

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JANUARY 15, 2010

(Published January 23, 2010, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
January 15, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Schiff.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 1/15/2010.

Absent - Hofstede, Schiff, Colvin Roy, Samuels.

Lilligren moved acceptance of the minutes of the regular meeting of December 18, 2009, the Organization Meeting of January 4, 2010, and the Special Meeting of January 7, 2010. Seconded.

Adopted upon a voice vote 1/15/2010.

Absent - Hofstede, Schiff, Colvin Roy, Samuels.

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

Adopted upon a voice vote 1/15/2010.

Absent - Hofstede, Schiff, Colvin Roy.

PETITIONS AND COMMUNICATIONS

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (273994)

Great Sun Buffet and Bar (1400 Nicollet Av): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Country Bar and Grill (3006 Lyndale Av S): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (273995)

Licenses: Applications.

REGULATORY SERVICES (273996)

Local Approval of Minnesota Laws to Issue Intoxicating Liquor License at 2124 Como Av SE: Approve Laws of Minnesota 2009 Legislative Session; Chapter 120, Article 1, Section 16.

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

REGULATORY SERVICES (273997)

Bid for Demolition of 2214 4th Av S: OP #7227, accept low bid of BD Construction, LLC, to accomplish the demolition of one structure for the Department of Regulatory Services.

TRANSPORTATION AND PUBLIC WORKS:

XCELENERGY (273998)

Utility Pole: Install at a) 2817 Lyndale Ave S; and b) 321 6th Ave N; c) 225 Portland Ave; and d) 1410 2nd St N.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273999)

Fridley Chemical Building: Change Order to contract with HDR Engineering, Inc.

Southwest Transitway Corridor: Locally Preferred Alternative.

Cedar Lake Trail Project (Phase III): Easement agreement with Minnesota Ballpark Authority.

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

PUBLIC WORKS AND ENGINEERING (274000)

Sheridan Neighborhood Street Light Project: 13th Ave NE between Main St and 6th St NE, and along 2nd St NE between 12th and 14th Ave NE.

Qwest Excavation Permit Fee Agreement: Accept outstanding permit fees from Qwest and amend excavation permit fee structure.

Clear Wireless, LLC Site Lease Agreement: Cellular transmission equipment at 1111 Marquette Ave.

Non-Motorized Transportation Pilot Project (NTP) Grant Award: Accept \$1,750,000 for Bicycle Sharing Project and agreements with Mn/DOT and Nice Ride Minnesota.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (274001)

Special Compensation Fund: 2nd Half 2009 Assessment.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274002)

Legal Settlement: Augustin Ganley v. City of Minneapolis.

COMMUNICATIONS (274003)

February 2010 Utility Billing Insert: Raingarden Workshops.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274004)

Public Artwork for Libraries: Accept funds from Hennepin County to develop public artwork for the Maple Grove and Nokomis Libraries.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (274005)

OP #7174: Accept low bid of Lund Martin Construction, Inc., for the grease interceptor replacement project.

FINANCE DEPARTMENT (274006)

Gift Acceptance: Estate of Robert J. Olsen to City of Minneapolis.

FIRE DEPARTMENT (274007)

Emergency Management Assistance Compact (EMAC): Accept reimbursement from for expenses incurred for deployment to the Red River Valley flooding.

POLICE DEPARTMENT (274008)

Dakota County Technical College: Authorize acceptance of agreement to provide Driver Training Facility and classroom services.

Financial Crimes Task Force: Accept grant award from Minnesota Bureau of Criminal Apprehension for investigation of identity theft and cases of fraud.

Internet Crimes Against Children Task Force: Execute amendment to agreement to participate; and accept addition funding for overtime and travel expenses.

Minneapolis Public Housing Authority: Execute contract.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (274009)

Street Name Petition: 3rd Ave N between 7th St N and Glenwood Ave to Twins Way.

Zoning Code Text Amendment:

Making corrections to the recently revised zoning & building code provisions related to on-premise signs.

FILED:

CHARTER COMMISSION (274010)

Charter Commission Annual Report: 2009.

Redistricting: Correspondence from Council Member Gordon.

METROPOLITAN EMERGENCY SERVICES BOARD (274011)

Letter requesting designation of City of Minneapolis representatives to the Metropolitan Emergency Services Board.

The following reports were signed by Mayor Rybak on January 19, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

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

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Great Sun Buffet and Bar, 1400 Nicollet Av, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-002, granting the application of Great Sun Buffet and Bar, 1400 Nicollet Av, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-002

By Glidden

Granting the application of Great Sun Buffet and Bar, 1400 Nicollet Av, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Great Sun Buffet and Bar, dba Great Sun Buffet and Bar, 1400 Nicollet Av, for an On-Sale Liquor Class B with Sunday Sales License (new proprietor) to expire January 1, 2011, subject to the following conditions:

1. The licensee will provide their written security plan to Business Licensing. The plan will include a method for controlling loitering and identifying those who are not patrons, and their removal from the facility to include the sidewalk and any rear parking area. The plan will be posted and all employees thoroughly trained on it. The plan includes the following:

- Minimum staff levels - staff and security
- Crime Prevention through Environmental Design Review
- Trespassing Policy
- Towing Policy
- Youth Access to Alcohol
- How you will stay within entertainment class

2. The licensee will remove all litter and debris from the exterior of the business at the start and end of the business day at a minimum, more often if need be. The area the licensee is responsible for includes 100 feet from the property line in all directions, regardless of the origin of the trash and debris.

3. The licensee will strictly enforce Minneapolis City Ordinance 364.30 and Minnesota State Statute 340A.502, sales to obviously intoxicated persons. No person may sell, give, furnish, or in any way procure for another alcoholic beverage for the use of an obviously intoxicated person.

4. The establishment will have the full menu available all hours of operation.

5. The licensee agrees to add additional security during any special event.

6. The licensee agrees that security will regularly monitor doors, parking lot, dumpster, and sidewalk areas.

7. The licensee will not accept patrons from party buses.

8. The licensee will actively participate in the neighborhood business association and Liquor in the City (LINC) meetings and contribute to the goals and projects of those groups.

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

Adopted 1/15/2010.

Absent - Schiff.

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

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-003, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-003

By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273995):

Off-Sale Liquor, to expire January 1, 2011

Haskell's, Inc, dba Haskell's, 81 S 9th St

Surdyk's Liquor Inc, dba Surdyk's Liquor, 303 E Hennepin Av

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

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U B Liquors LLC, dba Merwin Liquors, 700 W Broadway
M T Bottles LLC, dba Spill the Wine, 1101 Washington Av S
Hyatt Corporation, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall
Jessy & Luke Inc, dba Hi-Lake Liquors, 2130 E Lake St

Off-Sale Liquor, to expire October 1, 2010

Wallis Inc, dba Ken & Norm's Liquor, 4801 Chicago Av (internal transfer of shares)

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2011

701 Ventures Inc, dba First Avenue, 29 7th St N, two floors
Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 W 7th St
University Gateway Corp, dba Gateway Cafe, 200 Oak St SE
Kierans Irish Pub LLC, dba Kierans Irish Pub, 330 2nd Av S
331 Club Inc, dba 331 Club, 331 13th Av NE
90's Minneapolis LLC, dba Gay 90's, 400 Hennepin Av
Degrees of Entertainment Inc, dba Envy Nightclub, 400 1st Av N
Secure Entertainment LLC, dba Lounge (The), 411 2nd Av N
RWB Minneapolis Catering LLC, dba Chefs Production, 600 1st Av N
Graves Hospitality Corporation, dba Graves 601 Hotel, 601 1st Av N
Univ Inn Assoc a Ltd Partnership, dba Radisson Hotel Metrodome, 615 Washington Av SE
Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S
AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av
SHP DT Bevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av
Hyatt Corporation, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2011

CSM Depot LLC, dba Renaissance by Marriott, 225 3rd Av S (new officer)
Lymar Inc, dba Lyon's Pub, 16 S 6th St, ground floor
Murray's Inc, dba Murray's, 24 S 6th St, 1st floor
Baz Inc, a MN Corp, dba Champps, 100 N 6th St
River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av
East by Northeast LLC, dba Ginger Hop Rest & Honey at Ginger, 201 E Hennepin Av
Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300
Washington Av SE

Spring Street Tavern LLC, dba Spring Street Tavern, 355 Monroe St NE
Miss Jimmy Inc, dba Red Stag Supperclub, 509 1st Av NE
RWB Minneapolis LLC, dba NBA City, 600 1st Av N
Haze 3 Corp, dba Grumpy's Bar & Grill, 1111 Washington Av S
Lakes Restaurant Inc, dba Stella's Fish Cafe & Prestige Oyster Bar, 1402 W Lake St
Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE
Katabays Corporation, dba Blue Nile, 2027 E Franklin Av

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2011

8th Street Garage Inc, dba 8th Street Grill, 800 Marquette Av (internal transfer of shares)
Keegan Pubs Inc, dba Keegans Pub, 16 University Av NE
HRS Enterprises Inc, dba Red Sea Bar & Restaurant, 320 Cedar Av S
Espresso Monkeys Incorporated, dba Acadia Cafe, 329 Cedar Av S
8th Street Garage Inc, dba 8th Street Grill & Tavern, 800 Marquette Av
Jaeger Corporation, dba Clubhouse Jaeger, 923 Washington Av N
Lip to Lip Inc, dba In Wunderbar, 983 E Hennepin Av

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2010

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2011

Historic Theatre Group LLC, dba Pantages Theatre, 710 Hennepin Av
Historic Theatre Group LLC, dba State Theatre, 805 Hennepin Av
Historic Theatre Group LLC, dba Orpheum Theatre, 910 Hennepin Av
Cardenas Enterprises Inc, dba Pancho Villa's Grill, 2539 Nicollet Av
Merlins Restaurant, dba Merlins Restaurant, 3601 E Lake St

On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2011

Amazing Thailand LLC, dba Amazing Thailand, 3024 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2011

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St (new manager)

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S (new manager)

Concept Eatery LLC, dba 112 Eatery, 112 3rd St N (downgrade from Class C-2)

Two Wiseguy's Inc, dba Origami Restaurant, 30 N 1st St, 1st floor

McCormick & Schmick Restaurant Corp, dba M & S Grill, 50 S 6th St

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St

Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St #124

Brinda Companies Inc, dba Pracna on Main, 117 Main St SE

Aster Pictures Corporation, dba Aster, 125 Main St SE

Watermark Entertainment LLC, dba Sgt Prestons, 221 Cedar Av S

Lame Duk LLC, dba Rachel's, 222 E Hennepin Av

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Av

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av

Was Partners LLC, dba Harry's Food & Cocktails, 500 Washington Av S, 1st floor

Fogo De Chao Churrascaria (Mpls) LLC, dba Fogo De Chao, 645 Hennepin Av, 1st floor

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE

Zelo Inc, dba Zelo, 831 Nicollet Mall

Ala Salsa Enterprises LLC, dba A La Salsa Restaurant, 920 E Lake St #155

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall

M T Bottles LLC, dba Spill the Wine, 1101 Washington Av S

Back Bar LLC, dba Eli's, 1225 Hennepin Av

1312 W Lake St LLC, dba Cowboy Slims, 1320 W Lake St

Haanpaa Restaurants Inc, dba King and I, 1346 LaSalle Av

B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Av

Bulldog Restaurant Inc, The, dba Bulldog Restaurant, The, 2549 Lyndale Av S

Azia Inc, dba Azia, 2550 Nicollet Av

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 2600 Hennepin Av

Mt Fuji Restaurant of NY II LLC, dba Mt Fuji Restaurant, 2819 Hennepin Av

Restaurant Properties Inc, dba Il Gatto Uptown Italian, 3001 Hennepin Av #301A

Chipotle Mex Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd

3675 Minnehaha Inc, dba Rail Station Bar & Grill, 3675 Minnehaha Av

Blue Plate Restaurant Co, dba Longfellow Grill, 4630 E Lake St

Cintias, dba Cintias, 6042 Nicollet Av

Frog Eyes LLC< dba McNamara's Sports Bar, 312 Central Av SE

S Squared LLC, dba Saffron Restaurant & Lounge, 123 3rd St N

Off-Sale Beer, to expire April 1, 2010

Twin Cities Gas Inc, dba Riverside Winner, 2517 Riverside Av (new business)

Holiday/Cedar Avenue LLC, dba Holiday Stationstore #407, 3550 Cedar Av S (new business)

Temporary On-Sale Sale Beer, to expire January 24, 2010

US Pond Hockey Championships LLC, dba Pond Hockey Championship, 119 4th St N (Hockey Tournament, January 21, 2010, 5:00 p.m. to 8:30 p.m.; January 22, 2010, 10:00 a.m. to 6:30 p.m.; January 23, 2010, 7:00 a.m. to 7:00 p.m.; January 24, 2010, 10:00 a.m. to 5:30 p.m., Lake Nokomis Parkway).

Adopted 1/15/2010.

Absent - Schiff.

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

Adopted 1/15/2010.

Absent - Schiff.

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Resolution 2010R-004, granting applications for Business Licenses, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-004
By Glidden**

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 15, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273995):

Car Wash; Christmas Tree; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Short Term Food Permit; Fuel Delaler; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Juke Box - Musical; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Steam & Hot Water Systems Installer; Taxicab Limited; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle; Combined Trades; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 1/15/2010.

Absent - Schiff.

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

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-005, granting applications for Gambling Licenses, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-005
By Glidden**

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273995):

Gambling Class B

Aliveness Project Minneapolis, dba Aliveness Project, 730 E 38th St (Tickles, 420 S 4th St, pulltabs, pulltabs with dispensing device, bar bingo)

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis (Raffle March 24, 2010 at Jax Cafe, 1928 University)

Gambling Exempt

Minnesota Chorale, dba Minnesota Chorale, 528 Hennepin Av #407 (Raffle January 30, 2010, Cedar Cultural Center)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Raffle February 26, 2010)

Metro Quail Forever, dba Metro Quail Forever, 1088 Chaska Bluff Pass S, Chaska (Raffles January 15 - February 11, 2010, Jax Cafe, 1928 University Av NE)

The Boys & Girls Clubs of the Twin Cities, dba The Boys & Girls Clubs of the Twin Cities, 6500 Nicollet Av, Suite 201 (Raffle February 26, 2010, Hotel Minneapolis, 215 4th St)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Raffle, Bingo March 5, 19 & 26, 2010)

Risen Christ Catholic School, dba Risen Christ Catholic School, 1120 E 37th St (Raffle April 30, 2010, Hilton Minneapolis, 1001 Marquette)

Down Syndrome Association of Minnesota, dba Down Syndrome Association of Minnesota, 656 Transfer Rd, St. Paul (Raffle June 13, 2010)

Angel Foundation, dba Angel Foundation, 708 S 3rd St Suite 105E (Raffle February 20, 2010, Hilton Hotel, 1001 Marquette).

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (Raffle, pulltabs February 15, 2010).

Adopted 1/15/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Country Bar and Grill, 3006 Lyndale Av S.

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-006, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Country Bar and Grill, 3006 Lyndale Av S, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-006

By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Country Bar and Grill, 3006 Lyndale Av S.

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

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances, Sections 364.80 (a), 364.85, 366.60 and 364.100;

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. Country Bar and Grill shall arrange for professionally presented alcohol server training by a program approved by Licensing. All owners, management and staff shall attend the training within 30 days of the signing of the agreement and shall provide proof of such attendance to the Licensing Office.

2. The On-Sale Liquor with Sunday Sales License of Country Bar and Grill is suspended for a period of 15 days, and this suspension shall be stayed for a period of one year from the date of signing of the

agreement, upon condition there are no further violations of City of Minneapolis Ordinances or State of Minnesota Statutes.

3. Country Bar and Grill shall pay a sanction of \$3,000, of which \$2,000 shall be stayed for a period of two years from the date of signing of this agreement, upon condition there are no further violations of City of Minneapolis Ordinances or State of Minnesota Statutes. \$500 of the sanction shall be paid upon approval of these recommendations by the Minneapolis City Council, with \$500 additional due within three months of approval by the Minneapolis City Council.

4. Country Bar and Grill shall submit a written policy detailing their beverage alcohol service and security plans to the Licensing Office within 30 days of the signing of this agreement.

5. Country Bar and Grill shall have a designated manager on the premises during all hours of operation.

6. All windows of the establishment shall not be obscured between 4 feet and 7 feet above the outside grade, as per Minneapolis Ordinance 530.120, and the interior of the premises shall remain clearly visible from the sidewalk. Window coverings may be closed briefly for security purposes between 8:00 a.m. and 10:00 a.m., as well as 2:00 a.m. and 3:00 a.m.

7. Country Bar and Grill shall keep the back door locked at all times so that it cannot be opened from the exterior of the premises.

8. The signing of these conditions does not preclude any other adverse license action for subsequent violations or for subsequently discovered violations of any federal, state or local laws, ordinances or regulations.

Adopted 1/15/2010.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving Laws of Minnesota 2009 Legislative Session; Chapter 120, Article 1, Section 16 to issue an On-Sale intoxicating liquor license to the premises at 2124 Como Av SE.

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-007, approving Laws of Minnesota 2009 Legislative Session; Chapter 120, Article 1, Section 16 to issue an On-Sale intoxicating liquor license to the premises at 2124 Como Av SE, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-007

By Glidden

Approving Laws of Minnesota 2009 Legislative Session; Chapter 120, Article 1, Section 16.

Whereas, the Minnesota State Legislature has passed a law authorizing the City of Minneapolis to issue an on-sale intoxicating liquor license to the premise at 2124 Como Avenue Southeast; and

Whereas, the license authorizes sales on all days of the week; and

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

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

That said law be now approved, and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 1/15/2010.

Absent - Schiff.

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

RE&E & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7227 submitted by BD Construction, LLC, in the amount of \$21,880, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition of one structure for the Minneapolis Regulatory Services located at 2214 4th Av S, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 1/15/2010.

Absent - Schiff.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

Lilligren moved that the meeting recess at 9:50 a.m. until 11:00 a.m. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

The meeting reconvened at 11:14 a.m. to consider the remaining business of the council being the report of the Transportation & Public Works Committee relating to the resolution supporting the Southwest Transitway Locally Preferred Alternative.

Council President Johnson in the Chair.

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

Absent – Council Member Schiff.

T&PW - Your Committee recommends that the proper City officers be authorized to execute a change order to Contract No C-23067 with HDR Engineering, Inc., increasing the contract by \$42,467, for a revised contract total of \$820,793, to provide design and construction services for the Fridley Chemical Building. Funds are available within the existing project budget.

Adopted 1/15/2010.

Absent - Schiff.

T&PW - Your Committee recommends passage of the accompanying resolution supporting the continued development and implementation of the Southwest Transitway, and supporting the Locally Preferred Alternative as recommended by the Southwest Transitway Technical Advisory Committee, Policy Advisory Committee, and Hennepin County Regional Rail Authority.

Lilligren moved to amend the resolution by inserting the following language before the final "Resolved" clause:

"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

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Be It Further Resolved that mitigation measures and the resulting costs be determined as early as possible in Preliminary Engineering (PE)/Final Environmental Impact Statement (FEIS) phase and documented clearly in the Southwest LRT project budget." Seconded.

Adopted upon a voice vote.
Absent - Schiff.

The report was adopted 1/15/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Goodman.
Absent - Schiff.

Resolution 2010R-008, supporting the Southwest Transitway Locally Preferred Alternative, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-008
By Colvin Roy

Supporting the Southwest Transitway Locally Preferred Alternative.

Whereas, *The Minneapolis Plan for Sustainable Growth*, the City's Comprehensive Plan, includes a policy to "Encourage growth and reinvestment by sustaining the development of a multi-modal transportation system" (Policy 2.1) as well as "Make transit a more attractive option for both new and existing riders" (Policy 2.4); and

Whereas, the City of Minneapolis supports the development of the Southwest Transitway to further build out a robust, integrated regional multi-modal transit system that reinforces downtown Minneapolis as the economic and cultural center of the region; and

Whereas, the City of Minneapolis supports the Federal Transportation Administration (FTA) transit planning process, including the designation of Light Rail Transit as the mode for the Southwest Transitway; and

Whereas, the City of Minneapolis has representatives on the Southwest Transitway Citizen Advisory, Technical Advisory, and Policy Advisory Committees and has participated in the planning and development of the Southwest Transitway throughout the FTA process in cooperation with Hennepin County, Mn/DOT, Metro Transit, and the Cities of Eden Prairie, Edina, Hopkins, Minnetonka, and St Louis Park; and other stakeholders; and

Whereas, Transitway Technical Advisory Team, Policy Team and Hennepin County Regional Rail Authority have recommended the same Locally Preferred Alternative (LPA) and forwarded that recommendation to the Metropolitan Council for inclusion in the Regional Transportation Policy Plan; and

Whereas, the FTA requires that the Regional Transportation Policy Plan be formally amended to designate the Southwest Transitway Locally Preferred Alternative (LPA); and

Whereas, the Metropolitan Council is seeking resolutions of support of the recommended LPA from each of the affected jurisdictions;

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

That the City of Minneapolis supports the continued development and implementation of the Southwest Transitway and supports the Locally Preferred Alternative as recommended by the Southwest Transitway Technical Advisory Committee, Policy Advisory Committee, and Hennepin County Regional Rail Authority and forward the resolution to the Metropolitan Council for inclusion in the Regional Transportation Policy Plan.

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

Be It Further Resolved that mitigation measures and the resulting costs be determined as early as possible in Preliminary Engineering (PE)/Final Environmental Impact Statement (FEIS) phase and documented clearly in the Southwest LRT project budget.

Be It Further Resolved that the City will continue to work cooperatively and collaboratively with its partners in all remaining aspects of the Southwest Transitway process including station area planning, environmental review, preliminary engineering, final engineering, mitigation solutions, construction, and operations.

Adopted 1/15/2010. Yeas, 11; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Schiff.

T&PW - Your Committee, having under consideration the Cedar Lake Trail Phase III Project, now recommends passage of the accompanying resolution authorizing the proper City officers to execute an easement agreement with the Minnesota Ballpark Authority.

Adopted 1/15/2010.

Absent - Schiff.

Approved by Mayor Rybak 1/15/2010.

(Published 1/20/2010)

Resolution 2010R-009, approving trail easement agreement for Cedar Lake Trail, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2010R-009
By Colvin Roy

Approving trail easement agreement for Cedar Lake Trail.

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, the Minnesota Ballpark Authority ("MBA") located at 1 Target Field, owns property lying between Royalston Avenue and Fifth Street which the City desires to cross with the Cedar Lake Trail – Phase III, and which is legally described in Exhibit A attached hereto ("Authority Property"); and

Whereas, the City staff and counsel retained by the City have negotiated a proposed Trail Easement Agreement which, if approved, will authorize the City to construct, operate, maintain and repair the Cedar Lake Trail across the Authority Property in accordance with plans and specifications prepared on behalf of the City and approved by the MBA; and

Whereas, the trail easement parcel is legally described on Exhibit B attached hereto; and

Whereas, construction of the trail is scheduled to be commenced and completed in 2010; and

Whereas, under the proposed Trail Easement Agreement and pursuant to an independent appraisal of the damages caused by the City's acquisition of the easement, the City will pay the Minnesota Ballpark Authority \$437,400 in full satisfaction of all compensation agreed to be due as a result of the City's purchase of the easement;

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

That upon approval of the proposed easement by the City Attorney and execution and delivery of the easement on behalf of the Minnesota Ballpark Authority, the City Contracting Officer is authorized to execute the easement on behalf of the City and to pay the MBA the above amount.

EXHIBIT A

Legal Description of Authority Property

Those parts of the following 6 Parcels:

Parcel 1.

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12, Block 3; and

Lots 1, 2, 3, 4, 9, 10 and 11, Block 6;

Wilson Bell and Wagner's Addition to Minneapolis;

Vacated 11th Street North (dedicated in the plat of Wilson Bell and Wagner's Addition to Minneapolis as GROVE ST.) and vacated Holden Street (dedicated in the plat of Wilson Bell and Wagner's Addition to Minneapolis as 6th St.);

Parcel 2.

Lot 13, Block 3, CAMP and WALKER'S ADDITION TO MINNEAPOLIS, Except that part of said lot lying within "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis";

Parcel 3.

Lots 1, 2, 3, 4, 5, 10, 11, 12 and 13, Block 3; and

Lots 1 through 7, inclusive, Block 2;

"Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis";

Vacated THIRD AVENUE NORTH and vacated SEVENTH STREET NORTH, dedicated in the plat of "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis";

Vacated THIRD AVENUE NORTH and vacated SEVENTH STREET NORTH, dedicated in the plat of CAMP and WALKER'S ADDITION TO MINNEAPOLIS;

Parcel 4.

Lots 3 and 8, Block 85; and

Lots 1 through 10, inclusive, Block 4; and

Lots 1, 2 and 10, Block 5;

HOAG'S ADDITION TO MINNEAPOLIS;

Vacated THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET), vacated or abandoned FOURTH AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as DACOTA STREET), and vacated or abandoned SIXTH STREET and FIFTH STREET, dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS;

Parcel 5.

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11, Except that part of said land lying within Block 3, Wilson Bell and Wagner's Addition to Minneapolis;

Parcel 6.

The unplatted parts of the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 22, Township 29, Range 24; described as follows:

Commencing at the southwest corner of Section 22, Township 29, Range 24; thence, along the west line of said Section 22, on an assumed bearing of North 0 degrees 01 minute 47 seconds East, a distance of 886.34 feet; thence South 85 degrees 09 minutes 04 seconds East a distance of 1722.10 feet; thence easterly on a non-tangential curve, concave to the north, having a radius of 170.00 feet, a central angle of 22 degrees 46 minutes 53 seconds and a chord which bears North 78 degrees 44 minutes 17 seconds East, a distance of 67.59 feet to a point on the westerly line of Lot 9, Block 6,

Wilson Bell and Wagner's Addition to Minneapolis and the actual point of beginning of the land to be described; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and **a central angle of 10 degrees 59 minutes 17 seconds and a chord which bears North 61 degrees 51 minutes 12 seconds East, a distance of 32.60 feet to a point hereinafter referred to as Point A**; thence continue northeasterly on the last described curve, concave to the northwest, having a radius of 170.00 feet and **a central angle of 15 degrees 05 minutes 01 second a distance of 44.77 feet**; thence North 41 degrees 16 minutes 32 seconds East tangent to said curve a distance of 523.93 feet; thence northeasterly on a non-tangential curve, concave to the southeast, having a radius 1694.42 feet, a central angle of 8 degrees 57 minutes 40 seconds and a chord which bears North 50 degrees 37 minutes 16 seconds East, a distance of 265.01 feet to the center line of SEVENTH STREET NORTH, as dedicated in "Rearrangement of Blocks two (2) and three (3) of Camp and Walkers Addition to Minneapolis"; thence South 44 degrees 56 minutes 07 seconds East, along said center line, a distance of 123.46 feet; thence North 54 degrees 02 minutes 33 seconds East a distance of 55.06 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 4.03 feet; thence North 49 degrees 44 minutes 44 seconds East a distance of 9.51 feet; thence South 43 degrees 16 minutes 02 seconds East a distance of 18.65 feet; thence northeasterly on a non-tangential curve, concave to the northwest, having a radius of 14086.50 feet, a central angle of 00 degrees 20 minutes 13 seconds and a chord which bears North 57 degrees 07 minutes 01 second East, a distance of 82.84 feet; thence North 56 degrees 56 minutes 54 seconds East not tangent to said curve a distance of 28.13 feet; thence deflect to the left on a tangential curve, having a radius of 959.02 feet and a central angle of 12 degrees 18 minutes 40 seconds, a distance of 206.06 feet to a point of compound curvature; thence deflect to the left on a tangential curve, having a radius of 1039.99 feet and a central angle of 06 degrees 12 minutes 46 seconds, a distance of 112.77 feet; thence North 39 degrees 40 minutes 10 seconds East a distance of 46.91 feet; thence North 35 degrees 19 minutes 24 seconds East a distance of 38.40 feet; thence deflect to the right on a tangential curve, having a radius of 801.98 feet and a central angle of 09 degrees 46 minutes 26 seconds, a distance of 136.81 feet; thence North 45 degrees 05 minutes 50 seconds East a distance of 54.36 feet; thence North 44 degrees 54 minutes 10 seconds West a distance of 3.89 feet; thence North 45 degrees 05 minutes 08 seconds East a distance of 12.55 feet; thence North 00 degrees 02 minutes 39 seconds East a distance of 22.42 feet to the northwesterly line of THIRD AVENUE NORTH (dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS as ITASKA STREET); thence North 44 degrees 30 minutes 52 seconds East, along said northwesterly line, a distance of 39.03 feet to the centerline of vacated or abandoned FIFTH STREET NORTH, as dedicated in the plat of HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 59 minutes 51 seconds West, along said centerline, a distance of 30.65 feet to an intersection with a line drawn at right angles from the northeasterly line of Block 4, HOAG'S ADDITION TO MINNEAPOLIS from a point on said northeasterly line distant 31 feet northwesterly from the most easterly corner of said Block 4; thence South 45 degrees 00 minutes 09 seconds West, along said line drawn at right angles from the northeasterly line of said Block 4 a distance of 41.23 feet to the northeasterly line of said Block 4; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 105.82 feet to an intersection with the southwesterly extension of the northwesterly line of the southeasterly 2.64 feet of Lot 3, Block 85, HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 43 minutes 45 seconds East, along said southwesterly extension, a distance of 82.45 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 85, a distance of 35.36 feet to the most southerly corner of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lot 3, said BLOCK 85; thence North 44 degrees 43 minutes 45 seconds East, along the southeasterly line of the northwesterly 26.00 feet of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the northeasterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said northeasterly line, a distance of 26.00 feet to the most northerly corner of the southeasterly 64.00 feet of Lot 8, said Block 85; thence South 44 degrees 43 minutes 45 seconds West, along the northwesterly line of the southeasterly 64.00 feet of Lots 3 and 8, said Block 85, a distance of 340.00 feet to the southwesterly line of said Block 85; thence North 44 degrees 59 minutes 51 seconds West, along said southwesterly line and along a line drawn from the most westerly corner of said Block 85

to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, a distance of 224.42 feet to a point hereinafter referred to as Point B; thence continuing North 44 degrees 59 minutes 51 seconds West, along said line drawn from the most westerly corner of said Block 85 to the most southerly corner of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, and along the southwesterly line of said Block 9, a distance of 30.35 feet to a point hereinafter referred to as Point C; thence continuing North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of said Block 9, a distance of 38.89 feet to an intersection with a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000, said point of intersection being hereinafter referred to as Point D; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 303.85 feet to a point hereinafter referred to as Point E; thence South 63 degrees 38 minutes 00 seconds West a distance of 17.84 feet; thence South 57 degrees 04 minutes 22 seconds West a distance of 82.18 feet; thence South 49 degrees 21 minutes 28 seconds West a distance of 125.35 feet; thence South 45 degrees 52 minutes 40 seconds West a distance of 138.40 feet; thence South 40 degrees 30 minutes 48 seconds West a distance of 95.19 feet; thence South 30 degrees 52 minutes 01 second West a distance of 42.41 feet; thence South 35 degrees 37 minutes 59 seconds West a distance of 95.92 feet; thence South 35 degrees 34 minutes 55 seconds West a distance of 26.88 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 623.80 feet, a central angle of 09 degrees 32 minutes 24 seconds and a chord which bears South 40 degrees 19 minutes 54 seconds West, a distance of 103.87 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 5.48 feet to a point hereinafter referred to as Point F; thence continuing South 45 degrees 06 minutes 06 seconds West a distance of 107.24 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2826.93 feet, a central angle of 02 degrees 48 minutes 55 seconds and a chord which bears South 43 degrees 35 minutes 07 seconds West, a distance of 138.91 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 100.12 feet and a central angle of 48 degrees 41 minutes 58 seconds, a distance of 85.10 feet to a southeasterly boundary line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP NO. 11; thence South 52 degrees 13 minutes 40 seconds West, along said southeasterly boundary line, a distance of 58.79 feet to an intersection with the southerly line of Block 3, Wilson Bell and Wagner's Addition to Minneapolis, said point of intersection being hereinafter referred to as Point G; thence South 89 degrees 55 minutes 59 seconds East, along said southerly line, a distance of 81.40 feet to a point hereinafter referred to as Point H; thence southeasterly on a non-tangential curve concave to the northeast, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet to a point hereinafter referred to as Point I; thence southeasterly on a reverse curve concave to the southwest, having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance of 62.62 feet to an intersection with the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis, said point of intersection being hereinafter referred to as Point J; thence North 89 degrees 55 minutes 59 seconds West, along said northerly line, a distance of 35.07 feet, to the northwest corner of Lot 4, Block 6, Wilson Bell and Wagner's Addition to Minneapolis, said point being hereinafter referred to as Point K; thence South 00 degrees 04 minutes 30 seconds West, along the westerly line of said Lot 4 and the westerly line of Lot 9, said Block 6, a distance of 261.66 feet to the point of beginning.

EXHIBIT B

Legal Description of Easement Tract

That part of the above described Authority Property lying westerly and northwesterly of the hereinafter described "Line 1", lying northeasterly of a line, and its extensions, drawn from the above described Point F to the hereinafter described Point L, and lying above an elevation of 822.00 feet NAVD 1988 and below an elevation of 842.00 feet NAVD 1988, except that part thereof hereinafter described as "Exception No. 1" and except those parts thereof on which Ballpark structural members or other Ballpark improvements now or hereafter exist;

Also, that part of the above described Authority Property lying westerly and northwesterly of the hereinafter described "Line 1", lying southwesterly of a line, and its extensions, drawn from the above described Point F to the hereinafter described Point L, lying northerly of a line, and its extensions, drawn from the above described Point G to the above described Point H, and lying above an elevation of 822.00 feet NAVD 1988 and below an elevation of 844.00 feet NAVD 1988, except that part thereof hereinafter described as "Exception No. 2" and except those parts thereof on which Ballpark structural members or other Ballpark improvements now or hereafter exist;

"Line 1":

"Line 1" is described as beginning at the above described Point B; thence South 45 degrees 06 minutes 14 seconds West a distance of 114.81 feet; thence North 45 degrees 27 minutes 44 seconds West a distance of 5.53 feet; thence South 72 degrees 56 minutes 52 seconds West a distance of 8.84 feet; thence North 25 degrees 10 minutes 23 seconds West a distance of 0.14 feet; thence South 70 degrees 09 minutes 44 seconds West a distance of 3.03 feet; thence South 20 degrees 18 minutes 30 seconds East a distance of 0.14 feet; thence South 50 degrees 56 minutes 10 seconds West a distance of 42.36 feet; thence South 72 degrees 22 minutes 30 seconds West a distance of 2.94 feet; thence South 16 degrees 45 minutes 41 seconds East a distance of 1.99 feet; thence South 56 degrees 30 minutes 44 seconds West a distance of 86.68 feet; thence South 63 degrees 54 minutes 31 seconds West a distance of 34.96 feet; thence North 26 degrees 25 minutes 42 seconds West a distance of 0.09 feet; thence South 63 degrees 34 minutes 18 seconds West a distance of 3.00 feet; thence South 26 degrees 25 minutes 42 seconds East a distance of 0.09 feet; thence South 61 degrees 29 minutes 53 seconds West a distance of 32.75 feet; thence North 32 degrees 47 minutes 50 seconds West a distance of 0.13 feet; thence South 57 degrees 12 minutes 10 seconds West a distance of 1.78 feet; thence South 32 degrees 47 minutes 50 seconds East a distance of 0.13 feet; thence South 57 degrees 12 minutes 10 seconds West a distance of 0.28 feet; thence North 32 degrees 47 minutes 50 seconds West a distance of 0.13 feet; thence South 57 degrees 12 minutes 10 seconds West a distance of 1.99 feet; thence South 32 degrees 47 minutes 50 seconds East a distance of 0.13 feet; thence South 58 degrees 14 minutes 09 seconds West a distance of 67.99 feet; thence North 34 degrees 09 minutes 58 seconds West a distance of 0.80 feet; thence South 56 degrees 43 minutes 34 seconds West a distance of 12.03 feet; thence South 33 degrees 16 minutes 26 seconds East a distance of 1.68 feet; thence South 51 degrees 46 minutes 15 seconds West a distance of 37.20 feet; thence South 48 degrees 44 minutes 10 seconds West a distance of 85.13 feet; thence South 45 degrees 50 minutes 16 seconds West a distance of 78.33 feet; thence North 64 degrees 06 minutes 55 seconds West a distance of 0.13 feet; thence South 25 degrees 53 minutes 05 seconds West a distance of 2.98 feet; thence South 64 degrees 06 minutes 55 seconds East a distance of 0.07 feet; thence South 47 degrees 53 minutes 04 seconds West a distance of 22.46 feet; thence South 47 degrees 52 minutes 35 seconds West a distance of 21.76 feet; thence South 40 degrees 52 minutes 25 seconds West a distance of 89.54 feet; thence South 36 degrees 15 minutes 10 seconds West a distance of 52.71 feet; thence North 45 degrees 25 minutes 40 seconds West a distance of 0.10 feet; thence South 44 degrees 34 minutes 20 seconds West a distance of 4.01 feet; thence South 45 degrees 25 minutes 40 seconds East a distance of 0.10 feet; thence South 43 degrees 26 minutes 02 seconds West a distance of 2.46 feet; thence South 43 degrees 48 minutes 26 seconds East a distance of 3.68 feet; thence South 35 degrees 38 minutes 05 seconds West a distance of 119.33 feet; thence southwesterly on a non-tangential curve concave to the northwest, having a radius of 643.80 feet, a central angle of 09 degrees 32 minutes 20 seconds and a chord which bears South 40 degrees 19 minutes 56 seconds West, a distance of 107.18 feet; thence South 45 degrees 06 minutes 06 seconds West a distance of 19.36 feet to a point hereinafter referred to as Point L; thence continuing South 45 degrees 06 minutes 06 seconds West a distance of 93.34 feet; thence southwesterly on a non-tangential curve concave to the southeast, having a radius of 2806.93 feet, a central angle of 02 degrees 48 minutes 54 seconds and a chord which bears South 43 degrees 35 minutes 06 seconds West, a distance of 137.90 feet; thence South 42 degrees 10 minutes 39 seconds West a distance of 155.83 feet to a point hereinafter referred to as Point M; thence southwesterly and southerly on a tangential curve concave to the east, having a radius of 80.12 feet and a central angle of 78 degrees 30 minutes 54 seconds, a distance of 109.79 feet to the above described Point H; thence

continue southerly on the last described curve, concave to the east, having a radius of 80.12 feet, a central angle of 05 degrees 16 minutes 44 seconds and a chord which bears South 38 degrees 58 minutes 37 seconds East, a distance of 7.38 feet to the above described Point I, said point being a point of reverse curvature; thence southeasterly on a reverse curve concave to the southwest, having a radius of 142.83 feet and a central angle of 25 degrees 07 minutes 15 seconds, a distance of 62.62 feet to an intersection with the northerly line of Block 6, Wilson Bell and Wagner's Addition to Minneapolis, said point of intersection being the above described Point J; thence continue southeasterly on the last described curve, concave to the southwest, having a radius of 142.83 feet, a central angle of 16 degrees 34 minutes 20 seconds and a chord which bears South 08 degrees 12 minutes 34 seconds East, a distance of 41.31 feet; thence South 00 degrees 04 minutes 36 seconds West a distance of 167.47 feet; thence southerly on a tangential curve concave to the west, having a radius of 65.00 feet, a central angle of 35 degrees 50 minutes 59 seconds and a chord which bears South 18 degrees 00 minutes 05 seconds West, a distance of 40.67 feet to the above described Point A; thence southwesterly on a non-tangential curve, concave to the northwest, having a radius of 170.00 feet, a central angle of 10 degrees 59 minutes 17 seconds, and a chord which bears South 61 degrees 51 minutes 12 seconds West, a distance of 32.60 feet to the most southerly corner of said above described Authority Property and said "Line 1" there terminating;

"Exception No. 1":

"Exception No. 1" is described as beginning at the above described Point C; thence North 44 degrees 59 minutes 51 seconds West, along the southwesterly line of Block 9, HOAG'S ADDITION TO MINNEAPOLIS, a distance of 38.89 feet to an intersection with a line drawn parallel with and distant 25 feet southeasterly from the centerline of the East bound track of the Burlington Northern Santa Fe Railroad, as said centerline was located and established on November 16, 2000, said point of intersection being the above described Point D; thence South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 303.85 feet to the above described Point E; thence continuing South 45 degrees 06 minutes 27 seconds West, along said parallel line, a distance of 13.14 feet; thence North 63 degrees 37 minutes 54 seconds East a distance of 46.59 feet; thence northeasterly along a tangential curve, concave to the northwest, having a radius of 390.58 feet and a central angle of 09 degrees 32 minutes 02 seconds, a distance of 64.99 feet; thence North 54 degrees 05 minutes 51 seconds East a distance of 50.76 feet; thence northeasterly along a tangential curve, concave to the northwest, having a radius of 190.58 feet and a central angle of 01 degree 46 minutes 32 seconds, a distance of 5.91 feet; thence North 45 degrees 03 minutes 49 seconds East, not tangent to the last described curve, a distance of 153.85 feet to the point of beginning;

"Exception No. 2":

"Exception No. 2" is described as that part of said Authority Property lying westerly and northwesterly of said "Line 1" which lies northeasterly of a tangential line drawn through and extending northwesterly from the point of reverse curvature as described in said "Line 1", said point being described above as Point I, and which lies southeasterly of a tangential line drawn through and extending southwesterly from the most northerly point of tangency of the reverse curve as described in said "Line 1", said point being described above as Point M.

Adopted 1/15/2010.

Absent - Schiff.

Approved by Mayor Rybak 1/15/2010.

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

T&PW & W&M/Budget - Your Committee, having under consideration the request of the Sheridan Neighborhood Organization to install low level pedestrian street lights in the business corridor of 13th Ave NE between Main St and 6th St NE, and along 2nd St NE between 12th and 14th Ave NE, now recommends that the proper City officers be authorized to enter into an agreement with Sheridan

Neighborhood Organization and the Minneapolis Neighborhood Revitalization Program to design and install the low level lighting along the corridor.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the project by \$300,000, to be reimbursed by the Sheridan Neighborhood Organization and the Minneapolis Neighborhood Revitalization Program.

Adopted 1/15/2010.

Absent - Schiff.

RESOLUTION 2010R-010
By Colvin Roy and Hodges

Amending The 2010 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the appropriation for the PW-Transportation Capital Agency in the Capital Improvements Fund (04100-9010943-322502) by \$300,000, to be fully reimbursed by Sheridan Neighborhood Organization and the Minneapolis Neighborhood Revitalization Program.

Adopted 1/15/2010.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$226,776.79 from Qwest for outstanding excavation permit fees from January 1, 2004 to December 4, 2009.

Your Committee further recommends passage of the accompanying resolutions:

- a) Rescinding Resolution 2007R-597 entitled "Amending the permit fee and fee structure for excavation permits with permit applications submitted on or after January 1, 2008"; and
- b) Amending the permit fee and fee structure for excavation permits by deleting references to changes in rate structure relative to 1200 feet.

Adopted 1/15/2010.

Absent - Schiff.

RESOLUTION 2010R-011
By Colvin Roy and Hodges

Rescinding Resolution 2007R-597 entitled "Amending the permit fee and fee structure for excavation permits with permit applications submitted on or after January 1, 2008", passed November 16, 2007.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be and is hereby rescinded.

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-012, amending the permit fee and fee structure for excavation permits by deleting any reference to changes in rate structure relative to 1200 feet more or less, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-012
By Colvin Roy and Hodges**

Amending the permit fee and fee structure for excavation permits by deleting any reference to changes in rate structure relative to 1200 feet more or less.

Whereas, Chapter 430.60(f) states "All permit fees, pursuant to Chapters 429 and 430, shall be proposed by the city engineer and established from time to time by city council resolution";

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

That determination of City Management and Mapping Data Cost Components of the excavation fees shall be based upon the following:

Effective with permit applications following the adoption of this resolution, the City Management and Mapping Data Cost Components of the excavation fees for excavation permits are hereby fixed and shall be collected as follows:

City Management and Mapping Data Component

	Base Fee	Fee/Foot over 75'
Sewer Infrastructure	\$160	\$1.40
Water Infrastructure	\$160	\$1.40
Private Utilities, Insert within Existing Conduit	\$230	\$0.07
Private Utilities, Bored Under the Surface	\$230	\$1.05
Private Utilities, All Others	\$230	\$1.25

Adopted 1/15/2010.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a new five-year site lease agreement, with an option for renewal, with Clear Wireless, LLC, for the installation of cellular transmission equipment to be located at the Orchestra Hall Parking Facility (1111 Marquette Ave). Revenue will be deposited into the Parking Fund.

Adopted 1/15/2010.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee, having under consideration a Non-Motorized Transportation Pilot Project (NTP) federal grant award, now recommends:

a) That the proper City officers be authorized to accept the NTP grant award, in the amount of \$1,750,000, to be used for the Bicycle Sharing Project and enter into an agreement with the Minnesota Department of Transportation (Mn/DOT) to accept said grant;

b) That the proper City officers be authorized to enter into an agreement with Nice Ride Minnesota, the nonprofit organization that will implement, operate, and maintain the bicycle sharing system;

c) Passage of the accompanying resolution increasing the appropriation for the Bicycle Sharing Project by \$1,750,000;

d) Passage of the accompanying resolution authorizing the issuance of special permits to allow for the installation of bicycle facilities in the public right-of-way and to allow logos and advertising on said facilities, with the City acting as road authority; and

e) Passage of the accompanying resolution requesting that Mn/DOT act as the City's agent to accept the federal grant.

Adopted 1/15/2010.

Absent - Schiff.

**RESOLUTION 2010R-013
By Colvin Roy and Hodges**

Amending The 2010 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 PW-Transportation Capitol Agency in the Capital Improvements Fund (01300-9010000) by \$1,750,000, and increasing the revenue source (01300-9010000 - Source 321012) by \$1,750,000.

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-014, issuing a special permit to Nice Ride Minnesota for the use of advertising on the Bicycle Sharing Project, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-014
By Colvin Roy and Hodges**

RESOLUTION FOR SPECIAL PERMIT

Issuing a special permit to Nice Ride Minnesota for the use of advertising on the Bicycle Sharing Project.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statute 160.2715, the City of Minneapolis act as road authority allowing for advertising and logos on the Bicycle Sharing Project.

Be It Further Resolved that pursuant to Minnesota Statutes Section 160.27, subd. 7 and Minneapolis Code of Ordinances Section 427.110 and Section 427.130, the City is authorized to issue one or more permits to allow limited advertising on facilities constructed and installed in the public right-of-way as part of the Bicycle Sharing Project.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to issue permits for facilities constructed and installed in the public right-of-way at Bicycle Sharing Project locations indicated in the agreement between the City and Nice Ride Minnesota, Inc., subject to the regular encroachment permit process and according to other applicable City Ordinances.

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-015, appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept a grant for the Non-Motorized Transportation Pilot Program, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JANUARY 15, 2010

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

**RESOLUTION 2010R-015
By Colvin Roy and Hodges**

RESOLUTION FOR AGENCY AGREEMENT

Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept a grant for the Non-Motorized Transportation Pilot Program.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation for the project described as Bicycle Sharing (SP 141-191-14).

Adopted 1/15/2010.

Absent - Schiff.

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

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

Adopted 1/15/2010.

Absent - Schiff.

Resolution 2010R-016, authorizing settlement of *Augustin Ganley v. City of Minneapolis*, was adopted 1/15/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2010R-016
By Hodges**

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Augustin Ganley v. City of Minneapolis*, by payment of \$70,800 to Augustin Ganley, and his attorney, Jordan S. Kushner, from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 1/15/2010.

Absent - Schiff.

W&M/Budget - Your Committee recommends approval of the February 2010 utility billing insert on behalf of Metro Blooms / Public Works providing information about the raingarden workshops (Petr No 274003).

Adopted 1/15/2010.
Absent - Schiff.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #7174 from Lund Martin Construction, Inc., in the amount of \$158,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the grease interceptor replacement project for the Minneapolis Convention Center (Petr No 274005).

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

Adopted 1/15/2010.
Absent - Schiff.

W&M/Budget - Your Committee, having under consideration public artworks for libraries, now recommends the following:

- a) Authorizing an agreement with Hennepin County for the development of public artwork for the Plymouth Library and the Nokomis Library, as set forth in staff report; and
- b) Passage of the accompanying resolution authorizing acceptance of funds in an amount not to exceed \$14,000 from Hennepin County.

Hodges moved to amend the report by deleting "Plymouth Library" and add in lieu thereof "Maple Grove Library". Seconded.

Adopted by unanimous consent.
Absent - Schiff.

The report, as amended, was adopted 1/15/2010.
Absent - Schiff.

RESOLUTION 2010R-017
By Hodges

Authorizing the acceptance of funds from Hennepin County.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept funds from Hennepin County, in the amount not to exceed \$14,000 for the development of public artwork.

Adopted 1/15/2010.
Absent - Schiff.

W&M/Budget - Your Committee, having under consideration a donation in the amount of \$100,000 from the estate of Robert J. Olson to the City of Minneapolis, now recommends passage of the accompanying resolution authorizing acceptance of said donation.

Adopted 1/15/2010.
Absent - Schiff.

RESOLUTION 2010R-018
By Hodges

Authorizing the acceptance of the donation from the estate of Robert J. Olson to the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the generous donation from the estate of Robert J. Olson in the amount of \$100,000 to be applied to the City's General Fund (00100).

Adopted 1/15/2010.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the Emergency Management Assistance Compact (EMAC) reimbursement in the amount of \$6,972.57, now recommends the following:

a) Authorizing acceptance of funds from Clay County, Minnesota for the Red River Valley flood deployment in March, 2009; and

b) Passage of the accompanying resolution appropriating funds.

Adopted 1/15/2010.

Absent - Schiff.

RESOLUTION 2010R-019
By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in the Fire Department Agency in the Grants - Other Fund (01300-2800700) by \$6,972.57; and

b) Increasing the Revenue budget in (01300-2800700-321002) by \$6,972.57.

Adopted 1/15/2010.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the provision of emergency response/pursuit training and non-emergency driver training to sworn, recruit, CSO and MPD reserves, now recommends that proper City officers be authorized to accept the proposal from the Dakota County Technical College and to proceed with a contract for driving facility and classroom services, with the option for two one-year extensions. The contract is approximately \$85,000 per year.

Adopted 1/15/2010.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the City's participation in the Financial Crimes Task Force, now recommends that the proper City officers be authorized to execute an agreement with the Minnesota Department of Public Safety, Bureau of Criminal Apprehension for the investigation of identity theft and cases of fraud. Further, passage of the accompanying resolution appropriating \$100,000 to the Police Department.

Adopted 1/15/2010.

Absent - Schiff.

RESOLUTION 2010R-020

By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in the Police Department Agency in the State and Other Grant Fund (01600-4003110) by \$100,000; and

b) Increasing the Revenue budget in (01600-4003110-321509) by \$100,000.

Adopted 1/15/2010.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the City's participation in the Internet Crimes Against Children Task Force, now recommends the following:

a) Authorize proper City officers to execute an amendment to our agreement with the Minnesota Bureau of Criminal Apprehension and to execute any contracts associated with this project;

b) Authorize acceptance of up to \$10,000 additional funding for overtime expenses and reimbursable travel expenses; and

c) Passage of the accompanying resolution appropriating funds to the Police Department.

Adopted 1/15/2010.

Absent - Schiff.

RESOLUTION 2010R-021

By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in the Police Department Agency in the Grants - Federal Fund (01300-4003300) by \$10,000; and

b) Increasing the Revenue budget in (01300-4003300-321010) by \$10,000.

Adopted 1/15/2010.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the City's contract with the Minneapolis Public Housing Authority (MPHA), now recommends the following:

a) Authorize proper City officers to execute a contract agreement to provide enforcement and community policing services at MPHA public housing locations; and

b) Passage of the accompanying resolution appropriating funds to the Police Department.

Adopted 1/15/2010.

Absent - Schiff.

RESOLUTION 2010R-022

By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in the Police Department Agency in the Special Revenue Fund (01210-4002740) by \$650,000; and

b) Increasing the Revenue budget in (01210-4002740-4001001) by \$650,000.
Adopted 1/15/2010.
Absent - Schiff.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration a request from David St. Peter, President, Minnesota Twins, to rename a section of 3rd Avenue North between 7th Street North and Glenwood Avenue, now recommends approval to name said street portion "Twins Way".

Your Committee further recommends that Public Works Department staff be directed to inform public and private agencies of said changes.

Adopted 1/15/2010.
Absent - Schiff.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to make corrections to the recently revised zoning code provisions related to on-premise signs, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 543 relating to *On-Premise Signs*; and
- b. Amending Chapter 544 relating to *Off-Premise Advertising Signs and Billboards*.

Your Committee further recommends an ordinance amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Billboards*, to make corrections to the recently revised building code provisions related to on-premise signs, also be given its second reading for amendment and passage.

Adopted 1/15/2010.
Absent - Schiff.

Ordinance 2010-Or-001 amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, amending Section 543.70-543.80, 543.280, 543.390, 543.400-420, & 543.490-500, to make corrections to recently revised provisions of the code relating to on-premise signs, was adopted 1/15/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-001
By Schiff
Intro & 1st Reading: 8/14/2009
Ref to: Z&P
2nd Reading: 1/15/2010

Amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs.

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

Section 1. That Chapter 543 of the Minneapolis Code of Ordinances be amended by including Sections 543.70 – 543.80 under the title of ARTICLE II. COMPUTATIONS.

Section 2. That Table 543-2 of the above-entitled ordinance be amended to read as follows:

Table 543-2 Specific Standards for Signs in the OR2, OR3 and Commercial Districts

	Zoning District Sign Standards					
	OR2, OR3	C1	C2	C3A	C3S	C4
Signs Attached to Buildings						
Size Allocation	For all districts except C3S, one (1) sq. ft. of signage per one (1) ft. of primary building wall if a freestanding sign is on the same zoning lot. If there is no freestanding sign on the same zoning lot, one and one-half (1.5) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S District, two (2) sq. ft. of signage per <u>one (1) ft. of</u> primary building wall. Sign area based upon one (1) primary building wall shall not be placed on any other building wall.					
Minimum sign area guaranteed for a ground floor nonresidential use that comprises a portion of a building wall	30 sq. ft.					
Maximum number of signs	No limit within size allocation					
Maximum area per sign, except projecting signs	180 sq. ft.	45 sq. ft.	180 sq. ft.	180 sq. ft.	300 sq. ft.	180 sq. ft.
	except neighborhood serving retail and services shall not exceed 30 sq. ft.					
Maximum area per projecting sign	12 sq. ft.	16 sq. ft.	20 sq. ft.	48 sq. ft.	24 sq. ft.	20 sq. ft.
Lighting of signs	Yes, but no backlit signs.					
Maximum height of signs	14 ft. ¹	14 ft. ¹	28 ft.	No limit.	No limit	28 ft.
Types of signs <u>attached to buildings</u> allowed						
Wall signs	Yes					
Projecting signs	Yes, but a projecting sign shall not extend outward from the building more than four (4) ft.					
Awning, canopy and marquee signs	Yes, but no backlit awning or canopy signs.					
Dynamic/Changeable Copy Signs	Yes, see Section 543.330.					

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Dynamic signs	No	No	Yes, see Section 543.340			
Window signs	Yes					
Freestanding Signs Size allocation	One (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitations. Where there is more than one (1) frontage, sign area shall be based upon the frontage toward which the sign is oriented. Sign area based upon one (1) frontage shall not be placed on another frontage except as otherwise provided in the C3S District.					
Maximum number of signs (See also Section 543.360)	1 per zoning lot	1 per zoning lot	1 per zoning lot	1 per zoning lot	1 per 600 ft. of primary frontage or fraction thereof, but not more than two (2), and 1 per secondary frontage of 600 ft. or more	1 per zoning lot
Maximum area per sign	32 sq. ft.	54 sq. ft.	80 sq. ft.	80 sq. ft.	One (1) sign up to 250 sq. ft. on the primary frontage. All other signs 80 sq. ft.	80 sq. ft.
Lighting of signs	Yes, but no backlit signs.					
Maximum height of signs	8 ft.	8 ft.	8 ft. except pole signs shall not exceed 16 ft.	8 ft.	8 ft. except pole signs shall not exceed 24 ft.	8 ft. except pole signs shall not exceed 16 ft.
When not allowed	For all districts except C3S, a freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed one (1) sq. ft. of signage for each one (1) ft. of primary building wall. For the C3S District, a freestanding sign shall not be allowed if existing signs attached to buildings on the same zoning lot exceed two (2) sq. ft. of signage for each one (1) ft. of primary building wall.					

Location restriction A freestanding sign may be located in a required front or corner side yard not exceeding eight (8) ft. and shall be no closer than ten (10) ft. from the nearest residence or office residence district boundary.

Types of freestanding signs allowed

Monument signs	Yes	Yes	Yes.	Yes	Yes	Yes
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Pole signs	No	No	No	No	No	No
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Dynamic Changeable Copy Signs Yes, see Section 543.330.

Service Area Canopy Signs Yes, see Section 543.430.

Auxiliary Signs Yes, see Section 543.300.

¹ Where a building contains a nonresidential use above the ground floor, one (1) sign for such use not higher than twenty-eight (28) ft. shall be allowed.

Section 3. That Section 543.280 of the above-entitled ordinance be amended to read as follows:

543.280. Regional sports arena. *(a) In General.* Signs accessory to regional sports arenas shall be regulated by the sign standards for the Downtown Entertainment Area as specified in Table 543-3, Specific Standards for Signs in the Downtown Districts, except as otherwise provided in this section.

(b) Roof signs. Notwithstanding any other provision to the contrary, signs attached to the wall or roof of a regional sports arena are allowed, provided they shall not extend higher than twenty (20) feet above the top of the building wall. Signs applied flat on the roof and which are intended to be primarily viewed from above are allowed.

(c) Maximum area per signs attached to buildings. There shall be no limit to the maximum area per sign within the size allocation allowed pursuant to Table 543-3 for signs attached to buildings.

(d) Sign placement. Sign area allowed based upon the length of a primary building wall pursuant to Table 543-3 shall not be limited in placement to the primary building wall upon which it is based but may be placed upon any primary building wall.

(e) Freestanding signs. One (1) freestanding sign shall be allowed. The maximum height of a freestanding sign shall be thirty-five (35) feet. The sign may be a back-to-back sign with a maximum of one thousand two hundred (1,200) square feet of signage on each side. If the sign includes both on-premise and off-premise advertising, the total amount of signage shall not exceed one thousand two hundred (1,200) square feet on each side.

Section 4. That Section 543.390 of the above-entitled ordinance be amended to read as follows:

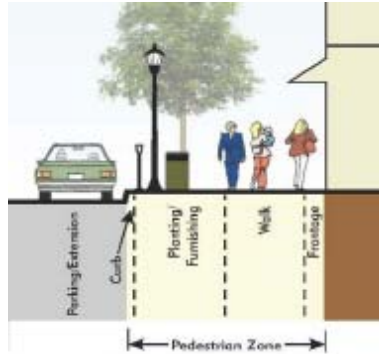
543.390. Portable signs. *(a) In general.* Portable signs shall be prohibited on the public right-of-way in the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River, except as required or permitted in connection with an approved valet parking license or sidewalk café permit.

(b) Limits. Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.

(c) On the public right-of-way. Portable signs may be allowed on the public right-of-way outside of the downtown area, as defined in ~~543.390(a) section (a) above.~~ Portable signs shall be placed in the Planting/Furnishing Zone or Frontage Zone, and shall ~~not be placed in the Through Walk Zone~~ be prohibited in the Walk Zone, as indicated in Figure 543-1. Portable signs shall ~~not obstruct the public sidewalk~~ and shall not be attached to public infrastructure.

(d) *Exemption from regulations on number of freestanding signs.* Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

Figure 543-1:



Section 5. That Section 543.490 of the above-entitled ordinance be and is hereby repealed.

543.490. Procedure. An application for a sign adjustment shall be considered an application for a conditional use permit or a variance, as specified in Chapter 525, Administration and Enforcement. In addition to the conditional use permit or variance standards, the approval criteria of this article shall be met before a sign adjustment may be approved:

Section 6. That Section 543.500 of the above-entitled ordinance be and is hereby repealed.

543.500. Approval criteria. Adjustment to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

- (1) The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.
- (2) The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located:

Section 7. That Section 543.400 of the above-entitled ordinance be renumbered as Section 543.490, to read as follows:

543.400490. Purpose. Sign adjustments are intended to allow flexibility in the application of the sign regulations for properties located in a OR2, OR3, commercial, downtown or industrial district by allowing sign adjustments that recognize unusual site conditions and that are consistent with the character of the area and the design of the site.

Section 8. That Section 543.410 of the above-entitled ordinance be amended, and renumbered as 543.500, to read as follows:

543.410500. Procedure. An application for a sign adjustment shall be considered an application for a conditional use permit or a variance, as specified in Chapter 525, Administration and Enforcement.

In addition to the conditional use permit or variance standards, the approval criteria of this article shall be met before a sign adjustment may be approved.

Section 9. That Section 543.420 of the above-entitled ordinance be amended, and renumbered as 543.510, to read as follows:

543.420510. Approval criteria. Adjustment to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

(1) The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

(2) The sign adjustment will allow a sign of ~~exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site~~ that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

Adopted 1/15/2010.

Absent - Schiff.

Ordinance 2010-Or-002 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, adding a new Article IV, to make corrections to recently revised provisions of the code relating to on-premise signs, was adopted 1/15/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-002
By Schiff
Intro & 1st Reading: 8/14/2009
Ref to: Z&P
2nd Reading: 1/15/2010

Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.

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

Section 1. That Chapter 544 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article IV, including new Sections 544.100 - 544.120, to read as follows:

ARTICLE IV. BILLBOARD PERMITTING, INSTALLATION AND MAINTENANCE

544.100. Billboard erectors to be licensed. No person shall install, reconstruct, alter, repair or remove any billboard or submit a sign permit application without first having secured a license from the director of regulatory services.

544.110. Permits required. (a) *In general.* No person shall paint or install any billboard without first obtaining a permit from the zoning administrator. An application for a sign permit shall be filed on a form approved by the zoning administrator along with all supporting documentation including the permit fee. The fee for such permit shall be as set forth in Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances.

(b) *Exceptions.* No sign permit shall be required for the installation of the following signs:

(1) Replacement of the changeable copy portion of a billboard having a stationary framework or structure.

(2) Repainting any legal, existing billboard when there is no change in copy or size for which previous permits had been issued.

544.120. City financing of billboard advertising prohibited. *(a) In general.* The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis.

(b) City contracts. All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking. Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.

Adopted 1/15/2010.

Absent - Schiff.

Ordinance 2010-Or-003 amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Billboards*, repealing Chapter 109, to make corrections to recently revised provisions of the code relating to on-premise signs, was adopted 1/15/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2010-Or-003
By Schiff
Intro & 1st Reading: 8/14/2009
Ref to: Z&P
2nd Reading: 1/15/2010

Amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to Building Code: Billboards.

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

Section 1. That Chapter 109 of the above-entitled ordinance be and is hereby repealed

~~**109.10. Billboard erectors to be licensed.** No person shall install, reconstruct, alter, repair or remove any billboard or submit a sign permit application without first having secured a license from the director of regulatory services:~~

~~**109.20. Permits required.** *(a) In general.* No person shall paint or install any billboard without first obtaining a permit from the zoning administrator. An application for a sign permit shall be filed on a form approved by the zoning administrator along with all supporting documentation including the permit fee. The fee for such permit shall be as set forth in Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances:~~

~~*(b) Exceptions.* No sign permit shall be required for the installation of the following signs:~~

- ~~(1) Replacement of the changeable copy portion of a billboard having a stationary framework or structure:~~
- ~~(2) Repainting any legal, existing billboard when there is no change in copy or size for which previous permits had been issued.~~

~~**109.30. City financing of billboard advertising prohibited.** The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis:~~

All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking. Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.

Adopted 1/15/2010.

Absent - Schiff.

MOTION

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of February, 2010, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 1/15/2010.

Absent - Schiff.

UNFINISHED BUSINESS

W&M/Budget - Your Committee, having under consideration changes to the City's Financial Policies, now recommends that the proper City officers be authorized to amend said policies to expand the independent board recoupment policy (Petn No 273898).

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

Adopted by unanimous consent 1/15/2010.

Absent - Schiff.

Schiff renewed notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to *Food Code: Public Markets* (amending the definition of public market to allow a public market to be indoors or outdoors).

Pursuant to previous notice, Gordon moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, for first reading and referral to the Regulatory, Energy & Environment Committee (making compliance with Title 11, Chapter 225, Article VI a licensing standard). Seconded.

Adopted 1/15/2010.

Absent - Schiff.

Pursuant to previous notice, Gordon moved to introduce the subject matter of an ordinance amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Garbage and Refuse*, for first reading and referral to the Regulatory, Energy & Environment and Transportation & Public Works Committees (amending notice, enforcement, and penalty provisions relating to recycling at buildings having two or more dwelling units). Seconded.

Adopted 1/15/2010.

Absent - Schiff.

NEW BUSINESS

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code* (granting the City the authority to recommend revocation of a rental license upon refusal by a licensee to cooperate with the State EPA contamination cleanup order on a residential rental lot).

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code* (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors), as follows:

- a) Amending Chapter 186 relating to *Food Code: In General*;
- b) Amending Chapter 188 relating to *Food Code: Administration and Licensing*.

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General* (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors).

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks* (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors), as follows:

- a) Amending Chapter 427 relating to *Streets and Sidewalks: In General*;
- b) Amending Chapter 430 relating to *Streets and Sidewalks: Right-Of-Way Permits*;
- c) Amending Chapter 439 relating to *Streets and Sidewalks: Nicollet Mall*;
- d) Amending Chapter 442 relating to *Streets and Sidewalks: Downtown Special Service District*;
- e) Amending Chapter 448 relating to *Streets and Sidewalks: Nicollet Avenue South Special Service District*;
- f) Amending Chapter 465 relating to *Streets and Sidewalks: Downtown Business Improvement Special Service District*.

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (to revise regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors), as follows:

- a) Amending Chapter 520 relating to *Zoning Code: Introductory Provisions*;
- b) Amending Chapter 535 relating to *Zoning Code: Regulations of General Applicability*;
- c) Amending Chapter 536 relating to *Zoning Code: Specific Development Standards*;
- d) Amending Chapter 548 relating to *Zoning Code: Commercial Districts*;
- e) Amending Chapter 549 relating to *Zoning Code: Downtown Districts*.

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 1/15/2010.
Absent - Schiff.

Steven J. Ristuben,
City Clerk.

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