

**OFFICIAL PROCEEDINGS  
MINNEAPOLIS CITY COUNCIL**

**REGULAR MEETING OF  
JUNE 15, 2012**

(Published June 23, 2012, in *Finance and Commerce*)

Council Chamber  
350 South 5th Street  
Minneapolis, Minnesota  
June 15, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Samuels moved to amend the agenda to include under "New Business" an item relating to the acceptance of the Federal Staffing for Adequate Fire and Emergency Response (SAFER) Grants program Grant for 2012. Seconded.

Adopted upon a voice vote.

Absent – Schiff, Gordon.

The agenda, as amended, was adopted upon a voice vote.

Absent – Schiff, Gordon.

Lilligren moved acceptance of the minutes of the regular meeting of May 25, 2012. Seconded.

Adopted upon a voice vote.

Absent – Schiff, Gordon.

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.

Absent – Schiff, Gordon.

**PETITIONS AND COMMUNICATIONS**

**COMMITTEE OF THE WHOLE (See Rep):**

INTERGOVERNMENTAL RELATIONS (275749)

Fiscal Year 2013 Federal Agenda: Amendment relating to transparency in elections.

New Nicollet Mall Project: Support for application to Minnesota Department of Employment & Economic Development Minnesota Business Development Capital Projects Grant Program funding.

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275750)

Longfellow Station (3815 Hiawatha Ave): Preliminary & final approval to issue bonds for housing development.

Central Corridor LRT Project: Authorize Joint Powers Agreement w/Housing & Redevelopment Authority of St. Paul for Central Corridor Business Marketing Program.

Heritage Housing, LLC Foreclosure: Termination of existing redevelopment contract.

2012 Affordable Housing Incentive Fund: Approval for Hennepin County Housing & Redevelopment Authority to provide financial assistance to five Mpls projects.

129 Plymouth Ave N Land Sale: Amended Redevelopment Contract Terms.

Minneapolis Workforce Council: Mayoral appointments/reappointments.

Pillsbury Lofts (301 Main St): Preliminary approval to issue bonds for housing project.

**COMMUNITY DEVELOPMENT and PSC&H and W&M/Budget (See Rep):**

HEALTH AND FAMILY SUPPORT (275751)

Community Development Block Grant Yr 36 Public Service Funds: Extension of time period for teen pregnancy prevention & senior services.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275752)

Small Business Technical Assistance Program: Establishment.

2012 Metropolitan Council Livable Communities Demonstration Account: Submission & priority ranking of grant applications.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):**

CIVIL RIGHTS (275753)

Unified Certification Program Agreement: Approve resolution authorizing the City of Minneapolis to become a party to the UCP and to become a certifying agency authorized to certify Disadvantaged Business Enterprises (DBE).

EXECUTIVE COMMITTEE (275754)

Appointment of Director of Emergency Management: Appointment of Barret Lane to position.

HEALTH AND FAMILY SUPPORT (275755)

Committee Appointments: Public Health Advisory Committee: Linda Walter, Ward 10 representative, and Silvia Perez, Ward 9, as the mayoral appointee, for two year terms to end December 31, 2013.

Youth Violence Prevention Executive Committee Appointment: Eugene Roehlkepartain, Ward 3-work, as a representative of the academic sector, to fill the balance of a term running through December 31, 2012.

HEALTH AND FAMILY SUPPORT (275756)

Internship agreement: Authorize agreement with Minnesota State University at Mankato for Therapeutic Recreation Program students to serve internships at the U-Care Skyway Senior Center for the period of May 1, 2012 through April 30, 2017.

HUMAN RESOURCES (275757)

Text amendment: Ordinance amending Title 6, Chapter 128 relating to Emergency Preparedness and Management: Emergency Preparedness and Management, to reflect the retitling of the Director's position and the fact that emergency management is no longer under the direction of the assistant city coordinator of regulatory services.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT (275758)

Contract amendment: Authorize Amendment No. 2 to Contract C-27370 with Fairview Diagnostic Laboratories to extend termination date to June 30, 2017.

HEALTH AND FAMILY SUPPORT (275759)

Contract Execution: Authorize execution of contract with Hennepin County to accept \$7,900 for purchase of youth baseball equipment through the Minneapolis Youth Baseball Association.

POLICE DEPARTMENT (275761)

Byrne Grant Award: Authorize acceptance of 2012 Edward Byrne Memorial Justice Assistance Grant Award in the amount of \$306,344, to be appropriated to the City Attorney and the Police Department.

POLICE DEPARTMENT (275762)

Veterinary Services: Authorize contract with the University of Minnesota, College of Veterinary Medicine, for the care of K-9 service dogs, in an expected annual amount of \$22,595.

REGULATORY SERVICES (275760)

Animal Care and Control Donations: Accept in-kind donations of dog and cat food and supplies.

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

LICENSES AND CONSUMER SERVICES (275763)

EI Meson, 3450 Lyndale Ave S: Grant On-Sale Wine Class D with Strong Beer License.

Dilla's Ethiopian Restaurant, 1813 Riverside Ave: Grant On-Sale Wine Class E with Strong Beer and Catering Licenses.

Cafe Ena, 4601 Grand Ave: Grant On-Sale Wine Class D with Strong Beer License.

Birdhouse on Hennepin, 2516 Hennepin Ave: Grant On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (275764)

Licenses: Grant applications recommended for approval.

LICENSES AND CONSUMER SERVICES (275765)

Modern Times, 3200 Chicago Ave: Grant Sidewalk Cafe License.

Lunds, 1201 Hennepin Ave: Grant Sidewalk Cafe License.

Hazel's Northeast, 2859 Johnson St NE: Grant Expansion of Premises to add a sidewalk cafe along the Johnson St and 29th St sides of the business.

REGULATORY SERVICES (275766)

Chapter 249 Property at 2639 Oliver Ave N: Deny rehabilitation agreement and authorize demolition; and Direct City Attorney's Office to draft findings supporting the Committee's decision.

REGULATORY SERVICES (275767)

Rental Dwelling License at 1919 10th Ave S: Deny license held by Keith Lentz.

REGULATORY SERVICES (275768)

Rental Dwelling License at 3538 Dupont Ave N: Approve reinstatement of license to be held by Mark Langmade.

Liquor Licensing - Temporary Expansions: Ordinance allowing 12 days of temporary events annually for licensees.

REGULATORY SERVICES (275769)

Rental Dwelling License at 4105 5th Ave S: Revoke license held by Robert Fiason.

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

REGULATORY SERVICES (275770)

Bid for Weed Cutting and Plant Growth: OP #7608, accept low bid of Over the Top for weed cutting and plant growth removal for the Department of Regulatory Services.

Healthy Homes Thriving Communities Grant: Negotiate and execute contracts with the following service providers to correct home hazards and provide training as part of the grant award - Community Action of Minneapolis; Neighborhood Housing Service; Project for Pride in Living; Habitat for Humanity; Sustainable Resource Center; ClearCorp; and ICP Green, \$10,000.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (275771)

Block Events: Ordinance amendments requiring event organizers to recycle recyclable materials generated at events (deleted from agenda).

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

PUBLIC WORKS AND ENGINEERING (275772)

National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit: Adopt Annual NPDES MS4 Report on 2011 Activities.

Intercity Regional Trail: a) Support master plan; b) Approve layout; and c) Agreements with Three Rivers Park District and Minneapolis Park and Recreation Board.

Bottineau Transitway: Approve Locally Preferred Alternative.

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

PUBLIC WORKS AND ENGINEERING (275773)

2012 Parkway Paving and Street Lighting Projects: Increase appropriation.

Maximo Asset Management Software: Request for Proposal for professional services to implement software.

Hopkins System Improvements Project, Phase 1: a) Master Funding Agreement with Metropolitan

Council Environmental Services (MCES); and b) Subordinate Funding Agreement with MCES.

Bids: a) OP 7611, Low bid of Bituminous Roadways, Inc. for 2012 Paving and Concrete Curb Project for Water Treatment & Distribution Division; and b) OP 7614, Only bid of Brown Traffic Products, Inc. for vehicular and pedestrian signal indications.

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

ATTORNEY (275774)

Legal Settlements: Kurt A. Mencil v. City of Minneapolis; and Fred Farthing v. Officer David Hansen.

CONVENTION CENTER & PROCUREMENT (275775)

Bids: OP 7617, Accept low bid of Shaw-Lindquist Associates, Inc. for expenditure of \$2,543,000 for the restroom renovation project for the Minneapolis Convention Center.

OP 7634, Accept low bid of Killmer Electric Company, Inc., for expenditure of \$145,200 for the Target Center Show Power project.

FINANCE DEPARTMENT (275776)

Bid: OP 7580, Accept third low responsive bid of Ebert, Inc. (d/b/a Ebert Construction) for an expenditure of \$1,967,400 to complete the construction of the Emergency Operations Training Facility Apparatus Bay Addition Project.

FINANCE DEPARTMENT (275777)

CLIC Appointment: Approve Mayoral appointment of Jamil Ford, Ward 5, to the Capital Long-Range Improvement Committee, for term to run through December 31, 2012.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275778)

Anytime Fitness, 2104 and 2110 W Broadway: Ordinance rezoning properties from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District to allow a major sports and health facility within the existing building; and Adopt related findings.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275779)

City Planning Commission: Approve Mayoral reappointment of Lauren Huynh, Ward 13, to the Planning Commission for a two-year term to expire January 31, 2014.

Above the Falls Plan: Resolution supporting the Vision of the Minneapolis Riverfront Development RiverFIRST Initiative; and Engagement with the Minneapolis Park and Recreation Board to implement a shared vision for the City's Upper River.

Zoning Code Text Amendment Work Plan: Receive & File Work Plan; and Return to author subject matter of ordinances amending the Zoning Code relating to Maximum Occupancy of Dwelling Units.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275780)

Mulroy's Body Shop, 3900 and 3920 Nicollet Ave: Ordinance rezoning properties from the R2B Two Family Residential District to the C2 Neighborhood Corridor Commercial District to rehabilitate the office portion of the existing building at 3920 Nicollet Ave to improve the offices of the auto body business and to house several commercial businesses that would be accessed through a separate entrance off Nicollet Ave, n/w/s staff recommendation; and Adopt findings of the Planning Commission.

**NEW BUSINESS (See Rep):**

FIRE DEPARTMENT (275781)

SAFER Grant Acceptance: Approve acceptance of Federal Staffing for Adequate Fire and Emergency Response (SAFER) Grants program grant for 2012 in the amount of \$1,068,924, with the highest priority of the grant being to rehire laid off firefighters.

**FILED:**

CHARTER COMMISSION (275782)

Power by the People vs. City of Minneapolis: Order Denying Writ of Mandamus.

HI LAKE LLC (275783)

Vacate the right of way located between Hi Lake Shopping Center and the triangular parcel adjacent to the Hiawatha light rail line.

*The following reports were signed by Mayor Rybak on June 20, 2012, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

#### REPORTS OF STANDING COMMITTEES

**The COMMITTEE OF THE WHOLE submitted the following reports:**

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from June 14, 2012, relating to submittal of the City's application for Minnesota Business Development Capital Projects Grant Program funding on behalf of the New Nicollet Mall Project. Seconded.

Adopted by unanimous consent.

Absent - Schiff, Gordon.

**Comm of the Whole/IGR** - Your Committee, having under consideration the New Nicollet Mall Project, now recommends passage of the accompanying resolution authorizing the City's application to the Minnesota Department of Employment and Economic Development [DEED] Minnesota Business Development Capital Projects Grant Program for funding on behalf of said project, and that the proper City officers be directed to complete the application process by June 26, 2012.

Adopted.

Absent - Schiff, Gordon.

Approved by Mayor Rybak 6/18/2012.

(Published 6/19/2012)

Resolution 2012R-328, authorizing application to the Minnesota Department of Employment and Economic Development Minnesota Business Development Capital Projects Grant Program on behalf of the New Nicollet Mall project, was adopted 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 2012R-328

By Glidden

**Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Business Development Capital Projects Grant Program on behalf of the New Nicollet Mall project.**

Whereas, the City of Minneapolis may act as the legal sponsor for the New Nicollet Mall project contained in the Business Development Capital Projects Grant Program Application to be submitted on June 26, 2012, and that, Steve Kotke, Director of Minneapolis Public Works and Kevin Carpenter, Chief Financial Officer, are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Minneapolis; and

Whereas, the City of Minneapolis has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its useful life; and

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

Whereas, that upon approval of its application by the state, the City of Minneapolis may enter into an agreement with the State of Minnesota for the above-referenced project, and the City of Minneapolis certifies that it will comply with all applicable laws and regulations as stated in all contract agreements; and

Whereas, all non-state funding is committed and available and meets or exceeds the requirement that the non-state match equal or exceed the state funding; and

Whereas, the City of Minneapolis certifies that it will comply with all applicable laws, regulations, and rules of General Obligation bond funds;

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

That Steve Kotke, Director of Minneapolis Public Works and Kevin Carpenter, Chief Financial Officers or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

Adopted.

Absent - Schiff, Gordon.

Approved by Mayor Rybak 6/18/2012.

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from June 14, 2012, relating to election integrity and corporate personhood. Seconded.

Adopted by unanimous consent.

Absent - Schiff, Gordon.

**Comm of the Whole/IGR** - Your Committee, having under consideration election integrity and corporate personhood, now recommends:

a) That the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be further amended by adding the following language to the end of the Policy Initiatives Section regarding corporate contributions and expenditures for election and public policy decisions:

**Transparency in Elections**

The 2010 decision of the United States Supreme Court in *Citizens United v. Federal Elections Commission* has restricted the ability of government at all levels – local, state, and federal – to regulate campaign financing. The *Citizens United* Court struck down limitations on corporate funding of political advertising and ruled that corporations have the same free speech protections as natural persons. *Citizens United* also overturned several provisions of the 2002 Campaign Reform Act.

To reduce the impact of *Citizens United* on campaign financing or, ultimately, to negate it through constitutional amendment, U.S. Senators and Representatives have introduced several bills and joint resolutions. To this end, Rep. Keith Ellison has introduced a Joint Resolution to amend the constitution to address the impacts of *Citizens United*.

In addition to constitutional amendments, legislation to improve the disclosure of campaign-related spending by corporations and outside groups, The “Disclose 2012 Act,” has been introduced in the House and Senate. The House version (HR 4010), introduced by Rep Chris Van Hollen (D-MD), has 160 co-sponsors including Reps Ellison, Walz and McCollum. The Senate version (S.2219), introduced by Sen. Sheldon White House (D-RI), has 44 co-sponsors including Senators Franken and Klobuchar.

Senator Al Franken has been involved in many efforts to reduce the impact of *Citizens United* and was appointed in 2012 to a Senate task force to bring back transparency in elections. Efforts have included encouraging the Federal Elections Commission and the Federal Communications Commission to engage in rulemaking to implement disclosure and disclaimer requirements and asking the IRS to investigate whether organizations with tax-exempt status are engaging in a “substantial” amount of campaign activity.

To support transparency in elections, the City of Minneapolis recommends:

- Amending the United States Constitution to ensure Congress and the States have the power to regulate political campaign contributions by for profit entities.
- Enactment of legislation, such as the Disclose 2012 Act, that requires increased disclosure and reporting of contributions and expenditures by private entities including nonprofit organizations and federal lobbyists.
- Congressional oversight of federal agencies to ensure that there is access to campaign expenditure information and rules and regulations are consistent with the intent of federal legislation.

b) Passage of the accompanying resolution supporting a United States Constitutional Amendment to regulate corporate political spending and campaign financing.

Adopted.

Absent - Schiff, Gordon.

Resolution 2012R-329, supporting a United States Constitutional Amendment to regulate corporate political spending and campaign financing, was adopted 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 2012R-329**

**By Glidden, Gordon, Hodges, Schiff, Lilligren, Reich,  
Hofstede, Johnson, Samuels, Goodman, Tuthill, Quincy and Colvin Roy**

**Supporting a United States Constitutional Amendment to Regulate Corporate Political Spending and Campaign Financing.**

Whereas, in 2010 the United States Supreme Court ruled in *Citizens United v Federal Election Commission* that corporate entities have the same free speech rights as natural persons; and

Whereas, the Supreme Court's decision in *Citizens United* defined independent expenditures as a form of free speech and ruled that corporate entities have the same rights as natural persons to unrestricted spending on political speech; and

Whereas, corporations are not people but artificial entities bound by the laws of this country, this state, and this city; and

Whereas, the Court's decision has the effect of permitting unlimited corporate spending to influence elections, campaigns, and public policy decisions; and

Whereas, the Supreme Court's decision, which overturned some provisions of the federal Campaign Reform Act enacted in 2002, greatly encumbers the ability of federal, state, and local governments like Minneapolis to enact and enforce reasonable campaign finance regulations regarding corporate political activity; and

Whereas, since the Supreme Court's decision, there has been a significant growth in contributions and spending by Super PAC's for media messaging and independent electioneering activities; and

Whereas, government should require that permissible contributions and expenditures be publicly disclosed; and

Whereas, several proposed amendments to the constitution have been introduced in Congress that would allow federal, state and local governments to regulate the raising and expending of money by corporations to influence elections and public policy decisions; and

Whereas, the people of the United States have on several occasions used the constitution amendment process to correct decisions of the United States Supreme Court that are widely deemed to be egregious or wrongly decided or significantly out-of-step with the prevailing values of the populace;

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

That the United States Congress begin the process of amending the United States Constitution with provisions that clearly state that:

1. Corporations are not natural persons, and only natural persons are endowed Constitutional rights.
2. Congress and the States shall have the power to regulate contributions and expenditures for elections and campaigns and to require public disclosure of the sources of the contributions and expenditures.

Be It Further Resolved that a copy of this resolution be sent to members of the Minnesota Congressional Delegation.

Adopted.

Absent - Schiff, Gordon.

Vice President Lilligren assumed the Chair.

Johnson moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from June 14, 2012, relating the Stadium Implementation Committee. Seconded.

Adopted by unanimous consent.  
Absent - Gordon.

**Comm of the Whole/IGR** - Your Committee forwards without recommendation the accompanying resolution appointing City representatives to the Stadium Implementation Committee, and related actions.

Johnson moved that the report be amended by deleting the language "forwards without recommendation" and inserting in lieu thereof, "recommends passage of," and that the first "Resolved" paragraph of the resolution be amended by including Council Member Betsy Hodges to the list of City officials appointed to the committee. Seconded.

Adopted.  
Declining to vote - Schiff, Lilligren, Glidden, Goodman.  
Absent - Gordon.  
The report, as amended, was adopted.  
Declining to vote - Schiff, Lilligren, Glidden, Goodman.  
Absent - Gordon.

Resolution 2012R-330, appointing City representatives to the Stadium Implementation Committee and related actions, was adopted 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 2012R-330**  
**By Johnson**

**Appointing City representatives to the Stadium Implementation Committee and related actions.**

Whereas, the City Council adopted a resolution approving the Minneapolis Convention Center Special Law and related amendments contained in Laws 2012, Chapter 299 (Stadium Law); and

Whereas, Article 1, Section 20, Subdivision 6 of the Stadium Law relates to creation of a Stadium Implementation Committee within 30 days of local approval of the Special Law (June 29, 2012); and

Whereas, the Stadium Implementation Committee is charged with making recommendations to the Planning Commission on planning and land use issues for a new stadium on the current Metrodome site within certain time frames and to make recommendations on the design plans submitted for the stadium, stadium infrastructure and related improvements;

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

That the City Council creates a Stadium Implementation Committee and appoints the following City officials to serve on it: Mayor RT Rybak, Council President Barbara Johnson, Council Members Kevin Reich, Diane Hofstede, Betsy Hodges and Sandy Colvin Roy.

Be It Further Resolved that David Wilson and Tom Fisher be appointed co-chairs of the Stadium Implementation Committee.

Be It Further Resolved that the remaining members of the Stadium Implementation Committee will be appointed by resolution of the City Council on June 29, 2012.

Be It Further Resolved that the City Council authorizes staff to create a Staff Technical Team consisting initially of the following departments: CPED, Public Works, City Attorney, Finance, Civil Rights and Regulatory Services with representatives of other departments added as needed.

Be It Further Resolved that the City Council designates Chuck Lutz, Deputy CPED Director as the City lead staff on all issues related to the stadium, including coordination with the Minnesota Sports Facilities Authority, Stadium Implementation Committee and Staff Technical Team.

Adopted.  
Declining to vote - Schiff, Lilligren, Glidden, Goodman.  
Absent - Gordon.

President Johnson resumed the Chair.

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

**Comm Dev** – Your Committee, having under consideration the Longfellow Station Project at 3815 Hiawatha Ave S, now recommends:

a) Passage of the accompanying resolutions:

1) Granting preliminary and final approval to the issuance of up to \$17,000,000 in Tax-Exempt Multifamily Housing Revenue Entitlement Bonds, Series 2012, and approving and authorizing the execution of various documents;

2) Amending and restating Resolution No 2009R-420 entitled "Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$3,250,000 in connection with the Longfellow Station Project," passed September 18, 2009, to among other things, reduce the principal amount from \$3,250,000 to \$2,000,000;

b) Authorizing the structuring of \$300,000 in City assistance from the Hiawatha LRT Transit-Oriented Development (TOD) Set-aside as a typical multifamily housing loan (i.e. deferred loan at 1% simple interest secured by a note and subordinate mortgage) with a maturity date and other terms consistent with the U.S. Bank/Cornerstone financing;

c) Authorizing amendments to the Redevelopment Agreements and the AHTF/HOME Written Agreement to update the performance deadlines and incorporating the revised pay-as-you-go TIF note, Hiawatha TOD loan, and other terms contained in the Department of Community Planning & Economic Development staff report;

d) Authorizing subordination of the City's existing AHTF/HOME loan of \$1,900,000 to the U.S. Bank/Cornerstone first mortgage loan and Minnesota Housing's loan of \$2,850,000;

e) Authorizing the proper City officers to execute any other necessary documents with Longfellow Station Limited Partnership, Longfellow Station Commercial LLC and other project participants related to the terms described in the staff report.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Johnson.

Nays - Schiff.

Resolution 2012R-331, authorizing the issuance of notes, in a principal amount not to exceed \$17,000,000 in the form of Multifamily Housing Revenue Notes (Longfellow Station Project, 3815 Hiawatha Ave S), Series 2012, and approving and authorizing the execution of various documents in connection therewith, was adopted 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 2012R-331  
By Goodman**

**Authorizing the issuance of notes, in a principal amount not to exceed \$17,000,000 in the form of Multifamily Housing Revenue Notes (Longfellow Station Project), Series 2012, and approving and authorizing the execution of various documents in connection therewith.**

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C, as amended (the "Act"), a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, there has been proposed a program (the "Program") for the issuance of up to \$17,000,000 of one or more of its tax-exempt Multifamily Housing Revenue Notes (Longfellow Station Project), Series 2012 (the "Notes") to finance the acquisition and construction by Longfellow Station Limited Partnership, a Minnesota limited partnership (the "Developer"), of a 180-unit multifamily rental housing development located at 3815 Hiawatha Avenue in the City (the "Project"); and

Whereas, the City on June 5, 2012 did conduct a public hearing on the Program; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Notes after at least 15 days published notice hereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the Council has been advised by U.S. Bank National Association, representing the Developer, that on the basis of information available to them, the Project is economically feasible; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan; and

Whereas, the program is to be financed from the proceeds of the Notes, to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security and payment of the Notes (except as may otherwise be set forth in the Loan Agreement hereinafter referred to); and

Whereas, the proceeds of the Notes will be used by the City to fund a loan to the Developer to finance the acquisition and construction of the Project; and

Whereas, the Notes are being issued by the City pursuant to this Resolution and a Loan Agreement, dated as of June 1, 2012 (the "Loan Agreement") between the City and the Developer. The proceeds of the Notes will be loaned by the City to the Developer pursuant to the Loan Agreement, and the Notes will be secured by a pledge of all rights and revenues derived by the City from the Loan Agreement (except certain retained rights of the City), and said Notes and the interest on said Notes shall be payable solely from the revenues pledged therefor and the Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

- a. The Notes;
- b. The Loan Agreement to be made and entered into between the City and the Developer providing for the loan of the proceeds of the Notes to the Developer, and for the repayment of such loan;
- c. The Pledge Agreement, dated as of June 1, 2012 (the "Pledge Agreement") made and entered into between the City and U.S. Bank National Association, as purchaser of the Notes (the "Purchaser"), pledging the property described therein for the security of the Notes, and setting forth proposed recitals, covenants and agreement with respect thereto; and
- d. The Land Use Restriction Agreement, dated as of June 1, 2012 between the City, the Purchaser and the Developer (the "Land Use Restriction Agreement").

The agreements described and referred to in paragraphs a through d above shall hereinafter sometimes be referred to collectively as the "Agreements";

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

That it is hereby found, determined and declared that:

1. The preservation of the quality of life in the City is dependent upon the maintenance, provision and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.

2. The development and implementation of the Program, and the issuance of the Notes by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Notes valid and binding obligations of the City in accordance with their terms, are authorized by the Act.

3. The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.

4. It is desirable that the Notes be issued by the City, in an aggregate principal amount not to exceed \$17,000,000, on the terms set forth in the Resolution, the Loan Agreement, the Land Use Restriction Agreement and the Notes.

5. The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on the Notes issued under the Resolution, and payments are required to be made for such expenses of, among other things, administration of the Program as will be necessary to protect the interests of the City.

6. Pursuant to the provisions of the Act, and as provided in the Agreements, the Notes shall be retired solely from the revenues of the Project.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Finance Officer upon execution thereof by the parties thereto as appropriate. The Notes and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Finance Officer, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Notes, which issuance is approved, substantially in the forms and upon the terms set forth in the Agreements and the Notes, the terms of which are for this purpose incorporated in this Resolution and made a part hereof as if fully set forth herein. The Notes shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Notes), bear interest and be payable at the rates, all determined as set forth in the Agreements and the Notes, to be approved, executed and delivered by the officers of the City authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery; provided that such rates shall result in an average coupon rate not greater than 5.75% per annum with respect to the Notes.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the Notes are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-030 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Be It Further Resolved that the execution of said Notes to the Purchaser is hereby approved, and the Notes are hereby directed to be delivered to the Purchaser, upon the terms and conditions set forth in the Agreements and the Notes. The Finance Officer of the City is hereby authorized and directed to prepare and execute by manual or facsimile signature the Notes as described in the Agreements and to deliver it

to the Purchaser together with a certified copy of this Resolution, and the other documents required by the Agreements.

Be It Further Resolved that the Finance Officer and other officers of the City are authorized and directed to prepare and furnish when the Notes are issued, certified copies of all proceedings and records of the City relating to the Notes and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Notes as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. The Finance Officer and said officers are further authorized to execute such additional documents as shall be determined by the Finance Officer to be necessary and desirable to provide for the issuance of the Notes.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this Resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this Resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Notes shall be liable personally on the Notes or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Notes or in any other document related to the Notes, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project, the proceeds of which are to be applied to the payment of the Note, as provided therein and in the Agreements. The Notes shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Notes shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Note, or the interest thereon, or to enforce payment thereof against any property of the City. The Notes shall recite in substance that the Notes, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this Resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Notes issued under the provisions of this Resolution, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Notes issued under the provisions of this Resolution.

Be It Further Resolved that in case any one or more provisions of this Resolution, or of the aforementioned documents, or of the Notes issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, or of the aforementioned documents, or of the Notes, but this Resolution, the aforementioned documents, the Notes shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Notes, when executed and delivered, shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Notes and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the

State of Minnesota relating to the adoption of this Resolution, to the issuance of the Notes and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this Resolution, and precedent to issuance of the Notes, and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this Resolution.

Be It Further Resolved that the City hereby allocates up to \$17,000,000 of its 2012 (or carryover) entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the Notes, the actual amount of such allocation to be in the aggregate principal amount of Notes issued.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Johnson.

Nays - Schiff.

Resolution 2012R-332, amending and restating Resolution No 2009R-420 entitled "Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$3,250,000 in connection with the Longfellow Station Project," passed September 18, 2009, to authorize the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$2,000,000 in connection with the housing component of the Longfellow Station Project at 3815 Hiawatha Ave S, was adopted 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 2012R-332**  
**By Goodman**

**Amending and restating Resolution No 2009R-420 entitled "Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$3,250,000 in connection with the Longfellow Station Project," passed September 18, 2009, to authorize the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$2,000,000 in connection with the housing component of the Longfellow Station Project.**

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a redevelopment project known as the Longfellow Station Redevelopment Project (the "Project") pursuant to the Longfellow Station Redevelopment Plan approved by the City Council on August 31, 2007 (the "Redevelopment Plan"); and

Whereas, in furtherance of the Redevelopment Plan, the City Council approved the Longfellow Station Tax Increment Financing Plan (the "TIF Plan") on September 18, 2009; and

Whereas, pursuant to the TIF Act, and specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered into an amended and restated redevelopment contract dated June 10, 2011, as amended (the "Redevelopment Contract") with Longfellow Station Limited Partnership (the "Housing Developer"), pursuant to which the City will provide tax increment financing assistance and the

Developer will develop a mixed income, transit-oriented development with 180 rental housing units, at least 180 surface and structured parking spaces, and related site and public improvements;

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

1. That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form, with such variations, insertions and omissions as are deemed appropriate by the parties and approved by the City:

[Form of Note]

**UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS**

**TAX INCREMENT LIMITED REVENUE NOTE  
(Longfellow Station Project – Housing Component)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Longfellow Station Limited Partnership, a Minnesota limited partnership (or its permitted successors or assigns under the Contract, the "Housing Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being \$2,000,000 or such lesser amount as may equal the certified Public Redevelopment Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note will have the meanings below:

**"Available Tax Increment"** means the Tax Increment received by the City during the period preceding each Payment Date, less the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subds. 9 and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time. No administrative costs of the City will be deducted from the Tax Increment generated by the Housing Property or Housing Improvements.

**"Certificate of Completion"** means a certificate in substantially the form attached to the Contract by which City certifies substantial completion of the Housing Improvements in accordance with the Contract.

**"Contract"** means that certain Amended and Restated Redevelopment Contract by and between the City and the Housing Developer dated June 10, 2011, as amended.

**"District"** means the Longfellow Station Tax Increment Financing District within the Project.

**"Housing Improvements"** means new construction of a mixed income, transit-oriented development with 180 rental housing units, at least 180 surface and structured parking spaces, and related improvements on the Housing Property in accordance with the approved Construction Plans.

**"Housing Property"** means the real property legally described in Exhibit A.

**"Maturity Date"** means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

**"Note Rate"** means 4.8% per annum, compounded semi-annually.

**"Payment Date"** means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date; provided, however, that in no event shall any payments commence before the City's issuance of the Public Redevelopment Costs Certification and the Certificate of Completion.

**"Project"** means the Longfellow Station Redevelopment Project.

**"Public Redevelopment Costs"** means actual Public Redevelopment Costs as defined in and approved pursuant to the Contract.

**"Public Redevelopment Costs Certification"** means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Redevelopment Costs pursuant to the terms of the Contract.

**"Tax Increment"** means that portion of the property taxes generated by the Housing Property and the Housing Improvements that is actually remitted to the City as tax increment under the Tax Increment Act. For purposes of this calculation, the City will allocate 100% of the original net tax capacity of the District to the Housing Property.

**"Tax Increment Act"** means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Housing Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If an Event of Default (as defined in the Contract) occurs prior to the issuance of the Certificate of Completion, then the City may terminate the Contract and the City's obligations under this Note. If an Event of Default (as defined in the Contract) occurs after the issuance of the Certificate of Completion, then the City may suspend payment on this Note until the default is cured. If the City suspends payments due under this Note, the City shall make the suspended payments to the Housing Developer within five (5) business days after the Housing Developer has cured the default. The City is not obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Housing Developer. If all or a portion of the property taxes due and owing on the Housing Improvements are not paid, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Redevelopment Costs Certification and shall be computed on a 30-day month/360-day year basis. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Housing Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by automated clearing house (ACH) wire transfer pursuant to written instructions provided by the Housing Developer or by check or draft made payable to the Housing Developer and mailed to the Housing Developer at 233 Park Avenue, Suite 201, Minneapolis, MN 55415, or such other address as the Housing Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Housing Developer within and for the benefit of the Project.

**THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.**

This Note may not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note will not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Housing Developer will never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note will be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its Mayor and City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated \_\_\_\_\_, 2012.

CITY OF MINNEAPOLIS

By \_\_\_\_\_  
Its \_\_\_\_\_ Finance Officer

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

Housing Developer's Federal Tax ID No. \_\_\_\_\_

EXHIBIT A TO NOTE

Legal Description of the Housing Property

Lot 2, Block 1 and Outlot A, Longfellow Station, Hennepin County, Minnesota.

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

3. Be It Further Resolved that the original principal amount of the Note shall not exceed \$2,000,000, and the annual interest rate on the Note shall not exceed 4.8%.

4. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Note are hereby approved, ratified and confirmed.

5. Be It Further Resolved that the issuance of said Note to the Housing Developer is hereby approved, and the Note is hereby directed to be issued to the Housing Developer, upon the terms and conditions set forth in the Redevelopment Contract.

6. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

7. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

8. Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

9. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Johnson.

Nays - Schiff.

**Comm Dev** - Your Committee, having under consideration the Central Corridor Light Rail Transit Project, now recommends:

a) That the proper City officers be authorized to enter into a Joint Powers Agreement (JPA) with the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, for a Central Corridor Business Marketing Program;

b) That Authority be delegated to the Department of Community Planning & Economic Development Director to authorize amendments to the JPA to modify the ratio of program funds allocated to the two affected cities; and

c) That a \$10,000 administration fee be authorized to Saint Paul HRA to oversee contract in Minneapolis. Funds to be drawn from the Great Streets construction mitigation dollars, leveraging approximately \$360,000 in Metropolitan Council marketing resources for Minneapolis businesses.

Adopted.

**Comm Dev** - Your Committee, having under consideration the Heritage Park Redevelopment Project/Heritage Housing, LLC foreclosure, now recommends that the proper City officers be authorized to terminate the existing Redevelopment Contract in exchange for cooperation from Heritage Housing, LLC with a voluntary foreclosure and winding-down of activities and appropriate funds for foreclosure and property maintenance costs.

Adopted.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance from the 2012 Affordable Housing Incentive Fund to five projects located in Minneapolis known as 2600 17th Ave S, North Haven II, PPL Foreclosure Redirection II, Snelling Apartments and Spirit on Lake.

Adopted.

Resolution 2012R-333, granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to 2600 17th Avenue South (\$400,000), North Haven II (\$100,000), PPL Foreclosure Redirection II (\$400,000), Snelling Apartments (\$400,000), and Spirit on Lake (\$400,000) under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes, Section 383B.77, was adopted 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 2012R-333**

**By Goodman**

**Granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to 2600 17th Avenue South (\$400,000), North Haven II (\$100,000), PPL Foreclosure Redirection II (\$400,000), Snelling Apartments (\$400,000), and Spirit on Lake (\$400,000) under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes, Section 383B.77.**

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to \$1,700,000, to the City of Minneapolis (the "City") for the five (5) projects in Minneapolis, Minnesota identified above and in the spreadsheet (the "Projects") contained in Petition No. 275750; and

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

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

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, Section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to \$1,700,000 from the County HRA.

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

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

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

Adopted.

**Comm Dev** - Your Committee, having under consideration the land sale pass through of 129 Plymouth Ave N from the Minnesota Department of Transportation to Plymouth and Second, LLC, an affiliate of Lupe Development Partners, LLC, now recommends approval of amended redevelopment contract terms to provide maximum flexibility to achieve redevelopment for this site, as outlined in the term sheet set forth in the Department of Community Planning & Economic Development staff report, and that the proper City officers be authorized to execute a redevelopment contract and any related documents.

Adopted.

**Comm Dev** - Your Committee recommends confirmation of the Mayoral appointments/reappointments to the Minneapolis Workforce Council, for two year terms from 7/1/2012 to 6/30/2014, except as noted:

New Appointments: Anthony Goze, replacing Mark Anderson; John Mbali, replacing Joe Gaspard; Reuven Rahamim, replacing Matthew Damon; Jim Roth, replacing Michael McHugh; and Linda Vang, replacing Tom MacNally for an unexpired term which expires 6/30/2013

Reappointments: Darla Figoli; Charles McIntosh; Carolyn Roby; Douglas Flateau; and Terrell Towers.

Also, that Carolyn Roby remain in her position as Chair for the duration of her term.

Your Committee further recommends that under Minneapolis Code of Ordinances, Section 14.180, the residence requirement be waived for Darla Figoli, John Mbali, Charles McIntosh, Reuven Rahamim, Terrell Towers and Linda Vang.

Adopted.

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for the Pillsbury Lofts Housing Project, the adaptive reuse of the historic, landmark Pillsbury "A" Mill complex at 301 Main St, now recommends passage of the accompanying resolution giving preliminary approval to

the issuance of up to \$75 million in Tax Exempt Multi-family Housing Entitlement Revenue Bonds for said project.

Goodman moved to amend the report to add the letter from the developer to Petn No 275750. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Resolution 2012R-334, giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and rehabilitation of a multifamily rental housing development for the benefit of Minneapolis Leased Housing Associates IV, Limited Partnership (Pillsbury Lofts Housing Project at the Pillsbury "A" Mill complex at 301 Main St), was adopted 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 2012R-334**  
**By Goodman**

**Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and rehabilitation of a multifamily rental housing development for the benefit of Minneapolis Leased Housing Associates IV, Limited Partnership.**

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for multifamily housing developments; and

Whereas, representatives of Minneapolis Leased Housing Associates IV, Limited Partnership, a Minnesota limited partnership (the "Owner"), have requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of tax-exempt multifamily housing revenue bonds in an aggregate principal amount of approximately \$75,000,000 (the "Revenue Bonds") for the purpose of loaning the proceeds thereof to the Owner to finance the acquisition and rehabilitation of an approximately 255-unit multifamily rental apartment development and facilities functionally related and subordinate thereto, located at 413 Main Street S.E. in the City to be owned by the Owner; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Revenue Bonds on a date at least fifteen (15) days following the publication in a newspaper of general circulation in the City of a notice of such public hearing; and

Whereas, the Program was submitted to the Metropolitan Council for its review and comment in accordance with the requirements of the Act; and

Whereas, the City has been advised by the Owner that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

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

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

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Revenue Bonds pursuant to the Program in an aggregate principal amount of approximately \$75,000,000 is hereby preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of the Revenue Bonds shall be subject to final determination by the City of the terms and conditions of the Revenue Bonds and shall not constitute an irrevocable commitment on the part of the City to issue the Revenue Bonds.

Be It Further Resolved that the staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted.

**The COMMUNITY DEVELOPMENT, PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following report:**

**Comm Dev, PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to extend the time period to expend an estimated \$51,000 in 2010 Community Development Block Grant Year 36 public service funds for an additional year, through 5/31/2013; \$30,000 in support of the Not Ready Now teen pregnancy prevention program through the School Based Clinic program at the Longfellow School for pregnant and parenting teens; and \$21,000 for the three Minneapolis Living at Home Block Nurse programs.

Adopted.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration support for small businesses, now recommends:

a) Establishment of the Small Business Technical Assistance Program and adoption of the program guidelines as set forth in the Department of Community Planning & Economic Development (CPED) staff report and that the proper City officers be authorized to negotiate and execute contracts for the Small Business Technical Assistance Program consistent with the report recommendations, subject to modifications as approved by the CPED Director; and

b) Amending the 2012 CPED allocation in Fund 01SED-8900330 by reallocating \$100,000 from the Business Development Fund to the newly established Small Business Technical Assistance Program.

Adopted.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration applications for grant funding from the 2012 Metropolitan Council Livable Communities Demonstration Account (LCDA), now recommends passage of the accompanying resolution authorizing submission and priority ranking of the following grant applications to the LCDA:

1. Seward Commons Infrastructure/Snelling Apts, by CPED/Seward Redesign - \$1,100,000
2. West Broadway Curve, by Common Bond - \$1,000,000
3. Pillsbury Lofts, by Dominion - \$555,000

Your Committee further authorizes changes to the processing of LCDA application fees, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted.

Resolution 2012R-335, identifying the need for Livable Communities Demonstration Account Funding and authorizing applications for grant funds on behalf of the Seward Commons Infrastructure/Snelling Apartments, West Broadway Curve, and Pillsbury Lofts projects, was adopted 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 2012R-335  
By Goodman and Hodges**

**Identifying the need for Livable Communities Demonstration Account Funding and authorizing applications for grant funds.**

Whereas, the City of Minneapolis is a participant in the Livable Communities Act's Housing Incentives Program for 2012 as determined by the Metropolitan Council, and is therefore eligible to apply for Livable Communities Demonstration Account funds; and

Whereas, the City has identified proposed projects within the City that meet the Demonstration Account's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

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

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreements; and

Whereas, the City agrees to act as legal sponsor for the projects contained in the grant applications to be submitted by July 9, 2012; and

Whereas, the City acknowledges Livable Communities Demonstration Account grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the region, and therefore represents that the proposed projects or key components of the proposed projects can be replicated in other metropolitan-area communities; and

Whereas, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities Demonstration Account during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of Demonstration Account grant funding; and

Whereas, cities may submit grant applications for up to three projects during each funding cycle for LCDA Development Grants and Pre-Development Grants combined, but, using the cities' own internal ranking processes, must rank their projects by priority so the Metropolitan Council may consider those priority rankings as it reviews applications and makes grant awards;

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

That, after appropriate examination and consideration, the City Council of the City of Minneapolis:

1. Finds that it is in the best interests of the City's development goals and priorities for the proposed projects to occur at these particular sites at this particular time.

2. Finds that the project components for which Livable Communities Demonstration Account funding is sought:

(a) will not occur solely through private or other public investment within the reasonably foreseeable future; and

(b) will occur within three years after the grant award only if Livable Communities Demonstration Account funding is made available for these projects at this time.

3. Ranks the project funding applications, according to the City's own internal priorities, in the following order:

(1) Seward Commons Infrastructure/Snelling Apartments, \$1,100,000

(2) West Broadway Curve, \$1,000,000

(3) Pillsbury Lofts, \$555,000

4. Represents that the City has undertaken reasonable and good faith efforts to procure funding for the project components for which Livable Communities Demonstration Account funding is sought but was not able to find or secure from other sources funding that is necessary for project component completion within three years and states that this representation is based on the following reasons and supporting facts:

Seward Commons Infrastructure/Snelling Apartments: LCDA is a primary funding source for the public infrastructure work, as described in the application. Other requested uses typically cannot be funded with traditional affordable housing sources.

West Broadway Curve: Funding already committed to the project (various public affordable housing sources) cannot typically be used for the infrastructure/site improvements described in the application.

Pillsbury Lofts: Funding being considered for the project (various public affordable housing and historic preservation sources) cannot typically be used for the infrastructure/site improvements described in the application.

5. Authorizes its Director of Community Planning and Economic Development to submit on behalf of the City applications for Metropolitan Council Livable Communities Demonstration Account grant funds for

the project components identified in the applications, and upon acceptance of any awards by the City Council its Finance Officer or designee to execute such agreements as may be necessary to implement the projects on behalf of the City.

Adopted.

**The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:**

**PSC&H** – Your Committee recommends that the proper City officers be authorized to execute an internship agreement with Minnesota State University at Mankato for students in their Therapeutic Recreation Program to serve an internship at the U-Care Skyway Senior Center. These internships are unpaid, with City costs relating to staff supervision of students. The agreement shall be for the period of May 1, 2012, through April 30, 2017.

Adopted.

Approved by Mayor Rybak 6/18/2012.

(Published 6/19/2012)

**PSC&H** - Your Committee recommends approval of the appointments of Linda Welter, representing Ward 10, and Silvia Perez, as the Mayor's appointee, to the Public Health Advisory Committee for the remaining portion of two-year terms to expire December 31, 2013.

Adopted.

**PSC&H** - Your Committee recommends concurrence with the Mayoral appointment of Eugene Roehlkepartain, Ward 3 (work), as a representative of the academic sector to the Youth Violence Prevention Executive Committee, to fulfill the balance of a term expiring December 31, 2012.

Adopted.

**PSC&H** – Your Committee recommends passage of the accompanying resolution authorizing the City, through its Department of Civil Rights, to become a party to the Minnesota Unified Certification Program Agreement and thereby become a "Certifying Agency" authorized to certify Disadvantaged Business Enterprises.

Adopted.

Resolution 2012R-336, authorizing the City of Minneapolis to become a party to the Unified Certification Program Agreement (UCP) and to become a Certifying Agency as provided in the UCP, was adopted 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 2012R-336  
By Samuels**

**Authorizing the City of Minneapolis to become a party to the Unified Certification Program Agreement (UCP) and to become a Certifying Agency as provided in the UCP.**

Whereas, it is the policy of the City of Minneapolis (City) to provide equal opportunities to all contractors and to redress discrimination in the City's marketplace and in public contracting by encouraging the hiring of women-owned business enterprises ("WBE") and minority-owned business enterprises ("MBE"); and

Whereas, to promote the policy and goal of encouraging contracting with WBE and MBE, the City Council for the City did adopt the Small and Underutilized Business Enterprise Program Ordinance, Minneapolis Code of Ordinances, Chapter 423 ("SUBP"); and

Whereas, the WBEs and MBEs that are certified pursuant to the City's SUBP may also be certified as Disadvantaged Business Enterprises ("DBE") for the purpose of participating in contracts for which financial assistance is provided by the U.S. Department of Transportation (USDOT) as provided in 49 CFR Part 26, Subparts D and E; and

Whereas, to facilitate the certification of DBEs, the USDOT requires that certain state and local public agencies that receive USDOT funds establish a Unified Certification Program (UCP) that satisfies the requirements contained in 49 CFR, Section 26.81; and

Whereas, the State of Minnesota Department of Transportation (MnDOT), the Metropolitan Council (MC) and the Metropolitan Airports Commission (MAC) were required to establish a UCP pursuant to 49 CFR, Section 26.5 and were designated as "Certifying Agencies" by the USDOT on or about April 25, 2005; and

Whereas, pursuant to 49 CFR, Section 26.81, the City as a recipient of USDOT funds, is required to participate in the UCP; and

Whereas, MnDOT, the MC, the MAC and the City have prepared a Minnesota Unified Program Certification Agreement dated September 30, 2011 (the "Minnesota UCP"); and

Whereas, the City, acting through its Department of Civil Rights, will become a "Certifying Agency" authorized to certify DBEs upon becoming a party to the Minnesota UCP;

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

That the City Council does hereby authorize the City of Minneapolis to enter the UCP.

Be It Further Resolved that pursuant to the UCP, the City acting through its Department of Civil Rights, is a "Certifying Agency" as provided in the UCP and accepts the rights and responsibilities associated with its designation as Certifying Agency.

Adopted.

**PSC&H** – Your Committee, to whom was referred an ordinance amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to *Emergency Preparedness and Management: Emergency Preparedness and Management*, to reflect the fact that emergency management is no longer under the direction of the assistant city coordinator of regulatory services and emergency management and is now directed by the "director of emergency management", now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2012-Or-036 amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to *Emergency Preparedness and Management: Emergency Preparedness and Management*, amending the Title of Chapter 128 and Sections 128.10, 128.20, 128.30, 128.40, 128.100, 128.110, 128.120, 128.130, 128.140, 128.150, 128.210, 128.220, 128.250, 128.270, 128.280, and 128.290, all to reflect that fact that emergency management is now directed by the Director of Emergency Management, was adopted 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 2012-Or-036**  
**By Samuels**  
**Intro & 1st Reading: 5/11/2012**  
**Ref to: PSC&H**  
**2nd Reading: 6/15/2012**

**Amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to Emergency Preparedness and Management.**

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

Section 1. That the Title of Chapter 128 of the Minneapolis Code of Ordinances be amended to read as follows:

**CHAPTER 128. EMERGENCY PREPAREDNESS AND MANAGEMENT**

Section 2. That Section 128.10 of the above-entitled ordinance be amended to read as follows:

**128.10. Declaration of necessity and policy.** Because of the existing and increasing possibility of the occurrence of disasters and emergencies of unprecedented size and destruction in order to ensure that the preparations of the city will be adequate to deal with such disasters and emergencies, and generally to protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

(a1) To establish a local office of emergency ~~preparedness and~~ management;

(b2) To provide for the exercise of necessary powers during declared emergencies;

(e3) To provide for the rendering of mutual aid between the city and other political subdivisions of this state and of other states with respect to the carrying out of emergency ~~preparedness and~~ management functions;

(d4) To provide for the promotion and protection of the public health, safety and welfare in the event of declared emergencies.

It is further declared to be the purpose of this chapter and the policy of the city that all emergency ~~preparedness and~~ management functions of the city be coordinated to the maximum extent practicable with the comparable functions of the federal government, of the State of Minnesota, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's resources and facilities for dealing with any disaster that may occur.

Section 3. That Section 128.20 of the above-entitled ordinance be amended to read as follows:

**128.20. Definitions.** For the purposes of this chapter, the terms defined in this section shall have the following meanings:

*Emergency ~~preparedness and~~ management.* The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, whether caused by enemy attack, sabotage or other hostile action, or by any natural catastrophe or disturbance. These functions shall include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering and warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

*Emergency declaration.* An emergency declared by the governor under the Minnesota Statutes, Section 12.31, or where declared as hereinafter provided by the city because of any large-scale or complex emergency.

*Emergency ~~preparedness and~~ management forces.* Emergency ~~preparedness and~~ management forces shall mean any personnel employed by the city and assigned by city department heads for service and for specific activities in preparation for emergency ~~preparedness and~~ any other volunteer or paid member of the office of emergency and ~~preparedness and~~ management engaged in carrying on emergency ~~preparedness and~~ management functions in accordance with the provisions of this chapter or any rule or order thereunder.

Section 4. That Section 128.30 of the above-entitled ordinance be amended to read as follows:

**128.30. Office of emergency ~~preparedness and~~ management.** There shall be an office of emergency ~~preparedness and~~ management ~~which shall be under the supervision and control of the mayor.~~ The city council shall provide for the necessary expenses of the office of emergency ~~preparedness and~~ management. The mayor shall, in the manner specified in the chapter for the appointment of other city officers, appoint a director of emergency management who shall be in the unclassified service and the mayor shall assign the operational duties of the office of emergency

~~preparedness and management to the assistant city coordinator of regulatory services and emergency preparedness. The assistant city coordinator of regulatory services and emergency preparedness director of emergency management. Subject to the supervision of the city coordinator as provided by Section 21.10, the director of emergency management shall have direct responsibility for the organization, administration and operation of the office of emergency preparedness and management, subject to the direction and control of the mayor, and shall supervise the emergency preparedness and management staff. The office of emergency preparedness and management shall be organized, consistent with state and city emergency management plans as the assistant city coordinator of regulatory services and emergency preparedness director of emergency management deems necessary to provide for efficient performance during a declared emergency, to coordinate city planning and preparation for emergency relief, to provide liaison and coordination with federal, state, county and local jurisdictions relative to emergency preparedness and management activities, and to assure implementation of federal and state emergency preparedness and management program requirements.~~

Section 5. That Section 128.40 of the above-entitled ordinance be amended to read as follows:

**128.40. Transportation of radioactive material.** ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall transmit, immediately upon the passage of this section and annually thereafter during the month of December, to the mayor and to the city council an assessment of the adequacy of emergency response capability, and the safety of the transportation of radioactive material, as defined, licensed and regulated in Title 10 CFR part 71 and 49 CFR parts 171-177, through, into, or out of the City of Minneapolis.

~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall make such assessment:

- (1) After consultation and coordination with the owner and/or consignee of the material, the transporter of the material, the health, police, and fire departments of the city, and the State of Minnesota;
- (2) After consideration of the requirements of and certifications to other agencies responsible for the regulation of such transportation and the performance capabilities of the equipment to be utilized; and
- (3) After consideration of the method of transportation to be used, the route or routes of travel, timing, and any unique local features of the route or routes involving potential disturbance to the shipment or susceptibility to harm of the locale or persons nearby.

In such transmittal, ~~the assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall delineate the resources available for emergency response, the sources of such resources, the training level of the resources, the rapidity of response from each source, the coordination of the responses as planned, and the plans of other agencies, owner, transporter, and the state to respond to any incident.

Section 6. That Section 128.100 of the above-entitled ordinance be amended to read as follows:

**128.100. Mutual aid agreements.** ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management, with the consent of the mayor, shall represent the city on any regional or state organization for emergency preparedness and management. ~~The assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal emergency preparedness and management assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the city council for its approval or disapproval.

Section 7. That Section 128.110 of the above-entitled ordinance be amended to read as follows:

**128.110. Surveys of resources.** ~~The assistant city coordinator of regulatory services and~~

~~emergency preparedness~~ director of emergency management shall make such studies and surveys of the industries, resources and facilities of the city necessary to determine their adequacy for emergency preparedness and management and to plan for their most efficient use in time of declared emergency.

Section 8. That Section 128.120 of the above-entitled ordinance be amended to read as follows:

**128.120. Emergency management plan.** The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall prepare a comprehensive general emergency management plan for the defense of the city, and for relief from any emergency, and shall present such plan to the council for its approval. When the council has approved the plan by resolution, all city departments and agencies and all emergency preparedness and management forces of the city shall perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall coordinate the emergency preparedness and management activities of the city to the end that they shall be consistent and fully integrated with the emergency management plans of the federal government, the state and other political subdivisions within the state.

Section 9. That Section 128.130 of the above-entitled ordinance be amended to read as follows:

**128.130. Training and information programs.** In accordance with the state and the city emergency management plans, the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall institute such training programs and public information programs, and shall take all other preparatory steps as may be necessary to the prompt and effective operation of the city emergency management plan in time of declared emergency. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management may, from time to time, conduct such tests of warning devices as necessary.

Section 10. That Section 128.140 of the above-entitled ordinance be amended to read as follows:

**128.140. Use of city personnel and equipment.** The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall use the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the office of emergency preparedness and management and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management, shall be responsible for the planning and programming of emergency preparedness and management activities as will involve the utilization of the facilities of each department or agency.

Section 11. That Section 128.150 of the above-entitled ordinance be amended to read as follows:

**128.150. Volunteers generally.** The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management, may organize, recruit and train police reserve, fire reserves, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the emergency management plan of the city. To the extent that such emergency personnel are recruited to augment a regular city department or agency, it shall be assigned to such department or agency for purposes of administration and command. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management may dismiss any volunteer at any time and require the volunteer to surrender any equipment and identification furnished by the city.

Section 12. That Section 128.210 of the above-entitled ordinance be amended to read as follows:

**128.210. Compliance with state regulations.** The ~~assistant city coordinator of regulatory services~~

~~and emergency preparedness~~ director of emergency management shall carry out all orders, rules and regulations issued by the governor with reference to emergency preparedness and management. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall direct and coordinate the general operation of all city emergency preparedness and management resources during an emergency in conformity with controlling regulations and instructions of state authorities. The heads of departments and agencies shall be governed by the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management orders in respect thereto.

Section 13. That Section 128.220 of the above-entitled ordinance be amended to read as follows:

**128.220. Emergency operation centers.** Consistent with the emergency management plan, the ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall provide and equip at some suitable place in the city an emergency operation center and, if required by the state emergency management plan, an auxiliary emergency operation center to be used during a declared emergency as headquarters for direction and coordination of emergency management activities. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall arrange for representation at the emergency operation center by city departments and agencies authorized by federal or state authority to carry on emergency management activities. The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall arrange for the installation at the emergency operation center of necessary facilities for communication between heads of departments and agencies, the office of emergency preparedness and management, the stations and operating units of city services and other agencies concerned with emergency preparedness and management, and for communication with other communities and emergency operation centers within the surrounding area and with the federal and state agencies concerned.

Section 14. That Section 128.250 of the above-entitled ordinance be amended to read as follows:

**128.250. Report.** The ~~assistant city coordinator of regulatory services and emergency preparedness~~ director of emergency management shall prepare and submit such reports on the activities of the office of emergency preparedness and management as may be requested by the mayor or the city council.

Section 15. That Section 128.270 of the above-entitled ordinance be amended to read as follows:

**128.270. Special police officer.** The mayor may appoint any qualified person holding a position in the office of emergency preparedness and management or in any other agency created under federal or state authority for emergency management purposes as a special police officer of the city, with such police powers and duties within the city incident to the functions of the position, not exceeding those of a regular police officer of the city, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the chief of police and such other police officers of the city as the police chief may designate.

Section 16. That Section 128.280 of the above-entitled ordinance be amended to read as follows:

**128.280. Nonliability of civil defense workers.** All functions under this chapter and all other activities relating to emergency preparedness and management shall be governmental functions. The city and, except in cases of willful misconduct, its officers, agents, employees or representatives engaged in emergency preparedness and management activities, while complying with or attempting to comply with all applicable laws, rules, orders or regulations shall not be liable for the death of or injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any officer or employee of the city to receive benefits to which such officer or employee would otherwise be entitled under this chapter or under the workers' compensation law, or under any pension law.

Section 17. That Section 128.290 of the above-entitled ordinance be amended to read as follows:

**128.290. Office of emergency preparedness and management not to participate in certain activities.** The office of emergency preparedness and management shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

Adopted.

**PSC&H** – Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the appointment of Barret Lane to serve as the Director of Emergency Management, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted.

**The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**PSC&H & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute Contract Amendment No. 2 to Contract C-27370 with Fairview Diagnostic Laboratories to extend the termination date to June 30, 2017, to allow for interfacing laboratory services with the implementation of Electronic Health Records (EHR) for the School Based Clinic (SBC) program at no additional cost to the City.

Adopted.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to contract with Hennepin County as the local government unit acting as the fiscal agent for the Minneapolis Youth Baseball Association to accept \$7,900 for the purchase of youth baseball equipment. Further, passage of the accompanying resolution appropriating \$7,900 to the Department of Health & Family Support.

Adopted.

**RESOLUTION 2012R-337  
By Samuels and Hodges**

**Amending The 2012 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 - Other Fund (01600-8600110) by \$7,900 and increasing the revenue source (01600-8600110-322000) by \$7,900.

Adopted.

**PSC&H & W&M/Budget** - Your Committee, having under consideration the 2012 Edward Byrne Memorial Justice Assistance Grant Award, now recommends that the proper City officers be authorized to accept the award for funding in the amount of \$306,344 through Hennepin County, to be expended over the next two years to fund two attorney positions assigned to police precincts; and various equipment purchases for investigative and patrol divisions, and other supportive divisions, to accomplish the following goals:

- Collaborative and caring communities help prevent crime;
- Sustain gains against violent crime;
- Burglaries and domestic violence focused on and fought; and
- Guns, gangs, graffiti gone.

Further, passage of the accompanying resolution appropriating \$306,344 to the City Attorney's Office and the Police Department.

Adopted.

**RESOLUTION 2012R-338  
By Samuels and Hodges**

**Amending The 2012 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) increasing the appropriation for the City Attorney Agency in the Grants - Federal Fund (01300-1400100) by \$200,000;
  - b) increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002110) by \$106,344; and
  - c) increasing the Revenue Source (01300-4002110-321010) by \$306,344.
- Adopted.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the University of Minnesota, College of Veterinary Medicine, in the amount of \$22,595, to provide health care for the Police Department's K-9 service dogs.

Adopted.

**PSC&H & W&M/Budget** – Your Committee recommends passage of the accompanying resolution approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care and Control.

Adopted.

Resolution 2012R-339, approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care & Control, was adopted 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 2012R-339  
By Samuels**

**Approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care & Control.**

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Remington Edwards	5 bags Boors & Barkley dog biscuits (1 lb);
Mary Wick	5 packages hot dogs (training treats for canines); and
Melissa Hansen	6 dog coats; cat toys.

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

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

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

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

**RE&E** - Your Committee recommends passage of the accompanying resolution granting Liquor, Wine and Sidewalk Cafe Licenses to the following businesses:

- a) Birdhouse on Hennepin, 2516 Hennepin Ave (new business)
- b) El Meson, 3450 Lyndale Ave S (new proprietor)
- c) Cafe Ena, 4601 Grand Ave S (new proprietor)
- d) Dilla's Ethiopian Restaurant, 1813 Riverside Ave (new proprietor and catering)
- e) Hazel's Northeast, 2859 Johnson St NE (permanent expansion of premises and sidewalk cafe)
- f) Lunds, 1201 Hennepin Ave (sidewalk cafe)
- g) Modern Times, 3200 Chicago Ave (sidewalk cafe).

Adopted.

Approved by Mayor Rybak 6/18/2012.

(Published 6/19/2012)

Resolution 2012R-340, granting Licenses to Birdhouse on Hennepin; El Meson; Cafe Ena; Dilla's Ethiopian Restaurant; Hazel's Northeast; Lunds; and Modern Times, was adopted 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 2012R-340**

**By Glidden**

**Granting Liquor, Wine and Sidewalk Cafe Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2013**

State Street Hospitality LLC, dba Birdhouse on Hennepin, 2516 Hennepin Ave (new business)

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2013**

Kike Y Shamu Inc, dba El Meson, 3450 Lyndale Ave S (new proprietor)

Kike Y Shamu Inc, dba Cafe Ena, 4601 Grand Ave S (new proprietor)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2013**

Dilla's Bar & Restaurant Inc, dba Dilla's Ethiopian Restaurant, 1813 Riverside Ave (new proprietor)

Good Cheer Hospitality LLC, dba Hazel's Northeast, 2859 Johnson St NE (permanent expansion of premises)

**Catering, to expire April 1, 2013**

Dilla's Bar & Restaurant Inc, dba Dilla's Ethiopian Restaurant, 1813 Riverside Ave (new business)

**Sidewalk Cafe, to expire April 1, 2013**

Lunds Inc, dba Lunds Hennepin, 1201 Hennepin Ave (new business)

Good Cheer Hospitality LLC, dba Hazel's Northeast, 2859 Johnson St NE

Modern Times LLC, dba Modern Times, 3200 Chicago Ave (new business).

Adopted.

Approved by Mayor Rybak 6/18/2012.

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

Resolution 2012R-341, granting applications for Liquor, Wine and Beer Licenses, was adopted 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 2012R-341  
By Glidden**

**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 275764):

**Off-Sale Liquor, to expire April 1, 2013**

Medich Ventures Inc, dba Valu Liquors, 901 Washington Ave SE

**Off-Sale Liquor, to expire July 1, 2013**

KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Ave, 1st floor

Philmik Inc, dba Hennepin Lake Liquors, 1200 W Lake St

Sentyrz Falyce A, dba Sentyrz Liquor & Supermarket, 1612 2nd St NE, 1st floor

**On-Sale Liquor Class A with Sunday Sales, to expire June 23, 2012**

Screaming Triangle LLC, dba Eagleboltbar, 515 Washington Ave S (temporary expansion of premises June 22 & 23, 2012, 4:00 p.m. to 2:00 a.m., Pride)

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2013**

RCI Dining Services MN (4th Street) Inc, dba Downtown Cabaret, 115 S 4th St

Screaming Triangle LLC, dba Eagleboltbar, 515 Washington Ave S

Metropolitan Sports Facilities Commission, dba H H H Metrodome, 900 S 5th St

Minneapolis Branch American Association of University Women, dba Gale Mansion, 2115 Stevens Ave

**On-Sale Liquor Class A with Sunday Sales, to expire Jun 24, 2012**

Rock Bottom Brewery Inc, dba Rock Bottom Restaurant & Brewery, 800 LaSalle Ave, 1st floor (temporary expansion of premises June 24, 2012, 10:30 a.m. to 2:00 p.m., Twin Cities GLBT Pride Parade)

**On-Sale Liquor Class B with Sunday Sales, to expire June 20, 2012**

Lush LLC, dba Lush, 990 Central Ave NE (temporary expansion of premises June 19 & 20, 2012, Gay Pride)

**On-Sale Liquor Class B with Sunday Sales, to expire June 22, 2012**

Lush LLC, dba Lush, 990 Central Ave NE (temporary expansion of premises June 21 & 22, 2012, Gay Pride)

**On-Sale Liquor Class B with Sunday Sales, to expire June 24, 2012**

Lush LLC, dba Lush, 990 Central Ave NE (temporary expansion of premises June 23 & 24, 2012, Gay Pride)

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2013**

Tanner Madison Entities LLC, dba Legends Cafe, 825 E Hennepin Ave

Domenica LLC, dba D'Amico Kitchen, 901 Hennepin Ave

Joint/Caboose Operations LLC, dba Joint/Caboose, 913 Cedar Ave S

Toro Restaurant LLC, dba Barrio, 925 Nicollet Mall

T M Entities LLC, dba Mayslacks Polka Lounge, 1428 4th St NE

D'Amico Catering LLC, dba D'Amico Catering at Calhoun Beach, 2925 Dean Pkwy

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2013**

Lurcat LLC, dba Cafe & Bar Lurcat, 1624 Harmon Pl

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2013**

Donny Dirk's Inc, dba Donny Dirk's, 2027 2nd St N

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2013**

101 Blu LLC, dba Restaurant Aura, 3001 Hennepin Ave

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2013**

1312 W Lake St LLC, dba Cowboy Slims, 1320 W Lake St (internal transfer of shares)

**On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2013**

Haza Charters Inc, dba 19 Bar, 19 W 15th St

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2013**

ZB Restaurant Group LLC, dba Zen Box Izakaya, 602 Washington Ave S  
Tuttle Inc, dba Elsie's, 729 Marshall St NE  
Parker Investments Inc, dba NE Yacht Club, 801 Marshall St NE  
Blazin Wings Inc, dba Buffalo Wild Wings Grill & Bar, 2001 University Ave SE, #100

**Temporary On-Sale Liquor**

South St. Paul Jaycees, dba South St. Paul Jaycees, 1314 8th Ave S, South St. Paul (Fundraiser June 15, 2012, 7:00 p.m. to 10:00 p.m.; June 16, 2012, 10:00 a.m. to 10:00 p.m.; and June 17, 2012, 10:00 a.m. to 7:00 p.m., Father Hennepin/Main St SE/Water Power Park)

Basilica Events LLC, dba Basilica Landmark, 88 17th St N (Basilica Block Party, 88 17th St N, July 6 & 7, 2012, 4:00 p.m. to 10:30 p.m.)

**Liquor Catering Services, to expire August 1, 2012**

Nappa Valley Grille, dba Napa Valley Grille, 220 W Market – Mall of America, Bloomington (new business)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2013**

KNR Inc, dba Naviya's, 2812 W 43rd St (permanent expansion of premises).  
Adopted.

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

Adopted.

Resolution 2012R-342, granting applications for Business Licenses, was adopted 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 2012R-342**

**By Glidden**

**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 June 15, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275764):

Dancing School; Place of Entertainment; Extended Hours; Caterers; Confectionery; Food Market Distributor; Farm Produce Permits; Grocery; Institutional Food Service; Food Manufacturer; Food Market Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Pet Shop; Public Market; Residential Specialty Contractor; Sign Hanger; Solicitor - Company; Solicitor – Individual; Swimming Pool – Public; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades; Valet Parking; Wrecker of Buildings – Class A; Tobacco Dealer.

Adopted.

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

Adopted.

Resolution 2012R-343, granting applications for Gambling Licenses, was adopted 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 2012R-343**  
**By Glidden**

**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 275764):

**Gambling Class B**

Minnesota Youth Athletic Services, dba Minnesota Youth Athletic Services, 1011 Osborne Road, Spring Lake Park (Site: Cowboy Jacks, 126 N 5th St)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Ave S (Site: Otters Saloon, 617 Central Ave SE)

Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis, 714 18 1/2 Ave NE (Site: The Pour House, 10 S 5th St)

**Gambling Exempt**

ALSAC, dba ALSAC, 7301 Ohms Ln, Suite 310, Edina (Raffle May 18, 2012, Seven Steakhouse)

City Heat Minneapolis, City Heat Minneapolis, 9336 Homestead Cir, Monticello (Raffle May 20, 2012, 1029 Marshall Ave NE)

Twins Community Fund, dba Twins Community Fund, 1 Twins Way (Raffle August 11, 2012, Target Field)

ADVOCA, dba ADVOCA, PO Box 65841, St. Paul (Raffle September 15, 2012, Target Field)

MSAIA Architectural Foundation, dba MSAIA Architectural Foundation, 275 Market St, Suite 54 (Raffle November 8, 2012, Minneapolis Convention Center).

Adopted.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 relating to *Liquor and Beer: Liquor Licenses*, allowing 12 days of temporary events annually for licensees, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that staff from the Department of Regulatory Services be directed to report back to Council Members with recommendations relating to the following:

a) how to use the described resolution power within the ordinance for identifying specific businesses that would go through an approval process individually; and  
b) how to work with those businesses that are very close to residential property.

Tuthill moved that the report be postponed. Seconded.

Adopted. Yeas, 7; Nays, 6 as follows:

Yeas – Hofstede, Colvin Roy, Tuthill, Samuels, Gordon, Reich, Johnson.

Nays – Schiff, Lilligren, Quincy, Glidden, Goodman, Hodges.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 3538 Dupont Ave N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license to be held by Mark Langmade.

Adopted.

**RE&E** - Your Committee, having under consideration the property located at 2639 Oliver Ave N, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel which recommended that the property be rehabilitated; now recommends that the rehabilitation agreement be denied and that the structure located at 2639 Oliver Ave N be demolished.

Your Committee further recommends that the City Attorney's Office be directed to draft Findings of Fact in support of the Committee's decision.

Glidden moved that the report be amended to include adoption of the findings as drafted by the City Attorney. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Keith Lentz for the property located at 1919 10th Ave S; and the licensee having been notified of the City's intent to deny the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be denied for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-25 which are hereby made a part of this report by reference.

Adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Robert Fiason for the property located at 4105 5th Ave S; and the licensee having been notified of the City's intent to deny the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-26 which are hereby made a part of this report by reference.

Adopted.

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

**RE&E & W&M/Budget** - Your Committee, having under consideration the Healthy Homes Thriving Communities Grant received from the United States Department of Housing & Urban Development, now recommends that the proper City officers be authorized to negotiate and execute contracts with the following service providers to correct home hazards identified by the Home Hazard Rating System and provide training as part of the HUD grant award:

Community Action of Minneapolis, \$100,000

Neighborhood Housing Service, \$100,000

Project for Pride in Living, \$50,000

Habitat for Humanity, \$50,000

Sustainable Resource Center, \$50,000

ClearCorp, \$50,000

ICP Green, \$10,000.

Adopted.

**RE&E & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #7608 submitted by Over The Top, Inc., in the amount of \$100,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish weed cutting and plant growth removal for the Department of Regulatory Services. Bidder offers to extend terms and pricing for two additional years at the sole option of the City of Minneapolis.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said service.

Adopted.

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

**T&PW** - Your Committee, having under consideration the City of Minneapolis and Minneapolis Park and Recreation Board ANNUAL NPDES MS4 REPORT ON 2011 ACTIVITIES, as set forth in Petn No 275772, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the Minneapolis ANNUAL NPDES MS4 REPORT ON 2011 ACTIVITIES as the annual report on the City's Stormwater Management Plan for submittal to the Minnesota Pollution Control

Agency, pursuant to Chapter 2, Section 14, of the City of Minneapolis National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit No MN0061018 issued December 1, 2000.

Adopted.

Resolution 2012R-344, adopting the ANNUAL NPDES MS4 REPORT ON 2011 ACTIVITIES, was adopted 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 2012R-344**  
**By Colvin Roy**

**Adopting the ANNUAL NPDES MS4 REPORT ON 2011 ACTIVITIES.**

Whereas, the City of Minneapolis is committed to improving water quality in the lakes, wetlands, streams, and Mississippi River; and

Whereas, on December 1, 2000, the City of Minneapolis was issued National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit No MN0061018 (Permit); and

Whereas, as required under the Permit, a public hearing was held on June 5, 2012; and

Whereas, the ANNUAL NPDES MS4 REPORT ON 2011 ACTIVITIES will now be submitted to the Minnesota Pollution Control Agency;

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

That the Minneapolis City Council hereby adopts the ANNUAL NPDES MS4 REPORT ON 2011 ACTIVITIES.

Adopted.

**T&PW** - Your Committee, having under consideration the proposed Intercity Regional Trail from the Old Cedar Bridge in Bloomington to Lake Nokomis in Minneapolis in partnership with Three Rivers Park District, the Minneapolis Park and Recreation Board, and the cities of Bloomington, Richfield, and Minneapolis, now recommends:

a) Passage of the accompanying resolution supporting the Intercity Regional Trail Master Plan prepared by Three Rivers Park District;

b) Approval of the layout for the Minneapolis portion of the Intercity Trail, as set forth in Petn No 275772; and

c) That the proper City officers be authorized to execute a cooperative agreement with Three Rivers Park District, contingent upon City Attorney review, to construct a trail within City right-of-way and to execute an agreement with the Minneapolis Park and Recreation Board to operate and maintain the trail.

Adopted.

Resolution 2012R-345, supporting the Intercity Regional Trail, was adopted 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 2012R-345**  
**By Quincy**

**Supporting the Intercity Regional Trail.**

Whereas, the City of Minneapolis recognizes the Intercity Regional Trail as an important component of the regional parks system that serves residents of the City and the region; and

Whereas, the City of Minneapolis recognizes that Three Rivers Park District, the cities of Minneapolis, Richfield, and Bloomington, Hennepin County, Metropolitan Airports Commission, Minnesota Department of Transportation, and United States Fish and Wildlife Service have gathered significant public input in the development of the master plan for the Intercity Regional Trail corridor; and

Whereas, the City of Minneapolis recognizes that the Intercity Regional Trail Master Plan is consistent with other approved local and regional plans including the Minneapolis Bicycle Master Plan; and

Whereas, the City of Minneapolis supports the Intercity Regional Trail Master Plan, acquisition, construction, operation, and maintenance as is necessary to implement a contiguous and continuous regional trail corridor; and

Whereas, the City of Minneapolis Comprehensive Plan supports multi-modal choices; and

Whereas, the City of Minneapolis supports the Three Rivers Park District, the Minneapolis Park and Recreation Board, and the City of Bloomington in the construction, operation, and management of a contiguous and continuous Intercity Regional Trail in accordance with the Master Plan; and

Whereas, the City of Minneapolis recognizes that Three Rivers Park District, with the support of the cities of Minneapolis, Richfield, and Bloomington, Hennepin County, Minneapolis Park and Recreation Board, Metropolitan Airports Commission, Minnesota Department of Transportation, and United States Fish and Wildlife Service secured a Federal Surface Transportation Program (STP) Grant in the amount of \$5.72 million to construct 3.8 miles of the Intercity Regional Trail in 2015; and

Whereas, the City of Minneapolis supports the development of a Cooperative Agreement further establishing agency roles and responsibilities;

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

That the City of Minneapolis supports the Intercity Regional Trail Master Plan and hereby recommends that Three Rivers Park District design and construct the trail on City of Minneapolis right-of-way and that the Minneapolis Park and Recreation Board operate and maintain the trail.

Adopted.

**T&PW** - Your Committee recommends passage of the accompanying resolution supporting the Locally Preferred Alternative for the Bottineau Transitway Project.

Adopted.

Resolution 2012R-346, supporting the Locally Preferred Alternative (LPA) for the Bottineau Transitway Project, was adopted 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 2012R-346**

**By Colvin Roy**

**Supporting the Locally Preferred Alternative (LPA) for the Bottineau Transitway Project to the Hennepin County Regional Railroad Authority (HCRRA) and Metropolitan Council.**

Whereas, the Bottineau Transitway is a proposed project to provide transit service which will satisfy long-term regional mobility and accessibility needs for businesses and the traveling public in the heavily traveled northwest area of the Twin Cities; and

Whereas, the Bottineau Transitway is located in Hennepin County, Minnesota, extending approximately 13 miles from downtown Minneapolis to the northwest through North Minneapolis and the suburbs of Golden Valley, Robbinsdale, Crystal, New Hope, Brooklyn Park, Maple Grove, and Osseo; and

Whereas, the HCRRA, in partnership with the Metropolitan Council and other project stakeholders, recently completed the Bottineau Transitway Alternatives Analysis Study that, in addition to the No Build and Transportation System Management (TSM) Alternatives, recommended four Light Rail Transit (LRT) Alternatives and one Bus Rapid Transit (BRT) Alternative be advanced for further study in the federal and state environmental review processes; and

Whereas, the Federal Transit Administration (FTA), the Hennepin County Regional Railroad Authority (HCRRA), and the Metropolitan Council have initiated both federal and state environmental review for the Bottineau Transitway Project; and

Whereas, federal funding will be pursued for this project from the FTA, which has consequently been designated as the lead federal agency for this project; and

Whereas, the Bottineau Transitway recently completed the Scoping Phase of the environmental process; and

Whereas, through the Scoping process, the Policy Advisory Committee (PAC) recommended further study of the No Build and TSM Alternatives along with further study of four LRT Alternatives (A-C-D1, A-C-D2, B-C-D1, B-C-D2) in the Draft Environmental Impact Statement (Draft EIS); and

Whereas, through the Scoping process, the PAC recommended no further study of the BRT alternative; and

Whereas, on May 8, 2012 the HCRRA adopted, by Resolution No 12-HCRRA-0028, the recommendations of the PAC regarding the alternatives to be further evaluated in the Bottineau Transitway Draft EIS; and

Whereas, the identification of an LPA is a critical step in pursuing federal funding for the Bottineau Transitway; and

Whereas, the LPA includes the definition of the Bottineau Transitway mode and alignment; and

Whereas, the adoption of the LPA and amendment of it into the region's long-range transportation plan, the Transportation Policy Plan, concludes the Federal Transit Administration (FTA) Alternatives Analysis (AA) process; and

Whereas, the LPA will be one of the build alternatives identified and studied in the Draft EIS; and

Whereas, the LPA selection process does not replace or override the requirement to fully examine alternatives and determine the adverse impacts that must be avoided or mitigated under the federal and state environmental review process; and

Whereas, the four LRT alternatives to be studied in the Draft EIS were further considered with respect to defined project goals, objectives, and evaluating criteria set forth in the AA study and further refined during the Scoping Phase of the federal and state environmental analyses; and

Whereas, the Advise, Review, and Communicate Committee (ARCC) and the Community Advisory Committee (CAC) have provided input into the selection of an LPA; and

Whereas, the ARCC, in a technical advisory role to the PAC, provided the following input: (1) LRT is the preferred mode; (2) the D1 alignment is the preferred route for the southern end, and Hennepin County, Metropolitan Council, and the City of Minneapolis should work together to develop and deliver separate transit, livability, and economic development investments to North Minneapolis neighborhoods as soon as possible; and (3) the technical justification for the A and B alignments on the northern end are different, but balanced; and

Whereas, the Bottineau Transitway PAC held a public hearing on May 10, 2012 as part of the LPA selection process; and

Whereas, the Bottineau Transitway PAC passed a resolution on the recommended LPA on May 30, 2012, defined as B-C-D1; and

Whereas, the City of Minneapolis has provided written comments during the scoping process, stating that the Draft EIS include provisions that address community impacts and mitigation to those impacts; and

Whereas, the City of Minneapolis continues to be an active participant in the Bottineau Corridor planning process; and

Whereas, in the past several months, four key initiatives have advanced transit service and livability in North Minneapolis:

1) The City of Minneapolis submitted an application for federal funding for a transitway Alternatives Analysis for West Broadway and if the grant is awarded, both Hennepin County and Metropolitan Council have committed to share in the funding of the required local match. This West Broadway Alternatives Analysis will advance the vision shared by many in the community of a vibrant commercial corridor served by transit;

2) The Metropolitan Council has agreed to evaluate rapid bus improvements for the Emerson Avenue North/Fremont Avenue North and Penn Avenue North corridors, as well as a possible South Minneapolis connection on Chicago Avenue South using the same evaluation process which was just completed for 11 local transitways including West Broadway Avenue through the Arterial Transitway Corridors Study. The focus on these important transit corridors will emphasize the importance of mobility to connect North Minneapolis to the regional transit system;

3) The Metropolitan Council awarded \$2 million to a mixed income/mixed use development project at Penn and West Broadway which includes funding for enhanced transit facilities. This investment will help to make the corridor ready for investments in rapid bus or streetcar in the future; and

4) Hennepin County has created a Community Works project for Penn Avenue to stimulate economic development, beautification, livability, and job creation in North Minneapolis, and County staff will be working in the next months to create project boundaries and goals. The City will be a key player in this effort which is a welcome addition to the County's other highly effective Community Works projects;

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

That the City of Minneapolis supports the LPA recommendation of the PAC, and identifies Alternative B-C-D1 as the Locally Preferred Alternative for the Bottineau Transitway project.

Be It Further Resolved that the City of Minneapolis commits to working with Hennepin County and the Metropolitan Council to pursue enhanced transit service, economic development and livability in North Minneapolis, including a West Broadway Alternatives Analysis, evaluation of rapid bus improvements for the Emerson Avenue North/Fremont Avenue North and the Penn Avenue North corridors, development of the mixed income/mixed use project at Penn and West Broadway with enhanced transit facilities, the creation of a Community Works project for Penn Avenue North, and feeder bus network improvements connecting North and Northeast Minneapolis with the Bottineau Transitway.

Be It Further Resolved that this resolution, adopted by the City of Minneapolis, be forwarded to HCRRA and the Metropolitan Council for their consideration.

Adopted.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration an agreement between the Minneapolis Park and Recreation Board (MPRB) and the Minneapolis Public Works Department authorizing parkway paving and lighting improvements on selected parkways in 2012, now recommends passage of the accompanying resolution increasing the appropriation for the Parkway Paving Project by \$1,000,000 and the Parkway Street Lighting Project by \$1,544,300 from MPRB funding.

Adopted.

**RESOLUTION 2012R-347  
By Colvin Roy and Hodges**

**Amending The 2012 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the PW-Capital Improvements Fund/Department (04100-9010937-PV1201) by \$1,000,000 from Minneapolis Park and Recreation Board funding (04100-9010937-CPV1201 - Revenue Source 375504); and

b) Increasing the appropriation for the PW-Capital Improvements Fund/Department (04100-9010943-CTR1208) by \$1,544,300 from Minneapolis Park and Recreation Board funding (04100-9010943-CTR1208 - Revenue Source 375504).

Adopted.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for professional services for the implementation of Maximo Asset Management Software to provide a comprehensive, unified asset management system for the Water Treatment and Distribution and Surface Water and Sewers Divisions.

Adopted.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Hopkins System Improvements Project, a Metropolitan Council approved Facility Plan to reconstruct a pump station in Hopkins and rehabilitate and construct a new force main sewer interceptor from the Hopkins pump station through St. Louis Park and a part of Minneapolis, now recommends:

a) That the proper City officers be authorized to negotiate and execute a Master Funding Agreement with Metropolitan Council Environmental Services (MCES) for the Hopkins System Improvements Project; and

b) That the proper City officers be authorized to negotiate and execute a Subordinate Funding Agreement (City of Minneapolis MCES01) with MCES for reimbursement of City force work associated with the Hopkins System Improvements Project, Phase 1, Contract A.

Adopted.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7611 from Bituminous Roadways, Inc., for an estimated expenditure of \$181,000.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the construction of the 2012 Paving and Concrete Curb Project for the Water Works Treatment and Distribution Division.

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

Adopted.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the only bid submitted to the Public Works Department on OP No 7614 from Brown Traffic Products, Inc., for an estimated expenditure of \$56,968.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to provide programmable vehicle signal indications and pedestrian count-down signal indications for the Traffic Division.

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

Adopted.

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

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

Adopted.

Resolution 2012R-348, authorizing settlements of *Fred Farthing v. Officer David Hansen* and *Kurt A. Mencil v. City of Minneapolis*, was adopted 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 2012R-348**

**By Hodges**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

a) *Kurt A. Mencil v. City of Minneapolis*, by payment of \$100,000 to Kurt A. Mencil and his attorneys, Meuser & Associates, from the Internal Service Self Insurance Fund (06900-1500100-145400); and

b) *Fred Farthing v. Officer David Hansen*, by payment of \$20,000 to Fred Farthing and his attorney, Albert T. Goins, Sr., Goins Law Offices, from the Internal Service Self Insurance Fund (06900-1500100-145400)

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

Adopted.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received by the Convention Center and Procurement Departments on OP No 7617 from Shaw-Lundquist Associates, Inc. in the

amount of \$2,543,000.00 to furnish and deliver all labor, materials, equipment and incidentals necessary for the restroom renovation project for the Minneapolis Convention Center.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received by the Convention Center and Procurement Departments on OP No 7634 from Killmer Electric Company, Inc. in the amount of \$145,200.00 to furnish, deliver, transport, erect, install, configure and connect completely all material and equipment described herein or depicted on any bid package document or drawing to the City of Minneapolis, for the Target Center Show Power project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

**W&M/Budget** - Your Committee recommends concurrence in the Mayoral appointment of Jamil Ford, Ward 5, to the Capital Long-Range Improvement Committee (CLIC), to fill balance of a term running through December 31, 2012:

Adopted.

**W&M/Budget** - Your Committee recommends acceptance of the third low responsive responsible bid received by the Finance and Property Services Department on OP No 7580 from Ebert, Inc. (d/b/a Ebert Construction), in the amount of \$1,967,400.00 to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Construction of the Emergency Operations Training Facility Apparatus Bay Addition Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications prepared by Wold Architects.

Adopted.

**W&M/Budget** - Your Committee, having been referred matters from Audit Report No. 2011-07 "Bank Account Reconciliation, Bank Account Access and ACH Transaction Review" by the City Council on April 27, 2012, now recommends adoption of the following as sufficient to address the risk identified in the Audit finding:

a) The management action plan presented by Finance regarding the Audit finding that Finance reevaluate the authorized user limits for wire transfers based on the normal business needs and limit the number of authorized users of Commercial Electronic Office having a high dollar wire transfer transaction limit; and

b) The management action plan presented by Finance regarding the Audit finding and recommendation that Finance work jointly with Human Resources to put in place a process that allow for conducting credit background checks.

Your Committee further recommends that the recommendation of the Audit Committee that the Internal Auditor be included in the City Department Leadership meetings be received and filed.

Adopted.

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

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of R401K LLC (BZZ-5483) to rezone the properties at 3900 and 3920 Nicollet Ave from the R2B Two-Family Residential District to the C2 Neighborhood Corridor Commercial District to rehabilitate the office portion of the existing building at 3920 Nicollet Ave to improve the offices of the auto body business and to house several commercial businesses that would be accessed through a separate entrance off Nicollet Ave, notwithstanding the recommendation of staff; and adopting the findings of the Planning Commission as set forth in Petn No 275780 on file in the Office of the City Clerk.

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

Adopted.

Ordinance 2012-Or-037 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 3900 and 3920 Nicollet Ave to the C2 Neighborhood Corridor Commercial District, was adopted 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 2012-Or-037**  
**By Schiff**  
**1st & 2nd Readings: 6/15/2012**

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

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

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

That part of Lots 1 to 3 inclusive, Block 1, Van Nests Addition to Minneapolis (3900 Nicollet Ave - Plate 31) to the C2 Neighborhood Corridor Commercial District.

That part of Lots 4 to 6 inclusive, Lots 25 to 29 inclusive, Block 1, Van Nests Addition to Minneapolis (3920 Nicollet Ave – Plate 31).

Adopted.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Tara Watson, on behalf of Selene Properties, Inc, (BZZ-5552) to rezone the properties at 2104 and 2110 W Broadway from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District to allow a major sports and health facility within the existing building located at 2104 and 2110 W Broadway, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted.

Ordinance 2012-Or-038 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2104 and 2110 W Broadway to the C2 Neighborhood Corridor Commercial District, was adopted 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 2012-Or-038**  
**By Schiff**  
**1st & 2nd Readings: 6/15/2012**

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

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

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

That part of Lots 27, 28 and 29 except the street, Block 20, Forest Heights, Hennepin County, Minnesota (2104 and 2110 W Broadway - Plate 7) to the C2 Neighborhood Corridor Commercial District.  
Adopted.

**Z&P** – Your Committee recommends concurrence with the recommendation of the Mayor to reappoint Lauren Huynh, Ward 13, to the Minneapolis Planning Commission for a two-year term to expire January 31, 2014.  
Adopted.

**Z&P** – Your Committee recommends passage of the accompanying resolution supporting the Vision of the Minneapolis Riverfront Development RiverFIRST Initiative; and Engagement in Close Coordination with the Minneapolis Park and Recreation Board to Update and Implement the Above the Falls Plan so that it Incorporates Key Elements of RiverFIRST and Reflects the Findings of the City's Above the Falls Policy Review and Implementation Study.

Hofstede moved that the first resolved clause of the resolution be amended to read as follows:

“That it commends the Minneapolis Park and Recreation Board and the Minneapolis Parks Foundation for refreshing the vision for public parks and trails along the upper riverfront with the RiverFIRST initiative and for pursuing the proposed improvements.” Seconded.

Adopted by unanimous consent.

Hofstede moved that the second resolved clause of the resolution be amended to read as follows:

“Be It Further Resolved that City leadership and staff begin working with MPRB leadership and staff on an update to the Above the Falls plan that incorporates key elements of RiverFIRST and reflects the findings of the City's Above the Falls Policy Review and Implementation Study, including the formation of a policy advisory committee involving elected officials in the area.” Seconded.

Adopted by unanimous consent.

The report, with amended resolution, was adopted.

Resolution 2012R-349, supporting the Vision of the Minneapolis Riverfront Development RiverFIRST Initiative; and Engagement in Close Coordination with the Minneapolis Park and Recreation Board to Update and Implement the Above the Falls Plan so that it Incorporates Key Elements of RiverFIRST and Reflects the Findings of the City's Above the Falls Policy Review and Implementation Study, was adopted 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 2012R-349**  
**By Johnson, Hofstede, Samuels and Reich**

**Supporting the Vision of the Minneapolis Riverfront Development RiverFIRST Initiative; and Engagement in Close Coordination with the Minneapolis Park and Recreation Board to Update and Implement the Above the Falls Plan so that it Incorporates Key Elements of RiverFIRST and Reflects the Findings of the City's Above the Falls Policy Review and Implementation Study.**

Whereas, the Minneapolis Park and Recreation Board (MPRB) has adopted an updated vision for parks and trails along the upper riverfront, called RiverFIRST; and

Whereas, this effort has renewed interest in recapturing the City's upper riverfront for public use and to the benefit of nearby neighborhoods and the metropolitan area; and

Whereas, for the RiverFIRST vision to be realized additional steps must be taken to put it in a form that can be adopted in accord with existing City Policy; and

Whereas, the City's current policy document for the upper riverfront is the Above the Falls (ATF) Plan, approved in June 2000, which provided a comprehensive and integrated vision for public realm improvements, land use changes, and redevelopment that would improve access to the river and add value to the upper riverfront and the city as a whole; and

Whereas, due to questions regarding the viability of some aspects of the ATF Plan, the City Council directed staff to research the feasibility of the redevelopment envisioned in the ATF plan; and

Whereas, the City Council has expressed a desire to update the ATF Plan to address feasibility issues but still improve the area and add value with high quality redevelopment that complements potential park improvements; and

Whereas, City and MPRB leadership and staff have coordinated planning efforts around the upper riverfront;

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

That it commends the Minneapolis Park and Recreation Board and the Minneapolis Parks Foundation for refreshing the vision for public parks and trails along the upper riverfront with the RiverFIRST initiative and for pursuing the proposed improvements.

Be It Further Resolved that City leadership and staff begin working with MPRB leadership and staff on an update to the Above the Falls plan that incorporates key elements of RiverFIRST and reflects the findings of the City's Above the Falls Policy Review and Implementation Study, including the formation of a policy advisory committee involving elected officials in the area.

Adopted.

**Z&P** – Your Committee, to whom was referred the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, amending the following Chapters pertaining to regulations related to maximum occupancy of dwelling units:

- a) Chapter 520 relating to *Introductory Provisions*;
- b) Chapter 527 relating to *Planned Unit Development*;
- c) Chapter 546 relating to *Residence Districts*;
- d) Chapter 547 relating to *Office Residence Districts*;
- e) Chapter 548 relating to *Commercial Districts*;
- f) Chapter 549 relating to *Downtown Districts*;
- g) Chapter 551 relating to *Overlay Districts*,

now recommends that said ordinances be returned to author.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted.

## MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of July, 2012, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

## RESOLUTION

Resolution 2012R-350, honoring Twin Cities World Refugee Day, was adopted 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 2012R-350

**By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy, Hodges**

#### **Honoring Twin Cities World Refugee Day.**

Whereas, in 2000, the United Nations General Assembly established June 20th as World Refugee Day; and

Whereas, Twin Cities World Refugee Day recognizes the more than 100,000 refugees living in Minnesota and celebrates the diversity of culture and experiences that they bring to our community; and

Whereas, Twin Cities World Refugee Day raises awareness around refugee issues, including international conflicts and violence that create refugee crises, the refugee resettlement process both here and abroad, and the challenges and opportunities faced by refugees after resettling in Minnesota; and

Whereas, Twin Cities World Refugee Day builds a cultural bridge between longtime Minnesota residents and our newest community members; and

Whereas, The festival brings together refugees from more than a dozen ethnic groups and other Minnesotans to celebrate the diverse gifts that refugees bring to our state; and

Whereas, Twin Cities World Refugee Day is a collaboration by a variety of local organizations that serve refugees and immigrants, including Asian Women United of Minnesota, CAPI, Catholic Charities, Episcopal Community Services, Hennepin County Libraries, Hennepin County Office of Multicultural Services, International Institute, the Karen Organization of Minnesota, Lifetrack Resources, the Minnesota Department of Health, Northpoint Health and Wellness Center, Project for Pride in Living, and World Relief of Minnesota; and

Whereas, The 2012 World Refugee Day Twin Cities celebration will be held on June 16th from 1:00 until 6:00pm in Minnehaha Park with free live entertainment, food and vendors from around the world, children's activities, a community resource fair and interactive educational displays;

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

That we honor Minnesota's refugees and proclaim June 20th, 2012, World Refugee Day.

Adopted.

### **UNFINISHED BUSINESS**

**Comm Dev & W&M/Budget** – Your Committee, having under consideration receipt of Minnesota Department of Employment and Economic Development (DEED) redevelopment grant awards, now recommends that the proper City officers be authorized to accept and appropriate an award \$200,000 for the Pillsbury Lofts Project, and to execute grant, sub-recipient and/or disbursement and related documents and agreements as may be necessary to implement the grant.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds.

Adopted.

### **RESOLUTION 2012R-351 By Goodman and Hodges**

#### **Amending the 2012 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900220) by \$200,000 and increasing the revenue budget (01600-8900900-321504) by \$200,000.

Adopted.

### **NEW BUSINESS**

Schiff moved to introduce the subject matter of an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to relating to *Zoning Code: Specific Development Standards*, for first reading and referral to the Zoning & Planning Committee (establishing an exception to the minimum window requirement for film, video, and audio production use). Seconded.

Adopted by unanimous consent.

Hodges moved to introduce the subject matter of an ordinance amending Title 17, Chapter 447 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Parades/Races*, for first reading and

referral to the Transportation & Public Works Committee (requiring a recycling policy for parades and races). Seconded.

Adopted by unanimous consent.

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability* (lifting the prohibition on chain link fences with slats as a prohibited fence material and to permit chain link fences with certain durable slats, that are resistant to breakage and held securely in place).

Hofstede gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* (creating a new Chapter 306 entitled *Commercial Pedal Cars*).

Samuels moved to authorize the Minneapolis Fire Department to accept the 2012 grant offered to the City of Minneapolis from the Federal Staffing for Adequate Fire and Emergency Response (SAFER) Grants program in the amount of \$1,068,924, for use in paying the salary and benefits of six firefighter positions, with the highest priority of the grant being to rehire laid off firefighters. Further, passage of the accompanying resolution appropriating \$1,068,924 to the Fire Department.

Adopted.

**RESOLUTION 2012R-352**  
**By Samuels**

**Amending The 2012 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (01300-2800700) by \$1,068,924 and increasing the Revenue Source (01300-2800700-400001) by \$1,068,924.

Adopted.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Casey Joe Carl,  
City Clerk

Unofficial Posting: 6/18/2012  
Official Posting: 6/22/2012  
Correction: 2/15/13