MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF FEBRUARY 6, 2009

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Council Chamber
350 South 5th Street
Minneapolis, Minnesota
February 6, 2009 - 9:30 a.m.
Council President Johnson in the Chair.
Present - Council Members Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, President Johnson.
Lilligren moved adoption of the agenda. Seconded.
Adopted upon a voice vote 2/6/2009.
Absent - Colvin Roy.
Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held January 23, 2009. Seconded.
Adopted upon a voice vote 2/6/2009.
Absent - Schiff, Colvin Roy.
Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.
Adopted upon a voice vote 2/6/2009.
Absent - Schiff, Colvin Roy.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:
COORDINATOR (273253.1)
Receive and file City and Departmental Response to the 2006 Employee Survey.

COMMITTEE OF THE WHOLE (See Rep):
COORDINATOR (273254)
Appointments by the Mayor and Council to the Neighborhood and Community Engagement Commission.

COMMUNITY DEVELOPMENT:
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273255)
Land Sale (2745 Park Ave S).

COMMUNITY DEVELOPMENT (See Rep):
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273256)
2009 Single-Family Housing Program.

Entitlement Issuers: Authorizing Finance Officer to sign agreement with other issues to allow transfer of bonding authority to Mpls.

Project for Pride in Living: Authorize City participation in & approval of the Phillips Partnership Second Mortgage Loan Program.

Standard Parking (re Parcel A, northeast side of 2nd St S between 3rd & 5th Aves S): Operating Agreement for parking operation & maintenance.

Great Streets Façade Improvement Program Administration: Contracts with African Development Center, Field Regina Northrop Neighborhood Association & Victory Neighborhood Association.

Minnesota Shubert Performing Arts & Education Center: One year extension to Redevelopmetn Agreement & Promissory Note.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273257)

25th Ave SE Extension Construction Project No. 6734: Authorizing acquisition of properties for the 25th Ave portion of SEMI/University Research Park infrastructure.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273258)

Metropolitan Council's Livable Communities Demonstration Account (LCDA) & Local Housing Incentives Account (LHIA) Grant Awards: Acceptance & appropriation of grant awards.

Minneapolis Advantage Program for 2009: Acceptance of grant from Federal Home Loan Bank; revision of MAP guidelines; authoring amendment to Greater Metropolitan Housing Corporation contract.

ELECTIONS:

ATTORNEY (273259)

Instant Runoff Voting: IRV lawsuit status report.

CITY CLERK (273260)

Ranked Choice Voting: Instant Runoff Voting (IRV) Implementation report.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CITY COUNCIL (273261)

Midtown High Voltage Power Line Proposal (The Hiawatha Project): Public comments.

PUBLIC WORKS AND ENGINEERING (273262)

Indoor Space Temperature Policy: Adopt policy for all City of Minneapolis owned and operated facilities.

XCEL ENERGY (273263)

Midtown High Voltage Power Line Proposal (The Hiawatha Project): PowerPoint.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273264)

Minnesota Family Investment Program: Execute contract with Hennepin County to receive $466,344 for operation of MFIP Program during calendar year 2009.

REGULATORY SERVICES (273265)

Lead Safe Training: Accept $10,000 grant from Minnesota Department of Health to train property owners and contractors who will be remodeling, rehabilitating and renovating properties built before 1978; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (273266)

2008 Annual Report.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (273267)

Metropolitan Library Service Agency: Withdrawing the City of Mpls from the regional library system.

City of Mpls 2009 Legislative Agenda: Amendments relating to a) Restaurant Alma (528 University Ave SE) & the taxation & Downtown Taxing District; b) Merging of Mpls Poice Relief Association & Mpls Firefighters' Relief Association; c) Regional &cross jurisdictional cooperation; d) State fiscal relations.

Minneapolis Employees Retirement Fund: Resolution of MERF Board of Trustees re merger of MERF with the Public Employees Retirement Assocation of the State of Minnesota.

Marriage & Family Protection Act: Senate File No. 120 text.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (273268)

Dangerous Animals: 2008 Summary report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273269)

Licenses: Applications.

REGULATORY SERVICES (273270)

Chapter 249 Property at 1611 22nd Av N: Execute rehabilitation agreement with owner.

REGULATORY SERVICES (273271)

Chapter 249 Property at 2440 16th Av S: Concur with Nuisance Review Panel to demolish property.

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

POLICE DEPARTMENT (273272)

Emergency Response/Pursuit Training: Extend agreement with Dakota County

Technical College for sworn and non-sworn personnel to attend training; and Issue Request for Proposals for driver training facility rental.

Hennepin County Jail Fees: Execute 2009 agreement with Hennepin County whereby City will reimburse the County for the actual and legal cost of detaining inmates arrested by the Police Department at the Hennepin County Adult Detention Facility.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273273)

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 3rd Quarter, 2008 (See Petn No 273092).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273274)

Lowry Bridge Reconstruction: Environmental Assessment Worksheet comments.

Downtown Business Improvement Special Service District: Set public hearing re proposed services and service charges.

Bike Walk Twin Cities: Bike Sharing Proposal.

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

PUBLIC WORKS AND ENGINEERING (273275)

Chicago Ave Phase II Reconstruction Project No 6382: Adopt assessments.

Capital Projects Status Report: Update on development of criteria.

13th Street South Pedestrian Gateway: Layout approval; accept and appropriate grant.

Bids: a) OP 7062, Ramsey Excavating Company, for removal of impacted soil; b) OP 7073, Fischer Sand and Aggregate, LLP, for fine aggregate; and c) OP 7074, Kraemer Mining and Materials, Inc, for Class AAA aggregate.

WAYS AND MEANS BUDGET:

COORDINATOR (273276)

City Services and expenditures: Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273277)

Legal Settlement: Shaun D. Young; and Otieno, Walton and Wong vs. City of Minneapolis.

Court Reporting Services: Amend contract C-21990 with Kirby A. Kennedy & Associates.

COMMUNICATIONS (273278)

March 2009 Utility Billing Insert: Raingarden Workshop Schedule.

Minneapolis Telecommunications Network (MTN) Board of Directors: Appointments and reappointments.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273279)

Certified Local Government (CLG) Grant through Minnesota Historical Society: Authorize application to complete historic survey.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (273280)

Receive and file report on existing and potential federal and local historic districts in the city and the process to be undertaken to align those.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273281)

Planning Commission Appointments: Approval of mayoral reappointments.

Moratorium Waiver:

Cedar & Lake Revival LLC (1901 E Lake St, 3009-3011 19th Ave S): regarding principal parking facilities.

Vacation:

Church of the Ascension (1723 Bryant Ave N): public alley.

Rezonings:

Daniel Schwarzman (2553 and 2559 Aldrich Ave S): to R3 to allow duplexes.

Zoning Code Text and Map Amendment Work Plan: approval of current plan.

FILED:

CHARTER COMMISSION (273282)

Charter Revision Draft 11: E-mail/Letter to neighborhood organizations.

FIRE DEPARTMENT (273283)

Fire Department Take Home Vehciels: Report.

The following reports were signed by Mayor Rybak on February 9, 2009. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration two Mayoral and five Council appointments to the Neighborhood and Community Engagement Commission, now recommends that the appointments **be sent forward without recommendation.**

Lilligren moved that the report be amended by striking the language "be sent forward without recommendation" and insert in lieu thereof:
"of the following candidates be made:

Candidates	Ward	Neighborhood	Appointment	Term
Tony Anastasia	1	Audobon Park	Council	3 yrs.
Jeffrey Strand	4	Shingle Creek	Council	3 yrs.
David Crockett	6	Stevens Sq/Loring Hgts	Council	2 yrs.
Ed Newman	7	Loring Park	Council	3 yrs.
Breanne Rothstein	11	Windom	Council	2 yrs.
Crystal Johnson	5	Near North	Mayoral	3 yrs.
Matt Perry	13	East Harriet/Farmstead	Mayoral	2 yrs."

Seconded.

Schiff moved to amend Lilligren's motion to remove the name of David Crockett and insert in lieu thereof the name of Doris Overby. Seconded

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Schiff, Colvin Roy, Glidden, Gordon, Hofstede.

Nays - Ostrow, Lilligren, Remington, Benson, Goodman, Hodges, Samuels, Johnson.

Hodges moved to amend the report to direct NCR staff to forward a request to the NCEC to develop and recommend recruitment strategies for NCEC board member selection for both city and neighborhood appointments that promote racial, ethnic, gender, and geographic diversity on the NCEC board. Staff should request that the recommendation include evaluation methods and an annual report to the NCR's reporting committee, and that the NCEC report back with its recommendation to Committee of the Whole no later than August 13, 2009. Seconded.

Colvin Roy moved to amend the motion to add "age" following "gender". Seconded.

Adopted upon a voice vote.

Lilligren's motion was adopted by unanimous consent.

The report, as amended, was adopted 2/6/2009. Yeas, 10; Nays, 3 as follows:

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

Nays - Schiff, Colvin Roy, Gordon.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the Single-Family Housing Program which permits the creation of new mortgage programs and allows the recycling of funds from older mortgage programs, now recommends passage of the accompanying resolution approving a 2009 Housing Finance Program and the issuance by the Minneapolis/St. Paul Housing Finance Board of Single Family Mortgage Revenue bonds and/or Mortgage Credit Certificates pursuant thereto.

Your Committee further authorizes the expenditure of up to $35,000 to pay for Minneapolis' share of the cost of the 2008 audit of the Minneapolis/St. Paul Housing Finance Board.

Adopted 2/6/2009.

Resolution 2009R-037, approving a 2009 Housing Finance Program and the issuance by the Minneapolis/Saint Paul Housing Finance Board of Single Family Mortgage Revenue Bonds and/or Mortgage Credit Certificates pursuant thereto, was adopted 2/6/2009 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-037
By Goodman

Approving a 2009 Housing Finance Program and the issuance by the Minneapolis/Saint Paul Housing Finance Board of Single Family Mortgage Revenue Bonds and/or Mortgage Credit Certificates pursuant thereto.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Housing Act"), the City of Minneapolis, Minnesota (the "City") is authorized to carry out programs for the financing of single family housing for persons of low and moderate income; and

Whereas, the Minneapolis/Saint Paul Housing Finance Board (the "Board") proposes to undertake a 2009 single family housing finance program (the "Program") to issue mortgage revenue bonds and refunding bonds (the "Bonds") or to issue mortgage credit certificates ("MCCs") to provide a tax credit to first-time homebuyers to reduce the cost of financing a home located in the City or Minneapolis, all pursuant to Minnesota Statutes, Sections 469.001 to 469.047, Chapters 462A, 462C and 474A and Section 471.59 (together, the "Act"); and

Whereas, the Act requires adoption of the Program after a public hearing held thereon following publication of notice in a newspaper of general circulation in the City and Saint Paul at least fifteen days in advance of the hearing; and

Whereas, the Community Development Committee of the City Council on January 27, 2009, conducted a public hearing on the Program after publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council at or before the time of publication of notice of the public hearing thereon, and the Metropolitan Council was afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the adoption of the Program and the issuance by the Board of Bonds and/or MCCs are in the best interests of the City;

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

1. The Program is hereby approved in its entirety in substantially the form on file with the City. The officers of the City and the Board are authorized to take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws and regulations.

2. Be It Further Resolved that the issuance of the Bonds and/or MCCs pursuant to the Program is hereby approved.

3. Be It Further Resolved that the Bonds and/or MCCs may be issued in one or more series at the time or times and pursuant to terms determined by the Board, and be structured so as to take advantage of whatever means are available and are permitted by law to enhance the security for, or marketability of, the Bonds, provided that any such financing structure must be approved by the Board. The MCCS may be issued at the time or times and pursuant to terms determined by the Board. All such determinations by the Board must comply with the applicable provisions of the Act and the Internal Revenue Code, of 1986, as amended, and regulations promulgated thereunder.

4. Be It Further Resolved that the Board is authorized to take all actions which may be necessary or desirable in connection with the issuance of the Bonds and/or MCCs, and no further approval or consent of the City shall be required prior to the issuance of the Bonds and/or MCCs by the Board, or prior to the taking of any action by the Board to undertake and implement the Program.

5. Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City and other than the revenues derived from the Program or otherwise granted to the City for such purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or

equitable, upon any property or funds of the City except the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment against any property of the City. The Bonds shall recite in substance that the principal and interest thereon are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

6. Be It Further Resolved that any one or more series of Bonds and/or MCCs (to the extent authorized by law) may be issued by the City in lieu of issuance by the Board, at the discretion of the City.

Adopted 2/6/2009.

Comm Dev - Your Committee recommends that the City Finance Officer be authorized to sign an agreement with other bond entitlement issuers to allow them to transfer bonding authority to the City of Minneapolis.

Adopted 2/6/2009.

Comm Dev - Your Committee, having under consideration the request of Project for Pride in Living (PPL), on behalf of the Phillips Partnership, that the City be the participating lender in a homeowner assistance program to provide second mortgage loans for buyers of owner-occupied condominium and single family detached housing being purchased within the Midtown Phillips neighborhood, now recommends authorization for City participation in and approval of the execution of agreements with PPL for a Second Mortgage Loan Program.

Adopted 2/6/2009.

Comm Dev - Your Committee, having under consideration an operating agreement for parking operations on Parcel A (located on the northeast side of 2nd St S between 3rd and 5th Ave S), now recommends that the proper City officers be authorized to execute an Operating Agreement between the City and Standard Parking for operation and maintenance on Parcel A, subject to the terms contained in the Department of Community Planning & Economic Development staff report, and the following conditions: a) Standard Parking must pay to the City a penalty of $100 for each day that Standard does not remove snow and ice from driveways and sidewalks adjacent to the lot within 4 hours of daytime after the ceasing to fall of any snow. If the City receives a citizen complaint on the failure of Standard to remove snow and ice in accordance with City ordinances and Standard has not met its obligation, an additional $200 per complaint penalty will be charged; b) Standard Parking will not permit any tailgating on the lot; and c) The City may perform an independent audit of Standard Parking's operations on the Parcel A lot at any time.

Your Committee further recommends waiver of the City's Request for Proposal (RFP) procurement policy for professional service contracts above $50,000.

Adopted 2/6/2009.

Comm Dev - Your Committee recommends that the proper City officers be authorized to negotiate contracts for Great Streets Façade Improvement Program Administration, with the applicants and for amounts indicated as follows:

a) African Development Center, $50,000

b) Field Regina Northrop Neighborhood Association and South Chicago Avenue Business Alliance, $50,000; and

c) Victory Neighborhood Association, $30,000.

Adopted 2/6/2009.

Comm Dev - Your Committee, having under consideration extensions for the Minnesota Shubert Performing Arts & Education Center, now recommends approval of a one year extension to the Redevelopment Agreement and Promissory Note, and that the proper City officers be authorized to execute appropriate amendments and all related documents.

Adopted 2/6/2009.

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

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration acquisition of right-of-way for the 25th Ave SE Extension Construction Project No. 6734 (4th St SE to proposed Granary Rd), now recommends that staff be authorized to pursue acquisition through negotiation with property owners or through condemnation, portions of the following properties to be used for the 25th Avenue portion of SEMI/University Research Park infrastructure:

PID 30-029-23-21-0059 (Chicago & NW RR merged to Union Pacific RR Co.);
PID 30-029-23-12-0009 (Chicago & NW RR merged to Union Pacific RR Co.); &
PID 30-029-23-21-0049 (Burlington Northern RR Co.).

Your Committee further recommends passage of the accompanying resolutions:

a) Authorizing the proper City officers to pursue acquisition of portions of properties to be used for the 25th Ave portion of the SEMI/University Research Park infrastructure; and

b) Approving appropriation increases for the Department of Community Planning and Economic Development by $320,000 from available fund balance.

Adopted 2/6/2009.

Resolution 2009R-038, authorizing the proper City officers to pursue acquisition of portions of properties to be used for the 25th Ave portion of the SEMI/University Research Park infrastructure, was adopted 2/6/2009 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-038
By Goodman, Colvin Roy and Ostrow

Authorizing the proper City officers to pursue acquisition of portions of properties to be used for the 25th Ave portion of the SEMI/University Research Park infrastructure.

Whereas, the Department of Community Planning and Economic Development CPED and the Department of Public Works plan to extend Malcolm Avenue SE and 25th Avenue SE and build Granary Road in the Southeast Minneapolis Industrial (SEMI) redevelopment project area; and

Whereas, these roads will provide access to the SEMI/University Research Park (URP) where no public access now exists; and

Whereas, Granary Road has also been identified in a memorandum of understanding between the City, County, University of Minnesota and Metropolitan Council, as a betterment related to the Central Corridor LRT project; and

Whereas, the planned road network will open up the 400-acre former rail yard site for redevelopment as a light industrial bioscience area; and

Whereas, the area is a state-designated bioscience zone;

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

That the proper City officers be authorized to pursue acquisition through negotiation with property owners or through condemnation, portions of the following properties to be used for the 25th Avenue portion of SEMI/University Research Park infrastructure:

PID 30-029-23-21-0059 (Chicago & NW RR merged to Union Pacific RR Co.)
PID 30-029-23-12-0009 (Chicago & NW RR merged to Union Pacific RR Co.)
PID 30-029-23-21-0049 (Burlington Northern RR Co.).

Adopted 2/6/2009.

RESOLUTION 2009R-039
By Goodman, Colvin Roy 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 SEMI Phase 1 Fund (01CSI-8900000-8900320) by $320,000, from available fund balance.
Adopted 2/6/2009.

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

Comm Dev & W&M/Budget – Your Committee, having under consideration receipt of Metropolitan Council's Livable Communities Demonstration Account (LCDA) grant awards and one Local Housing Incentives Account (LHIA) grant award, now recommends that the proper City officers be authorized to accept and appropriate the grant awards for the following projects, and to execute such agreements as may be necessary to implement the LCDA grants with the Metropolitan Council, Plymouth Church Neighborhood Foundation (or affiliated entity), Seward Redesign (or affiliated entity), Brighton Development (or affiliated entity), and Northeast CDC (or affiliated entity), and the Metropolitan Council LHIA grant with Habitat for Humanity (or affiliated entity):

Metropolitan Council Livable Communities Demonstration Account (LCDA) Grants:
Creekside Commons Project, $211,764;
Bystrom Bros/Franklin Station project, $550,000;
Lyndale Green/Salem Redevelopment project, $850,000;
Jackson St Artist Housing project, $408,977

Metropolitan Council Livable Communities Local Housing Incentives Account (LHIA) Grant:
Habitat for Humanity Foreclosure Remediation, $220,000.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation to reflect the receipt of said grant funds.
Adopted 2/6/2009.

RESOLUTION 2009R-040
By Goodman and Ostrow

Amending the 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended as follows:
a) Increasing the appropriation for the Community Planning and Economic Development (CPED) Agency in the Grants-Other Fund (01600-8900220) by $2,020,741 ($211,764 for Creekside Commons; $550,000 for Bystrom Bros/Franklin Station; $850,000 for Lyndale Green/Salem Redevelopment; and $408,977 for Jackson St Artist Housing);
b) Increasing the appropriation for the CPED Agency in the Grants-Other Fund (01600-8900230) by $220,000 (Habitat for Humanity – Foreclosure Remediation);
c) Increasing the CPED Agency revenue source in the Grants-Other Fund (01600-8900900-321513) by $2,240,741 ($211,764 for Creekside Commons; $550,000 for Bystrom Bros/Franklin Station; $850,000 for Lyndale Green/Salem Redevelopment; $408,977 for Jackson St Artist Housing; and $220,000 (Habitat for Humanity – Foreclosure Remediation).
Adopted 2/6/2009.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Minneapolis Advantage Program (MAP) for 2009, now recommends:

a) Acceptance of a grant from Federal Home Loan Bank (FHLB) in the amount of $1,500,000 to support a new phase of the MAP, and that the proper City officers be authorized to sign any necessary agreements with the FHLB related to this grant;

b) Approval of the MAP guideline revisions regarding conditions to new funding, as outlined in the Department of Community Planning & Economic Development (CPED) staff report;

c) That the proper City officers be authorized to amend the Greater Metropolitan Housing Corporation (GMHC) contract to include $1,500,000 of FHLB funds and $500,000 of UDAG funds to cover program costs, and $220,000 mortgage program funds to cover administrative costs;

d) Passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development to reflect the receipt of grant funds, and to pay for GMHC's and Community Reinvestment Funds contractural services.

Adopted 2/6/2009.

RESOLUTION 2009R-041
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 Grants-Other Fund (01600-8900000-8900220) by $1,500,000;

b) Increasing the CPED revenue source in the Grants-Other Fund (01600-8900900-321404) by $1,500,000; and

c) Increasing the appropriation in the CPED Residential Housing Fund (01SRF-8900000-8900220) by $220,000, from the available fund balance.

Adopted 2/6/2009.

The ELECTIONS Committee submitted the following report:

Elections - Your Committee, having under consideration Instant Runoff Voting (IRV) implementation, now recommends that staff be directed to proceed with a dual track; undertaking IRV implementation activities while preparing a contingency plan which includes a primary election.

Adopted 2/6/2009. Yeas, 12; Nays, 1 as follows:

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

Nays - Ostrow.

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

HE&E – Your Committee recommends adoption of a new Indoor Space Temperature Policy for all City of Minneapolis owned and operated facilities.
(Petn No 273262)

Adopted 2/6/2009.

HE&E – Your Committee recommends passage of the accompanying resolution regarding Xcel Energy's Midtown High Voltage Power Line Proposal.

Adopted 2/6/2009.

Resolution 2009R-042, regarding Xcel Energy's Midtown High Voltage Power Line Proposal, was adopted 2/6/2009 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-042
By Schiff, Lilligren and Gordon

Regarding Xcel Energy's Midtown High Voltage Power Line Proposal.

Whereas, Xcel Energy has proposed the "Hiawatha Project", a project in which Xcel Energy would construct and operate high voltage power lines along the Midtown Greenway and/or a nearby parallel roadway between Hiawatha Avenue and I-35W and construct two new substations—one near Hiawatha Avenue and one near I-35W; and

Whereas, some businesses in the Lake Street/Midtown Greenway corridor have experienced electricity quality or supply issues that have adversely affected them; and

Whereas, the City of Minneapolis supports the continued economic development in the Lake Street/Midtown Greenway corridor with higher density developed as encouraged through the City's Midtown Greenway Land Use and Development Plan; and

Whereas, the Midtown Greenway is a regional amenity and public space which serves thousands of users daily most months of the year and has served as the catalyst for development along its edges; and

Whereas, high voltage power lines are incompatible with the character of neighborhoods in Midtown, creating visual pollution in the corridor, negatively impact property values and diminishing the potential for future development; and

Whereas, at least four community organizations in the impacted area have opposed the project and/or called for delaying it to allow for studying alternative methods of abating power requirements or supplying the electric power as well as load management through means such as Smart Grid; and

Whereas, the City of Minneapolis' Sustainability Initiatives related Climate Change and Renewable Energy support the pursuit alternatives to traditional methods of supplying electricity for users in our city; and

Whereas, Xcel Energy is working on a needs assessment for the Hiawatha Project that would accompany its permit application to the Minnesota Public Utilities Commission but whose content has not yet been completed or made public;

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

That the City of Minneapolis believes that the time is now to pursue the production of electricity more responsibly, the delivering of electricity more intelligently, and the consuming of electricity more efficiently.

Be It Further Resolved that the City of Minneapolis recommends that Xcel Energy delay its routing permit application to the Minnesota Public Utilities Commission for the Hiawatha Project and provide greater detail regarding the current and future electricity needs that the project is planned to address, as well as a thorough analysis of aggressive alternative methods to abate and/or supply the electricity that is needed.

Be It Further Resolved that if such an analysis is undertaken and fails to yield a successful alternative approach to the need for high voltage power lines in Midtown; that the preferred route for the new high voltage transmission lines is underground below 28th Street East, and that the cost of burying the line should be born by the maximum number of rate payers; and that the City of Minneapolis and Xcel explore burying all present and future high voltage lines.

Adopted 2/6/2009.

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 amendment #3 to contract #A052146 with Hennepin County to receive $466,344 for the operation of the Minnesota Family Investment Program (MFIP) during the period January 1 through December 31, 2009.

Adopted 2/6/2009.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept a grant award in the amount of $10,000 from the Minnesota Department of Health to provide training to property owners and contractors who will be remodeling, rehabilitating and renovating properties built before 1978 where lead paint is likely to be found. Further, passage of the accompanying resolution appropriating $10,000 to the Department of Regulatory Services.

Adopted 2/6/2009.

RESOLUTION 2009R-043
By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Regulatory Services Agency in the Grants - Other Fund (01600-8350300) by $10,000.

Adopted 2/6/2009.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee, having under consideration the merger of the Minneapolis Library Board into the Hennepin County Library, now recommends passage of the accompanying resolution withdrawing the City of Minneapolis as a member of the Metropolitan Library Service Agency.

Adopted 2/6/2009.

Resolution 2009R-044, withdrawing the City of Minneapolis from membership in the Metropolitan Library Service Agency, was adopted 2/6/2009 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-044
By Hodges

Withdrawing the City of Minneapolis from the Metropolitan Library Service Agency.

Whereas, the City of Minneapolis was a member of the Metropolitan Library Service Agency (MELSA); and

Whereas, Laws of Minnesota 2007, Chapter 121, merged the Minneapolis Library Board into the Hennepin County Library; and

Whereas, library services within the City of Minneapolis are provided by the Hennepin County Library;

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

That it intends to withdraw from the MELSA and instructs the Intergovernmental Relations Department to forward a certified copy of the resolution to the President of the Metropolitan Library Service Agency.

Adopted 2/6/2009.

IGR - Your Committee, having under consideration the matter of the residentially-zoned Restaurant Alma, 528 University Ave SE, and pay back of special taxes relating to the Downtown Taxing District, now recommends that the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to add language to the "Local Government Finance" section relating to special taxes and the Downtown Taxing District to read as follows:

"**Minneapolis supports:**

- Legislation that excludes from the downtown taxing district after July 31, 2012, any property zoned for residential purposes on which a restaurant or liquor establishment is operated."

Adopted 2/6/2009.

IGR - Your Committee, having under consideration the resolution passed on January 20, 2009, by the Board of Trustees of the Minneapolis Employees Retirement Fund (MERF), a closed public pension fund that provides pensions for certain employees of the City of Minneapolis, Minneapolis Public Schools, Metropolitan Airports Commission, Metropolitan Council, Hennepin County and Minnesota State Colleges and Universities System who were hired in 1978 or before, which recommends that action be taken by the Minnesota Legislature during the 2009 legislative session to consolidate MERF into the Public Employees Retirement Association of the State of Minnesota (PERA), with an effective date no later than June 30, 2010, now recommends that the City of Minneapolis concur with the Board of Trustees of MERF in their recommendation.

Adopted 2/6/2009.

Declining to vote - Johnson.

IGR - Your Committee recommends that the "Pension Stability" section of the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to include language regarding merger of the closed Minneapolis Police and Fire pension funds, as follows:

Merge Minneapolis Police Relief Association (MPRA) and Minneapolis Firefighters' Relief Association (MFRA) into the Public Employees Retirement Association of the State of Minnesota (PERA)-Police and Fire. The City will pursue legislation that merges MPRA and MFRA into PERA-Police & Fire, with an effective date no later than December 31, 2010. A merger plan will include continued financial contributions from the City and the State, continuation of basic pension benefits that are at least equal to current levels, cost of living adjustments consistent with other PERA-Police and Fire retirees, and a plan to transfer each plan's assets to PERA-Police and Fire at least six months prior to the effective date of the merger.

MPRA & MFRA unit value. The City will pursue legislation that sets the methodology for calculation of the unit value for MPRA and MFRA basic retirement benefits in amounts commensurate with actual payroll practices of the City of Minneapolis.

Adopted 2/6/2009.

Declining to vote - Johnson.

IGR - Your Committee recommends that the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to add language to the "Municipal Governance" section relating to regional and cross jurisdictional cooperation, to read as follows:

"**Minneapolis supports:**

- Support and promote legislation that removes barriers to, and helps to more readily facilitate regional and cross jurisdictional partnership, joint powers and shared service agreements."

Adopted 2/6/2009.

IGR - Your Committee recommends that the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to add to existing language of the "Local Government Finance" section relating to State fiscal relations, to read as follows:

"**Minneapolis supports:**

- Diversifying revenue sources for municipalities, including but not limited to street use utility, sales tax, and other user fees including infrastructure maintenance assessments~~.~~<u>so that municipalities can become more self reliant and be less dependent on the property tax and state revenues</u>."

Adopted 2/6/2009.

IGR - Your Committee, having under consideration State and Local fiscal relations, now recommends approval of the following directives to staff:

a) The Departments of Intergovernmental Relations (IGR) and Finance staff are directed to answer the following informational requests regarding the state/municipal fiscal relationship and report back to the IGR Committee at its March 3, 2009 meeting. Information should include:

1) The City of Minneapolis' Local Government Aid (LGA) appropriation as compared to the total LGA appropriation from 1998 – 2009.

2) Data regarding sales tax, income tax and property tax generated within the City of Minneapolis from 1998 – 2009, being aware of the limitations of revenue and tax data collected by the Minnesota Department of Revenue and identifying separately the Convention Center sales tax.

b) Based on the information above, staff is directed to generate policy alternatives to the current state/local government fiscal relationship. Alternatives should include, but aren't limited to, consideration of:

1) Replacing the LGA program statewide and allow participating cities to retain all or part of the sales tax revenue within their boundaries.

2) Replacing or limiting Minneapolis' part of the LGA program and allow Minneapolis to keep all or part of its sales tax revenue from within its boundaries.

Adopted 2/6/2009.

IGR - Your Committee recommends that the "City Livability" section of the City of Minneapolis 2009 Legislative Agenda, adopted December 12, 2008, be amended to include support for Senate File No. 120, a bill for an act relating to marriage, providing for gender-neutral marriage laws, and enacting the Marriage and Family Protection Act.

Adopted 2/6/2009.

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

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

Adopted 2/6/2009.

Resolution 2009R-045, granting applications for Liquor, Wine and Beer Licenses, was adopted 2/6/2009 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-045
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 273269):

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

Degrees of Entertainment Inc, dba Envy Nightclub, 400 1st Av N

Bon Appetit Management Company, dba Cue at the Guthrie, 818 S 2nd St

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

80 S 8th St Hotel Operations Inc, dba Marquette Hotel, 710 Marquette Av (new corporate officer)

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

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av (new manager)

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

PCCP NNN Northstar Hotel LLC, dba Crowne Plaza Northstar, 618 2nd Av S (new manager)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2009
Sam Ventures Inc, dba Imperial Room, 415 1st Av N (new shareholder/partner)
On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2010
Bombay Vegan Inc, dba Dancing Ganesha, 1100 Harmon Pl
On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2010
Zelo Inc, dba Zelo, 831 Nicollet Mall (expansion of premise/sidewalk cafe)
B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Av)
Frog Eyes LLC, dba McNamar's Sports Bar, 312 Central Av SE
On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009
Morton's of Chicago/Minneapolis Inc, dba Morton's of Chicago/The Steakhouse, 555 Nicollet Mall (new manager)
Restaurants Unlimited Inc, dba Palomino, 825 Hennepin Av (new shareholder & new corporate officer).
Adopted 2/6/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 2/6/2009.

Resolution 2009R-046, granting applications for Business Licenses, was adopted 2/6/2009 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-046
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 6, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273269):
Amusement Devices; Place of Amusement Class B-2; Car Wash; Dancing School; Dry Cleaning & Laundry Pickup Station; Laundry; Caterers; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Liquid Waste Hauler; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Repair Garage; Towing Class B; Plumber; Precious Metal Dealer; Residential Specialty Contractor; Antique Mall Operator Class B; Sign Hanger; Solid Waste Hauler; Taxicab Service Company; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades; Tree Servicing; Wrecker of Buildings Class A.
Adopted 2/6/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 2/6/2009.

Resolution 2009R-047, granting applications for Gambling Licenses, was adopted 2/6/2009 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-047
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 273269):

Gambling Exempt

The Basilica of Saint Mary, dba The Basilica of Saint Mary, 88 N 17th St (Bingo February 17, 2009)

Hope Chest for Breast Cancer, dba Hope Chest for Breast Cancer, 3850 Shoreline Dr, Orona, MN (Raffle March 8, 2009 at Minneapolis Convention Center)

Children's Hospitals and Clinics of Minnesota, dba Children's Hospitals and Clinics of Minnesota, 2525 Chicago Av S (Raffle April 16, 2009 at Grand Hotel, 615 2nd Av S)

Children's Hospitals and Clinics of Minnesota, dba Children's Hospitals and Clinics of Minnesota, 2525 Chicago Av S (Raffle April 25, 2009 at The Depot, 225 S 3rd Av).

Adopted 2/6/2009.

PS&RS – Your Committee, having under consideration the property located at 1611 22nd Av N, and the Inspections Division having determined that the property meets the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Notice of the Director's Order to Demolish the property having been issued and a hearing having been held by the Nuisance Condition Process Review Panel, now recommends that the Order for Demolition be stayed, and that the proper City officers be authorized to execute a Restoration Agreement with the property owner, to include the development of a landscape and management plan for the property. Further, adoption of Findings of Fact, Conclusions and Recommendations, as on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 2/6/2009.

PS&RS – Your Committee, having under consideration the property located at 2440 16th Av S which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been mailed to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that the Director of Inspections' Order to Raze the building located at 2440 16th Av S be upheld, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 2/6/2009.

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

PS&RS & W&M/Budget - Your Committee, having under consideration the provision of emergency response/pursuit training for sworn and non-sworn personnel of the Police Department, now recommends that the proper City officers be authorized to amend Agreement C-25325 with Dakota County Technical College by increasing the amount by $25,000 and extending the period by five months, through April 30, 2009, or until a new agreement is completed.

Your Committee further recommends that the proper City officers be authorized to issue a Request for Proposals for a driver training facility rental for calendar year 2009, subject to approval by the Permanent Review Committee.

Adopted 2/6/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin County whereby the City will reimburse the County for the actual and legally required cost of detaining inmates arrested by the Minneapolis Police Department at the Hennepin County Adult Detention Facility. Said agreement shall be in the amount of $1,800,000 for the period January 1 through December 31, 2009.

Adopted 2/6/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Environmental Assessment Worksheet (EAW) relating to the reconstruction of the Lowry Bridge by Hennepin County, now recommends approval and submittal of the EAW comments, dated January 26, 2009, to Hennepin County. (Petn No 273273)

Adopted 2/6/2009.

T&PW - Your Committee, having under consideration the Non-Motorized Transportation Pilot Program (NTP) Round 3 Solicitation for innovative demonstration capital projects, now recommends:

a) That the proper City officers be authorized to submit the Bike Share proposal to Transit for Livable Communities (TLC);

b) That the City reconfirm its agreement to serve as the fiscal agent for the project; and

c) That Public Works and CPED staff be directed to continue to work toward project development.

Adopted 2/6/2009.

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

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;

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

c) Ordering the installation of parking restrictions to meet State Aid Rule 8820; and

d) Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the project.

Lilligren moved to divide the report so as to consider separately items “a” and “b”. Seconded.

Adopted by unanimous consent.

Colvin Roy moved adoption of the balance of the report. Seconded.

Adopted 2/6/2009.

Resolution 2009R-048, directing the City Engineer to establish no parking restrictions on the westerly and easterly sides of Chicago Ave S between the limits of 14th St E and 25th St E and the limits of 26th St E and 28th St E, was adopted 2/6/2009 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-048
By Colvin Roy and Ostrow

Directing the City Engineer to establish no parking restrictions on the westerly and easterly sides of Chicago Ave S between the limits of 14th St E and 25th St E and the limits of 26th St E and 28th St E.

Whereas, the City of Minneapolis and Hennepin County wish to reconstruct Chicago Ave S between the limits of 14th St E and 25th St E, and the limits of 26th St E and 28th St E; and

Whereas, Minnesota Department of Transportation (Mn/DOT) State Aid Rule 8820 requires parking provisions to meet the existing average daily traffic and peak hour traffic volumes and a minimum number of drive lanes, lane widths, and parking widths; and

Whereas, to meet State Aid Rule 8820, the County and the City recommend establishing No Parking Anytime at the following locations:

- Westerly side of Chicago Ave S beginning 545 feet northerly of the northerly curb line of 28th St E and thence extending northerly to the southern limits of 27th St E
- Easterly side of Chicago Ave S beginning 545 feet northerly of the northerly curb line of 28th St E and thence extending northerly to the southern limits of 27th St E
- Easterly side of Chicago Ave S beginning at the northerly limits of 22nd St E and thence extending 30 feet northerly
- Westerly side of Chicago Ave S beginning 240 feet southerly of the southerly curb line of Franklin Ave E and thence extending southerly to the southern limits of 21st St E; and

Whereas, State Aid Rules require a certified resolution documenting the requested action;

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

That the City Engineer is hereby directed to install the parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Aid Rule 8820.

Adopted 2/6/2009.

Resolution 2009R-049, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way in conflict with the Chicago Ave Phase II Street Reconstruction Project, was adopted 2/6/2009 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-049
By Colvin Roy and Ostrow

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the Chicago Ave Phase II Street Reconstruction Project.

Whereas, the City of Minneapolis has scheduled the street reconstruction improvements starting in 2009 in the Chicago Ave (Franklin Ave to 25th St E and 26th St E to 28th St E) area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on January 27, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis Code of Ordinances to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along Chicago Ave (both sides) from Franklin Ave to 25th St E, and from 26th St E to 28th St E.

Adopted 2/6/2009.

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.

Lilligren moved that the report be postponed. Seconded.

Adopted upon a voice vote 2/6/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the 13th Street South Pedestrian Gateway Project, with staff recommendations as follows:

a) Approval of the project layout from Nicollet Mall to the intersection of Grant St and 2nd Ave S along 13th St S right-of-way, dated August 5, 2008; and

b) That the proper City officers be authorized to accept a Federal Transportation Enhancement Fund grant in the amount of $714,400 for the project, and passage of the accompanying resolution increasing the appropriation for the project to reflect the amount of the grant;

now recommends:

T&PW - Approval.

W&M/Budget - Approval of (a) and (b) with the addition of the following:

c) Passage of the accompanying resolution transferring $230,000 from the 13th St S Pedestrian Gateway Project back to the General Fund; and

d) That Public Works staff return to Committee upon project completion and adjust other revenue sources, including net debt bond and sales tax revenue, to reflect the federal funding that will be available to replace these revenue sources.

Colvin Roy moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 2/6/2009.

RESOLUTION 2009R-050
By Colvin Roy and Ostrow

Amending The 2009 Capital 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 PW - Capital Improvements Fund (04100-9010000-PV045) by $714,400, and increasing the revenue source (04100-9010000 - Source 3210) by $714,400.

Adopted 2/6/2009.

RESOLUTION 2009R-051
By Colvin Roy and Ostrow

Amending The 2009 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by transferring $230,000 from the PW-Capital Improvements Fund (04100 9010000 901001 - PV045) to the General Fund (00100 1270100 38410).

Adopted 2/6/2009.

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

a) OP 7062, Accept low bid of Ramsey Excavating Company, in the amount of $91,246, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the removal of impacted soil;

b) OP 7073, Accept low bid of Fischer Sand and Aggregate, LLP, for an estimated annual expenditure of $93,000, to furnish and deliver fine aggregate to Public Works; and

c) OP 7074, Accept low bid of Kraemer Mining and Materials, Inc., for an estimated annual expenditure of $405,000, to furnish and deliver Class AAA aggregate to Public Works.

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 2/6/2009.

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

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

Adopted 2/6/2009.

Resolution 2009R-052, authorizing settlements of *Shaun D. Young v. City of Minneapolis,* and *Otieno, Walton and Wong v. City of Minneapolis,* was adopted 2/6/2009 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-052
By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the following settlements:

a) *Shaun D. Young v. City of Minneapolis*, by payment of $6,000 to Shaun D. Young, and his attorneys, Lindell & Lavoie, from the Internal Service Self Insurance Fund (06900-1500100-145675).

b) *Otieno, Walton and Wong v. City of Minneapolis*, by payment of $169,500 to Flynn Gaskins & Bennett, L.L.P. Trust Account, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement, including the negotiation of non-monetary relief agreed to by all parties.

Adopted 2/6/2009.

W&M/Budget - Your Committee recommends that the proper City Officers be authorized to amend the contract C-21990 between the City of Minneapolis and Kirby A. Kennedy & Associates to increase the total compensation by an additional $35,000 for court reporting services; and extending the contract term until December 31, 2009.

Adopted 2/6/2009.

W&M/Budget - Your Committee recommends approval of the March 2009 utility billing insert on behalf of Metro Blooms showing the 2009 Raingarden Workshop times and locations.

Adopted 2/6/2009.

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 **sends forward without recommendations** the following applications:

Donald Allen - Ward 11
Marie Alena Castle - Ward 4
Martin Hallanger - Ward 2
Rashad Hasan - Ward 5
Peter Larsen - Ward 11
Eric Rech - Ward 10
Patrick Scully - Ward 3

Kevin Jenkins - Ward 4
Ben Weeks - Ward 12 (Mayoral appointee)
Ostrow moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.
Adopted by unanimous consent 2/6/2009.

The WAYS & MEANS/BUDGET and ZONING & PLANNING Committees submitted the following report:

W&M/Budget & Z&P - Your Committee recommends that the proper City officers be authorized to apply for the matching federal Certified Local Government (CLG) Grant, administered by the State Historic Preservation Office of the Minnesota Historical Society in the amount of $30,000 to complete the ten-year historic resource survey of the city by conducting the next phase in the following neighborhoods: Shingle Creek, Lind-Bohanon, Victory, Camden, Southeast Como, Corcoran, Standish, Erickson, Bryant, Bancroft, Field, Regina, Northrup, Page, Hale, Diamond Lake, Keewaydin, Minnehaha, Wenonah, Morris Park, Armatage, Kenny, and Windom.
Adopted 2/6/2009.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee recommends concurrence with the recommendation of the Mayor to reappoint the following persons to the City Planning Commission:
Reappointments, for two-year terms to expire January 31, 2011
Alissa Luepke-Pier, Ward 3
Ted Tucker, Ward 3
Adopted 2/6/2009.

Z&P - Your Committee, having under consideration the application of Cedar and Lake Revival LLC for a waiver from Interim Ordinance 2008-Or-084, providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east (passed 11/7/2008), to permit application for construction of a principal parking facility at 1901 E Lake Street and 3009-3011 19th Avenue, now recommends that said waiver be denied, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.
Adopted 2/6/2009.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Church of the Ascension to vacate the north-south public alley located between Bryant Avenue N and Dupont Avenue N(#1554), subject to retention of easement rights by CenterPoint Energy, Qwest, and Xcel Energy, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.
Your Committee further recommends passage of the accompanying resolution vacating said alley.
Adopted 2/6/2009.

Resolution 2009R-053, vacating a public alley at 1723 Bryant Avenue N, was adopted 2/6/2009 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-053
By Schiff

Vacating all of the public alley dedicated in Block 30, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis, according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota (Vacation File No. 1554).

Resolved by The City Council of The City of Minneapolis:

That all of the public alley dedicated in Block 30, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis, according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing authority of CenterPoint Energy, Qwest and Xcel Energy, their successors and assigns, to enter upon that portion of the aforedescribed alley which is described in regard to each of said corporations as follows, to wit:

CenterPoint Energy, the south 94 feet of the north-south alley in Block 30, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis.

Qwest, subject to an easement over the entire area to be vacated.

Xcel Energy, subject to an easement over the entire area to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 2/6/2009.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Daniel Schwartzman (BZZ-4278) to rezone the property at 2553 Aldrich Avenue S from R2B to the R3 Multiple Family District to permit the conversion of a single family dwelling to a duplex and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 2/6/2009.

Ordinance 2009-Or-008 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 2553 Aldrich Ave S to the R3 District, was adopted 2/6/2009 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-008
By Schiff
1st & 2nd Readings: 2/6/2009

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

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

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

That part of Lot 7, N38FT, Block 7, Twenty-Fifth Street Addition to Minneapolis, Hennepin County, Minnesota (2553 Aldrich Avenue S - Plate 18) to the R3 District.

Adopted 2/6/2009.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Daniel Schwartzman (BZZ-4279) to rezone the property at 2559 Aldrich Avenue S from R2B to the R3 Multiple Family District to permit the conversion of a single family dwelling to a duplex and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 2/6/2009.

Ordinance 2009-Or-009 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 2559 Aldrich Ave S to the R3 District, was adopted 2/6/2009 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-009
By Schiff
1st & 2nd Readings: 2/6/2009

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

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

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

That part of Lot 6 & S 2 FT of Lot 7, Block 7, Twenty-Fifth Street Addition to Minneapolis, Hennepin County, Minnesota (2559 Aldrich Avenue S - Plate 18) to the R3 District.

Adopted 2/6/2009.

Z&P – Your Committee, having under consideration the Department of Community Planning & Economic Development's Zoning Code Text and Map Amendment Work Plan, now recommends that the Plan be approved, as amended by re-prioritizing the zoning code text amendments relating to requiring children's play space in certain multi-family districts and relating to amending the code to require active uses on the ground floors on street sides of buildings to positions 11 and 12 on the plan, leaving the other items on the plan in sequential order, as set forth in Petition Number 273281.

Adopted 2/6/2009.

MOTION

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 2/6/2009.

UNFINISHED BUSINESS

Pursuant to notice, Colvin Roy moved to introduce the subject matter of the following ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks* for first reading and referral to the Transportation & Public Works Committee (to reflect existing City practices related to oversight and control of repairs and improvements in public right of way):

a. Chapter 429 relating to *Right-of-Way Administration*.

b. Chapter 430 relating to *Right-of-Way Permits*. Seconded.

Adopted upon a voice vote 2/6/2009.

Pursuant to notice, Samuels moved to introduce the subject matter of the following ordinances amending Title 3 of the Minneapolis Code of Ordinances, relating to *Air Pollution and Environmental Protection* for first reading and referral to the Public Safety & Regulatory Services Committee:

a. Chapter 46 relating to *Hazardous Waste Generation, Handling, Storage and Disposal* (Pollution Control Annual Billing – registration of a hazardous waste facility);

b. Chapter 47 relating to *Air Pollution* (Pollution Control Annual Billing – air pollution);

c. Chapter 48 relating to *Minneapolis Watershed Management Authority* (Minneapolis Watershed Management Authority permitting and annual fees);

d. Chapter 50 relating to *Minneapolis Waste Control and Waste Discharge Rules* (Minneapolis Waste Control and Discharge fees);

e. Chapter 54 relating to *Storm Water Management* (Storm Water Management responsibility following construction/completion). Seconded.

Adopted upon a voice vote 2/6/2009.

NEW BUSINESS

Goodman moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (requiring buildings to accommodate ground level active functions facing public streets):

a. Chapter 530 relating to Site Plan Review; &

b. Chapter 535 relating to Regulations of General Applicability. Seconded.

Adopted by unanimous consent 2/6/2009.

Hofstede gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally (prohibiting upholstered furniture not manufactured for outdoor use in any front or side yard or rear yard abutting a street or covered porch).

Removed from the agenda was Hofstede's notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code (repealing Article III entitled Registration of Cooperative and Condominium Buildings).

Lilligren moved to adjourn to Room 315 City Hall to consider the *Melissa Chiodo v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote 2/6/2009.

Room 315 City Hall
Minneapolis, Minnesota
February 6, 2009 - 11:13 a.m.
The Council met pursuant to adjournment.
Council President Johnson in the Chair.

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

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

At 11.14 a.m., Lilligren moved that the meeting be closed. Seconded.
Adopted upon a voice vote.
Absent - Colvin Roy, Glidden, Hofstede.

Present - Ostrow, Schiff, Lilligren (Out at 11:37 a.m.; In at 11:43 a.m.), Colvin Roy (In at 11:17 a.m.), Remington, Hofstede (In at 11:17 a.m.), Benson, Goodman, Hodges, Samuels, Gordon, Glidden (In at 11:22 a.m.), President Johnson.
Also present - Susan Segal, City Attorney; Caroline Bachun, Assistant City Attorney; Scott Gerlicher, Deputy Chief of Police; R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Pam French, Human Resources; Miriam Vaughn-Lee, Human Resources (In at 11:32 a.m.); Steve Ristuben, City Clerk; and Peggy Menshek, City Clerk's Office.

Bachun summarized the *Melissa Chiodo v. City of Minneapolis* lawsuit from 11:14 a.m. to 11:57 a.m.

At 11:57 a.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

Hodges moved to approve the settlement of the case entitled Melissa Chiodo v. City of Minneapolis, Equal Employment Opportunity Commission Charge No: 444-2007-00574 as follows:
1) To Melissa Chiodo: $4,904 in back wages, with proper deductions to be made; and
2) To Chiodo and the eight remaining class members, Cheryl Kassa, Rena Dudgeon, Aimee Hawes, Christopher Gaiters, Jose Francisco Gomez, Patricia Annoni, Stephen McCarty and Mark Antonio Montgomery, non-wage damages of $113,500 to be distributed and payable to Chiodo and the eight remaining class members according to the distribution allocation determined by the Equal Employment Opportunity Commission.
Payment shall be from Fund/Org. 06900-1500100-145815. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.
Adopted 2/6/2009. Yeas, 11; Nays, 2 as follows:
Yeas - Ostrow, Schiff, Lilligren, Colvin Roy, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Johnson.
Nays - Glidden, Gordon.

Remington moved to adjourn to Wednesday, February 18, 2009, at 9:30 a.m. in Room 317, City Hall, for the purpose of receiving the Mayor's 2009 Revised Budget. Seconded.
Adopted upon a voice vote 2/6/2009.

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

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 2/9/2009
Official Posting: 2/13/2009