

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JUNE 12, 2009

(Published June 20, 2009, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
June 12, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include consideration of a motion to introduce the subject matter of an ordinance amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Municipal Elections: Rules of Conduct*, for referral to the Elections Committee (setting primary date for purposes of financial disclosure only pursuant to Minn. Stat. 383B.048). Seconded.

Adopted upon a voice vote.

Vice President Lilligren assumed the Chair.

Johnson moved to amend Unfinished Business number two as follows: "Johnson ~~renews notice of intent~~ moves to introduce the subject matter of (1) an ordinance pursuant to Charter Chapter 2, Section 5B certifying that the City is not ready to implement Instant Runoff Voting for the 2009 election and including reasons why the City is not ready to implement that method; and (2) an ordinance pursuant to Minn. Stat. Sec. 205.065, Subd. 2, electing to choose nominees for municipal offices by a primary as provided in that section (in the event that the City needs to convert to a statutory primary and general election for 2009)." Seconded.

Johnson was given the courtesy of withdrawing her motion, and moved a substitute to delete the item from the agenda. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted 6/12/2009.

President Johnson resumed the Chair.

Lilligren moved acceptance of the minutes of the regular meeting of May 22, 2009 and the adjourned session held June 2, 2009. Seconded.

Adopted upon a voice vote 6/12/2009.

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 6/12/2009.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COORDINATOR (273512)
Results Minneapolis Website preview.

COMMITTEE OF THE WHOLE (See Rep):

FINANCE DEPARTMENT (273513)
Updated NRP Phase II Capitalization Projections.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273514)
Greater Metropolitan Housing Corporation: Amendment to increase contract; authorizing reallocation of remaining uncommitted funds for Code Abatement & Home Repair Loan programs.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273515)
Open Access Technology International, Inc (3660 Technology Dr): Issuance of bonds for purchase, renovation & equipping of facility.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (273516)
Contract Compliance Unit: First Quarter 2009 Report.
COORDINATOR (273517)
Living Well 2009 Sustainability Report.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273518)
Public Health Emergency Preparedness: Execute Cooperative Agreement with Metropolitan Airports Commission and the Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington and the City of Bloomington to authorize a Regional Distribution Node on MAC property of federal stockpiles of medical materials in the event of a public health emergency.

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

COORDINATOR (273519)
Minneapolis Economic Recovery Strategy – Energy Conservation Block Grant Program: Submit application to United States Department of Energy to support proposed activities; Make modifications as indicated by further guidance by the Department of Energy; and Execute grant award.
HEALTH AND FAMILY SUPPORT SERVICES (273520)
Community Emergency Preparedness: Accept \$5,000 from Greater Twin Cities United Way to provide ten mini-grants of \$500 each to community based organizations; and Approve appropriation.
PUBLIC WORKS AND ENGINEERING (273521)
Solar Photovoltaic Project at the Convention Center: Adopt action items, dependent upon the status of contracts with EyeOn Energy.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (273523)
2009 Legislative Bill Summaries.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273522)
MSP Noise Oversight Committee: Appointment of Betsy Hodges as City's representative, with Merland Otto as alternative.
INTERGOVERNMENTAL RELATIONS (273524)
2010 State Capital Bonding Projects Criteria.

PUBLIC SAFETY AND REGULATORY SERVICES:

PUBLIC WORKS AND ENGINEERING (273525)
Police Mounted Patrol Horse Barn Facility: Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273526)
Absolute Tire & Wheel (220 W Broadway): Approve License Settlement Conference recommendations relating to Motor Vehicle Repair Garage License.
Cup Foods (3759 Chicago Av): Approve License Settlement Conference recommendations relating to Grocery License.
True Thai Restaurant (2627 E Franklin Av): Approve License Settlement Conference recommendations relating to On-Sale Wine Class E with Strong Beer License.
Market Bar-B-Que (1414 Nicollet Av): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class C-1 with Sunday Sales License.
LICENSES AND CONSUMER SERVICES (273527)
AMP Alarm (815 W University Pkwy, Orem, UT): Approve Business License Operating Conditions relating to Solicitor - Company License.
Minneapolis Gateway Hotel (1330 Industrial Blvd): Approve Business License Operating Conditions relating to On-Sale Liquor Class A with Sunday Sales License.
Varsity Theater (1308 4th St SE): Grant On-Sale Liquor Class A with Sunday Sales License (expansion of premises), with conditions.
LICENSES AND CONSUMER SERVICES (273528)
Licenses: Applications.
REGULATORY SERVICES (273530)
Property at 1617 Thomas PIN: Concur with Director of Inspections' determination that the property constitutes an immediate hazard to the public health and safety; Approve waiver of the 60-day waiting period set forth in Chapter 249; and that the other procedures as set out in Chapter 249 may be implemented immediately.
REGULATORY SERVICES (273531)
Rental Dwelling License at 2406 11th Av S: Revoke license held by Rodolfo Trujillo.
REGULATORY SERVICES (273533)
Rental Dwelling License at 3128 5th Av S: Revoke license held by John Spencer.

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

PURCHASING (273529)
Bid for Hazardous Tree Removal and Disposal: OP #7132, accept low bid of Arbor Barber, Inc, for removal and disposal of hazardous trees and branches as directed by Department of Regulatory Services.

REGULATORY SERVICES (273532)

Homeland Security and Management Grant: Accept grant award of \$642,442 to support efforts of Metropolitan Medical Response System; and Approve appropriation.

Homeland Security and Management Grant: Accept grant award of \$1,477,080 as part of Urban Area Security Initiative to enhance Twin Cities regional preparedness by strengthening local response capabilities through planning, operations, equipment, training and exercises; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273534)

Marquette Ave and 2nd Ave Transit Project Disadvantaged Business Enterprise (DBE) Goals and Compliance: Metropolitan Council presentation.

Metropolitan Airports Commission (MAC): Noise Mitigation Program Update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273535)

Pump Station No 4: Amendment to contract with Sebesta Blomberg.

Pump Station No 4: Amendment to contract with Madsen-Johnson Corporation.

2009 Alley Resurfacing Program No FS09#1: Project designation and cost estimate.

13th St S Pedestrian Gateway: Project plans.

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

PUBLIC WORKS AND ENGINEERING (273536)

44th St W Street Resurfacing Project No 5199: Project approval and assessment public hearing.

7th St N Street Resurfacing Project No 5200: Project approval and assessment public hearing.

Xerxes Ave S Street Resurfacing Project No 5203: Project approval and assessment public hearing; Comments.

Franklin Ave/E River Pkwy Intersection Study and Preliminary Design: Cost participation agreement with Hennepin County.

Parking Ramp Revenue Control Equipment: Increase contract with Don Harstad Company for Ramp B.

Marquette Ave and 2nd Ave Transit Project Shelters: Amend UPA subrecipient agreement with Metropolitan Council.

Xerxes Ave N Street Renovation No 2268: Increase budget.

Bid OP 7125, Ebert, Inc., construction of Emergency Operations Facility.

WAYS AND MEANS BUDGET:

HEALTH AND FAMILY SUPPORT SERVICES (273542)

Public Health Laboratory: Report on potential costs and cost savings if closed.

PUBLIC WORKS AND ENGINEERING (273543)

Emergency Operations Training Facility: Strategic Information Center's Operating Costs report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273537)

Web-based Ethics Education Software: Donation from John J. Trammell.

BUSINESS INFORMATION SERVICES (BIS) (273538)

Unisys Contract: Contract C-25200 amending language and exhibits to allow greater flexibility.

Unisys Contract: Increase Contract C-25200 for change order transactions for the remainder of 2009.

COMMUNICATIONS (273539)

Minneapolis Tap Water Awareness: Acceptance of donation; revise scope of Contract C-26372 with LaBreche to adjust for donations; and increasing contract amount to reflect donations.

HUMAN RESOURCES (273540)

Human Resources Information System (HRIS): Approve upgrade funding plan; and Approve fund transfers when authorized by Human Resource Director; and Authorize rollover of unexpended 2008 funds to fund the next HRIS upgrade.

PUBLIC WORKS AND ENGINEERING (273541)

Nicollet Mall: 2010 Operating Budget.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (273545)

Appeals:

Mark Freund (1019 University Ave SE) Appeal of denial of COA to demolish

Mark Freund (1013 and 1019 University Ave SE) Appeal of denial of COA to construct 23 unit apartment building

PLANNING COMMISSION/DEPARTMENT (273544)

Rezoning:

Hamoudi Sabri (640 East Lake Street)

Zoning Code Text Amendment:

Title 20, Chapters 525 and 598, relating to land use application, inspection, and subdivision fees

NEW BUSINESS New Business (See Rep):

CITY CLERK (273546)

2009 Elections: Designation of polling places.

The following reports were signed by Mayor Rybak on June 16, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration a report from staff regarding updated NRP Phase II capitalization projections, now recommends that a recommendation be issued to the NRP Policy Board to increase the appropriation level of approved Phase 2 Neighborhood Action Plans (NAP) to 90% of the total budget that may be contracted or expended during the first three years following the NAP approval, and that the NRP Policy Board forward this recommendation to the Minneapolis City Council Community Development and Ways and Means/Budget Committees, consistent with past practice.

Adopted 6/12/2009.

The COMMUNITY DEVELOPMENT Committee submitted the following report:

Comm Dev - Your Committee, having under consideration an amendment to increase the Greater Metropolitan Housing Corporation (GMHC) contract by \$1,020,200 to be used to cover the regular home improvement applications that are on hold, now recommends approval of said contract amendment, and that staff be authorized to reallocate any remaining uncommitted funds previously dedicated to the north and northeast exterior code enforcement sweeps and allow the funds to instead be used for the regular Code Abatement and Home Repair Loan programs.

Adopted 6/12/2009.

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

Comm Dev & W&M/Budget – Your Committee, having under consideration the Minneapolis Economic Recovery Strategy and the request for issuance of bonds for the Open Access Technology International, Inc (OATI) for the purchase, renovation and equipping of a facility at 3660 Technology Dr, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$20,000,000 in Limited Tax Supported Economic Development Revenue Bonds, Common Bond Fund Series 2009, for OATI, to be issued through the Common Bond Fund and designating the bonds as bonds entitled to the security provided by Ordinance No. 87-Or-084, Chapter 424, Tax Reserve and Pledge Ordinance.

Adopted 6/12/2009.

Resolution 2009R-247, giving preliminary approval to a project on behalf of Open Access Technology International, Inc. at 3660 Technology Dr, and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-247
By Goodman and Ostrow**

Giving preliminary approval to a project on behalf of Open Access Technology International, Inc. and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.

Whereas, under Sections 469.152 through 469.1651 of the Minnesota Statutes, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise engaged in any business; and

Whereas, the City has assumed the obligations of the Minneapolis Community Development Agency (the "Agency") with respect to a certain common bond fund and intends to continue to issue revenue bonds to be secured thereby (the "Common Fund Bonds"); and

Whereas, the City has authority to issue Common Fund Bonds and is the successor to the Common Fund Bonds issued by the Agency; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the central City area and the need for more intensive development and use of land within the City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and encourages land development, thereby increasing the tax base of the City and overlapping taxing districts; and

Whereas, Open Access Technology International, Inc., a Minnesota corporation, or an affiliate thereof (the "Company"), has proposed to acquire, improve and equip an existing building located at 3660 Technology Drive in the City (hereinafter, the "Project"), to be used in the operation of its software solutions business for the energy industry; and

Whereas, the Company has proposed that the City issue one or more series of its Common Fund Bonds (the "Bonds"), for the purpose of financing the Project, including certain incidental expenses thereto, in a principal amount expected to not exceed \$20,000,000, and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Company pursuant to a revenue agreement wherein the Company will be obligated to acquire, improve and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payments of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of the Project would be significantly impaired, such that the Project might not be undertaken but for the availability of industrial development bond financing under the Act; and

Whereas, the City Council has been advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City at least fourteen (14) days prior to consideration hereof; and

Whereas, it is proposed that the Bonds would be further secured by Chapter 424 of the City Code of Ordinances; and

Whereas, the proposed Project consists of real and/or personal properties to be used in a revenue-producing enterprise engaged in business, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City, by increasing the tax base of the City and overlapping taxing jurisdictions, by providing additional or retaining existing employment opportunities for residents of the City and surrounding area or by stimulating the development and redevelopment of marginal lands within the City; and

Whereas, except as may be authorized by Chapter 424 of the City Code of Ordinances, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

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

1. That it is hereby found and determined that the Project might not be undertaken but for the availability of industrial development bond financing under the Act.

2. That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act in an approximate aggregate principal amount of \$20,000,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%), to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Department of Employment and Economic Development of the State of Minnesota (the "Department") under the Act, and to the agreement of the City, the Company and the purchaser or purchasers of the Bonds on the detailed terms and conditions on which the Project will be acquired, improved and equipped and the Bonds will be issued, sold and secured.

3. That in accordance with Sections 469.152 through 469.1651, Minnesota Statutes, staff of the City is hereby authorized and directed to submit the proposal for undertaking the Project to the Department requesting approval of the Project. The Finance Officer, the City Attorney and other officers, employees and agents of the City are hereby authorized to provide the Department such preliminary information as may be required for this purpose. The City Attorney is also authorized, in cooperation Gray, Plant, Mooty, Mooty & Bennett, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project in order that, when and if the Project is approved by the Department, it may be carried forward expeditiously.

4. That the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

5. That the City shall not adopt a resolution authorizing the issuance of the Bonds until all persons and entities, including the Company, involved in the operations or ownership of the Project have complied with all requirements of and had their respective affirmative action plans and equal opportunity requirements approved by the affirmative action office of the City.

6. That if and when the Bonds are issued by the City such Bonds shall be designated by the City Council of the City as bonds entitled to the security provided by Chapter 424 of the City Code of Ordinances and that the Bonds hereby requested to be designated shall not exceed \$20,000,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%).

7. This Resolution shall constitute the official intent of the City to reimburse expenditures by the Company with respect to the Project, within the meaning of Section 1.150-2 of the Treasury Regulations.

Adopted 6/12/2009.

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

HE&E – Your Committee, having under consideration the provision of public health emergency preparedness services, now recommends that the proper City officers be authorized to execute a Cooperative Agreement, pursuant to Minnesota Statutes 471.59, with the Metropolitan Airports Commission (MAC), and the Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and the City of Bloomington, to authorize a Regional Distribution Node on MAC property of federal stockpiles of medial materials in the event of a public health emergency.

Adopted 6/12/2009.

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

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept \$5,000 from the Greater Twin Cities United Way to provide ten mini-grants of \$500 each to community based organizations to prepare the community for emergencies. Further, passage of the accompanying resolution appropriating \$5,000 to the Department of Health & Family Support.

Adopted 6/12/2009.

RESOLUTION 2009R-248

By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600150) by \$5,000 and increasing the Revenue Source (01600-8600150-372001) by \$5,000.

Adopted 6/12/2009.

HE&E & W&M/Budget – Your Committee, having under consideration the Energy Efficiency Conservation Block Grant (EECBG) Grant Program as part of the American Recovery and Reinvestment Act, now recommends that the proper City officers be authorized to:

a. Submit an application to the United States Department of Energy by June 25, 2009 seeking \$3,900,000 of EECBG funds to support the following proposed activities:

Revolving Loan Fund for Non-Residential Energy Efficiency and Conservation;

Non-profit Partnerships for Residents Action (Residential Energy Efficiency and Conservation Program; and Climate Change Grants);

Energy Efficiency and Conservation at Local Government Facilities;

Program Administration.

- b. Make such modifications as indicated by further guidance by the Department of Energy.
 - c. Execute the grant award.
- Adopted 6/12/2009.

HE&E & W&M/Budget – Your Committee, having under consideration the Solar Photovoltaic Project at the Convention Center, now recommends the following:

a. If by June 5, 2009, EyeOn Energy LLC (EyeOn) produces signed contracts (Solar Services Agreement, Site Lease and Grant Contract) that meet the terms of the Renewable Development Fund (RDF) Board and City Council, that staff be directed to return to the Health, Energy & Environment and Ways & Means/Budget Committees for further discussions.

b. If by June 5, 2009, EyeOn Energy LLC (EyeOn) does **not** produce signed contracts (Solar Services Agreement, Site Lease and Grant Contract) that meet the terms of the RDF Board and City Council direction or EyeOn voluntarily withdraws from the project prior to the date, then

- Direct staff to redefine the project and to formally request the Renewable Development Board and the Public Utilities Commission to re-designate the grant award to the City as a sole applicant.

- Direct staff to issue a Request for Proposals (RFP) to qualified parties. The issuance of the RFP will be subject to Permanent Review Committee (PRC) review and approval.

W&M/Budget – That the subject matter be referred to the Health, Energy & Environment Committee.

Benson moved that the report be referred back to the Health, Energy & Environment Committee. Seconded.

Adopted upon a voice vote 6/12/2009.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee, having under consideration an ordinance amending Chapter 2 of the Minneapolis City Charter relating to *Elections*, adding a new Section 5C entitled "Primary Elections," reinstating the City's primary election in the event that the Minnesota Supreme Court rules against the City in the case of *Minnesota Voters Alliance, et al., v. City of Minneapolis, et al.*, or in the event that the City Council declares, via ordinance, that it is not ready to conduct an instant runoff voting election in 2009 pursuant to City Charter Chapter 2, Section 5B, and having the recommendation of the Minneapolis Charter Commission for passage of said ordinance pursuant to Minnesota Statutes Section 410.12, Subd 7, now recommends that said ordinance be sent forward without recommendation.

Hodges moved to amend the report by deleting the language, "be sent forward without recommendation" and inserting in lieu thereof, "not be adopted, and returned to author." Seconded.

Adopted upon a voice vote.

Absent - Samuels.

The report, as amended, was adopted 6/12/2009.

Yeas, 10; Nays, 2 as follows:

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

Nays - Ostrow, Johnson.

Absent - Samuels.

IGR - Your Committee recommends passage of the accompanying resolution appointing Council Member Betsy Hodges as the representative for the City of Minneapolis on the MSP Noise Oversight Committee (NOC) for a two year term beginning June 26, 2009, and designating Merland Otto, City Planner, as an alternate.

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-249, appointing Council Member Betsy Hodges as the City representative to the MSP Noise Oversight Committee, and Merland Otto, City Planner, as alternate, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-249
By Hodges**

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

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

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

Whereas, the City of Minneapolis is represented on the NOC by Council Member Elizabeth Glidden, and Merland Otto, Principal Planner, is a designated alternate, both of whose terms expire June 25, 2009;

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

That Council Member Betsy Hodges shall be designated as the City's NOC representative, and Merland Otto, Principal Planner, shall be designated as an alternate for the City of Minneapolis on the MSP Noise Oversight Committee for two year terms effective June 26, 2009.

Be It Further Resolved that a copy of this resolution be transmitted to the MAC and to Mr. Vern Wilcox, chair of the affected communities.

Adopted 6/12/2009.

Absent - Samuels.

IGR - Your Committee, having under consideration 2010 state capital bonding projects, now recommends approval of the following criteria to be used to evaluate project proposals:

- a) The project's impact on the City's general fund (operating or debt service);
- b) The availability of matching funds for the project;
- c) The project will be owned, operated and maintained by the City of Minneapolis;
- d) The project is the product of joint planning and or funding with other governments or independent boards or other entities;
- e) The project contributes to City goals;
- f) The project serves a state or regional purpose;
- g) The project can be completed within four years of approval of the project for state funding;
- h) The project does not require a State of Minnesota contribution for operation and maintenance.

Adopted 6/12/2009.

Absent - Samuels.

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

PS&RS - Your Committee, having under consideration the application of The Butcher Block LLC, dba The Butcher Block, 308 E Hennepin Av, for a Sidewalk Cafe License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/12/2009.

Approved by Mayor Rybak 6/15/2009.

(Published 6/16/2009)

PS&RS - Your Committee, having under consideration the application of Culinaire International Inc, dba Guthrie Theater - Culinaire, 818 S 2nd St, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises for outdoor seating area on Guthrie's plaza near the 2nd St entrance) and a Sidewalk Cafe License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/12/2009.

Approved by Mayor Rybak 6/15/2009.

(Published 6/16/2009)

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Solicitor – Company License held by AMP Alarm, 815 W University Pkwy, Orem, Utah.

Adopted 6/12/2009.

Resolution 2009R-250, approving Business License Operating Conditions relating to the Solicitor – Company License held by AMP Alarm, 815 W University Pkwy, Orem, Utah, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-250

By Samuels

Approving Business License Operating Conditions relating to the Solicitor – Company License held by AMP Alarm, 815 W University Pkwy, Orem, Utah.

Resolved by The City Council of The City of Minneapolis:

That the following Business License Operating Conditions be approved for AMP Alarm:

1. No solicitation shall be made at residences before 8:00 a.m. or after 8:00 p.m.
2. Each installation shall be directly supervised by the Minnesota licensed power limited technician for the company.
3. For each sale the City "Solicitation Checklist" form shall be completed with one copy returned to this office.
4. Assignment of monitoring contracts may only be to companies registered in the State of Minnesota to do business and having a Minnesota Tax ID number.
5. No alarm contract may renew without the signature of the customer.
6. The entire cancellation option statement shall be in 10 point type at a minimum as required by Minnesota Statutes 325G.08(b) and (c). The "Right to Cancel" section shall be perforated for easy separation from the contract.
7. The company shall operate the alarm system in test mode only for the first seven days to assure appropriate installation and use of the system as required by Minneapolis Ordinance Chapter 176.

Adopted 6/12/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Business License Operations Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by Minneapolis Gateway Hotel, 1330 Industrial Blvd.

Adopted 6/12/2009.

Resolution 2009R-251, approving Business License Operations Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by Minneapolis Gateway Hotel, 1330 Industrial Blvd, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-251
By Samuels

Approving Business License Operations Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by Minneapolis Gateway Hotel, 1330 Industrial Blvd.

Resolved by The City Council of The City of Minneapolis:

That the following Business License Operating Conditions be approved for the Minneapolis Gateway Hotel:

1. The establishment may not operate as a sexually orientated use as is defined in Chapter 549.340 of the Minneapolis Code of Ordinances.
2. The Licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employees wrestling with customers or sexually suggestive touching and other similar types of activities.
3. Violation of the terms of Conditions 1 and 2 above shall provide a basis for revocation of the City's consent for the applicant to operate the Class A On-Sale Liquor License.
4. All parties hereto agree that this agreement is specifically enforceable and that in any litigation involving this agreement no defense will be raised as to its enforceability.

Adopted 6/12/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Varsity Theater, 1308 4th St SE, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 6/12/2009.

Resolution 2009R-252, granting the application of Varsity Theater, 1308 4th St SE, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-252
By Samuels

Granting the application of Varsity Theater, 1308 4th St SE, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Varsity Arts LLC, dba Varsity Theater, 1308 4th St SE, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises) to expire July 1, 2009, subject to the following conditions:

1. The establishment's alcohol sales shall not exceed 40% of total sales.
2. The establishment will not exceed occupancy of more than 650 during months one through six from the date of expanded license issuance.

3. During the fifth month from the date of the expanded license issuance, Licensing may, at its discretion, conduct a community meeting to solicit comment regarding the impact of the increase in occupancy with the purpose of amending policies or license conditions if Licensing reasonably determines such amendments are necessary.

4. Provided the establishment has during that time maintained its current good management record and has not violated any material terms of its license, the capacity shall increase to 700 during months seven through twelve following license renewal.

5. During the eleventh month from the date of the expanded license issuance, Licensing may, at its discretion, conduct a community meeting to solicit comment regarding the impact of the increase in occupancy with the purpose of amending policies or license conditions if Licensing reasonably determines such amendments are necessary.

6. Provided the establishment has during that time maintained its current good management record and has not violated any material terms of its license, the capacity shall increase on the next annual license renewal to the full fire-rated occupant capacity of 814.

7. During the twelve-month limited capacity period, the establishment shall be permitted to operate at the full fire-rated capacity of 814, but only on four occasions during that period.

8. The establishment will continue to monitor customer lines to prevent those lines from blocking pedestrian use of the sidewalk or access to neighboring businesses.

9. With the exception of two non-ticketed events per week and excluding private events, customers must possess a purchased ticket to enter any event.

10. The certificate of occupancy, occupant load certificate, hours of operation and the license certificate issued under this chapter shall at all times be posted in a conspicuous place on the premises.

11. The establishment will provide a copy of their security plan, due at the time of signing this agreement, that addresses the following components: alcohol service practices, minimum security staff levels, line management, snipe advertising, and notification of 2nd Precinct on any occasion when it reasonably anticipates operating at its full fire-rated capacity of 814. The establishment will implement this plan and have it available during all hours of operation.

12. final inspection and compliance with all provisions of applicable codes and ordinances.
Adopted 6/12/2009.

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

Adopted 6/12/2009.

Resolution 2009R-253, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-253

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 273528):

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

Mangos Entertainment LLC, dba Visage, 400 3rd Av N (internal transfer of shares)

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

Loring Pasta Bar LLC, dba Loring Pasta Bar, 327 14th Av SE (upgrade license to add State issued 2:00 a.m. permit)

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2010

Historic Theatre Group LLC, dba Pantages Theatre, 710 Hennepin Av (change in ownership from Venue Management Inc)

Historic Theatre Group LLC, dba State Theatre, 805 Hennepin Av (change in ownership from Venue Management Inc)

Historic Theatre Group LLC, dba Orpheum Theatre, 910 Hennepin Av (new ownership from Venue Management Inc)

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 12, 2009

Mr Susie Inc, dba Barbette, 1600 W Lake St (temporary expansion of premises, Bastille Day Block Party, July 12, 2009, 4:00 p.m. to 10:00 p.m.)

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

Buca (Minneapolis) Inc, dba Buca Di Beppo, 1204 Harmon Pl #1 (new corporate officers)

G & A FA DA Inc, dba Wakame Sushi & Asian Bistro, 3070 Excelsior Blvd #206 (new ownership)

The Butcher Block LLC, dba The Butcher Block, 308 E Hennepin Av (new business)

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

Ruizena Inc, dba Cafe Ena, 4601 Grand Av S (expansion of premises, sidewalk cafe expansion and new manager)

Temporary On-Sale Wine

Alliance Francaise, dba Alliance Francaise, 3234 41st Av S (July 11, 2009, Minnesota Opera, 620 N 1st St)

Off-Sale Beer, to expire April 1, 2010

Los Arcos Imports Inc, dba Los Arcos Imports, 1515 E Lake St #107 (new business).

Adopted 6/12/2009.

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

Adopted 6/12/2009.

Resolution 2009R-254, granting applications for Business Licenses, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-254

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 12, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273528):

Dancing School; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Grocery; Ice Producer – Dealer/Wholesale; Food Manufacturer; Food Market Distributor; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasfitter Class A; Gasoline Filling Station; Hotel/Motel; Motor Vehicle Repair Garage; Commercial Parking Lot Class B; Pet Shop; Plumber; Public Market; Residential Specialty Contractor; Solicitor – Company; Solicitor – Individual; Solid Waste Hauler; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Tree Servicing; Valet Parking.

Adopted 6/12/2009.

JUNE 12, 2009

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 6/12/2009.

Resolution 2009R-255, granting applications for Gambling Licenses, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-255
By Samuels**

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273528):

Gambling Class B

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Off-site gambling, Bingo on October 3, 2009)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Off-site gambling, 3801 Pleasant Av S, Raffle on December 5, 2009)

Gambling Exempt

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Chambers Hotel, 901 Hennepin Av, Raffle May 17, 2009)

Susan G Komen Breast Cancer 3 Day Walk, dba Susan G Komen Breast Cancer 3 Day Walk, 2300 Arthur St NE (Moose on Monroe, 356 Monroe St NE, Raffle June 13, 2009)

Mobility for Independence, dba Mobility for Independence, 1622 W 31st St (Raffle July 15, 2009)

The Church of St. Cyril of Minneapolis, dba Church of St. Cyril of Minneapolis, 1315 2nd St NE (Bingo, Raffle, Paddlewheels and Pulltabs, August 15 & 16, 2009)

Adopted 6/12/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Motor Vehicle Repair Garage License held by Absolute Tire & Wheel LLC, 220 W Broadway.
Adopted 6/12/2009.

Resolution 2009R-256, approving License Settlement Conference recommendations relating to the Motor Vehicle Repair Garage License held by Absolute Tire & Wheel LLC, 220 W Broadway, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-256
By Samuels**

Approving License Settlement Conference recommendations relating to the Motor Vehicle Repair Garage License held by Absolute Tire & Wheel LLC, 220 W Broadway.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 30, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the business was found to be out of compliance with outdoor storage ordinances, litter control and weed control; and the business has had a history of non-compliance with site plan requirements but has made significant efforts in clearing, cleaning and organizing the lot and painted the building;

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. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

3. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

4. The business agrees to comply with the orders issued by the Zoning & Planning Department within all reasonably established due dates.

5. No used motor vehicle parts may be stored on the property in violation of Minneapolis Code of Ordinances 317.100.

6. Absolute Tire & Wheel LLC agrees to remain in compliance with Chapter 259.250 of the Minneapolis Code of Ordinances relating to business license management responsibilities.

7. Absolute Tire & Wheel LLC agrees to be closed to the public by 9:00 p.m. each business day. This requirement will be revisited one year from the signing of the agreement.

Adopted 6/12/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery License held by Cup Foods, 3759 Chicago Av.

Adopted 6/12/2009.

Resolution 2009R-257, approving License Settlement Conference recommendations relating to the Grocery License held by Cup Foods, 3759 Chicago Av, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-257

By Samuels

Approving License Settlement Conference recommendations relating to the Grocery License held by Cup Foods, 3759 Chicago Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 21, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Cup Foods violated license conditions when a) loitering occurred on three documented occasions; b) by failing to maintain its surveillance camera; c) when signage was posted between 42 and 84 inches from the floor of the business; d) by having an open box of metal scrubbing pads behind the sales counter when sale of individual pads were prohibited; e) by purchasing and offering for sale second hand goods; and that employees of Cup Foods purchased second hand goods from a minor without permission of a parent/guardian, all in violation of the Minneapolis Code of Ordinances;

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

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

1. Cup Foods, Inc shall serve a three-day license suspension at a future date to be agreed upon with the License Department after the agreement is signed. A \$1,000 sanction shall be paid upon the licensee signing this agreement.

2. For a period of one year, Mahmoud Abumayyaleh, aka Mike, and Amed Abumayyaleh will be under the physical supervision of Samir Abumayyaleh or a trained store manager. They will not be allowed to be in the store unsupervised at any time during this one year period. Mahmoud Abumayyaleh and Amed Abumayyaleh shall be suspended from working in the store for a period of ten days. These suspensions can be served consecutively. Samir Abumayyaleh shall notify the Business License Department, in writing, of when these suspensions are to take place.

3. The lawful hours of operation are Sunday to Thursday 6:00 a.m. to 11:00 p.m. and Friday and Saturday from 6:00 a.m. to 12:00 a.m. Deli operators shall stop taking orders 15 minutes before the store closes. From 6:00 a.m. to 10:00 a.m. one person may be on duty. At all other times at least two persons shall be on duty in the store. Whenever the deli is in operation, three persons shall be on duty.

4. Cup Foods, Inc shall use all reasonable efforts to prohibit the sale, distribution or use of illegal drugs. Any person found selling, distributing or using illegal drugs shall be trespassed from the property.

5. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people who are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

6. Cup Foods shall do criminal background checks on all employees. Any employee determined to have a criminal history with controlled substances shall not be employed if the conviction/sentence has not been served as determined by the criteria set in Minnesota Statute 364.03.

7. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes, steel scrub pads such as Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, postal scales and single use tobacco products to include rolling papers (single cigars are allowed). The business will also agree not to supply matches to non-tobacco customers. Bulk packages of pseudoephedrine (more than 24 tablets/package) will not be sold in the store.

8. The business agrees not to sell single cigarettes.

9. Pay phones shall not be allowed on the Cup Foods, Inc premises, indoors or outdoors.

10. Cup Foods, Inc shall ensure that there is a clear and unobstructed view of all deli customer seating from the cashier station. Cup Foods, Inc shall remove all items which obstruct the cashier's clear view of customers entering and exiting the store.

11. Cup Foods, Inc shall remove all window and door signage between 42 and 84 inches from the floor.

12. Cup Foods, Inc shall remove or relocate all shelving and stacked merchandise from next to store windows between 42 and 84 inches from the floor. Shelving and merchandise is allowed below the 42 inch height. An American with Disabilities Act compliance aisle width must be maintained between any below window shelving/merchandise and other shelving/merchandise.

13. The surveillance camera system shall be in compliance with Minneapolis City Ordinance 259.230. The surveillance camera system shall have multiple cameras covering the entire inside of the store, rear lot, including the new shed loading and unloading areas and the abutting sidewalk and a monitor at the cashier's stand.

14. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

15. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

16. Cup Foods, Inc shall not sell or purchase second hand merchandise of any kind.

17. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

18. The business will stock a variety of common staple food items such as milk, bread, canned and frozen vegetables, soups, fruit juice, and cereals, etc. Food items shall be removed from stock when the printed shelf life date has expired.

Adopted 6/12/2009.

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 True Thai Restaurant, 2627 E Franklin Av.

Adopted 6/12/2009.

Resolution 2009R-258, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by True Thai Restaurant, 2627 E Franklin Av, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-258

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by True Thai Restaurant, 2627 E Franklin Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 15, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that True Thai Restaurant, Ltd allowed alcohol sale to minors on two occasions in a period of less than 24 months, in violation of the Minneapolis Code of Ordinances, State Statute and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. In lieu of a suspension of the On-Sale Wine with Strong Beer License, the City shall impose a \$3,000 sanction, which will be stayed for a period of two years from the date the full City Council approves this agreement, pending no same or similar violations. The licensee demonstrated the business is experiencing a difficult financial situation at this time. During the expansion of their business premises, unexpected structural challenges added time and expense to the project.

2. Provide an updated alcohol service policy to the Division of Licenses & Consumer Services due at the time of signing of this agreement to include all of the following:

a. A clear policy in writing for employee training for verifying customer identification including: looking at the picture and at the customer to ensure the ID belongs to that person; look for any indication on the ID the person is under the age of 21; and define a backup system so a manager or second designated staff member looks at any ID if there are any questions.

b. Provide signage at wait stations and where alcohol is stored so as to remind staff they must refuse service to anyone that is under the age of 21.

c. Clearly state the policy that True Thai Restaurant does not allow alcohol to be served in the waiting area.

d. Start daily meetings with wait staff to emphasize the alcohol policies of True Thai Restaurant.

e. Continue to post a copy of the driver's licenses issued in the State of Minnesota that shows the license is issued to a person under the age of 21.

f. Continue any incentive program for staff that passes the self check program.

3. Employ a self check program with persons that employees of True Thai Restaurant are required to check the ID. These must be conducted a minimum of four times per year for the next two years and document the results and make them available to the Business License or Police License Divisions upon request. This program should start within 30 days of this agreement being approved by the City Council.

4. Clearly designate, on a daily basis, the name of the manager on duty that wait staff may request assistance of in case of a difficult situation with a person being denied alcohol based on the True Thai Restaurant policies.

5. An expansion of premises application shall be turned in upon signature of this agreement.

6. The \$550 outstanding administrative citation, issued by the Police License Division, will be paid upon signature of this agreement.

Adopted 6/12/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Market Bar-B-Que, 1414 Nicollet Av S.

Adopted 6/12/2009.

Resolution 2009R-259, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Market Bar-B-Que, 1414 Nicollet Av S, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-259

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Market Bar-B-Que, 1414 Nicollet Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 1, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months, employees of Market Bar-B-Que 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. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of the signing of this agreement to include all of the following:

a. Use of an electronic identification reader and policy that assists employees in determining the birth date required to make a legal sale of alcohol.

b. A clear policy in writing for employee training for verifying customer identification including: looking at the picture and at the customer to ensure the ID belongs to that person; look for any indication on the ID the person is under the age of 21; and define a backup system so a manager or a second designated staff member looks at any ID if there are any questions.

c. Provide a copy of the signage that is currently posted at wait stations that remind staff they must refuse service to anyone that is under the age of 21 and also provide a list of locations where the signs are posted.

d. Indicate any incentive program that may be implemented for staff should they pass a self imposed or City administered compliance check.

e. Indicate whenever a staff meeting is held alcohol service and proof of age policies will be a standing agenda item.

f. A clear policy when the establishment is busy for staffing the door or other positions, and providing a manager or other designated staff to provide a back-up to cover the position(s) when needed.

g. Define current policy regarding persons under the age of 21 where they are allowed or not allowed to be in certain places within the establishment.

h. Indicate managers and/or ownership can assist any server at any time should a member of the wait staff have questions regarding the age of a patron.

2. Provide alcohol service training from an outside service provider and begin this program within 30 days of this agreement being approved by the full City Council. New employees must receive alcohol service training within 30 days of hire. Provide proof of training in writing to the Licenses & Consumer Services Division within 10 days of completing the training.

3. Institute a self check program with underage decoys. These self checks must be conducted four times a year with the first check to occur within 30 days from this agreement being approved by the full City Council.

4. Attend the monthly downtown bar meeting at least three times within one year of this agreement being approved by the full City Council.

5. In lieu of a suspension of the On-Sale Liquor License, the City shall impose a \$3,000 sanction, of which \$1,500 will be stayed for a period of two years from full City Council approval of this agreement if an electronic identification reader is used for use by employees. \$1,000 will be stayed if the electronic identification reader is not used. The sanction will be payable in two payments; \$750 due on June 30, 2009; and \$750 due on July 31, 2009.

Adopted 6/12/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Rodolfo Trujillo for the property located at 2406 11th Av S, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on March 31, 2009, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to unpaid administrative citations and property assessments, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/12/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by John Spencer for the property located at 3128 5th Av S, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on April 14, 2009, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, 244.1940 and 244.1960 of the Minneapolis Code of Ordinances relating to unpaid administrative citations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/12/2009.

PS&RS – Your Committee, having under consideration the property located at 1617 Thomas PIN, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 6/12/2009.

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

PS&RS & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7132 submitted by Arbor Barber, Inc., for an estimated annual expenditure of \$75,000, for the removal and disposal of hazardous trees and branches as directed by the Department of Regulatory Services, all in accordance with City specifications.

Adopted 6/12/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept Homeland Security and Emergency Management Grant #2009-HSGP-00321, in the amount of \$642,442, to support the ongoing efforts of the Metropolitan Medical Response System. Further, passage of the accompanying resolution appropriating \$642,442 to the Department of Regulatory Services.

Adopted 6/12/2009.

**RESOLUTION 2009R-260
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$642,442 and increasing the Revenue Source (01300-8352000) by \$642,442.

Adopted 6/12/2009.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept Homeland Security and Emergency Management Grant #2009-HSGP-00347, in the amount of \$1,477,080, as part of the Urban Area Security Initiative to enhance Twin Cities regional preparedness by strengthening local response capabilities through planning, operations, equipment, training and exercises. Further, passage of the accompanying resolution appropriating \$1,477,080 to the Department of Regulatory Services.

Adopted 6/12/2009.

**RESOLUTION 2009R-261
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8352000) by \$1,477,080 and increasing the Revenue Source (01300-8352000) by \$1,477,080.

Adopted 6/12/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Pump Station #4 Renovation Project, now recommends that the proper City officers be authorized to execute Amendment #2 to Contract C-22605 with Sebesta Blomberg, increasing the maximum billing amount from \$216,732 to \$274,336, and extending the contract duration from December 31, 2009 to December 31, 2010. No additional appropriation required; funds are available in Fund 07400, Department 9010000, Project CWTR15.

Adopted 6/12/2009.

Absent - Samuels.

T&PW - Your Committee, having under consideration the Pump Station #4 Renovation Project, now recommends that the proper City officers be authorized to execute Amendment #2 to Contract C-26005 with Madsen-Johnson Corporation for Construction Change Orders 6-15, increasing the contract by up to \$550,000, for a revised total contract value of approximately \$8,205,709. No additional appropriation required; funds are available in Fund 07400, Department 090001, Project CWTR15.

Adopted 6/12/2009.

Absent - Samuels.

T&PW - Your Committee recommends passage of the accompanying resolution designating the improvement of alleys in the 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#1 and establishing the uniform assessment rate for alley resurfacing improvements for the 2009 calendar year.

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-262, designating the improvement of the 2009 Alley Resurfacing Program No FS09#1 (7 alleys located throughout the City of Minneapolis), was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-262

By Colvin Roy

**Special Improvement of Existing Alleys No FS09#1
2009 Alley Resurfacing Program**

Designating the improvement of the 2009 Alley Resurfacing Program (7 alleys located throughout the City of Minneapolis).

Resolved by The City Council of The City of Minneapolis:

That the following existing alleys within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by overlaying with bituminous material and including other related improvements and work as needed:

1. The alley running from Harriet Ave S to Pleasant Ave S between 50th St W and Busch Terrace;
2. The alley running from 25th St W to 26th St W between Lyndale Ave S and Garfield Ave S;
3. The alley running from 25th St W to 26th St W between Aldrich Ave S and Lyndale Ave S;
4. The alley running from 32nd Ave NE to St Anthony Pkwy between Pierce St NE and Buchanan St NE;
5. The "L" alley running from 23rd Ave NE to 22nd Ave NE between Fillmore St NE and Pierce St NE;
6. The alley running from 35th St W to 36th St W between Emerson Ave S and Dupont Ave S; and
7. The alley running from 36th Ave N to 35th Ave N between 4th St N and 6th St N.

Be It Further Resolved that the 2009 uniform assessment rate to be applied in determining the assessments for the benefited parcels for alley resurfacing work to be constructed in the 2009 calendar year be established at \$0.045/sq ft.

Adopted 6/12/2009.

Absent - Samuels.

T&PW - Your Committee, having received a cost estimate of \$222,088 for alley resurfacing improvements and a list of benefited properties for the 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#1, as designated by Resolution 2009R-262 passed June 12, 2009, now recommends that the City Engineer be directed to prepare a proposed Alley Resurfacing Special Improvement Assessment against the list of benefited properties.

Your Committee further recommends that a public hearing be on July 21, 2009, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated alley locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 6/12/2009.
Absent - Samuels.

T&PW - Your Committee recommends approval of the final project plans for the 13th Street South Pedestrian Gateway from Nicollet Mall to the intersection of Grant St and 2nd Ave S along 13th St S right-of-way.

Your Committee further recommends authorizing the issuance of the plans for public bidding.
Adopted 6/12/2009.
Absent - Samuels.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 44th St W Street Resurfacing Project, Special Improvement of Existing Street No 5199, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project.

Adopted 6/12/2009.
Absent - Samuels.

Resolution 2009R-263, ordering the work to proceed and adopting the special assessments for the 44th St W Project No 5199, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-263
By Colvin Roy and Ostrow**

**2009 STREET RESURFACING PROGRAM
44TH ST W STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5199**

Ordering the work to proceed and adopting the special assessments for the 44th St W Project.

Whereas, a public hearing was held on June 2, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-197, passed May 8, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-197, passed May 8, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$141,397.95 for the 44th St W area, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

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

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-264, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$141,395 for the purpose of paying the assessed cost of street improvements in the 44th St W Street Resurfacing Project, Special Improvement of Existing Street No 5199, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-264
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$141,395 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 44th St W Street Resurfacing Project, Special Improvement of Existing Street No 5199, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/12/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the 7th St N Street Resurfacing Project, Special Improvement of Existing Street No 5200, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project.

Colvin Roy moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted by unanimous consent.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the Xerxes Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5203, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project.

Adopted 6/12/2009.

Absent - Samuels.

JUNE 12, 2009

Resolution 2009R-265, ordering the work to proceed and adopting the special assessments for the Xerxes Ave South Project No 5203, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-265
By Colvin Roy and Ostrow**

**2009 STREET RESURFACING PROGRAM
XERXES AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5203**

Ordering the work to proceed and adopting the special assessments for the Xerxes Ave South Project.

Whereas, a public hearing was held on June 2, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-199, passed May 8, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-199, passed May 8, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$261,311.18 for the Xerxes Ave South area, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2010 real estate tax statements.

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

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-266, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$261,310, for the purpose of paying the assessed cost of street improvements in the Xerxes Ave South Street Resurfacing Project, Special Improvement of Existing Street No 5203, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-266
By Colvin Roy and Ostrow**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$261,310 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Xerxes Ave South Street Resurfacing Project, Special Improvement of Existing Street No 5203, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/12/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Hennepin County for cost participation in Professional Engineering Services Contract No 06-20-09 for the Franklin Ave S (CSAH 5) and E River Pkwy Intersection Study and Preliminary Design. No additional appropriation is necessary; funding for the \$117,500 expenditure is available within the current CSAH budget in CPV804.

Adopted 6/12/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase Contract C-22715 (OP 6522) with Don Harstad Company by \$1,500,000, for a revised estimated expenditure of \$5,545,862, for parking ramp revenue control equipment necessary to allow credit card payment options and automation of ramp revenue control activities at the Ramp B Parking Facility. All terms, conditions, and unit pricing will follow the price agreement in the original proposal. Project funding will be provided through ABC Ramps operating cash accounts and require no City funds.

Your Committee further recommends that the proper City officers be authorized to enter into any necessary agreements with the State of Minnesota for conducting payment for this Ramp B automation improvement.

Adopted 6/12/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the Xerxes Ave N Street Renovation Project (from Plymouth Ave to McNair Ave), Special Improvement of Existing Street No 2268, now recommends passage of the accompanying resolution increasing the appropriation for the project by \$150,000 due to the addition of approximately 300 feet of road surface not previously included in the project.

Adopted 6/12/2009.

Absent - Samuels.

Approved by Mayor Rybak 6/15/2009.

(Published 6/16/2009)

**RESOLUTION 2009R-267
By Colvin Roy and Ostrow**

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the PW-Capital Improvements Fund (40100-9010937-CPV803XER) by \$150,000; and

b) Decreasing the appropriation for the PW-Capital Improvements Fund (04100-9010937-CPV803PV; Revenue Source 04100-94100-9010937-384601) by \$150,000.

Adopted 6/12/2009.

Absent - Samuels.

Approved by Mayor Rybak 6/15/2009.

(Published 6/16/2009)

T&PW & W&M/Budget - Your Committee, having under consideration the Marquette Ave and 2nd Ave Transit Project, with staff requests as follows:

a) Approve an amendment to the Urban Partnership Agreement (UPA) Subrecipient Agreement (SG-2008-010) with the Metropolitan Council to increase the total award amount by \$1,900,000 for transit shelters capital costs; and

b) Passage of the accompanying resolution amending the capital appropriated budget for the project to match the amended UPA Subrecipient Agreement by increasing the federal amount by \$1,520,000 (from \$25,732,800 to \$27,252,800), and increasing the state bond local match by \$380,000 (from \$6,433,200 to \$6,813,200);

now recommends that said staff requests be sent forward without recommendation.

Colvin Roy moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted by unanimous consent.

Absent - Samuels.

The report, as amended, was adopted 6/12/2009.

Absent - Samuels.

RESOLUTION 2009R-268
By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the PW-Capital Improvements Fund for the Marquette Ave Transit Project (04100-9010000-PV052) and the revenue source (04100-9010000-3210) by \$760,000;

b) Increasing the appropriation for the PW-Capital Improvements Fund for the Marquette Ave Transit Project (04100-9010000-PV052) and the revenue source (04100-9010000-3215) by \$190,000;

c) Increasing the appropriation for the PW-Capital Improvements Fund for the 2nd Ave Transit Project (04100-9010000-PV053) and the revenue source (04100-9010000-3210) by \$760,000; and

d) Increasing the appropriation for the PW-Capital Improvements Fund for the 2nd Ave Transit Project (04100-9010000-PV053) and the revenue source (04100-9010000-3215) by \$190,000.

Adopted 6/12/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, to whom was referred back on May 22, 2009, a report relating to the installation of transit shelters as part of the Marquette Avenue and 2nd Avenue Urban Partnership Agreement (UPA) Transit Project, with staff requests as follows:

a) Acceptance of the low responsive bid of Meisinger Construction Company, Inc., (OP 7143) for an estimated expenditure of \$1,583,000, to furnish and deliver all labor, equipment, materials, and incidentals necessary for transit shelters and a prototype for the Marquette Avenue and 2nd Avenue UPA Transit Project as follows:

- Base Bid \$1,453,000
- Bid Alternative #1 \$ 50,000
- Bid Alternative #2 \$ 80,000; and

b) That the proper City officers be authorized to execute a contract for this project in accordance with the specifications including, but not limited to, Bid Alternatives #1 and #2, subject to prototype, operating, and maintenance implications, and contingent upon approval of the Civil Rights Department; now recommends that said staff requests be sent forward without recommendation.

Colvin Roy moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted by unanimous consent.

Absent - Samuels.

The report, as amended, was adopted 6/12/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7125 from Ebert, Inc., in the amount of \$4,197,692, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the construction of the Emergency Operations Facility for the Public Works Property Services Division, as follows:

Base Bid	\$3,988,400;
Alternate No 1	\$ 33,513;
Alternate No 2	\$ 165,092;
Alternate No 3	\$ 10,687.

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

Adopted 6/12/2009.

Absent - Samuels.

Approved by Mayor Rybak 6/15/2009.

(Published 6/16/2009)

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

W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting the donation of web-based computerized ethics education software for education of board and commission members.

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-269, accepting the donation of web-based computer ethics education software, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-269

By Ostrow

Authorizing acceptance of the donation of web-based computerized ethics education software.

Whereas, the City has approximately 45 citizen participation boards and commissions; and

Whereas, the Ethics Code, M.C.O. Chapter 15, requires citizen appointees to the City's boards and commissions to attend ethics education seminars upon appointment and every four years thereafter; and

Whereas, providing ethics education to all of the City's board and commission members has proven to be logistically difficult and time-consuming; and

Whereas, examination of training alternatives has lead the ethics officer to conclude that a computerized training session that could be taken at the convenience of the individual member is the most effective way to reach the citizens serving on the City's boards and commissions; and

Whereas, John J. Trammell has designed web-based software that will allow for ethics education of the City's boards and commission members at their own convenience; and

Whereas, the software designed by John J. Trammell, utilizes the ethics education materials currently being utilized by the Ethics Officer to conduct board and commission training; and

Whereas, John J. Trammell is the spouse of Susan L. Trammell, the Ethics Officer, but is not otherwise a lobbyist, principal or interested party; and

Whereas, John J. Trammell has graciously offered to donate his web-based ethics education software to the City for use in ethics education of the City's board and commission members; and

Whereas, Section 465.03 of Minnesota Statutes requires such gift acceptance be made by resolution of City Council, adopted by two-thirds majority of its members and expressing such terms in full.

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

That John J. Trammell's offer of web-based ethics education software be accepted as a gift on behalf of the City of Minneapolis for the purpose of ethics education for board and commission members.

Adopted 6/12/2009.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the Unisys Managed Services Contract C-25200, now recommends authorizing proper City officers to amend the necessary language and exhibits contained within to allow greater flexibility in answering the City's calls at the Business Information Services (BIS) Service Desk.

Adopted 6/12/2009.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the Unisys Managed Services Contract C-25200, now recommends increasing the contract amount by \$500,000 for additional change orders (of \$50,000 or less) anticipated for the remainder of 2009.

Adopted 6/12/2009.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the Minneapolis Tap Water Awareness effort, now recommends the following:

a) Passage of the accompanying resolution accepting donations designated for Minneapolis Tap Water Awareness purposes; and

b) Authorizing proper City officers to amend the City's contract C-26372, revising the scope of services to adjust the level of donations to be successfully secured by LaBreche for the Minneapolis Tap Water Awareness effort and to increase the contract amount by \$5,000 due to the donations received for educational purposes.

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-270, accepting donations designated for Minneapolis Tap Water Awareness, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-270

By Ostrow

Authorizing donations designated for Minneapolis Tap Water Awareness.

Whereas, the City of Minneapolis has wisely invested in a state-of-the-art filtration systems to ensure that its public drinking water meets and exceeds federal and state safety requirements; and

Whereas, such filtration capacity is valued by other municipalities in the region who have elected to purchase water from the City of Minneapolis; and

Whereas, educating the public about the quality of Minneapolis tap water and how it's less expensive and better for the environment than bottled water will get more people choosing to drink tap water over bottled; and

Whereas, the City has undertaken a unique educational effort to both inform the public about the benefits of Minneapolis tap water and at the same time, raise awareness about the environmental impact of bottled water; and

Whereas, LaBreche, LLC, the agency selected to lead this initiative, has proposed a thoughtful and creative plan to leverage the City's investment in the educational effort by seeking partnerships and contributions from the business community; and

Whereas, the LaBreche program has attracted voluntary donors and participants from the private and corporate sectors; and

Whereas, donors who provide up to \$5,000 in direct contributions or in-kind support for the program will be acknowledged as "Turnkey Sponsors" eligible to have their logos prominently placed on the campaign Web site, and on promotional t-shirts, signage and other materials developed for the program; and

Whereas, The Caldrea Company has generously offered to donate \$5,000 to be used in the campaign for the marketing and promotion of Minneapolis tap water; and

Whereas, Unisys has offered to provide printing and copying services of up to \$5,000 retail value to the initiative, and

Whereas, Section 465.03 of Minnesota Statutes requires such gift acceptance be made by resolution of City Council, adopted by two-thirds majority of its members and expressing such terms in full.

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

That The Caldrea Company's offer of \$5,000 shall be accepted as a gift on behalf of the City of Minneapolis for Minneapolis tap water awareness.

Be It Further Resolved that Unisys' offer to provide printing and copying services to the campaign be accepted as a gift on behalf of the City of Minneapolis for Minneapolis tap water awareness.

Adopted 6/12/2009.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the Human Resources Information System (HRIS) upgrade, now recommends the following:

a) Approval of the funding plan for said upgrade (Petn 273540);

b) Authorize fund transfers from the Human Resources budget to the Intergovernmental Services Fund (ISF), when authorized by the Director of Human Resources as needed to implement the plan. Funds encumbered to support the HRIS upgrade will reduce, not eliminate potential resources from the Capital Long-Range Improvement Committee (CLIC) to fund the next upgrade; and

c) Passage of the accompanying resolution re-appropriating unexpended 2008 funds in the amount of \$331,500 to be transferred into the ISF as part of a strategy to fund the next HRIS upgrade.

Adopted 6/12/2009.

Absent - Samuels.

RESOLUTION 2009R-271

By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to reflect the following reappropriation of 2008 funds:

General Fund (6400)

Department/Purpose

Recommended

Human Resources

HRIS Upgrade

\$331,500

Adopted 6/12/2009.

Absent - Samuels.

W&M/Budget - Your Committee, having held a public hearing to consider the 2010 Nicollet Mall Operating Budget, now recommends passage of the accompanying resolutions as follows:

a) Approving the 2010 Nicollet Mall Operating Budget, accepting an adjustment to the 2009 budget, and

b) Appropriating funds based on the revised 2009 budget.

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-272, approving the 2010 Nicollet Mall Operating Budget and accepting adjustments to the 2009 Nicollet Mall Operating Budget, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-272

By Ostrow

Approving the 2010 Nicollet Mall Operating Budget and accepting adjustments to the 2009 Nicollet Mall Operating Budget.

Resolved by the City Council of the City of Minneapolis:

That in accordance with the provisions of the Minneapolis Downtown Business Improvement Special Service District, commonly called the Downtown Improvement District (DID), enabled by the City Council on December 12, 2008, and the Nicollet Mall Advisory Board having advised the City Council that it wishes to discontinue special service delivery and streetscape maintenance through the Nicollet Mall Operations & Maintenance District (Mall District) and start the provision of those services through the DID, the estimated cost for improving, operating and maintaining the Nicollet Mall for 2010, in accordance with Subd. 1, Section 420.1.2, Minnesota Statutes, be approved for \$0.00 (zero dollars).

Be It Further Resolved, that unspent funds from 2009 will be used as a credit against amounts due to the DID from Mall District properties in the same proportion as charges were assessed for 2009 services.

Adopted 6/12/2009.

Absent - Samuels.

RESOLUTION 2009R-273

By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by the City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the appropriation for the Streets and Malls - Nicollet Mall Agency in the General Fund (0100-607-6130) by \$705,411.59.

Adopted 6/12/2009.

Absent - Samuels.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Mark Freund from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness that would allow for the demolition of the Pi Beta Phi Sorority House at 1019 University Avenue SE, a contributing structure to the Greek Letter Chapter House Historic District, now recommends that the appeal be denied, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 6/12/2009.

Absent - Samuels.

Z&P - Your Committee, having under consideration the appeal filed by Mark Freund from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness that would allow for construction of a new 23-unit apartment building at 1013 and 1019 University Avenue SE, now recommends that the appeal be denied, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 6/12/2009.

Absent - Samuels.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Hamoudi Sabri (BZZ-4304) to rezone the property at 640 East Lake Street from C1 to the C2 District to permit an automobile convenience facility and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 6/12/2009.

Absent - Samuels.

Ordinance 2009-Or-048, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 640 East Lake Street to the C2 District, was adopted 6/12/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-048
By Schiff
1st & 2nd Readings: 6/12/2009

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

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

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

That part of Wood & Smith Subdivision Lot 1 Emerson's Addition, Block 001, Lots 6 and 7, Minneapolis, Hennepin County, Minnesota (640 East Lake Street - Plate 25) to the C2 District.

Adopted 6/12/2009.

Absent - Samuels.

Z&P - Your Committee, to whom was referred ordinances amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, and amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, relating to amending the fee schedule for land use applications and subdivisions and establishing application fees for new zoning applications that have been established

by previously approved text amendments, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinances be given their second reading for amendment and passage.

Adopted 6/12/2009.

Absent - Samuels.

Ordinance 2009-Or-049, amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Sections 525.160 and 525.570 (to adjust fees), was adopted 6/12/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-049
By Schiff
Intro & 1st Reading: 3/27/2009
Ref to: Z&P
2nd Reading: 6/12/2009

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

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

Section 1. That Section 525.160 of the above-entitled ordinance be amended to read as follows:

525.160. Fees. (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the zoning ordinance shall pay fees in the amount listed in Table 525-1, Fees.

Section 2. That Table 525-1 of the above-entitled ordinance be amended to read as follows:

Table 525-1 Fees

<u>Application type</u>	<u>Fee (dollars)</u>
Administrative reviews of communication towers, antennas, and base units	200
<u>Administrative review of plazas</u>	<u>400</u>
<u>Administrative reviews of wind energy conversion systems</u>	<u>200</u>
Administrative reviews to increase height or floor area of accessory structures	250
Appeals of the ruling of the board of adjustment or city planning commission	300 <u>350</u>
Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance	300 <u>350</u>
Certificates of nonconforming use	500 <u>550</u>

Conditional use permits	
0 – 9,999 square feet of lot area	450 <u>550</u>
10,000 – 43,559 square feet of lot area	650 <u>750</u>
43,560 square feet or lot area or more	850 <u>950</u>
Conditional use permits related to signs, regardless of lot area	550
<u>Conditional use permit for wind energy conservation systems, regardless of lot area</u>	<u>550</u>
Conditional use permits for planned unit developments	4,900 <u>2,250</u>
 Environmental reviews	 500 or the actual costs of environmental review processes as determined by the planning director, whichever is greater
 Expansion or change of nonconforming use	 500 <u>550</u>
 Floor area ratio premiums	 1,000
 <u>Future Land Use Map amendments</u>	
<u>0 – 9,999 square feet of lot area</u>	<u>650</u>
<u>10,000 – 43,559 square feet of lot area</u>	<u>900</u>
<u>43,560 square feet of lot area or more</u>	<u>1,100</u>
 Interim uses	
0 – 9,999 square feet of lot area	450
10,000 – 43,559 square feet of lot area	650
43,560 square feet or lot area or more	850
 Shared parking	 100
 Site plan review	
0 – 9,999 square feet of lot area	650 <u>700</u>
10,000 – 43,559 square feet of lot area	950 <u>1,000</u>
43,560, square feet of lot area or more	4,250 <u>1,350</u>
 Site plan review, Administrative	
0 – 9,999 square feet of lot area	350 <u>400</u>
10,000 – 43,559 square feet of lot area	550 <u>600</u>
43,560, square feet of lot area or more	750 <u>800</u>
 Site plan review, Administrative, for single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units	 400 <u>400</u>
 Temporary uses	 400 <u>125</u>
 Transfer of development rights	 350
 Travel demand management plans	 500 <u>525</u>

VariANCES	
0 – 9,999 square feet of lot area	<u>350 400</u>
10,000 – 43,559 square feet of lot area	<u>550 600</u>
43,560 square feet of lot area or more	<u>750 800</u>
VariANCES involving residential uses on reverse corner lots or through lots having less than 10,000 square feet of lot area	150
Waiver of restrictions of interim ordinances	<u>450 350</u>
Zoning amendments	
0 – 9,999 square feet of lot area	<u>550 650</u>
10,000 – 43,559 square feet of lot area	<u>750 900</u>
43,560 square feet of lot area or more	<u>950 1,100</u>

Section 3. That Section 525.570 of the above-entitled ordinance be amended to read as follows:
525.570. Fees for reinspection of property to determine abatement. (a) *Initial inspection and first reinspection.* There shall be no fee charged for an initial inspection to determine the existence of a zoning ordinance violation, nor any fee for the first reinspection to determine compliance with an order to correct a zoning ordinance violation.

(b) *Subsequent reinspections.* A one hundred fifty dollar (~~\$100 150~~) fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order.

Adopted 6/12/2009.

Absent - Samuels.

Ordinance 2009-Or-050, amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to *Land Subdivision: Land Subdivision Regulations*, amending Section 598.180 (to adjust land subdivision fees), was adopted 6/12/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-050
By Schiff
Intro & 1st Reading: 3/27/2009
Ref to: Z&P
2nd Reading: 6/12/2009

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations.

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

Section 1. That Section 598.180 (b) (13) of the above-entitled ordinance be amended to read as follows:

598.180. Subdivision application.

(b) *Content of application.* All applications for subdivision and minor subdivision shall be processed by the zoning administrator and shall contain the following information:

(13) Fees due at the time of application, as follows:

- a. Preliminary and final plat: ~~Seven hundred fifty~~ One thousand dollars (~~\$750 1,000~~).
- b. Preliminary and final registered land survey: ~~Seven hundred fifty~~ One thousand dollars (~~\$750 1,000~~).
- c. Minor subdivision: ~~Two hundred~~ Three hundred fifty dollars (~~\$200 350~~).

Adopted 6/12/2009.

Absent - Samuels.

MOTION

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of July, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded.
Adopted 6/12/2009.
Absent - Samuels.

RESOLUTIONS

Resolution 2009R-274, recognizing June 15, 2009, as World Elder Abuse Awareness Day, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-274

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

Recognizing June 15, 2009 as World Elder Abuse Awareness Day.

Whereas, throughout the world, abuse and neglect of older persons is largely under-recognized or treated as an unspoken problem; and

Whereas, World Elder Abuse Awareness Day is in support of the United Nations International Plan of Action which recognizes the significance of elder abuse as a social issue; and

Whereas, a better understanding of abuse and neglect will support the development of awareness into action; and

Whereas, the City of Minneapolis is committed to ensuring that seniors are valued in our city and supports their contributions to our communities; and

Whereas, citizens, community organizations and public officials all have vital roles in working together and sharing information on how to prevent and recognize signs of abuse or neglect; and

Whereas, the Minneapolis Senior Ombudsman Office coordinates with agencies, programs, and professionals both in Minneapolis and beyond the city limits, and can provide information and assistance to citizens who suspect elder abuse;

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

The City of Minneapolis recognizes the work of the Minneapolis City Attorney's Office, Hennepin County Adult Protection, and the ElderCare Rights Alliance for their advocacy for seniors who are victims or potential victims of abuse or neglect.

Be It Further Resolved that we recognize the Hennepin County Attorney's Vulnerable Adult Prosecution Team for their aggressive prosecution of crimes against vulnerable seniors.

Adopted 6/12/2009.

Absent - Samuels.

Ostrow moved passage of the accompanying resolution amending Resolution 2009R-175 entitled "Amending The 2009 General Appropriation Resolution", passed by the City Council on April 24, 2009, by correcting the appropriation increase amount from \$210,000 to \$221,000 for the authorized FTE support positions. Seconded.

Adopted 6/12/2009.

Absent - Samuels.

JUNE 12, 2009

RESOLUTION 2009R-275

By Ostrow

Amending Resolution 2009R-175 entitled "Amending The 2009 General Appropriation Resolution", passed April 24, 2009.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by correcting the appropriation increase amount from \$210,000 to \$221,000 for the authorized FTE support positions, to read as follows:

"increasing the appropriation for the Business Information Services Department in the Info Tech – Internal Service Fund by \$221,000 and increasing the Revenue Source by \$221,000".

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-276, recognizing Inspector Skomra for his valuable contributions to the community, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-276

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

Recognizing Inspector Skomra for his valuable contributions to the community.

Whereas, Inspector Skomra is retiring from the police force after 39 years of serving the City of Minneapolis; and

Whereas, Inspector Skomra grew up locally on the north side of Minneapolis; and

Whereas, Inspector Skomra received 2 bronze stars and was named the Veterans of Foreign Wars Officer of the Year in 1973 for his outstanding service in Vietnam; and

Whereas, Inspector Skomra's strength and courage were evident in his recovery from being wounded in Vietnam and shot twice on the job in the police force; and

Whereas, Inspector Skomra served many departments including Organized Crime, Communications, Research and Development, Personnel, ERU/SWAT, Field Training, Intelligence, Internal Affairs, Systems Development, Homicide, Special Investigations, and the 4th and 5th Precincts; and

Whereas, Inspector Skomra most recently worked as the diligent commander of the 2nd Precinct, which had the highest part one crime reduction in Minneapolis last year, in addition to his work of building trust and understanding between citizens and the police through the Second Precinct Advisory Council; and

Whereas, Inspector Skomra demonstrated exceptional commitment by also serving on the Minnesota State Supreme Court's Committee on Racial Disparity; and

Whereas, citizens, businesses, the old County Fugitive Task Force, the Secret Service, the FBI, and many law enforcement agencies have made their gratitude known to Inspector Skomra; and

Whereas, Inspector Skomra's dedication was such that he routinely attended all three roll calls in the same day, working from 600 to 2100; and

Whereas, Inspector Skomra regularly stopped to chase a criminal on the way to dinner or work with his wife, JoAn, because for him there is no such thing as being off duty; and

Whereas, longtime friend and colleague Gary Ritari was sure that only a tapeworm could explain why Inspector Skomra always ate three lunches during B Shift but never gained any weight; and

Whereas, colleagues also liked to say that Inspector Skomra ran a three mile race in the squad car every day due to his high energy personality; and

Whereas, Inspector Skomra never knew a microphone he didn't like; and

Whereas, Inspector Skomra has earned 11 Medals of Commendation, 3 Department Awards of Merit, 1 Unit Citation, 3 Chief's Awards of Merit, and 1 Medal of Honor; and

Whereas, Inspector Skomra is known for his love of good food and good people; and

Whereas, Inspector Skomra is loved, respected, and wished well by all who know him;

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

That the City hereby recognizes Inspector Skomra as an outstanding public servant and a valuable contributor to the community.

Be It Further Resolved that the city is grateful for his care and attention, and Inspector Skomra will long be honored, remembered, and missed.

Adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-277, honoring the Minneapolis Community and Technical College Mavericks Men's Basketball Team, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-277

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

Honoring the Minneapolis Community and Technical College Mavericks Men's Basketball Team.

Whereas, the Minneapolis Community and Technical College Mavericks men's basketball team held the No. 1 ranking in the National Junior College Athletic Association's Division III Poll for seven straight weeks during the 2008-09 season; and

Whereas, the Mavericks lost just once during the regular season in their third game and then went on to win the next 31 games, capturing their 11th division title in 19 seasons and clinching a post-season berth for the 19th consecutive year; and

Whereas, the Mavericks won the NJCAA Region 13 Division III Championship; and

Whereas, the Mavericks advanced to the NJCAA's Division III national title tournament game, falling to Richland College, Texas by a single point; and

Whereas, Mavericks' coach Jay Pivec took over a team with a 0-21 record in 1990 and has led the program to 15 seasons with more than 20 victories; and

Whereas, Coach Pivec has coached seven NJCAA First-Team All-Americans at MCTC, the most of any Division III program; and

Whereas, two out of every three MCTC men's basketball players have gone on to play basketball at a four-year college or university; and

Whereas, two out of every three of those players who transfer and play basketball graduate with a bachelor's degree; and

Whereas, Coach Pivec was named this year's NJCAA Division III Coach of the Year and the Minnesota College Athletic Conference Coach of the Year (an honor awarded to him for the eighth time);

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

That we hereby honor Minneapolis Community and Technical College, the 2008-09 Mavericks Men's Basketball Team, and the work of Head Coach Jay Pivec by declaring June 12, 2009 Minneapolis Mavericks Day.

Adopted 6/12/2009.

Absent - Samuels.

UNFINISHED BUSINESS

A Zoning & Planning Committee report relating to on-premise signs (Zoning Code Text Amendments and Building Code Amendment) was postponed 6/12/2009.

Deleted from the agenda was Johnson's renewal of the notice of intent to introduce the subject matter of (1) an ordinance pursuant to Charter Chapter 2, Section 5B certifying that the City is not ready to implement Instant Runoff Voting for the 2009 election and including reasons why the City is not ready to implement that method; and (2) an ordinance pursuant to Minn. Stat. Sec. 205.065, Subd. 2, electing to choose nominees for municipal offices by a primary as provided in that section (in the event that the City needs to convert to a statutory primary and general election for 2009).

NEW BUSINESS

Glidden moved passage of the accompanying resolution designating polling places for the September 2009 Primary and the November 2009 State General and School Board Election.

Glidden moved to amend the motion and accompanying resolution to read as follows: "Glidden moved passage of the accompanying resolution designating polling places for the ~~September 2009 Primary and the November 2009 State General and School Board~~ Municipal Election. Seconded.

Adopted upon a voice vote.

Absent - Samuels.

The motion, as amended, was adopted 6/12/2009.

Absent - Samuels.

Resolution 2009R-278, designating polling places for the November 2009 Municipal Election, was adopted 6/12/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-278

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

Designating polling places for the November 2009 Municipal Election.

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated for the November 2009 Municipal Election:

FIRST WARD

PRECINCT

- 1 - Golf Building, Columbia Park, 3300 Central Ave NE
- 2 - Waite Park, 1810 34th Ave NE
- 3 - Northeast Middle School, 2955 Hayes St NE (*in Media Center*)
- 4 - Audubon Park, 1320 29th Ave NE
- 5 - Windom Park Building, 2251 Hayes St NE (*Hayes & 23rd - School Annex*)
- 6 - Parker Skyview Highrise, 1815 Central Ave NE
- 7 - Elections Warehouse, 724B Harding St NE
- 8 - River Village, 2919 Randolph St NE
- 9 - Edison High School Gym, 700 22nd Ave NE
- 10- Holland Highrise, 1717 Washington St NE

SECONDWARD

PRECINCT

- 1 - Heltzer Manor Highrise, 2121 Minnehaha Ave
- 2 - Brackett Park, 2728 39th Ave S
- 3 - Van Cleve Park, 901 15th Ave SE
- 4 - Coffman Union, 300 Washington Ave SE
- 5 - Pratt Community School, 66 Malcom Ave SE
- 6 - St. Frances Cabrini Church, 1500 Franklin Ave SE
- 7 - Seward Square Apartments, 2121 9th St S
- 8 - Seven Corners Apartments, 1400 2nd St S
- 9 - Seward Towers East, 2910 Franklin Ave E
- 10 - Coyle Community Center, 420 15th Ave S
- 11 - Grace University Lutheran Church, 324 Harvard St SE

THIRDWARD

PRECINCT

- 1 - University Lutheran Church of Hope, 601 13th Ave SE
- 2 - First Congregational Church of MN, 500 8th Ave SE
- 3 - Marcy Open School, 415 4th Ave SE
- 4 - Spring Manor Highrise, 828 Spring St NE
- 5 - St Maron Catholic Church, 219 6th Ave NE
- 6 - East Side Neighborhood Services, 1700 2nd St NE
- 7 - Cityview Performing Arts Magnet School, 3350 4th St N
- 8 - Farview Park, 621 29th Ave N
- 9 - Lynway Manor, 2415 3rd St N

FOURTHWARD

PRECINCT

- 1 - Creekview Community Center, 5001 Humboldt Ave N
- 2 - Olson/Lind Lower Campus School, 5025 Bryant Ave N
- 3 - Shingle Creek Commons, 4600 Humboldt Ave N
- 4 - Loring Community School, 2600 44th Ave N
- 5 - Henry High School, 2020 43rd Ave N
- 6 - Hamilton Manor Highrise, 1314 44th Ave N
- 7 - Luther Memorial Church, 3751 Sheridan Ave N
- 8 - Parkway United Church of Christ, 3120 Washburn Ave N
- 9 - Folwell Community Center, 1615 Dowling Ave N
- 10 - Oliver Manor Highrise, 3116 Oliver Ave N

FIFTH WARD

PRECINCT

- 1 - Minneapolis Urban League, 2100 Plymouth Ave N
- 2 - North Regional Library, 1315 Lowry Ave N
- 3 - Rainbow Terrace, 1710 Plymouth Ave N
- 4 - North Point Health & Wellness Center, Inc., 1315 Penn Ave N
- 5 - Lyndale Manor Highrise, 600 18th Ave N
- 6 - Heritage Commons at Pond's Edge, 350 Van White Memorial Blvd
- 7 - Phyllis Wheatley Community Center – Bethune Park, 1301 10th Ave N
- 8 - St. Anne's Housing, 2323 26th Ave N
- 9 - Lundstrum Center for the Performing Arts, 1617 2nd St N
- 10 - River of Life Lutheran Church, 2200 Fremont Ave N

SIXTH WARD

PRECINCT

- 1 - Whittier International School, 315 26th St W
- 2 - Whittier Park, 425 26th St W
- 3 - Minnesota Church Center, 122 Franklin Ave W (*use Pillsbury Ave entrance*)
- 4 - First Christian Church, 2201 1st Ave S
- 5 - Franklin Library, 1314 Franklin Ave E
- 6 - Pentagon Highrise, 1415 22nd St E
- 7 - Ebenezer Towers, 2523 Portland Ave S
- 8 - Ebenezer Park Apartments, 2700 Park Ave

SEVENTH WARD

PRECINCT

- 1 - Bryn Mawr Community School, 252 Upton Ave S
- 2 - St. Paul's Episcopal Church, 1917 Logan Ave S
- 3 - First Unitarian Society, 900 Mount Curve Ave
- 4 - Jones Harrison Residence, 3700 Cedar Lake Ave
- 5 - Hennepin Ave Methodist, 511 Groveland Ave
- 6 - Towers Apartments, 15 1st St S
- 7 - OPEN
- 8 - Emerson Spanish Immersion School, 1421 Spruce Place
- 9 - Westminster Church, 1200 Marquette Ave
- 10- Augustana Health Care Center, 1007 14th St E
- 11- Open Book, 1011 Washington Ave S

EIGHTH WARD

PRECINCT

- 1 - Central Gym Park, 3450 4th Ave S (*use 4th Ave S entrance*)
- 2 - Office of Indian Ministries, 3045 Park Ave
- 3 - Hosmer Library, 347 36th St E
- 4 - Holy Name Church, 3637 11th Ave S
- 5 - Sabathani Community Center, 310 38th St E
- 6 - Martin Luther King Park (Gym), 4055 Nicollet Ave
- 7 - Martin Luther King Park (Multipurpose), 4055 Nicollet Ave
- 8 - Bancroft School, 1315 38th St E
- 9 - Bethel Evangelical Lutheran Church, 4120 17th Ave S
- 10- St. Joan of Arc Gymnasium, 4537 3rd Ave S

NINTH WARD

PRECINCT

- 1 - Holy Trinity Lutheran Church, 2730 31st St E
- 2 - Sullivan Community School, 3100 28th St E
- 3 - Spirit of the Lakes United Church of Christ, 2930 13th Ave S
- 4 - Little Earth of United Tribes NELC, 2438 18th Ave S
- 5 - Powderhorn Park Building (Gym), 3400 15th Ave S
- 6 - Corcoran Neighborhood Center, 3334 20th Ave S
- 7 - Powderhorn Park Building (Multipurpose), 3400 15th Ave S
- 8 - Sibley Park Recreation Center, 1900 40th St E
- 9 - Longfellow Park, 3435 36th Ave S
- 10- Andersen School, 1098 Anderson Lane (*use Andersen Lane entrance*)
- 11- Hiawatha Towers Highrise, Bldg #2, 2121 16th Ave S

TENTHWARD

PRECINCT

- 1 - Jefferson Community School, 1200 26th St W
- 2 - Ballentine VFW Post, 2916 Lyndale Ave S
- 3 - St. Mary's Greek Orthodox Church, 3450 Irving Ave S
- 4 - Bryant Square Park, 3101 Bryant Ave S
- 5 - Horn Towers Highrise, 3121 Pillsbury Ave
- 6 - First Universalist Church, 3400 Dupont Ave S
- 7 - Painter Park, 620 34th St W
- 8 - Walker Methodist Home, 3737 Bryant Ave S
- 9 - Lyndale School, 312 34th St W
- 10- Temple Israel, 2324 Emerson Ave S (*use Fremont Ave entrance*)
- 11- Walker Library, 2880 Hennepin Ave

ELEVENTHWARD

PRECINCT

- 1 - Knox Presbyterian Church, 4747 Lyndale Ave S
- 2 - Washburn High School, 201 49th St W
- 3 - Mayflower Church, 106 Diamond Lake Road E
- 4 - Richfield Lutheran Church, 8 60th St W
- 5 - Pearl Community Center, 414 Diamond Lake Road E
- 6 - Diamond Lake Lutheran Church, 5760 Portland Ave S
- 7 - McRae Park Building, 906 47th St E
- 8 - Our Lady of Peace Church, 5426 12th Ave S
- 9 - Lake Nokomis Community Wenonah Campus, 5625 23rd Ave S

TWELFTHWARD

PRECINCT

- 1 - Sandford Middle School, 3524 42nd Ave S
- 2 - Dowling Urban Environmental School, 3900 River Pkwy W
- 3 - St Peder's Evangelical Lutheran Church, 4600 42nd St E
- 4 - Hiawatha Community School, 4201 42nd Ave S
- 5 - Keewaydin Neighborhood Center, 3030 53rd St E
- 6 - Minnehaha United Methodist Church, 3701 50th St E
- 7 - Minnesota Veterans Home (Bldg. #17), 5101 Minnehaha Ave
- 8 - St. Helena Catholic Church, 3201 43rd St E (*use Parking lot entrance*)
- 9 - Trinity Lutheran Church of Minnehaha Falls, 5212 41st Ave S
- 10- Morris Park, 5531 39th Ave S
- 11- Nokomis Community Center, 2401 Minnehaha Pkwy E

THIRTEENTHWARD

PRECINCT

- 1 - Bakken Library, 3537 Zenith Ave S
- 2 - Lake Harriet Community School - Lower Campus, 4030 Chowen Ave S
- 3 - Linden Hills Park, 3100 43rd St W
- 4 - Pershing Neighborhood Center, 3523 48th St W
- 5 - Mt. Olivet Lutheran Church, 5025 Knox Ave S
- 6 - Lynnhurst Community Center, 1345 Minnehaha Pkwy W (*use Pkwy entrance*)
- 7 - Visitation Church, 4530 Lyndale Ave S
- 8 - Armatage Neighborhood Center, 5701 Russell Ave S
- 9 - Anthony Middle School, 5757 Irving Ave S
- 10- Kenny Community School, 5720 Emerson Ave S

Adopted 6/12/2009.

Absent - Samuels.

Colvin Roy moved to introduce the subject matter of ordinances amending Title 17, Chapter 431 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Street Lighting, for first reading and referral to the Transportation & Public Works Committee (creating and implementing a street lighting fee). Seconded.

Adopted by unanimous consent 6/12/2009.

Absent - Samuels.

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, (to establish a new overlay district with regulations applicable to the University of Minnesota area), as follows:

- a) Amending Chapter 521 related to Zoning Code: Zoning Districts and Maps Generally; and
- b) Amending Chapter 551 related to Zoning Code: Overlay Districts.

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, (to amend regulations for residential buildings with 1-4 dwelling units), as follows:

- a) Amending Chapter 520 related to Zoning Code: Introductory Provisions; and
- b) Amending Chapter 535 related to Zoning Code: Regulations of General Applicability.

Samuels moved to introduce the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses, for first reading and referral to the Public Safety & Regulatory Services Committee (amending Section 362.30(e) to permit live solo comedians to perform in On-Sale Liquor Class D establishments). Seconded.

Adopted by unanimous consent 6/12/2009.

Absent - Samuels.

Samuels moved to introduce the subject matter of an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition, for first reading and referral to the Public Safety & Regulatory Services Committee (amending Section 249.80(b), Vacant Building Registration, to include a technical correction to add the word "commercial." Seconded.

Adopted by unanimous consent 6/12/2009.

Absent - Samuels.

Glidden moved that the proper City officers be authorized to execute a contract with Patrick O'Connor for the position of Interim Director of Elections, in an amount not to exceed \$75,000, to expire December 31, 2009. Seconded.

Adopted 6/12/2009.

Absent - Samuels.

Glidden moved approval of the establishment of a Ranked Choice Voting (RCV) Steering Committee which will meet regularly through December 31, 2009, with membership consisting of the City Clerk, City Attorney, City Coordinator, City Council President, Chair of the City of Minneapolis' Elections Committee, Director of the Department of Communications and the Interim Director of Elections. Seconded.

Adopted 6/12/2009.

Absent - Samuels.

Glidden moved to refer to the Ways & Means/Budget Committee a motion authorizing the City Clerk to hire temporary personnel as necessary to conduct election in November, 2009, notwithstanding the hiring freeze. Seconded.

Adopted upon a voice vote 6/12/2009.

Absent - Samuels.

JUNE 12, 2009

Glidden moved to introduce the subject matter of an ordinance amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Municipal Elections: Rules of Conduct*, for referral to the Elections Committee (setting primary date for purposes of financial disclosure only pursuant to Minn. Stat. 383B.048). Seconded.

Adopted by unanimous consent 6/12/2009.

Absent - Samuels.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 6/12/2009.

Absent - Samuels.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 6/15/2009

Official Posting: 6/22/2009