

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF FEBRUARY 20, 2009

(Published February 28, 2009, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

February 20, 2009 - 9:30 a.m.

Council President pro tem Lilligren in the Chair.

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

Absent – Council Members Goodman, Johnson.

Benson moved adoption of the agenda. Seconded.

Adopted upon a voice vote 2/20/2009.

Absent - Goodman, Johnson.

Benson moved acceptance of the minutes of the regular meeting and adjourned session of February 6, 2009. Seconded.

Adopted upon a voice vote 2/20/2009.

Absent - Goodman, Johnson.

Benson 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 2/20/2009.

Absent - Goodman, Johnson.

### PETITIONS AND COMMUNICATIONS

#### COMMITTEE OF THE WHOLE:

CITY CLERK (273284)

Receive and File Flag Policy to guide when and where the MIA-POW flag will be displayed.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273285)

Land Sales:

2119 W Broadway Ave, 2310 & 2312 Penn Ave N (Delisi Building Redevelopment); 1915 E M Stately St.

Hennepin County Housing & Redevelopment Authority: Authorizing Hennepin County HRA to conduct business for purpose of acting as pass-through agent for sale of property at 4307 Wentworth Ave.

"It's All About the Kids" Program: Contract with Lutheran Social Services for 2009 administration of program.

CRS Re-Entry Housing Project (3003 Penn Ave N): Change in unit mix calculations/configurations.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273286)

Target Center: One-year extension of contract with Leo A Daly Company for architecture & engineering services.

Environmental Remediation Grants: Acceptance & appropriation of awards from Minnesota Department of Employment & Economic Development Contamination Cleanup & Investigation Grant Program, the Metropolitan Council Livable Communities Tax Base Revitalization Account & Hennepin County Environmental Response Fund.

**HEALTH, ENERGY AND ENVIRONMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273287)

Minneapolis Green Businesses: Map and Business List.

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

REGULATORY SERVICES (273288)

Environmental Assistance Grant Program: Authorize execution of grant agreement with the Minnesota Pollution Control Agency to install 5 kW solar charging station.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273289)

Workforce Investment Act Title I Grant: Execute agreement with Minnesota Department of Employment and Economic Development for release of funding under Adult, Youth and Dislocated WIA and Minnesota Youth Program.

Living Cities' Green Jobs Initiative: Submit grant application to Living Cities to support a public/private partnership for a Minneapolis-based initiative to grow its green sector.

Older Worker Demonstration Grant: Submit grant application to United States Department of Labor to address workforce challenges facing individuals age 55 and older.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (273290)

The Alliance: A University District Partnership 2007-2009 Progress Report.

Property Tax Classification: Report on tax direction related to single family rental property. American Recovery & Reinvestment Act of 2009: Stimulus package update.

POLICE DEPARTMENT (273291)

Safe Schools Initiative: Report from Juvenile Division.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273292)

University of Minnesota Twin Cities Campus Master Plan 2009: Comments of the City of Mpls regarding the draft Plan.

INTERGOVERNMENTAL RELATIONS (273293)

Fiscal Year 2010 Federal Agenda for the City of Minneapolis.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

LICENSES AND CONSUMER SERVICES (273294)

Breiwick Companies (11681 E Laketowne Dr, Albertville): Grant Tree Servicing License, with conditions.

Licenses: Applications.

REGULATORY SERVICES (273295)

Animals: Ordinances prohibiting the provision of false information to Animal Care and Control officers and staff; and amending and adding provisions regarding dangerous animals and cruelty.

Housing Board of Appeals: Approve reappointments of Beth Hart, Anthony Yerkew, Sandy Loescher, Steven Leventhal, David Jordheim, Lauren Maker, Matthew Knopp, JoAnn Velde, Bryan Tyner, Ruth Kildow, Geri Meyer (ex-officio), and Lee Wolf (ex-officio).

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

POLICE DEPARTMENT (273296)

2008 Edward Byrne Memorial Justice Assistance Grant: Execute contracts to accept grant awarded to Hennepin County through United States Department of Justice for Police Department overtime expenses and equipment purchases; and Passage of Resolution approving appropriation.

Criminal Justice Data Communication Network: Authorize pay 2009 annual cost to Minnesota Department of Public Safety for user access to Network.

Forensic Scientists: Amend 2008 Joint Powers Agreement with Minnesota Bureau of Criminal Apprehension to pay salaries of two added forensic scientists to perform DNA analysis on Police Department cases through December 31, 2012.

REGULATORY SERVICES (273297)

Director's Fee Schedule (Permit Fees): Ordinance amending the indexing method for those fees covered by the Director's Fee Schedule to provide for a minimum increase.

Community Emergency Response Training (CERT): Execute two contracts with City of Bloomington to provide public health CERT and special needs planning.

Emergency Community Health Outreach (ECHO): Execute contract with ECHO to provide emergency preparedness education and outreach to community.

Emergency Preparedness Consulting Services: Increase Master Contract with Lane Consulting for services through August 2010.

**TRANSPORTATION AND PUBLIC WORKS:**

CENTERPOINT ENERGY (273298)

Utility Poles: 3122 Thomas Ave N.

PUBLIC WORKS AND ENGINEERING (273299)

Right-of-Way Repairs/Improvements: Set public hearing re ordinance amendments.

Hennepin Ave and 1st Ave N One-Way to Two-Way Conversion Projects: Layout update.

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

PUBLIC WORKS AND ENGINEERING (273300)

Pump Station 4: Change Orders 1-5 to contract with Madsen-Johnson Corporation.

2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project No 6730: Project designation.

3rd Ave N (Washington Ave to 5th St N) Reconstruction Project No 9882: Project designation.

Unpaved Residential Alleys: Adopt 2008 Report.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:**

PUBLIC WORKS AND ENGINEERING (273301)

Traffic Operations and Bike Project Close-Outs: Reallocate excess revenues and Net Debt Bonds.

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Bids: a) OP 7060, Standard Sidewalk, Inc. and Concrete Ideas, Inc. for construction of sidewalks, alleys, driveways, curbs, and gutters; and b) OP 7085, Hawkins, Inc., for fluosilicic acid.

### **WAYS AND MEANS BUDGET:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273302)

Park Dedication Fee: Status Update Report.

FINANCE DEPARTMENT (273303)

2008 Financial Statement Audit: Establish communication with State Auditor and governance body.

FIRE DEPARTMENT (273304)

2008 Year-end Budget Status Report.

POLICE DEPARTMENT (273305)

2008 Year-end Budget Status Report.

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

ATTORNEY (273306)

Hoffner Firm, LTD: Amendment to Master Agreement for Administrative Hearing Officer services.

2008 Ethical Practices Board Annual Report.

CITY CLERK (273307)

2009 Board of Equalization: Resolution establishing board and appointed members.

COORDINATOR (273308)

Minneapolis Downtown Improvement District: Negotiate loan for start-up costs.

FINANCE DEPARTMENT (273309)

Park Board 201 Building and Land: Remedial actions required by IRS regulations to defease bonds associated with sale.

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

PLANNING COMMISSION/DEPARTMENT (273310)

Metrodome Sign Regulations (Zoning Code Text Amendment): Ordinances amending Title 20, Zoning Code, Chapter 543 relating to On-Premise Signs, and Chapter 544 relating to Off-premise Advertising Signs and Billboards.

*The following reports were signed by Mayor Rybak on February 24, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

## **REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the City-owned properties at 2119 W Broadway, 2310 and 2312 Penn Ave N to Catalyst Five Points, LLC for \$17,175, subject to the conditions contained in the Delisi Building Project Term Sheet set forth in the Department of Community Planning & Economic Development staff report.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-054, authorizing sale of land Disposition Parcels No. TF-546, TF-142, & TF-547 at 2199 W Broadway Ave, 2310 and 2310 Penn Ave N, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-054  
By Goodman**

**Authorizing sale of land Disposition Parcels No. TF-546, TF-142, & TF-547 (2199 W Broadway Ave, 2310 and 2310 Penn Ave N).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels TF-546, TF-142, & TF-547 in the Willard-Hay Neighborhood, from Catalyst Five Points, LLC, hereinafter known as the Redeveloper, the Parcels TF-546, TF-142, & TF-547, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-546; 2119 West Broadway Avenue: Lot 13, and the Northwesterly 22 feet of Lot 12, Block 21, "Forest Heights" as measured along the Northeasterly line of said Lot 12: and that part of the Northeasterly half of the vacated alley in said Block 21, lying between the Southwesterly extension of the Southeasterly line of said Northwesterly 22 feet of Lot 12 and the Southerly extension of the West line of said Block 21. Being registered Land as is evidenced by Certificate of Title No. 1142854.

TF-142; 2310 Penn Avenue North: Lot 16, Block 21, "Forest Heights". Being registered land as is evidenced by Certificate No. 1142847.

TF-547; 2312 Penn Avenue North: That part of Lot 15, Block 21, "Forest Heights" lying Southerly of a line drawn parallel with the South line of said Lot 15 and passing through a point on the West line of said Lot 15 distant 11 feet Southerly from the most Northwesterly corner of said Lot 15. Being registered land as is evidenced by Certificate of Title No. 1142848; and

Whereas, the Redeveloper has offered to pay the sum of \$17,175, for Parcels TF-546, TF-142, & TF-547; the offer includes a development plan and commitment to improve by rehabilitating the existing structure at 2119 West Broadway Avenue and by developing the vacant parcels at 2310 Penn Avenue and 2312 Penn Avenue North. This offer is in accordance with the City's blight removal and redevelopment goals for the properties; and

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

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, January 30, 2009, a public hearing on the proposed sale was duly held on February 10, 2009, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value, for uses in accordance with the City's redevelopment goals for the properties, as amended, is hereby estimated to be the sum of \$17,175 for Parcels TF-546, TF-142, & TF-547.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the City's blight removal and redevelopment goals for the properties.

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

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the

City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1915 E M Stately St to Greater Metropolitan Housing Corporation for \$21,600, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-055, authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No VH-248 at 1915 E M Stately St, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-055**  
**By Goodman**

**Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No VH-248 at 1915 E M Stately St.**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-248, in the East Phillips neighborhood, from Greater Metropolitan Housing Corporation, hereinafter known as the Redeveloper, the Parcel VH-248, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of VH-248; 1915 E M Stately Street: Lot 2, Auditor's Subdivision No. 16, according to the recorded plat thereof and situate in Hennepin County, Minnesota; and

Whereas, the Redeveloper has offered to pay the sum of \$21,600, for Parcel VH-248 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 30, 2009, a public hearing on the proposed sale was duly held on February 10, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$21,600 for Parcel VH-248.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the

Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

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

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

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the Hennepin County Housing and Redevelopment Authority to conduct business within the City of Minneapolis for the purpose of acting as a pass through agency for acquisition of the tax-forfeited property at 4307 Wentworth Ave, to the City of Lakes Community Land Trust.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-056, approving the acquisition and sale of tax-forfeited land at 4307 Wentworth Ave, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-056**

**By Goodman**

**Approving the acquisition and sale of tax-forfeited land at 4307 Wentworth Ave.**

Whereas, the Hennepin County Housing and Redevelopment Authority proposes to purchase tax-forfeited land located at 4307 Wentworth Avenue in Minneapolis, Minnesota, and convey said land to City of Lakes Community Land Trust for the development of affordable single family housing (the "Project"); and

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

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

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

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

to zoning, land usage, building code requirements and compliance with all applicable city codes and ordinances.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to enter into a contract with Lutheran Social Services in an amount not to exceed \$200,000 for 2009 for the administration of the "It's All About the Kids" Program.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**Comm Dev** - Your Committee, having under consideration the CRS Re-Entry Housing Project at 3003 Penn Ave N, now recommends approval of a change in the project unit mix from 100% of units at or below 30% Metropolitan Median Income (MMI) to 8 units at or below 30% MMI, and 3 units at or below 60% MMI, as recommended by Minnesota Housing.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

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

**Comm Dev & W&M/Budget** - Your Committee recommends approval of a one-year extension of the Architecture and Engineering Services contract with Leo A Daly Company to provide architecture and engineering services at the Target Center, and an increase of the contract amount by \$175,000.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by \$175,000.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 2/20/2009.

(Published 2/24/2009)

**RESOLUTION 2009R-057  
By Goodman and Ostrow**

**Amending the 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NBA Arena Fund (01CPK-8900300-8900320) by \$175,000 from available fund balance.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 2/20/2009.

(Published 2/24/2009)

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

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

1. 200 N 1st St, \$92,600
2. Digigraphics, \$22,400
3. Soo Line Building, \$207,600

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

1. Digigraphics, \$259,099
2. Impact Mailing, \$272,080
3. Sydney Hall & Dinkydome, \$414,760

**Hennepin County Environmental Response Fund Grant Awards:**

1. 200 N 1st St, by City of Minneapolis, \$65,875
2. 747-800 N 3rd St, by Schafer Richardson, \$48,400
3. 2600 Minnehaha Ave S, by City of Minneapolis, \$31,000
4. 2900 Lyndale Ave S, a/k/a Former Aarcee Rental, by City of Minneapolis, \$82,500
5. Alliance Addition, by Aeon, \$30,000
6. Como Student Cooperative, by University of Minnesota, \$50,000
7. Digigraphics, by City of Minneapolis, \$22,455
8. East Bank Mills, by City of Minneapolis, \$283,801
9. Exodus Apartments, by Community Development Housing Corporation, \$150,170
10. Fremont Flats, by Project for Pride in Living, \$45,500
11. Huron Flats, by Republic Ventures LLC, \$32,500
12. Ken's Metal Finishing, by Hennepin County, \$53,000
13. Sydney Hall/Dinkydome, by City of Minneapolis, \$80,033
14. Walker Apartments, by Twelfth & Hennepin Development LLC, \$42,500

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

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**RESOLUTION 2009R-058  
By Goodman and Ostrow**

**Amending the 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) Grants-Other Fund (01600-8900320) by \$1,055,609 (\$158,475 for 200 1<sup>st</sup> Street North; \$31,000 for 2600 Minnehaha Investigation; \$82,500 for 2900 Lyndale Avenue South/Former Aarcee Rental; \$303,954 Digigraphics; \$272,080 Impact Mailing; and \$207,600 Soo Line Building);
- b) Increasing the appropriation in the CPED Grants-Other Fund (01600-8900220) by \$778,594 (\$283,801 East Bank Mills and \$494,793 Sydney Hall & Dinkydome);
- c) Increasing the revenue source in the CPED Grants-Other Fund (01600-8900900-321504) by \$945,939; (01600-8900900-321513) by \$322,600; and (01600-8900900-322002) by \$565,664.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:**

**HE&E** – Your Committee recommends passage of the accompanying resolution authorizing execution of a grant agreement with the Minnesota Pollution Control Agency to receive a grant award under the Environmental Assistance Grant Program.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Resolution 2009R-059, authorizing execution of a grant agreement with the Minnesota Pollution Control Agency to receive a grant award under the Environmental Assistance Grant Program, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-059**  
**By Benson**

**Authorizing execution of a grant agreement with the Minneapolis Pollution Control Agency to receive a grant award under the Environmental Assistance Grant Program.**

Whereas, the City of Minneapolis has applied for a grant from the Minnesota Pollution Control Agency (MPCA) under its Environmental Assistance Grant Program requesting \$40,000 to install a 5 kW solar charging station for plug-in electric and hybrid City vehicles; and

Whereas, the City of Minneapolis is committed to implementing the proposed project as described in the grant application, if MPCA funding is received; and

Whereas, MPCA requires that the City of Minneapolis enter into a grant agreement with the MPCA that identified the terms and conditions of the funding award;

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

That the City of Minneapolis hereby agrees to enter into and sign a grant agreement with the MPCA to carry out the project specified therein and to comply with all of the terms, conditions and matching provisions of the grant agreement.

Be It Further Resolved that it authorizes and directs the Assistant City Coordinator for Emergency Preparedness and Regulatory Services to sign the grant agreement on the City's behalf.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

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

**HE&E & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute the Workforce Investment Act (WIA) Title I Grant Agreement with the Minnesota Department of Employment and Economic Development for the release of funding under Adult, Youth and Dislocated WIA and the Minnesota Youth Program during the period April 1, 2009 through March 31, 2012.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**HE&E & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit a grant application seeking \$300,000 from Living Cities, under its Green Jobs Initiative, to support a public/private partnership for a Minneapolis-based initiative to grow its green sector.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**HE&E & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit a grant application, on behalf of the Minneapolis Workforce Council and other partner agencies, seeking up to \$1,000,000 from the United States Department of Labor, under its Older Worker Demonstration Grant, to address workforce challenges facing individuals age 55 and older by retaining and/or connecting older workers to jobs in high growth, high demand industries critical to the regional economy.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

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

**IGR** - Your Committee, having under consideration the University of Minnesota Twin Cities Campus Master Plan 2009, now recommends approval of the City of Minneapolis Comments to the University of Minnesota regarding said Plan, as set forth in the Department of Community Planning & Economic Development staff report (Petn No 273292).

Hofstede moved to amend Petn No 273292 referred to in the report by substituting a new document for the City of Minneapolis Comments. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Johnson.

The report, as amended, was adopted 2/20/2009.

Absent - Goodman, Johnson.

**IGR** - Your Committee recommends approval of the Fiscal Year 2010 Federal Agenda for the City of Minneapolis, as set forth and described in Petn No 273293.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

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

**PS&RS** – Your Committee, to whom was referred ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, amending and adding provisions regarding dangerous animals and cruelty, and prohibiting the provision of false information to Animal Care and Control officers and staff, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 62 relating to *In General*.

b. Chapter 64 relating to *Dogs, Cats, Ferrets, and Rabbits*.

Gordon moved that Section 64.110 (l) of the ordinance be amended to read as follows:

“(l) Noncompliance, transfer or death of declared animals.

(1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).

~~(2) Transfer of ownership of any animal declared dangerous or potentially dangerous or subject to a destruct order is prohibited.~~

(2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal; ~~its transfer to a residence outside the City of Minneapolis, or its transfer within fourteen (14) days of the animal's death the City of Minneapolis within thirty (30) calendar days of the death or transfer.~~ If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition ~~or the complete name, address, and telephone number(s) of the person to whom the animal has been transferred.~~ All applicable requirements of this section and this code must be met by the new owner before the animal may be transferred.

(3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis animal care and control in writing prior to such relocation. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.

(4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from the manager of animal care and control. If requested by animal care and control, the owner

or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.” Seconded.

Adopted upon a voice vote.

Absent – Goodman, Johnson.

Samuels moved that Section 64.110 (m) (1) of the ordinance be amended to read as follows:

“(m) *Restriction on future ownership.*

(1) Any person who:

a. has owned or owns or had custody of an animal declared potentially dangerous or dangerous animal or ordered destroyed and is found to be in violation of any of the requirements of this section; or

b. had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or

c. has owned or had custody of more than one (1) animal declared dangerous or ordered destroyed within two (2) years; or

d. has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the original declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)”

Seconded.

Adopted upon a voice vote.

Absent – Goodman, Johnson.

Gordon moved that the report be amended by adding the following staff direction:

“Animal Care and Control staff are directed to report to the Public Safety & Regulatory Services Committee on or before February 20, 2010 on how many residents attempted to transfer dangerous or potentially dangerous animals, how many of these requested transfers were approved by Animal Care and Control, and how many animals were destroyed as a result of denials of requests to transfer.”  
Seconded.

Adopted upon a voice vote.

Absent – Goodman, Johnson.

The report, as amended, was adopted 2/20/2009.

Absent – Goodman, Johnson.

Ordinance 2009-Or-010 amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: In General*, adding a new Section 62.35 entitled *Providing false information*, prohibiting the provision of false information to Animal Care and Control officers and staff, was adopted 2/20/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2009-Or-010**  
**By Samuels**  
**Intro & 1st Reading: 1/23/2009**  
**Ref to: PS&RS**  
**2nd Reading: 2/20/2009**

**Amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to Animals and Fowl: In General.**

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

Section 1. That Chapter 62 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 62.35 to read as follows:

**62.35. Providing false information.** No person shall provide false information to the Manager of Minneapolis Animal Care and Control, nor to any of his or her agents, concerning any license or permit, any application for a license or permit, or any actual or alleged criminal, civil or administrative offense.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Ordinance 2009-Or-011 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits*, amending Section 64.110 and adding Sections 64.150 and 64.160 to amend provisions regarding dangerous animals and cruelty, was adopted 2/20/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2009-Or-011**  
**By Samuels**  
**Intro & 1st Reading: 1/23/2009**  
**Ref to: PS&RS**  
**2nd Reading: 2/20/2009**

**Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits.**

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

Section 1. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

**64.110. Dangerous and potentially dangerous animals.** Minneapolis Animal Care and Control is authorized to deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this Code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) Potentially Dangerous Dogs. The owner or custodian of the animal must immediately comply with the confinement requirements as defined in this ordinance, even if appealing the declaration.

No off leash park permit as defined in section 64.55 shall be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

- (a) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

- (b) Declarations shall be made by the Program Manager of Minneapolis Animal Care and Control, or the manager's designee, based on this Code and state statute. If a declaration is made, the owner of the animal shall be notified in writing. Notification shall include a copy of ordinance and statute, the report (including supplemental reports, if any) and a statement of the declaration.
- (c) The manager of animal care and control will consider the following factors in determining a dangerous or potentially dangerous animal declaration:
  - (1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.
  - (2) Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.
  - (3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
  - (4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.
  - (5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.
- (d) *Potentially dangerous animal*. "Potentially dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:
  - (1) Any animal that engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily harm when the person and the animal are off the property of the owner or custodian of the animal. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.
  - (2) Any animal that, when unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.
  - (3) Any animal that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.
  - (4) Any animal that, when unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety off the property of the owner or custodian of the animal.
  - (5) Any animal that has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or Minneapolis Animal Care and Control.
- (e) *Dangerous animal*. "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:
  - (1) Any animal that, when unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
  - (2) Any animal previously designated as a potentially dangerous animal that, after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (d)(3) of this section.

- (3) Any animal previously designated as a potentially dangerous animal, after the owner or custodian has been notified of such designation, if the owner or custodian subsequently violates any requirement of this section.
- ~~(3)~~ (4) Any animal that kills another domestic animal without provocation while off the property of the owner or custodian of the attacking animal.
- ~~(4)~~ (5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.
- ~~(5)~~ (6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.
- (f) *Appeal hearing procedures.*
- (1) *Potentially dangerous animal.* Potentially dangerous declaration appeals shall consist of a record review by the manager of animal care and control, or the manager's designee, using the designated appeal form supplied by animal care and control at the time of the written request. The appeal form must be completed and returned to animal care and control with written evidence and/or affidavits that dispute the declaration within five (5) business days of notification. The owner of the animal shall be notified, in writing, of the record review results within ten (10) calendar days of receipt. There is a one hundred dollar (\$100.00) fee for an appeal of a potentially dangerous declaration. The individual conducting the review shall have authority to amend the declaration or order as appropriate.
- (2) *Dangerous animal.* The owner or custodian of an animal that has been declared dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) business days of notification. If a hearing is requested, the program manager, or the manager's designee, shall schedule a hearing within ten (10) calendar days. Dangerous declaration appeals shall consist of an appearance before the manager of animal care and control, or the manager's designee. The hearing officer shall be the manager of animal care and control, or the manager's designee. A hearing fee of two hundred fifty dollars (\$250.00) must be paid prior to scheduling the hearing. The manager of the program may set limits on the amount of evidence that may be submitted and the length of testimony offered. The individual conducting the review shall have authority to amend the declaration or order as appropriate.
- (3) Any time after a declaration has been issued, animal care and control may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal. The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this subsection may be disposed of by animal care and control after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.
- (4) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the manager of animal care and control.
- (5) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.
- (6) All decisions may be appealed to the Minnesota Court of Appeals.
- (g) *Annual review requests.* If there are no additional reports of the behavior described in subsections (d) or (e) of this section within a twenty-four-month period from the date of the designation as a dangerous animal or a twelve-month period from the date of the designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training,

neutering or other relevant factor. The review request and supporting documentation must be submitted to the manager of animal care and control, and the manager, or the manager's designee, shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the review.

- (h) *Potentially dangerous or dangerous animal requirements.* No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection. All owners or custodians of potentially dangerous and dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).
- (1) Microchip (must be pre-paid if animal care and control implants the microchip).
  - (2) Current rabies vaccinations (must remain current on rabies vaccinations).
  - (3) Current annual license for a declared animal (regardless of current license status).
  - (4) Muzzle (with three (3) foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).
  - (5) Proper kennel which shall meet the following minimum specifications:
    - a. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.
    - b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1 1/4) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.
    - c. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.
    - d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self closing, self locking and shall be locked at all times the animal is in the kennel.
    - e. The kennel shall comply with all zoning setbacks requirements unless variances are obtained.
  - (6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.
  - (7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal.
  - (8) The animal may not be possessed or maintained at any other location other than the owner's property.
  - (9) The owner or custodian of the animal may not be a minor under age eighteen (18).
  - (10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.
  - (11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.
  - (12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of the manager of animal care and control or the manager's designee.
  - (13) If the animal is to move from the approved location, written notification shall be provided to the manager of animal care and control within ten (10) business days prior to relocation.
  - (14) The manager of animal care and control, or the manager's designee, shall be allowed at any reasonable time to inspect the animal and the place where the animal is located.

- (15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous or dangerous be sterilized at the owner's expense. Arrangements may be made at a pet hospital or clinic within the City of Minneapolis. Animal care and control shall transport the animal to the clinic and may transport back to the shelter until compliance is achieved. The owner of the animal shall make payment arrangements with the clinic prior to commencement of the procedure.
- (i) *Additional dangerous animal requirements.* In addition to the requirements of subsection (h), all owners or custodians of dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).
- (1) ~~Annual registration with Hennepin County, meeting all county requirements, including fees. The animal shall be sterilized at the owner or custodian's expense and adequate proof of sterilization shall be submitted.~~
  - (2) Proof of a current insurance bond in the amount of at least three hundred thousand dollars (\$300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.
  - (3) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by ~~Hennepin County~~ or the manager of animal care and control.
- (j) *Declared animal from other jurisdictions.* No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in subsections (h) and/or (i) of this section. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this subsection are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) under subsection (n) of this section.
- (k) *Impoundment.*
- (1) Any animal which bites a person or domestic animal and/or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of animal care and control pending hearings and compliance.
  - (2) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the animal care and control facility for the quarantine period and held until the final disposition is determined.
  - (3) All animals found to be in violation of the requirements of this section shall be impounded.
  - (4) The impounded animal's owner shall be charged for all impoundment related costs and fees.
- (l) *Noncompliance, transfer or death of declared animals.*
- (1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).
  - (2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal; ~~its transfer to a residence outside the City of Minneapolis, or its transfer within fourteen (14) days of the animal's death the City of Minneapolis within thirty (30) calendar days of the death or transfer.~~ If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth either the circumstances of the animal's death and disposition ~~or the complete name, address, and telephone number(s) of the person to whom the animal has been transferred.~~ All applicable requirements of this section and this code must be met by the new owner before the animal may be transferred.
  - (3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his

or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis animal care and control in writing prior to such relocation. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.

(4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from the manager of animal care and control. If requested by animal care and control, the owner or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.

(m) *Restriction on future ownership.*

(1) Any person who:

a. has owned or owns or had custody of an animal declared potentially dangerous or dangerous animal or ordered destroyed and is found to be in violation of any of the requirements of this section; or

b. had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or

c. has owned or had custody of more than one (1) animal declared dangerous or ordered destroyed within two (2) years; or

d. has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the original declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

(2) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, the program manager or the manager's designee shall schedule a hearing within ten (10) business days. Violation appeals shall consist of an appearance before the manager of animal care and control or the manager's designee. An administrative fee of two hundred fifty dollars (\$250.00) shall be paid prior to the scheduling of the hearing. The program manager may set limits on the amount of evidence that may be submitted and the length of any testimony offered.

(3) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.

(4) Any person convicted of a violent felony, as defined in Minnesota Statute 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that the manager of animal care and control designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this article and

until a permit is obtained. If the manager of animal care and control designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. The manager of animal care and control may deny a prohibited animal permit if he or she determines that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by the manager of animal care and control. These conditions of ownership may include, but are not limited to, those found under subsections (h) and (i). A prohibited animal may subsequently be revoked by the manager of animal care and control if there is probable cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the public's health, safety or welfare. Any person violating this subsection is guilty of a misdemeanor. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

- a. Any animal whose owner or keeper is in violation of this subsection shall be impounded, or impounded subject to destruction, at the owner's expense.
- b. An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:
  1. An animal weighing more than twenty (20) pounds;
  2. An animal which has been designated a potentially dangerous or dangerous animal under subsections (d) or (e) of this section;
  3. An animal designated by the manager of animal care and control as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:
    - i. The nature of any complaints regarding the animal.
    - ii. The strength of the animal, including jaw strength.
    - iii. The animal's tolerance for pain.
    - iv. The animal's tendency to refuse to terminate an attack.
    - v. The animal's propensity to bite humans or other domestic animals.
    - vi. The animal's potential for unpredictable behavior.
    - vii. The animal's aggressiveness.
    - viii. The likelihood that a bite by the animal will result in serious injury. This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(n) *Disposition of animals.*

- (1) The Program Manager at Minneapolis Animal Care and Control is authorized to order the destruction or other disposition of any animal which:
  - a. Kills a person, or
  - b. Has bitten one (1) or more persons on two (2) or more occasions, or
  - c. Has caused substantial bodily injury or disfigurement as defined in subsections (d) or (e) of this section, or
  - d. Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or domestic animal under circumstances that would indicate danger to the safety of the person or animal, or
  - e. Is prohibited by or found to be in violation of subsections (g), (h), (i), (j) or (l) of this section, or

- f. Is prohibited by section 74.50 of this Code.
- (2) In determining the disposition of the animal the manager of animal care and control will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:
  - a. The animal weighing more than twenty (20) pounds;
  - b. The strength of the animal, including jaw strength;
  - c. The animal's tolerance for pain;
  - d. The animal's tendency to refuse to terminate an attack;
  - e. The animal's propensity to bite humans or other domestic animals;
  - f. The animal's potential for unpredictable behavior;
  - g. The animal's aggressiveness;
  - h. The likelihood that a bite by the animal will result in serious injury.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.
- (3) Procedure.
  - a. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by animal care and control that were utilized to determine the disposition.
  - b. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days. The hearing officer shall be the manager of animal care and control or the manager's designee and shall have authority to amend the declaration or order as appropriate.
  - c. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.
  - d. If the animal has bitten a person, it shall remain at a designated animal care and control facility through the end of the quarantine period as required pursuant to section 66.40. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.
  - e. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after the mandatory hold period as established in section 62.40. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of animal care and control and not in full compliance with the requirements of this section.
  - f. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing.
- (o) *Concealing of dangerous animals.* Any person who harbors, hides or conceals an animal found to be potentially dangerous or dangerous by animal care and control which has been ordered into custody for disposition shall be guilty of a misdemeanor.
- (p) *Conditioning and training equipment prohibited.* No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.
- (q) *Fees.* Fees under this section may include, but are not limited to, impound, kennel, license, penalties, hearing, registration and euthanasia fees. All applicable fees shall be defined by this Code and/or included in the licenses and annual billing fees schedule or in the schedule of civil fines for administrative offenses resolution, and duly approved by city council.
  - Impound fee . . . \$100.00

Daily kennel fee, per day . . . 25.00  
Microchip fee . . . 35.00  
Euthanizing fee . . . 75.00  
Rabies vaccination . . . 20.00  
Sedation, if necessary . . . 20.00  
Annual license fee . . . 75.00  
Annual registration:  
    Potentially dangerous . . . 100.00  
    Dangerous . . . 200.00  
Appeal hearing fee:  
    Dangerous . . . 250.00  
    Potentially dangerous . . . 100.00  
Prohibited animal permit . . . 250.00  
Annual County Registration fee—Determined by Hennepin County

Section 2. That Chapter 64 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 64.150 to read as follows:

**64.150. Dog houses.** There is hereby adopted as an ordinance of the city, Minnesota Statute Sections 343.40.

Section 3. That Chapter 64 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 64.160 to read as follows:

**64.160. Dogs and cats in motor vehicles.** There is hereby adopted as an ordinance of the city, Minnesota Statute Sections 346.57.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS -** Your Committee recommends passage of the accompanying resolution granting the application of Breiwick Companies, 11681 E Laketowne Dr, Albertville, for a Tree Servicing License, subject to conditions.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Resolution 2009R-060, granting the application of Breiwick Companies, 11681 E Laketowne Dr, Albertville, for a Tree Servicing License, subject to conditions, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-060**  
**By Samuels**

**Granting the application of Breiwick Companies, 11681 E Laketowne Dr, Albertville, for a Tree Servicing License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Breiwick Companies Inc, dba Breiwick Companies, 11681 E Laketowne Dr, Albertville, for a Tree Servicing License to expire February 1, 2010, subject to the following conditions:

1. The licensee tree service business shall be limited to stump grinding and area clean up only. The licensee does not have a Certified Arborist and is restricted from any other type of tree service activities. The licensee must also comply with other requirements of the tree service license.

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

Adopted 2/20/2009.

Absent – Goodman, Johnson.

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

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Resolution 2009R-061, granting applications for Liquor, Wine and Beer Licenses, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-061**  
**By Samuels**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273294):

**Off-Sale Liquor, to expire January 1, 2010**

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

**On-Sale Liquor Class A with Sunday Sales, to expire February 26, 2009**

Rooftop Inc, dba Macy's at Downtown Minneapolis Store, 700 Nicollet Mall, 12th floor (Macy's Gourmet Gathering February 26, 2009, 5:30 p.m. to 8:30 p.m.; location: lower level, 1st, 2nd and 3rd floors)

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

Metropolitan Sports Facilities Commission, dba HHH Metrodome, 900 S 5th St (expansion of premises)

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

Drink Inc, dba Drink, 26 N 5th St (expansion of premises)

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2009**

Bartums Inc, dba Lone Tree Bar & Grill, 528 Hennepin Av (new share holder/partner)

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

Scott Free Enterprises, dba Fatsos, 119 N 4th St (internal transfer of shares)

**Temporary On-Sale Liquor**

Minnesota Public Radio, 480 Cedar St (February 28, 2009, 10:00 a.m. to 6:00 p.m.; and March 1, 2009, 11:00 a.m. to 5:00 p.m., Minnesota Monthly Food & Wine Experience at Minneapolis Convention Center)

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

McLain Inc, dba Tosca/Turtle Bread, 3421 W 44th St (new business)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2009**

Nguyen-Vu Family Corp Inc, dba Saigon Uptown Restaurant, 3035 Lyndale Av S (new corporate officer, shareholder, director).

Adopted 2/20/2009.

Absent – Goodman, Johnson.

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

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Resolution 2009R-062, granting applications for Business Licenses, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-062  
By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 20, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273294):

Dancing School; Dry Cleaner – Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Confectionery; Food Manufacturer; Restaurant; Short-Term Food Permit; Liquid Waste Hauler; Motor Vehicle Repair Garage; Towing Class D; Plumber; Precious Metal Dealer; Rental Halls; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Suntanning Facility; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle – Fuel Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

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

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Resolution 2009R-063, granting applications for Gambling Licenses, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-063  
By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273294):

**Gambling Class B**

Northeast Lions Club of Minneapolis, dba Northeast Lions Club of Minneapolis, 1319 Marshall St NE (Site: Dusty's, 1319 Marshall St NE)

Church of St. Maron, dba Church of St. Maron, 600 University Av NE  
(Site: Arones Bar, 500 Central Av SE)

**Gambling Exempt**

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle February 16, 2009 at 1928 University Av NE)

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (February 22, 2009 at Chambers Hotel, 901 Hennepin Av)

Clare Housing, dba Clare Housing, 929 Central Av NE (Raffle and bingo March 21, 2009 at Hyatt Regency Minneapolis)

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle April 12, 2009 at Northeast Neighborhood Building)

Risen Christ Catholic School, dba Risen Christ Catholic School, 1120 E 37th St (Raffle April 24, 2009 at Hilton Minneapolis)

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle June 14, 2009 at Northeast Neighborhood Building, 1700 2nd St NE)

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle December 13, 2009 at Northeast Neighborhood Building, 1700 2nd St NE)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (Bingo March 29, 2009 at Church of the Holy Cross – Kolbe Hall)

Boys & Girls Clubs of the Twin Cities, dba Boys & Girls Clubs of the Twin Cities, 6500 Nicollet Av (Raffle February 27, 2009 at Restaurant Max, 215 S 4th St)

Restart Inc, dba Restart Inc, 4000 Olson Memorial Hwy, Golden Valley (Raffle March 7, 2009 at The Depot, 225 3rd Av S)

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Raffle March 14, 2009 at Church of the Holy Name).

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Stop-N-Go, 1847 Johnson St NE.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Resolution 2009R-064, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Stop-N-Go, 1847 Johnson St NE, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-064**

**By Samuels**

**Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Stop-N-Go, 1847 Johnson St NE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on January 20, 2009 with the licensee; and

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

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

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

1. The licensee will withdraw the Off-Sale 3.2 Beer License at the time of signing the agreement and immediately cease the sale of beer.
2. The licensee will not apply for a new alcohol license for three years from the date this agreement is approved by the City Council.
3. The City shall impose a \$500 sanction to be paid at the time of signing this agreement.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS** – Your Committee recommends concurrence with the City Council to reappoint the following persons to serve on the Housing Board of Appeals for two-year terms to expire December 31, 2011:

*Reappointments*

Beth Hart, Ward 9, public member

Anthony Yerkew, Ward 4, public member

Sandy Loescher, Ward 5, public member

Steven Leventhal, Ward 6, public member

David Jordheim, Ward 13, public member

Lauren Maker, Ward 4, public member

Matthew Knopp, Ward 10, public member

JoAnn Velde, Director of Inspections designee

Bryan Tyner, Fire Department designee

Ruth Kildow, Environmental Health designee

Geri Meyer, Community Planning & Economic Development designee (ex officio)

Lee Wolf, City Attorney's Office (ex officio).

Samuels moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 2/20/2009.

Absent – Goodman, Johnson.

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

**PS&RS & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, amending the indexing method for those fees covered by the Director's Fee Schedule to provide for a minimum increase, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Approved by Mayor Rybak 2/20/2009.

(Published 2/24/2009)

Ordinance 2009-Or-012 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, amending Sections 91.70 and 91.90 to amend the indexing method for those fees covered by the Director's Fee Schedule to provide for a minimum increase, was adopted 2/20/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2009-Or-012**  
**By Samuels**  
**Intro & 1st Reading: 1/23/2009**  
**Ref to: PS&RS**  
**2nd Reading: 2/20/2009**

**Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.**

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

Section 1. That Section 91.70 (a) of the above-entitled ordinance be amended to read as follows:

**91.70. Unit based permit fee adjustment; director's fee schedule.** (a) The minimum fee as shown in section 91.40 and certificate, permit, service or other fees calculated on a unit item or other basis, as shown in sections 46.40, 48.310, 50.70, 56.110, 56.30, 59.40, 59.50, 91.15, 91.20, 91.35, 91.55, 91.105, 91.115, 91.120, 91.150, 91.190, 91.220, 91.270, 91.380, 91.390, 91.410, 91.460, 91.465, 91.610, 91.620, 91.740, 91.750, 91.770, 91.780, 91.900, 108.30, 249.80, and 389.105 shall be subject to automatic adjustment based on annual increases in the construction cost index (CCI) for the City of Minneapolis as published quarterly by the Engineering News Record. Such adjustment, rounded off to the nearest one (1) percent, shall be effective on April first of each year based on the construction cost index for the period ending December 31 of the preceding calendar year. Thereafter the director's fee schedule shall be subject to automatic annual adjustment pursuant to the terms of subsection (a) and shall be made available to the public at least thirty (30) days prior to going into effect. In the event CCI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent.

Section 2. That Section 91.90 (c) of the above-entitled ordinance be amended to read as follows:

**91.90. Required generally.**

(c) The building permit fee amounts herein established shall be effective April 1, 2004 and shall be subject to automatic annual adjustment each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. In the event CPI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent. Such building permit fees and subsequently adjusted building permit fees shall be published and maintained in the director's fee schedule referenced in Section 91.70 and shall be based on the following valuation categories:

*Valuation Categories*

\$1.00 to \$500.00  
\$ 501.00 to \$2,000.00  
\$2,001.00 to \$25,000.00  
\$25,001.00 to \$50,000.00  
\$50,001.00 to \$100,000.00  
\$100,001.00 to \$500,000.00  
\$500,001.00 to \$1,000,000.00  
\$1,000,001.00 and up

Adopted 2/20/2009.

Absent – Goodman, Johnson.

Approved by Mayor Rybak 2/23/2009.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Community Emergency Response Team (CERT) Program, now recommends that the proper City officers be authorized to execute two contracts with the City of Bloomington, in the amount of \$17,056.13 and a planner contract in an amount up to \$170,000 to provide public health CERT and special needs planning to be used

throughout the metropolitan region, to be funded from CERT and Metropolitan Medical Response System grants. Said planning contract covers a 36-month period.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with Emergency Community Health Outreach (ECHO), in the amount of \$203,000, to provide emergency preparedness education and outreach to the community through television shows, a website, streaming video and part time staff during calendar years 2007, 2008 and 2009. Funding will be provided by Metropolitan Medical Response System (MMRS) grants.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute an amendment to Master Contract C-24911 with Lane Consulting by increasing the amount by \$150,000 for a new maximum amount not to exceed \$400,000, for emergency preparedness consulting services provided through August 2010.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute the required contracts to accept grant funding in the amount of \$196,946 awarded to Hennepin County through the United States Department of Justice as part of the 2008 Edward Byrne Memorial Justice Assistance Grant. Grant funding will be provided to the Police Department for overtime expenses for targeted patrol and investigation details and various equipment purchases for the investigative and patrol divisions, and other support divisions, to accomplish the following goals:

Enhance neighborhood livability in the City

Compliment the City's commitment to the Community Oriented Policing Program

Enhance community response to crime problems

Enhance law enforcement system's ability to respond to chronic misdemeanants who terrorize neighborhoods with consistent disorderly behavior.

Further, passage of the accompanying resolution appropriating \$196,946 to the Police Department.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**RESOLUTION 2009R-065**

**By Samuels and Ostrow**

**Amending The 2009 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002110) by \$196,946 and increasing the Revenue Source (01300-4002110-321010) by \$196,946.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS & W&M/Budget** – Your Committee, having under consideration access to the Minnesota Criminal Justice Data Communications Network for criminal justice information, now recommends that the proper City officers be authorized to pay the 2009 annual costs of \$109,920 to be billed on a quarterly basis to the Minnesota Department of Public Safety for user access to the Network.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute an amendment to the 2008 Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension to provide for the payment of salaries for two added Full-Time Equivalent forensic scientists, for a total of four FTEs, to perform DNA analysis on Police Department cases through December 31, 2012.

Adopted 2/20/2009.

Absent – Goodman, Johnson.

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

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the location and streets to be improved in the 2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project, Special Improvement of Existing Street No 6730.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-066, designating the improvement of 2nd Ave N (from Washington Ave to 3rd St N) Special Improvement of Existing Street No 6730, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-066**

**By Colvin Roy**

**2ND AVE N (WASHINGTON AVE TO 3RD ST N) RECONSTRUCTION PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET No 6730**

**Designating the improvement of certain existing streets at the location described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

2nd Ave N from Washington Ave to 3rd St N.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**T&PW** - Your Committee, having received a cost estimate of \$793,953 for street reconstruction improvements and a list of benefited properties for the 2nd Ave N (Washington Ave to 3rd St N) Reconstruction Project, Special Improvement of Existing Street No 6730, as designated by Resolution 2009R-066 passed February 20, 2009, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on March 31, 2009, to consider approving the above-designated street reconstruction project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the location and streets to be improved in the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project, Special Improvement of Existing Street No 9882.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-067, designating the location and streets to be improved in the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project, Special Improvement of Existing Street No 9882, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-067**

**By Colvin Roy**

**3RD AVE N (WASHINGTON AVE TO 5TH ST N) RECONSTRUCTION PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET No 9882**

**Designating the improvement of certain existing streets at the location described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

3rd Ave N from Washington Ave to 5th St N.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**T&PW** - Your Committee, having received a cost estimate of \$1,545,838 for street reconstruction improvements and a list of benefited properties for the 3rd Ave N (Washington Ave to 5th St N) Reconstruction Project, Special Improvement of Existing Street No 9882, as designated by Resolution 2009R-067 passed February 20, 2009, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on March 31, 2009, to consider approving the above-designated street reconstruction project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**T&PW** - Your Committee, having under consideration the 2008 report entitled, "*Final Report and Recommendations for Paving of Minneapolis Residential Unpaved Alleys*", as set forth in Petn No 273300, now recommends adoption of the final report to include:

- a) That the proper City officers be authorized to pursue alley vacations as reported;
- b) Adoption of the recommended funding strategies and set policy to:
  - Continue the historical practice of assessing the cost of alley construction against the benefiting property owners by using a uniform alley construction rate to estimate the cost to reconstruct an average alley, similar to street assessments, with the following exceptions:  
The City will fund
    - Any actual costs over what is realized by the uniform rate; and
    - The costs for any non-assessable properties;

- Continue the historical practice of assessing the cost of alley retaining wall construction against the benefiting property owners with the exception that retaining wall assessments will be limited to 25% of what is collected for the alley reconstruction by the uniform assessment rate; the City will fund all costs more than that amount;
  - Continue the historical practice of funding all drainage costs via the City storm drain fund, to include using sewer funds for any alternative stormwater management mitigation (pervious pavements, etc.);
- c) That staff be directed to develop a 10 year program to be submitted to the CIP process starting in 2014, as well as look for funding and project opportunities that might serve as pilot projects prior to 2014; and
- d) That staff be directed to investigate alternative stormwater management mitigation strategies for unpaved alley reconstruction as well as when any other previously paved alleys are scheduled for reconstruction.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**T&PW** - Your Committee, having under consideration the renovation of Pump Station 4, now recommends approval of Change Orders # 1 - 5 to the contract with Madsen-Johnson Corporation (OP 6970), in the total amount of \$398,909, for a revised contract total of \$7,655,709, due to changes in the scope of the contract. No additional appropriation required; funds are available in Fund 07400, Department 9010000, Project CWTR15.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

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

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolutions:

- a) Receiving and accepting the final costs of 80 Traffic Operations and Bike Project work and adjusting the capital appropriation as specified, thereby closing out the projects and reallocating excess revenue from the closed-out projects to other Traffic Operations and Bike Projects; and
- b) Requesting the concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-068, Receiving and accepting the final costs of various Traffic Operations and Bike Project work and adjusting the capital appropriation as necessary thereby closing the projects, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-068  
By Colvin Roy and Ostrow**

**Receiving and accepting the final costs of various Traffic Operations and Bike Project work and adjusting the capital appropriation as necessary thereby closing the projects.**

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work described in the following Traffic Operations and Bike Project work be received and accepted for the total amount specified and that the capital appropriation be adjusted as specified thereby closing the projects:

- a) All traffic operations work related to the Street/Bridge/Underpass Lights (Sibley) project for a total of \$5,216.80. Traffic operations capital appropriation for 04100-9010000 project CB1590 should be increased by \$1,066.80 and additional revenue is needed to finalize this project in the amount of \$5,216.80;
- b) All traffic operations work related to the Computerized Traffic Signal - Penn Avenue Interconnect project for a total of \$82,000.00. There is no remaining traffic operation capital appropriation for 04100-9010000 project CB1528;
- c) All traffic operations work related to the Lowry Hill Traffic Management Plan for a total of \$0.00. Traffic operations capital appropriation for 04100-9010000 project CB1566 should be decreased by \$128,000.00;
- d) All traffic operations work related to the Street/Bridge/Underpass Lights project for a total of \$92,639.04. Traffic operations capital appropriation for 04100-9010000 project CB1612 should be decreased by \$710.96;
- e) All traffic operations work related to the 1999 Mast Arm Mounted Street Name Signs project for a total of \$4,950.82. Traffic operations capital appropriation for 04100-9010000 project CB1613 should be decreased by \$49.18;
- f) All traffic operations work related to the Washington Avenue North (Hennepin-Plymouth) project for a total of \$0.00. The traffic operations capital appropriations for 04100-9010000 project CB1619 should be decreased by \$310,000.00;
- g) All traffic operations work related to the Priority Vehicle Control System Phase 3 project for a total of \$387,771.77. Traffic operations capital appropriation for 04100-9010000 project CB1623 should be decreased by \$560,228.23 and excess revenue shall be re-designated in the amount of \$45,890.11;
- h) All traffic operations work related to the Implementation of the Traffic Management Plan - Audubon Park project for a total of \$0.00. Traffic operations capital appropriation for 04100-9010000 project CB1626 should be decreased by \$50,000.00;
- i) All traffic operations work related to the Implementation of the Traffic Management Plan - Kenny project for a total of \$0.00. Traffic operations capital appropriation for 04100-9010000 project CB1631 should be decreased by \$48,000.00;
- j) All traffic operations work related to the Signal Connection (West 50th Street and Halifax Avenue) project for a total of \$0.00. There is no remaining capital appropriation in 04100-9010000 project CB1694;
- k) All traffic operations work related to the LaSalle Avenue South (8th Street South to Franklin Avenue) project for a total of 508,939.00. There is no remaining traffic operations capital appropriation in 04100-9010000 project CPV014SG;
- l) All traffic operations work related to the Fremont Avenue North project for a total of \$56,703.17. Traffic operations capital appropriation for 04100-9010000 project CPVT25 should be decreased by \$10,281.05 and excess revenue shall be re-designated in the amount of \$10,281.05;
- m) All traffic operations work related to the 15th Avenue Southeast MSA Street Reconstruction project for a total of \$259,269.90. The traffic operations capital appropriation for 04100-9010000 project CTR004 should be decreased by \$23,730.10 and excess revenue shall be re-designated in the amount of \$53,634.71;
- n) All traffic operations work related to the Lyndale Neighborhood Association (Speed Bumps on Garfield Avenue) project for a total of \$4,500.00. There is no remaining traffic operations capital appropriation in 04100-9010000 project CTR013;
- o) All traffic operations work related to the Install Speed Humps at 15th Avenue South (40th Street East to 41st Street East) project for a total of \$4,500.00. There is no remaining traffic operations capital appropriation in 04100-9010000 project CTR022;
- p) All traffic operations work related to the LED Replacement Program for a total of \$499,997.85. Traffic operations capital appropriation for 04100-9010000 project CTR503 should be decreased by \$2.15 and excess revenues shall be re-designated in the amount of \$2.15;
- q) All traffic operations work related to the Controller Conversion project for a total of \$400,000.00. There is no remaining traffic operations capital appropriation in 04100-9010000 project CTR505;
- r) All traffic operations work related to the University Paving project for a total of \$575,875.00. There is no remaining traffic operations capital appropriation for 04100-9010000 project CB1516 and

additional revenue is needed to finalize this project in the amount of \$1,050.00;

s) All traffic operations work related to the Linden Hills Traffic Management Plan project for a total of \$1,897.16. Traffic operations capital appropriation for 04100-9010000 project CB1558 should be decreased by \$28,102.84 and additional revenue is needed to finalize this project in the amount of \$208.40;

t) All traffic operations work related to the Seward Traffic Management Plan for a total of \$363.22. Traffic operations capital appropriation for 04100-9010000 project CB1573 should be decreased by \$9,636.78 and additional revenue is needed to finalize this project in the amount of \$363.22;

u) All traffic operations work related to the Traffic Signal, Signing, and Lighting Improvements project for a total of \$9,138.43. Traffic operations capital appropriation for 04100-9010000 project CB1588 (summary: CB1588010, CB1588020, and CB1588030) should be decreased by \$1,861.57 and additional revenue is needed to finalize this project in the amount of \$9,138.43;

v) All traffic operations work related to the Mast Arm Mounted Street Name Signs project for a total of \$5,000.00. There is no remaining traffic operations capital appropriation for 04100-9010000 project CB1591 and additional revenue is needed to finalize this project in the amount of \$5,000.00;

w) All traffic operations work related to the Traffic Signal (37th & Central Avenue Northeast) project for a total of \$508.81. Traffic operation capital appropriation for 04100-9010000 project CB1595 should be decreased by \$8,341.19 and additional revenue is needed to finalize this project in the amount of \$508.81;

x) All traffic operations work related to the 1999 Pedestrian Signal Additions project for a total of \$1,595.66. Traffic operations capital appropriation for 04100-9010000 project CB1610 should be decreased by \$6,604.34 and additional revenue is needed to finalize this project in the amount of \$1,558.40;

y) All traffic operations work related to the 43rd and Upton Streetscape project for a total of \$451,790.36. Traffic operations capital appropriation for 04100-9010000 project CB1638 should be increased by \$2,790.36 and additional revenue is needed to finalize this project in the amount of \$1,482.38;

z) All traffic operations work related to the Royalston Bridge Signal and Lighting project for a total of \$217,094.00. There is no remaining traffic field operations capital appropriation in 04100-9010000 project CB1693 and additional revenue is needed to finalize this project in the amount of \$6,779.61;

aa) All traffic operations work related to the East 38th Street project for a total of \$242,978.18. Traffic operations capital appropriation for 04100-9010000 project CB1699 should be increased by \$18,978.18 and additional revenue is needed to finalize this project in the amount of \$5,060.44;

bb) All traffic operations work related to the 2003 New Traffic Signal (Plymouth to West River Road) project for a total of \$90,000.00. There is no remaining traffic operations capital appropriation in 04100-9010000 project CB1700 and excess revenue shall be re-designated in the amount of \$5,395.55;

cc) All traffic operations work related to the Traffic Signals at LRT Stations at 38th and 46th Street for a total of \$243,305.47. Traffic field operations capital appropriation for 04100-9010000 project CB1705 should be decreased by \$24,694.53 and additional revenue is needed to finalize this project in the amount of \$707.68;

dd) All traffic operations work related to the Marcy Holmes Traffic Management Plan project for a total of \$7.25. Traffic operations capital appropriation for 04100-9010000 project CB1579 should be decreased by \$59,992.75 and additional revenue is needed to finalize this project in the amount of \$7.25;

ee) All traffic operations work related to the Implementing the Traffic Management Plan - Fulton project for a total of \$1,716.31. Traffic operations capital appropriation for 04100-9010000 project CB1629 should be decreased by \$51,283.69 and additional revenue is needed to finalize this project in the amount of \$1,716.31;

ff) All traffic operations work related to the 1998 Overhead Signals Additions project for a total of \$248.82. Traffic operations capital appropriation for 04100-9010000 project CB1589 should be decreased by \$17,251.18 and excess revenue shall be re-designated in the amount of \$17,251.18;

gg) All traffic operations work related to the LRT Signal Design (Planning & Design) project for a total of \$50,000.00. There is no remaining traffic operations capital appropriation for 04100-9010000 project CB1606 and excess revenue shall be re-designated in the amount of \$5,710.00;

hh) All traffic operations work related to the 1995 Signals, Signing, Lighting project for a total of \$106,958.01. Traffic operation capital appropriation for 04100-9010000 project CB1494 should be decreased by \$7,041.99 and excess revenue shall be re-designated in the amount of \$4,704.81;

ii) All traffic operations work related to Signing & Delineation project for a total of \$157,650.00. There is no remaining traffic field operations capital appropriation for 04100-9010000 project CB1614 and excess revenue shall be re-designated in the amount of \$18,688.76;

jj) All traffic operations work related to the Sixth and Nicollet L.L.C. project for a total of \$64,941.32. Traffic operation capital appropriation for 04100-9010000 project CB1640 should be decreased by \$17,058.68 and excess revenue shall be re-designated in the amount of \$124.64;

kk) All traffic operations work related to the Broadway Street Northeast and Hoover Street Northeast project for a total of \$91,548.39. Traffic operations capital appropriation for 04100-9010000 project CB1652 should be increased by \$8,448.39 and excess revenue shall be re-designated in the amount of \$451.46;

ll) All traffic operations work related to the 2001 Mast Arm Mounted Signs project for a total of \$332,493.07. Traffic operations capital appropriation for 04100-9010000 project CB1660 should be decreased by \$6,506.93 and excess revenue shall be re-designated in the amount of \$87,201.87;

mm) All traffic operations work related to the 2001 Controller Conversion project for a total of \$499,998.00. Traffic operations capital appropriation for 04100-9010000 project CB1666 should be decreased by \$2.00;

nn) All traffic operations work related to the 2001 Street Renovation Program for a total of \$50,827.37. Traffic operations capital appropriation for 04100-9010000 project CB1667 should be decreased by \$5,172.63 and excess revenue shall be re-designated in the amount of \$5,172.63;

oo) All traffic operations work related to the Phillips Neighborhood - Traffic Calming project for a total of \$12,692.97. Traffic operations capital appropriation for 04100-9010000 project CB1676 should be decreased by \$5,307.03 and excess revenue shall be re-designated in the amount of \$5,307.03;

pp) All traffic operations work related to the 2002 Traffic Signals project (Chicago & 19th Street and Lyndale and West 25th Street) for a total of \$4,430.28. Traffic operations capital appropriation for 04100-9010000 project CB1684 should be decreased by \$165,569.72 and excess revenue shall be re-designated in the amount of \$150,569.72;

qq) All traffic operations work related to the Intersection Reconstruction (Huron Boulevard and Fulton Street Southeast) project for a total of \$31,720.74. Traffic operations capital appropriation for 04100-9010000 project CB1691 should be decreased by \$6,279.26 and excess revenue shall be re-designated in the amount of \$674.05. In addition, excess Net Debt Bonds shall be re-designated in the amount of \$1,407.03;

rr) All traffic operations work related to the East 26th and Hiawatha LRT project for a total of \$264,564.00. There is no remaining traffic field operations capital appropriation in 04100-9010000 project CB1695 and excess revenue shall be re-designated in the amount of \$2,444.41;

ss) All traffic operations work related to the Nicollet Avenue South Phase II project for a total of \$258,294.71. Traffic operations capital appropriation for 04100-9010000 project CB1698 should be decreased by \$67,705.29 and excess revenue shall be re-designated in the amount of \$5,107.36. In addition, excess Net Debt Bonds shall be re-designated in the amount of \$66,940.31;

tt) All traffic operations work related to the Signals at Chicago and East Franklin Avenue project for a total of \$13.11. Traffic operations capital appropriation for 04100-9010000 project CB1633 should be decreased by \$82,986.89 and additional revenue is needed to finalize this project in the amount of \$13.11;

uu) All traffic operations work related to the Hiawatha LRT project for a total of \$289,117.75. Traffic operations capital appropriation for 04100-9010000 project CLRTDT should be decreased by \$9,799.53 and excess revenue shall be re-designated in the amount of \$57,241.92;

vv) All bike work related to the Marcy Holmes Bike Lane Development for a total of \$0.00. Bike construction capital appropriation in 04100-9010000 project CB1567 should be decreased by \$15,000.00;

ww) All bike work related to the Seward Bike Lane Development project for a total of \$0.00. Bike construction capital appropriation in 04100-9010000 project CB1574 should be decreased by \$48,000.00;

xx) All bike work related to the Bike Lane (Stone Arch Bridge - Dinkytown) project for a total of \$0.00. Bike capital appropriation in 04100-9010000 project CB1578 should be decreased by \$45,000.00;

yy) All bike work related to the Phillips Bike Lane Development project for a total of \$0.00. Bike capital appropriation in 04100-9010000 project CB1580 should be decreased by \$197,000.00;

zz) All bike work related to the Implementation of Bike Lane Plan (Audubon Park) project for a total of \$0.00. Bike capital appropriation in 04100-9010000 project CB1627 should be decreased by \$9,000.00;

aaa) All bike work related to the Implementation of Bike Lane Plan (Fulton) project for a total of \$0.00. Bike capital appropriation in 04100-9010000 project CB1628 should be decreased by \$15,000.00;

bbb) All bike work related to the West 15th Street and Lyndale Bike Facility project for a total of \$8,730.61. Bike capital appropriation in 04100-9010000 project CB1582 should be decreased by \$14,319.39;

ccc) All bike work related to the 2002 Bicycle Parking project for a total of \$18,242.24. Bike capital appropriation in 07500-9010000 project CA7012 should be decreased by \$11,757.76;

ddd) All bike work related to the Plymouth Avenue North Bike lane project for a total of \$25,123.77. Bike construction capital appropriation in 04100-9010000 project CBIK11 shall be decreased by \$99,876.23 and excess Net Debt Bonds shall be re-designated in the amount of \$99,876.23;

eee) All traffic operations work related to the Transportation System Management project for a total of \$70,485.63. Traffic operations capital appropriation in 04100-9010000 project CB1518 should be decreased by \$121,514.37 and additional revenue is needed to finalize this project in the amount of \$70,485.63;

fff) All bike work related to the 2003 Commuter Bike Route System project for a total of \$200,000.00. There is no remaining bike construction capital appropriation in 04100-9010000 project CBIK03;

ggg) All bike work related to the 26th Avenue North Greenway project for a total of \$24,600.00. There is no remaining bike construction capital appropriation in 04100-9010000 project CA7020;

hhh) All bike work related to the Midtown Greenway Fence project for a total of \$0.00. Bike capital appropriation in 04100-9010000 project CA7018 shall be decreased by \$25,000.00;

iii) All bike work related to the Bike Routes - East Nokomis Neighborhood project for a total of \$0.00. Bike construction capital appropriation in 04100-9010000 project CA7017 shall be decreased by \$25,000.00;

jjj) All bike work related to the Midtown Greenway - 31st and Chowen project for a total of \$62,250.00. There is no remaining bike construction capital appropriation in 04100-9010000 project CA7015;

kkk) All bike work related to the 8th Street Northeast Bikeway project for a total of \$0.00. There is no remaining bike construction capital appropriation in 04100-9010000 project CA7008;

lll) All bike work related to the 2000 Dinkytown Bridge Connection Bridge project for a total of \$214,970.39. Bike construction capital appropriation in 04100-9010000 project CA7006 shall be increased by \$11,970.39 and additional revenue is needed to finalize this project in the amount of \$11,970.39;

mmm) All bike work related to the Dinkytown Bikeway Connection Bridge project for a total of \$150,000.00. There is no remaining bike construction capital appropriation in 04100-9010000 project CA7001;

nnn) All bike work related to the Bike Lane Development project for a total of \$504.12. Bike capital appropriation in 04100-9010000 project CB1559 shall be decreased by \$9,495.88 and additional revenue is needed to finalize this project in the amount of \$504.12;

ooo) All bike work related to the Implementation of Bike Lane Plan (Kenny) project for a total of \$808.03. Bike capital appropriation in 04100-9010000 project CB1630 shall be decreased by \$17,191.97 and additional revenue is needed to finalize this project in the amount of \$808.03;

ppp) All bike work related to the RiverLake Greenway project for a total of \$78,582.31. Bike capital appropriation in 04100-9010000 project CBIK10 should be decreased by \$6,417.69 and additional revenue is needed to finalize this project in the amount of \$672.66;

qqq) All bike work related to the East Calhoun Neighborhood Bike Racks project for a total of \$7,767.49. Bike construction capital appropriation in 04100-9010000 project CA7016 shall be decreased by \$5,732.51 and additional revenue is needed to finalize this project in the amount of \$25.74;

rrr) All traffic operations work related to the West Broadway Reconstruction project for a total of \$371,287.03. Traffic operations capital appropriation in 04100-9010000 project CTR014 shall be increased by \$36,656.03 and additional revenue is needed to finalize this project in the amount of \$62,864.42;

sss) All bike work related to the 2002 Commuter Bike Route System project for a total of \$110,000.00. There is no remaining bike construction capital appropriation in 04100-9010000 project CA7013 and additional revenue is needed to finalize this project in the amount of \$110,000.00;

ttt) All bike work related to the 2001 Commuter Bike Route System project for a total of \$591,900.00. Bike construction capital appropriation in 04100-9010000 project CA7009 shall be decreased by \$24,600.00 and additional revenue is needed to finalize this project in the amount of \$35,400.00;

uuu) All bike work related to the 2000 Commuter Bike Route System project for a total of \$387,399.29. Bike construction capital appropriation in 04100-9010000 project CA7007 should be decreased by \$34,600.71 and additional revenue is needed to finalize this project in the amount of \$15,399.29;

vvv) All bike work related to the 1999 Commuter Bicycle Route System project for a total of \$375,270.96. Bike construction capital appropriation in 04100-9010000 project CA7002 should be decreased by \$96,729.04 and additional revenue is needed to finalize this project in the amount of \$228.46;

www) All bike work related to the Commuter Bike Route System project for a total of \$1,990,205.22. Bike construction capital appropriation in 04100-9010000 project CA6249 should be decreased by \$3,626.98 and excess revenue re-designated in the amount of \$93,653.17;

xxx) All traffic operations work related to the University Avenue Northeast Bridge/Signal project for a total of \$16,834.44. Traffic operations capital appropriation for 04100-9010000 project CB1598 should be decreased by \$0.56 and additional revenue is needed to finalize this project in the amount of \$16,834.44;

yyy) All traffic operations work related to East Franklin Avenue Signals (Chicago - 16th Avenue South) for a total of \$139,980.98. Traffic operations capital appropriation for 04100-9010000 project CB1616 should be decreased by \$19.02 and additional revenue is needed to finalize the project in the amount of \$106,398.86;

zzz) All traffic operations work related to the 1999 Traffic Signals - University Avenue at 6th Avenue Southeast for a total of \$0.00. Traffic operations capital appropriation for 04100-9010000 project CB1620 should be decreased by \$80,000.00;

aaaa) All traffic operations work related to the Priority Vehicle Phase II project for a total of \$458,000.00. There is no remaining traffic operations capital appropriation for 04100-9010000 project CB1599 and additional revenue is needed to finalize this project in the amount of \$140,182.26; and

bbbb) All traffic operations work related to the 23rd and Riverside Avenue - Traffic Signal project for a total of \$119,090.70. Traffic operations capital appropriation for 04100-9010000 project CB1688 should be decreased by \$10,909.30 and additional revenue is needed to finalize this project in the amount of \$19,090.70.

Be It Further Resolved that as result of the above closeout of projects qq, ss, and ddd, \$168,223.57 of Net Debt Bonds becomes available for re-allocation. This entire amount shall be re-allocated as follows:

- \$62,864.42 to Project rrr (West Broadway Reconstruction - 04100-9010000-CTR014);
  - \$5,482.92 to Project bbbb (23rd and Riverside Avenue - Traffic Signal - 04100-9010000-CB1688);
- and
- \$99,876.23 to Hennepin/Lyndale Bike Project - Bike Ways Phase 1 & 2 (04100-9010000-CA7014);

Through this action Project rrr (West Broadway Reconstruction) is completely closed, Project bbbb (23rd and Riverside Avenue - Traffic Signal) needs \$13,607.78 in revenue to close (see following resolved

clause), and the Hennepin/Lyndale Bike Project - Bike Ways Phase 1 & 2 which will not be closed.

Be It Further Resolved that as a result of the above close-out of projects g, l, m, p, bb, ff - ll, nn - ss, uu, and www, \$569,506.58 of revenue becomes available for re-allocation. The entire amount shall be re-allocated as follows:

- \$13,607.78 to Project bbbb (23rd and Riverside Avenue - Traffic Signal - 04100-9010000-CB1688) (see above). This closes this project;

- \$547,720.72 to Projects a, r - aa, cc - ee, tt, eee, ll, nnn - qq, sss - vvv, xxx, yyy, and aaaa. This closes these projects; and

- \$8,178.08 to the Priority Vehicle Control System - Phase 4 (04100-9010000-CB1650). This project is not being closed.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-069, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$168,223.57, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-069**  
**By Colvin Roy and Ostrow**

**Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the amount of \$168,223.57.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the total amount of \$168,223.57 from the following projects:

- Huron Boulevard and Fulton Street Southeast Project (04100-9010000 Project CB1691) in the amount of \$1,407.03;

- Nicollet Avenue South Phase II Project (04100-9010000 Project CB1698) in the amount of \$66,940.31; and

- Plymouth Avenue North Bike Lane Project (04100-9010000 Project CBIK11) in the amount of \$99,876.23;

to the following projects:

- West Broadway Reconstruction Project (04100-9010000-CTR014) in the amount of \$62,864.42;
- 23rd and Riverside Avenue - Traffic Signal Project (04100-9010000-CB1688) in the amount of \$5,482.92; and

- The Hennepin/Lyndale Bike Project - Bike Ways Phase 1 & 2 (04100-9010000-CA7014) in the amount of \$99,876.23.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 7060, Accept low responsive bids to furnish all labor, materials, equipment, and incidentals necessary to complete the construction of sidewalks, alleys, driveways, curbs, and gutters, for estimated annual expenditures as follows:

- District 1                      Standard Sidewalk, Inc.                      \$854,861
- Districts 2 & 3                      Concrete Ideas, Inc.                      \$1,742,465;

b) OP 7085, Accept bid of Hawkins, Inc., for an estimated annual expenditure of \$250,000, to furnish and deliver fluosilicic acid through December 31, 2009.

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

Adopted 2/20/2009.

Absent - Goodman, Johnson.

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

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Master Agreement for Administrative Hearing Officer services between the City of Minneapolis and the Hoffner Firm, LTD., so that the compensation payable under said agreement not exceed \$125,000 for the three year term of the agreement.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee, having received and filed the 2008 Ethical Practices Board Annual Report findings pursuant to Minneapolis Code of Ethics, Section 15.210 (f), from the City Attorney's Office as set forth in Petn No 273306 on file in the Office of the City Clerk, now recommends acceptance.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**W&M/Budget** – Your Committee, having under consideration the 2009 Minneapolis Board of Equalization, now recommends the approval of the appointments of Tad Marinac, Paul Grace, Sandy Loescher, Ted Risk, Patricia Werner, John Cole, James Robb and Earl Netwal to the 2009 Minneapolis Board of Equalization for terms from April 21, 2009 through May 1, 2009. Further, passage of the accompanying resolution establishing the 2009 Minneapolis Board of Equalization, providing procedures and fixing compensation.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-070, establishing the 2009 Minneapolis Board of Equalization, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-070**

**By Ostrow**

**Establishing the 2009 Minneapolis Board of Equalization, providing procedures and fixing compensation.**

Whereas, Minnesota Statutes 1975, Section 274.01 (Subdivision 2), authorizes any city, including cities whose charters provide for a board of equalization to appoint a special board of review to which it may delegate all powers and duties specified in said Section 274.01, Subdivision 1; and

Whereas the City Council pursuant to said law has passed an ordinance creating a special board of review, The Minneapolis Board of Equalization, to which the City Council has delegated all of the powers and duties specified in said Section 274.01, Subdivision 1, and has provided in said ordinance that the City Council shall by resolution provide for the number of persons to be appointed, the persons to be appointed, the amount of compensation to be paid, and the term of office;

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

1. That three (3) or more persons be appointed to the Board of Equalization.
  2. That the Board be composed of one or more committees of at least three (3) persons in each committee.
  3. That the Board shall hold its first meeting on April 21 2009, at the call of the City Clerk pursuant to Minnesota Statutes 1975, Section 274.01, Subdivision 1.
  4. That the board shall hold hearings of complaints of persons feeling aggrieved by an assessment.
  5. That the committees of the Board shall include at least one appraiser, one realtor or other person familiar with property valuations in the City of Minneapolis, and one freeholder of the City of Minneapolis.
  6. That the Board shall complete its hearings on or before May 1, 2009 and after these hearings the board shall fix the assessment to each property considered.
  7. That the City Clerk shall return the assessment rolls on May 22, 2009 to the City Council, who may confirm the same or return the same to the board for further revisions to be again reported to the City Council.
  8. That the board shall adjourn after it has completed its function for 2009.
  9. That each member shall be paid \$75 for each half-day he/she served as a member of the Board.
- Adopted 2/20/2009.  
Absent - Goodman, Johnson.

**W&M/Budget** – Your Committee, having under consideration the Park Board 201 Building and Land, now recommends passage of the accompanying resolution authorizing the Chief Financial Officer to take appropriate actions to complete remedial actions required by IRS Regulations to defease bonds associated with the sale of said building sold on November 26, 2008 and a future land sale financed with tax-exempt bonds.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-071, authorizing receipt of land sale proceeds from the Minneapolis Park and Recreation Board and authorizing the establishment of a defeasance escrow to redeem a portion of the tax-exempt bonds issued by the City to finance the property sold by the Minneapolis Park and Recreation Board, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-071**

**By Ostrow**

**Authorizing receipt of land sale proceeds from the Minneapolis Park and Recreation Board and authorizing the establishment of a defeasance escrow to redeem a portion of the tax-exempt bonds issued by the City to finance the property sold by the Minneapolis Park and Recreation Board.**

Whereas, on November 26, 2008, the Minneapolis Park and Recreation Board (the "Park Board") sold the 201 Building and land located at Fort Snelling to a private party. The Park Board plans to sell additional land adjacent to the 201 Building to the same party in the next few months; and

Whereas, the Park Board's purchase of the 201 Building and the land at Fort Snelling were financed with the proceeds of the General Obligation Various Purpose Bonds, Series 2001, issued by the City in August, 2001 (the "Bonds"). Proceeds of the Bonds in the amount of \$11,270,000 were applied to finance and refinance the acquisition of real property (including the 201 Building) and the construction of improvements at the Fort Snelling Complex; and

Whereas, pursuant to Section 1.141-2(d) of the Treasury Regulations (the "Regulations") promulgated under Section 141 of the Internal Revenue Code of 1986, as amended, the conveyance of property financed with tax-exempt bonds to a private party is a "deliberate action" and such action

will cause the Bonds to be considered private activity bonds unless the deliberate action is remediated; and

Whereas, pursuant to Section 1.141-12(d) of the Regulations, in order to remediate the deliberate action of selling the property to a private party, and therefore maintain the tax-exempt status of the Bonds, the City may use the proceeds of the sale of the property (including the 201 Building) to establish a defeasance escrow to redeem and prepay a portion of the Bonds used to finance the acquisition of the 201 Building and the land;

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

1. The Chief Financial Officer of the City is directed to accept the net proceeds of the sale of the 201 Building and the land already sold from the Park Board and use those funds to establish a defeasance escrow to redeem and prepay the portion of the Bonds used to finance the acquisition of the 201 Building and the land.

2. The Chief Financial Officer is further directed to accept the net proceeds of the sale of the land adjacent to the 201 Building (expected to be sold in March, 2009) from the Park Board and use those funds to establish another defeasance escrow to redeem and prepay the portion of the Bonds used to finance the acquisition of the land.

3. The Chief Financial Officer is directed to take all additional actions necessary to satisfy the remedial action requirements delineated in Section 1.141-12(d) of the Regulations.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**W&M/Budget** – Your Committee, having under consideration four (4) City Council appointments and one (1) Mayoral appointment to the Minneapolis Telecommunications Network (MTN) Board of Directors, now recommends the following applications be approved:

**Mayoral Appointment**

Ben Weeks, filling the expired term of Thomas Cassidy; term to expire January 15, 2013.

**Council Appointments**

Rashad Hasan, to fill the expired term of Floyd Child; term to expire January 15, 2013.

Peter Larsen to fill the unexpired term of Robert Vose, to expire January 15, 2011.

Patrick Scully to fill the unexpired term of Tamir Nolley, to expire January 15, 2010.

**Council Re-appointment**

Kevin Jenkins, term to expire January 15, 2013.

Adopted 2/20/2009. Yeas, 9; Nays, 1 as follows:

Yeas - Schiff, Glidden, Remington, Benson, Hodges, Samuels, Hofstede, Ostrow, Lilligren.

Nays - Gordon.

Declining to vote - Colvin Roy.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee recommends authorizing the City Finance Officer to negotiate a loan up to \$192,000 to the Minneapolis Downtown Improvement District for necessary start-up costs (Petn No 273308).

Adopted 2/20/2009.

Absent - Goodman, Johnson.

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

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to revising sign regulations applicable to a regional sports arena to allow additional signage to the Hubert H. Humphrey Metrodome, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage:

a. Amending Chapter 543 relating to *On-Premise Signs*; and

b. Amending Chapter 544 relating to *Off-Premise Advertising Signs and Billboards*.

Your Committee also recommends that amendments made by the Committee to Chapters 543 and 544 be adopted, to change Chapter 543.170 (e) and Table 544-3 under the standards for regional sports arena, to indicate that one freestanding sign shall be allowed with a height not exceeding thirty-five (35) feet.

Your Committee further recommends that Chapter 520 be returned to author.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

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

Ordinance 2009-Or-013 amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, relating to revising sign regulations applicable to a regional sports arena to allow additional signage to the Hubert H. Humphrey Metrodome, was adopted 2/20/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2009-Or-013**  
**By Goodman**  
**Intro & 1st Reading: 8/8/2008**  
**Ref to: Z&P**  
**2nd Reading: 2/20/2009**

**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 Section 543.170 of the above-entitled ordinance be amended to read as follows:

**543.170. Regional sports arenas.** (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.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Ordinance 2009-Or-014 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Premise Advertising Signs and Billboards*, relating to revising sign regulations applicable to a regional sports arena to allow additional signage to the Hubert H. Humphrey

Metrodome, was adopted 2/20/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2009-Or-014**  
**By Goodman**  
**Intro & 1st Reading: 8/8/2008**  
**Ref to: Z&P**  
**2nd Reading: 2/20/2009**

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

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

Section 1. That Section 544.90 of the above-entitled ordinance be amended to read as follows:

**544.90 Downtown Entertainment Billboard District.** (a) *Establishment and restrictions.*

This section establishes the following Downtown Entertainment Billboard District:

(1) *Downtown Entertainment Billboard District.* The Downtown Entertainment Billboard District shall comprise the areas bounded by the following streets:

a. Commencing at the intersection of Sixth Street North and Hennepin Avenue, land that is south of Sixth Street North between Hennepin Avenue and Second Avenue North, east of Second Avenue between Sixth Street and Seventh Street North, north of Seventh Street North between First and Second Avenue North, east of First Avenue North between Seventh and Eighth Street North, ~~Eighth Street between First Avenue North~~ north of Eighth Street North between First Avenue North and Hennepin Avenue, and west of Hennepin Avenue between Sixth Street and Eighth Street North.

b. Commencing at the intersection of Chicago Avenue and Sixth Street South, land that is north of Sixth Street South between Chicago Avenue and Eleventh Avenue, west of Eleventh Avenue between Sixth Street South and Fourth Street South, south of Fourth Street South between Eleventh Avenue and Chicago Avenue, and east of Chicago Avenue (aka Kirby Puckett Place) between Fourth Street South and Sixth Street South.

(2) Off-premise signs constructed in this district shall not be subject to the requirements of 544.60 and 544.70.

Section 2. That Table 544-3 of the above-entitled ordinance be amended to read as follows:

**Table 544-3 Downtown Billboard Entertainment Billboard District**

	<b>General standards</b>	<b><u>Standards for regional sports arena</u></b>
<b>Maximum off-premise sign area</b>	The off-premise sign shall not exceed the square footage equal to ten (10) times the building perimeter as measured at the foundation wall, subject to 544.90(b)	<u>Signs applied flat on the roof and which are intended to be primarily viewed from above shall not be included in calculating the total sign area of the site.</u>
<b>Maximum off-premise sign height</b>	If located on a roof, the top of the off-premise sign shall not exceed forty-five (45) feet	<u>Signs attached to the wall or roof of a regional sports arena may extend as high as twenty (20) feet above</u>

above the roof. No off-premise sign shall be placed on the roof of any building exceeding four stories in height or where the roof is more than fifty-six (56) feet above grade.<sup>z</sup> the top of the building wall.

**Lighted signs**

Permitted subject to luminance provision.

**Freestanding Signs**

Not Permitted

One (1) freestanding sign not exceeding thirty-five (35) feet in height shall be allowed. The sign may have signage on up to two sides 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.

**Luminance\***

Maximum of seven thousand (7,000) nits from 6:00 a.m. to 9:00 p.m.; and maximum of five hundred (500) nits from 9:00 p.m. to 6:00 a.m.

**Animated signs**

Permitted

**Flashing signs**

Permitted

**Minimum sign spacing**

None

\*Luminance is the physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

Adopted 2/20/2009.

Absent - Goodman, Johnson.

**UNFINISHED BUSINESS**

**T&PW & W&M/Budget** - Your Committee, having under consideration the Chicago Ave Phase II Reconstruction Project, (Franklin Ave to 25th St E, and 26th St E to 28th St E), Special Improvement of Existing Street No 6382, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting special assessments in the amount of \$742,820.69 for the project; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$742,800 for the project.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-072, ordering the work to proceed and adopting the special assessments for the Chicago Ave Phase II Street Reconstruction Project (Franklin Ave to 25th St E and 26th St E to 28th

St E), Special Improvement of Existing Street No 6382, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-072**  
**By Colvin Roy and Ostrow**

**CHICAGO AVENUE PHASE II STREET RECONSTRUCTION PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 6382**

**Ordering the work to proceed and adopting the special assessments for the Chicago Ave Phase II Project (Franklin Ave to 25th St E and 26th St E to 28th St E).**

Whereas, a public hearing was held on January 27, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2008R-572, passed December 12, 2008, to consider the proposed special assessments as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2008R-572, passed December 12, 2008.

Be It Further Resolved that the proposed special assessments in the total amount of \$742,820.69, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2010 real estate tax statements.

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

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Resolution 2009R-073, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$742,800, for the purpose of paying the assessed cost of street improvements in the Chicago Ave Phase II (Franklin Ave to 25th St E and 26th St E to 28th St E) Street Reconstruction Project, Special Improvement of Existing Street No 6382, was adopted 2/20/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-073**  
**By Colvin Roy and Ostrow**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$742,800 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Chicago Ave Phase II (Franklin Ave to 25th St E and 26th St E to 28th St E) Street Reconstruction Project, Special Improvement of Existing Street No 6382, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Pursuant to notice, Hofstede moved to introduce an ordinance amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally*, for first reading and referral to the Public Safety & Regulatory Services Committee (prohibiting upholstered furniture not manufactured for outdoor use in any front or side yard or rear yard abutting a street). Seconded.

Adopted 2/20/2009. Yeas, 9; Nays, 2 as follows:

Yeas – Colvin Roy, Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow.

Nays - Schiff, Lilligren.

Absent - Goodman, Johnson.

### **NEW BUSINESS**

Ostrow gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of revision of the City Charter pursuant to the recommendations from the Charter Commission.

Ostrow, on behalf of Johnson, gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations (imposing a park dedication requirement on new development).

Gordon moved to adjourn to Room 315 City Hall to consider the *Tollefson v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 2/20/2009.

Absent - Goodman, Johnson.

Room 315 City Hall

Minneapolis, Minnesota

February 20, 2009 - 10:26 a.m.

The Council met pursuant to adjournment.

Council President pro tem Lilligren in the Chair.

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

Absent – Council Members Goodman, Johnson.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Tollefson v. City of Minneapolis* lawsuit.

At 10:27 a.m., Benson moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Goodman, Gordon, Hofstede, Johnson.

Present - Schiff (In at 10:28 a.m.), Colvin Roy, Glidden, Remington, Benson, Hodges, Samuels, Gordon (In at 10:30 a.m.), Hofstede (In at 10:29 a.m.), Ostrow, President pro tem Lilligren.

Absent - Goodman, Johnson.

Also Present – Susan Segal, City Attorney (In at 10:32 a.m.); Peter Ginder, Deputy City Attorney; Lynne Fundingsland, City Attorney’s Office; Susan Ellingstad, Lockridge, Grindal, Nauen, P.L.L.P.; Michael Jordan, Director, Civil Rights Department; Steven J. Ristuben, City Clerk; and Anne Roth, City Clerk’s Office.

Ellingstad summarized the *Tollefson v. City of Minneapolis* lawsuit from 10:28 a.m. to 10:40 a.m.

At 10:40 a.m., Gordon moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Johnson.

Glidden moved to approve the settlement of the case of the *Ingrid Tollefson v. City of Minneapolis*, United States District Court File No.: 08-CV-1111 (PJS/RJE) with payment of \$27,500.00 to Ingrid Tollefson and her attorney, John A. Fabian by separate checks and the amounts to be allocated between wages and damages as agreed upon by the City Attorney’s Office. Payment shall be from Fund/Org. 06900 145300. The City Attorney’s Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 2/20/2009.

Absent - Goodman, Johnson.

Gordon moved to adjourn to Monday, February 23, 2009, at 1:30 p.m. in Room 317, City Hall, for the purpose of receiving the Mayor’s 2009 Revised Budget. Seconded.

Adopted upon a voice vote 2/20/2009.

Absent - Goodman, Johnson.

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

Steven J. Ristuben,  
City Clerk.

Unofficial Posting: 2/23/2009  
Official Posting 2/27/2009