

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF June 20, 2008

(Published June 28, 2008, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
June 20, 2008 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Ostrow.

Lilligren moved adoption of the agenda. Seconded.

Colvin Roy moved to amend the agenda to first consider the Public Safety & Regulatory Services reports followed by the Transportation & Public Works reports. Seconded.

Adopted upon a voice.

Absent - Ostrow.

The agenda, as amended, was adopted upon a voice vote 6/20/2008.

Absent – Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting of June 6, 2008. Seconded.

Adopted upon a voice vote 6/20/2008.

Absent – Ostrow.

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 6/20/2008.

Absent – Ostrow.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272822)
Land Sale (2636 Bloomington Ave).

COMMUNITY DEVELOPMENT(See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272823)
Echo Flats Apartment Buildings (2612 & 2616-3rd Ave S, 319 W 25th St & 2800 Pleasant Ave S):
Restructure of existing City debt on HOME Acquisition Loan.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272824)

38th St & Chicago Ave Redevelopment Plan.

Emerge Community Development (re 1830 & 1834 Emerson Ave N): Authorizing Great Streets Loan for redevelopment of properties.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (272825)

Ventura Village NRP Phase II Neighborhood Action Plan.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (272826)

Minneapolis Commission on Civil Rights: 2007 Report and 2008 First Quarter Report; Commission Brochure.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (272827)

Latino Advisory Committee: Approve Mayor/City Council appointments and reappointments.

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

HEALTH AND FAMILY SUPPORT SERVICES (272828)

Healthy Teen Relationships: Apply for grant from Robert Wood Johnson Foundation to target youth ages 10 to 14 years who participate in Minneapolis Public Schools Community Education Programs.

Mental Health Services: Execute contract with Hennepin County to provide services to Latino students served through School Based Clinic Program.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (272829)

2008 Legislative Session Summary.

City of Mpls Special Laws, 2008.

Federal Update 6/17/2008.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272830)

Mpls Riverfront Organization: Approval of Laws of MN 2008, Chapter 314; Appointment of Council Members Hofstede & Ostrow to board; Authorizing agreement w/direction to staff.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (272831)

Rental Dwelling Licenses at 1124 5th St NE; 1430 5th St NE; and 2518-2520 Buchanan St NE: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Jon E and Amy L Helgason.

REGULATORY SERVICES (272832)

Rental Dwelling Licenses at 1651 Sheridan Av N; 1526 Upton Av N; 3739 Dupont Av N; 2959 Queen Av N: Revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Chris J and Cynthia M. Anderson.

REGULATORY SERVICES (272833)

Rental Dwelling License at 2315 Jackson St NE: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Claire and John Stenroos.

REGULATORY SERVICES (272834)

Rental Dwelling Licenses at 3300 Dupont Av N; 3543 Dupont Av N; and 3350 James Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Matthew Yeager.

REGULATORY SERVICES (272835)

Rental Dwelling Licenses at 3326 Emerson Av N and 3919 Dupont Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Janet and Steve Wilhelmy.

REGULATORY SERVICES (272836)

Rental Dwelling License at 3335 Knox Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Gary Koenigs.

REGULATORY SERVICES (272837)

Rental Dwelling Licenses at 3522 Aldrich Av N; 3626 Girard Av N; 4307 Oliver Av N; 3622 Queen Av N; 1520 Sheridan Av N; and 1631 Washburn Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner University National Bank.

REGULATORY SERVICES (272838)

Rental Dwelling Licenses at 3600 Colfax Av N; 3410 Irving Av N; 3411 Knox Av N; 4614 Aldrich Av N; 3707 Sheridan Av N; and 1000 Upton Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Michael and Janet Moulton.

REGULATORY SERVICES (272839)

Rental Dwelling Licenses at 3623 Colfax Av N; and 4042 Humboldt Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Patrick McNeill.

REGULATORY SERVICES (272840)

Rental Dwelling Licenses at 3631 Emerson Av N; and 4600 Russell Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Joseph D and Robin Schneider.

REGULATORY SERVICES (272841)

Rental Dwelling Licenses at 3714 Emerson Av N; 4827 Camden Av N; and 3551 Queen Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Derek Ponath.

REGULATORY SERVICES (272842)

Rental Dwelling Licenses at 3911 Aldrich Av N; 3635 Bryant Av N; and 3442 Colfax Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Gary and Jennifer Balster.

REGULATORY SERVICES (272843)

Rental Dwelling Licenses at 3926 Colfax Av N; 4014 Dupont Av N; 2624 Jackson St NE; 3630 Russell Av N; and 2654 Upton Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner John S. Miller.

REGULATORY SERVICES (272844)

Rental Dwelling Licenses at 3934 Colfax Av N; 3638 Colfax Av N; 3419 Humboldt Av N; 3731 Newton Av N; 1710 Queen Av N; and 3638 Washburn Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Jason and Michele Lowrey.

REGULATORY SERVICES (272845)

Rental Dwelling License at 3950 Bryant Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Jeffrey Voorhees.

REGULATORY SERVICES (272846)

Rental Dwelling Licenses at 4735 Fremont Av N; 3443 James Av N; and 3319 Russell Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Daniel Jesh.

REGULATORY SERVICES (272847)

Rental Dwelling Licenses at 5139 39th Av S; 3554 Aldrich Av N; 3300 Emerson Av N; 3959 Emerson Av N; 3546 Humboldt Av N; 3635 Queen Av N; and 1706 Vincent Av N: Request to revoke, deny, non-renew licenses held by TJ Waconia, Inc; Jon E. Helgason; Tom J. Balko; and owner Minden and Michael Aurich.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

AMERICAN CIVIL LIBERTIES UNION OF MINNESOTA, ET AL (272851)

Lurking/Loitering Ord: Comments relating to proposal to repeal lurking ordn.

LICENSES AND CONSUMER SERVICES (272848)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (272849)

Towing: Ordinances establishing maximum service fees for Class A motor vehicle services and acceptable methods of payment; and amending the required hours of operation for storage lots; and notification requirements.

Gabby's Saloon and Eatery (1900 Marshall St NE): Grant stay of license condition relating to drink specials pending resolution of the legal challenge regarding the City Council's imposition of license conditions; and that Gabby's pay \$10,129 for police buyback in neighborhood.

REGULATORY SERVICES (272850)

Animals: Ordinance authorizing qualifying licensed food and beverage service establishments to obtain a permit to allow dogs to accompany persons patronizing designated outdoor areas of such establishments, subject to certain minimum requirements.

Chapter 249 Property at 1008 Lowry Av N: Authorize rehabilitation, with conditions.

Rental Dwelling License at 1045 24th Av SE: Approve license reinstatement to be held by Joel C Hussong.

Rental Dwelling License at 506 Newton Av N: Approve license reinstatement to be held by Paul A Balow.

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

FIRE DEPARTMENT (272852)

Fire Sprinkler Protection Systems: Ordinance increasing fees for fire sprinkler protection system permits.

Gas Monitors: Accept \$2,500 from Centerpoint Energy to purchase gas monitors; and Approve appropriation.

SAFER Grant: Authorize staff to pursue grant from the United States Department of Homeland Security to employ 12 full-time firefighters; and Commit to providing City's cost sharing obligations.

LICENSES AND CONSUMER SERVICES (272853)

Republican National Convention: Resolution approving extended hours of alcohol service for on-sale liquor establishments during RNC.

POLICE DEPARTMENT (272854)

2008 Metro Gang Strike Force: Amend grant agreement with Minnesota Department of Public Safety to accept additional \$80,000 to support officers assigned to Strike Force; and Approve appropriation.

Police Motorcycle Patrol: Execute agreement with Saint Paul Harley-Davidson/Buell of St. Paul for leasing of police-equipped motorcycles; and Accept \$2,500 from Centerpoint Energy to purchase communication headsets and Approve appropriation.

REGULATORY SERVICES (272855)

Advance Practice Center Grant: Extend agreement with Hennepin County to plan responses to potential threats to food, water and safety during a disaster or public health emergency; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272856)

Water Works Pump Station 5: Increase contract with Ace Electrical Contractors, Inc.

Van White Memorial Boulevard: Limited Use Permit with Department of Transportation for pedestrian trail.

Van White Memorial Boulevard: Negotiate with HDR Construction Control Corporation as Construction Administration Consultant.

Humboldt Greenway Project, Phase II: Contract amendment with Hennepin County.

Midtown Global Market: Appeal encroachment permit denial for banners.

Coordinated Street Furniture Program: Negotiate contract with Clear Channel Outdoor.

MSP Noise Mitigation Program: Change in bidding procedure.

I-35W Priced Dynamic Shoulder Lane Addition: Environmental Assessment Worksheet.

Central Corridor Light Rail Transit: Preliminary design plans; Comments.

Nicollet Ave S and 60th St E Resurfacing Project: Designate project.

Fuller North Resurfacing Project: Designate project.

North Hiawatha Resurfacing Project: Designate project.

Malcolm Ave SE Reconstruction Project: Designate project.

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

PUBLIC WORKS AND ENGINEERING (272857)

Speed Humps: Install on James Ave N between Broadway Ave W and Ilion Ave N.

Minneapolis Refuse, Inc. (MRI): Extend contract to February 1, 2009.

WAYS AND MEANS BUDGET:

CITY CLERK (272858)

Records Management Charge Backs Report.

FIRE DEPARTMENT (272859)

June 2008 Monthly Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272860)

Legal Settlements: Jacob Malinka v. City of Minneapolis; and Flowers v. Officer Becker.

Lockridge Grindal Nauen, PLLP: Amendment to Master Legal Services Agreement.

COMMUNICATIONS (272861)

July 2008 Utility Billing Insert: Household hazardous waste drop-off sites and schedules.

FINANCE DEPARTMENT (272862)

2009 Budget Schedule.

HUMAN RESOURCES (272863)

Teamsters, Local 320, Drivers Unit: Labor agreement.

Laborers, Local 363: Labor agreement.

AFSCME Local 9, Clerical and Technical Unit: Labor agreement.

Pre-Employment Drug & Alcohol Testing: Update Policy and Procedures.

REGULATORY SERVICES AND EMERGENCY PREPAREDNESS (272864)

KIVA Replacement Funding Plan: Establishing savings account.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (272865)

Historic Variances:

Young Quinlan Building (901 Nicollet Mall): to allow new sign package for JB Hudson Jewelers.

Landmark Designation: Pierson-Wold House (1779 Emerson Ave S).

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PLANNING COMMISSION/DEPARTMENT (272866)

Planning Commission Appointments: Appointment of Alissa Luepke Pier and Brian Gorecki.

Small Area Plan: Adoption of Central Ave Small Area Plan.

Zoning Code Text Amendment:

Amending Title 20, Chapter 525, regarding stalled development projects.

Vacations:

Creekside Commons (5400, 5404, 5412 Stevens Ave S): Water main easement vacation.

Lyn-Lake Development Partners (2900-2910 Lyndale Ave S & 2901 Aldrich Ave S): alley vacation.

FILED:

ATTORNEY AND HUMAN RESOURCES (272867)

Charter Department Heads and Stages of Employment Report.

MAYOR (272868)

Public Assemblies: Mayor's comment as it relates to adopting police policies.

The following reports were signed by Mayor Rybak on June 24, 2008, 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 report:

Comm Dev - Your Committee, having under consideration the request of the Community Housing Development Corporation to restructure the existing City debt on the Echo Flats apartments buildings at 2612 and 2616 - 3rd Ave S, 319 W 25th St and 2800 Pleasant Ave S, now recommends that the proper City officers be authorized to negotiate the restructure of the HOME Acquisition Loan of \$300,000 and its accrued interest, and the adjustment of affordability rent and income levels of future residents of the development.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the 38th Street and Chicago Avenue Redevelopment Plan, which establishes a new redevelopment project area, objectives for redevelopment and land use recommendations for parcels in the area, to help implement the *The 38th Street and Chicago Avenue Small Area/Corridor Framework Plan*, now recommends passage of the accompanying resolution adopting said Plan.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-238, adopting the 38th Street and Chicago Avenue Redevelopment Plan, was adopted 6/20/2008 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 2008R-238
By Goodman and Ostrow**

Adopting the 38th and Chicago Redevelopment Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, § 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City") has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, § 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to a proposed 38th and Chicago Redevelopment Plan (the "Plan"). The Plan creates a new Redevelopment Project Area (the "Project Area") to facilitate *The 38th Street and Chicago Avenue Small Area/Corridor Framework Plan*, in order to support the ongoing improvement and revitalization of the area of 38th Street and Chicago Avenue, all pursuant to and in accordance with the Project Laws.

1.3. The City has performed all actions required by law to be performed prior to the adoption of the Plan, including, but not limited to, a review of the proposed Plan by the affected neighborhood groups and the Planning Commission, and the holding of a public hearing upon published and mailed notice as required by law.

1.4. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plan.

Section 2. Findings for the Adoption of the Plan

2.1. The Council hereby finds, determines, and declares that the objectives and actions authorized by the Plan are all pursuant to and in accordance with the Project Laws.

2.2. The Council hereby finds, determines and declares that the Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise.

2.3. The Council hereby finds, determines and declares that the 38th and Chicago Redevelopment Project ("Redevelopment Project") qualifies as a Redevelopment Project as defined in the Minnesota Housing and Redevelopment Authorities Act (Minnesota Statutes, § 469.002, Subdivisions 14 and 16). The Project Area qualifies as a "blighted area" as defined in the Minnesota Housing and Redevelopment Authorities Act (Minnesota Statutes, § 469.002, Subdivision 11).

2.4. The Council hereby finds, determines and declares that the Project Area contains vacant buildings, single-family housing, multifamily housing structures, office buildings, retail space, retail warehouse space, and commercial buildings. Buildings are in poor condition and functionally obsolete for their present and continued use. Several buildings had indicators of blight and showed difficult public access, inadequate setback and side yards, restricted land use configurations, were deficient in or contained no off-street parking and contained vacant lots with debris and outside storage. A study of the area found buildings that are poorly maintained and found to be detrimental to the "safety, health, morals, or welfare of the community" by reason of dilapidation, obsolescence, overcrowding, faulty arrangement and lack of ventilation.

2.5. The Council hereby finds, determines and declares that the Plan conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plan were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.6. The Council hereby finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plan.

Section 3. Approval of the Plan

3.1. Based upon the findings set forth in Section 2 hereof, the 38th and Chicago Redevelopment Plan presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plan

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration the request of Emerge Community Development (Emerge) for \$500,000 in Great Streets funding to assist with acquisition of the historic North Branch Library at 1830 Emerson Ave and property at 1834 Emerson Ave N for redevelopment into a community meeting place and technology center, now recommends approval of a \$350,000 loan to Emerge from the 2008 Community Development Block Grant Fund (01400-8900320), and that the proper City officers be authorized to execute the loan agreement and any related documents.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Ventura Village Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$688,753;
- b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation by \$220,738 for implementation of said Plan;
- c) Referral of \$468,015 for Plan implementation in a reserve account within Fund 01CNR 8900800 for future years' expenditures on the approved Plan, provided that no more than 70% of the amount approved for the Plan (\$482,127) be obligated in the first three years after approval of the Plan; and
- d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

**RESOLUTION 2008R-239
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 by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$220,738.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

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

HE&E – Your Committee recommends concurrence with the recommendation of the Mayor and City Council to approve the following appointment and reappointments to the Latino Advisory Committee:

Appointments

Denisse Velez Rivera, Ward 10, to expire December 31, 2009

Mario Vargas, Ward 9, to expire December 31, 2009

Vini Mosquera, Ward 11, to fill the unexpired term of Edna Herlitz to expire December 31, 2008.

Reappointments, to expire December 31, 2009
Aureliano Maria Desoto, Ward 10
Rosita Balch, Ward 13.
Adopted 6/20/2008.
Absent – Ostrow, Colvin Roy.

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 apply for a four-year grant from the Robert Wood Johnson Foundation seeking \$1,000,000 to build healthy, violence free teen relationships. The project period will be November 15, 2008 through November 14, 2012, and will consist of a six-month community planning phase, and a 42-month implementation phase targeting youth ages 10 to 14 years who participate in Minneapolis Public Schools Community Education Programs and other community sites.

Adopted 6/20/2008.

Absent – Ostrow, Colvin Roy.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County to accept an estimated revenue amount of \$81,000 in Local Collaborative Time Study funds to provide mental health services to Latino students served through the School Based Clinic Program, with a particular focus on adolescent males. Further, passage of the accompanying resolution appropriating \$81,000 to the Department of Health & Family Support.

Adopted 6/20/2008.

Absent – Ostrow, Colvin Roy.

**RESOLUTION 2008R-240
By Benson 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 by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600152) by \$81,000 and the Revenue Source (01600-8600152 – Source 322002) by \$81,000.

Adopted 6/20/2008.

Absent – Ostrow, Colvin Roy.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee, having under consideration the following recommendations of the Department of Community Planning & Economic Development (CPED) relating to the establishment of the Minneapolis Riverfront Organization, a nonprofit corporation to support and coordinate continued riverfront revitalization in Minneapolis:

- a) Passage of the accompanying resolution approving Laws of Minnesota 2008, Chapter 314;
- b) Appointment of Council Members Diane Hofstede and Paul Ostrow to represent the City on the board of the new Minneapolis riverfront nonprofit corporation authorized by the legislation;
- c) That the proper City officers be authorized to enter into an agreement with the new corporation to provide \$50,000 in funding once the corporation is created; and
- d) That CPED staff be directed to review City policies and procedures and recommend changes to provide for input from the new corporation on proposed plans and projects that will affect the Minneapolis riverfront;

now recommends approval of recommendations “a-c” and that recommendation “d” be referred to the Community Development Committee.

June 20, 2008

Hodges moved to amend paragraph "b" of the report by adding the name of Council Member Barbara Johnson. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-241, approving Laws of Minnesota 2008 Legislative Session; Chapter 314 (authorizing the City of Minneapolis to create a nonprofit corporation to support continued riverfront revitalization in Minneapolis), pursuant to Minnesota Statutes, section 645.021, was adopted 6/20/2008 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 2008R-241

By Hodges

Approving Laws of Minnesota 2008 Legislative Session; Chapter 314, Pursuant to Minnesota Statutes, section 645.021.

Whereas the Minnesota State Legislature has passed a law authorizing the City of Minneapolis to create a nonprofit corporation to support continued riverfront revitalization in Minneapolis; and

Whereas, the City of Minneapolis believes that the establishment of such a riverfront organization will serve multiple public purposes and will assist the Minneapolis community in achieving its riverfront vision;

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

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

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

The INTERGOVERNMENTAL RELATIONS and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

IGR & T&PW - Your Committee recommends passage of the accompanying resolution opposing increases in truck weights and lengths operating on local, county and state trunk highways within the City of Minneapolis.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-242, opposing increases in truck weights and lengths operating on local, county and state trunk highways within the City of Minneapolis, was adopted 6/20/2008 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 2008R-242

By Colvin Roy, Hodges, Schiff, Gordon, Remington

Opposing increases in truck weights and lengths operating on local, county and state trunk highways within the City of Minneapolis.

Whereas, the City of Minneapolis is concerned for the health, welfare and safety of the City's residents and the conditions of its infrastructure; and

Whereas, the City of Minneapolis is concerned that attempts will be made at the federal and/or state level to increase the size, weight and allowable number of trailers beyond the capacity of existing road infrastructure; and

Whereas, bigger and heavier trucks cause greater acceleration of the deterioration of the City's alleys, streets, roads and bridges putting further pressure on local tax payers to fund regional infrastructure; and

Whereas, the investments in our City, County, State and Federal road systems have not kept up with increased traffic levels, current funding for road and bridge maintenance across all government levels in the state is inadequate and investments by local governments have been curbed by cuts in local Government aide, municipal state aide, county state aide and a shrinking state truck highway fund; and

Whereas, the City, along with many of the municipal associations has a history of opposing increase in truck weights and strongly opposes all legislation that attempts to shift costs and liability of private businesses on to local governments and threatens local control of local roads;

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

That the City of Minneapolis opposes legislation that increases truck weight and size beyond the capacity of our road systems and puts Minneapolis alleys, streets, roads and bridges at risk of increased damage or deterioration and/or reduces transportation safety.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation* by adding a new Chapter 235 entitled *Dogs In Outdoor Food and Beverage Service Establishments*, authorizing qualifying licensed food and beverage service establishments to obtain a permit to allow dogs to accompany persons patronizing designated outdoor areas of such establishments, subject to certain minimum requirements, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/2008.

Absent – Ostrow.

Approved by Mayor Rybak 6/23/2008.

(Published 6/24/2008)

Ordinance 2008-Or-045 amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, adding a new Chapter 235 entitled *Dogs In Outdoor Food and Beverage Service Establishments*, to authorize qualifying licensed food and beverage service establishments to obtain a permit to allow dogs to accompany persons patronizing designated outdoor areas of such establishments, subject to certain minimum requirements, was adopted 6/20/2008 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 2008-Or-045
By Goodman
Intro & 1st Reading: 5/16/2008
Ref to: PS&RS
2nd Reading: 6/20/2008

Amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 235 to read as follows:

CHAPTER 235. DOGS IN OUTDOOR FOOD AND LIQUOR ESTABLISHMENTS

235.10. Definitions. As used in this chapter:

Dangerous and Potentially Dangerous dog has the meaning specified in Minnesota Statute Section 347.50 and Title 4 of this Code.

Designated outdoor dog area means a specifically identified and defined outdoor area located on the premises of a licensed food or liquor establishment which has been approved by the director of licenses and consumer services pursuant to the requirements of this chapter.

Food establishment means those establishments licensed pursuant to Title 10 of this Code.

Liquor establishment means those establishments licensed pursuant to Title 14 of this Code.

Other person in charge has the meaning specified in the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 10, as amended from time to time.

Outdoor area means any area utilized for food or beverage service and consumption located on the licensed premises of a food or liquor establishment but shall not include any "indoor area" as that term is defined in Minnesota Statute Section 144.413.

Proprietor has the meaning specified by the Minnesota Clean Indoor Air Act Rules, *Minnesota Rules*, part 4620.0100, subpart 13, as amended from time to time.

235.20. Designated outdoor dog areas authorized. (a) Licensed food and liquor establishments shall be eligible to apply for approval to allow dogs to accompany persons patronizing designated outdoor dog areas. The designated outdoor dog area shall be limited to approved outdoor areas; however, a dog may be present in an approved interior corridor solely for the purpose of being transported directly between the entry of the establishment and a designated outdoor dog area if direct access to the designated outdoor dog area is not capable of being provided. An approved interior corridor shall meet the requirements of the Minnesota Food Code, Minnesota Rules, part 4626.1585 6-501.115, as amended from time to time.

(b) An applicant seeking approval for a designated outdoor dog area shall provide the following required information on an application or license addendum form as required by the director of licenses and consumer services:

- (1) the name, location, and mailing address of the establishment;
- (2) the name, mailing address, and telephone contact information of the applicant;
- (3) a description of the designated outdoor areas in which the applicant intends to allow dogs; and
- (4) a description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor areas.

(c) An approval for a designated outdoor dog area issued pursuant to this chapter may not be transferred to a subsequent owner upon the sale of the establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for approval pursuant to this chapter if the subsequent owner wishes to continue to accommodate patrons' dogs, in addition to complying with all other applicable licensing requirements of this Code.

235.30. Minimum requirements. Any establishment obtaining approval for a designated outdoor dog area shall comply with the following requirements, which, along with the prohibitions imposed by section 235.40, must be clearly printed on a sign or signs posted on the premises in locations as established in this section:

- (1) employees must be prohibited from touching, petting, or otherwise handling dogs; should any employee inadvertently touch or otherwise handle a dog, the employee shall promptly wash and clean their hands and exposed portions of their arms;
- (2) employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;
- (3) patrons must keep their dogs on a leash at all times and must keep their dogs under reasonable control;

- (4) the establishment shall provide an adequate number of water dishes for the sole use of dogs;
- (5) dogs must not be allowed on chairs, tables, or other furnishings; and
- (6) dog waste must be cleaned immediately and the area sanitized.

The sign required by this section shall be posted within the designated dog area in a manner and place that is conspicuous to employees and patrons. Additionally, a clearly printed sign shall be posted within the entry of the establishment that indicates where dogs are allowed on the premises.

235.40. Prohibitions. Patrons must abide by the following requirements when bringing dogs into establishments with designated outdoor dog areas:

- (1) Dangerous and potentially dangerous dogs shall not accompany patrons into the establishment; and
- (2) All dogs must be licensed and restrained by a leash as required pursuant to sections 64.10 and 64.30 of this Code.

235.50. Service animals. Nothing in this chapter shall be construed to limit:

- (1) the right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota Statute Sections 256C.02 and 363A.19; or
- (2) the lawful use of a service animal by a licensed peace officer.

235.60. Violation and penalties.

- (1) *Proprietors.* It is a violation of this chapter for the proprietor or other person in charge of any premises subject to this chapter to fail to comply with the requirements of sections 235.20 or 235.30.
- (2) *Patrons.* It is a violation of this chapter for a patron of any premises subject to this chapter to fail to comply with the requirements of section 235.40.
- (3) *Civil fines.* Violations of this chapter may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.
- (4) *Adverse license action.* Violation of any provision of this chapter by a licensee shall be adequate grounds for the denial, refusal to renew, revocation or suspension of the establishment's licenses or of the establishment's approval to provide designated outdoor dog areas.
- (5) *Enforcement.* The provisions of this chapter shall be enforced by the department of operations and regulatory services.
- (6) *Injunctive relief.* The city attorney may bring a civil action against the proprietor or other person in charge of a public place or place of work to enjoin repeated or continuing violations of this chapter. Failure to seek injunctive relief shall not bar the pursuit of any other form of enforcement provided by this section or applicable law.

235.70. Severability. (a) *Severability of text.* If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the chapter.

(b) *Severability of application.* If the application of any provision of this chapter to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

Adopted 6/20/2008.

Absent – Ostrow.

Approved by Mayor Rybak 6/23/2008.

PS&RS – Your Committee, to whom was referred an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous*, repealing Section 385.80 relating to *Lurking*; and amending Section 385.50 relating to *Loitering* by adding new prohibitions against loitering with the intent to engage in additional criminal acts, now recommends that said ordinance be returned to author.

Goodman called the question on adoption of the report. Seconded.

Adopted upon a voice vote.

Absent – Ostrow.

The report lost. Yeas, 6; Nays, 6 as follows:

Yeas – Samuels, Hofstede, Lilligren, Colvin Roy, Goodman, Johnson.

Nays – Gordon, Schiff, Glidden, Remington, Benson, Hodges.

Absent – Ostrow.

Goodman moved that the report be amended by deleting the language “that said ordinance be returned to author” and inserting in lieu thereof “that said ordinance be given its second reading for amendment and passage”. Seconded.

Adopted by unanimous consent.

Absent – Ostrow.

The report, as amended, lost 6/20/2008. Yeas, 5; Nays, 7 as follows:

Yeas – Gordon, Glidden, Remington, Benson, Hodges.

Nays – Samuels, Hofstede, Schiff, Lilligren, Colvin Roy, Goodman, Johnson.

Absent – Ostrow.

PS&RS – Your Committee, to whom was referred an ordinance amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*, adding a new Section 349.270 establishing maximum service fees for Class A motor vehicle services, and acceptable methods of payment, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/2008. Yeas, 9; Nays, 3 as follows:

Yeas – Samuels, Gordon, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges.

Nays – Hofstede, Remington, Johnson.

Absent – Ostrow.

Ordinance 2008-Or-046 amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*, to add a new Section 349.270 establishing maximum service fees for Class A motor vehicle services, and including acceptable methods of payment, was adopted 6/20/2008 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 2008-Or-046
By Schiff
Intro & 1st Reading: 2/1/2008
Ref to: PS&RS
2nd Reading: 6/20/2008

Amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks.

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

Section 1. That Chapter 349 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 349.270 to read as follows:

349.270. Service fee – Class A Motor Vehicle Service. The maximum service fee for Class A motor vehicle service shall not exceed two hundred seven dollars (\$207.00) plus any commercial parking lot fees due. The maximum daily storage fee for storage of a vehicle removed by a Class A motor vehicle service licensee shall not exceed twenty-seven dollars (\$27.00). The maximum service fee and daily storage fee amounts herein established shall be effective September 1, 2008 and shall be subject to automatic annual adjustment effective each September first thereafter in a percentage equal to annual changes in the Personal Consumption Expenditures (PCE) price index for the period ending December thirty-first of the preceding calendar year, with the newly-resulting maximum fee rounded off

to the nearest whole dollar. Notification of the annual adjustment to the maximum service fee and daily storage fee shall be made to each applicable license holder at least sixty (60) days prior to taking effect. Class A motor vehicle service licensees shall honor all forms of payment currently accepted by the City of Minneapolis impound facility, including credit cards.

Adopted 6/20/2008. Yeas, 9; Nays, 3 as follows:

Yeas – Samuels, Gordon, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges.

Nays – Hofstede, Remington, Johnson.

Absent – Ostrow.

PS&RS – Your Committee, to whom was referred an ordinance amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*, amending the required hours of operation for storage lots, and amending notification requirements, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/2008.

Absent – Ostrow.

Ordinance 2008-Or-047 amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*, amending Sections 349.60, 349.115, and 349.140 to amend the required hours of operation for storage lots, and to amend notification requirements, was adopted 6/20/2008 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 2008-Or-047
By Schiff
Intro & 1st Reading: 5/2/2008
Ref to: PS&RS
2nd Reading: 6/20/2008

Amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks.

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

Section 1. That Section 349.60 (c) of the above-entitled ordinance be amended to read as follows:

349.60. Application procedure, Class A.

(c) A statement that there will be a storage lot or lots at which will be maintained ~~continuous twenty-four hour, on-duty service~~ from an office on the premises for the release of motor vehicles; together with the exact location of such lot or lots with changes to be made known to the department of licenses and consumer services immediately in writing.

Section 2. That Section 349.115 of the above-entitled ordinance be amended to read as follows:

349.115. Notice to vehicle owners, Class A. When a Class A licensee shall have taken custody of a motor vehicle under orders of one not the owner or operator of the vehicle, such licensee shall give notice of the taking ~~within ten (10) business days~~ as required by Minnesota Statute 168B.06. The notice shall:

(a) ~~Set forth the date and place of the taking, the year, make, model, license plate number and serial number of the vehicle and the place where the vehicle is being held;~~

(b) ~~Inform the owner and any lienholders of their right to reclaim the vehicle;~~

(c) ~~Be sent by certified mail to the registered owner, if any, of the motor vehicle and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a~~

newspaper of general circulation within the City of Minneapolis. Published notices may be grouped together for convenience and economy.

No licensee shall charge a storage fee in excess of ten (10) days until such time of notice as required by this section shall have been given. Provided that no storage charges shall accrue until after 12:01 a.m. of the date following completion of the Class A towing service.

Section 3. That Section 349.140 of the above-entitled ordinance be amended to read as follows:

349.140. Location of storage lot, Class A. No licensee shall tow a motor vehicle from private property under orders of one not the owner or operator of the vehicle to a storage lot which is outside the limits of the City of Minneapolis. All licensees shall, immediately upon hooking up to a vehicle to be towed from private property under orders of one not the owner or operator of such vehicle, tow the vehicle directly to a ~~twenty-four-hour on-duty~~ storage lot owned or operated by such licensee and such towed vehicle shall not be temporarily dropped, placed or left at any other lot or on any other property. The licensee shall provide staff at the storage lot to facilitate the timely release of vehicles to the owner of record at all times; however, the licensee shall not be required to provide staff at the storage lot between the hours of 12:00 a.m. and 8:00 a.m. Monday through Thursday.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS - Your Committee, having received applications for liquor and wine licenses, and having held a public hearing thereon, now recommends that the following licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

a. Hotel Minneapolis Operating Company LLC, dba Hotel Minneapolis, 401 2nd Av S, for an On-Sale Liquor Class A with Sunday Sales License (new business), to expire July 1, 2008; a 2:00 a.m. License issued by the State of Minnesota; Caterers License to expire April 1, 2009; Liquor Catering Permit to be issued by the State of Minnesota, and a Hotel License to expire November 1, 2008.

b. Alberto & Fabrizio Inc, dba Cafe Agri, 4300 Bryant Av S, for an On-Sale Wine Class E with Strong Beer License (expansion of premises for sidewalk cafe on the N 43rd Street side of the restaurant, and the East Bryant Av side), to expire April 1, 2009; and a Sidewalk Cafe License (new business) to expire April 1, 2009.

c. Foshay Hotel LLC, dba W Minneapolis – The Foshay, 821 Marquette Av, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2008; and a 2:00 a.m. License issued by the State of Minnesota.

d. Feiler Restaurant Holdings LLC, dba Casey's, 3510 Nicollet Av, for an On-Sale Wine Class B with Strong Beer License (change in ownership from Harley Thompson), to expire April 1, 2009.

e. Lafayette Cafe LLC, dba Vincent, 1100 Nicollet Mall, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for sidewalk cafe), to expire April 1, 2009; and a Sidewalk Cafe License (new business) to expire April 1, 2009.

f. Peninsula Malaysian Cuisine, LLC, dba Peninsula, 2608 Nicollet Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2009.

Adopted 6/20/2008.

Absent – Ostrow.

Approved by Mayor Rybak 6/23/2008.

(Published 6/24/2008)

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

Adopted 6/20/2008.

Absent – Ostrow.

Resolution 2008R-243, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/20/2008 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 2008R-243

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 272848):

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2008

Seven Corners Hotel Partners Ltd, dba Holiday Inn Metrodome, 1500 Washington Av S (new manager)

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2008

Moto-I Inc, dba Moto-I, 2940 Lyndale Av S (new ownership from Machu Picchu Inc)

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

Manny's Steakhouse Inc, dba Manny's Steakhouse, 1300 Nicollet Mall (internal transfer of shares in Parasole Restaurant Inc)

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

Three Strands Enterprises Inc, dba Sauced, a Neighborhood Bistro, 2203 44th Av N (new manager and internal transfer of shares)

Off-Sale Beer, to expire April 1, 2009

Faneta Enuye, dba Calun Market, 3141 Chowen Av S (new business).

Adopted 6/20/2008.

Absent – Ostrow.

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

Adopted 6/20/2008.

Absent – Ostrow.

Resolution 2008R-244, granting applications for Business Licenses, was adopted 6/20/2008 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 2008R-244

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 June 20, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272848):

Bowling Alley; Dancing School; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Farm Produce Permit Nonprofit; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Soft Drink; Vending Machine; Horse and Carriage; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Public Market; Solicitor – Company; Solicitor - Individual; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle – Fuel

June 20, 2008

Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle – Non-transferable; Taxicab – Neighborhood Rideshare; Tobacco Dealer; Tree Servicing; Valet Parking.

Adopted 6/20/2008.

Absent – Ostrow.

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

Adopted 6/20/2008.

Absent – Ostrow.

Resolution 2008R-245, granting applications for Gambling Licenses, was adopted 6/20/2008 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 2008R-245

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 (Petr No 272848):

Gambling Class B

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (Site: Vegas Lounge, 965 Central Av NE)

Edison Community Sports Foundation, dba Edison Sports Foundation, 700 22nd Av NE (Site: Spring Street Bar & Grill, 355 Monroe St)

Gambling Exempt

Minnesota Security Dealers Association, dba Minnesota Security Dealers Association, 5858 Park Av (Raffle July 10, 2008 at R Norman's the Steakhouse, 700 Hennepin Av)

Northern Star Council BSA, dba Northern Star Council BSA, 393 Marshall Av, St. Paul (Raffle August 18, 2008 at The Minikahda Club, 3205 Excelsior Blvd)

Jewish Family and Children's Service, dba Jewish Family and Children's Service, 13100 Wayzata Blvd, Minnetonka (Raffle December 6, 2008 at Convention Center, 1301 2nd Av S)

Lake of the Woods Chapter of the Minnesota Deer Hunters Association, dba Minnesota Deer Hunters Association, 460 Peterson Rd, Grand Rapids (Raffle February 28, 2009 at Four Points by Sheraton, 1330 Industrial Blvd).

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Combined Trades, Gas Fitter, Heating, Air Conditioning and Ventilation, and Refrigeration Systems Installers Licenses held by Modern Heating and Air Conditioning, 2318 1st St NE.

Adopted 6/20/2008.

Absent – Ostrow.

Resolution 2008R-246, approving License Settlement Conference recommendations relating to the Combined Trades, Gas Fitter, Heating, Air Conditioning and Ventilation, and Refrigeration Systems Installers Licenses held by Modern Heating and Air Conditioning, 2318 1st St NE, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

June 20, 2008

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

RESOLUTION 2008R-246

By Samuels

Approving License Settlement Conference recommendations relating to the Combined Trades, Gas Fitter, Heating, Air Conditioning and Ventilation, and Refrigeration Systems Installers Licenses held by Modern Heating and Air Conditioning, 2318 1st St NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 18, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee on at least five separate occasions failed to obtain the necessary permits in 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 City of Minneapolis imposes a \$1,000 sanction for failing to obtain required mechanical permits prior to the start of work, of which \$500 will be stayed for a two-year period pending no same or similar violations.

2. Modern Heating and Air Conditioning will provide a copy of the system they have implemented to ensure that all permits have been obtained in the City of Minneapolis. The City agrees that they will clarify the policies that specifies when a mechanical permit must be obtained.

3. Modern Heating and Air Conditioning agrees that all future work performed in the City of Minneapolis will have permits as stipulated by City ordinances. Emergency work must have permits obtained within 24 hours.

4. Modern Heating and Air Conditioning agrees to honor all inspection orders by the date specified on the order unless they request an extension date of the order.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Taco Blass, 3764 Nicollet Av S.

Adopted 6/20/2008.

Absent – Ostrow.

Resolution 2008R-247, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Taco Blass, 3764 Nicollet Av S, was adopted 6/20/2008 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 2008R-247

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Taco Blass, 3764 Nicollet Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on March 6, 2008; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of

less than 24 months, employees of Taqueria Don Blass Inc, dba Taco Blass sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, 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. That Taqueria Don Blass Inc pay a fine of \$1,000, which may be paid in three installments: \$300 on or before May 15, 2008; \$350 on or before June 15, 2008; and \$350 on or before July 15, 2008.

2. That Taqueria Don Blass Inc shall not sell beverage alcohol in any form at 3764 Nicollet Av S for 30 days, from April 14, 2008 through May 14, 2008.

3. That Taqueria Don Blass Inc complies with the Minneapolis Fire Department violation orders, obtain all required permits, and complete all work within 30 days of signing of the agreement.

4. That all current service staff undergo alcohol server training from a Department approved trainer within 30 days of the agreement, and that all new service staff undergo alcohol server training prior to serving alcohol.

5. That Taqueria Don Blass Inc purchase and deploy one device with which to automatically scan drivers licenses and other identification cards for the purpose of determining customers' age and eligibility to purchase alcohol, and that such device be deployed within 30 days of the agreement.

6. That Taqueria Don Blass Inc within two weeks of the date of agreement shall provide the Department of Licenses & Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishments, that such policy include the use of the identity scanner, that the policy be approved by the Department of Licenses & Consumer Services, and that Taqueria Don Blass Inc implement and maintain this policy.

7. "Date of Agreement" shall be defined as the date that the licensee signs or otherwise executes the agreement.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS – Your Committee, having under consideration the On-Sale Liquor Class B with Sunday Sales License held by T.J. Management of Minneapolis, dba Gabby's Saloon and Eatery, 1900 Marshall St NE; and the City Council having imposed license conditions on February 15, 2008; and Gabby's Saloon and Eatery having requested by motion that the City Council stay enforcement of the condition relating to free drink specials, now recommends that the following condition #5 be stayed pending resolution of the legal challenge to the imposition of license conditions for Gabby's Saloon and Eatery:

"5. The licensee will eliminate any free drink specials and replace them with reduced drink specials where the drink price would be no less than fifty (50) percent of regular drink prices."

Your Committee further recommends that by staying enforcement of the free drink special condition, Gabby's Saloon and Eatery agrees to pay \$10,129 to the City of Minneapolis to be earmarked for Police Department buyback in the neighborhood adjoining Gabby's premises.

Adopted 6/20/2008.

Absent – Ostrow, Benson.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 1045 24th Av SE, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Joel C Hussong.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 506 Newton Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends

concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Paul A Balow.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS – Your Committee recommends passage of the accompanying Resolution adopting police policies regarding public assemblies.

Samuels moved that Resolved Clauses #21 and #22 of the Resolution be amended to read as follows:

“21. That MPD officers taking enforcement actions against participants in a public assembly will use the minimum reasonable level of force required to effect such enforcement actions.”

“22. Upon request of the arrestee, That the MPD shall provide written notice identifying information on the Civilian Police Review Authority and Internal Affairs Unit to each person arrested in connection with a public assembly who requests such information. ~~The notice shall also identify all officers involved in effecting the arrest of the arrestee.~~ Seconded.

Adopted upon a voice vote.

Absent – Ostrow.

Gordon moved that the following Resolved Clauses be added to the Resolution:

“25. That MPD presence will be commensurate to the size of public assemblies to avoid an intimidatory or chilling effect on First Amendment rights.

26. That medical attention must be given immediately to those who require it.

27. That MPD officers will not use pepper spray, tear gas or similar substances except in situations justifying the use of force.

28. That the MPD will not use plastic bullets, and will use projectiles other than plastic bullets only in situations justifying the use of force.

29. That MPD officers will not target demonstration organizers or compile political dossiers.

30. That the MPD will not harass journalists, camera people, legal observers and others not engaged in demonstrating.

31. That MPD officers will not confiscate videotapes, film, and other recording materials.

32. That bail release provisions must be constitutionally valid. For example, restrictions on travel, legal contact with merchants, union members and government officials cannot be a condition of release.” Seconded.

Colvin Roy moved that Gordon’s motion be referred to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Absent – Ostrow.

The report was adopted 6/20/2008. Yeas, 9; Nays, 2 as follows:

Yeas – Samuels, Hofstede, Schiff, Lilligren, Remington, Benson, Goodman, Hodges, Johnson.

Nays – Gordon, Colvin Roy.

Absent – Ostrow, Glidden.

Resolution 2008R-248, adopting police policies regarding public assemblies, was adopted 6/20/2008 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 2008R-248
By Ostrow, Remington, Schiff

Adopting police policies regarding public assemblies.

Resolved by The City Council of The City of Minneapolis:

1. That where participants in a public assembly fail to comply with reasonable time, place and manner restrictions, the Minneapolis Police Department (MPD) shall, to the extent reasonably possible, first seek to enforce the restrictions through voluntary compliance and then seek, as appropriate, to enforce existing laws. Nothing in this resolution is intended to restrict the authority of the MPD to arrest persons who engage in unlawful disorderly conduct, or violence directed at persons or property.

2. That where participants in a public assembly, or other persons at the location of the assembly, engage in unlawful disorderly conduct, violence toward persons or property, or unlawfully threaten violence, the MPD shall, to the extent reasonably possible, respond by dispersing, controlling, or arresting the persons engaging in such conduct, and not by issuing a general order to disperse, thus allowing the public assembly to continue.

3. That the MPD shall not issue a general order to disperse to participants in a public assembly except where:

(a) A significant number or percentage of the assembly participants fail to adhere to the imposed time, place, and manner restrictions, and the voluntary compliance measures set forth earlier in this resolution have failed to result in substantial compliance or there is no reasonable likelihood that those measures will result in substantial compliance; or

(b) A significant number or percentage of the assembly participants are engaging in, or are about to engage in, unlawful disorderly conduct or violence towards persons or property; or

(c) A public safety emergency has been declared that is not based solely on the fact that the public assembly is occurring, or the Chief of Police determines that the public safety concerns that prompted the declaration require that the public assembly be dispersed.

4. That if and when the MPD determines that a public assembly, or part thereof, should be dispersed, the MPD shall issue at least one clearly audible and understandable order to disperse using an amplification system or device, and shall provide the participants a reasonable and adequate time to disperse and a clear and safe route for dispersal.

5. That except where there is imminent danger of personal injury or significant damage to property, the MPD shall issue multiple dispersal orders and, if appropriate, shall issue the orders from multiple locations. The orders shall inform persons of the route or routes by which they may disperse and shall state that refusal to disperse will subject them to arrest.

6. That whenever possible, MPD shall make an audio or video recording of orders to disperse.

7. That where a public assembly is held on a City street, sidewalk or other public way and an assembly plan has not been approved, the MPD shall, consistent with the interests of public safety, seek to respond to and handle the assembly in substantially the same manner as it responds to and handles assemblies with approved plans.

8. That an order to disperse or arrest assembly participants shall not be based solely on the fact that a plan has not been approved for the assembly.

9. That when responding to and handling a public assembly for which a plan has not been approved, the MPD may take into account any actual diminution, caused by the lack of advance notice, in its ability, or the ability of other governmental agencies, appropriately to organize and allocate their personnel and resources so as to protect the rights of both persons exercising free speech and other persons wishing to use the streets, sidewalks, or other public ways.

10. That no emergency area or zone will be established by using a police line to encircle, or substantially encircle, an assembly (or subpart thereof) conducted for the purpose of persons expressing their political, social, or religious views except where there is probable cause to believe that a significant number or percentage of the persons located in the area or zone have committed unlawful acts (other than failure to have an approved assembly plan) and the police have the ability to identify those individuals and have decided to arrest them; provided, that this section does not prohibit the use of a police line to encircle an assembly for the safety of the demonstrators.

11. That the MPD shall implement a method for enhancing the visibility to the public of the name or badge number of officers policing a planned public assembly by modifying the manner in which those officers' names or badge numbers are affixed to the officers' uniforms or helmets. The MPD shall ensure that all uniformed officers assigned to police planned public assemblies are equipped with the enhanced

identification and may be identified even if wearing riot gear. This section shall not apply in the event that assistance beyond the detailed officers from MPD is required.

12. That MPD shall cause every arrest in connection with a public assembly to be documented, in writing or electronically, by the officer at the scene who makes the arrest.

13. That the arrest documentation shall be completed at a time reasonably contemporaneous with the arrest, and shall include all elements required by Minnesota laws and Minneapolis ordinances.

14. That the Chief of Police may implement a procedure for documenting arrests in connection with a public assembly different from that set forth above when the Chief determines that an emergency exists with regard to a specific public assembly, and that implementation of the alternative procedure is necessary to assist police in protecting persons, property, or preventing unlawful conduct; provided, that any such procedure shall adequately document the basis that existed for each individual arrest. That determination shall be made in writing and shall include an explanation of the circumstances justifying the determination.

15. That the MPD shall use handcuffs, plastic cuffs, or other physical restraints only to the extent reasonably necessary, and in a manner reasonably necessary, for the safety of officers and arrestees. Nothing in this resolution is intended to restrict the otherwise lawful authority of the MPD to use handcuffs, plastic cuffs, or other physical restraints on persons arrested in connection with a public assembly at the time of or immediately following arrest, while arrestees are being transported to a processing center, or while arrestees are being transported to or from court.

16. That those individuals who are not placed under custodial arrest must be promptly processed.

17. That individuals who are placed under custodial arrest must be promptly taken to Hennepin County for processing by Hennepin County.

18. That the MPD shall fully and accurately advise persons arrested in connection with a public assembly of all potential release options when processing them for release from custody or for presentation to court.

19. That the MPD shall provide a written notice identifying all release options to each person arrested in connection with a public assembly who is charged solely with one or more misdemeanor offenses. The notice shall also identify the misdemeanor charges lodged against the arrestee.

20. That MPD officers shall not infiltrate public assemblies or gatherings held to plan such assemblies, except in compliance with constitutional standards.

21. That MPD officers taking enforcement actions against participants in a public assembly will use the reasonable level of force required to effect such enforcement actions.

22. Upon request of the arrestee, the MPD shall provide written notice identifying information on the Civilian Police Review Authority and Internal Affairs Unit to each person arrested in connection with a public assembly.

23. That the MPD shall not take enforcement actions against participants in a public assembly, or order participants in a public assembly to disperse, unless the MPD determines that the threat to public safety posed by not taking enforcement action is significantly greater than the risk associated with taking enforcement action, and that before such action is taken, an MPD incident commander shall be designated and the MPD incident commander will document the reasons for this determination.

24. That this Resolution shall supersede the action of the City Council on November 22, 2000, adopting a Policy Regarding Police Conduct at Political Demonstrations.

Adopted 6/20/2008. Yeas, 9; Nays, 2 as follows:

Yeas – Samuels, Hofstede, Schiff, Lilligen, Remington, Benson, Goodman, Hodges, Johnson.

Nays – Gordon, Colvin Roy.

Absent – Ostrow, Glidden.

PS&RS - Your Committee, having under consideration the property located at 1008 Lowry 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 hearings having been held by the Nuisance Condition Process Review Panel, now recommends the following:

a. concurrence with the recommendation of the Panel to stay the Order for Demolition to allow execution of a Restoration Agreement for the property.

b. that the Restoration Agreement be completed by June 27, 2008, and rehabilitation of the property completed by December 31, 2008.

c. adoption of Findings of Fact, Conclusions and Recommendations, on file in the Office of the City Clerk and which are hereby made a part of this report by reference.

Adopted 6/20/2008.

Absent – Ostrow.

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 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, increasing fees for fire sprinkler protection system permits, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/2008.

Absent – Ostrow.

Ordinance 2008-Or-048 amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, amending Section 174.310 through 174.330 to increase fees for fire sprinkler protection system permits, was adopted 6/20/2008 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 2008-Or-048
By Johnson
Intro & 1st Reading: 5/16/2008
Ref to: PS&RS
2nd Reading: 6/20/2008

Amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau.

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

Section 1. That Section 174.310 (c) of the above-entitled ordinance be amended to read as follows:

174.310. Required generally.

(c) The fire protection systems permit fee amounts herein established shall be effective January 1, 2006 and shall be subject to automatic annual adjustment each April first thereafter, commencing April 1, 2007, in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. Such adjusted fire protection systems permit fees shall be published and maintained by the fire marshal in a fee schedule made readily available to the public, including posting to the city's designated Internet site(s), at least thirty (30) days prior to initially taking effect or thereafter being adjusted. The council shall approve the initial fee schedule to be effective January 1, 2006. ~~Effective January 1, 2009, the fire protection systems permit fees shall be based on the following valuation categories, rounded to the nearest whole dollar as follows:~~

Valuation Categories

<u>Contract Cost</u> <u>(Rounded to nearest whole dollar)</u>	<u>Permit Fee</u>
\$1.00 to \$1,200.00	<u>\$65.00</u>
\$1,201.00 to \$2,000.00	<u>\$65.00 for the first \$1,200.00 plus</u> <u>\$4.37 for each additional \$100.00</u> <u>or fraction thereof</u>
\$2,001.00 to \$25,000.00	<u>\$99.94 for the first \$2,000.00 plus</u> <u>\$20.02 for each additional</u> <u>\$1,000.00 or fraction thereof</u>
\$25,001.00 to \$50,000.00	<u>\$560.40 for the first \$25,000.00 plus</u> <u>\$14.44 for each additional \$1,000.00</u> <u>or fraction thereof</u>
\$50,001.00 to \$100,000.00	<u>\$921.48 for the first \$50,000.00 plus</u> <u>\$10.01 for each additional \$1,000.00</u> <u>or fraction thereof</u>
\$100,001.00 to \$500,000.00	<u>\$1,421.98 for the first \$100,000.00</u> <u>plus \$8.01 for each additional</u> <u>\$1,000.00 or fraction thereof</u>
\$500,001.00 to \$1,000,000.00	<u>\$4,625.18 for the first \$500,000.00</u> <u>plus \$6.80 for each additional</u> <u>\$1,000.00 or fraction thereof</u>
\$1,000,001.00 and up	<u>\$8,024.68 for the first \$1,000,000.00</u> <u>plus \$5.36 for each additional</u> <u>\$1,000.00 or fraction thereof</u>

Section 2. That Section 174.320 of the above-entitled ordinance be amended to read as follows:

174.320. Plan-checking fees. Whenever plans are required to be submitted for a proposed fire protection system, a plan-checking fee shall be paid to the fire marshal at the time of submitting plans and specifications for checking. Said plan-checking fees for all buildings shall be sixty-five (65) percent of the fire protection system permit fee as established in section 174.310.

Where plans are incomplete, or changed so as to require resubmission or additional plan review and checking, an additional plan-check fee shall be charged at a rate of fifty dollars (\$50.00) per hour. Effective January 1, 2009 the additional plan-check fee shall be sixty-five dollars (\$65.00).

Section 3. That Section 174.330 of the above-entitled ordinance be amended to read as follows:

174.330. Miscellaneous fire protection systems fees. (a) A flat fee of five hundred dollars (\$500.00), including plan review, may be charged by the fire marshal for the replacement of existing fire pumps or the addition of new pumps to a new or existing fire protection system. Effective January 1, 2009 the flat fee shall be six hundred fifty dollars (\$650.00).

(b) No fee shall be charged by the fire marshal for sprinkler recall replacement.

(c) A fee in the amount of fifty dollars (\$50.00) per hour, with a minimum charge for four (4) hours, shall be charged by the fire marshal for any inspection of a fire protection system requested or required to take place outside of normal operating hours or on weekends or holidays. Effective January 1, 2009 the hourly fee shall be sixty-five dollars (\$65.00).

(d) Any person doing fire protection systems work in a manner so as to require additional inspections over and above the normal inspections required by the Minnesota State Fire Code and its amendments, shall be required to pay a re-inspection fee in the amount of two hundred dollars (\$200.00) for each and every additional inspection required to be made until all such work is found to be in compliance with the applicable code. Effective January 1, 2009 the re-inspection fee shall be two hundred sixty dollars (\$260.00).

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS & W&M/Budget - Your Committee, having under consideration the City's participation in the 2008 Metro Gang Strike Force, now recommends that the proper City officers be authorized to execute an amendment to the grant agreement with the Minnesota Department of Public Safety to receive an additional \$80,000 to support 10 officers assigned to the Strike Force. Further, passage of the accompanying Resolution appropriating \$80,000 to the Police Department.

Adopted 6/20/2008.

Absent – Ostrow.

**RESOLUTION 2008R-249
By Samuels 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 by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4003130) by \$80,000 and increasing the Revenue Source (01600-4003130-321509) by \$80,000.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with Saint Paul Harley-Davidson/Buell of St. Paul, for an annual cost of \$27,880, for leasing of police-equipped motorcycles for the Police Motorcycle Patrol.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept a grant award in the amount of \$2,500 from Centerpoint Energy for communication headset equipment for Police Department Motorcycle officers. Further, passage of the accompanying Resolution appropriating \$2,500 to the Police Department.

Adopted 6/20/2008.

Absent – Ostrow.

**RESOLUTION 2008R-250
By Samuels 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 by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-40027006180) by \$2,500.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept \$2,500 from Centerpoint Energy for the purchase of four gas monitors for the Fire Department. Further, passage of the accompanying resolution appropriating \$2,500 to the Fire Department.

Adopted 6/20/2008.

Absent – Ostrow.

RESOLUTION 2008R-251

By Samuels 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 by increasing the appropriation for the Fire Department Agency in the Grants – Other Fund (01600-2800400) by \$2,500 and increasing the Revenue Source (01600-2800400-372001) by \$2,500.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS & W&M/Budget – Your Committee, having under consideration the Linking Advance Practice Centers and Local Public Health Agencies grant to plan responses to potential threats to food, water and safety during a disaster or public health emergency, now recommends that the proper City officers be authorized to extend the agreement with Hennepin County to receive an additional \$122,856 to proceed with the Advance Practice Center grant activities funded by the National Association of County and City Health Officials. Further, passage of the accompanying resolution appropriating \$122,856 to the Department of Regulatory Services.

Adopted 6/20/2008.

Absent – Ostrow.

Approved by Mayor Rybak 6/23/2008.

(Published 6/24/2008)

RESOLUTION 2008R-252

By Samuels 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 by increasing the appropriation for the Regulatory Services Agency in the Grants - Federal Fund (01300-8350200) by \$122,856 and increasing the Revenue Source (01300-8350200-321000) by \$122,856.

Adopted 6/20/2008.

Absent – Ostrow.

Approved by Mayor Rybak 6/23/2008.

(Published 6/24/2008)

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to pursue the Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the United States Department of Homeland Security seeking \$1,300,560 to employ 12 full-time firefighters to meet minimum staffing requirements. Further, that the governing body acknowledges that the Fire Department has submitted the grant application and commits to the provision of necessary funding for the additional staff to meet the City's cost sharing obligations, \$3,821,949 over the next five years, if awarded the grant.

Adopted 6/20/2008.

Absent – Ostrow.

PS&RS & W&M/Budget – Your Committee, having under consideration a Resolution approving extended hours of alcohol service for on-sale liquor establishments during the Republican National Convention, now recommends that said resolution be **sent forward without recommendation**.

Goodman moved that the report be amended by deleting the language “be sent forward without recommendation” and inserting in lieu thereof “be passed”. Seconded.

Adopted by unanimous consent.

Absent – Ostrow.

The report, as amended, was adopted 6/20/2008. Yeas, 9; Nays, 3 as follows:

Yeas – Samuels, Hofstede, Schiff, Lilligren, Colvin Roy, Remington, Benson, Goodman, Johnson.

Nays – Gordon, Glidden, Hodges.

Absent – Ostrow.

Resolution 2008R-253, approving extended hours of alcohol service for on-sale liquor establishments during the Republican National Convention, was adopted 6/20/2008 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 2008R-253

By Goodman

Approving extended hours of alcohol service for on sale liquor establishments during the 2008 Republican National Convention

Whereas the Minnesota legislature on May 15, 2008 authorized licensing jurisdictions that lie within the seven county metropolitan area to issue special permits for service of alcohol through extended hours lasting until 4:00 a.m. during the Republican National Convention;

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

That the Director of the Licenses and Consumer Services Division is authorized to implement a process for issuing special temporary permits for service of alcohol during the Republican National Convention through extended hours lasting until 4:00 a.m. each day.

Be It Further Resolved that the permits for extended hours of alcohol service be limited to those on sale establishments located within or directly adjoining the following geographical area of Minneapolis: ***That part of Downtown Minneapolis within the boundary, or directly adjoining the boundary, of the point commencing at the western bank of the Mississippi River where it intersects with the centerline of 1st Avenue No.; to the centerline of 6th Street North; to the centerline of 2nd Avenue No.; thence westerly to the centerline of Glenwood Avenue; thence westerly to the approximate centerline of Interstate 94 as it travels south and east where it intersects with Interstate 35W; thence northeasterly along the approximate centerline of Interstate 35W to the western bank of the Mississippi River; and Thence northwesterly along said river bank to the point of beginning***, and all licensed hotels located anywhere throughout the City.

Be It Further Resolved that the time period for which extended hours of alcohol service will be permitted is limited to the days between 8:00 a.m. on September 1, 2008 and 4:00 a.m. on September 5, 2008.

Be It Further Resolved that establishments permitted to operate with extended hours be closed and cleared of patrons and guests by 4:00 a.m.

Be It Further Resolved that each application for an extended hours of alcohol service permit be accompanied by a security plan.

Be It Further Resolved that the permits for extended hours of alcohol service will be granted only to establishments with on sale beverage alcohol licenses in good standing.

Be It Further Resolved that a licensee in good standing is defined as those establishments with one or less alcohol related violation within the past 12 month period.

Be It Further Resolved that an extended hours of alcohol service permit may be revoked or suspended by the Director of Licenses if it's existence contributes to crime, disorderly behavior, noise,

traffic, litter, or parking problems at or near the establishment or any other good cause related to the operation of the establishment.

Be It Further Resolved that the application deadline for a permit for extended hours of alcohol service is August 4, 2008.

Be It Further Resolved that any application which is not received by the Director of Licenses or his designee in a timely manner may be denied in the interest of public safety. Applications filed after August 4, 2008 shall receive favorable action only if there is sufficient time to review the application and coordinate the required approvals.

Be It Further Resolved that The Director of Licenses and Consumer Services be allowed to assess a fee of \$2500.00 for each extended hour alcohol service permit.

Adopted 6/20/2008. Yeas, 9; Nays, 3 as follows:

Yeas – Samuels, Hofstede, Schiff, Lilligren, Colvin Roy, Remington, Benson, Goodman, Johnson.

Nays – Gordon, Glidden, Hodges.

Absent – Ostrow.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the installation of standby generators at Minneapolis Water Works Pump Station 5, now recommends that the proper City officers be authorized to increase Contract No C-24584, with Ace Electrical Contractors, Inc., by an estimated amount of \$86,382.94, for an estimated revised contract total of \$724,782.94, due to modifications to the original installation design. Funds are available within the existing project budget.

Your Committee further recommends extending the contract end date from June 30, 2008 to December 31, 2008.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to enter into a Limited Use Permit with the State of Minnesota, Department of Transportation, for a pedestrian trail within the right-of-way of Trunk Highway 394 at Van White Memorial Boulevard.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-254, authorizing the proper City officers to enter into a Limited Use Permit with the State of Minnesota, Department of Transportation, for a pedestrian trail in the right-of-way of Trunk Highway 394 at Van White Memorial Boulevard, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-254

By Colvin Roy

Authorizing the proper City officers to enter into a Limited Use Permit with the State of Minnesota, Department of Transportation, for a pedestrian trail in the right-of-way of Trunk Highway 394 at Van White Memorial Boulevard.

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enter into a Limited Use Permit with the State of Minnesota, Department of Transportation, for the following purpose:

To construct, operate, and maintain a pedestrian trail within the right-of-way of Trunk Highway 394 of the State of Minnesota. The City of Minneapolis shall construct, operate, and maintain said trail in accordance with the Limited Use Permit granted by the Minnesota Department of Transportation.

June 20, 2008

Be It Further Resolved that the Mayor, Finance Officer, and Clerk are hereby authorized and directed on behalf of the City to execute and enter into agreements with the Minnesota Commissioner of Transportation.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the construction of the Bassett Creek Valley portion of the Van White Memorial Boulevard, now recommends that the proper City officers be authorized to negotiate and execute an agreement with HDR Construction Control Corporation for construction engineering/administration consultant services as required by the City of Minneapolis and the Minnesota Department of Transportation. (Petn No 272856)

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the Humboldt Greenway Project, Phase II, now recommends that the proper City officers be authorized to negotiate and execute Amendment No 1 (final) to Contract No C-015259 (City Project No 9789/County Agreement No A04310) with Hennepin County to allow the City to make payment of \$188,507 to the County, as agreed to during the cost participation negotiations. Funds were retained in the original project budget, and no additional appropriation is required.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2008 Resurfacing Program, Nicollet Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5188, and 60th St E Street Resurfacing Project, Special Improvement of Existing Street No 5189.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-255, designating the locations and streets to be improved in the Nicollet Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5188 and the 60th St E Street Resurfacing Project, Special Improvement of Existing Street No 5189, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-255

By Colvin Roy

**2008 STREET RESURFACING PROGRAM
NICOLLET AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5188
AND
60TH ST E STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5189**

Designating the improvement of certain existing streets in the 2008 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

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

Nicollet Avenue South (5188):

Nicollet Ave S from 58th St W to 61st St W.

60th Street East (5189):

60th St E from 2nd Ave S to Chicago Ave.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having received a cost estimate of \$194,016 for street resurfacing improvements and a list of benefited properties for certain locations in the Nicollet Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5188, and a cost estimate of \$159,600 for street resurfacing improvements and a list of benefited properties for certain locations in the 60th St E Street Resurfacing Project, Special Improvement of Existing Street No 5189, both as designated by Resolution 2008R-255 passed June 20, 2008, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the lists of benefited properties by applying the 2008 Uniform Assessment Rates as per Resolution 2008R-067, passed February 15, 2008.

Your Committee further recommends that a public hearing be held on July 29, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2008 Resurfacing Program, Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-256, designating the locations and streets to be improved in the Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-256
By Colvin Roy
2008 STREET RESURFACING PROGRAM
FULLER NORTH STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2270

Designating the improvement of certain existing streets in the 2008 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

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

Fuller North (2270):

47th, 48th, and 49th Sts W from Lyndale Ave S to Stevens Ave S;

Rustic Lodge Ave from Pleasant Ave S to Stevens Ave S;

Busch Terrace from Harriet Ave S to Pleasant Ave S;

Garfield and Harriet Aves S from 46th St W to 50th St W;
Grand Ave S from 48th St W to 49th St W;
Pleasant and Wentworth Aves S from 46th St W to 49th St W;
Pillsbury and Blaisdell Ave S from 46th St W to 48th St W;
1st Ave S from 46th St W to 50th St W.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having received a cost estimate of \$1,070,552 for street resurfacing improvements and a list of benefited properties for certain locations in the Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270, as designated by Resolution 2008R-256 passed June 20, 2008, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2008 Uniform Assessment Rates as per Resolution 2008R-067, passed February 15, 2008.

Your Committee further recommends that a public hearing be held on July 29, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2008 Resurfacing Program, North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-257, designating the locations and streets to be improved in the North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-257

By Colvin Roy

**2008 STREET RESURFACING PROGRAM
NORTH HIAWATHA STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2269**

Designating the improvement of certain existing streets in the 2008 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

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

North Hiawatha (2269):

39th and 40th Sts E from Minnehaha Ave to 46th Ave S;
41st St E from Minnehaha Ave to 42nd Ave S;
Dowling St from 46th Ave S to Edmund Blvd;

35th Ave S from 38th St E to 39th St E;
36th and 37th Aves S from 38th St E to Minnehaha Ave;
38th, 39th, 40th, 41st, 43rd, 44th, and 45th Aves S from 38th St E to 42nd St E;
47th and 48th Aves S from 38th St E to Dowling St.
Adopted 6/20/2008.
Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having received a cost estimate of \$1,475,712 for street resurfacing improvements and a list of benefited properties for certain locations in the North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269, as designated by Resolution 2008R-257 passed June 20, 2008, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2008 Uniform Assessment Rates as per Resolution 2008R-067, passed February 15, 2008.

Your Committee, further recommends that a public hearing be held on July 29, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/20/2008.
Absent - Ostrow, Colvin Roy.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Malcolm Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 6728.

Adopted 6/20/2008.
Absent - Ostrow, Colvin Roy.

Resolution 2008R-258, designating the locations and streets to be improved in the Malcolm Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 6728, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-258
By Colvin Roy

MALCOLM AVE SE RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6728

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

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

Malcolm Ave SE from 5th St SE approximately 570 feet north to its terminus.
Adopted 6/20/2008.
Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having received a cost estimate of \$1,004,000 for street reconstruction improvements and a list of benefited properties for certain locations in the Malcolm Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 6728, as designated by Resolution 2008R-258 passed June 20, 2008, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2008 Uniform Assessment Rates as per Resolution 2008R-043, passed February 1, 2008.

Your Committee further recommends that a public hearing be held on July 15, 2008 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the reconstruction of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the appeal filed by John Wheeler on behalf of the Midtown Global Market, 920 E Lake Street, from the decision of the Public Works Transportation Planning and Engineering Division which denied two applications for encroachment permits for the permanent installation of banner poles with banners and the installation of temporary banners on Chicago-Lake Special Service District banner brackets, and concurring with the following findings:

- The Midtown Global Market building has been officially designated as nationally historic property;
- Measures should be taken to avoid defacing or altering this property;
Placing the proposed banners in the public right-of-way, rather than on the Midtown Global Market building, would further this objective;
- For each of the foregoing reasons, granting the appropriate permits to Midtown Global Market to allow for the placement of banners in the public right-of-way promotes a public purpose; now recommends that said appeal be granted as follows:
 - a) That staff be directed to issue an encroachment permit to Midtown Global Market for the permanent structures in the right-of-way;
 - b) That staff be further directed to grant the appropriate permits to Midtown Global Market allowing for the placement of temporary banners within the public right-of-way; all such banners must display lawful advertising material and must comply with logistical parameters set out by the Department of Public Works; and
 - c) That staff be further directed to create a policy, containing clear criteria and legal authority, to be utilized in future banner applications.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the development of a Coordinated Street Furniture Program, now recommends:

- a) That Clear Channel Outdoor be selected as the Coordinated Street Furniture preferred vendor;
- b) That the proper City officers be authorized to negotiate contract terms with Clear Channel Outdoor, including provisions to allow for the appropriate, compatible, unified, and timely installation of Marquette and 2nd Ave street furniture compatible with the UPA Project efforts;
- c) That staff be directed to return to the Transportation & Public Works Committee to present the negotiated terms and conditions, and to seek authorization to execute a contract; and
- d) That staff be directed to return to the Transportation and Public Works Committee with a recommended city work plan related to city efforts, staff needs, and resources for the Coordinated Street Furniture Program.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the October 19, 2007, Consent Decree for MSP Noise Mitigation for homeowners in the 2007 60-62 DNL area, now recommends that the proper

City officers be authorized to amend the Consent Decree for additional noise attenuation projects to change the bid procedures from individual quotes to bulk bidding, and authorize the City Attorney's Office to execute the necessary changes for implementation.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the Environmental Assessment Worksheet (EAW) for a Priced Dynamic Shoulder Lane addition to northbound I-35W from 42nd St to the Downtown Minneapolis exits and Trunk Highway 65 split (approximately where 24th St E would intersect the freeway), Public Works having submitted preliminary draft comments to the Minnesota Department of Transportation by the June 4, 2008 deadline (Petn No 272856), now recommends that final EAW comments **be sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "that final EAW comments be sent forward without recommendation" and inserting in lieu thereof, "passage of the accompanying resolution approving the submittal of final comments to the Minnesota Department of Transportation relating to the Environmental Assessment Worksheet regarding a Price Dynamic Shoulder Lane addition to I-35W". Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

Glidden moved to amend the resolution by deleting Comment No. 24 and inserting in lieu thereof the following language:

"Whereas during the Crosstown Commons construction project, the City of Minneapolis has received numerous resident complaints about nighttime noise from construction activities that disturbs their sleep on a daily basis, and despite agreement to follow local ordinances, Mn/DOT has now taken a position that it will not do so, it is of the utmost importance for Mn/DOT to develop with the City of Minneapolis an agreement relating to nighttime and weekend work for UPA-related construction that is close to residential homes. This agreement should set forth expectations for nighttime work that avoid nighttime noise occurring on a nightly basis." Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

The report, as amended, was adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-259, approving the submittal of final comments to the Minnesota Department of Transportation relating to the Environmental Assessment Worksheet regarding a Price Dynamic Shoulder Lane addition to I-35W, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-259

By Colvin Roy

Approving the submittal of final comments to the Minnesota Department of Transportation relating to the Environmental Assessment Worksheet regarding a Price Dynamic Shoulder Lane addition to I-35W.

Whereas, the Minnesota Department of Transportation (Mn/DOT), proposes a Price Dynamic Shoulder Lane Addition to Interstate 35W northbound, from 42nd Street to the 35W and Trunk Highway 65 split (approximately where 24th St E would intersect the freeway) as part of the Urban Partnership Agreement grant; and

Whereas, Mn/DOT submitted an Environmental Assessment Worksheet (EAW) to the Minneapolis Department of Public Works, which was received on May 8, 2008, requesting the City's review and comment by June 4, 2008; and

Whereas, the deadline did not allow sufficient time for review, compilation of comments, and presentation to the City Council; and

Whereas, the Department of Public Works submitted preliminary comments by the June 4, 2008, deadline; and

Whereas, additional comments were received from Council Members during and following the June 10, 2008, Transportation and Public Works Committee meeting;

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

That the following final comments be submitted to the Minnesota Department of Transportation:

Comment #1 - Page 2 - Section 5

4th Bullet - states that a 2 foot buffer is included in the 14 foot lane width. It is not clear if the 13 foot lane will have a buffer between the PDSL and the mixed-traffic lanes and what width of buffer is to be installed. Please clarify.

Comment #2 - Page 3 - Section 6

Drainage - The second sentence implies the entire lateral I-35W storm sewer system is adequate. Recommend that the second sentence be revised as follows: "The existing lateral storm sewers within the project are presumed adequate to handle the small area (less than one acre of impervious surface) being added and therefore will not be replaced or expanded....."

Comment #3 - Page 3 - Section 6

Noise Wall Paragraph. The residents and city have a choice on whether or not to have sound walls installed as part of this project, as well as what they will look like. Please list the public involvement steps to be used for the determination of where noise walls will be installed, what they will look like, and how they will be constructed.

Comment #4 - Page 3 - Section 6

Please describe the tree removal and replacement process to be followed for this project.

Comment #5 - Page 3 - Section 6

Construction Methods - states that "The roadway work will consist of removing the topsoil within the project's construction limits". Please clarify magnitude of topsoil removal as most of the project work is just mill & overlay, therefore not requiring removal of topsoil.

Comment #6 - Page 4 - Section 6

Project Beneficiaries - The first paragraph states that the "local residents ... should see a reduction in traffic on adjacent local streets". What is the analysis to support this?

Comment #7 - Page 4 - Section 6

Project Beneficiaries - As part of the 2008 Transportation bill, there is a requirement that Mn/DOT consider a complete streets framework for all projects - what is the impact for pedestrians, bikers, and transit for this project, and impacts on local roads?

Comment #8 - Page 7 - Section 9

Current and past land use - Needs to be clarified that from 32nd to 42nd the land use is primarily single family residential with some multifamily units.

Comment #9 - Page 8 - Section 9

Figure 5 - It is very difficult to read the map.

Comment #10 - Page 12 - Section 16

First paragraph, last line – should read, "...one acre of new impervious surface will have on the Project area."

Comment #11 - Page 16 - Section 21

Paragraph 1 - The portion of the second sentence is not true based on the legislation passed. In Section 3, subsection 5, part b - The commissioner may not operate a dynamic shoulder lane on marked Trunk Highway 35W from its intersection with marked Trunk Highway 94 to its intersection with marked Trunk Highway 62 as a general purpose lane... Please clarify and revise.

Comment #12 - Page 16 - Section 21

First bullet says, "...increased congestion in the right two lanes of I-35W." Is that just for northbound I-35W? Also, please explain why congestion will only be in the right two lanes.

Comment #13 - Page 16 - Section 21

Second bullet, change Lowry Tunnel to Lowry Hill Tunnel.

Comment #14 - Page 16 - Section 21

4th Bullet, change "1500 vehicles per hour lane" to "1500 vehicles per hour per lane"

Comment #15 - Page 17 - Section 21

Table 1 - For both AM and PM Peak Hour Vehicles under the Build condition show a reduction in the number of paying single-occupant vehicles from 2010 to 2030. This seems counterintuitive. Please explain why the number goes down over 20 years.

Comment #16 - Page 18 - Section 22

Second paragraph, second to last line, change "has" to "as".

Comment #17 - Page 20 - Section 22

Lead - Concur, because of the removal of lead in gasoline, lead emissions have steadily declined and do not need to be modeled. However, this is an area of Minneapolis that has high concentrations of lead poisoning (particularly from lead paint). Central and Phillips neighborhoods most heavily impacted. If needed, please contact Lisa Smestad in our Environmental Services Department for more information on the lead in this area.

Comment #18 - Page 29 - Section 24

Dust during Construction - The following need to be incorporated into the project plan: 1) Insure that contractors are complying with their contract requirements for dust control at all times. 2) Provide, regularly monitor, and clean out silt screens on the storm sewers for streets next to the project. 3) Sweep or wash the street and sidewalks on the adjacent street where particle emissions have settled if rainfall has not already washed material into silt screens. 4) Have a professional arborist examine the trees adjacent to the project to determine if the trees need to be washed, additional watering, or need other additional care due to the effects of the project.

Comment #19 - Page 30 - Section 24

Second paragraph - Pile driving noise is associated with "bridge construction". It seems odd to cite bridge construction when there is none associated with this project.

Comment #20 - Page 30 - Section 24

Since there has been some contention on the Crosstown project regarding noise issues, especially from 6 pm to 7 am, an agreement needs to be established between the City of Minneapolis and Mn/DOT which would include any necessary language in the construction contract regarding work hours, permits, adherence to City ordinances, etc.

Comment #21 - Page 30 - Section 24

Noise Description - states that, "...if the sound energy is doubled...there is a 3 dBA increase in noise..." That seems to say that, regardless of the baseline noise level, doubling the sound energy results in a 3 dBA increase. Please clarify as that doesn't seem correct.

Comment #22 - Page 41 - Section 24

Based on the Figures 10 & 11, page 41, additional noise wall construction is proposed from approximately 29th Street E to approximately 44th Street E. Will construction of these noise walls require any excavation that would impact adjacent City streets such as Stevens and 2nd Ave S? If excavation is necessary, will this require removing pavement and closure of a portion of the street? If so, what would be the plan for rebuilding of the street(s)? Will any City utilities be impacted?

Comment #23 - Page 42 - Section 25

Farmland or agricultural preserve - states that "This project will use federal funds and proposes to acquire right of way..." On page 7 it states that, "All construction work...will take place within Mn/DOT's right-of-way." This seems inconsistent. Please clarify if any right of way being acquired for this project.

Comment #24 - General

Whereas during the Crosstown Commons construction project, the City of Minneapolis has received numerous resident complaints about nighttime noise from construction activities that disturbs their sleep on a daily basis, and despite agreement to follow local ordinances, Mn/DOT has now taken a position that it will not do so, it is of the utmost importance for Mn/DOT to develop with the City of Minneapolis an agreement relating to nighttime and weekend work for UPA-related construction that is close to residential homes. This agreement should set forth expectations for nighttime work that avoid nighttime noise occurring on a nightly basis.

Comment #25 - General

On May 5th, 2008, this EAW was distributed by Mn/DOT for the mandatory review period. It was received by the City Clerk on May 8, 2008, and comments were due by June 4, 2008. This time frame does not allow us sufficient time to review, prepare and compile comments, and present them to the City Council by the proposed deadline. We recommend in the future that besides Mn/DOT sending EAW's to the EQB Monitor Distribution List, they also send a copy directly to the City Public Works Director. This direct mailing may not enable us to process our comments through the entire City Council cycle by the deadline, but it will give us a better chance to present our comments to our Transportation and Public Works Committee prior to the deadline.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW - Your Committee, having under consideration the accompanying resolution approving the Preliminary Design Plans for the Central Corridor Light Rail Transit Project in Minneapolis, submitted by the Metropolitan Council on April 28, 2008, contingent upon the satisfactory resolution of outstanding issues not included or not satisfactorily addressed in the design plan submittal, now recommends that said resolution be **sent forward without recommendation**.

Glidden moved to substitute a new resolution for the above-mentioned resolution and to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof, "passed". Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

Hofstede moved that the second Resolved Clause of the substitute resolution be amended by adding the following language:

"4. Develop safe and attractive bicycle and pedestrian routes as part of the traffic mitigation plans in the University area.

5. Ensure bus service in the University neighborhoods is responsive to community needs."

Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

Schiff moved that the second Resolved Clause of the substitute resolution be amended by adding the following language:

"6. The City requests that the Metropolitan Council submit complete station design plans, including landscaping and advertising components, through the City's site plan review process."

Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

The report, as amended, was adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-260, approving Preliminary Design Plans for the Central Corridor Light Rail Transit Corridor in Minneapolis, was adopted 6/20/2008 by the City Council. A complete copy of this resolution is available for inspection in the office of the City Clerk.

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

RESOLUTION 2008R-260
By Colvin Roy and Gordon

Approving Preliminary Design Plans for the Central Corridor Light Rail Transit Corridor in Minneapolis (revised June 19, 2008).

Whereas, the Metropolitan Council has prepared Preliminary Design Plans for the Central Corridor Light Rail Transit from its intersection with the Hiawatha LRT line just west of Interstate 35W to

downtown St. Paul and has submitted these Plans to the City on April 28, 2008, for approval or disapproval as provided by law; and

Whereas, the City has held a public hearing and received testimony on these plans; and

Whereas, City staff has reviewed these preliminary design plans and developed a report describing and evaluating these plans and related matters and has made its recommendations; and

Whereas, the City strongly supports the implementation of LRT in the Central Corridor and is doing everything possible to support its successful implementation; and

Whereas, the Metropolitan Council has committed to work with the City throughout the design and construction process as described in the document entitled, "Central Corridor LRT Ongoing Coordination and Project Partner Involvement in the Decision Making Process Beyond Municipal Consent"; and

Whereas, the Metropolitan Council is working closely with the City of Minneapolis, Hennepin County, and University of Minnesota to develop a Memorandum of Understanding between the four parties that establishes how the parties will continue to work together to resolve remaining issues related to the transit mall and traffic mitigation that are not resolved at this point in the preliminary design; and

Whereas, the Supplemental Draft Environmental Impact Statement for the Central Corridor LRT (CCLRT) Project will disclose the full impact of removing auto traffic from Washington Avenue and the Final Environmental Impact Statement will specify the mitigation measures that will be completed; and

Whereas, the Central Corridor Project Office, in a letter dated June 18, 2008, has affirmed its intent to resolve the outstanding issues identified below to the satisfaction of the City;

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

That, pursuant to Minnesota Statutes, Section 473.3994, the City Council approves the Preliminary Design Plans for the Central Corridor LRT submitted by the Metropolitan Council on April 28, 2008.

Be It Further Resolved that the City identifies the following issues as outstanding and declares that this consent is granted based on the City's full faith and trust in the Metropolitan Council's commitment to arrive at resolution satisfactory to the City on the following issues, which are not included or have not been satisfactorily addressed in the preliminary design plan submittal:

1. Traffic mitigation plans for the entire Minneapolis segment of the line, including downtown Minneapolis where train frequencies are planned to double, will be developed in cooperation with city staff and with input from the community and changes to city roadways that are not identified in the preliminary design plans will be subject to City Council approval.
2. Traffic operations and pedestrian circulation at the intersection of Huron Boulevard, University Avenue, Washington Avenue and 23rd Avenue SE will continue to be analyzed as design proceeds to ensure that all parties are satisfied that the intersection will operate satisfactorily as planned or changes will be made to ensure satisfactory operation.
3. The existing Hiawatha bike trail that will be displaced from its current location along the north side of the HLRT tracks must be replaced with a satisfactory facility, such as adjacent to the north side of the CCLRT.
4. The Metropolitan Council will work with City staff to incorporate crossing control for LRT at 25th Ave SE that will be appropriate for the future expected traffic on 25th Ave SE with the opening of the new TCF Bank Stadium and the future construction of Granary Road both planned for completion prior to the start of operations for CCLRT.
5. Roadway geometry will be refined to ensure appropriate vehicular turning movements are accommodated on all affected streets while maintaining adequate sidewalk and boulevard widths.
6. That CCLRT use Tapered Tubular Poles rather than Wide Flange Poles for the Simple Catenary System in the West Bank area and on University Avenue in Minneapolis, to the extent possible.
7. The Washington Avenue Transit Mall will be revised to terminate at Walnut Street not Oak Street.

Be It Further Resolved that the City also requests that the Metropolitan Council make every effort to implement the following initiative as it moves forward with the CCLRT project:

1. Pursue innovative and creative ways of minimizing the impact of construction on the businesses in the Stadium Village area and throughout the corridor so as to ensure these businesses survive the challenge of construction and continue as valued members of our community after CCLRT is operating.

2. Provide graphics that are easy for the general public to understand, visualize and provide input on, rather than relying on engineering drawings, such as were the sole graphics provided for the municipal consent process.
3. Seek guidance and input from the multitude of talented design professionals in the community on the design of stations, streetscapes, the transit mall, and other elements of the design that could be enhanced through such input.
4. Develop safe and attractive bicycle and pedestrian routes as part of the traffic mitigation plans in the University area.
5. Ensure bus service in the University neighborhoods is responsive to community needs.
6. The City requests that the Metropolitan Council submit complete station design plans, including landscaping and advertising components, through the City's site plan review process.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

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

T&PW & W&M/Budget - Your Committee recommends approval of the installation of two pairs of speed humps along James Ave N between Broadway Ave W and Ilion Ave N.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation and revenue for the project by \$9,000, to be reimbursed by the Jordan Area Community Council.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

**RESOLUTION 2008R-261
By Colvin Roy and Ostrow**

Amending The 2008 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation Capital Agency in the Capital Improvements Fund (04100 9010000) by \$9000, and increasing the revenue source (04100 9010000 - Source 384501) by \$9,000.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

T&PW & W&M/Budget - Your Committee, having under consideration the contract with Minneapolis Refuse, Inc. (MRI) for the collection of garbage, recycling, problem materials (metals), and yard wastes for one-half of the City's dwelling units (MRI side of the City), and having received from staff a recommendation to extend the contract from June 30, 2008 to February 1, 2009, with a 6% increase in compensation, now recommends:

T&PW - That said contract extension be **sent forward without recommendation**.

W&M/Budget - Approval.

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 upon a voice vote.

Absent - Ostrow.

The report, as amended, was adopted 6/20/2008. Yeas, 8; Nays, 4 as follows:

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

Nays - Schiff, Remington, Benson, Goodman.

Absent - Ostrow.

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 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-262, authorizing settlement of the following legal matters of *Jacob Malinka v. City of Minneapolis*, and *Alfred Flowers v. Officer Becker*, was adopted 6/20/2008 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 2008R-262

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) *Jacob Malinka v. City of Minneapolis*, by payment of \$3,500, payable to Jacob Malinka and his attorney, James Young; payable from the Self Insurance Fund (6900-150-1500-6070).

b) *Alfred Flowers v. Officer Becker*, by payment of \$15,000, payable to Alfred Flowers and his attorney, Jill Clark; payable from the Self Insurance Fund (6900-150-1500-4000).

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

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and Lockridge Grindal Nauen, P.L.L.P., so that the compensation payable under said agreement not exceed \$600,000 for the term of the agreement.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

W&M/Budget - Your Committee recommends approval of the July 2008 utility billing insert announcing the "household hazardous waste drop-off sites and schedules", as amended to correct the event dates to read "August 7 through 9".

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

W&M/Budget - Your Committee recommends approval of the 2009 Final Budget Schedule, (as set forth in Petn No 272862).

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

W&M/Budget - Your Committee recommends passage of the accompanying resolutions approving the terms of the following 36-month labor agreements, effective January 1, 2008 through December 31, 2010:

a) Teamsters Local 320, Drivers Unit;

b) Laborers, Local 363; and

c) AFSCME, Clerical and Technical Unit.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

June 20, 2008

Resolution 2008R-263, approving the terms of a 36-month labor agreement with the Teamsters Local 320, Drivers Unit, was adopted 6/20/2008 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 2008R-263
By Ostrow**

Approving the terms of a collective bargaining agreement with the Teamsters Local 320, Drivers Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Teamsters Local 320, Drivers Unit (Petn No 272863), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-264, approving the terms of a 36-month labor agreement with the Laborers, Local 363, was adopted 6/20/2008 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 2008R-264
By Ostrow**

Approving the terms of a collective bargaining agreement with the Laborers, Local 363 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Laborers, Local 363 (Petn No 272863), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-265, approving the terms of a 36-month labor agreement with the AFSCME, Clerical and Technical Unit, was adopted 6/20/2008 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 2008R-265
By Ostrow**

Approving the terms of a collective bargaining agreement with the AFSCME, Clerical and Technical Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the AFSCME, Clerical and Technical Unit (Petn No 272863), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

W&M/Budget - Your Committee, having under consideration the recommendation by the Director of Human Resources relating to the City of Minneapolis' Pre-Employment Drug & Alcohol Testing Policy and Procedures to conduct pre-employment drug and alcohol testing on all new employees, now recommends the following:

a) Approval of the current policy, with the following technical changes:

1. Update the policy so that the substances and thresholds be removed from the policy and placed into the procedures.

2. Amend the criteria for responding to life-threatening emergencies to include "Dispatches or responds to life-threatening emergencies".

b) Receive and file the Procedures; and

c) Direct the Human Resource Department to place the Policy and Procedures, as set forth in Petn No 272863 in the Policy Library.

Vice President Lilligren assumed the Chair.

Johnson moved that the report be referred back to the Executive Committee. Seconded.

Adopted upon a voice vote 6/20/2008.

Absent - Ostrow, Colvin Roy.

President Johnson resumed the Chair.

W&M/Budget - Your Committee, having in anticipation of the City Council's reconsideration of the Meet Minneapolis contract for "Sales and Marketing of the Minneapolis Convention Center and for Convention and Tourism Services," a contract that ends on December 31, 2009, now recommends that the City Council direct the City Coordinator, Finance Department, and Convention Center staff, to report back to the Ways and Means Committee within 2 cycles (July 21, 2008) with a proposal for the following:

a) Best method and timeline to evaluate the following (using external consultant)

1. Governance models;

2. Existing contract performance, identified priorities, and budget, including an evaluation of process and system controls;

3. Contract management systems;

4. Other contractual issues as identified by staff;

b) Principles to govern such review, including but not limited to:

1. Identify and eliminate potential conflicts of interest;

2. Maximize accountability;

3. Clarify roles of elected officials and board members; and

c) Means of financing such review

City staff is further directed to communicate with the Meet Minneapolis Board Chair and President & CEO regarding the above review.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

W&M/Budget - Your Committee, having under consideration the KIVA System Replacement Funding Plan, now recommends approval of the funding plan establishing a savings account for the KIVA system replacement project; and related fund transfers, when authorized by the Assistant City Coordinator, Regulatory Services & Emergency Preparedness, as needed to implement the plan.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee recommends concurrence with the recommendation of the Mayor to appoint the following person to the City Planning Commission:

Alissa Luepke Pier, Ward 3, to fill the unexpired term of Walid El-Hindi, running through January 31, 2009.

Your Committee further recommends appointment by the City Council of the following person to the City Planning Commission:

Brian Gorecki, Ward 3, for a term to run February 1, 2008 - January 31, 2010.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Z&P – Your Committee, having under consideration the Central Avenue Small Area Plan, now recommends concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Planning & Economic Development staff be adopted, that said Plan be adopted as a small area plan and as an articulation of and amendment to the policies found in the City's comprehensive plan, subject to the following change:

On page 105, under Bicyclists, to incorporate bike parking into street furniture configurations at regular intervals, convenient to service and business destinations.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission in granting the petition of Shea Inc. for two historic variances for the Young Quinlan Building, an existing designated landmark located at 901 Nicollet Mall, to allow for a new sign package for JB Hudson Jewelers, permitting projecting signs increased in height from 12 to 40 feet and the distance in extension of the signs increased from 4 to 9 feet, and adopting the related findings prepared by the HPC staff.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Pierson-Wold House at 1779 Emerson Ave S be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Pierson-Wold House as a local landmark.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-266, designating the Pierson-Wold House at 1779 Emerson Ave S as a local landmark, was adopted 6/20/2008 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 2008R-266

By Schiff

Designating the Pierson-Wold House at 1779 Emerson Avenue South as a Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held public hearings on May 20, 2008 and recommended to the Standing Committee on Zoning and Planning that the Pierson-Wold House, located at 1779 Emerson Avenue South, meets designation criterion 1 for its representation of the growth and expansion of the upper class neighborhood called Lowry Hill; meets designation criterion 2 for its association with prominent local banker Theodore Wold and for its association with

World War I pilot Ernest Wold; and meets designation criterion 6 for its association with local builder Theron Potter Healy;

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did hold a nomination public meeting on May 20, 2008; and did further refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on April 28, 2008; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in the letter of March 28, 2008; and

Whereas, on June 12, 2008 the Standing Committee on Zoning and Planning recommended designation as a landmark;

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

That the Pierson-Wold House at 1779 Emerson Avenue South, is hereby designated as a landmark and that the City Clerk is directed to file a certified copy of this resolution with the Office of the Hennepin County Recorder or Registrar of Titles.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, (to authorize the zoning administrator to further extend compliance deadlines for approved development projects with five or more dwelling units and requiring site maintenance and improvement plans for stalled development projects) now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Ordinance 2008-Or-049 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, authorizing the Zoning Administrator to extend compliance deadlines and place additional requirements on stalled development projects, was adopted 6/20/2008 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 2008-Or-049
By Hodges and Schiff
Intro & 1st Reading: 3/21/2008
Ref to: Z&P
2nd Reading: 6/20/2008

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to the Zoning Code: Administration and Enforcement.

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

Section 1. That Section 525.40 of the above entitled ordinance be amended to read as follows:

525.40. Period of decision. *(a) In general.* No decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, except zoning amendments, shall be valid for a period longer than one (1) year from the date of such decision unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a one (1) year extension to this time limit.

(b) Additional extension. Due to substantial and unforeseen changes in the residential marketplace, the zoning administrator may further extend the period of decision and compliance deadline an additional two (2) years for developments with five (5) or more dwelling units approved by the city planning commission or city council from June 1, 2005, to December 31, 2006. Prior to approval of such extension, a site maintenance and improvement plan shall be submitted for development that has begun (including abandonment or demolition of existing structures, site alteration, and/or commencement of new construction) but has not proceeded on a continuous basis toward completion. The zoning administrator may impose conditions and completion deadlines on any such plan as deemed reasonable and necessary to protect the public interest and to ensure that the construction site does not negatively affect nearby properties. The zoning administrator may revoke the extension based on failure to comply with such deadlines. The plan shall include, but shall not be limited to, the following:

- (1) Right of way access and maintenance plan.
- (2) Stormwater management and erosion control plans addressing the temporary condition.
- (3) Temporary groundcover and/or landscaping.
- (4) Site security plan.
- (5) Fences and walls.
- (6) Signs.
- (7) Equipment storage.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Lyn-Lake Development Partners to vacate a public alley lying South of 29th Street W and parallel to and between Lyndale and Aldrich Avenues S (#1540), subject to retention of easement rights by Xcel Energy and Qwest, 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 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-267, vacating a portion of the public alley in the vicinity of 2900-2910 Lyndale Ave S & 2901 Aldrich Ave S, was adopted 6/20/2008 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 2008R-267

By Schiff

Vacating part of the alley on the block bound by Lyndale Avenue South, 29th Street West, Lake Street West and Aldrich Avenue South (Vacation File No. 1540).

Resolved by The City Council of The City of Minneapolis:

“All that part of the north-south alley lying south of 29th Street West and running parallel to and between Lyndale Avenue South and Aldrich Avenue South, and lying north of a line extended west from the south line of Lot 3, Auditor’s Subdivision No.187 to the south line of Lot 10, Block 17, Windom’s Addition to Minneapolis, and below the elevation of 874.33 feet and above the elevation of 894.5 feet all based on Vertical Data Information Datum: NGVD29.” All according to the plats of record at the Hennepin County Recorders office (Minneapolis, MN) and, plans submitted by Lyn-Lake Development Partners, LLC.

is hereby vacated. It is the intent of the City of Minneapolis to maintain the remaining alley right of way in use for alley purposes as any other alley, and as such the property owner(s) above and below the remaining alley right of way is (are) responsible and required to meet and maintain the following conditions:

The intended use of the alley over/under a building is the normal use as any other alley. Because buildings with an alley over/under are different in its relation to the alley then a typical building adjacent to an alley; said buildings need to be designed to account for the noise and vibrations that may be generated with typical alley use or alley reconstruction. Thus, alley noise and vibrations as stated above are a requirement for the building designed with an alley over/under them.

The existing centerline slope of the alley shall remain as is, unless it does not meet the standards established by the City Engineer or that it requires a subsurface drainage system. Clearance above any part of the alley surface shall be not less than sixteen feet six inches (16'-6") and the clearance below any part of the alley surface shall be not less than one foot eight inches (1'-8").

The alley pavement shall allow for eight (8) inch thick concrete. The cross section of the alley shall be the typical alley cross section as described in the current Minneapolis Standard Sidewalk Specifications. The roof of the below grade building shall have an adequate slope so that any liquids that pass through the pavement and/or granular material will drain to the outside of the building and be properly disposed.

The alley shall be an independent structure and not serve as an essential support function for the adjacent building, so that the alley can be readily removed and replaced without affecting the structural integrity of the adjacent building or other essential support systems to said building.

The walls and roof of the building below the alley shall be of adequate strength and sufficiently braced to resist all lateral and vertical loads, including but not limited to, earth loads, hydrostatic loads and vehicular loads to include but not limited to alley construction equipment, fully loaded snow plows and fully loaded garbage/refuse vehicles.

The building structure below the alley shall be constructed of reinforced concrete or other suitable material adequate to safely carry the design loads, including the capability of sustaining a concentrated live load of ten thousand (10,000) pounds on any part of the building below the alley, not exceeding six (6) inches square. All materials shall be corrosion-resistant.

The minimum granular cover material between the top of any part of any below grade building item and the bottom of any part of the alley pavement shall be twelve (12) inches. Said granular cover shall be readily compactable and generally angular and not river dredge sand or other similar material. Further, the granular cover thickness shall be increased such that it will protect water proofing membrane, insulation or any other material used for the building structure during any and all reconstruction of the alley using typical standard procedures and equipment.

No openings of any kind, including but not limited to, stairways, drains, chutes and ventilation openings, shall be allowed from the adjacent building to the alley. No alley openings shall apply over the below grade building structure and at least fifteen (15) feet either side of the building. The alley in above said section shall be sloped for surface draining without a subsurface drainage system.

Any building structure not greater than three feet from the bottom of any part of the alley pavement to the below grade building structure shall be insulated with a suitable material so as to prevent the melting of snow, caused by heat loss from the building to the alley and freezing on a downstream portion of the alley not over the below grade building structure.

Depending on the shape and location of the alley, lighting may be required to eliminate driving into "A Black Hole" affect. Likely to be more prevalent during bright sunny days.

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Be it further resolved, such vacation shall not affect the existing easement rights and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy, an easement under and across the easterly 5 feet of that portion to be vacated.

As to Qwest, an easement under and across the easterly 6 feet of that portion 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 6/20/2008.

Absent - Ostrow, Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Plymouth Church Neighborhood Foundation to vacate a water main easement (#1538), 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 water main easement.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

Resolution 2008R-268, vacating a water main easement located in a previously vacated portion of Stevens Ave S, was adopted 6/20/2008 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 2008R-268

By Schiff

Vacating a City of Minneapolis Water Main Easement as reserved in vacated Stevens Avenue South (Vacation File No. 1538).

Resolved by The City Council of The City of Minneapolis:

That all that part of a City of Minneapolis Water Main Easement as reserved in the Westerly nineteen (19) feet of Stevens Avenue from a line extended easterly from the north line of Lot 1, Clarke's Stevens Avenue Rearrangement to Minneapolis, to a line located twenty two (22) feet south of and parallel to the north line of Lot 5, said Addition. All according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota is hereby vacated.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

MOTION

Johnson moved to appoint Council Member Scott Benson to the Minnesota Planetarium Workgroup. Seconded.

Adopted upon a voice vote 6/20/2008.

Absent – Ostrow, Colvin Roy.

RESOLUTION

Resolution 2008R-269, honoring Nancy Larkey for her service and dedication to the City of Minneapolis, was adopted 6/20/2008 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 2008R-269

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Remington, Benson, Colvin Roy, Hodges**

Honoring Nancy Larkey for her service and dedication to the City of Minneapolis.

Whereas, Nancy Larkey dedicated more than twelve years to the City of Minneapolis, and is retiring from her position as Contract Administrator in the Business Information Services Department; and

Whereas, Nancy's formidable skills led to the development of the Contract Administration area of Business Information Services; and

Whereas, Nancy's negotiation skills have saved the City money and provided benefits to the community; and

Whereas, Nancy was instrumental in the successful re-negotiation of the Business Information Services Managed Services contract providing cost savings and additional value to the City; and

Whereas, Nancy approaches each challenge and new initiative with a "can do" attitude and tackles each responsibility with sense of urgency; and

Whereas, Nancy was an important member of the Minneapolis Wireless implementation team; and

Whereas, Nancy supported the implementation of various Financial Applications within the City;

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

That we thank Nancy Larkey for her outstanding service and excellent contributions to the City of Minneapolis.

Be It Further Resolved that we wish Nancy much happiness and fulfillment in all of her new ventures.

Adopted 6/20/2008.

Absent - Ostrow, Colvin Roy.

NEW BUSINESS

Schiff moved to introduce the subject matter of an ordinance amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pedicabs, for first reading and referral to the Public Safety & Regulatory Services Committee (amending regulations for pedicabs). Seconded.

Adopted by unanimous consent 6/20/2008.

Absent - Ostrow, Colvin Roy.

Samuels moved to introduce the subject matter of an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs, for first reading and referral to the Public Safety & Regulatory Services Committee (increasing mileage charges and waiting time charges; and requiring customer comment card distribution). Seconded.

Adopted by unanimous consent 6/20/2008.

Absent - Ostrow, Colvin Roy.

Johnson moved to introduce the subject matter of an ordinance amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers,

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for first reading and referral to the Public Safety & Regulatory Services Committee (adding a new Section 281.85 establishing location restrictions). Seconded.

Adopted by unanimous consent 6/20/2008.

Absent - Ostrow, Colvin Roy.

Lilligren moved to adjourn to Room 315 City Hall to receive a security briefing related to the Republican National Convention. Seconded.

Adopted upon a voice vote 6/20/2008.

Absent - Ostrow.

Room 315 City Hall

Minneapolis, Minnesota

June 20, 2008 - 12:00 p.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Member Ostrow.

Susan Segal stated that the meeting may be closed for the purpose of receiving a security briefing related to the Republican National Convention.

At 12:10 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Gordon, Hofstede, Ostrow.

Present - Council Members Samuels, Gordon (In at 12:12 p.m.), Hofstede (In at 12:14 p.m.), Schiff (Out at 12:35 p.m.; In at 12:52 p.m.), Lilligren, Colvin Roy (Out at 12:14 p.m.), Glidden (Out at 1:04 p.m.; In at 1:08 p.m.), Remington, Benson, Goodman, Hodges (Out at 12:46 p.m.; In at 12:50 p.m.), President Johnson.

Absent - Council Member Ostrow.

Also present - Tina Smith, Mayor's Office (Out at 12:46 p.m.; In at 12:49 p.m.); Jayne Khalifa, Assistant City Coordinator; Susan Segal, City Attorney; Tim Dolan, Chief of Police; Rob Allen, Deputy Chief; Sharon Lubinski, Assistant Chief; Matt Bostrom, Saint Paul Police Department and Co-Chair of the Republican National Convention Committee; John Colena, A member of the United States Department of Homeland Security; Steven Ristuben, City Clerk; and Anne Roth, Council Committee Coordinator, City Clerk's Office.

Rob Allen, Tim Dolan, and John Colena summarized the security briefing related to the Republican National Convention from 12:10 p.m. to 1:10 p.m.

At 1:10 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

Lilligren moved to adjourn to Room 317 City Hall to continue the Council Meeting (held from 1:10 p.m. to 1:55 p.m.) Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Colvin Roy.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Arradondo, et al. v. City of Minneapolis et al.* lawsuit. Seconded.

Adopted upon a voice vote 6/20/2008.

Absent - Ostrow, Colvin Roy.

June 20, 2008

Room 315 City Hall
Minneapolis, Minnesota
June 20, 2008 - 1:55 p.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Members Ostrow, Colvin Roy.

Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Arradondo, et al. v. City of Minneapolis et al.* lawsuit.

At 2:10 p.m., Glidden moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Samuels, Hofstede, Ostrow, Colvin Roy.

Present - Council Members Samuels (In at 2:14 p.m.; Out at 2:36 p.m.; In at 2:37 p.m.), Gordon, Hofstede (In at 2:13 p.m.; Out at 2:16 p.m.; In at 2:20 p.m.; Out at 3:23 p.m.; In at 3:32 p.m.), Schiff (Out at 3:30 p.m.), Lilligren (Out at 2:40 p.m.; In at 2:47 p.m.), Glidden (Out at 3:28 p.m.), Remington, Benson (Out at 3:34 p.m.), Goodman (Out at 2:38 p.m.), Hodges, President Johnson.

Absent - Council Member Ostrow, Colvin Roy.

Also present - Susan Segal, City Attorney; Jim Moore, Assistant City Attorney; Tina Smith, Mayor's Office; Tim Dolan, Chief of Police; Steven Ristuben, City Clerk; and Anne Roth, City Clerk's Office.

Jim Moore summarized the *Arradondo, et al. v. City of Minneapolis et al.* lawsuit from 2:10 p.m. to 3:33 p.m.

At 3:34 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Ostrow, Schiff, Colvin Roy, Glidden, Benson, Goodman.

Lilligren moved to adjourn. Seconded.

Adopted by unanimous consent 6/20/2008.

Absent - Ostrow, Schiff, Colvin Roy, Glidden, Benson, Goodman.

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: 6/23/2008
Official Posting: 6/27/2008