to more than one person from one accident, and for at least one hundred thousand dollars (\$100,000.00) against liability for damage to or destruction of property in connection with or by reason of any type of tree servicing ~~for hire~~. Said policy shall provide that it may not be canceled by the insurer except after thirty (30) days' written notice to the ~~director of licenses and consumer services~~, and if such insurance is so canceled and the licensee shall fail to replace the same with another policy conforming to the provisions of this chapter, said license shall be automatically suspended until such insurance shall have been replaced. In addition, each license applicant shall also supply a certificate of insurance of workmen's compensation when such insurance is required by state statute.

Section 5. That Section 347.50 of the above-entitled ordinance be amended to read as follows:

347.50. Register of licenses required. The ~~director of licenses and consumer services~~ shall keep a register of each license issued, the number thereof, the name of the licensee, the date when issued, the date of expiration, and any other data bearing upon the enforcement of this chapter.

Section 6. That Section 347.60 of the above-entitled ordinance be amended to read as follows:

347.60. Marking of vehicles. At the time a license is issued, the applicant shall be furnished with a suitable license certificate for each self-propelled vehicle used in tree servicing. Such certificate shall be permanently and prominently affixed and displayed on the upper half of the driver's side door at all times. ~~Such certificate shall be procured and issued by the director of licenses and consumer services, and the licensee shall pay for each certificate, in excess of the first paid, the sum of seven dollars (\$7.00).~~ In addition, no self-propelled vehicle may be used in tree servicing unless such vehicle shall have the licensee's name, address and telephone number affixed in a prominent manner on the outer sides of the vehicle in letters of not less than ~~three (3)~~ two (2) inches in height.

Section 7. That Chapter 347 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 347.65 to read as follows:

347.65. Estimate Required. A copy of a written estimate shall be provided to the owner for approval prior to any work to be performed. This estimate shall include the name and address of the business thereon, a detailed description of all services or work performed and the total estimated cost

of the services provided. In the event that a determination is made that the actual charges for the services will exceed the total written estimate by the sum of the ten (10) percent of the total written estimate, the customer shall be immediately notified of the new charges. A customer so notified may authorize or cancel the service. The customer shall be responsible for payment of services provided. In no event shall a customer be required to pay more than the amount of the original written estimate plus ten (10) percent of the original written estimate if the customer did not receive notification of a change in estimate.

Section 8. That Chapter 347 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 347.90 to read as follows:

347.90. Denial, refusal to renew, suspension and revocation of licenses. An application for a license under this chapter may be denied or a license issued under this chapter may be revoked or suspended for good cause.

Adopted 8/3/2007.

PS&RS - Your Committee, having under consideration the application of Full and Content Inc, dba Black Bamboo, 333 S 7th St, for an On-Sale Liquor Class E with Sunday Sales License (change from On-Sale Wine Class E with Strong Beer) to expire April 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/3/2007.

PS&RS - Your Committee, having under consideration the application of Sanctuary Restaurant LLC, dba Sanctuary Restaurant, 903 Washington Av S, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2008 and a 2:00 a.m. License issued by the State of Minnesota, 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 8/3/2007.

Approved by Mayor Rybak 8/3/2007.

(Published 8/7/2007)

PS&RS - Your Committee, having under consideration the application of La Vina Restaurant and Banquet Center, 3010 4th Av S, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire April 1, 2008, now recommends that said license application and the following conditions be sent forward without recommendation:

1. Must operate as a banquet facility as defined by Section 360.10 of the Minneapolis Code of Ordinances: "An establishment which is under the control of a single proprietor or manager which has suitable facilities for serving meals on premises where the meal service consists of no less than one entrée, complete with vegetable, salad, bread or rolls, and beverage, either catered or prepared on-site; which has facilities for seating not fewer than 50 guests at one time at tables; which is not open to the general public but which is available for rental by individuals or groups for meetings, parties, weddings, or similar occasions; and in which the equipment and premises meet the provisions of all the food and health codes."

2. Must provide rental agreements upon request for inspection by the Licensing staff.

3. If any operational change takes place, the business plan on file will need to be amended, and the change approved by the City of Minneapolis prior to any change taking place.

4. Strict compliance with all City of Minneapolis, State of Minnesota and Federal laws.

5. Full menu food service will be available during all hours of operation.

6. All 100 parking stalls located at 400 E Lake St reserved for valet service must be marked for La Vina. This service must remain free of charge.

7. One quarter of determined occupancy in front restaurant area and three quarters of occupancy in banquet center.

8. Report the 70/30 food to alcohol sales monthly for the first three months of operations.

9. Rental fees and merchandise charges must be listed separately from food to alcohol sales.

10. La Vina will not contract with promoters or allow promoters to rent the banquet center.

11. No ticket sales at the door; only guests that are invited to the event/celebration.

12. Comply with the City Noise Ordinance, Section 360.55 of the Code.

13. On Fridays and Saturdays, food and alcohol service will cease at 1:00 a.m.; alcohol will be cleared off tables by 1:15 a.m.; and customers will leave by 1:30 a.m. On Sundays through Thursdays, food and alcohol service will cease at 11:00 p.m.; alcohol will be cleared off tables by 11:15 p.m.; and customers will leave by 11:30 p.m. There will be an allotted amount of six non-weekend events per year that will have an end time of 1:00 a.m. Notification to Licensing and the 3rd Precinct will be required in advance of these events.

14. Submit detailed security plan by July 16, 2007 and implement if approved by the City of Minneapolis.

15. Licensing staff will call a community meeting approximately one year after opening of the restaurant to evaluate the parking issue and any other issue that may arise.

16. Revise the business plan to not allow subletting for theater or for any other business. Non-profit events will be allowed.

17. Maria Cumbe Paucar cannot hold a position of management or make decisions regarding the operations of La Vina Restaurant and Banquet Center. She will not be involved in any alcohol service or sales.

18. Compliance with all provisions of applicable codes and ordinances.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to the following conditions".
Seconded.

Adopted upon a voice vote.

Glidden moved that the report be amended by adding the language "the banquet portion" to Condition #1, to read as follows:

1. Must operate the banquet portion as a banquet facility as defined by Section 360.10 of the Minneapolis Code of Ordinances: "An establishment which is under the control of a single proprietor or manager which has suitable facilities for serving meals on premises where the meal service consists of no less than one entrée, complete with vegetable, salad, bread or rolls, and beverage, either catered or prepared on-site; which has facilities for seating not fewer than 50 guests at one time at tables; which is not open to the general public but which is available for rental by individuals or groups for meetings, parties, weddings, or similar occasions; and in which the equipment and premises meet the provisions of all the food and health codes." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/3/2007.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Brito Auto Paint, Collision & Mechanics, 3013 Pillsbury Av S, for a Motor Vehicle Repair Garage License, subject to conditions.

Adopted 8/3/2007.

Resolution 2007R-387, granting the application of Brito Auto Paint, Collision & Mechanics, 3013 Pillsbury Av S, for a Motor Vehicle Repair Garage License, subject to conditions, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-387

By Samuels

Granting the application of Brito Auto Paint, Collision & Mechanics, 3013 Pillsbury Av S, for a Motor Vehicle Repair Garage License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Brito Auto Paint, Collision & Mechanics, dba Brito Auto Paint, Collision & Mechanics, 3013 Pillsbury Av S, for a Motor Vehicle Repair Garage License (new proprietor) to expire September 1, 2007, subject to the following conditions:

1. The licensee shall not use any public street or alley for storage of motor vehicles.
2. The licensee shall not stop, stand or park a vehicle on a sidewalk or on a boulevard between a sidewalk and roadway, as required by Section 478.90 of the Traffic Code.
3. The licensee shall store all motor vehicle parts and tires inside the building at all times.
4. The licensee shall not sell, or display for sale, motor vehicles without obtaining a City of Minneapolis Motor Vehicle Dealer's License.
5. The licensee has been informed of the past compliance issues which have occurred at this location and understands the challenges of operating a motor vehicle repair garage without an accompanying parking lot.

Adopted 8/3/2007.

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

Adopted 8/3/2007.

Resolution 2007R-388, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-388

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Off-Sale Liquor, to expire January 1, 2008

RWB Minneapolis Catering LLC, dba Chefs Production, 600 1st Av N

Off-Sale Liquor, to expire July 1, 2008

Sorella Wine & Spirits Inc, dba Sorella Wine & Spirits, 1010 Washington Av S (change in ownership from Liquor Depot Inc)

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

Mangos Entertainment LLC, dba Visage, 400 3rd Av N (new manager)

RWB Minneapolis Catering LLC, dba Chefs Production, 600 1st Av N

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

Classic Affairs Inc, dba Schieks Palace Royale, 115 S 4th St

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

Varsity Arts LLC, dba Varsity Theater, 1308 4th St SE

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

Scott Free Enterprises LLC, dba Fatso's, 119 4th St N (change in ownership from Mike Spicer Foods Ltd dba Spirell Bar)

Minneapolis 0052 LLC, dba Lodge Bar, 15 S 5th St

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

Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av

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

Westbank Productions Co LLC, dba 400 Bar, 400 Cedar Av S

On-Sale Liquor Class C-2 with Sunday Sales, to expire August 19, 2007

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (temporary expansion of premises August 18 & 19, 2007, 10:00 a.m. to 8:00 p.m.)

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

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

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

Philip Wong Inc, dba Red Dragon, 2116 Lyndale Av S (change in ownership from Lai Wong Inc)

Town Talk Diner LLC, dba Town Talk Diner, 2707 E Lake St (internal transfer of shares)

Taco Morelos Inc, dba Taco Morelos, 14 W 26th St

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St

Phoenix Catering Inc, dba Joseph Catering, 336 Hoover St NE

Largo Enterprises Inc, dba Whitey's World Famous Saloon, 400 E Hennepin Av

Tuttle Inc, dba Elsie's, 729 Marshall St NE

Afterbar LLC, dba Restaurant Miami, 913 W Lake St

On-Sale Liquor Class E with Sunday Sales, to expire August 19, 2007

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE (annual tent party - temporary expansion of premises August 17 & 18, 2007, 6:00 p.m. to 10:00 p.m.; August 19, 2007, 1:00 p.m. to 5:00 p.m.)

On-Sale Liquor Class E with Sunday Sales, to expire August 18, 2007

Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S (temporary expansion of premises with outdoor entertainment August 18, 2007, 8:00 a.m. to 2:00 a.m.)

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

Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av S (sidewalk cafe expansion)

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

MDCA, dba Ecopolitan, 2409 Lyndale Av S

Off-Sale Beer, to expire April 1, 2008

Wazwaz Ghasan, dba Sunshine Foods, 3300 4th Av S

Best Food Market Inc, dba Best Food Market, 3756 Nicollet Av

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

Village Wok Restaurant Inc, dba Village Wok Restaurant, 610 Washington Av SE

Temporary On-Sale Beer, to expire April 1, 2008

Sacred Heart of Jesus PNCC, dba Sacred Heart of Jesus PNCC, 420 22nd Av NE (August 11, 2007, 11:00 a.m. to 6:30 p.m., 2114 5th St NE).

Adopted 8/3/2007.

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

Adopted 8/3/2007.

Resolution 2007R-389, granting applications for Business Licenses, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-389

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 August 3, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272179):

Laundry; Grocery; Food Manufacturer; Food Market Distributor; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer Auctioneer; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - Used Only; Motor Vehicle Dealer Wholesaler;

Motor Vehicle Repair Garage; Towing Class B; Motor Vehicle Used Parts Dealer; Pet Shop; Precious Metal Dealer; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Solicitor - Company; Solicitor - Individual; Solid Waste Hauler; Tattooist/Body Piercer; Tobacco Dealer; Tree Servicing.

Adopted 8/3/2007.

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

Adopted 8/3/2007.

Resolution 2007R-390, granting applications for Gambling Licenses, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-390
By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Gambling Class B

Multiple Sclerosis Society - Minnesota Chapter, dba Multiple Sclerosis Society - Minnesota Chapter, 200 12th Av S (Site: Grandma's Saloon & Grill, 1810 Washington Av)

Ducks Unlimited - St. Paul Chapter #31, dba Ducks Unlimited - St. Paul Chapter #31, 400 Robert St, St. Paul (Raffle September 13, 2007 at Four Points Sheraton Minneapolis North).

Adopted 8/3/2007.

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

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the Fire Department to accept a donation of exercise equipment.

Adopted 8/3/2007.

RESOLUTION 2007R-391
By Samuels and Ostrow

Authorizing the Fire Department to accept a donation of exercise equipment.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a donation of exercise equipment from Life Time Fitness, Inc, valued at \$14,000, to be distributed to the Fire Stations.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$75,000 and execute a grant agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, to be expended on equipment and training related to bomb and hazardous materials detection and disposal. Further, passage of the accompanying resolution appropriating \$75,000 to the Police Department.

Adopted 8/3/2007.

AUGUST 3, 2007

RESOLUTION 2007R-392

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-HS01) by \$75,000 and increasing the Revenue Source (030-400-HS01 - Source 3210) by \$75,000.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a two-year Joint Powers Agreement with the Minnesota Department of Public Safety, Emergency Response Commission, to provide bomb disposal services to other jurisdictions within the State as needed, and to be reimbursed for these services at a rate of \$175 per hour. Further, passage of the accompanying resolution appropriating \$54,000 to the Police Department.

Adopted 8/3/2007.

RESOLUTION 2007R-393

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the General Fund (010-400-C005) by \$54,000 and increasing the Revenue Source (010-400-C005 - Source 3455) by \$54,000.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the North St. Paul Police Department and the Twin Cities Task Force to receive up to \$30,000 to be used for the investigation of tobacco-related crimes. Further, passage of the accompanying resolution appropriating \$30,000 to the Police Department.

Adopted 8/3/2007.

RESOLUTION 2007R-394

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P301) by \$30,000 and increasing the Revenue Source (030-400-P301 - Source 3210) by \$30,000.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the Hennepin County/Minneapolis Drug Task Force to combat the sale and production of drugs, now recommends that the proper City officers be authorized to:

a. accept an additional 2007 grant award of \$105,000 and execute an amendment to the grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funding for officer overtime, training and equipment for the second half of calendar year 2007.

b. execute a Sub-recipient contract amendment with the Hennepin County Sheriff to share \$38,325 of the Task Force funding with the Sheriff.

Further, passage of the accompanying resolution appropriating \$105,000 to the Police Department.
Adopted 8/3/2007.

**RESOLUTION 2007R-395
By Samuels and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$105,000 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$105,000.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the Minnesota Gang Strike Force, now recommends that the proper City officers be authorized to accept an additional 2007 grant award of \$30,000 and execute an amendment to the grant agreement with the State of Minnesota to provide funds for one Strike Force commander and substantial support for up to 11 officers to serve on the Metro Gang Strike Force. Further, passage of the accompanying resolution appropriating \$30,000 to the Police Department.

Adopted 8/3/2007.

**RESOLUTION 2007R-396
By Samuels and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C006) by \$30,000 and increasing the Revenue Source (060-400-C006 - Source 3215) by \$30,000.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the Police Department to accept the donation of a 1997 Honda Civic for the Auto Theft Bait Vehicle Program.

Adopted 8/3/2007.

**RESOLUTION 2007R-397
By Samuels and Ostrow**

Authorizing the Police Department to accept the donation of a 1997 Honda Civic for the Auto Theft Bait Vehicle Program.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donation of a 1997 Honda Civic from the National Insurance Crime Bureau, valued at \$1,000, to be used as a bait vehicle for the Auto Theft Bait Vehicle Program.

Adopted 8/3/2007.

AUGUST 3, 2007

PS&RS & W&M/Budget - Your Committee, having under consideration the auto theft prevention goals of the Central Weed and Seed Program, now recommends that the proper City officers be authorized to accept \$50,612 in federal grant funds and execute a grant agreement with Pillsbury United Communities to provide funding for overtime or other police services as deemed necessary to fulfill the goals of the Central Weed and Seed Steering Committee. Further, passage of the accompanying resolution appropriating \$50,612 to the Police Department.

Adopted 8/3/2007.

**RESOLUTION 2007R-398
By Samuels and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$50,612 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$50,612.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept an Auto Theft Prevention Program grant award of \$375,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funds to prosecute auto thieves under the existing Police Department Auto Theft Prevention Program. Further, passage of the accompanying resolution appropriating \$375,000 to the Police Department.

Adopted 8/3/2007.

**RESOLUTION 2007R-399
By Samuels and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C007) by \$375,000 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$375,000.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a Speed Limit Enforcement grant award of \$4,800 and execute a grant agreement with the Minnesota Department of Public Safety, State Patrol Division, to reimburse overtime costs to officers for increased enforcement targeting speed violations and other enforcement to reduce accidents. Further, passage of the accompanying resolution appropriating \$4,800 to the Police Department.

Adopted 8/3/2007.

**RESOLUTION 2007R-400
By Samuels and Ostrow**

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT13) by \$4,800 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$4,800.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2005 Buffer Zone Protection Program Grant, now recommends that the proper City officers be authorized to amend the grant agreement with the State of Minnesota to extend the grant period and increase the grant award by \$37,533 to reimburse qualifying expenses incurred by the Police Department for homeland, buffer zone security. Further, passage of the accompanying resolution appropriating \$37,533 to the Police Department.

Adopted 8/3/2007.

RESOLUTION 2007R-401

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B131) by \$37,533 and increasing the Revenue Source (030-400-B131 - Source 3210) by \$37,533.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the Financial Crimes Task Force, now recommends that the proper City officers be authorized to amend the contract with the Minnesota Department of Public Safety to receive an additional \$76,200 in funding to support one Police Department investigator to serve on the task force on a full-time basis for a period of one year. Further, passage of the accompanying resolution appropriating \$76,200 to the Police Department.

Adopted 8/3/2007.

RESOLUTION 2007R-402

By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C117) by \$76,200 and increasing the Revenue Source (060-400-C117 - Source 3215) by \$76,200.

Adopted 8/3/2007.

PS&RS & W&M/Budget - Your Committee, having under consideration the proposed development of an Emergency Operations Training Facility to meet the training needs of the Minneapolis Fire Department and the emergency operations needs for both Minneapolis and Hennepin County, now recommends that the proper City officers be authorized to:

a. Recommend to the Hennepin County Board of Commissioners that the City of Minneapolis and Hennepin County proceed with the design, construction and commissioning of the proposed Emergency Operations Training Facility at the City's Fire Training site located at 25 37th Av NE.

Further, that the City Council transmit to the Hennepin County Board of Commissioners the action of the City Council approving this partnership and request that the Board respond within 30 days of the Council action.

b. Recommend to the Hennepin County Board of Commissioners that Hennepin County support the City's request for State of Minnesota Capital Bonding for the project.

c. Negotiate, prepare and execute appropriate development, ownership, operating and maintenance management agreements with Hennepin County for the proposed project and site.

Adopted 8/3/2007.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration an application for a large block event permit for the Uptown Art Fair, to be held August 3-5, 2007, 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 8/3/2007.

T&PW - Your Committee, having under consideration the Heritage Park Hope VI Stormwater Ponds and Park Improvements, now recommends that the proper City officers be authorized to execute Amendment No 1 increasing contract C-23689 with Veit & Company, Inc. by \$475,000, for a revised contract total of \$2,281,691. No additional appropriation required.

Adopted 8/3/2007.

T&PW - Your Committee recommends that the proper City officers be authorized to enter into and execute a Joint Cooperative Agreement with the City of St. Paul, as set forth in Petn No 272186 on file in the office of the City Clerk, for the use of Public Works personnel, equipment, and other resources for the purpose of providing mutual aid in emergency situations.

Adopted 8/3/2007.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 2007 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS07#1, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments in the amount of \$45,211.52 for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$45,211, with the bonds to be paid for from special assessments.

Adopted 8/3/2007.

Resolution 2007R-403, ordering the work to proceed and adopting the special assessments for the 2007 Alley Resurfacing Program, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2007R-403
By Colvin Roy and Ostrow**

**2007 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS07#1**

Ordering the work to proceed and adopting the special assessments for the 2007 Alley Resurfacing Program.

Whereas, a public hearing was held on July 24, 2007 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2007R-322, passed June 29, 2007, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the alley running from 34th Av N to 33rd Av N between Oliver Av N and Newton Av N is hereby deleted from the 2007 Alley Resurfacing Program.

Be It Further Resolved that the City Engineer is hereby ordered to proceed and do the work on the remaining alleys as designated in said Resolution 2007R-322, passed June 29, 2007.

Be It Further Resolved that the proposed special assessments in the total amount of \$45,211.52, reduced from \$49,542.83 by \$4,331.31 due to the deletion of the alley between Oliver and Newton Avenues N, and as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley resurfacing of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2008 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2008 real estate tax statement.

Adopted 8/3/2007.

Resolution 2007R-404, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$45,211 for the purpose of paying the assessed cost of alley improvements in the 2007 Alley Resurfacing Program, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-404
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$45,211 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 alley improvements in the 2007 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS07#1, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 8/3/2007.

T&PW & W&M/Budget - Your Committee, having under consideration Heritage Park Project infrastructure work, now recommends passage of the accompanying resolutions:

a) Authorizing the acceptance of a grant in the amount of \$300,000 from the Mississippi Watershed Management Organization to be used for stormwater-related infrastructure work, and appropriating the funds;

b) Authorizing the acceptance of a grant in the amount of \$695,638 from the State of Minnesota to be used for infrastructure work related to pedestrian and bike trail improvements, and appropriating the funds; and

c) Increasing the appropriation and revenue for the project by \$130 to reflect revenue received from contractors.

Adopted 8/3/2007.

AUGUST 3, 2007

**RESOLUTION 2007R-405
By Colvin Roy and Ostrow**

Amending the 2007 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Accepting a grant in the amount of \$300,000 from the Mississippi Watershed Management Organization for Heritage Park infrastructure work, and authorizing the proper City officers to execute and disburse the grant and any related agreements; and

b) Increasing the appropriation for the Capital Improvements-Non Departmental Agency in the Capital Improvements Fund (4100-970-9719) by \$300,000 and increasing the revenue source (4100-970-9719 - Source 3225) by \$300,000.

Adopted 8/3/2007.

**RESOLUTION 2007R-406
By Colvin Roy and Ostrow**

Amending the 2007 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Accepting a grant in the amount of \$695,638 from the State of Minnesota for Heritage Park infrastructure work related to pedestrian and bike trail improvements, and authorizing the proper City officers to execute and disburse the grant and any related agreements; and

b) Increasing the appropriation for the Capital Improvements-Non Departmental Agency in the Capital Improvements Fund (4100-970-9719) by \$695,638 and increasing the revenue source (4100-970-9719 - Source 3225) by \$695,638.

Adopted 8/3/2007.

**RESOLUTION 2007R-407
By Colvin Roy and Ostrow**

Amending the 2007 Capital 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 Capital Improvements-Non Departmental Agency in the Capital Improvements Fund (4100-970-9719) by \$130, and increasing the revenue source (4100-970-9719 - Source 3755) by \$130.

Adopted 8/3/2007.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a Skyway Agreement with Ivy Tower Development, LLC, regarding the construction, operation, maintenance, and required easements for a new skyway connection between the Ivy Hotel and Residence and the 11th and Marquette Municipal Parking Ramp (crossing 2nd Av S just south of the intersection with 11th St S).

Your Committee further recommends that the proper City officers be authorized to negotiate and execute an agreement with Ivy Tower Development, LLC, regarding landscaping design and maintenance of the northeast corner and along the east wall of the 11th and Marquette Municipal Parking Ramp.

Adopted 8/3/2007.

T&PW & W&M/Budget - Your Committee, having under consideration the East River Parkway Bridge and Approach Roadway Reconstruction Project, now recommends passage of the accompanying resolution:

- Increasing the appropriation and revenue for the 5th Av S Project in the amount of \$81,434.11 of Minneapolis Community Development Agency (MCDA) funds and decreasing the appropriation and revenue by \$30,103.45 of Municipal State Aid (MSA) funds;
- Receiving and accepting final costs for all work related to the 5th Av S Project thereby closing the project;
- Transferring excess funds from the 5th Av S Project to the E River Pkwy Bridge Project and increasing the appropriation and revenue for the Bridge Project by \$111,432.06; and
- Increasing the contract with Edward Kraemer and Sons by \$20,000, for a revised contract total of \$1,544,170.15, due to additional work related to geotechnical issues, grade changes, and signal work involved in the bridge project.

Adopted 8/3/2007.

Resolution 2007R-408, closing out the 5th Av S Project and transferring excess funds to the E River Pkwy Bridge Project, and increasing the contract with Edward Kraemer and Sons, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-408
By Colvin Roy and Ostrow

Closing out the 5th Avenue South Project and transferring excess funds to the East River Parkway Bridge Project, and increasing the contract with Edward Kraemer and Sons.

Whereas, the East River Parkway Bridge over Bridal Veil Falls was in an advanced state of deterioration and the City of Minneapolis had programmed its replacement in 2006; and

Whereas, Edward Kraemer and Sons was awarded the contract for \$1,524,170.15 to furnish all labor, materials, equipment, and permits necessary to accomplish the removal and reconstruction of the bridge and its approach roadways; and

Whereas, unforeseen conditions were encountered which necessitated additional work to be added to the contract; and

Whereas, there were also cost savings which resulted in reductions in the said contract; and

Whereas, the increases and reductions will result in a net increase to the said contract in the amount of approximately \$20,000; and

Whereas, additional geotechnical consulting costs amounted to approximately \$10,000; and

Whereas, the City of Minneapolis did additional signal work which amounted to approximately \$35,000; and

Whereas, additional field testing and overhead costs amounted to approximately \$25,000; and

Whereas, additional engineering and overhead costs associated with the said extra work and for closing out the project amounted to approximately \$20,000;

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

That Resolution 2000R-180, entitled "Amending the 2000 Capital Appropriation Resolution", passed April 21, 2000, be amended by increasing the appropriation and revenue source for the 5th Av S Project (5WASH) in the amount of \$81,434.11 of Minneapolis Community Development Agency (MCDA) funds, and decreasing the appropriation and revenue source by \$30,103.45 of Municipal State Aid (MSA) funds. The total project budget will be increased from \$576,000 to \$627,330.66. Capital appropriation decreases and increases and revenue budget decreases and increases would be as follows:

- Decrease appropriation Fund/Agy/Org: 4100-937-9372-5WASH (MSA) by \$30,103.45
- Decrease revenue source Fund/Agy/Org: 4100-937-9372-5WASH (MSA) by \$30,103.45

- Increase appropriation Fund/Agy/Org: 4100-937-9372-5WASH (MCDA) by \$81,434.11
 - Increase revenue source Fund/Agy/Org: 4100-937-9372-5WASH (MCDA) by \$81,434.11
- Be It Further Resolved that excess funds from 4100-937-9372-5WASH, in the amount of \$111,432.06, be transferred to 4100-937-9386 BR102, the East River Parkway Bridge Project. Capital appropriation decreases and increases and revenue budget decreases and increases would be as follows:

- Decrease revenue Fund/Agy/Org: 4100-937-9372-5WASH by \$111,432.06
- Increase revenue Fund/Agy/Org: 4100-937-9386 BR102 by \$111,432.06

Be It Further Resolved that the City of Minneapolis will receive and accept final costs for all paving related work for the 5th Av S Project for a total of \$515,898.60, thereby closing the 5th Av S Project (4100-937-9372-5WASH).

Be It Further Resolved that Resolution 2005R-658 entitled "Adopting the 2006 - 2010 Five Year Capital Program and fixing the maximum amounts for 2006 to be expended by the various funds under the jurisdiction of the City Council", passed December 19, 2005, be amended by increasing the appropriation and revenue source for the East River Parkway Bridge Project (BR102) in the amount of \$111,432.06. The total project budget will be increased from \$2,268,472.50 to \$2,379,904.56.

Be It Further Resolved that Contract C-23163 with Edward Kraemer and Sons be increased from \$1,524,170.15 to \$1,544,170.15.

Adopted 8/3/2007.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution receiving and accepting final costs and adjusting the capital appropriations, as necessary, to officially close out 54 various Street Lighting and Field Operations projects which have been completed.

Adopted 8/3/2007.

Resolution 2007R-409, receiving and accepting final costs and adjusting the capital appropriations, as necessary, to officially close out various Street Lighting and Field Operations projects which have been completed, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-409
By Colvin Roy and Ostrow

Receiving and accepting final costs and adjusting the capital appropriations, as necessary, to officially close out various Street Lighting and Field Operations projects which have been completed.

Resolved by The City Council of The City of Minneapolis:

That the following projects be closed out by adjusting capital appropriations in the Street Lighting Capital and Field Operations Capital as follows:

- a) Street Lighting capital appropriation in 4100-943-9432 project B5070 should be decreased by \$871,000 (Loring Park Street Lighting Project);
- b) Street Lighting capital appropriation in 4100-943-9432 project B5074 should be decreased by \$655,000 (St. Anthony West Street Lighting Project);
- c) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5075 (Standish Ericsson Street Lighting Project);
- d) Street Lighting capital appropriation in 4100-943-9432 project B5076 should be decreased by \$388,000 (Loring Park Street Lighting Project);
- e) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5078 (46th Street West & Bryant Avenue South Lighting Project);
- f) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5083 (1999 Residential Segment Lighting Project);

- g) Street Lighting capital appropriation in 4100-943-9432 project B5085 should be decreased by \$10,000 (15th and 16th Avenue North Lighting Project);
- h) Street Lighting capital appropriation in 4100-943-9432 project B5092 should be decreased by \$44,905.14 (4th Street South Lighting project);
- i) Street Lighting capital appropriation in 4100-943-9432 project B5096 should be decreased by \$96,592.05 (Niccollet Avenue Street Lighting Project);
- j) Street Lighting capital appropriation in 4100-943-9432 project B5097 should be decreased by \$124,006 (East Isles Street Lighting Project);
- k) Street Lighting capital appropriation 4100-943-9432 project B5098 should be decreased by \$31,279.22 (Ornamental Street Lighting near 5th Avenue South and Washington Avenue Project);
- l) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5100 (Riverview Area Lighting Project);
- m) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5104 (Central Area - Phase III Street Lighting Project);
- n) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5107 (Bryant Avenue South and 50th Street West Lighting Project);
- o) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5108 (Xerxes Avenue South and 50th Street West Lighting Project);
- p) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5111 (Fremont Avenue South Lighting Project);
- q) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5113 (Logan Park Street Lighting Project);
- r) There is no remaining Street Lighting capital appropriation in 4100-943-9432 project B5114 (Bank Area Street Lighting Project);
- s) Field Operations capital appropriation 4100-943-9440 project B1520 should be decreased by \$129,248.05 (Temporary Signal on Hiawatha Avenue between 28th Street East and 32nd Street East Project);
- t) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1521 (MCTO Bus Signage Project);
- u) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1527 (Traffic Signal at Minnehaha Avenue and 26th Street East Project);
- v) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1528 (Computerized Traffic Signal with regards to the Penn Avenue Interconnect Project);
- w) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1546 (1997 Underpass Lights at 8th Street Southeast Project);
- x) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1551 (Golden Valley Road Project);
- y) Field Operations capital appropriation in 4100-943-9440 project B1561 should be decreased by \$83,000 (Cedar, Isles, and Dean Parkway Traffic Management Plan);
- z) Field Operations capital appropriation in 4100-943-9440 project B1563 should be decreased by \$233,974.96 (East Harriet Farmstead Traffic Management Plan);
- aa) Field Operations capital appropriation in 4100-943-9440 project B1564 should be decreased by \$50,000 (Kenwood Isles Traffic Management Plan);
- bb) Field Operations capital appropriation in 4100-943-9440 project B1565 should be decreased by \$30,000 (Linden Hills Bike Lane Development Project);
- cc) Field Operations capital appropriation in 4100-943-9440 project B1584 should be decreased by \$859.18 (Longfellow Traffic Calming Project);
- dd) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1600 (1998 Traffic Controller Conversion Project);
- ee) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1605 (Marquette Avenue South/2nd Avenue South Bike Lanes Project);
- ff) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1615 (1999 Residential Segments - Temporary Signal Project);

- gg) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1622 (1999 Controller Conversion Project);
- hh) Field Operations capital appropriation in 4100-943-9440 project B1641 should be decreased by \$615 (Grass Lake Bank Restoration Project);
- ii) Field Operations capital appropriation in 4100-943-9440 project B1642 shall be decreased by \$1,393.45 (Traffic Management and Speed Bumps Project);
- jj) Field Operations capital appropriation in 4100-943-9440 project B1643 shall be decreased by \$140,681.24 (Downtown Skyway Signage Project);
- kk) Field Operations capital appropriation in 4100-943-9440 project B1645 shall be decreased by \$1.33 (Hennepin Avenue South - Phase 1 Project);
- ll) Field Operations capital appropriation in 4100-943-9440 project B1646 shall be decreased by \$1,100.27 (Harrison Street Northeast Project);
- mm) Field Operations capital appropriation in 4100-943-9440 project B1647 shall be decreased by \$25,123.89 (4th Street South Project);
- nn) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1649 (Controller Conversion Project);
- oo) Field Operations capital appropriation in 4100-943-9440 project B1656 shall be decreased by \$128,474.74 (4th Street South Reverse Flow Bus Lane Project);
- pp) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1664 (Chicago Avenue South (46th - 49th Street East) Project);
- qq) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1671 (Nicollet Corridor Traffic Plan project);
- rr) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1673 (Lowry Hill Traffic Calming Project);
- ss) Field Operations capital appropriation in 4100-943-9440 project B1674 shall be decreased by \$497.45 (Como Avenue Neighborhood Traffic Calming Project);
- tt) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1675 (Lynnhurst Traffic Calming Project);
- uu) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1679 (Standish Ericsson Neighborhood - Speed Humps Project);
- vv) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1682 (2002 Street Renovation Projects);
- ww) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1689 (Lind-Bohanon Gateway Project);
- xx) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1690 (Prospect Park Speed Hump Project);
- yy) There is no remaining Field Operations capital appropriation in 4100-943-9440 project B1702 (2003 Controller Conversion Project);
- zz) There is no remaining Field Operations capital appropriation in 4100-943-9440 project TR005 (2004 Controller Conversion Project);
- aaa) There is no remaining Field Operations capital appropriation in 4100-943-9440 project TR015 (Speed Hump project on 18th Avenue South (45th - 46th Street East) Project); and
- bbb) There is no remaining Field Operations capital appropriation in 4100-943-9440 project TR018 (Marshall Neighborhood Dynamic Speed Sign Project).

Adopted 8/3/2007.

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

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

Adopted 8/3/2007.

Resolution 2007R-410, authorizing settlement of the legal claims of Felicia Craig and Shauna Vega, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-410

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

- a) Felicia Craig v. City of Minneapolis, by payment of \$35,000, payable to Felicia Craig and her attorney, Jeremy Brantingham; payable from the Self Insurance Fund (6900-150-1500-4000); and
- b) Shauna Vega v. the City of Minneapolis, by payment of \$17,500, payable to Shauna Vega and her attorney, Ana Marie Reyes Kolden; payable from the Self Insurance Fund (6900-150-1500-4000).

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

Adopted 8/3/2007.

W&M/Budget – Your Committee recommends passage of the accompanying resolutions as follows:

a) authorizing the acceptance of the Second Quarter 2007 list of donations valued under \$1,000, as set forth in Petn No 272195 on file in the Office of the City Clerk; and

b) amending Resolution 2005R-485, entitled, "Approving a revised policy relating to acceptance of gifts less than \$1,000," passed August 19, 2005, increasing the value amount of gifts received by individual City departments.

Adopted 8/3/2007.

RESOLUTION 2007R-411

By Ostrow

Authorizing the acceptance of donations made to the City of Minneapolis valued under \$1,000.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donations made to the City of Minneapolis.

Adopted 8/3/2007.

Resolution 2007R-412, amending Resolution 2005R-485 entitled, "Approving a revised policy relating to acceptance of gifts less than \$1,000," passed August 19, 2005; by increasing the value amount of gifts received by individual City departments, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-412

By Ostrow

Amending Resolution 2005R-485 entitled, "Approving a revised policy relating to acceptance of gifts less than \$1,000," passed August 19, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above entitled Resolution be amended to read as follows:

Any gifts with a value of ~~\$1,000~~ \$15,000 or less as long as there are no operating cost implications, can be received by individual City departments with written notice to the Finance Officer or his/her

AUGUST 3, 2007

designee. The Finance Department shall submit a quarterly gift report to the City Council's Ways and Means Committee for approval. The department may not use the gift until it has been approved by a two-thirds vote of the City Council.

The quarterly gift report shall contain the following information on each donation:

1. Name of recipient department
2. Name of entity making gift
3. Description of gift (including value of gift, date received and special designations on gift, if any)
4. Funding strings for revenue and expense appropriation increases

For any gifts with a value exceeding ~~\$1,000~~ \$15,000, the recipient department shall submit a request for authorization to accept the gift to the City Council's Ways & Means Committee directly.

Adopted 8/3/2007.

W&M/Budget - Your Committee having received and filed the reports received from the Finance Department as set forth in Petn No 272191 on file in the Office of the City Clerk recommending payment of workers' compensation to various employees and to the State Fund, now recommends payment of bills and professional services rendered claimants or employees injured on the job.

Adopted 8/3/2007.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for Life and Long-term Disability Insurance coverage effective January 1, 2008, pursuant to Permanent Review Committee approval.

Further, authorize the entering into contract negotiations with the selected vendor.

Adopted 8/3/2007.

Approved by Mayor Rybak 8/3/2007.

(Published 8/7/2007)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend the contract with Administration Resources Corporation (ARC) to provide administrative services under the City of Minneapolis Health Reimbursement Arrangement Plan and the City of Minneapolis Minneflex Plan through December 31, 2008.

Your Committee further recommends amending said contract to incorporate certain clarifying and legally required changes and to reflect an increase in administration fees, as set forth in Petn No 272196 on file in the Office of the City Clerk, effective August 1, 2007.

Adopted 8/3/2007.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Director, Engineering Services, (grade 15 with 705 points) to Director, Transportation Planning and Engineering (grade 15, with 695 points), effective July 25, 2007.

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

Adopted 8/3/2007.

Ordinance 2007-Or-057 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the reclassification of the position of Director, Engineering Services to Director, Transportation Planning and Engineering, was adopted 8/3/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-057
By Ostrow
1st & 2nd Readings: 8/3/2007

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

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

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

Appointed Officials (CAP)
Effective: JULY 25, 2007

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Transportation Planning and Engineering	695	15	A	\$98,098	\$103,261	\$106,359	\$108,424

Adopted 8/3/2007.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the wage reopener labor agreement between the City of Minneapolis and the AFSCME 9-1-1 Unit for a contract that expires December 31, 2007.

Adopted 8/3/2007.

Resolution 2007R-413, approving the wage reopener labor agreement with the AFSCME 9-1-1 Unit, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-413
By Ostrow

Approving the wage reopener labor agreement with the AFSCME 9-1-1 Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the wage reopener agreement between the City of Minneapolis and the AFSCME 9-1-1 Unit, as set forth in Petn No 272196, be approved.

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

Adopted 8/3/2007.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Jessica Corbett from the decision of the Board of Adjustment which granted the the following applications of Tam Le: a) variance to reduce the lot area requirement (up to 55 percent), provided the surrounding properties are primarily

two-family dwellings developed on lots similar in size to the proposed development; and b) variance to reduce the corner side yard from 8 to 7 feet, both to allow for construction a new duplex with detached garage at 2759 Marshall St NE, subject to the following conditions: 1. That the proposed duplex meets all zoning code requirements; and 2. That the Planning Division-CPED review and approve the final site plan, floor plans and elevation. All drawings will be measured to an architect or engineer's scale, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 8/3/2007.

Z&P - Your Committee, having under consideration the application of The Ackerberg Group for an interim use permit (BZZ-3662) to allow a temporary 174-space surface parking lot on the vacant former Acme Tag and Label Co property at 2838 Fremont Ave S, now recommends adoption of the findings of Community Planning & Economic Development staff, and approval of said application upon the following conditions: 1. The interim use shall expire when the parking ramp for the Mozaic development is open or no later than August 31, 2009, whichever occurs earlier; 2. At the end date of the interim use the applicant will have to cease operation of the temporary parking lot, apply for applicable land use approvals, or apply for an extension of the interim use permit; 3. Vinyl slat inserts into the existing chain-link fence shall be no higher than 3 1/2 feet high on the east, north and west sides of the site across from the residential properties in order to maximize visibility, with the exception of the west half of the north side of fencing adjacent to residential property, where the screening material should extend to the full height of the fence; 4. Bike racks shall be located within the parking lot area; 5. All proposed rock mulch shall be replaced with wood mulch; and 6. A wind screen may be used in lieu of vinyl slat inserts.

Adopted 8/3/2007.

Z&P - Your Committee, having under consideration the appeal filed by Pacific Flats, LLC from the decision of the Planning Commission conditionally granting an application for site plan review for rehabilitation of and a 9-story addition to the Northwestern building at 215 and 223 2nd St N for a new hotel, now recommends that said appeal be granted and the application be approved, and the following condition be amended to read as follows: "1. Pervious brick pavers shall be installed instead of tree grates. Trees shall be maintained and planted in the boulevards in compliance with the guidelines of the City of Minneapolis Urban Forest Policy. The color and style of pervious pavers shall be reviewed by heritage preservation staff."

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

Goodman moved that the report be amended by adding the following language to the first paragraph: "Further, your Committee recommends adding the following condition of approval: "7. The Declaration of Restrictive Covenants pertaining to the alley shall be fully executed and recorded with Hennepin County with proof thereof provided to the Zoning Administrator prior to the issuance of any building permits." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/3/2007.

Z&P - Your Committee, having under consideration the appeal filed by Pacific Flats, LLC from the decision of the Planning Commission conditionally granting an application for site plan review for construction of a new 11-story, mixed-use building including 80 dwelling units and four levels of commercial uses at 206, 214, 214 1/2 and 218 Washington Ave N and 216 2nd Ave N, now recommends that said appeal be granted and the application be approved, and the following condition be amended to read as follows: "1. Pervious brick pavers shall be installed instead of tree grates. Trees shall be maintained and planted in the boulevards in compliance with the guidelines of the City of Minneapolis Urban Forest Policy. The color and style of pervious pavers shall be reviewed by heritage preservation staff."

Your Committee further recommends that the related findings prepared by the Community Planning & Economic Development staff be adopted.
Adopted 8/3/2007.

Z&P - Your Committee, having under consideration the recommendation of the Planning Commission denying the application of Pacific Flats, LLC to vacate all of the platted alley in Block 34 (#1506) for rehabilitation of and a 9-story addition to the Northwestern building at 215 and 223 2nd St N for a new hotel, now recommends that said application be forwarded without recommendation.

Goodman moved to amend the report by deleting the language "forwarded without recommendation" and inserting in lieu thereof, "that said application be granted, notwithstanding the recommendation of Community Planning and Economic Development staff and the Planning Commission. Your Committee further recommends passage of the accompanying resolution vacating said alley." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/3/2007.

Resolution 2007R-414, vacating the public alley in Block 34, Town of Minneapolis Addition to Minneapolis, Hennepin County, Minnesota (#1506, in the vicinity of 215 and 223 2nd St N), was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-414
By Goodman

Vacating the public alley in Block 34, Town of Minneapolis Addition to Minneapolis, Hennepin County, Minnesota (#1506, in the vicinity of 215 and 223 2nd St N).

Resolved by The City Council of The City of Minneapolis:

All of the platted alley in Block 34, Town of Minneapolis Addition, as of record at the Hennepin County Recorder's Office, Minneapolis, Minnesota is hereby vacated.

Adopted 8/3/2007.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Barbara Lutz to vacate a "paper" public alley right-of-way on the eastern half of the alley north of 533 Sheridan Ave N between Sheridan Ave N and Thomas Ave N (#1521) to allow the use of an existing curb cut for planned construction of a LEED certified single family home at 535 Sheridan Ave N, 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 public alley right-of-way.

Adopted 8/3/2007.

Resolution 2007R-415, vacating that portion of the public alley right-of-way just south of 6th Ave N on the east half of the block between Sheridan Ave N and Thomas Ave N. (# 1521, in the vicinity of 533-535 Sheridan Ave N), was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

AUGUST 3, 2007

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

RESOLUTION 2007R-415

By Schiff

Vacating that portion of the public alley right-of-way just south of 6th Ave N on the east half of the block between Sheridan Ave N and Thomas Ave N. (# 1521, in the vicinity of 533-535 Sheridan Ave N).

Resolved by The City Council of The City of Minneapolis:

That part of the public alley located north of Lot 26, Block 2, Glenwood Park Addition to Minneapolis, as follows: Beginning at the northeast corner of said Lot 26, then westerly 134.98 feet, then north 14 feet, thence easterly on a line parallel with the north line of said Lot 26 a distance of 134.98 feet, then south to the point of beginning' All according to the plat of record at the Hennepin County Records Office, Minneapolis, Minnesota is hereby vacated.

Adopted 8/3/2007.

Z&P – Your Committee concurs in the recommendation of the Planning Commission relating to applications of Iret Properties, A North Dakota Limited Partnership (BZZ-3597) for construction of Midtown Medical, a 4-story medical clinic office building and 2-story parking facility at 2804 Chicago Ave, 2829 Columbus Ave & 723, 727 and 731 28th St E, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the property at 723 28th St E from R6 to the OR2 District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate a public alley (#1514) in the block bounded by Chicago Ave, Columbus Ave, 28th Ave E and the Midtown Greenway, subject to condition that the City shall accept the applicant's proposed alternative showing the alley to dead-end behind the existing flower shop.

Adopted 8/3/2007.

Ordinance 2007-Or-058 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 723 28th St E to the OR2 District, was adopted 8/3/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-058

By Schiff

1st & 2nd Readings: 8/3/2007

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

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

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

That part of Lot 1, Block 1, Nimock's Subdivision of the East ½ of the North ½ of Lot 13, Emerson's Addition to Minneapolis, Hennepin County, Minnesota (723 28th St E - Plate 26) to the OR2 District.

Adopted 8/3/2007.

AUGUST 3, 2007

Resolution 2007R-416, vacating all of the Public Alley as laid out in the Block Bounded by Chicago Avenue, Columbus Avenue, 28th Street East, and the Midtown Greenway; (#1514), was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-416
By Schiff

Vacating all of the Public Alley as laid out in the Block Bounded by Chicago Avenue, Columbus Avenue, 28th Street East, and the Midtown Greenway; (#1514).

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley is hereby vacated except that "all of the public Alley as laid out, or platted in Block 1, Nimock's Subdivision of E1/2 of N1/2 of Lot 13, Emerson's Addition to Minneapolis; Block 1, C.W. Foss's Addition to Minneapolis; Block 1, Decker's Subdivision of NE1/4 of Lot 14, Emerson's addition to Minneapolis; all according to the plats of record at the Hennepin County Records Office, Minneapolis, Minnesota."

Adopted 8/3/2007.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to limit the size of food and beverage uses in Industrial Districts, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinance be given its second reading for amendment and passage: Amending Chapter 550 relating to *Industrial Districts*.

Your Committee further recommends that the following referred ordinance be returned to author: Amending Chapter 551 relating to *Overlay Districts*.

Adopted 8/3/2007.

Ordinance 2007-Or-059 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, by adding new Sections 550.245 and 550.305, to limit the size of food and beverage uses in Industrial Districts, was adopted 8/3/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2007-Or-059
By Schiff
Intro & 1st Reading: 5/11/2007
Ref to: Z&P
2nd Reading: 8/3/2007

Amending Title 20, Chapter 550 related to Zoning Code: Industrial Districts.

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

Section 1. That Chapter 550 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 550.245 to read as follows:

550.245. Maximum size of food and beverages uses. Food and beverages uses shall be limited to a maximum gross floor area of five thousand (5,000) square feet.

Section 2. That Chapter 550 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 550.305 to read as follows:

AUGUST 3, 2007

550.305. Maximum size of food and beverages uses. Food and beverages uses shall be limited to a maximum gross floor area of five thousand (5,000) square feet.
Adopted 8/3/2007.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of September, 2007, be approved and ordered paid subject to audit by the Finance Officer.
Seconded.
Adopted 8/3/2007.

RESOLUTIONS

Resolution 2007R-417, supporting the Employee Free Choice Act (EFCA) and urging Congress to pass the Act, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-417

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

Supporting the Employee Free Choice Act (EFCA).

Whereas, in 1935 the United States established, by law, that workers must be free to form unions;
and

Whereas, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right; and

Whereas, the free choice to join with others and bargain for better wages and benefits is essential to economic opportunity and good living standards; and

Whereas, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment, and enhancing civic participation; and

Whereas, states in which more people are union members are states with higher wages, better benefits and better schools; and

Whereas, union workers receive better wages and benefits, with union workers earning 29 percent more than workers without a union, 35 percent more likely to have access to health insurance, and are four times more likely to have access to a guaranteed defined-benefit pension; and

Whereas, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 31 percent for African-American workers, 50 percent for Latino workers, 9 percent for Asian American workers; and

Whereas, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private-sector employers illegally firing at least one worker for union activity during organizing campaigns; and

Whereas, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

Whereas, employers often refuse to bargain fairly with workers after forming a union by dragging out first contract bargaining for up to two years in 45 percent of successful campaigns; and

Whereas, each year millions of dollars are spent to frustrate workers' efforts to form unions, and most violations of workers' freedom to choose a union occur behind closed doors, with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

Whereas, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards disappear; and

Whereas, a worker's fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

Whereas, the Employee Free Choice Act has been introduced in the U.S. Congress in order to restore workers' freedom to join a union; and

Whereas, the Employee Free Choice Act will safeguard workers' ability to make their own decisions with these abuses, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights;

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

That the City of Minneapolis supports the Employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration, and establish meaningful penalties for violations of a worker's freedom to choose a union.

Be It Further Resolved that we urge Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union.

Adopted 8/3/2007.

Resolution 2007R-418, declaring a State of Emergency in the City of Minneapolis, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-418

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

Declaring a State of Emergency in the City of Minneapolis.

Whereas, the catastrophic collapse of the Interstate 35W bridge over the Mississippi River in the City of Minneapolis has impacted the population of the City of Minneapolis and the surrounding metropolitan area; and

Whereas, the bridge collapse has caused a significant amount of public property damage, including critical transportation infrastructure of the City of Minneapolis, Hennepin County, the State of Minnesota, and Federal infrastructure and transportation resources; and

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

That the City Council of the City of Minneapolis, in accordance with Section 128.50 of the Minneapolis Code of Ordinances (Declaration of Emergency), approves and extends the Declaration of Emergency initiated by the Mayor of the City of Minneapolis.

Be It Further Resolved that the City Council declares the City of Minneapolis to be in a State of Emergency for conditions resulting from the Interstate 35W bridge collapse of August 1, 2007.

Adopted 8/3/2007.

Approved by Mayor Rybak 8/3/2007.

Resolution 2007R-419, honoring Clarissa Walker, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

AUGUST 3, 2007

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

RESOLUTION 2007R-419

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

Honoring Clarissa Walker.

Whereas, Clarissa Walker has been a constant presence at Sabathani Community Center since 1968, and her guidance, wisdom, and insight have inspired all people around her; and

Whereas, Clarissa Walker served as Youth Supervisor, Social Worker/Counselor, Assistant Director, Acting Executive Director and Assistant Agency Director of Sabathani Community Center, and was well known as the Director of Sabathani's Family Resource Program from 1985 until her recent retirement; and

Whereas, as Director of the Family Resource Program, Clarissa Walker tended to the needs of families with food, clothing, furniture, and housing and for all gave respect and true caring, often stating that all of us are just a paycheck away from being in the same position as those we serve; and

Whereas, Clarissa Walker has worked to influence policy at the local, state, and national level and is well-known as an affordable housing expert, serving as founding board member and President of the Southside Neighborhood Housing Services and a board member of the Neighborhood Housing Services of America for over 20 years; and

Whereas, Clarissa Walker, a respected community elder who worked on senior as well as youth policy issues, was a faithful and active member of the City's Senior Citizen Advisory Committee, and

Whereas, Clarissa Walker, honored by countless institutions for her community service, always looked every person in the eye regardless of status or position and inquired, "How can I help?" and consistently mentored others, no matter what their age, to love community service; and

Whereas, Clarissa Walker, a community organizer, taught those around her the power of listening to people and working on a grassroots level to make change; and

Whereas, Clarissa Walker gave all people a chance to reach their true potential, hiring people that otherwise might not find work, in the true spirit of Sabathani which means "for the forsaken"; and

Whereas, Clarissa Walker has helped guide Sabathani Community Center's evolution, as it is today a modern-day settlement house serving the needs of multi-cultural and multi-racial people. Her contributions will be forever remembered by all who visit Mrs. Walker's Market and Clarissa's Closet, so renamed by Sabathani in honor of her legacy of compassion and caring; and

Whereas, Clarissa Walker, is retiring from Sabathani Community Center;

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

That we honor Clarissa Walker, the spirit of Sabathani Community Center, for her outstanding contributions to the City of Minneapolis, the entire Southside, and specifically the Central Neighborhood and that we declare August 3, 2007 as Clarissa Walker Day in the City of Minneapolis.

Adopted 8/3/2007.

UNFINISHED BUSINESS

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Lundstrum Center for the Performing Arts, to assist with expenses associated with refunding existing debt and the renovations and improvements to their new facility at 1617 N 2nd St, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,500,000 in 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency (MCDA) Revenue Bonds for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 8/3/2007.

Approved by Mayor Rybak 8/3/2007.

(Published 8/7/2007)

Resolution 2007R-420, giving preliminary and final approval to and authorizing the financing of a project on behalf of Lundstrum Center for the Performing Arts at 1617 N 2nd St, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 8/3/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2007R-420

By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Lundstrum Center for the Performing Arts (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$1,500,000 (the "Bond") to finance the acquisition and improvement by the Company of a building located at 1617 North 2nd Street in the City, to be used by the Company for a performing arts center and office space for art education purposes; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial fixed interest rate (subject to adjustment) expected to not exceed 6.00% per annum, shall have a final maturity date not later than December 1, 2032, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount of up to \$1,500,000 for the purpose of financing the performance and related facilities described above.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 8/3/2007.

Approved by Mayor Rybak 8/3/2007.

Z&P - Your Committee, having under consideration the appeal filed by T-Mobile from the decision of the Heritage Preservation Commission conditionally approving an application for Certificate of Appropriateness (COA) to allow the construction of a cellular installation on the roof of the Andrews House Apartment building's 3-story contemporary addition at 414 7th Ave SE, now recommends that said appeal be denied and the decision of the Heritage Preservation Commission be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Hofstede moved that the report be postponed. Seconded.

Adopted upon a voice vote 8/3/2007.

AUGUST 3, 2007

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

1. The consolidated cases: Bernadine McWhorter v City of Minneapolis et al., United States District Court File No. 04-4324; and Debra Burns v. City of Minneapolis, United States District Court File No. 05-2705; and
2. Jenkins v. City of Minneapolis, United States District Court File No. 05-979. Seconded.
Adopted upon a voice vote 8/3/2007.

Room 315 City Hall

Minneapolis, Minnesota

August 3, 2007 - 10:46 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

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

1. The consolidated cases: Bernadine McWhorter v City of Minneapolis et al., United States District Court File No. 04-4324; and Debra Burns v. City of Minneapolis, United States District Court File No. 05-2705; and
2. Jenkins v. City of Minneapolis, United States District Court File No. 05-979.

At 10:48 a.m., Remington moved that the meeting be closed. Seconded.
Adopted upon a voice vote.

Present - Council Members Samuels, Gordon, Hofstede (Out at 11:38 a.m.; In at 11:43 a.m.), Ostrow, Schiff, Lilligren (Out at 11:10 a.m.; In at 11:17 a.m.; Out at 11:34 a.m.; In at 11:36 a.m.), Colvin Roy (Out at 11:26 a.m.; In at 11:32 a.m.), Glidden, Remington, Benson (Out at 11:26 a.m.; In at 11:28 a.m.; Out at 11:34 a.m.; In at 11:36 a.m.; Out at 11:43 a.m.), Goodman (Out at 11:17 a.m.; In at 11:22 a.m.; Out at 11:43 a.m.), Hodges (Out at 11:37 a.m.; In at 11:41 a.m.), President Johnson.

Also present - Peter Ginder, Deputy City Attorney; James Moore, Assistant City Attorney; Cara Letofsky, Mayor's Office; Merry Keefe, City Clerk; and Peggy Menshek, City Clerk's Office.

Moore summarized the *Bernadine McWhorter v City of Minneapolis* and *Debra Burns v. City of Minneapolis* lawsuit from 10:48 a.m. to 11:18 a.m.

Moore summarized the *Jenkins v. City of Minneapolis*, lawsuit from 11:18 a.m. to 11:44 a.m.

At 11:44 a.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.
Absent - Benson, Goodman.

Lilligren moved to approve the settlement of the cases of *Bernadine McWhorter, et al. v. Officer Lucas Peterson, et al.*, United States District Court File No.: 04-4324 MJD/SRN and *Debra Burns v. City of Minneapolis, et al.*, United States District Court File No.: 05-2704 MJD/SRN with payment in total of \$300,000.00 to Plaintiffs and their attorneys. Payment shall be from Fund/Org. 690-150-1500-4000. The City Attorney's Office is hereby authorized to execute any document necessary to effectuate this settlement, including documents necessary to structure a portion of the payments. Seconded.
Adopted 8/3/2007.

Absent - Benson, Goodman.

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

AUGUST 3, 2007

NEW BUSINESS

Following the closed session, Rocco Forté, Assistant City Coordinator, Emergency Preparedness and Regulatory Services, provided an update relating to the I-35W bridge collapse.

Lilligren moved to adjourn to Wednesday, August 15, 2007 at 1:00 p.m. in Room 317, City Hall, for the purpose of receiving the Mayor's Budget Address. Seconded.

Adopted upon a voice vote 8/3/2007.

Absent - Benson, Goodman.

Merry Keefe,
City Clerk.

Unofficial Posting: 8/8/2007
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Corrections: 11/19/2007