

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 24, 2009

(Published May 2, 2009, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

April 24, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include a Resolution supporting Immigrant Rights and Workers' Day on May 1, 2009. Seconded.

Adopted upon a voice vote.

The agenda, as amended was adopted upon a voice vote 4/24/2009.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of April 10, 2009. Seconded.

Adopted upon a voice vote 4/24/2009.

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 4/24/2009.

PETITIONS AND COMMUNICATION

CLAIMS:

RISK MANAGEMENT (273405)

2008 Tort Claims Summary Report.

CLAIMS (See Rep):

RISK MANAGEMENT (273406)

Claims: Appeals of decision of Staff Claims Committee.

COMMITTEE OF THE WHOLE:

COORDINATOR (273407)

Presentation on Minneapolis Economic Recovery Strategy

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273408)

Land Sale (1813 - 3rd St S): Sale to Rodney F. Johnson, owner & d/b/a Midwest Mountaineering, Inc.

Open Arms of MN (re 2500 Bloomington Ave S): Preliminary & final approval to issue bonds for construction of new headquarters.

MN Home Ownership Center: Exception to procurement policy to extend contract; contracts for homeownership counseling, foreclosure prevention counseling & foreclosure prevention loan fund; extension of contract with carryforward of funds of 2008 contract.

Mpls Economic Recovery Strategy: Designation of Mpls Recovery Zone for purposes of issuance of Recovery Zone Bonds in 2009 & 2010.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273409)

2009 Hennepin County Transit Oriented Development Grant Applications.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273410)

Environmental Remediation Grant Applications, Spring 2009: Applications to MN Department of Employment Economic Development Contamination Cleanup & Investigation Grant Program & Hennepin County Environmental Response Fund.

HEALTH, ENERGY AND ENVIRONMENT:

COORDINATOR (273411)

2009 GreenPrint Sustainability Report.

HEALTH AND FAMILY SUPPORT SERVICES (273412)

Public Health Emergency Preparedness: Quarterly Update.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (273413)

Latino Advisory Committee: Request to approve appointments.

HEALTH AND FAMILY SUPPORT SERVICES (273414)

Public Health Advisory Committee: Approve City Council and Mayoral appointments and reappointments of Noya Woodrich; Jay Jaffee; Mitchell Davis Jr; David Therkelsen; Clarence Jones; Samira Dini; Kathryn Guimaraes; and Lori Olson.

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

HEALTH AND FAMILY SUPPORT SERVICES (273415)

Public Health Emergency Preparedness: Execute contract with University of Minnesota to receive grant of \$13,196 for a research project to test the effectiveness of different types of training for public health staff in preparing to respond to an emergency; and Approve appropriation.

Minneapolis Economic Recovery Strategy - Youth Violence: Submit grant application to United States Department of Justice seeking up to \$600,000 to support community based organizations providing opportunities for positive youth development with youth at risk for participation in violence.

HEALTH AND FAMILY SUPPORT SERVICES (273416)

Minneapolis Economic Recovery Strategy - Perinatal Health Care: Submit grant application to United States Department of Health and Human Services seeking up to \$800,000 to test the use of technology to promote adherence to health care recommendations.

Living Cities Local Building Energy Retrofit Systems Grant: Submit grant application, in collaboration with the City of St. Paul, to Living Cities seeking up to \$500,000 to create sustainable systems for retrofitting buildings; realize tangible economic and environmental benefits from lower energy; support strategic city/utility/community/business/labor collaborations; leverage private and philanthropic capital for retrofit activities; and ensure that lower income communities, families and businesses will benefit from job opportunities and cost savings.

INTERGOVERNMENTAL RELATIONS:

MINNNEAPOLIS PUBLIC SCHOOLS (273417)

Minneapolis Public Schools: Changing school options briefing.

INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER GLIDDEN (273418)

The People's Bailout Bill: Senate File No. 542/House File No. 626 re economic development; extending MFIP assistance; modifying unemployment compensation; augmenting foreclosure provisions; establishing job creation program; limiting certain layoffs; appropriating money.

PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (273419)

Newsrack Fees: Consider establishing a fee structure for the general administrative and enforcement activities associated with the terms and provisions of Chapter 464.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273420)

Cedar Oil Winner (3333 Cedar Av): Grant Grocery License, subject to conditions.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273421)

Nick and Eddie (1614 Harmon Pl): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class C-2 with Sunday Sales License.

Residence Inn by Marriot (45 S 8th St): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

REGULATORY SERVICES (273422)

Chapter 249 Property at 3808 17th Av S: Determine that property constitutes an immediate hazard to the public health and safety and Approve waiver of the 60-day waiting period set forth in Chapter 249.

Chapter 249 Property at 1201 S 9th St: Determine that property constitutes an immediate hazard to the public health and safety and Approve waiver of the 60-day waiting period set forth in Chapter 249.

REGULATORY SERVICES (273423)

Honeybees: Ordinance to permit the keeping of honeybees in the City of Minneapolis.

REGULATORY SERVICES (273424)

Rental Dwelling License at 1615 Girard Av N: Revoke license held by Gregge K. Johnson.

REGULATORY SERVICES (273425)

Rental Dwelling License at 713 19th Av NE: Revoke license held by Gregory Keiser.

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

FIRE DEPARTMENT (273426)

Police, Fire and Park Police Fitness Club Memberships: Amend agreement with Lifetime Fitness to increase amount by \$508,000; and to change billing period from semi-annually to quarterly.

POLICE DEPARTMENT (273427)

Minneapolis Economic Recovery Strategy - Byrne Grant: Execute Memorandum of Understanding and contract with Hennepin County for police funding.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273428)

Traffic Zones, Restrictions, and Controls: 1st Quarter 2009 report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273429)

Columbia Heights Membrane Filtration Plant: Black and Veatch contract amendment.

Public Impound Towing: S & T Transport, Inc. contract increase.

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

PUBLIC WORKS AND ENGINEERING (273430)

Oak Hill Area (West Half) Street Resurfacing Project No 5193: Project approval and adoption of assessments; Comments.

WAYS AND MEANS BUDGET:

ESTIMATE AND TAXATION (273431)

Filings of Statements of Economic Interest: Internal Auditor's recommendations and report.

FINANCE DEPARTMENT (273432)

2008 Financial Status Report: 4th Quarter.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273433)

Minneapolis Economic Recovery Strategy - Byrne Competitive Grant: Apply for Categories I, VI, and VII.

Ethics Ordinance: Ordinance amending Title 2, Chapter 15 relating to Ethics in Government; and Public comments.

BUSINESS INFORMATION SERVICES (BIS) (273434)

Unisys Contract: Increase contract C-25200 to replace critical network switches.

Application Portfolio Division: Authorize two additional FTE's.

Travel Expense Donation: Accept donation from Unisys for CIO's travel expenses to Intergovernmental Technology Conference.

COORDINATOR (273435)

Meet Minneapolis: Issue RFP for sales and marketing services.

FINANCE DEPARTMENT (273436)

Capital Long-Range Improvement Committee (CLIC): Two additional appointments.

General Obligation Refunding Bonds: Request issuance from Board of Estimate & Taxation.

FIRE DEPARTMENT AND PROCUREMENT (273437)

OP #7092: Accept low responsive bid of Innotech, Inc. / Clarey's Safety Equipment for fire fighter turnout clothing.

HUMAN RESOURCES (273438)

Civil Service Commissioner Reappointments: Macey Wheeler and Christine Siewert.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273439)

Appeal & Rezoning:

Bluff Street Development, LLC (600 Main St SE).

Arts Commission Appointment of Kate Nordstrum.

Zoning Code Text Amendment:

Title 20, Chapters 520, 548, 549, 550, relating to amending permitted and conditional uses, definitions and specific development standards to allow for scooter sales in additional areas

FILED:

CHARTER COMMISSION (273440)

Appointment: Laura Kadwell acceptance of appointment and Oath of Office confirmation from Chief Judge.

COUNCIL MEMBER GLIDDEN (273441)

The People's Bailout Bill: House File No. 2233 as introduced. (See IGR Report)

The following reports were signed by Mayor Rybak on April 27 and 28, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

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

Claims - Your Committee, having under consideration claims appealed from the decision of the Staff Claims Committee, now recommends that the following claims be denied:

- a) Syed Dara, 16125 Xylite St NE, Ham Lake
Relating to vehicle towing
Amount claimed: \$158
- b) Robert Henke, 1800 Clinton Ave
Relating to vehicle towing
Amount claimed: \$192
- c) Shefqet Meko, 4107 30th Ave S
Relating to a vacant building fee
Amount claimed: \$2,000
- d) Jeremy Risch, PO Box 617551, Chicago
Relating to theft of property from a towed vehicle
Amount claimed: \$1,068.14
- e) Virginia Sarat, 335 Longview Terr
Relating to vehicle towing
Amount claimed: \$138
- f) Sheryl Senkiw, 4750 Aldrich Ave N
Relating to missing property
Amount claimed: \$3,455
- g) Kelli Wirth, 5717 21st Ave S
Relating to vehicle towing
Amount claimed: \$138

Adopted 4/24/2009.

Claims - Your Committee, having under consideration the appeal filed by Colin Carpenter, 2516 32nd Ave S, from the decision of the Staff Claims Committee denying a claim in the amount of \$5,000 relating to damage to a native prairie grass yard, now recommends that said claim be paid in the amount of \$25.

Adopted 4/24/2009.

Claims - Your Committee, having under consideration the claim of Michael and Kelly LaVine, 5035 Gladstone Ave, in the amount of \$20,090, appealing the decision of the Staff Claims Committee recommending payment in the amount of \$6,440.12, relating to property damage to a retaining wall, now recommends that said appeal be **sent forward without recommendation**.

Benson moved that the report be amended by deleting the language "that said appeal be sent forward without recommendation" and inserting in lieu thereof "that said claim be paid in the amount of \$14,000". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/24/2009.

Claims - Your Committee, having under consideration the appeal filed by Dawn Vogel, 5613 Nicollet Ave, from the decision of the Staff Claims Committee denying a claim in the amount of \$14,560.20 relating to bodily injury from a slip and fall in a loading zone on 4th St S between 3rd and 4th Aves, now recommends that said appeal be **sent forward without recommendation**.

Goodman moved that the report be amended by deleting the language "that said appeal be sent forward without recommendation" and inserting in lieu thereof "that said claim be denied". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/24/2009.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of a portion of the real property at 1813 - 3rd St S to Rodney F. Johnson, the owner of and doing business as "Midwest Mountaineering, Inc." for a fair market value of \$10,300.

Adopted 4/24/2009.

Resolution 2009R-159, authorizing sale of land (part) Cedar Riverside Disposition Parcel No 21-4B at 1813 - 3rd St S, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-159
By Goodman**

Authorizing sale of land Cedar Riverside Disposition Parcel No 21-4B at 1813 - Third St S (part).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 21-4B, in the Cedar Riverside neighborhood, from Rodney F. Johnson or Midwest Mountaineering, Incorporated, hereinafter known as the Redeveloper, the Parcel 21-4B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of CR 21-4B; 1813 Third Street South (Part): The Westerly 24.00 feet of the most northerly 114.00 feet of Outlot A and the westerly 4.70 feet of the southerly 2.20 feet of the most northerly 116.20 feet of said Outlot A, CEDAR RIVERSIDE ADDITION; and

Whereas, the Redeveloper has offered to pay the sum of \$10,300, for Parcel 21-4B to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on April 3, 2009, a public hearing on the proposed sale was duly held on April 14, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Cedar Riverside plan, as amended, is hereby estimated to be the sum of \$10,300 for Parcel 21-4B.

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

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

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

Adopted 4/24/2009.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of Open Arms of Minnesota to assist in the construction of a new headquarters facility at 2500 Bloomington Ave S, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$2,850,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2009, for said project.

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

Adopted 4/24/2009.

Approved by Mayor Rybak 4/24/2009

(Published 4/28/2009)

Resolution 2009R-160, giving preliminary and final approval to and authorizing the financing of a project on behalf of Open Arms of Minnesota, Inc. at 2500 Bloomington Ave S, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefore, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-160

By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Open Arms of Minnesota, Inc. (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefore.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 55, 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 the amount of \$2,850,000 (the "Bond") to finance the construction of new Company headquarters, including office, conference room, kitchen and storage facilities located at 2500 Bloomington Avenue South in the City; 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 a variable interest rate, shall have an expected maturity date of five (5) years, 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 \$2,850,000 for the purpose of financing the construction 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 4/24/2009.

Approved by Mayor Rybak 4/24/2009

Comm Dev - Your Committee, having under consideration extension of the contract with the Minnesota Home Ownership Center to provide homeownership and foreclosure prevention counseling services, now recommends:

a) Approval of an exception to the procurement policy to allow the City to extend the contract with the Minnesota Home Ownership Center without following a Request For Proposals process;

b) That the proper City officers be authorized to enter into a contract with the Minnesota Home Ownership Center for homeownership counseling in the amount of \$125,000, foreclosure prevention counseling in the amount of \$385,600, and a foreclosure prevention loan fund in the amount of \$50,000; and

c) Authorization for the extension of the contract together with the carryforward of any remaining funds covered under the 2008 contract.

Adopted 4/24/2009.

Comm Dev - Your Committee, having under consideration the Minneapolis Economic Recovery Strategy and the American Recovery and Reinvestment Act of 2009 which made a number of changes to the tax code that pertain to tax-exempt revenue bonds, now recommends passage of the accompanying resolution designating an area as the Minneapolis Recovery Zone for the purposes of the issuance of Recovery Zone Bonds in 2009 and 2010.

Adopted 4/24/2009.

Resolution 2009R-161, designating the City of Minneapolis Recovery Zone for purposes of Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code of 1986, as amended, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-161
By Goodman

Designating the City of Minneapolis Recovery Zone for Purposes of Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code of 1986, as amended (the "Code").

Whereas, Section 1400U-1 of the Code authorizes the City of Minneapolis (the "City") to designate a "recovery zone" for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code, and for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code; and

Whereas, the term "recovery zone" means (1) any area designated by the City as having significant poverty, unemployment, rate of home foreclosures, or general distress, (2) any area designated by the City as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and (3) any area for which a designation as an empowerment zone or a renewal community is in effect;

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

That the City's "recovery zone" for purposes of Sections 1400U-1, 1400U-2 and 1400U-3 of the Code is hereby designated to be the area denoted on the map attached to the council report accompanying this resolution, consisting generally of an overlaying of the following four existing designated areas in the City: (a) Minneapolis Empowerment Zone, (b) CDBG Target Area, (c) New Markets Tax Credit Eligibility Area, and (d) Neighborhood Stabilization Program Target Area.

Be It Further Resolved that the City Council hereby finds that the "recovery zone" described above meets the requirements of Section 1400U-1 of the Code, in that the area therein is already designated as an empowerment zone and/or is an area having significant poverty, unemployment, rate of home foreclosures, or general distress.

Adopted 4/24/2009.

The COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

Comm Dev & T&PW - Your Committee, having under consideration the applications for 2009 Hennepin County Transit-Oriented Development (TOD) Program grant funding, now recommends approval of recommendations of the Department of Community Planning & Economic Development (CPED) for:

a) Passage of the accompanying resolution granting multi-jurisdictional program approval for the submission of TOD loan/grant applications to Hennepin County for projects within the City of Minneapolis and authorizing cooperative agreements for County funded projects; and

b) Approval of City of Minneapolis priority rankings for project proposals, and direction to staff to submit advisory rankings to the Hennepin County Department of Housing, Community Works and Transit, as follows:

1. Alliance Addition, by Aeon
2. Bassett Creek Valley, Linden Yards West, by the City of Minneapolis/CPED
3. Lyndale Green, by Brighton Development
4. Walker Apartments, by Twelfth & Hennepin Development, LLC
5. Jackson Street NE Artist Affordable Owner Occupied Housing by Northeast CDC & Flannery Construction
6. Lyndale Creative Community, by Greco, LLC

7. East Bank Mills, Phase 1 by Mills Development, LLC
 8. ARTS Lot, by Urban Homeworks
 9. Gopher Cleaners Redevelopment, by Savant Properties II, LLC
 10. Stevens and Loring Park Community Connector Project, by Stevens Community & Loring Park Neighborhood
- Adopted 4/24/2009.

Resolution 2009R-162, granting multi-jurisdictional program approval for the submission of 2009 Hennepin County Transit-Oriented Development Program loan/grant applications for the following projects: Alliance Addition, by Aeon; Bassett Creek Valley, Linden Yards West, by the City of Minneapolis/CPED; Lyndale Green, by Brighton Development; Walker Apartments, by Twelfth & Hennepin Development, LLC; Jackson Street NE Artist Affordable Owner Occupied Housing by Northeast CDC & Flannery Construction; Lyndale Creative Community, by Greco, LLC; East Bank Mills, Phase 1 by Mills Development, LLC; ARTS Lot, by Urban Homeworks; Gopher Cleaners Redevelopment, by Savant Properties II, LLC; Stevens and Loring Park Community Connector Project, by Stevens Community & Loring Park Neighborhood, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-162
By Goodman and Colvin Roy

Granting multi-jurisdictional program approval for the submission of 2009 Hennepin County Transit-Oriented Development (TOD) Program loan/grant applications.

Whereas, the Hennepin County Transit-Oriented Development (TOD) Program was established as a multi-jurisdictional reinvestment program under the authority of Minnesota Statutes 383B.79, Subdivision 1; and

Whereas, ten applications were submitted to Hennepin County for projects located within the City of Minneapolis for consideration in the 2009 Hennepin County TOD Program solicitation; and

Whereas, the City of Minneapolis hereby approves the submission of ten applications for projects located within the City of Minneapolis for consideration for funding by the 2009 Hennepin County TOD Program;

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

That the City of Minneapolis, in accordance with Minnesota Statutes 383B.77, Subdivision 3, supports the following transit-oriented development loan/grant application submitted to the Hennepin County Housing and Redevelopment Authority on February 26, 2009:

1. Aeon for the Alliance Addition project.
2. Brighton Development for the Lyndale Green project.
3. City of Minneapolis for the Bassett Creek Valley – Linden Yards West project.
4. Greco, LLC for the Lynlake Creative Community project.
5. Mill Development, LLC for the East Bank Mills, Phase 1 project.
6. Northeast Community Development Corporation and Flannery Construction for the Jackson Street Artist Affordable Owner Occupied Housing project.
7. Savant Properties II, LLC for the Gopher Cleaner Redevelopment project.
8. Stevens Community & the Loring Park Neighborhood for the Stevens & Loring Park Community Connector project.
9. Urban Homeworks for the ARTS Lot (Art, Restore, Transit, Sustainable) project.
10. Twelfth & Hennepin Development, LLC for the Walker Apartments project.

Be It Further Resolved that the appropriate City staff may execute one or more cooperative agreements authorizing Hennepin County or the Hennepin County Housing and Redevelopment Authority (HRA) to implement the foregoing projects in Minneapolis.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist any of the foregoing projects nor shall the City be in any way responsible for any financing obligation or agreement of Hennepin County or the Hennepin County HRA with respect to their provision of financial assistance such projects.

Be It Further Resolved that the support expressed herein extends only to the powers of Hennepin County or the Hennepin County HRA with respect to the financial assistance the County or the HRA proposes to provide to the respective projects and the City shall retain all other powers and jurisdiction over matters relating to the City and the projects.

Adopted 4/24/2009.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant applications for Spring, 2009, now recommends that the proper City officers be authorized to apply to the following agencies for projects as listed:

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

1. 129 Plymouth
2. 811-813-817 - 4th St SE
3. Bystrom (Phase I)
4. Florence Court Apartments
5. Hennepin Healthcare System, Inc. Family Medical Center
6. Huron Flats
7. Parcel A
8. Walker Apartments

Hennepin County Environmental Response Fund Grant Requests:

1. 129 Plymouth
2. 811-813-817 - 4th St SE
3. B.F. Nelson Park
4. Bystrom (Phase I)
5. Como Student Community Cooperative
6. Florence Court Apartments
7. Gateway Lofts
8. Groundwork Assessment Program
9. Hennepin Healthcare System, Inc. Family Medical Center
10. Huron Flats
11. [Former] Ken's Metal Finishing
12. Lyndale Green
13. Merit Printing
14. Near North Community Housing Project
15. Parcel A
16. PPL Foreclosure Redirection Program
17. Re-Alliance
18. Stone Arch Apartments II
19. Walker Apartments
20. West Broadway Curve

Your Committee further recommends passage of the accompanying resolutions authorizing appropriate City staff to submit said applications.

Adopted 4/24/2009.

Resolution 2009R-163, authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup and Investigation Grant Program for the following projects: 129 Plymouth; 811-813-817 - 4th St SE; Bystrom (Phase I); Florence Court Apartments;

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Hennepin Healthcare System, Inc. Family Medical Center; Huron Flats; Parcel A; and Walker Apartments, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-163
By Goodman and Ostrow**

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

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in contamination cleanup and/or investigation applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by May 1, 2009, subject to final staff verification of each such application's compliance with the DEED grant program's purposes and criteria: 129 Plymouth, 811-813-817 4th St SE, Bystrom (Phase I), Florence Court Apartments, Hennepin Healthcare System, Inc. Family Medical Center, Huron Flats, Parcel A, and Walker Apartments; and

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

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

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

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

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Cleanup and Investigation Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/24/2009.

Resolution 2009R-164, authorizing application to the Hennepin County Environmental Response Fund for the following projects: 129 Plymouth; 811-813-817 - 4th St SE; B.F. Nelson Park; Bystrom (Phase I); Como Student Community Cooperative; Florence Court Apartments; Gateway Lofts; Groundwork Assessment Program; Hennepin Healthcare System, Inc. Family Medical Center; Huron Flats; [Former] Ken's Metal Finishing; Lyndale Green; Merit Printing; Near North Community Housing Project; Parcel A; PPL Foreclosure Redirection Program; Re-Alliance; Stone Arch Apartments II; Walker Apartments; West Broadway Curve, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-164
By Goodman and Ostrow**

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

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that will be more completely described in Environmental Response Fund applications to be

submitted to Hennepin County on or by May 1, 2009, subject to final staff verification of each such application's compliance with the ERF program's purposes and criteria: 129 Plymouth, 811-813-817 4th St SE, B.F. Nelson Park, Bystrom (Phase I), Como Student Community Cooperative, Florence Court Apartments, Gateway Lofts, Groundwork Assessment Program, Hennepin Healthcare System, Inc. Family Medical Center, Huron Flats, [Former] Ken's Metal Finishing, Lyndale Green, Merit Printing, Near North Community Housing Project, Parcel A, Re-Alliance, PPL Foreclosure Redirection Program, Stone Arch Apartments II, Walker Apartments, and West Broadway Curve (any of these projects may opt to submit its application directly to Hennepin County, rather than through the City of Minneapolis, if doing so is authorized under the ERF program's guidelines); and

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

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

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

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

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

Adopted 4/24/2009.

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

HE&E –Your Committee recommends concurrence with the recommendation of the City Council and Mayor to approve the following appointments and reappointments to the Public Health Advisory Committee for two-year terms to expire December 31, 2010:

Appointments

Noya Woodrich, Ward 4 representative
David Therkelsen, Ward 12 representative
Clarence Jones, Mayoral representative
Samira Dini, Ward 10, at large representative
Kathryn Guimaraes, Ward 9, at large representative

Reappointments

Jay Jaffee, Ward 13 representative
Mitchell Davis Jr, Ward 5 representative
Lori Olson, Environmental Health, ex-officio
Adopted 4/24/2009.

HE&E – Your Committee, having under consideration Mayoral and City Council appointments to the Latino Advisory Committee for two-year terms to expire December 31, 2010, now recommends that the following applicants be sent forward without recommendation:

Nicholas J. Juarez
Eva Benavidez Clayton
Vincent Ruiz-Ponce
Paola Nuñez-Obetz
Karen Jiménez Smith
Jonatan B. Gudino
Sarah Langford
David Elias Monterrosa
Stephanie Leah Hernández
Maria M. Vazquez-Calatayud
Erick Garcia-Luna

Benson moved to substitute the following report for the above report:

HE&E – Your Committee, having under consideration Mayoral and City Council appointments to the Latino Advisory Committee, now recommends approval of the following appointments:

Eric Garcia-Luna, Ward 1 (work), to expire December 31, 2010

Paola Nuñez-Obetz, Ward 11, to expire December 31, 2010

Vincent Ruiz-Ponce, Ward 2 (youth position), to expire December 31, 2009

Nicholas J. Juarez, Ward 1 (work), to fill the unexpired term of Brandon Lacy-Campos to expire December 31, 2009

David Elias Monterrosa, Ward 9, to expire December 31, 2010

Karen Jiménez-Smith, Ward 12, to expire December 31, 2009

Jonatan B. Gudino, Ward 9 (work), to expire December 31, 2009. Seconded.

Adopted by unanimous consent.

The substitute report was adopted 4/24/2009.

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

HE&E & W&M/Budget – Your Committee, having under consideration public health emergency preparedness services, now recommends that the proper City officers be authorized to execute a contract with the University of Minnesota to receive a grant of \$13,196 to fund a pilot research project to test the effectiveness of different types of training for public health staff in preparing to respond to an emergency. The program is expected to begin after April 1, 2009 and run for no more than 12 months. Further, passage of the accompanying resolution appropriating \$13,196 to the Department of Health & Family Support.

Adopted 4/24/2009.

**RESOLUTION 2009R-165
By Benson and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Federal Fund (01300-8600150) by \$13,196 and increasing the Revenue Source (01300-8600150-321000) by \$13,196.

Adopted 4/24/2009.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit a grant application to the United States Department of Justice seeking up to \$600,000 to support community based organizations providing opportunities for positive youth development with youth at risk for participation in violence. Services would be provided via contracts with community and/or faith based organizations during the period July 31, 2009 to July 30, 2011.

Adopted 4/24/2009.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit a two-year grant application to the United States Department of Health and Human Services seeking up to \$800,000 from the National Institutes of Health Challenge Grants in Health and Science Research to test the use of technology to promote adherence to perinatal health care recommendations. The proposed project, “Fostering adherence to perinatal care recommendations through social networking sites”, will test the use of social networking sites and text messaging among women at risk for poor birth outcomes to improve compliance with recommended prenatal and postpartum care and well-child visits during the period September 30, 2009 through September 29, 2011.

Adopted 4/24/2009.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to submit a grant application, in collaboration with the City of St. Paul, to Living Cities seeking up to \$500,000 as part of the Local Building Energy Retrofit Systems Grant to support a Minneapolis/St. Paul initiative to create sustainable systems for retrofitting their buildings; realize tangible economic and environmental benefits from lower energy; support strategic city/utility/community/business/labor collaborations; leverage private and philanthropic capital for retrofit activities; and ensure that lower income communities, families and businesses will benefit from the job opportunities and cost savings that result.

Adopted 4/24/2009.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee recommends that the Affordable Housing and Homelessness Prevention section of the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to add language to support Section 6 of Senate File No. 542/House File No. 626 (referred to as The People's Bailout Bill) relating to restriction on residential lease terms for buildings in financial distress; required notice of pending foreclosure; rights of tenants of foreclosed property, to read as follows:

“Priority issues for Minneapolis:

Policies that prevent mortgage foreclosures and vacant and abandoned properties. Such policies include but are not limited to improved notices of foreclosures to cities and renters, modifications of mortgage terms, increased availability and public awareness of counseling services, permitting continued occupancy of foreclosed property during the redemption period and modifying the foreclosure process to provide additional time prior to the sale. The Legislature should also review the scrap metal theft and trespass statutes and recommend modifications that would make the statutes more effective. The landlord and tenant statute should also be reviewed to ensure that tenants' rights are protected in such arrangements as lease to own contracts. This includes support for Section 6 of Senate File No. 542/House File No. 626.”

Glidden moved to amend the last sentence of the report by adding language to read as follows: “This includes support for Section 6 of Senate File No. 542/House File No. 626, as amended by Section 1 of House File No. 2233.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/24/2009.

IGR - Your Committee, having under consideration an amendment to the Affordable Housing and Homelessness Prevention section of the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, to include support for Section 7 of Senate File No. 542/House File No. 626 (referred to as The People's Bailout Bill) entitled “Foreclosure Moratorium,” now recommends that said amendment be sent forward without recommendation.

Glidden moved to substitute the following report for the above report:

IGR - Your Committee recommends that the Affordable Housing and Homelessness Prevention section of the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to add language to support Section 2 of House File No. 2233 as introduced, relating to economic development; allowing a stay of mortgage foreclosure proceedings under certain conditions; landlord and tenant; providing rights to tenants of foreclosed property, to read as follows:

“Priority issues for Minneapolis:

Policies that prevent mortgage foreclosures and vacant abandoned properties. Such policies include but are not limited to improved notices of foreclosures to cities and renters, modifications of mortgage terms, increased availability and public awareness of counseling services, permitting continued occupancy of foreclosed property during the redemption period, and modifying the foreclosure process to provide additional time prior to the sale. The legislature should also consider policies that will maintain owner occupancy of foreclosed homes by current or new owner occupants. Such policies and programs could include lender-owner mediation and funding for local governments or non-profits to purchase homes for owner-occupancy. The legislature should also review the scrap metal theft and trespass statutes and recommend modifications that would make the statutes more

effective. The landlord and tenant statute should also be reviewed to ensure that tenants rights are protected in such arrangements as lease to own contracts. This includes support for Section 2 of House File No. 2233 as introduced.” Seconded.

Adopted upon a voice vote.

The substitute report was adopted 4/24/2009.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Miscellaneous Regulations*, to permit the keeping of honeybees in the City of Minneapolis, now recommends that said ordinance be given its second reading for amendment and passage.

Hofstede moved that Section 74.80 (c) of the ordinance be amended to read as follows:

“(c) The manager of Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and received the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant’s real estate and one hundred (100) percent of the signatures of occupants of properties immediately adjacent to the applicant’s real estate. **When the proposed location of the hives, colonies and facilities is within a large real estate parcel greater than four (4) acres in size, the applicant must receive approval from eighty (80) percent of the occupants of the several descriptions of real estate situated within two hundred fifty (250) feet of the hives and one hundred (100) percent of the occupants of the several descriptions of real estate situated within one hundred fifty (150) feet of the hives.**

For the purposes of this subsection, the term “occupant” refers to any one (1) occupant for each of the real estate properties referenced.” Seconded.

Adopted upon a voice vote.

Hofstede moved that Section 74.80 (h) (1) of the ordinance be amended to read as follows:

“(h) *Colony density*. Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

- (1) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. **A flyway barrier is not required if the hives are located on the roof of a structure containing at least one full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.**” Seconded.

Adopted upon a voice vote.

Gordon moved that Section 74.80 (i) be deleted.

“(i) Any person obtaining a permit pursuant to this section shall agree to defend and indemnify and hold harmless the City of Minneapolis against any and all claims arising out of the keeping of honeybees

and any other activities related to any permit issued pursuant to this section." Seconded.

Adopted upon a voice vote.

The report was adopted 4/24/2009.

Ordinance 2009-Or-032 amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Miscellaneous Regulations*, amending Section 74.80 to permit the keeping of honeybees in the City of Minneapolis, was adopted 4/24/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-032
By Hofstede
Intro & 1st Reading: 3/6/2009
Ref to: PS&RS
2nd Reading: 4/24/2009

Amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations.

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

Section 1. That Section 74.80 of the above-entitled ordinance be amended to read as follows:

74.80. Keeping of honeybees. ~~No person shall keep or allow to be kept any hive or other facility for the housing of honeybees:~~ (a) ~~No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.~~

(b) ~~The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by the manager of animal care and control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, the manager of animal care and control may deny, suspend or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.~~

(c) ~~The manager of Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and received the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate and one hundred (100) percent of the signatures of occupants of properties immediately adjacent to the applicant's real estate. When the proposed location of the hives, colonies and facilities is within a large real estate parcel greater than four (4) acres in size, the applicant must receive approval from eighty (80) percent of the occupants of the several descriptions of real estate situated within two hundred fifty (250) feet of the hives and one hundred (100) percent of the occupants of the several descriptions of real estate situated within one hundred fifty (150) feet of the hives. For the purposes of this subsection, the term "occupant" refers to any one (1) occupant for each of the real estate properties referenced.~~

(d) ~~Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by the manager of Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars (\$100) which shall be paid at the time of application. The annual renewal fee thereafter for such permit shall be fifty dollars (\$50.00). Minneapolis Animal Care and Control shall inspect the premises annually or as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.~~

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

(f) Definitions. As used in this section:

- (1) Apiary means the assembly of one (1) or more colonies of honeybees at a single location.
- (2) Beekeeper means a person who owns or has charge of one (1) or more colonies of honeybees.
- (3) Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (4) Colony means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
- (5) Hive means the receptacle inhabited by a colony that is manufactured for that purpose.
- (6) Honeybee means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- (7) Lot means a contiguous parcel of land under common ownership.
- (8) Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- (9) Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(g) Standards of practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

- (1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
- (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- (4) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9-5/8) inch depth ten-frame hive body with no supers.
- (5) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
- (6) Each beekeeper shall enclose their property with a latching fence.

(h) Colony density. Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

- (1) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or

combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

- (2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
- a. One half (1/2) acre or smaller lot: Two (2) colonies;
 - b. Larger than one half (1/2) acre but smaller than three quarter (3/4) acre lot: Four (4) colonies;
 - c. Larger than three quarter (3/4) acre lot but smaller than one (1) acre lot: Six (6) colonies;
 - d. One (1) acre but smaller than Five (5) acres: Eight (8) colonies;
 - e. Larger than Five (5) acres: As determined by the manager of Minneapolis Animal Care and Control.
- (3) Regardless of lot size, so long as all lots within a radius of at least two-hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by the manager of Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.
- (4) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.

Adopted 4/24/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Cedar Oil Winner, 3333 Cedar Av, for a Grocery License, subject to conditions.

Adopted 4/24/2009.

Resolution 2009R-166, granting the application of Cedar Oil Winner, 3333 Cedar Av, for a Grocery License, subject to conditions, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-166

By Samuels

Granting the application of Cedar Oil Winner, 3333 Cedar Av, for a Grocery License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Cedar Oil Company, dba Cedar Oil Winner, 3333 Cedar Av, for a Grocery License (new proprietor) to expire April 1, 2010, subject to the following conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business understands that any vehicle that parks on their business property and the occupants are not making a purchase shall be trespassed and the vehicle license number reported to the Police Department SAFE team members. Employee and the owner's vehicles are exempt from this condition.

3. The business will maintain their system for issuing and tracking 90-day No Trespassing Notices complete with pictures of trespassed people.

4. The business shall have two staff people working at the business from 2:00 p.m. to the close of business seven days a week.

5. The business agrees not to sell single cigars or single cigarettes.

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

7. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

8. Windows will be free of signs and other items that block the view in and out, as specified in Section 543.350 of the Minneapolis Code of Ordinances.

9. Owner shall comply with the Surveillance Camera Ordinance. The business agrees to maintain three exterior surveillance cameras and shall monitor the exterior activity on the business property.

10. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.

11. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

12. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

13. The business will have maximum operating hours as follows: Sunday through Thursday, 6:00 a.m. to 10:00 p.m.; Friday and Saturday, 6:00 a.m. to 11:00 p.m.

14. The business understands that they will pay all fines and fees, not under appeal, by the due date issued on the violation notice.

15. The business agrees that there will be no exterior pay phones.

16. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/24/2009.

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

Adopted 4/24/2009.

Resolution 2009R-167, granting applications for Liquor, Wine and Beer Licenses, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-167
By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273420):

Off-Sale Liquor, to expire April 1, 2010

APRIL 24, 2009

MGM Wine & Spirits Inc, dba MGM Wine & Spirits, 3056 Excelsior Blvd (change address from 3254 W Lake St; and new manager)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2010

La Vina Inc, dba La Vina Restaurant and Banquet Center, 3010 4th Av S
Minikahda Club, dba Minikahda Club, 3205 Excelsior Blvd

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2010

Sauce LLC, dba Sauce Spirits & Sound Bar, 3001 Lyndale Av S (change in ownership from La bodega Tapas Bar LLC)

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

Azia Inc, dba Azia, 2550 Nicollet Av
Twin Wings of Minneapolis LLC, dba Hooters, 600 Hennepin Av #250
Trans Global T Inc, dba Bombay Bistro, 820 Marquette Av

On-Sale Liquor Class E with Sunday Sales, to expire May 2, 2009

Club 46 Inc, dba Rachael's Club 46, 4601 Lyndale Av N (temporary expansion May 2, 2009)

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2009

Buca (Minneapolis) Inc, dba Buca Di Beppo, 1204 Harmon Pl #1 (new manager)

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

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

On-Sale Wine Class D with Strong Beer, to expire April 1, 2010

Dos Laredos Inc, dba La Palmita, 805 E 38th St
Los Mestizos Inc, dba El Meson, 3450 Lyndale Av S

On-Sale Wine Class E with Strong Beer, to expire April 1, 2010

Alma Tierra Inc, dba Alma, 528 University Av SE
Java J's Inc, dba Java J's, 700 Washington Av N #100
Lili-Nick Inc, dba Tooties on Lowry, 2706 Lowry Av N
Ice Scream Inc, dba Glaciers Cafe, 3019 Minnehaha Av
Papa's Pizza and Pasta LLC, dba Papa's Pizza and Pasta, 4159 Thomas Av N
Atrium Restaurant Group Corp, dba Arezzo, 5057 France Av S

Off-Sale Beer, to expire April 1, 2010

Kwik Mart Inc, dba Kwik Mart Inc, 3652 Cedar Av S.
Adopted 4/24/2009.

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

Adopted 4/24/2009.

Resolution 2009R-168, granting applications for Business Licenses, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-168
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 April 24, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273420):

Amusement Devices; Bowling Alley; Dry Cleaning & Laundry Pickup Station; Laundry; All Night Special Food; Boarding House; Caterers; Confectionery; Food Distributor; Grocery; Indoor Food Cart; Ice Producer-Dealer/Wholesale; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile

Food Vendor; Restaurant; Food Shelf; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Soft Drink; Vending Machine; Gasoline Filling Station; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Pet Shop; Plumber; Pool Table; Precious Metal Dealer; Public Market; Rental Halls; Secondhand Goods Class A; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing, Valet Parking; Wrecker of Buildings Class B.

Adopted 4/24/2009.

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

Adopted 4/24/2009.

Resolution 2009R-169, granting applications for Gambling Licenses, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-169
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 (Petn No 273420):

Gambling Class B

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Spring St Tavern, 355 Monroe St, bar bingo, pulltabs, tipboards and paddlewheel)

Gambling Exempt

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 7801 E Bush Lake Rd, Suite 130, Bloomington (Raffle April 24, 2009 at Trocaderos Event Center)

Theodore Roosevelt Conservation Partnership, dba Theodore Roosevelt Conservation Partnership, 312 Central Av SE #588 (Raffle April 30, 2009 at IUOE Local 49 Hall)

Tru Breed Motorcycle Club, dba Tru Breed Motorcycle Club, 6568 157th St #306, Apply Valley (Raffle May 1, 2009 at First Avenue Nightclub)

Lake Country School, dba Lake Country School, 3755 Pleasant Av S (Raffle May 2, 2009).

Adopted 4/24/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by Nick and Eddie, 1614 Harmon Pl.

Adopted 4/24/2009.

Resolution 2009R-170, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by Nick and Eddie, 1614 Harmon Pl, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 24, 2009

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

RESOLUTION 2009R-170

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-2 with Sunday Sales License held by Nick and Eddie, 1614 Harmon Pl.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 2, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months employees of Nick and Eddie sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of the signing of this agreement to include all of the following:

a. Use of an electronic identification reader that assists employees in determining the birth date required to make a legal sale of alcohol.

b. Develop a clear policy in employee manual for verifying customer identification including: looking at the picture and at the customer to ensure the ID belongs to that person; look for any indication on the ID the person is under the age of 21; and define a backup system so a manager or a second designated staff member looks at any ID if there are any questions.

c. Provide signage at wait stations so as to remind staff they must refuse service to anyone that is under the age of 21.

d. Indicate any incentive program that may be implemented for staff should they pass a self imposed or City administered compliance check.

e. Indicate whenever a staff meeting is held alcohol service and proof of age policies will be a standing agenda item.

2. Provide annual alcohol service training to begin by March 31, 2009. New employees must receive alcohol service training within 30 days of hire. Provide proof of training in writing to the Licenses and Consumer Services Division by April 5, 2009.

3. Employ a self check program with underage decoys four times a year for the next two years and document the results. Start this program within 30 days of this agreement being approved by the City Council.

4. In lieu of a suspension of the on-sale liquor license, the City shall impose a \$3,000 sanction with \$1,500 being stayed for a period of two years from City Council approval of this agreement., The licensee shall pay \$750 by April 18, 2009 and a second payment of \$750 by May 2, 2009.

Adopted 4/24/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Residence Inn by Marriot, 45 S 8th St.

Adopted 4/24/2009.

Resolution 2009R-171, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Residence Inn by Marriot, 45 S 8th St, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-171

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Residence Inn by Marriot, 45 S 8th St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 12, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months employees of Downtown Residence Inn sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. Downtown Residence Inn agrees to pay a \$3,000 sanction for failing two youth alcohol compliance checks, of which \$1,000 is stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement; \$2,000 will be paid upon signing this agreement.

2. Downtown Residence Inn agrees to a suspension of its On-Sale Liquor License for a period of three days. The bar area will be closed on a Tuesday, Wednesday and Thursday within the same week.

3. Downtown Residence Inn agrees that a manager will be present at all times of alcohol sales.

4. Downtown Residence Inn agrees to conduct their own youth alcohol compliance checks four times per year for a period of two years and reward those employees passing the checks.

5. Downtown Residence Inn will require all staff serving liquor to attend alcohol server training annually with all new staff required to attend within 30 days of hire.

6. Downtown Residence Inn agrees to address alcohol service at regularly scheduled staff meetings.

7. No one under the age of 21 is allowed in the bar area unless accompanied by an adult.

8. Downtown Residence Inn agrees to prominently post signs in the bar area outlining their carding policy.

Adopted 4/24/2009.

PS&RS – Your Committee, having under consideration the property located at 3808 17th Av S, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 4/24/2009.

PS&RS – Your Committee, having under consideration the property located at 1201 S 9th St, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 4/24/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Gregory Keiser for the property located at 713 19th Av NE, now recommends concurrence with the

recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to delinquent assessments on the rental property, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 4/24/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Gregg K. Johnson for the property located at 1615 Girard Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.2020 of the Minneapolis Code of Ordinances relating to conduct on licensed premises, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 4/24/2009.

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

PS&RS & W&M/Budget - Your Committee, having under consideration fitness club memberships for Police, Fire and Park Police personnel, now recommends that the proper City officers be authorized to execute Amendment #2 to Contract #C-21915 with Lifetime Fitness to increase the amount by \$508,000, for a new estimated contract total of \$1,743,200, to reflect previously agreed upon rates, and to change the billing period from semi-annual to quarterly.

Adopted 4/24/2009.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2009 Byrne Memorial Recovery Act funding, now recommends the following:

PS&RS - that the proper City officers be authorized to execute a Memorandum of Understanding, and the necessary contracts, with Hennepin County to receive the City's share of \$3,961,232 to be used to continue the services of City Attorneys assigned to Police Department precincts, to fund 13 Community Service Officer positions, and to employ the current police recruit class following graduation in May 2009. Further, passage of the accompanying Resolution appropriating \$3,961,232 to the Police Department.

W&M/Budget – that the proper City officers be authorized to execute a Memorandum of Understanding, and the necessary contracts, with Hennepin County to receive the City's share of \$3,763,170 to maintain the jobs of 87 police officers during the period July 1 through December 31, 2009. Further, passage of the accompanying Resolution appropriating \$3,763,170 to the Police Department.

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/24/2009.

Approved by Mayor Rybak 4/24/2009.

(Published 4/28/2009)

**RESOLUTION 2009R-172
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002110) by \$3,763,170 and increase the Revenue Source (01300-4002110-321010) by \$3,763,170.

Adopted 4/24/2009.

Approved by Mayor Rybak 4/24/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers be authorized to execute Amendment #4 to Contract C-017864 with Black & Veatch, increasing the contract by \$150,000, for a revised contract total of \$5,697,000, to allow for additional services not included in the original scope of the project. Funds are available within the existing project budget.

Adopted 4/24/2009.

T&PW - Your Committee, having under consideration Contract C-26299 with S & T Transport, Inc. (OP 7035) for the towing of vehicles from public or private property, now recommends that the proper City officers be authorized to increase said contract by \$195,910, for a revised total estimated expenditure of \$392,340, for towing services in Zone 4. No additional appropriation necessary.

Adopted 4/24/2009.

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

T&PW & W&M/Budget - Your Committee, having under consideration the Oak Hill Area (West Half) Street Resurfacing Project, Special Improvement of Existing Street No 5193, with resolutions as follows:

a) Ordering the work to proceed and adopting special assessments for the project in the amount of \$970,475.09; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$970,475 for the project;

now recommends:

T&PW - Approval, with staff directed to report back on the determination of the appropriateness of the application of the influence zone on the property located at 6010 Lyndale Ave S.

W&M/Budget - Passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting special assessments for the project in the amount of \$963,848.70, to reflect a decrease in the total assessment amount due to the recalculation of the influence zone for the property located at 6010 Lyndale Ave S; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$963,845 for the project.

Colvin Roy moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/24/2009.

Resolution 2009R-173, ordering the work to proceed and adopting the special assessments for the Oak Hill Area (West Half) Street Resurfacing Project No 5193, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

APRIL 24, 2009

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

RESOLUTION 2009R-173
By Colvin Roy and Ostrow

2009 STREET RESURFACING PROGRAM
OAK HILL AREA (WEST HALF) STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5193

Ordering the work to proceed and adopting the special assessments for the Oak Hill Area (West Half) Project.

Whereas, a public hearing was held on April 14, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-081, passed March 6, 2009 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 City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-081, passed March 6, 2009.

Be It Further Resolved that the proposed assessment for the property identified as 6010 Lyndale Ave S, Property ID 21-028-24-44-0096, be reduced by \$6,626.39 from \$25,091.39 to \$18,465;

Be It Further Resolved that the proposed special assessments in the total amount of \$970,475.09 for the Oak Hill Area (West Half) as on file in the office of the City Clerk, be revised to \$963,848.70 as a result of the above reduction, 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 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 City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

Adopted 4/24/2009.

Resolution 2009R-174, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$963,845 for the purpose of paying the assessed cost of street improvements in the Oak Hill Area (West Half) Street Resurfacing Project, Special Improvement of Existing Street No 5193, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-174
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$963,845 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 street improvements in the Oak Hill Area (West Half) Street Resurfacing Project, Special Improvement of Existing Street No 5193, 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 4/24/2009.

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

W&M/Budget - Your Committee, having under consideration the Minneapolis Economic Recovery Strategy: American Recovery and Reinvestment Act of 2009, Byrne Competitive Grant Application, now recommends that the City Attorney's Office be authorized to apply for Byrne Competitive Grant Opportunities in Categories I, VI, and VII (Petn No 273433).

Adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget - Your Committee recommends that proper City officers be authorized to amend the Unisys managed services contract C-25200 by \$269,454 for an increase in scope to replace critical network switches that have reached end of life. No additional appropriation required. Funded using existing CLIC funds allocated to BIS.

Adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget - Your Committee, having under consideration the request for two additional FTE positions for the Application Portfolio Division of Business Information Services (BIS), now recommends approval of said request; and passage of the accompanying resolution appropriating \$210,000 to the Business Information Services (BIS) Department.

Adopted 4/24/2009.

Absent - Hofstede.

RESOLUTION 2009R-175

By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Department in the Info Tech - Internal Service Fund by \$210,000 and increasing the Revenue Source by \$210,000.

Adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing proper City officers to accept a donation for travel expenses (not to exceed \$1,500) from Unisys Corporation to allow the City's Chief Information Officer, Lynn Willenbring to travel to Harrisburg, Pennsylvania to attend The Intergovernmental Technology Conference (ITC) on May 20, 2009.

Adopted 4/24/2009.

Absent - Hofstede.

RESOLUTION 2009R-176

By Ostrow

Accepting a donation from Unisys Corporation for travel expenses.

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation (not to exceed \$1,500) from Unisys Corporation to allow the City's Chief Information Officer, Lynn Willenbring to attend The International

Technology Conference (ITC) in Harrisburg, Pennsylvania on May 20, 2009.

Adopted 4/24/2009.

Absent - Hofstede.

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

Adopted 4/24/2009.

Absent - Hofstede.

Resolution 2009R-177, approving two additional appointments to the Capital Long-Range Improvement Committee (CLIC), was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-177

By Ostrow

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

Resolved by The City Council of The City of Minneapolis:

Council Appointment

Alex Phung

Council Ward #

13

Mayoral Appointment

Stephanie Kravetz

Council Ward #

7

Adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget- Your Committee, having under consideration two General Obligation fixed rate bond series which carry interest rates at above the current market conditions and are now callable, resulting in an opportunity to capture debt service savings by refunding these bonds and reissuing them at current interest rates, now recommends passage of the accompanying resolution requesting the Board of Estimate to issue and sell City Minneapolis General Obligation Refunding Bonds in compliance with Minnesota Statutes.

Adopted 4/24/2009.

Absent - Hofstede.

Approved by Mayor Rybak 4/24/2009.

(Published 4/28/2009)

Resolution 2009R-178, requesting the Board of Estimate and Taxation to issue and sell City Minneapolis General Obligation Refunding Bonds, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-178

By Ostrow

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation Refunding Bonds to refund certain outstanding General Obligation Bonds of the City of Minneapolis 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 General Obligation Refunding Bonds for the purpose of one or more current refundings of the following obligations of the City of Minneapolis:

(i) The November 1998 \$19,200,000 General Obligation Parking Ramp Bonds, Series 1998, (\$19,200,000 still outstanding and callable) with a call date of December 1, 2008 and maturities and rates as follows:

| | |
|------|----------------------------|
| 2014 | \$ 800,000 at 4.55%, |
| 2015 | \$ 900,000 at 4.60%, |
| 2016 | \$ 1,000,000 at 4.65%, |
| 2017 | \$ 1,075,000 at 4.70%, |
| 2018 | \$ 1,200,000 at 4.75%, |
| 2019 | \$ 1,300,000 at 4.75%, |
| 2020 | \$ 1,425,000 at 4.75%, |
| 2021 | \$ 1,550,000 at 4.75%, |
| 2022 | \$ 1,675,000 at 4.75%, |
| 2023 | \$ 1,825,000 at 4.75%, |
| 2024 | \$ 1,975,000 at 4.75%, |
| 2025 | \$ 2,150,000 at 4.75%, and |
| 2026 | \$ 2,325,000 at 4.75%. |

(ii) The November 1998 \$ 61,400,000 General Obligation Various Purpose Refunding Bonds, Series 1998D, (\$23,875,000 still outstanding and callable) with a call date of December 1, 2008 and maturities and rates as follows:

| | |
|------|----------------------------|
| 2009 | \$ 1,890,000 at 4.25%, |
| 2010 | \$ 1,995,000 at 5.00%, |
| 2011 | \$ 1,865,000 at 5.00%, |
| 2012 | \$ 1,970,000 at 5.00%, |
| 2013 | \$ 1,855,000 at 5.00%, |
| 2014 | \$ 845,000 at 5.00%, |
| 2015 | \$ 2,385,000 at 5.00%, |
| 2016 | \$ 6,370,000 at 5.00%, and |
| 2017 | \$ 4,700,000 at 5.00%. |

The \$23,875,000 of outstanding bonds is comprised of; \$12,615,000 of Water Bonds, \$6,910,000 of CSO Bonds and \$4,350,000 of Parking Bonds.

(iii) The December 2000, \$22,820,000 General Obligation Various Purpose Bonds, Series 2000B, (\$16,800,000 callable) with a call date of December 1, 2009 and maturities and rates as follows:

| | |
|------|----------------------------|
| 2010 | \$ 5,800,000 at 4.75%, |
| 2011 | \$ 5,300,000 at 4.75%, and |
| 2012 | \$ 5,700,000 at 4.75%. |

All of these bonds relate to Information Technology project financing.

The Finance Officer shall report the results of each series of general obligation refunding bonds to the Council after the completion of the issuance of each refunding.

Adopted 4/24/2009.

Absent - Hofstede.

Approved by Mayor Rybak 4/24/2009.

W&M/Budget - Your Committee recommends acceptance of the low responsive bid received on OP #7092 from Innotex, Inc. / Clarey's Safety Equipment for an estimated annual expenditure of \$427,680 to furnish and deliver fire fighter turnout clothing for the Minneapolis Fire Department, as set forth in Petn No 273437.

Ostrow moved to substitute the following report for the above report:

W&M/Budget - Your Committee recommends acceptance of the low responsive bid received on OP #7092 from Innotex, Inc. / Clarey's Safety Equipment for an estimated expenditure of \$493,500 to furnish and deliver fire fighter turnout clothing for the Minneapolis Fire Department, as set forth in Petn No 273437. Seconded.

Adopted by unanimous consent.

Absent – Hofstede.

The substitute report was adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget - Your Committee, having received recommendations from the Executive Committee for the Minneapolis Civil Service Commission, and having held a public hearing thereon, now recommends approval of the following reappointments:

a) Macey Wheeler, term to expire February 28, 2011; and

b) Christine Siewert, term to expire February 28, 2012.

Adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget - Your Committee recommends authorizing proper City officers to issue a Request for Proposals (RFP) for Sales and Marketing Services for the City of Minneapolis and the Minneapolis Convention Center.

Adopted 4/24/2009.

Absent - Hofstede.

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, by amending sections relating to conflicts of interest, soliciting or accepting gifts, the Ethical Practices Board, and Ethics education; and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/24/2009.

Absent - Hofstede.

Ordinance 2009-Or-033, amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, by amending sections relating to conflicts of interest, soliciting or accepting gifts, the Ethical Practices Board, and Ethics education, was adopted 4/24/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-033
By Ostrow
Intro & 1st Reading: 3/27/2009
Ref to: W&M/Budget
2nd Reading: 4/24/2009

Amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.

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

Section 1. That Section 15.40 (c)(4) of the above-entitled ordinance be amended to read as follows:

15.40. Conflicts of interest.

(c) Disclosure of conflicts of interest. If a local official or employee, in the discharge of his or her official duties, recognizes that his or her participation would create a conflict of interest, the local official or employee shall disclose the conflict of interest as follows:

- (4) An employee who is not covered by paragraphs (1), (2) or (3) above shall disclose a conflict of interest (i) orally to his or her supervisor; and (ii) in writing as described below. If there is no supervisor, an employee shall disclose a conflict of interest in writing as described below. An employee who is required to disclose a conflict of interest in writing under this paragraph (3~~4~~) shall prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The written statement shall be distributed to the employee's immediate supervisor and department head, and filed with the city clerk.

Section 2. That Section 15.50 (b) of the above-entitled ordinance be amended to read as follows:

15.50. Soliciting or accepting gifts.

(b) *Exceptions.* The prohibitions in this section do not apply if the gift is:

- (1) A campaign contribution as defined in Minnesota Statutes, Section 10A.01, subd. 11;
- (2) A service to assist an official in the performance of official duties, including, but not limited to, providing advice, consultation, information, and communication in connection with legislation, or services to constituents;
- (3) A service of insignificant monetary value;
- (4) A plaque or similar memento ~~recognizing individual services in a field of specialty or to a charitable cause~~ with a resale value of five dollars (\$5.00) or less;
- (5) A trinket or memento ~~of insignificant value~~ costing five dollars (\$5.00) or less;
- (6) Informational material of unexceptional value;
- (7) Food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program;
- (8) Given because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or
- (9) Given by an interested person, lobbyist, or principal who is a related person to the recipient, unless the gift is given on behalf of someone who is not a related person.
- (10) A solicitation for city purposes conducted pursuant to a city council approved solicitation policy. Absent a city council approved solicitation policy, a solicitation for city purposes must be pre-approved by city council.

Section 3. That Section 15.210 of the above-entitled ordinance be amended to read as follows:

15.210. Ethical practices board. (a) The ethical practices board will be composed of three (3) members appointed by an appointing committee. The members of the appointing committee shall be the Chief Judge of Hennepin County District Court, the Dean of the University of Minnesota Law School, and the Dean of the University of St. Thomas School of Law. In making the appointments, the committee shall follow the city's open appointments process, supplemented by the following:

- (1) The ~~city clerk~~ ethics officer shall notify non-partisan civic and community groups, colleges and universities of any openings on the board.
- (2) At least thirty (30) days prior to making an appointment, the committee shall submit the names of the finalists for the position to the mayor and the city council for comment.
- (3) ~~Within five (5) days of~~ Upon receiving the names, the city council shall schedule a public hearing to solicit public input on the finalists.

(b) One (1) member of the ethical practices board will be appointed for an initial term to expire on January 2, 2005; two (2) members will be appointed for an initial term to expire on January 2, 2006. All subsequent appointments will be made for three (3) year terms. All members shall serve until their successors have been appointed and qualified. The appointing committee may remove a board member for cause at any time during the board member's term of office. The chair of the board shall be elected by the membership from among its members.

(c) No member of the ethical practices board may be a local official or city employee; the related person of a local official or city employee; a candidate for elected public office; a person who, for

compensation, represents the private interests of others before the city council or mayor; or a paid campaign worker or political consultant of a current local official.

(d) The ethical practices board shall have jurisdiction to review and make findings concerning any alleged violation of this ethics code by any person subject to those provisions, including but not limited to a current or former elected or appointed local official who is a member of an agency, authority, or instrumentality listed in section 15.280(m)(3) of this Code. The ethical practices board may not consider any alleged violation that occurred before the adoption of this Code or more than one (1) year before the date of the filing of a complaint.

(e) The ethical practices board has the following powers only:

- (1) To establish, amend and repeal rules and procedures governing its own internal organization and operations in a manner and form consistent with this Code.
- (2) To meet as often as necessary to fulfill its responsibilities.
- (3) To request from the mayor and city council the appointment of such staff as is necessary to carry out the duties of the board.
- (4) To make notifications, extend deadlines and conduct investigations.
- (5) To respond to local official and employee complaints and questions regarding this Code.
- (6) To give opinions on the interpretation of this Code.
- (7) To make findings of fact as necessary.
- (8) To make recommendations of discipline for violations of this Code by elected and non employee local officials.
- (9) To review, index, maintain on file and dispose of complaints.
- (10) Such other powers as are specifically granted in this Code.

(f) The ethical practices board shall prepare and submit an annual report to the mayor and the city council detailing the ethics activities of the board and the city during the prior year. The format of the report must be designed to maximize public and private understanding of the board and city ethics activities. The report may recommend changes to the text or administration of this Code. The city clerk shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethical practices board and other ethics information reported by the board.

~~(g) The ethical practices board shall submit a budget request to the mayor's budget process after they organize and each year thereafter.~~

Section 3. That Section 15.260 of the above-entitled ordinance be amended to read as follows:

15.260. Ethics education. Each local official or employee shall attend an ethics education seminar within twelve (12) months of the effective date of this ordinance, ~~and once every four (4) years thereafter.~~ New employees and local officials shall attend an ethics education seminar within six (6) months of becoming a local official or employee ~~and every four (4) years thereafter.~~ Employees shall attend ethics education seminars every three (3) years thereafter. Non-employee local officials and elected local officials shall attend an ethics education seminar every (4) years thereafter. The seminar shall educate persons as to their duties and responsibilities under this Code. The human resources department shall design and implement the ethics education seminars. Department heads are responsible for ensuring that all of their employees attend this training.

Adopted 4/24/2009.

Absent - Hofstede.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Bluff Street Development, LLC, from the decision of the Planning Commission denying applications for a conditional use permit for 98 dwelling units, a conditional use permit to increase building height from 2.5 stories to 6 stories in the SH Shoreland Overlay District, a variance to reduce the south interior yard setback down to as little as zero feet, and a site plan review, all for the property at 600 Main Street SE, now recommends, notwithstanding the recommendation of staff, that said appeal be denied and that the Findings of the Planning Commission be adopted.

Your Committee further concurs in the recommendation of the Planning Commission in denying the petition of Bluff Street Development, LLC(BZZ-4319) to rezone the property at 600 Main Street SE from I2 to the C3A District and to remove the IL Industrial Living Overlay District.

Adopted 4/24/2009. Yeas, 11; Nays, 2 as follows:

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

Nays - Goodman, Remington.

Z&P - Your Committee recommends concurrence with the Council appointment of Kate Nordstrum (Ward 11) to the Minneapolis Arts Commission, to fill a vacant term expiring January 31, 2010.

Adopted 4/24/2009.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, regarding amending permitted and conditional uses, definitions, and specific development standards for selected uses, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 520 relating to *Introductory Provisions*;
- b. Amending Chapter 548 relating to *Commercial Districts*;
- c. Amending Chapter 549 relating to *Downtown Districts*; and
- d. Amending Chapter 550 relating to *Industrial Districts*.

Your Committee further recommends that Chapters 536, 547, and 551 be returned to author.

Gordon moved to amend Section 520.160 of the ordinance by striking the language: "Neighborhood electric vehicle. A four (4) wheeled, battery powered electric motor vehicle that has a gross vehicle weight rating of less than three-thousand (3,000) pounds and a top speed between twenty (20) mph to twenty-five (25) mph" and inserting in lieu thereof: "Neighborhood electric vehicle. A four-wheeled, battery powered electric motor vehicle that, for the purposes of this zoning ordinance, includes both neighborhood electric vehicles and medium speed electric vehicles as defined in Minnesota Statutes section 169.011" to make the Zoning Code definition of "neighborhood electric vehicle" consistent with State statute. Seconded.

Adopted upon a voice vote.

The report was adopted 4/24/2009.

Ordinance 2009-Or-034 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, regarding amending permitted and conditional uses, definitions, and specific development standards for selected uses, was adopted 4/24/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-034
By Schiff
Intro & 1st Reading: 2/29/2008
Ref to: Z&P
2nd Reading: 4/24/2009

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

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

Section 1. That Section 520.160 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence to read as follows:

Neighborhood electric vehicle. A four-wheeled, battery powered electric motor vehicle that, for the purposes of this zoning ordinance, includes both neighborhood electric vehicles and medium speed electric vehicles as defined in Minnesota Statutes section 169.011.

Motorized scooter. Any two (2) wheeled device that is powered by an electric motor or an internal combustion engine that has handlebars, wheels up to ten (10) inches in diameter and is designed to be stood or sat upon by the operator. This definition excludes motorcycles and segways.

Adopted 4/24/2009.

Ordinance 2009-Or-035 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, regarding amending permitted and conditional uses, definitions, and specific development standards for selected uses, was adopted 4/24/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-035
By Schiff
Intro & 1st Reading: 2/29/2008
Ref to: Z&P
2nd Reading: 4/24/2009

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

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

Section 1. That Table 548-1 of the above-entitled ordinance be amended to read as follows:

Table 548-1 Principal Uses in the Commercial Districts

| <i>Use</i> | C1 | C2 | C3A | C3S | C4 | Specific Development Standards |
|---|-----------|-----------|------------|------------|-----------|---|
| COMMERCIAL USES | | | | | | |
| Retail Sales and Services | | | | | | |
| <u>Motorized scooter sales</u> | P | P | P | P | P | |
| <u>Neighborhood electric vehicle sales</u> | P | P | P | P | P | |
| INSTITUTIONAL AND PUBLIC USES | | | | | | |
| Social, Cultural, Charitable and Recreational Facilities | | | | | | |
| <u>Educational arts center</u> | P | P | P | P | P | |

Adopted 4/24/2009.

Ordinance 2009-Or-036 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, regarding amending permitted and conditional uses, definitions, and specific development standards for selected uses, was adopted 4/24/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-036
By Schiff
Intro & 1st Reading: 2/29/2008
Ref to: Z&P
2nd Reading: 4/24/2009

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

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

Section 1. That Table 549-1 of the above-entitled ordinance be amended to read as follows:

Table 549-1 Principal Uses in the Downtown Districts

| <i>Use</i> | <i>B4</i> | <i>B4S</i> | <i>B4C</i> | <i>Specific Development Standards</i> |
|---|-----------|------------|------------|---|
| COMMERCIAL USES | | | | |
| Retail Sales and Services | | | | |
| <u>Motorized scooter sales</u> | P | P | P | |
| <u>Neighborhood electric vehicle sales</u> | P | P | P | |
| INSTITUTIONAL AND PUBLIC USES | | | | |
| Social, Cultural, Charitable and Recreational Facilities | | | | |
| <u>Educational arts center</u> | P | P | P | |

Adopted 4/24/2009.

Ordinance 2009-Or-037 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, regarding amending permitted and conditional uses, definitions, and specific development standards for selected uses, was adopted 4/24/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-037
By Schiff
Intro & 1st Reading: 2/29/2008
Ref to: Z&P
2nd Reading: 4/24/2009

Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.

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

Section 1. That Table 550-1 of the above-entitled ordinance be amended to read as follows:

Table 550-1 Principal Uses in the Industrial Districts

| <i>Use</i> | <i>I1</i> | <i>I2</i> | <i>I3</i> | <i>Specific Development Standards</i> |
|--|-----------|-----------|-----------|---|
| COMMERCIAL USES | | | | |
| Retail Sales and Services | | | | |
| <u>Motorized scooter sales</u> | P | P | P | |
| <u>Neighborhood electric vehicle sales</u> | P | P | P | |
| Adopted 4/24/2009. | | | | |

MOTIONS

Schiff moved to adopt the Findings and Recommendation relating to the applications of Bluff Street Development, LLC, at 600 Main Street SE, prepared by the City Attorney and on file as FoF-2009-028 in the Office of the City Clerk. Seconded.
Adopted 4/24/2009.

RESOLUTIONS

Resolution 2009R-179, honoring The Aliveness Project's 2009 Dining Out for Life event, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-179

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

Honoring The Aliveness Project's 2009 Dining Out for Life event.

Whereas, The Aliveness Project was founded by a group of people living with HIV/AIDS in 1985 and has served the local HIV/AIDS community for over 24 years; and

Whereas, over 1,500 individuals benefit from the services of The Aliveness Project - representing 1 in 4 Minnesotans living with HIV/AIDS; and

Whereas, The Aliveness Project prepares and serves over 34,000 meals each year and distributes over 44 tons of food shelf items. Each holiday season over 685 baskets are distributed to members representing over 1,300 people, including more than 428 children; and

Whereas, nearly 2,800 sessions of acupuncture, massage, shiatsu and other complimentary therapeutic treatments are provided annually; and

Whereas, The Aliveness Project provides educational workshops, counseling and support groups, and every year more than 1,000 people volunteer over 31,000 hours to help with the ongoing work at The Aliveness Project; and

Whereas, Dining Out for Life is the major fundraiser to support the extraordinary continuing work of The Aliveness Project, last year raising over \$105,000; with over 130 restaurants participating statewide; and

Whereas, Thursday, April 30, is The Aliveness Project's 15th annual Dining Out for Life event and we wish to honor their hard work on behalf of the people of their community and the City of Minneapolis;

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

That Thursday, April 30, 2009 be proclaimed as The Aliveness Project's Dining Out for Life Day In The City of Minneapolis.
Adopted 4/24/2009.

Glidden moved approval of a Resolution Calling for Mortgage Lenders to Allow Renters and Former Owners to Stay in their Homes With a Rental Initiative Policy. Seconded.

Hodges moved that the resolution be referred to the Community Development Committee. Seconded.

Adopted 4/24/2009. Yeas, 7; Nays, 6 as follows:

Yeas – Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays – Gordon, Schiff, Lilligren, Colvin Roy, Glidden, Remington.

Resolution 2009R-180, authorizing proper City officers to make applications for Member-Designated High Priority Projects, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-180
By Colvin Roy and Hodges

Authorizing proper City officers to make applications for Member-Designated High Priority Projects.

Whereas, the City of Minneapolis has a number of transportation infrastructure needs; and
Whereas, many of these needs are either not funded or significantly underfunded; and
Whereas, some of these unfunded projects are associated with the Central Corridor Light Rail project; and

Whereas, Minneapolis signed an Memorandum of Understanding with Metropolitan Council, Regents of the University of Minnesota, the Hennepin County Regional Railroad Authority, and Hennepin County committing to building these betterment projects; and

Whereas, St. Anthony Bridge has a sufficiency rating of 33.9 and needs to be replaced; and

Whereas, the new St. Anthony Bridge will continue to provide a critical link in the Grand Rounds – National Scenic Byway and will provide enhanced bicycle and pedestrian facilities; and

Whereas, the Member-Designated High Priority Project request from U.S. Congressman Keith Ellison offers an opportunity to advance these critical projects;

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

That the Proper City Officers be authorized to make applications for Member-Designated High Priority Projects for the following projects:

1. Central Corridor Betterment Projects
 - a. Extension of East River Road to Main Street
 - b. Granary Road
 - c. East Franklin, East River Parkway & 27th Avenue SE Intersection Improvements
 - d. 3rd / 4th Street Access to 35W
2. Saint Anthony Bridge Replacement

Adopted 4/24/2009.

Resolution 2009R-181, supporting Immigrant Rights and Workers' Day on May 1, 2009, was adopted 4/24/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-181

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

Supporting Immigrant Rights and Workers' Day on May 1, 2009.

Whereas, immigrants, workers and their families are an essential and valued component of our Minneapolis community; and

Whereas, immigrants have been instrumental in the revitalization of Lake Street, Central Avenue and all of Minneapolis; and

Whereas, we support the constitutional right of all Minneapolis residents to peacefully assemble and petition the government for a redress of grievances; and

Whereas, May 1st celebrations have historically commemorated the contributions of workers, and immigrant workers in particular, in our nation's struggle to establish a just society; and

Whereas, it is necessary to establish a secure and welcoming environment free of undue threat and discrimination in the city of Minneapolis;

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

That the Minneapolis City Council supports the Third Annual Immigrant/Workers' Rights May Day March and Celebration on Tuesday May 1, 2009.

Adopted 4/24/2009.

UNFINISHED BUSINESS

A proposed resolution honoring the 2008-2009 State Champion South High Lady Tigers Basketball Team was postponed. Seconded.

Adopted upon a voice vote 4/24/2009.

A proposed resolution honoring all time leading scorer Tayler Hill was postponed. Seconded.

Adopted upon a voice vote 4/24/2009.

Pursuant to notice, Colvin Roy moved to introduce an ordinance amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General* for first reading and referral to the Transportation & Public Works Committee (exempting work on streets, avenues, roadways, or highways from the provisions of Sections 466.230 and 474.240 of the Code). Seconded.

Adopted upon a voice vote 4/24/2009.

NEW BUSINESS

Johnson moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Public Safety & Regulatory Services Committee (amending Section 244.1870 to require a \$450 fee for the inspection of a rental dwelling which has a change of ownership). Seconded.

Adopted upon a voice vote 4/24/2009.

Samuels moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Public Safety & Regulatory Services Committee, as follows:

a. amending Section 244.1910 to include as a new rental housing licensing standard that if an owner has a second offense operating a rental without a license, it may be grounds to revoke all licenses held by the owner or where the owner has an interest in a rental property for a period of 24 months.

b. adding a new Section 244.265 requiring that the tenant be notified of mortgage foreclosure or cancellation of a contract for deed.

c. amending Section 244.1910 to include new rental housing licensing standards related to the notification requirement to tenants of mortgage foreclosure or cancellation of a contract for deed may be grounds to revoke the rental license.

d. Relating to revocation cost recovery for the City when a rental dwelling license is revoked and the same owner is requesting reinstatement of their license, the fee will be \$3,000; if a new owner is obtaining a license reinstatement, the fee will remain at \$1,000. Seconded.

Adopted upon a voice vote 4/24/2009.

Schiff moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Public Safety & Regulatory Services Committee (amending Sections 244.1950 and 244.1960 to shift from a citizen board to an administrative hearing process when the Director recommends denial, non-renewal, revocation or suspension of a rental license. Seconded.

Adopted upon a voice vote 4/24/2009.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Police Officer Federation of Minneapolis v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 4/24/2009.

Room 315 City Hall

Minneapolis, Minnesota

April 24, 2009 – 11:15 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent – Council Members Samuels, Hofstede, Schiff.

Peter Ginder, Deputy City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Police Officer Federation of Minneapolis v. City of Minneapolis* lawsuit.

At 11:17 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Samuels, Hofstede, Schiff.

Present – Benson, Goodman, Hodges, Samuels (In at 11:22 a.m.), Gordon, Hofstede (In at 11:19 a.m.), Ostrow, Schiff (In at 11:26 a.m.), Lilligren, Colvin Roy, Glidden, Remington, Johnson.

Also present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Lynne Fundingsland, Assistant City Attorney; Greg Sautter, Assistant City Attorney, Timothy Giles, Human Resources; Sharon Lubinski, Assistant Chief of Police; R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Jackie Hanson, City Clerk's Office.

Fundingsland summarized the *Police Officer Federation of Minneapolis v. City of Minneapolis* lawsuit from 11:18 a.m. to 11:25 a.m.

At 11:25 a.m., Ostrow moved that the meeting be opened. Seconded.

APRIL 24, 2009

Adopted upon a voice vote.

Absent – Schiff.

Benson moved that the City Council authorize the Director of Labor Relations and the City Attorney's Office to settle the *Police Officer Federation of Minneapolis vs. City of Minneapolis* lawsuit by having the Director of Labor Relations enter into a Memorandum of Understanding between the City of Minneapolis and the Police Officers Federation of Minneapolis by amending Article 5, Section 5.4, Subdivision 2 of the Collective Bargaining Agreement to add the following language:

“If the grievance arises from discipline imposed following a finding of the Civilian Review Authority (CRA), the Manager of the CRA shall also attend the meeting. The Manager of the CRA shall be authorized to negotiate with the Federation and resolve the grievance over just cause as to a finding that misconduct occurred. The Manager of the CRA, in consultation with the Chairman of the CRA, using rules established by the CRA, shall have the authority to modify the CRA finding(s).” Seconded.

Adopted 4/24/2009.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 4/24/2009.

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

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 4/27/2009
Official Posting: 5/4/2009