

# OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

## REGULAR MEETING OF MAY 9, 2014

(Published May 17, 2014, in *Finance and Commerce*)

Council Vice President Glidden called the meeting to order at 9:30 a.m. in the Council Chamber, a quorum being present.

Present - Council Members Kevin Reich, Cam Gordon, Jacob Frey, Blong Yang, Abdi Warsame, Lisa Goodman, Alondra Cano, Lisa Bender, John Quincy, Andrew Johnson, Linea Palmisano, Vice President Elizabeth Glidden.

Absent – Council President Barbara Johnson.

On motion by Quincy, seconded, the agenda was amended to add under the order of Resolutions a new resolution amending Resolution 2014R-046 relating to a “clean zone” around Target Field during the 2014 Major League Baseball All Star Game and related events.

On motion by Quincy, seconded, the agenda, as amended, was adopted.

On motion by Quincy, seconded, the minutes of the adjourned session held April 24, 2014, the regular meeting of April 25, 2014, and the adjourned session held April 25, 2014, were adopted.

On motion by Quincy, seconded, the petitions, communications, and reports of the City officers were referred to the proper Council committees and departments.

The following reports were signed by Mayor Betsy Hodges on May 14, 2014. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the office of the City Clerk.

### REPORTS OF STANDING COMMITTEES

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

**COW** – Your Committee recommends passage of Resolution 2014R-203 adopting a transition plan for the City to implement single employer, employee benefit plans effective January 1, 2015, and single-employer, self-insured medical plan commencing as early as January 1, 2015.

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The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2014R-203**  
**By Glidden**

**Adopting a transition plan for the City to implement single employer, employee benefit plans effective January 1, 2015, and single-employer, self-insured medical plan commencing as early as January 1, 2015.**

Whereas, the City has historically offered a fully insured medical plan to its employees; and

Whereas, for the past several years, the Benefits Subcommittee of the City-wide Labor Management Group has researched medical self-insurance and supports a self-insured single employer plan; and

Whereas, discussions have been held since 2013 with City leadership regarding the potential to move forward with medical self-insurance for plan year 2014 or following years; and

Whereas, the 2014 fully-insured medical plan design changes repositioned the medical plan for a self-insurance transition without further plan design changes; and

Whereas, the adoption of a self-insured medical plan is estimated to allow the City to avoid up to \$4.0 - \$4.5 million in premium taxes, assessments and carrier administration costs if executed for plan year 2015 (although implementing medical self-insurance will also increase certain other plan administrative costs); and

Whereas, the Youth Coordinating Board, the Municipal Building Commission and the Minneapolis Public Housing Authority currently participate in some or all of the City's employee benefit plans and utilize the city's administrative and payroll services; and

Whereas, the participation of multiple employers in a self-insured benefit plan requires compliance with Minnesota's self-insurance pool regulations; and

Whereas, the cost savings of a self-insured plan are substantially negated and administrative burden increased if the City adopts a self-insurance pool plan permitting the continued participation of the Youth Coordinating Board, the Municipal Building Commission and the Minneapolis Public Housing Authority; and

Whereas, the City Council finds it to be in the best interests of the City and the City's employees for the City to transition to a self-insured single employer medical plan;

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

That the City adopt single employer employee benefit plans for eligible City employees and their dependents beginning January 1, 2015.

Be It Further Resolved that that the proper City officers be and are hereby directed to take the steps and actions necessary to be able to implement a self-insured single employer medical plan to commence as early as January 1, 2015.

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Be It Further Resolved that the proper City officers be directed to provide reasonable assistance to the Youth Coordinating Board, the Municipal Building Commission and the Minneapolis Public Housing Authority as they transition to their own employee benefit plans beginning January 1, 2015 and to work together to transition payroll administrative services at the appropriate time.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**The COMMUNITY DEVELOPMENT & REGULATORY SERVICES Committee submitted the following reports:**

**CD&RS** - Your Committee recommends passage of Resolution 2014R-204 authorizing sale of the property at 2815-19 Johnson St NE to Out of the Past Redevelopment, LLC, an entity controlled by Andrew Volna, for \$1, and that the proper City officers be authorized to enter into a Redevelopment Contract and related documents in accordance with the terms set forth in the Department of Community Planning & Economic Development staff report.

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

**RESOLUTION 2014R-204**  
**By Goodman**

**Authorizing sale of land Hollywood Theatre Redevelopment Project Disposition Parcels 2-10, 11 and 2-12 at 2815 and 2819 Johnson St NE.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels 2-10,11 and 2-12 in the Audubon Park neighborhood, from Out of the Past Redevelopment, LLC, hereinafter known as the Redeveloper, the Parcel(s) 2-10,11 and 2-12, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**LEGAL DESCRIPTIONS:**

2-10,11; 2815 Johnson Street NE: Lots 10 and 11, Block 2, Richardson's Second Addition to Minneapolis;

2-12; 2819 Johnson Street NE: Lot 12, Block 2, Richardson's Second Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$1, for Parcels 2-10,11 and 2-12; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the Redevelopment Plan and/or Program; and

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

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Whereas, the City has obtained a re-use value from an appraisal expert for the purpose of determining a re-use value for the Parcel consistent with accepted methods of appraisal; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, April 18, 2014, a public hearing on the proposed sale was duly held on April 29, 2014, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value, for uses in accordance with the Hollywood Theatre Redevelopment Project plan, as amended, is hereby estimated to have a negative value, for Parcels 2-10,11 and 2-12.

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

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

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

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**CD&RS** - Your Committee recommends passage of Resolution 2014R-205 authorizing sale of the property at 3217 29th Ave S to Michlitsch Builders, Inc. for \$31,000.

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

**RESOLUTION 2014R-205**  
**By Goodman**

**Authorizing sale of land Vacant Housing Disposition Parcel No TF-797 at 3217 29th Ave S.**

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Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-797, in the Longfellow neighborhood, from Michlitsch Builders, Inc., hereinafter known as the Redeveloper, the Parcel TF-797, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-797; 3217 29th Avenue South: Lot 24, Block 9, Rollins Second Addition to Minneapolis, Minnesota; and

Whereas, the Redeveloper has offered to pay the sum of \$31,000, for Parcel TF-797 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 18, 2014, a public hearing on the proposed sale was duly held on April 29, 2014, at the regularly scheduled Community Development and Regulatory Services Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Vacant Housing plan, as amended, is hereby estimated to be the sum of \$31,000 for Parcel TF-797.

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

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$300.00 per month if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the CPED Director.

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

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

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**CD&RS** – Your Committee, to whom was referred an ordinance amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing, to allow the sale of prepackaged perishable items from nonmotorized carts, now recommends that Ordinance 2014-Or-018 be given its second reading for amendment and passage.

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

**ORDINANCE 2014-Or-018**  
**By Bender**  
**Intro & 1st Reading: 8/16/2013 and 3/28/2014**  
**Ref to: CD&RS**  
**2nd Reading: 5/9/2014**

**Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.**

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

Section 1. That Section 188.480 (11) of the above-entitled ordinance be amended to read as follows:

**188.480. Limited mobile food vehicle vending.** It shall be unlawful to open, to operate any limited mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

(11) Notwithstanding the limitations in subsection (1), licenses may be issued under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on public streets and park board property with the approval of the park board. ~~Each applicant for a license under this subsection shall include in the application a proposed operating location or route.~~ The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the director of environmental health division. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

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This shall not be interpreted to prohibit food catering.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The ordinance was adopted.

**CD&RS** - Your Committee, having under consideration the Rental Dwelling License held by Travis Anderson for property at 2441-43 Dupont Ave S, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Regulatory Services that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, and that the Findings of Fact prepared by the Department of Regulatory Services be adopted.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS** - Your Committee, having under consideration the Rental Dwelling License held by Kocon LLC/Hwan Hwang, for property at 3609 Cedar Ave, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Regulatory Services that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, and that the Findings of Fact prepared by the Department of Regulatory Services be adopted.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS** – Your Committee recommends approval of the Department of Licenses and Consumer Services Agenda recommendations granting applications for Liquor, Business and Gambling licenses as set forth in Petition No 277188 on file in the office of the City Clerk, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

Approved by Mayor Betsy Hodges 5/12/2014.

(Published 5/14/2014)

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**CD&RS** - Your Committee recommends passage of Resolution 2014R-206 approving Business License Operating Conditions relating to the Restaurant License held by L D Foods, Inc, 2929 Hennepin Ave, Minneapolis.

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

**RESOLUTION 2014R-206**  
**By Goodman**

**Approving Business License Operating Conditions relating to the Restaurant License held by L D Foods, Inc, 2929 Hennepin Ave, Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by L D Foods, Inc, 2929 Hennepin Ave, Minneapolis.

1. L D Foods, Inc., dba McDonald's, shall update their security plan and review it with the Minneapolis Police 5th precinct. The security plan shall be turned into the Licenses and Consumer Services within 30 days of signing this agreement.
2. L D Foods, Inc. shall install additional security cameras to cover their parking lot area. L D Foods, Inc. shall provide a copy of the digital material (on a dvd or flash drive) upon request from the Minneapolis Police Department or Licenses and Consumer Services within 24 hours of the request.
3. "NO TRESPASSING" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
4. The business will create a system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people, if they are available.
5. L D Foods, Inc. agrees to create a towing policy regarding individuals, other than patrons, using their parking lot within 30 days of signing this agreement. This policy shall be reviewed by the Licenses and Consumer Services Division. A private towing company shall be contacted to post a notice announcing the removal of all unauthorized vehicles. Signs shall be posted at both entrances informing the public of their towing policies.
6. L D Foods, Inc. agrees to install a steel fence from driveway to driveway in front of their current landscaping. No temporary signs can be posted from this fence without a temporary use permit from the Minneapolis Zoning Division other than the towing policy signs.
7. Between May 1, 2014 and October 1, 2014, L D Foods, Inc. agrees to hire one off duty police officer on Fridays and Saturdays from 11:00 p.m. to 3:00 a.m. and one professional security guard on Thursdays from 11:00 p.m. to 3:00 a.m. This requirement shall be reevaluated after October 1, 2014 to determine if it is in the best interest of public safety to discontinue or alter the additional security requirement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

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**CD&RS** - Your Committee recommends passage of Resolution 2014R-207 approving License Settlement Conference recommendations relating to the On-Sale Liquor, Class C-2 License held by La Que Buena, 1609-11 Lake St, Minneapolis.

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

**RESOLUTION 2014R-207**  
**By Goodman**

**Approving License Settlement Conference recommendations relating to the On-Sale Liquor, Class C-2 License held by La Que Buena, 1609-11 Lake St, Minneapolis.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 24, 2013, with the licensee; and

Whereas, the Community Development and Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances;

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

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

1. La Que Buena understands that all license conditions adopted in July 2007 shall remain in effect in addition to the following new conditions.
2. La Que Buena agrees to serve a suspension of their All Night Special Food license from the date of approval of this agreement by the Minneapolis City Council to September 3, 2014.
3. La Que Buena agrees to reduce their class of license from a Class C-2 license to a Class E license as a result of several violations for exceeding their level of entertainment. La Que Buena may reapply for a Class C-2 license after one year.
4. La Que Buena shall accept a three day suspension of their business licenses. The suspension shall be served on three consecutive days and must include a Friday and Saturday and shall be served within 30 days of approval of this agreement by the Minneapolis City Council.
5. The rear parking area will be gated at 10:00 p.m. each day. It will not be locked to comply with Minneapolis Fire Regulations. La Que Buena employees may use the rear parking area for their personal vehicles after 10:00 p.m.
6. Additional lighting shall be added to the rear parking area as advised by the 3rd Precinct Crime Prevention Specialist.
7. La Que Buena shall maintain three surveillance cameras in the entire rear parking area. La Que Buena shall supply Minneapolis Police with surveillance recordings within one day of the request should such recordings be needed to investigate reports of criminal activity. A minimum of 30 days of recorded materials shall be retained for use by Minneapolis Police.

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8. Panic hardware shall be installed on the rear door to the parking area. The rear entrance shall be closed to patron entry after 10:00 p.m. each day.

9. On Friday and Saturday nights, La Que Buena shall have a security guard posted in the rear parking area and at the front door when there are over 25 patrons in the restaurant. The front door security guard shall restrict entrance to any person appearing overly intoxicated.

10. La Que Buena shall participate in a security review with the Minneapolis Third Precinct Crime Prevention Unit. As part of that review, Minneapolis Police "No Trespassing" signs shall be posted on the front and back of the La Que Buena premises. La Que Buena shall follow the trespass procedures as outlined by the Minneapolis Police Third Precinct Security guards shall wear clothing so as to identify them as security.

11. In cooperation with the Minneapolis Police Third Precinct, La Que Buena shall establish, post and enforce a dress code to discourage gang activity from occurring on their premises.

12. A policy shall be written and enforced to prevent loitering on the exterior of the La Que Buena premises.

13. A policy shall be written and enforced concerning the safe service of alcohol to prevent persons that are overly intoxicated from being allowed on the premises.

14. All written policies listed above shall be completed within 30 days and made available upon request to the Minneapolis Police and Business License Departments.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**CD&RS** - Your Committee, having under consideration the property located at 2548 12th Ave S, Minneapolis, 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, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

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**CD&RS** - Your Committee recommends passage of Resolution 2014R-208 approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Joseph Sherohman for property at 2915 Dupont Ave N, Minneapolis.

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

**RESOLUTION 2014R-208  
By Goodman**

**Approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Joseph Sherohman for the property at 2915 Dupont Ave N, Minneapolis.**

Whereas, a Rental License Conditions meeting was held on April 2, 2014, regarding the Rental Dwelling License for the above-mentioned property and the licensee's representative, son Matthew Sherohman, did appear at the hearing; and

Whereas, pursuant to negotiations between the City of Minneapolis and the licensee's representative, the parties agreed to a Stipulated Agreement in order to allow the licensee to retain the Rental Dwelling License for said property;

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

That Joseph Sherohman be allowed to retain the Rental Dwelling License for the property located at 2915 Dupont Ave N, Minneapolis, subject to the following Stipulated Agreement and Conditions, as on file in the office of the City Clerk:

1. The Respondent, Matthew Sherohman, hereby agrees to keep the rental license current on the property located at 2915 Dupont Ave No.
2. The Respondent, Matthew Sherohman, hereby agrees to submit a successful management plan to the Minneapolis Police Department c/o Luther Krueger, Crime Prevention Analyst, 350 5th St S., Room 100, Minneapolis, MN 55415 within 30 days of signing the Stipulated Agreement.
3. The Respondent, Matthew Sherohman, hereby agrees to attend a Rental Property Owner's Workshop within three months of signing the Stipulated Agreement.
4. The City of Minneapolis agrees to allow the pending assessments related to administrative citations - RFS #13-0971476 & RFS #12-0940496 to roll onto the Respondent Matthew Sherohman's, property taxes for Levy year 2014.
5. The Respondent Matthew Sherohman, agrees to make payment in the amount of \$300.00 for the pending assessments related to the two (2) re-inspection fees, on or before 4-30-2014.
6. The Respondent, Matthew Sherohman, hereby agrees to comply with any written orders issued by Housing Inspection Services in a timely manner such that an administrative enforcement method is not required to obtain compliance.
7. The Respondent, Matthew Sherohman, hereby agrees to not allow any delinquent taxes, citations or fees to exist relating to the property.

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8. The Respondent, Matthew Sherohman, hereby agrees to the above stated conditions for a period of 12 (twelve) months from the date of signature.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**CD&RS** – Your Committee recommends approval of the Year 2015 Low Income Housing Tax Credit Procedural Manual and Qualified Allocation Plan as set forth in the Department of Community Planning & Economic Development staff report, and that the proper City officers be authorized to proceed with a Request for Proposals.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS** – Your Committee recommends approval of an amendment to the Greater Metropolitan Housing Corporation contract for the Rehab Support Program – Emergency Relief Fund to add \$15,966.08 to cover the remaining amount needed for loans originated under the program.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS** – Your Committee recommends passage of Resolution 2014R-209 adding seven parcels to and deleting eight parcels from the Minneapolis Housing Replacement Tax Increment Financing District III.

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

**RESOLUTION 2014R-209**  
**By Goodman**

**Approving the addition and deletion of parcels in Housing Replacement Tax Increment Financing District III.**

Section 1. Recitals

1.1. Whereas, pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the “City”), acting by and through its department of Community Planning and Economic Development, has been granted the

authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing (“TIF”) districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the “Project Laws”); and

1.2. Whereas, Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Laws of Minnesota 1996, Chapter 471, Article 7; Laws of Minnesota 1997, Chapter 231, Article 10; Laws of Minnesota 2002, Chapter 377, Article 7; Laws of Minnesota 2008, Chapter 154, Article 9; Laws of Minnesota 2008, Chapter 366, Article 5; Laws of Minnesota 2010, Chapter 216, Sections 45 and 46; and Laws of Minnesota First Special Session 2011, Chapter 7, Article 5, Section 11 (collectively, the “Special Legislation”) authorizes the City to establish housing replacement tax increment financing districts; and

1.3. Whereas, by Resolution 95R-397 duly adopted December 29, 1995, Resolution 2008R-275 duly adopted July 11, 2008, and Resolution 2011R-491 duly adopted October 7, 2011, the City approved the Special Legislation; and

1.4. Whereas, by Resolution 96R-210 duly adopted August 9, 1996, the City approved the Housing Replacement District Plan and created a Housing Replacement TIF District. By Resolution 2003R-386 duly adopted August 22, 2003, the City approved the Housing Replacement District II Plan and created Housing Replacement TIF District II. By Resolution 2009R-602 duly adopted December 18, 2009, the City approved the Housing Replacement District III Plan (collectively with the Housing Replacement District Plan and the Housing Replacement District II Plan, the “Plans”) and created Housing Replacement TIF District III (collectively with the Housing Replacement TIF District and Housing Replacement TIF District II, the “Districts”); and

1.5. Whereas, special legislation (2011 Laws of Minnesota First Special Session, Chapter 7, Article 5, Section 11) authorized the City to designate for inclusion in the Districts up to 200 parcels, on a onetime basis, within the area of the City of Minneapolis designated by the Presidential declaration of major disaster FEMA-1990-DR and the City added parcels to Housing Replacement TIF District III under that authority; and

1.6. Whereas, the Special Legislation and the Plans specify the procedures whereby parcels may be added to and deleted from the Districts. Parcels may be added or deleted by a resolution adopted by the City Council; and

1.7. Whereas, it is proposed that the City add seven parcels to Housing Replacement TIF District III; and

1.8. Whereas, it is proposed that the City delete eight parcels from Housing Replacement TIF District III;

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

## Section 2. Findings

2.1. That the Council hereby finds, determines and declares that the following seven parcels are to be added to Housing Replacement TIF District III and that the properties are either vacant land, vacant housing, or substandard housing and will be sold for the development of new or rehabilitated market rate housing:

<b>Property ID No.</b>	<b>Address</b>
05-029-24-44-0117	3719 Penn Avenue N.
08-029-24-44-0165	2658 Queen Avenue N.
09-029-24-11-0019	3514 Colfax Avenue N.
09-029-24-34-0011	2639 James Avenue N.
09-029-24-41-0055	2950 Bryant Avenue N
10-029-24-32-0087	316 – 30th Avenue N.
10-029-24-33-0033	2727 – 3rd Street N.

2.2. That the Council hereby further finds, determines and declares that the following eight parcels are to be deleted from Housing Replacement TIF District III:

<b>Property ID No.</b>	<b>Address</b>
09-029-24-23-0108	3354 Penn Avenue N.
09-029-24-34-0051	2611 James Avenue N.
15-029-24-22-0006	2317 3rd Street N.
16-029-24-42-0069	1803 Emerson Avenue N.
17-029-24-11-0243	2410 McNair Avenue
17-029-24-11-0244	2406 McNair Avenue
17-029-24-41-0028	2301 Golden Valley Rd.
17-029-24-41-0032	2319 Golden Valley Rd.

### Section 3. Implementation

3.1. Be It Further Resolved that, as provided under Minnesota Statutes, Section 469.178, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to the Districts as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. In no event will the rate of interest charged on the advance exceed the statutory maximum set forth at Minnesota Statutes, Section 469.178, Subdivision 7. The term of this advance shall end upon the termination of the Districts, although as revenues are available in the funds for the Districts, the advance shall be offset by such amounts.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**CD&RS** – Your Committee recommends that the proper City officers be authorize to negotiate Great Streets Business District Support contracts with the following organizations for business district support activities, consistent with the recommendations set forth in the Department of Community Planning & Economic Development report:

38th & Chicago Business Association (\$7,656);

Lake Street Council (\$39,200);

Longfellow Business Association (\$3,000);

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Lyn-Lake Business Association (\$14,150);  
Marcy-Holmes Neighborhood Association (\$49,750);  
Metro Blooms (\$28,925);  
Neighborhood Development Center/Midtown Global Market (\$25,000);  
Nicollet-East Harriet Business Association (\$25,000);  
Project for Pride in Living/Lowry Corridor Business Association (\$24,750);  
Seward Civic and Commerce Association (\$8,260);  
Seward Redesign (\$38,800);  
Stadium Village Commercial Association (\$15,000);  
West Bank Business Association (\$38,000);  
West Broadway Coalition (\$50,000);  
West Market District Business Association (\$23,354);  
West of the Rail Business Association (\$3,250);  
Whittier Alliance (\$8,683).

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS** – Your Committee, having under consideration the Great Streets Neighborhood Business District Eligible Areas, now recommends approval of a pilot project expanding program eligible areas to include three community corridors and that the proper City officers be authorized to execute a total of \$40,000 in two Great Streets Façade Improvement Matching Grant contracts: one \$20,000 contract with Project for Pride in Living to offer façade grants to businesses on the Lowry Avenue Community Corridor through their partnership with the Lowry Corridor Business Association (LCBA); and one \$20,000 contract with the Lyndale Business Association to offer façade grants to businesses on the Nicollet Avenue Corridor between Lake and 36<sup>th</sup> Sts, each consistent with the recommendations set forth in the Department of Community Planning & Economic Development report.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**The COMMUNITY DEVELOPMENT & REGULATORY SERVICES and WAYS & MEANS Committees submitted the following reports:**

**CD&RS & W&M** – Your Committee, having under consideration the City's application to the U.S. Department of Housing and Urban Development (HUD) for 2014 Community Development Block Grant, Home Investment Partnerships, Emergency Solutions Grant and Housing Opportunities for Persons with AIDS funding, now recommends:

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- a) Approval of the Consolidated Plan budget as amended to reflect the 2014 HUD appropriation which was announced by HUD on March 18, 2014, as set forth in the Department of Intergovernmental Relations staff report;
- b) That the proper City officers be authorized to submit the 2014 Consolidated Plan, which updates the 2010-2014 Five-Year Strategy, to HUD on May 15, 2014; and
- c) That public comments received through the 30-day public comment period of April 14-May 13, 2014, be received and filed that that staff be directed to record the same in the 2014 Consolidated Plan.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS & W&M** – Your Committee recommends approval of funding from the City's 2014 Department of Housing & Urban Development (HUD) Housing Opportunities for Persons with AIDS (HOPWA) grant to the Metropolitan Council Housing & Redevelopment Authority, not to exceed \$510,000 and Minnesota AIDS Project not to exceed \$520,000 and that the proper City officers be authorized to execute the contracts with Metro HRA and MAP necessary to implement the City's 2014 HOPWA grant.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**CD&RS & W&M** – Your Committee recommends passage of Resolution 2014R-210 increasing the appropriation in the Department of Community Planning and Economic Development by \$4,836,793.59 to reflect the receipt of Neighborhood Stabilization Program funds received from the Minnesota Housing Finance Agency and Program Income generated by the City of Minneapolis.

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

**RESOLUTION 2014R-210**  
**By Goodman and Quincy**

**Amending the 2014 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:

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a) Increasing the appropriation in the Department of Community Planning and Economic Development Federal Grants Fund (01300-8900230) by \$4,799,645.30 and increasing the revenue source (01300-8900900-321008) by \$4,799,645.30; and

b) Increasing the appropriating in the CPED UDAG Fund (01400-8900230) by \$37,148.29 and increasing the revenue source (01400-8900900-321008) by \$37,148.29.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

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

**HE&CE** - Your Committee recommends approval of the following City Council appointments to the Minneapolis Public Health Advisory Committee for two year terms to expire December 31, 2015:

- Julie Ring (Ward 1)
- Birdie Cunningham (Ward 11)
- Autumn Chmielewski (Ward 12)
- Jennifer Pelletier (University of Minnesota School of Public Health Representative)
- Dan Brady (Member At-Large)
- Abdullahi Sheikh (Ward 8)
- Sahra Noor (Ward 2).

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**HE&CE** - Your Committee, having received and filed a presentation on public health accreditation, now recommends passage of Resolution 2014R-211 supporting the Minneapolis Health Department application for national public health accreditation.

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

**RESOLUTION 2014R-211**

**By Gordon**

**Supporting the Minneapolis Health Department application for national public health accreditation.**

Whereas, the City Council is the Board of Health for the City of Minneapolis; and

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Whereas, public health department accreditation is defined as the development of a set of standards, a process to measure health department performance against those standards, and recognition for those health departments who meet the standards; and

Whereas, the Public Health Accreditation Board (PHAB) has established a national public health department voluntary accreditation process that seeks to advance quality and performance within public health departments; and

Whereas, achieving accreditation through PHAB provides a means for a health department to identify performance improvement opportunities, to improve management, develop leadership, and improve relationships with the community; and

Whereas, accreditation documents the capacity of the public health department to deliver the three core functions of public health and the ten essential public health services; and

Whereas, the process of accreditation will encourage and stimulate quality and performance improvement in the health department as well as promote greater accountability and transparency;

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

That the City Council does hereby recognize the importance of national public health accreditation for a local health department and strongly supports the pursuit of accreditation status for the Minneapolis Health Department.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**The HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS Committees submitted the following report:**

**HE&CE & W&M** - Your Committee recommends that the proper City officers be authorized to amend Contract No 29002 with Hennepin County to accept an additional \$320,000 from a federal Teen Pregnancy Prevention grant, for a new contract total not to exceed \$1,191,686.

Your Committee further recommends passage of Resolution 2014R-212 increasing the appropriation in the Grants-Federal Fund by \$320,000.

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

**RESOLUTION 2014R-212  
By Gordon and Quincy**

**Amending The 2014 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in the Grants-Federal Fund (01300-8600152) by \$320,000 and increasing the revenue source (01300-8600152-321007) by \$320,000.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report and resolution were adopted.

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

**IGR** - Your Committee recommends passage of Resolution 2014R-213 approving the appointment of Loren Olson, Government Relations Representative, as alternate to the MSP Noise Oversight Committee.

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

**RESOLUTION 2014R-213**

**By Glidden**

**Appointment of a City alternate representative to the MSP Noise Oversight Committee.**

Whereas, the City of Minneapolis is participating as a member of the MSP Noise Oversight Committee (NOC) with other affected communities and airport user groups to discuss noise abatement measures and to make advisory recommendations to the Metropolitan Airports Commission (MAC) regarding noise issues; and

Whereas, the bylaws of the Noise Oversight Committee provide for discussion at meetings only by designated representatives and alternates; and

Whereas, Paul Mogush, Principal Planner, is currently the City's designated alternate to a term set to expire June 26, 2015; and

Whereas, Loren Olson, as a member of the Intergovernmental Relations Department, represents the City of Minneapolis on airport related issues;

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

That Loren Olson shall be designated as the alternate for the City of Minneapolis on the MSP Noise Oversight Committee for a term effective July 16, 2014 until June 26, 2015.

Be It Further Resolved that a copy of this resolution be transmitted to the Metropolitan Area Council.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

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**The PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT Committee submitted the following report:**

**PSCR&EM** – Your Committee recommends approval of the following directions to staff relating to the report of the Minneapolis Department of Civil Rights entitled, “*Equitable Solutions for One Minneapolis, a Racial Equity Framework*”:

a) Conduct a Study Session for the City Council by the end of June 2014, that will include discussions of key policy decisions and a community stakeholder engagement plan related to the Racial Equity Framework as well as a timeline for completion of the Equitable Solutions equity assessment tool kit;

b) Report on the continued development of the Racial Equity Framework, *Equitable Solutions for One Minneapolis*, to the Public Safety, Civil Rights and Emergency Management Committee (PSCR&EM) by July 15, 2014, and to Committee of the Whole (COW) by July 23, 2014;

c) Analyze budget impacts for implementation of the Racial Equity Framework, and ensure budget requests for 2015 are forwarded to the Mayor and the City Council for inclusion in the 2015 budget process;

d) Create a Racial Equity Policy Workgroup convened and chaired by the Mayor, at her request, to assist in ongoing oversight of the development of the Racial Equity Framework, the Racial Equity Action Plan and additional related initiatives, as well as to develop tools appropriate for use by the City Council and Mayor to view policy decisions through a racial equity lens. The workgroup will include Council Vice President Glidden, Council Member Gordon and Council Member Yang as well as the department heads identified in Resolution 2012R-456 and other staff from the Equitable Solutions Staff Team as appropriate, including the City Clerk. A report from this group will be included with the presentations to the PSCR&EM and COW Committees as previously designated; and

e) Refer to COW the matter of the updated Affirmative Action Plan.

On motion by Gordon, seconded, the following sentence contained in item “d” of the report was amended by adding Council Member Cano as a member of the Workgroup, to read as follows:

“The workgroup will include Council Vice President Glidden, Council Member Gordon, Council Member Cano and Council Member Yang as well as the department heads identified in Resolution 2012R-456 and other staff from the Equitable Solutions Staff Team as appropriate, including the City Clerk.”

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report, as amended, was adopted.

**The PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT and WAYS & MEANS Committees submitted the following reports:**

**PSCR&EM & W&M** - Your Committee recommends that the proper City officers be authorized to proceed with the U.S. Department of Justice Byrne Criminal Justice Innovation Program grant

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application for up to \$1,000,000 over a three-year period, for implementation by the Minneapolis Police Department of a 'Community Strategies' program to focus on concentrated areas of crime in the Northside.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**PSCR&EM & W&M** – Your Committee recommends that the proper City officers be authorized to proceed with a Joint Powers Agreements to be signed by participating city, county and state agencies willing to provide public safety and security services to the City of Minneapolis related to the 2014 Major League Baseball All Star Game, for the period July 11-16, 2014.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

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

**T&PW** - Your Committee, to whom was referred an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks adding a new Chapter 432 entitled "54th & Lyndale Special Service District" establishing the 54th & Lyndale Special Service District, and having held a public hearing thereon, now recommends that Ordinance 2014-Or-019 be given its second reading for amendment and passage.

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

**ORDINANCE 2014-Or-019**  
**By Reich**  
**Intro & 1st Reading: 4/11/2014**  
**Ref to: T&PW**  
**2nd Reading: 5/9/2014**

**Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks adding a new Chapter 432 entitled "54th & Lyndale Special Service District".**

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 432 to read as follows:

**CHAPTER 432. 54TH & LYNDALE SPECIAL SERVICE DISTRICT.**

**432.10. Establishment.** Pursuant to the authority granted by Minnesota Statutes, Chapter 428A, sections 428A.01 through 428A.10, there is hereby established a 54th & Lyndale Special Service District (otherwise referred to herein as the "district").

- (1) *District boundaries.* The district shall consist of the following area:

Commencing at the intersection of the centerlines of Garfield Avenue South and 56th Street West, thence west along said centerline to the centerline of Aldrich Avenue South; thence north along said centerline to the centerline of 53rd Street West; thence east along said centerline to the southerly extension of a line 24 feet east of the west line of Lot 5, Block 1, BADGER AND DEAN'S ADDITION TO MINNEAPOLIS; thence north along said line to a point on the south line of Lot 20, said Addition; thence east along said south line and its easterly extension to a line 7 feet east of the west lines of Lots 1 and 2 said Addition; thence north along said line and its northerly extension to the centerline of West Minnehaha Parkway; thence easterly along said centerline to a point on the northerly extension of a line 50 feet east of the west line of Lot 22, AUDITOR'S SUBDIVISION NO. 148; thence south along said line to the south line of said Lot 22; thence east 10 feet along said south line to a line 60 feet east of the west line of Lot 23, AUDITOR'S SUBDIVISION NO. 148; thence south along said line to a point on the north line of 53rd Avenue South; thence south across 53rd Avenue, and continuing along the centerline of Garfield Avenue South to the centerline of 54th Street West; thence west along said centerline to a point on the northerly extension of the west line of Lot 88, AUDITOR'S SUBDIVISION NO. 149; thence south along said west line to the southwest corner of said Lot 88; thence east along the south lines of Lots 88 and 87 to the centerline of Garfield Avenue South; thence south along said centerline to the point of commencement and there terminating.

- (2) *Public hearing.* Before the district may be established, a public hearing shall be held pursuant to Minnesota Statutes, section 428A.02, Subd. 1, as may be amended.
- (3) *Benefit; objection.* Before the ordinance is adopted or at the hearing at which it is to be adopted, any affected landowner may file written objection pursuant to Minnesota Statutes, section 428A.02, Subd. 4, as may be amended.
- (4) *Appeal to district court.* Any person aggrieved under this section, who is not precluded by failure to object before or at the hearing, or whose failure to object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or city clerk pursuant to Minnesota Statutes, section 428A.02, Subd. 5, as may be amended.

**432.20. Special services.** Pursuant to Minnesota Statutes, section 428A.01, Subd. 3, as may be amended, special services to be furnished within the district may include:

- (1) Clean and safe programs, including, but not limited to, sweeping, litter pick up, trash removal, sidewalk cleaning, graffiti abatement, snipe and poster bill removal, snow services, security services, closed circuit television (CCTV) systems and monitoring, etc.
- (2) Marketing/promotion/special events, including, but not limited to, event programming, websites, newsletters, etc., district area business recruitment and retention programs, coordination of street markets and street vendors within the district, etc.

- (3) Physical enhancements, including, but not limited to, hanging baskets, landscape planters, trash receptacles, etc.
- (4) Maintenance of enhanced streetscape components above city standard, including, but not limited to fixtures, sidewalks, electrical and irrigation systems, landscaping, fountains, etc.
- (5) Management and oversight services and administrative services, including usual and customary start-up and on-going administrative costs.
- (6) Special services described in the annual operating plan adopted by the city council, in accordance with Section 432.30.

**432.30. Annual operating plan.** Each year, prior to imposition of any service charge, the city council shall adopt by resolution an operating plan that describes with particularity the special services proposed to be performed during the following calendar year. Any physical enhancements to be installed by the district shall be maintained by the district, and to the extent they are not maintained, the city shall have the right to remove them. The district shall not be obligated to maintain any physical enhancements installed by parties other than the district unless and until said maintenance is included in the adopted operating plan. Each annual operating plan, and any amendments that may be made from time to time by subsequent resolution, is hereby incorporated into this ordinance. Special services may not include a service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the district.

**432.40. Provision of services.** Special services to be furnished within the district may be provided using one or more of the following:

- (1) The city may perform the services.
- (2) The city may contract for services.
- (3) The city may enter into a service agreement with a district management entity or a service provider. Notwithstanding any other ordinance provision, the service agreement provided for in this subsection is hereby exempt from the requirements of the following provisions of the Minneapolis Code of Ordinances: section 18.200 (equal benefits provisions in contracts); section 24.220 (prevailing wage); section 139.50 (non-discrimination and affirmative action provisions in contracts); and Chapter 423 (small and underutilized business enterprise program). Provided, however, that the service agreement shall contain provisions that requiring the district management entity or service provider to do the following:
  - a. The district management entity or service provider shall, when seeking competitive bids for special services in the district, issue bid solicitations to vendors including those on a list of small and underutilized businesses provided annually by the city.
  - b. The district management entity or service provider shall maintain a Modified Affirmative Action Plan that meets the requirements of Title VII of the Civil Rights Act of 1964 or Minneapolis Code of Ordinance section 139.50.

- c. The district management entity or service provider shall extend any benefits offered to its employees based on marital status to employees with domestic partners registered as such pursuant to Minneapolis Code of Ordinances section 18.200.
- d. The district management entity or service provider shall agree that any construction work that requires funding from more than one year's assessment cycle shall be subject to the prevailing wage provisions of section 24.220. Further, the district management entity or service provider shall not sell bonds to obtain a larger funding source.
- e. The district management entity or service provider shall submit to the city finance officer as soon as practical after each calendar year end but prior to adoption of the next year's budget, an annual report of services activity and an independent audit of financial activity for each calendar year in which services are performed in the district.

**432.50. Service charges.** The city may impose service charges within the district at a rate or amount sufficient to produce the revenues required to provide special services in the district pursuant to Minnesota Statutes, sections 428A.03, as may be amended. Service charges may be collected in advance of, contemporaneously with, or subsequent to the rendering of services to which the service charges relate.

- (1) *Public hearing.* Before the imposition of service charges in the district, for each calendar year, a hearing must be held pursuant to Minnesota Statutes, section 428A.03, Subd. 1, as may be amended.
- (2) *Relationship to services.* The City may impose service charges against properties located within the district pursuant to Minnesota Statutes, section 428A.02, Subd. 3, as may be amended.
- (3) *Exemptions of certain properties from service charges.* Certain properties shall be exempt from service charges pursuant to Minnesota Statutes, section 428A.03, Subd. 2, as may be amended.
- (4) *Limitation.* Taxes and service charges may be levied pursuant to this chapter to finance special services ordinarily provided by the city only if the services are provided in the district at an increased level and, then, only in an amount sufficient to pay for the increase.
- (5) *Adjustments for errors and omissions.* The city council may, by resolution, decrease assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the services or any other particular.
- (6) *Collection.* Service charges authorized under this chapter shall be levied annually in an aggregate sum equal to the estimated cost of providing the services for the next ensuing calendar year.

**432.60. Revenue surpluses; deficits; annual operating plan amendments.** Any annual revenue surplus or deficit shall be addressed in accordance with one of the following procedures:

- (1) If the total taxes and service charges levied and collected under this chapter, with respect to any calendar year, exceed the cost of services actually rendered in the district in such calendar year, then the next ensuing year's levy of taxes and service charges may be decreased by a corresponding amount; or
- (2) If the total taxes and service charges levied and collected under this chapter, with respect to any calendar year, exceed the cost of services actually rendered in the district in such calendar year, then the subsequent years' annual operating plan may be amended by city council action, no later than May 1st of such subsequent year, to incorporate the prior year's excess revenue; or
- (3) If the cost of services actually rendered in the district in any calendar year exceed the total taxes and service charges levied and collected under this chapter with respect to such calendar year, then an amount necessary to recoup the excess costs may be levied as taxes, service charges, or both within the next two (2) ensuing years; or
- (4) If the cost of services actually rendered in the district in any calendar year exceed the total taxes and service charges levied and collected under this chapter with respect to such calendar year, then the subsequent years' annual operating plan may be amended by city council action, no later than May 1st of the subsequent year, to recoup the excess costs.

**432.70. Petitions and notices.** Petitions and notices required for hearings, petitions, or notices under this chapter, and for a resolution imposing any service charges, fees, or rates, shall be in compliance with any applicable petition and notice requirements imposed pursuant to Minnesota Statutes, sections 428A.01 through 428A.10, as may be amended.

**432.80. Veto power of owners.** The veto power of owners under this chapter and for a resolution imposing any service charges, fees, or rates, shall be in compliance with Minnesota Statutes, section 428A.09, and section 428A.10, as may be amended.

**432.90. Advisory board.** The city may create and appoint an advisory board for the district to advise the city in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

**432.100. Definitions of construction.** The terms used herein shall be defined as provided in Minnesota Statutes, sections 428A.01 through 428A.10 and said statute shall in all respects govern the creation, existence and operation of the district and the manner imposing service charges therein and this chapter shall be construed consistently therewith.

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**432.110. Notice to Commissioner of Revenue.** Within thirty (30) days after adoption of this chapter, the city clerk shall send a copy of this chapter to the Commissioner of Revenue.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The ordinance was adopted.

Approved by Mayor Betsy Hodges 5/12/2014.

(Published 5/14/2014)

**T&PW** - Your Committee, to whom was referred an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks adding a new Chapter 434 entitled "West Broadway Improvement Special Service District", establishing the West Broadway Improvement Special Service District, and having held a public hearing thereon, now recommends:

- a) That Ordinance 2014-Or-020 be given its second reading for amendment and passage;
- b) Approval of the West Broadway Improvement Special Service District business plan; and
- c) That the proper City officers be authorized to negotiate and execute a services agreement with the West Broadway Business and Area Coalition to serve as the district management entity for the Special Service District.

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

**ORDINANCE 2014-Or-020**  
**By Reich**  
**Intro & 1st Reading: 4/11/2014**  
**Ref to: T&PW**  
**2nd Reading: 5/9/2014**

**Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks adding a new Chapter 434 entitled "West Broadway Improvement Special Service District".**

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 434 to read as follows:

**CHAPTER 434. WEST BROADWAY IMPROVEMENT SPECIAL SERVICE DISTRICT.**

**434.10. Establishment.** Pursuant to the authority granted by Minnesota Statutes, Chapter 428A, sections 428A.01 through 428A.10, there is hereby established a West Broadway Improvement Special Service District (otherwise referred to herein as the "district").

- (1) *District boundaries.* The district shall consist of the following area:

Commencing at intersection of the centerlines of West River Road North and 22nd Avenue North; thence Southerly along the centerline of West River Road North to the easterly extension of the south line of Lot 1, Block 1, NORTH WASHINGTON INDUSTRIAL CENTER 2ND ADDITION; thence westerly along said south line and its westerly extension to the centerline of 1st Street North; thence southerly along said centerline to the easterly extension of the south line of Lot 3, Block 34, BASSETT, MOORE AND CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS; thence westerly along said south line to a point 5 feet west of the southwest corner of said Lot 3; thence southwesterly along LINE "A" to a point on the west line of Lot 8 distant 34.70 feet north of the southwest corner thereof; thence south along the west line of Lot 8 to the southwest corner thereof; then westerly on the west extension of Lot 8 to the centerline of 2nd Street North; thence south along said centerline to the centerline of 17th Avenue North; thence west along said centerline to the centerline of Washington Avenue North; thence north along said centerline to the centerline of 18th Avenue North; thence west along said centerline including vacated segments and parts taken for highway purposes to the centerline of Girard Avenue North; thence north along said centerline to the centerline of Golden Valley Road; thence west along said centerline to the centerline of Newton Avenue North; thence north along said centerline to the centerline of 21st Avenue North; thence northwesterly along said centerline to the centerline of Oliver Avenue North; thence north along said centerline to the centerline of 23rd Avenue North; thence northwest along said centerline to the centerline of Penn Avenue North; thence north along said centerline to the easterly extension of the south line of Lot 1, Block 1, WYANT & KIICHLI'S ADDITION TO MINNEAPOLIS to the west corner of said Lot 1; thence northerly across Mcnair Avenue to the centerline of the vacated alley in HERMANN'S FIRST ADDITION TO MINNEAPOLIS; thence northwesterly a distance of approximately 132 feet to the intersection with the centerline of the southwesterly leg of said vacated alley; thence northeasterly along said centerline to the southwest line of Lot 7, HERMANN'S FIRST ADDITION TO MINNEAPOLIS; thence northwesterly along said lot line to the northwest corner of said Lot 7; thence northwesterly across 24th Avenue North to the centerline of the dedicated alley in AUDITOR'S SUBDIVISION NO. 150; thence northwest along said centerline to the east line of the SUBDIVISION OF LOTS IN FERRANTS 1ST ADDITION TO MINNEAPOLIS; thence north along said east line to the northeast corner of Lot 1, said Subdivision; thence east along the north line of said Lot 1 and its extension to the centerline of Sheridan Avenue North; then north along said centerline to the westerly extension of the south line of Block 5, NICHOLS-FRISSELL CO.'S PENN-LAWN ADDITION TO MINNEAPOLIS; thence east along said south line, continuing across Russell Avenue North, along the south line of Block 6, said addition and its extension to the centerline of Queen Avenue North; thence south along said centerline to the westerly extension of the centerline of the vacated alley in Block 1, WENZ ADDITION TO MINNEAPOLIS; thence easterly and southeasterly along said centerline, across Penn Avenue North, thence southwesterly along the centerline of the alley and its southeasterly extension in Block 20, FOREST HEIGHTS, to the centerline of Logan Avenue North; thence southerly along said centerline to the northwesterly extension of the alley in Block 19, FOREST HEIGHTS; thence easterly to the intersection with the centerline with the north/south alley in said Block 19; thence southerly and southeasterly along said alley centerline to its intersection with the southwest right of way line of James Avenue North; thence northeasterly across James Avenue North to a point where the southwest line of Lot 45, Block 17, FOREST HEIGHTS, intersects with a line described as 1 foot north of the southeast line of Lot 45, Block 17, FOREST HEIGHTS; thence northeast long said line and its extension to the centerline of the alley in said Block

17; thence easterly along said centerline and its extension to the centerline of Irving Avenue North; thence north along said centerline to the centerline of 21st Avenue North; thence east along said centerline to the centerline of Girard Avenue North; thence north along said centerline to the centerline of 22nd Avenue North; thence east along said centerline to the centerline of Fremont Avenue North; thence south along said centerline to the centerline of 21st Avenue North; thence east along said centerline to the centerline of 2nd Street North; thence north along said centerline to the centerline of 22nd Avenue North; thence east along said centerline to the point of commencement and there terminating.

DESCRIPTION OF LINE "A"

A line across Lots 7 and 8, Block 34, BASSETT, MOORE AND CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS, described as commencing at the southwest corner of said Lot 8, thence north along the west line thereof a distance 34.70 feet to the point of beginning of Line "A"; thence deflecting right 66 degrees, 19 minutes, 00 seconds, a distance of 139.70 feet; thence northeasterly to a point on the south line of said Lot 8, Block 34, 5 feet west of the northeast corner of said Lot 7.

- (2) *Public hearing.* Before the district may be established, a public hearing shall be held pursuant to Minnesota Statutes, section 428A.02, Subd. 1, as may be amended.
- (3) *Benefit; objection.* Before the ordinance is adopted or at the hearing at which it is to be adopted, any affected landowner may file written objection pursuant to Minnesota Statutes, section 428A.02, Subd. 4, as may be amended.
- (4) *Appeal to district court.* Any person aggrieved under this section, who is not precluded by failure to object before or at the hearing, or whose failure to object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or city clerk pursuant to Minnesota Statutes, section 428A.02, Subd. 5, as may be amended.

**434.20. Special services.** Pursuant to Minnesota Statutes, section 428A.01, Subd. 3, as may be amended, special services to be furnished within the district may include:

- (1) Clean and safe programs including, but not limited to, sweeping, litter pick up, trash removal, sidewalk cleaning, graffiti abatement, snipe and poster bill removal, snow services, security services, closed circuit television (CCTV) systems and monitoring, etc.;
- (2) Marketing/promotion/special events, including, but not limited to, event programming, websites, newsletters, etc., district area business recruitment and retention programs, coordination of street markets and street vendors within the district, etc.;
- (3) Physical enhancements, including, but not limited to, hanging baskets, landscape planters, trash receptacles, etc.;
- (4) Maintenance of enhanced streetscape components above city standard, including, but not limited to, fixtures, sidewalks, electrical and irrigation systems, landscaping, fountains, etc.; and
- (5) Management and oversight services and administrative services, including usual and customary start-up and on-going administrative costs.

- (6) Special services described in the annual operating plan adopted by the city council, in accordance with Section 434.30.

**434.30. Annual operating plan.** Each year, prior to imposition of any service charge, the city council shall adopt by resolution an operating plan that describes with particularity the special services proposed to be performed during the following calendar year. Any physical enhancements to be installed by the district shall be maintained by the district, and to the extent they are not maintained, the city shall have the right to remove them. The district shall not be obligated to maintain any physical enhancements installed by parties other than the district unless and until said maintenance is included in the adopted operating plan. Each annual operating plan, and any amendments that may be made from time to time by subsequent resolution, is hereby incorporated into this ordinance. Special services may not include a service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the district.

**434.40. Provision of services.** Special services to be furnished within the district may be provided using one or more of the following:

- (1) The city may perform the services.
- (2) The city may contract for services.
- (3) The city may enter into a service agreement with a district management entity or a service provider. Notwithstanding any other ordinance provision, the service agreement provided for in this subsection is hereby exempt from the requirements of the following provisions of the Minneapolis Code of Ordinances: section 18.200 (equal benefits provisions in contracts); section 24.220 (prevailing wage); section 139.50 (non-discrimination and affirmative action provisions in contracts); and Chapter 423 (small and underutilized business enterprise program). Provided, however, that the service agreement shall contain provisions requiring the district management entity or service provider to do the following:
  - a. The district management entity or service provider shall, when seeking competitive bids for special services in the district, issue bid solicitations to vendors including those on a list of small and underutilized businesses provided annually by the city.
  - b. The district management entity or service provider shall maintain a Modified Affirmative Action Plan that meets the requirements of Title VII of the Civil Rights Act of 1964 or Minneapolis Code of Ordinances section 139.50.
  - c. The district management entity or service provider shall extend any benefits offered to its employees based on marital status to employees with domestic partners registered as such pursuant to Minneapolis Code of Ordinances section 18.200.
  - d. The district management entity or service provider shall agree that any construction work that requires funding from more than one year's assessment cycle shall be subject to the prevailing wage provisions of section 24.220. Further, the district management entity or service provider shall not sell bonds to obtain a larger funding source.

- e. The district management entity or service provider shall submit to the city finance officer as soon as practical after each calendar year end but prior to adoption of the next year's budget, an annual report of services activity and an independent audit of financial activity for each calendar year in which services are performed in the district.

**434.50. Service charges.** The city may impose service charges within the district at a rate or amount sufficient to produce the revenues required to provide special services in the district pursuant to Minnesota Statutes, sections 428A.03, as may be amended. Service charges may be collected in advance of, contemporaneously with, or subsequent to the rendering of services to which the service charges relate.

- (1) *Public hearing.* Before the imposition of service charges in the district, for each calendar year, a hearing must be held pursuant to Minnesota Statutes, section 428A.03, Subd. 1, as may be amended.
- (2) *Relationship to services.* The City may impose service charges against properties located within the district pursuant to Minnesota Statutes, section 428A.02, Subd. 3, as may be amended.
- (3) *Exemptions of certain properties from service charges.* Certain properties shall be exempt from service charges pursuant to Minnesota Statutes, section 428A.03, Subd. 2, as may be amended.
- (4) *Limitation.* Taxes and service charges may be levied pursuant to this chapter to finance special services ordinarily provided by the city only if the services are provided in the district at an increased level and then only in an amount sufficient to pay for the increase.
- (5) *Adjustments for errors and omissions.* The city council may, by resolution, decrease assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the services or any other particular.
- (6) *Collection.* Service charges authorized under this chapter shall be levied annually in an aggregate sum equal to the estimated cost of providing the services for the next ensuing calendar year.

**434.60. Revenue surpluses; deficits; annual operating plan amendments.** Any annual revenue surplus or deficit shall be addressed in accordance with one of the following procedures:

- (1) If the total taxes and service charges levied and collected under this chapter, with respect to any calendar year, exceed the cost of services actually rendered in the district in such calendar year, then the next ensuing year's levy of taxes and service charges may be decreased by a corresponding amount; or
- (2) If the total taxes and service charges levied and collected under this chapter, with respect to any calendar year, exceed the cost of services actually rendered in the district in such calendar year, then the subsequent years' annual operating plan may be amended by city council action, no later than May 1st of such subsequent year, to incorporate the prior year's excess revenue; or

- (3) If the cost of services actually rendered in the district in any calendar year exceed the total taxes and service charges levied and collected under this chapter with respect to such calendar year, then an amount necessary to recoup the excess costs may be levied as taxes, service charges, or both within the next two (2) ensuing years; or
- (4) If the cost of services actually rendered in the district in any calendar year exceed the total taxes and service charges levied and collected under this chapter with respect to such calendar year, then the subsequent years' annual operating plan may be amended by city council action, no later than May 1st of the subsequent year, to recoup the excess costs.

**434.70. Petitions and notices.** Petitions and notices required for hearings, petitions, or notices under this chapter, and for a resolution imposing any service charges, fees, or rates, shall be in compliance with any applicable petition and notice requirements imposed pursuant to Minnesota Statutes, sections 428A.01 through 428A.10, as may be amended.

**434.80. Veto power of owners.** The veto power of owners under this chapter and for a resolution imposing any service charges, fees, or rates, shall be in compliance with Minnesota Statutes, section 428A.09, and section 428A.10, as may be amended.

**434.90. Advisory board.** The city may create and appoint an advisory board for the district to advise the city in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

**434.100. Definitions of construction.** The terms used herein shall be defined as provided in Minnesota Statutes, sections 428A.01 through 428A.10 and said statute shall in all respects govern the creation, existence and operation of the district and the manner imposing service charges therein and this chapter shall be construed consistently therewith.

**434.110. Notice to Commissioner of Revenue.** Within thirty (30) days after adoption of this chapter, the city clerk shall send a copy of this chapter to the Commissioner of Revenue.

**434.120. District sunset, renewal.** The district shall expire at the end of the district's fifth year unless this chapter is renewed by following the procedures set forth in Minnesota Statutes, sections 428A.01 through 428A.10, or as permitted by applicable law.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report and ordinance were adopted.

Approved by Mayor Betsy Hodges 5/12/2014.

(Published 5/14/2014)

MAY 9, 2014

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**T&PW** - Your Committee recommends passage of the Resolution 2014R-214 designating the locations and streets to be improved in the 2014 Street Resurfacing Program, Edgewater Area and Cedar Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5270.

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

**RESOLUTION 2014R-214  
By Reich**

**2014 STREET RESURFACING PROGRAM  
EDGEWATER AREA AND CEDAR AVE S STREET RESURFACING PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5270**

**Designating the improvement of certain existing streets in the Edgewater Area and Cedar Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5270 at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed.

12th, 13th, and 14th Aves S from 54th St E to 58th St E;  
15th Ave S from 55th St E to 58th St E;  
Bloomington Ave S from 56th St E to 58th St E;  
16th Ave S from Edgewater Blvd to 58th St E;  
Nokomis Ln from Edgewater Blvd to 16th Ave S;  
Nokomis Cir from 57th St E to its terminus in a cul-de-sac;  
18th Ave S from Nokomis Ct to 58th St E;  
55th and 56th Sts E from 12th Ave S to Edgewater Blvd;  
57th St E from 12th Ave S to its terminus east of Nokomis Cir;  
58th St E from 12th Ave S to Cedar Ave S;  
Nokomis Ct from 16th Ave S to 18th Ave S; and  
Cedar Ave S from Edgewater Blvd to 58th St E.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**T&PW** - Your Committee, having received a cost estimate of \$1,126,658 for street resurfacing improvements and a list of benefited properties for certain locations in the Edgewater Area and Cedar Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5270, as designated by Resolution 2014R-214 passed May 9, 2014, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2014 Uniform Assessment Rates as per Resolution 2013R-509, passed November 12, 2013.

MAY 9, 2014

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Your Committee further recommends that a public hearing be held on June 17, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**T&PW** - Your Committee, having under consideration the 2014 Innovative Graffiti Prevention Micro Grant Program to prevent, eradicate, and provide education about the negative effects of graffiti, now recommends that the proper City officers be authorized to negotiate and execute agreements with ten (10) recipients for the term May 1, 2014 through January 15, 2015, as set forth in Petn No 277200.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**T&PW** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for processing services for street sweepings, yard wastes, and bundled brush, with the option of including the future composting/disposal of additional residential organic materials.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**T&PW** - Your Committee, having under consideration the St. Anthony Pkwy Bridge over the Burlington Northern Santa Fe (BNSF) Northtown Rail Yard Project and the Main St NE and California St NE Construction Project, now recommends:

a) Passage of Resolution 2014R-215 approving acquisition of right-of-way and temporary construction easement and agreement with Ellisspec 22329, LLC relating to Parcel 7, superseding Resolution 2014R-106 passed March 28, 2014; and

b) Passage of Resolution 2014R-216 approving acquisition of right-of-way and temporary construction easement and agreement with Gust Kempf, Jr. Revocable Trust relating to Parcel 9, superseding Resolution 2014R-107 passed March 28, 2014.

MAY 9, 2014

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

**RESOLUTION 2014R-215**

**By Reich**

**Approving acquisition of right-of-way and temporary construction easement and agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 7, superseding Resolution 2014R-106 entitled “Approving acquisition of right-of-way and temporary construction easement and agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 7”, passed March 28, 2014, clarifying that the right-of-way to be purchased by the City as described in said resolution is intended to be purchased in fee simple.**

Whereas, on December 9, 1999, the City Council adopted Resolution 99R-426, “Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds”; and

Whereas, on December 9, 1999, the City Council adopted Resolution 99R-427, “Request to issue and sell bonds for 2000 Capital Program”; and

Whereas, on December 13, 2004, the City Council adopted Resolution 2004R-580, “Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds”; and

Whereas, on December 13, 2004, the City Council adopted Resolution 2004R-582 and Resolution 2004R-583, “Request to issue and sell bonds for 2005 Capital Program”; and

Whereas, on May 5, 2007, the City Council authorized submission of an application for federal funds for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA LU) for the St. Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements; and

Whereas, on April 24, 2009, the City Council authorized proper City officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project; and

Whereas, on July 2, 2010, the City Council adopted Resolution 2010R-331, “Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council”; and

Whereas, on July 2, 2010, the City Council adopted Resolution 2010R-333 and Resolution 2010R-334, “Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No SG-2009-072”; and

Whereas, on March 7, 2013, the City Council authorized a Request for Proposals for engineering service; and

Whereas, on July 19, 2013, the City Council authorized execution of a contract with Short Elliott Hendrickson, Inc. for design services and authorized signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act; and

MAY 9, 2014

Whereas, on November 12, 2013, the City Council adopted a resolution authorizing acquisition through negotiations or condemnation of temporary construction easements and permanent easements across parcels therein for transportation related purposes; and

Whereas, on March 7, 2014, the City Council adopted Resolution 2014R-085 Project Designation, Bridge Type and Project Layout Approval, approving the project layout for construction of a new St. Anthony Parkway Bridge over the BNSF Northtown Yard; and

Whereas, agents on behalf of the City have negotiated a proposed agreement with EllisSPE22329, LLC, fee owner of the real estate at 211 St. Anthony Parkway, which is described in Exhibit A attached hereto, under which EllisSPE22329, LLC will convey a portion of said real estate containing approximately 27,476 square feet to the City in fee simple for compensation of \$185,500 and will grant the City a temporary easement containing 58,990 square feet for compensation in the amount of \$54,500 for the St. Anthony Parkway Bridge Project for total compensation in the amount of \$240,000.00; and

Whereas, the proposed settlement amount to be paid to the owner is consistent with the opinion of damages expressed by an independent real estate appraiser retained by the City, whose appraisal report was provided to the owner in the course of negotiations; and

Whereas, the City Council adopted Resolution 2014R-107 on March 28, 2014, approving said settlement, but desires to adopt this resolution to clarify that the right-of-way to be purchased by the City as described in said resolution is intended to be purchased in fee simple;

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

That upon approval of this proposed agreement and related documents by the City Attorney and outside counsel retained by the City and execution and delivery of the deed and easement on behalf of the EllisSPE22329, LLC, the City Contracting Officer is authorized to execute the easement and agreement on behalf of the City and to pay EllisSPE22329, LLC the amount described in the agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

EXHIBIT A

(Top 3 inches reserved for recording data)

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**WARRANTY DEED**

**Individual(s) to Business Entity**

eCRV number: [\_\_\_\_\_]

DEED TAX DUE: \$[\_\_\_\_\_]

DATE: February \_\_, 2014

MAY 9, 2014

FOR VALUABLE CONSIDERATION, EllisSPE 22329, LLC, a Minnesota limited liability company ("**Grantor**"), hereby conveys and warrants to City of Minneapolis, a municipal corporation under the laws of Minnesota ("**Grantee**"), real property in Hennepin County, Minnesota, legally described as follows:

All that part of the following described property:

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way as created by the Deed recorded in the office of the Register of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 ½ Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Which lies southwesterly and westerly of the following described line:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter; a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds; thence North 57 degrees 03 minutes 24 seconds West, tangent to said curve, a distance of 80.83 feet; thence northwesterly a distance of 259.55 feet along a tangential curve, concave to the northeast, having a radius of 260.00 feet and a central angle of 57 degrees 11 minutes 45 seconds; thence North 00 degrees 08 minutes 21 seconds East a distance of 100.00 feet and there terminating.

Check here if all or part of the described real property is Registered (Torrens)  (as is evidenced by Certificate of Title No. 1123111)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

[...]

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

EllisSPE 22329, LLC, a Minnesota limited liability company,

**By:**

Its Chief Manager

MAY 9, 2014

State of Minnesota, County of Hennepin

This instrument was acknowledged before me on February \_\_\_. 2014, by \_\_\_\_\_, the Chief Manager of EllisSPE 22329, LLC, a Minnesota limited liability company, on behalf of the company.

(Stamp)

\_\_\_\_\_  
*(signature of notarial officer)*

Title (and Rank): \_\_\_\_\_

My commission expires: \_\_\_\_\_  
*(month/day/year)*

THIS INSTRUMENT WAS DRAFTED BY:  
**Kennedy & Graven, Chartered (RJL)**

**470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis, MN 55402  
612-337-9300**

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED  
IN THIS INSTRUMENT SHOULD BE SENT TO:

**City of Minneapolis Public Works Department  
Real Estate Section  
350 South Fifth Street, #203  
Minneapolis, MN 55415**

**TEMPORARY CONSTRUCTION  
EASEMENT AND AGREEMENT**

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between EllisSPE22329, LLC, a Minnesota limited liability company, Grantor, and the City of Minneapolis, a Minnesota municipal corporation, Grantee.

**Recitals**

1. **Legal Description of Property.** Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

All that part of the following described property:

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault St. Marie Railroad Company right of way as created by the Deed recorded in the office of the Register of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 ½ Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Which lies southwesterly and westerly of the following described line:

Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the

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south line of said Northwest Quarter; a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds; thence North 57 degrees 03 minutes 24 seconds West, tangent to said curve, a distance of 80.83 feet; thence northwesterly a distance of 259.55 feet along a tangential curve, concave to the northeast, having a radius of 260.00 feet and a central angle of 57 degrees 11 minutes 45 seconds; thence North 00 degrees 08 minutes 21 seconds East a distance of 100.00 feet and there terminating.

Containing 277,913 square feet (Approximately 6.38 Acres)

Certificate of Title No. 1123111.

P.I.D. No. 02-029-24-23-0034

Property Address: 211 St. Anthony Parkway, Minneapolis, MN

**2. Grant of Temporary Easement.** For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, a temporary easement for construction purposes over, under, across and upon that part of the Property which is legally described as follows:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said Lot 1, a distance of 110.00 feet to the point of beginning of the easement to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111.20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1; thence southerly along said east line, a distance of 86.55 feet; thence North 89 degrees 30 minutes 44 seconds West a distance of 79.57 feet; thence North 38 degrees 56 minutes 22 seconds West a distance of 20.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 246.76 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 15.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 33.00 feet; thence North 00 degrees 16 minutes 47 seconds West to said most northerly line of Lot 1; thence easterly along said most northerly line to the point of beginning.

Containing 19,537 square feet (0.45 acres)

**3. Rights Within Temporary Easement.** Said temporary easement shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.

**4. Terms of Temporary Easements.** The term of the temporary easement granted herein shall commence on the effective date stated in a written notice from Grantee which is given at least 30 days prior to such effective date stated in said notice, and shall terminate on the date which is four months after the effective date state in the written notice.

**5. Title.** Grantor covenants with Grantee that it is the owner of the Property in fee simple, subject to mortgages of record, that it has the sole right to grant said easement, and that any judgments or liens against parties with the same or similar names as Grantor are not against Grantor.

**6. Environmental Matters.** The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and attorneys' fees, costs, disbursements, or losses resulting from any claims, actions, suits or proceedings relating to a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or relate to the easement tract or the Property prior to the date of this instrument.

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7. **Restoration of Property.** Prior to the expiration of the temporary easement term, Grantee shall restore the surface of the temporary easement tract in accordance with Grantee's restoration plan.

8. **Binding Effect.** The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed the day and year first above written.

GRANTOR:

ELLISPE22329, LLC

By: \_\_\_\_\_  
Its Chief Manager

STATE OF MINNESOTA }

ss.

COUNTY OF

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by \_\_\_\_\_ the chief manager of EllisSPE22329, LLC and that he signed his name on behalf of the company.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
Kennedy & Graven, Chartered (RJL)  
470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis, MN 55402  
612-337-9300

**RESOLUTION 2014R-216**  
**By Reich**

**Approving acquisition of right-of-way and temporary construction easement and agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 9, superseding Resolution 2014R-107 entitled "Approving acquisition of right-of-way and temporary construction easement and agreement for St. Anthony Parkway Bridge over BNSF Northtown Yard - Parcel 9", passed March 28, 2014, clarifying that the right-of-way to be purchased by the City as described in said resolution is intended to be purchased in fee simple.**

Whereas, on December 9, 1999, the City Council adopted Resolution 99R-426, "Adoption of 2000-2004 Capital Program and fixing the maximum amounts for 2000 to be expended by the various funds"; and

Whereas, on December 9, 1999, the City Council adopted Resolution 99R-427, "Request to issue and sell bonds for 2000 Capital Program"; and

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Whereas, on December 13, 2004, the City Council adopted Resolution 2004R-580, "Adoption of 2005-2010 Capital Program and fixing the maximum amounts for 2005 to be expended by the various funds"; and

Whereas, on December 13, 2004, the City Council adopted Resolution 2004R-582 and Resolution 2004R-583, "Request to issue and sell bonds for 2005 Capital Program"; and

Whereas, on May 5, 2007, the City Council authorized submission of an application for federal funds for the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE TEA LU) for the St. Anthony Bridge Project with a recommendation to commit City funds should the project be selected per federal requirements; and

Whereas, on April 24, 2009, the City Council authorized proper City Officers to submit the St. Anthony Bridge Project application for Member-Designated High Priority Project; and

Whereas, on July 2, 2010, the City Council adopted Resolution 2010R-331, "Authorizing execution of State Grant Agreement No SG-2009-072 between Minneapolis and the Metropolitan Council"; and

Whereas, on July 2, 2010, the City Council adopted Resolution 2010R-333 and Resolution 2010R-334, "Amending the 2010 Capital Improvement and PW-Transportation Capital Agency Appropriations by \$600,000 upon execution of State Grant Agreement No SG-2009-072"; and

Whereas, on March 7, 2013, the City Council authorized a Request for Proposals for engineering service; and

Whereas, on July 19, 2013, the City Council authorized execution of a contract with Short Elliott Hendrickson, Inc. for design services and authorized signing the Memorandum of Agreement under Section 106 of the National Historic Preservation Act; and

Whereas, on November 12, 2013, the City Council adopted a resolution authorizing acquisition through negotiations or condemnation of temporary construction easements and permanent easements across parcels therein for transportation related purposes; and

Whereas, on March 7, 2014, the City Council adopted Resolution 2014R-085 Project Designation, Bridge Type and Project Layout Approval, approving the project layout for construction of a new St. Anthony Parkway Bridge over the BNSF Northtown Yard; and

Whereas, agents on behalf of the City have negotiated a proposed agreement with the Gust Kempf, Jr. Revocable Trust Under Agreement dated December 4, 2008 (Gust Kempf, Jr. Revocable Trust), fee owner of the real estate at 3236 California Street, N.E., which is described in Exhibit A attached hereto, under which the Gust Kempf, Jr. Revocable Trust will convey a portion of said real estate containing approximately 23,747 square feet to the City in fee simple for compensation in the amount of \$120,000 and will grant the City a temporary easement containing 19,537 square feet for compensation in the amount of \$13,500, for the St. Anthony Parkway Bridge Project, for total compensation in the amount of \$133,500.00; and

Whereas, the proposed settlement amount to be paid to the owner is consistent with the opinion of damages expressed by an independent real estate appraiser retained by the City, whose appraisal report was provided to the owner in the course of negotiations; and

MAY 9, 2014

Whereas, the City Council adopted Resolution 2014R-107 on March 28, 2014, approving said settlement, but desires to adopt this resolution to clarify that the right-of-way to be purchased by the City as described in said resolution is intended to be purchased in fee simple;

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

That upon approval of this proposed agreement and related documents by the City Attorney and outside counsel retained by the City and execution and delivery of the deed and easement on behalf of the Gust Kempf, Jr Revocable Trust, the City Contracting Officer is authorized to execute the easement and agreement on behalf of the City and to pay the Gust Kempf, Jr. Revocable Trust the amount described in the agreement.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

EXHIBIT A

(Top 3 inches reserved for recording data)

**TRUSTEE'S DEED**

**by Individual Trustee**

eCRV number: \_\_\_\_\_

DEED TAX DUE: \$ \_\_\_\_\_

DATE: \_\_\_\_\_, 2014

FOR VALUABLE CONSIDERATION, **Timothy J. Hughes, as Trustee of the Gust Kempf, Jr. Revocable Trust under Agreement dated December 4, 2008, ("Grantor")**, hereby conveys and quitclaims to **City of Minneapolis, a municipal corporation** under the laws of **Minnesota, ("Grantee")**, real property in **Hennepin County, Minnesota**, legally described as follows:

All that part of Lot 1, Block 1, ACT ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly and northeasterly of the following described line and its extensions:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said Lot 1, a distance of 110.00 feet to the point of beginning of the line to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111 .20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1, and there terminating.

Check here if all or part of the described real property is Registered (Torrens)  as evidenced by Certificate of Title No. 1300852.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

MAY 9, 2014

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

**Timothy J. Hughes, as Trustee of the Gust Kempf, Jr. Revocable Trust under Agreement dated December 4, 2008**

\_\_\_\_\_  
**Timothy J. Hughes, Trustee**

State of Minnesota, County of **Hennepin**

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by **Timothy J. Hughes, as Trustee of the Gust Kempf, Jr. Revocable Trust under Agreement dated December 4, 2008.**

(Stamp)

\_\_\_\_\_  
*(signature of notarial officer)*

Title (and Rank): \_\_\_\_\_

My commission expires: \_\_\_\_\_  
*(month/day/year)*

THIS INSTRUMENT WAS DRAFTED BY:  
**Kennedy & Graven, Chartered (RJL)**  
470 US Bank Plaza  
200 So. 6th Street  
Minneapolis, MN 55402  
(612) 337-9300

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED  
IN THIS INSTRUMENT SHOULD BE SENT TO:

**City of Minneapolis**  
**Public Works Department**  
**Real Estate Section**  
350 S. Fifth St. #203  
Minneapolis, MN 55415

**TEMPORARY CONSTRUCTION  
EASEMENT AND AGREEMENT**

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between Gust Kempf, Jr., as Trustee of the Gust Kempf, Jr. Revocable Trust Under Agreement dated December 4, 2008, Grantor, and the City of Minneapolis, a Minnesota municipal corporation, Grantee.

**Recitals**

1. **Legal Description of Property.** Grantor is the owner in fee simple of the real estate hereinafter described ("Property"):

Lot 1, Block 1, Act Addition.

Being registered land as evidenced by Certificate of Title No. 1300852

Containing 256,693 square feet (5.89 acres)

MAY 9, 2014

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P.I.D. No. 03-029-24-41-0035

Property Address: 3236 California Street N.E., Minneapolis, MN 55418

2. **Grant of Temporary Easement.** For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby bargains, sells and transfers unto Grantee, its successors and assigns, a temporary easement for construction purposes over, under, across and upon that part of the Property which is legally described as follows:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said Lot 1, a distance of 110.00 feet to the point of beginning of the easement to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111.20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1; thence southerly along said east line, a distance of 86.55 feet; thence North 89 degrees 30 minutes 44 seconds West a distance of 79.57 feet; thence North 38 degrees 56 minutes 22 seconds West a distance of 20.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 246.76 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 15.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 33.00 feet; thence North 00 degrees 16 minutes 47 seconds West to said most northerly line of Lot 1; thence easterly along said most northerly line to the point of beginning.

Containing 19,537 square feet (0.45 acres)

3. **Rights Within Temporary Easement.** Said temporary easement shall include, but not be limited to, the right of the Grantee, its contractors, employees, agents and invitees to enter upon said easement tract, for the purpose of constructing roadway, utility and drainage improvements, and all purposes in furtherance thereof, or related thereto, including grading, sloping, excavating, restoring, depositing earthen materials, moving and storing equipment, supplies, and materials, and removing pavement, sidewalks, bushes, trees, undergrowth and other buildings, improvements and obstructions as, in the judgment of Grantee, may interfere with Grantee's construction of such roadway, utility and drainage improvements.

4. **Terms of Temporary Easements.** The term of the temporary easement granted herein shall commence on the effective date stated in a written notice from Grantee which is given at least 30 days prior to such effective date, and shall terminate twelve months following such effective date.

5. **Title.** Grantor covenants with Grantee that it is the owner of the Property in fee simple, subject to mortgages of record, that it has the sole right to grant said easement, and that any judgments or liens against parties with the same or similar names as Grantor are not against Grantor.

6. **Environmental Matters.** The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and attorneys' fees, costs, disbursements, or losses resulting from any claims, actions, suits or proceedings relating to a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or relate to the easement tract or the Property prior to the date of this instrument.

7. **Restoration of Property.** Prior to the expiration of the temporary easement term, Grantee shall restore the surface of the temporary easement tract in accordance with Grantee's restoration plan.

8. **Binding Effect.** The terms and conditions of this instrument shall run with the land and be binding on the Grantor and the personal representatives, heirs, devisees, successors and assigns of Grantor.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed the day and year first above written.



MAY 9, 2014

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**Approving the settlement of the special assessment appeal by authorizing the City Attorney's Office to execute the necessary documents to effectuate settlement and authorizing the Public Works Director to reduce the special assessments for Public Works street resurfacing improvements described hereinafter.**

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolution 2014R-088 on March 7, 2014 adopting the assessment rolls as prepared by the City for the 51st Ave N Street Resurfacing Project No 5257 as stated herein; and

Whereas, an appeal of the special assessments was filed in District Court as *Jeffrey L. Strand and Kim Wm. Jeppesen v. City of Minneapolis* and a settlement between the parties has been agreed upon;

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

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement that reduces the assessment on property identified as 5100 Thomas Ave N, PID 11-118-21-21-0146, from a total of \$3,084.95 by \$484.95 to \$2,600.00 for the 51st Ave N Street Resurfacing Project No 5257.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**RESOLUTION 2014R-218  
By Reich and Quincy**

**Amending Resolution 2014R-088 entitled "Ordering the work to proceed and adopting the special assessments for the 51st Ave N Street Resurfacing Project", passed March 7, 2014.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on February 25, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-012, passed January 23, 2014 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R-012, passed January 23, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of \$59,316.25 and reduced by \$484.95 to \$58,831.30 due to the settlement of an assessment appeal for the 51st Ave N Project No 5257 Street Resurfacing Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

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Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5), except the property identified by PID 11-118-21-21-0146 at 5100 Thomas Ave N in the original amount of \$3,084.95, and reduced to \$2,600.00 which shall be fixed at seven (7), and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**RESOLUTION 2014R-219**  
**By Reich and Quincy**

**Amending Resolution 2014R-089 entitled “Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$59,320 for certain purposes other than the purchase of public utilities”, passed March 7, 2014.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

**Amending Resolution 2014R-089 entitled “Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of ~~\$59,320~~ \$58,835 for certain purposes other than the purchase of public utilities” passed March 7, 2014.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed costs of street improvements in the 51st Av N Street Resurfacing Project, Special Improvement of Existing Street No. 5257, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collected in five (5) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

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**T&PW & W&M** - Your Committee recommends that the proper City officers be authorized to amend the Master Funding Agreement with the Metropolitan Council for the Southwest Minneapolis Interceptor Rehabilitation Projects to include Subordinate Funding Agreements for additional phases of the 1-MN-344 and 1-MN-341 Metropolitan Council Environmental Services 1-MN-Interceptor Rehabilitation Projects.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**T&PW & W&M** - Your Committee, having under consideration the 4th St/I35W On-Ramp and Auxiliary Lane Project, now recommends:

a) That the proper City officers be authorized to execute Amendment No 1 to the Cooperative Agreement with Hennepin County to increase the City's cost share for the project by \$860,000, for a revised total cost share of \$2,960,000;

b) Passage of Resolution 2014R-220 increasing the appropriation for the project by \$860,000 from the Permanent Improvement Fund balance;

c) That Public Works and Finance Department staff identify, through the normal 2014 project close-out process anticipated to take place in October 2014, a revenue source for the 4th St/I35W On-Ramp Project to restore the Permanent Improvement Fund advance; and

d) Passage of Resolution 2014R-221 declaring the City's intent to pay for the expenditures with tax-exempt bond proceeds.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report and resolutions were adopted.

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

**RESOLUTION 2014R-220**  
**By Reich and Quincy**

**Amending The 2014 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Capital Improvements Fund (04100-9010937-CPV077) by \$860,000 from the 04100 Permanent Improvement Fund balance.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

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**RESOLUTION 2014R-221  
By Reich and Quincy**

**Declaring the City's intent to pay for the 4th St/I35W On-Ramp and Auxiliary Lane Project with tax exempt bond proceeds.**

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse all expenditures not paid for by grant funds or special assessments, initially estimated at \$860,000, related to the 4th St/I35W On-Ramp and Auxiliary Lane Project from the proceeds of tax exempt debt of the City. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt issued by the City consists of ad valorem property taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**T&PW & W&M** - Your Committee recommends passage of Resolution 2014R-222 directing the Hennepin County Auditor to cancel the levied 5-year sidewalk repair assessment on the property located at 4845 4th Ave S and authorizing the refund of principal and interest collected.

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

**RESOLUTION 2014R-222  
By Reich and Quincy**

**CANCELLATION OF MINNEAPOLIS PUBLIC WORKS  
SIDEWALK REPAIR SPECIAL ASSESSMENT**

**Directing the Hennepin County Auditor to cancel the special assessment for sidewalk repair improvements for the payable 2014 and subsequent years tax file described hereinafter.**

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed resolutions in 2012 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2013 real estate tax statements; and

Whereas, there is the following described assessment that is erroneously being carried on the real estate tax statement due to a full prepayment of the assessment;

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

MAY 9, 2014

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That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessment from the 2014 and subsequent years' tax statements:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01052	13S05	15-028-24-14-0167	\$832.93

Be It Further Resolved that the Sidewalk Division is hereby directed and authorized to refund the principal and interest installment collected on the 2013 property tax statement to the property owners in the amount of \$185.74 from 04100-9010939-365004.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**T&PW & W&M** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7919 from Thomas and Sons Construction, Inc., in the amount of \$567,365.50, to furnish and deliver all labor, materials, and incidentals necessary to complete the construction of the Penn Ave Phase 2 Project. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**T&PW & W&M** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7927 (re-bid) from Cemstone Products Company, for an estimated annual expenditure of \$1,588,550.00, to furnish and deliver Ready Mix Concrete as needed to various City of Minneapolis departments and boards through March 31, 2015. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**T&PW & W&M** - Your Committee recommends acceptance of the single bid submitted to the Public Works Department on OP No 7934 from Carus Corporation, for an estimated annual expenditure of \$375,000.00, to furnish and deliver Potassium Permanganate to the Minneapolis Public Works Water Treatment and Distribution Division for a twelve (12) month period as set forth in the staff

MAY 9, 2014

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report. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

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

**W&M** – Your Committee recommends acceptance of the low bid received on OP 7935 submitted by Canon Solutions America, Inc., for an average monthly expenditure of \$5,789.00 and a three-year total estimated expenditure of \$208,404.00 to furnish and deliver rental of a production color printer to the Document Solution Center, all in accordance with City specifications.

Further, that the proper City officers be authorized to execute a contract for said project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

**W&M** – Your Committee recommends passage of Resolution 2014R-223 authorizing acceptance of the donation of digital billboard space from Clear Channel Outdoor for the purpose of communicating snow emergency and winter parking restriction information.

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

**RESOLUTION 2014R-223  
By Quincy**

**Accepting digital billboard space from Clear Channel Outdoor.**

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 for the below to the City:

<u>Name of Donor</u>	<u>Gift</u>
Clear Channel Outdoor	Digital billboard space

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

MAY 9, 2014

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Whereas, all such donations have been contributed to assist the City in communicating snow emergency and winter parking restrictions information, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donation 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 communicating snow emergency information and winter parking restrictions information.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**W&M** – Your Committee recommends passage of Resolution 2014R-224 authorizing the acceptance of donation of broadcast airtime from Comcast Cable for public service announcements.

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

**RESOLUTION 2014R-224**  
**By Quincy**

**Accepting airtime for public service announcements donation.**

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:

<u>Name of Donor</u>	<u>Gift</u>
Comcast Cable	Airtime for Public Service Announcements

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

Whereas, all such donations have been contributed to assist the City in communicating public service announcements, 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:

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That the donations described above are accepted and shall be used for communicating public service announcements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The resolution was adopted.

**W&M** – Your Committee recommends acceptance of the low bid received on OP 7913 submitted by Meisinger Construction Company for an estimated expenditure of \$499,900, to furnish and deliver all labor, materials and incidentals necessary for renovation construction of restroom / locker room at the Minneapolis Convention Center.

Further, that the proper City officers be authorized to execute a contract for said project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

(Published 5/15/2014)

**W&M** – Your Committee, having under consideration the COMPASS Financial System Upgrade, now recommends that the proper City Officers be authorized to execute all necessary contract documents with Sierra Systems Group, Inc., to provide financial system upgrade services as part of the Enterprise Resource Planning (ERP) Program with:

a) A term through 2015 and a not-to-exceed amount of \$4,455,000; and

b) In the amount of \$4,455,000 through 2015 with customized indemnification.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report was adopted.

(Published 5/14/2014)

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

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition filed by Scott Nelson of DJR Architecture, (BZZ-6473) to rezone the properties located at 1014, 1018, and 1022 Essex Ave SE and 506 Huron Blvd SE, from the R5/Multiple Family District to the C3A/Community Activity Center District, to allow for the construction of a five story, 122-room hotel, and that the findings prepared by the Community Planning & Economic Development staff be adopted.

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Your Committee further recommends passage of Ordinance 2014-Or-021 amending the Zoning Code.

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

**ORDINANCE 2014-Or-021**  
**By Bender**  
**1st & 2nd Readings: 5/9/2014**

**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 of 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:

- a) Parcel 1: The West 50 feet of Lots 6 and 7, Block 31, Regents Addition, Hennepin County, Minnesota (1014 Essex Street SE);
- b) Parcel 2: The West 50 feet of the East 100 feet of Lots 6 and 7, Block 31, Regents Addition, Hennepin County, Minnesota (1018 Essex Street SE); and
- c) Parcel 3: The East 50 feet of Lots 6 and 7, Block 31, Regents Addition, Hennepin County, Minnesota (1022 Essex Street SE and 506 Huron Blvd SE)

(1014, 1018 and 1022 Essex Street SE, and 506 Huron Boulevard SE - Plate #22) to the C3A/Community Activity Center District.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Cano, Bender, Quincy, A. Johnson, Palmisano, Vice President Glidden (12)

Noes: (0)

Absent: President Johnson (1)

The report and ordinance were adopted.

**RESOLUTIONS**

Resolution 2014R-225 declaring the week of May 12 through 16, 2014, as Public Service Recognition Week in the City of Minneapolis was adopted.

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

**RESOLUTION 2014R-225**  
**By Reich, Gordon, Frey, B. Johnson, Yang, Warsame,**  
**Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, Palmisano.**

**Recognizing the week of May 12 through 16, 2014, as Public Service Recognition Week in the City of Minneapolis.**

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Whereas, Betsy Hodges was first elected to the City Council of and for the City of Minneapolis in 2005 and has served with full faith, commitment, and distinction for eight years, during which time she has served as a member of the Council's standing committees on Ways & Means, Intergovernmental Relations, Transportation & Public Works, Public Safety, Civil Rights & Health, Audit, Elections, Board of Estimate and Taxation, and in leadership positions as Chair of Ways & Means and Intergovernmental Relations; and

Whereas, Public employees at federal, state, and local levels provide essential services which make America and her communities stronger, safer places to live, work, and raise families, protect and serve the welfare of her citizens, and advance the common good; and

Whereas, America's citizens benefit from the vast array of public goods and services provided each day by public employees committed to the tenets of good government and public administration; and

Whereas, Public service is a noble calling, one that enables the community to benefit from the gifts and talents of the men and women who become public servants as a means of contributing to the present and future well-being of their communities;

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

That the Mayor and City Council do hereby proclaim the week of May 12 - 16, 2014, as Public Service Recognition Week in the City of Minneapolis, a time to recognize and honor the many contributions of federal, state, and local government employees to this great nation and to its many communities.

Be It Further Resolved that the employees of the City of Minneapolis are especially commended and offered the sincere gratitude, thanks, and appreciation of Mayor Hodges and the Members of the City Council, on behalf of the people of this great community, for their daily efforts to preserve, protect, and promote the health, safety, and welfare of residents, businesses, and visitors of the City of Minneapolis.

Resolution 2014R-226 amending Resolution 2014R-046 relating to a "clean zone" around Target Field during the 2014 Major League Baseball All Star Game and related events was adopted.  
Approved by Mayor Betsy Hodges 5/12/2014.  
(Published 5/14/2014)

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

**RESOLUTION 2014R-226**  
**By Quincy**

**Amending Resolution 2014R-046 relating to a "clean zone" around Target Field during the 2014 Major League Baseball All Star Week and related events.**

Whereas, at its meeting of February 21, 2014, the Council passed Resolution 2014R-046 (the "Resolution") providing for a so called "clean zone" related to the issuance of temporary permits and licenses for certain commercial activities near Target Field and other designated sites hosting official All-Star Game activities; and

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Whereas, the City has been provided notice that two of the organizers for a proposed event to take place in downtown Minneapolis on July 19, 2014, to honor the 80th anniversary of the historic 1934 Teamsters Strike, have filed a lawsuit challenging the City's Resolution alleging that the Resolution interferes with their first amendment rights to obtain any necessary permits for the event; and

Whereas, the facts are that the City has received an application (and is in the process of granting that application) for one part of the event, a parade, and, while no application has yet been received for a second part of the event, a block event, the City anticipates that the permit for this event will also be approved based on discussions with the organizers; and

Whereas, the two organizers are alleging in their lawsuit that the Resolution could be interpreted to restrict first amendment rights in ways never intended by the City; and

Whereas, the City desires to clarify its intent when it adopted the Resolution;

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

That Resolution 2014R-046 is amended to provide as follows:

1. For those activities listed below that require a temporary permit or license from the City under existing ordinances, no such temporary permit or license shall be approved or granted by the City Council which would permit the sale or free distribution of merchandise, peddling, transient merchant activities, product sampling, temporary food or beverage services, temporary beverage alcohol premise expansions, block events, races, or permit the use of temporary structures, tents, signs, banners, mobile billboard vehicles, broadcast vehicles, amplified sound permits, temporary light displays, inflatable displays, or permit temporary entertainment venues to be operated during the time period of July 10, 2014 through July 16, 2014 on public or private property within the following geographical areas surrounding Target Field or other event venues without conferring with Major League Baseball:

"All that part of the City of Minneapolis lying between the Mississippi River where it intersects with Interstate Highway 94, westerly along Interstate Highway 94 to Plymouth Avenue North, and easterly to the Mississippi River south to the point at Interstate Highway 94."

"All that part of the City of Minneapolis lying between the Mississippi River where it intersects with 37th Avenue Northeast, easterly along 37th Avenue Northeast to University Avenue Northeast, and Southerly along University Avenue Northeast to 27th Avenue Northeast, and westerly to the Mississippi River north to the point at 37th Avenue Northeast."

"All that part of the City of Minneapolis lying between Washington Avenue Southeast where it intersects with 23rd Avenue Southeast, northerly to 6th Street Southeast, and westerly along 6th Street Southeast to 17th Avenue Southeast, and southerly along 17th Avenue Southeast and along Church Street Southeast to the point at Washington Avenue Southeast."

2. That this Resolution applies only to temporary permits or licenses for commercial vending and/or marketing activities.

3. That the City will retain its full authority to grant or deny applications for any such temporary permits or licenses and administer that authority in accordance with all applicable laws, ordinances

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and regulations and, in considering whether to issue such permits or licenses, it is the City's intention that constitutional rights will preempt other considerations.

### MOTIONS

On motion by Quincy, seconded, the regular payrolls for all City employees under City Council jurisdiction for the month of June, 2014, were approved and ordered paid subject to audit by the Finance Officer.

On motion by Glidden, seconded, the City Council confirmed the City Clerk's designation of Anissa Hollingshead as Interim Assistant City Clerk.

### NEW BUSINESS

A. Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 192 of the Minneapolis Code of Ordinances relating to Food Code: Bread (repealing Chapter 192).

A. Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 196 of the Minneapolis Code of Ordinances relating to Food Code: Water for Drinking and Domestic Purposes (repealing Chapter 196).

A. Johnson and Reich gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing (repealing Section 478.90 (n) regarding parking restrictions adjacent to school property).

The following transmittal from the Charter Commission was referred to the Intergovernmental Relations Committee:

Recommended ordinance amending Chapter 2, Section 13 of the Minneapolis City Charter relating to Officers – Elections: Filing for Election, specifying the filing fee for candidates for election at any city election.

On motion by Quincy, seconded, the meeting was adjourned.

Casey Joe Carl,  
City Clerk

### INDEX

#### COMMITTEE OF THE WHOLE:

COORDINATOR (277184)

Racial Equity Action Plan.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (277185)

2014 Community Technology Survey Results.

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

**HUMAN RESOURCES (277186)**

Single employer, employee benefit plan; and single employer, self-insured medical plan.

**COMMUNITY DEVELOPMENT & REGULATORY SERVICES (See Rep):**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277187)**

**Land Sales:**

Hollywood Theatre Redevelopment Project, 2815 & 2519 Johnson St NE: Sale to Out of the Past Redevelopment, LLC, an entity controlled by Andrew Volna;

3217 29th Ave S: Sale to Michlitsch Builders, Inc.

Year 2015 Low Income Housing Tax Credit Procedural Manual and Qualified Allocation Plan.

Rehab Support Program-Emergency Relief Fund: Amendment to the Greater Metropolitan Housing Corporation contract to cover the remaining amount needed for loans originated under the program.

Minneapolis Housing Replacement Tax Increment Financing District III: Resolution adding seven parcels to and deleting eight parcels from the District III.

Great Streets Business District Support Contracts: Contracts for business district support activities.

Great Streets Neighborhood Business District Eligible Areas: Pilot project expanding program eligible areas to include three community corridors and authorize staff to execute two Great Streets Façade Improvement Matching Grant contracts.

**LICENSES AND CONSUMER SERVICES (277188)**

Limited Mobile Food Vehicle Vending License Ordinance: Ordinance amending Title 10, Chapter 188, to allow the sale of prepackaged perishable items from nonmotorized carts.

Liquor, Business & Gambling License Applications: Approve Department of Licenses & Consumer Services agenda recommendations for Liquor, Business & Gambling licenses.

**REGULATORY SERVICES (277189)**

**Rental Dwelling Licenses:**

2441-43 Dupont Ave S - Owner Travis Anderson: Recommendation to revoke;

3609 Cedar Ave S - Owner Kocon LLC, Hwan Hwang: Recommendation to revoke.

2915 Dupont Ave N - Owner Joseph Sherohman: Stipulated Agreement and Conditions to be placed on license.

**COMMUNITY DEVELOPMENT & REGULATORY SERVICES and WAYS & MEANS (See Rep):**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277190)**

Neighborhood Stabilization Program (NSP) Funds: Appropriation of funds received from Minnesota Housing Finance Agency and Program Income generated by the City of Minneapolis.

**GRANTS AND SPECIAL PROJECTS (277191)**

2014 Consolidated Plan.

2014 HUD Housing Opportunities for Persons with AIDS (HOPWA) Grant Applications.

**HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT:**

**COORDINATOR (277192)**

Tree Advisory Commission Annual Report: PowerPoint.

**HEALTH DEPARTMENT (277193)**

Healthy Living Initiative Update: PowerPoint.

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**HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT (See Rep):**

HEALTH DEPARTMENT (277194)

Minneapolis Public Health Advisory Committee: Appointments.

National Public Health Accreditation Process: PowerPoint.

**HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS (See Rep):**

HEALTH DEPARTMENT (277195)

Teen Pregnancy Prevention: Amend contract to accept additional federal grant; and Increase appropriation.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (277196)

MSP Noise Oversight Committee: Appointment of Loren Olson as the city's alternate representative for a term of July 16, 2015 to June 26, 2015.

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

CIVIL RIGHTS (277197)

Equitable Solutions for One Minneapolis, a Racial Equity Framework Report. Directions to staff.

**PUBLIC SAFETY, CIVIL RIGHTS & EMERGENCY MANAGEMENT and WAYS & MEANS (See Rep):**

POLICE DEPARTMENT (277198)

U.S. Department of Justice Byrne Criminal Justice Innovation Program Grant Application:

Authorize application to receive up to \$1,000,000 for implementation of a 'Community Strategies' program to focus on concentrated areas of crime in the Northside.

2014 Major League Baseball All Star Game: Authorize a Joint Powers Agreement.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (277199)

National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS)

Permit: Set public hearing for June 17, 2014.

Protected Bikeways Update: PowerPoint.

Safe Routes to School Program Update: PowerPoint.

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

PUBLIC WORKS AND ENGINEERING (277200)

54th & Lyndale Special Service District: Ordinance establishing special service district.

West Broadway Improvement Special Service District: Ordinance establishing special service district; Comment in support.

Edgewater Area and Cedar Ave S Street Resurfacing Project: Project designation.

2014 Graffiti Prevention Micro Grant Program: Participant agreements.

Processing Services for Yard Wastes, Street Sweepings, and Organics Materials: Request for Proposals.

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St. Anthony Pkwy Bridge over Northtown Yard Project No 9698 and California St NE and Main St NE Construction Project: Purchase agreements and acquisition of temporary easements.

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

**PUBLIC WORKS AND ENGINEERING (277201)**

Jeffrey L. Strand and Kim Wm. Jeppesen v. City of Minneapolis: a) Settlement relating to special assessment for 51st Ave N Street Resurfacing Project; b) Amend Resolution 2014R-088 reducing total assessments; and c) Amend Resolution 2014R-089 reducing bond sale request.

Southwest Minneapolis Interceptor Rehabilitation Projects: Amend Master Funding Agreement with the Metropolitan Council.

4th St/I35W On-Ramp and Auxiliary Lane Project: Amendment to Cooperative Agreement with Hennepin County and appropriations.

Sidewalk Reconstruction Assessment Roll: Cancel special assessment levied against 4845 4th Ave S.

Bids: a) OP 7919, Low bid of Thomas and Sons Construction, Inc. for Penn Ave Phase 2 Project; b) OP 7927, Low bid of Cemstone Products Company for Ready Mix Concrete; and c) OP 7934, Single bid of Carus Corporation for Potassium Permanganate.

**WAYS AND MEANS:**

**FINANCE DEPARTMENT (277202)**

Property Taxes presentation: Receive & File.

2012 TIF (Tax Increment Finance Districts) Notice for Publication.

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

**CITY CLERK (277203)**

Bid: OP 7935, accept low bid of Canon Solutions America, Inc., for estimated expenditure of \$208,404 to furnish and deliver rental of color printer to the Document Solutions Center.

**COMMUNICATIONS (277204)**

Donations: Accept donated broadcast airtime from Comcast Cable for public service announcements; and digital billboard space from Clear Channel Outdoor for communicating Snow Emergency information.

**CONVENTION CENTER (277205)**

Bid: OP 7913 of Meisinger Construction Company for restroom / locker room renovation for an estimated expenditure of \$499,900.

**INFORMATION AND TECHNOLOGY SERVICES (ITS) (277206)**

COMPASS Financial System Upgrade: Contract with Sierra Systems Group, Inc. to provide services as part of the Enterprise Resources Planning (ERP) Program through 2015 and provide customized indemnification terms in the amount of \$4,455,000.

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

**PLANNING COMMISSION/DEPARTMENT (277207)**

Rezoning: Essex Hotel 1014, 1018, and 1022 Essex Ave SE and 506 Huron Blvd SE.

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**MOTIONS (See Rep):**

CITY CLERK (277208)

Designation of Interim Assistant City Clerk: Confirm the City Clerk's designation of Anissa Hollingshead as Interim Assistant City Clerk.

**NEW BUSINESS:**

CHARTER COMMISSION (277209)

Proposed Charter Amendment/Filing Fee for Municipal Elections: Recommended ordinance from Charter Commission amending Chapter 2, Section 13 of the Minneapolis City Charter relating to Officers - Elections: Filing for Election, specifying the filing fee for candidates for election at any city election.

**FILED:**

CHARTER COMMISSION (277210)

Proposed Charter Amendment to Increase Filing Fees for Municipal Office: a) Proposed fees; b) Letter of Transmittal to City Council.

CHARTER COMMISSION (277211)

Proposed Charter Amendment regarding Sale of Wine in Beer in Certain Establishments: Public comment.

RICKMYER, PETER (277212)

Minneapolis 911 System: Letter submitted to City Council.

Official Posting: 5/16/2014