MINNEAPOLIS CITY COUNCIL
OFFICIAL PROCEEDINGS

REGULAR MEETING OF
AUGUST 8, 2008

(Published August 16, 2008, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
August 8, 2008 - 9:30 a.m.
Council President Johnson in the Chair.
Present - Council Members Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, President Johnson.
Lilligren moved adoption of the agenda. Seconded.
Benson moved to amend the agenda to include a resolution honoring the South Metro Airport Action Council for 40 years of service. Seconded.
Adopted upon a voice vote.
The agenda, as amended, was adopted upon a voice vote 8/8/2008.
Lilligren moved acceptance of the minutes of the regular meeting of July 25, 2008, and the adjourned session held July 25, 2008. Seconded.
Adopted upon a voice vote 8/8/2008.
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 8/8/2008.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE (See Rep):
NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (272938)
NRP Work Group Final Report: Framework for the Future.

COMMUNITY DEVELOPMENT (See Rep):
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272939)
Hennepin County Housing & Redevelopment Authority Affordable Housing Incentive Fund: Financial assistance to 12 Mpls projects.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272940)

Environmental Remediation Grants: Awards of Metropolitan Tax Base Revitalization Account; MN Department of Employment & Economic Development; & Hennepin County Environmental Response Fund.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (272941)

Contract Compliance Unit: Second Quarter Report.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

CIVIL RIGHTS (272942)

Civil Rights Commission: Approve Mayoral and City Council appointments and reappointments.

MAYOR (272943)

Civilian Police Review Authority: Concur with Mayor's recommendation to appoint Donald Bellfield as Chairperson.

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

PUBLIC WORKS AND ENGINEERING (272944)

Solar Photovoltaic Project at Minneapolis Convention Center: Accept grant award of $2 million from Minnesota Public Utilities Commission to purchase and install solar photovoltaic panels on Convention Center.

INTERGOVERNMENTAL RELATIONS:

MINNEAPOLIS PUBLIC SCHOOLS (272945)

Mpls Public Schools: Marketing brochure; summer school program information.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (272946)

Federal Representation Services: Contract with Patton Boggs; contract extension with Lockridge Grindal Nauen.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (272947)

aloft Hotel Minneapolis (900 Washington Av S): Grant On-Sale Liquor Class A with Sunday Sales License, subject to conditions; Hotel License; and 2:00 a.m. State Permit.

Barrio (925 Nicollet Mall): Sidewalk Cafe Plan.

Otho Restaurant & Street Lounge (929 Portland Av): Outdoor Patio Plan.

Bean Scene Too (1101 W Broadway): Sidewalk Cafe Plan.

Cafe Ena (4601 Grand Av S): Sidewalk Cafe Plan.

Herkimer Bar and Brewery (2922 Lyndale Av S): Outdoor Patio Plan.

LICENSES AND CONSUMER SERVICES (272948)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (272949)

Taxicabs: Ordinance increasing taxicab mileage and waiting time charges; authorizing an automatic annual adjustment in taxicab fare rates; and requiring distribution of passenger comment and information materials.

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

POLICE DEPARTMENT (272950)

Police Motorcycle Patrol: Request to amend Council Action to clarify annual lease amount with Harley Davidson; and authorize service and maintenance costs.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (272951)

United Transportation Union: Comments re truck weight and length resolution passed 6/20/2008.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272952)

Critical Traffic and Parking Area #12: Add 200 block of 17th St E.

University of Minnesota Trail, Phase III: Federal participation project agreements with Mn/DOT.

Minnehaha Creek Watershed District: Memorandum of Agreement.

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

PUBLIC WORKS AND ENGINEERING (272953)

Fuller North Resurfacing Project: Project approval and adoption of assessments; Comments.

North Hiawatha Resurfacing Project: Project approval and adoption of assessments; Comments.

Nicollet Ave S and 60th St E Resurfacing Projects: Project approval and adoption of assessments.

2008 Alley Resurfacing Program: Project approval and adoption of assessments.

Keep America Beautiful Grant: Accept $2,500 for Cigarette Litter Prevention Program.

Mill Quarter Municipal Parking Ramp (709 2nd St S): Six year lease of office space to Froisatoni, LLC.

Graffiti Abatement: Increase contract with Sani-Masters by $200,000.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (272954)

Redevelopment Finance District Legislation Report.

POLICE DEPARTMENT (272955)

August 2008 Monthly Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272956)

Legal Settlements: Dewayne Davidson v. City of Minneapolis, et al.; and Shirley Denise James v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (272957)

A Plus Security and USI Wireless: Donation of mobile cameras and WiFi connectivity during Republican National Convention (RNC).

COMMUNICATIONS (272958)

September 2008 Utility Billing Insert: Electronic utility billing.

HUMAN RESOURCES (272959)

Minneflex Plan and HRA/VEBA: Execute contract with Administration Resources Corporation (ARC).

Dental Benefits: Execute contract with Delta Dental.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (272960)

Appeal:

Plymouth Church Neighborhood Foundation (1801 1st Ave S): Appeal of decision denying application for a conditional use permit and a variance to allow a 21st dwelling unit with a gross floor area of 272 square feet.

Variances:

Fremont Development Partners (2838 Fremont Ave S): Vacation of a City of Minneapolis Utility Easement on the property.

Little Earth United Tribes Housing Corporation (2413 Cedar Ave S): Vacation of portion of "semi-circle" of cul-de-sac known as Ogema Place adjacent to the property.

NEW BUSINESS (See Rep):

CITY CLERK (272961)

2008 Elections: Election Judge Appointments; and Absentee Ballot Board.

FILED:

CITY CLERK (272962)

Rainbow Taxi Corporation and Samuel Z. Williams: Verbatim transcript of Administrative Citation Hearing held April 29, 2008 relating to Citation issued for non-compliance with fuel efficient and wheelchair provisions of ordinance.

HOUSING LINK (272963)

2007 Housing Counts Report

MINNESOTA COURT OF APPEALS (272964)

C & H Excavating Co v. City of Minneapolis: Unpublished opinion by Judge Hudson re Wrecker of Building License held by Keith Carlson.

MINNESOTA STATE OFFICES (272965)

Management and compliance report prepared as a result of the audit of the financial affairs of the City of Minneapolis, year ended December 31, 2007

MINNESOTA STATE OFFICES (272966)

Management and compliance report prepared as a result of the audit of the financial affairs of the Library Board of the City of Minneapolis, year ended December 31, 2007

MINNESOTA STATE OFFICES (272967)

Management and compliance report on the Minneapolis Park and Recreation Board, year ended December 31, 2007

Housing 150 - Nicollet LLC (272968)

Permission to vacate the Boulevard Reserve, Park Addition to Minneapolis, Easement on the Easterly 20 feet of Lots 1,2,3,4,5 and 6, Block 12.

The following reports were signed by Mayor Rybak on August 13, 2008, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the final Framework for the Future report prepared by the Neighborhood Revitalization Program Work Group, now recommends:

1) That the report be amended by adding the following language on page 3 under **Administrative Funding to Neighborhood Organizations**: "This is a basic city service for which the City will provide funding of approximately $3,000,000 per year to neighborhood organizations. (This amount is based

on an analysis of the annual level of NRP funding used by neighborhood organizations to cover the staffing and operating expenses associated with the services that they provide to the community.)";

2) That the amended report be received and filed;

3) That Committee of the Whole be established as the home committee for future discussions and actions related to the approval and implementation of the proposed structure and objectives for the City's relationship with neighborhoods going forward with referral of subject matter to standing committees as appropriate; and

4) That the budget framework of the Administrative Support Allocations, Neighborhood Investment Fund, and Community Innovation Fund be referred to the Ways & Means/Budget Committee for development of details related to the funding sources.

Adopted 8/8/2008.

The COMMUNITY DEVELOPMENT Committee submitted the following report:

Comm Dev - Your Committee, having under consideration Hennepin County Housing and Redevelopment Authority's approval of up to $3,360,500 in Affordable Housing Incentive Fund financing, now recommends passage of the accompanying resolution approving financial assistance to the following Minneapolis projects:

a) City of Lakes Community Land Trust/Greater Metropolitan Housing Corporation Affordability Initiative for $210,000;

b) City of Lakes Community Land Trust Homeowner Initiated Program for $150,000;

c) Project: Reclaim for $300,000;

d) Minnesota Lead-Safe Housing Partnership for $52,120;

e) Alliance Scattered Site Rehab for $223,380;

f) Fremont Flats for $300,000;

g) Hope Stabilization for $200,000;

h) Little Earth of United Tribes – Phase V for $740,000;

i) Penn Avenue Apartments for $385,000;

j) Alliance Addition for $300,000;

k) Old Third Avenue Townhomes for $300,000, with the condition that acceptance of these funds does not constitute the City Council's approval for a land sale or any additional funds; and

l) Nicollet Square for $200,000.

Adopted 8/8/2008.

Resolution 2008R-333, requesting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to City of Lakes Community Land Trust/Greater Metropolitan Housing Corporation Affordability Initiative ($210,000), City of Lakes Community Land Trust Homeowner Initiated Program ($150,000), Project: Reclaim ($300,000), MN Lead-Safe Housing Partnership ($52,120), Alliance Scattered Site Rehab ($223,380), Fremont Flats ($300,000), Hope Stabilization ($200,000), Little Earth of United Tribes – Phase V ($740,000), Penn Avenue Apartments ($385,000), Alliance Addition ($300,000), Old Third Avenue Townhomes ($300,000) and Nicollet Square ($200,000) under the Minnesota Housing and Redevelopment Authorities Act, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-333
By Goodman

Requesting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to City of Lakes Community Land Trust / Greater Metropolitan Housing Corporation Affordability Initiative ($210,000), City of Lakes Community Land Trust Homeowner Initiated Program ($150,000), Project: Reclaim ($300,000), MN Lead-Safe Housing Partnership ($52,120), Alliance Scattered Site Rehab ($223,380), Fremont Flats ($300,000), Hope Stabilization ($200,000), Little Earth of United Tribes – Phase V ($740,000), Penn Avenue Apartments ($385,000), Alliance Addition ($300,000), Old Third Avenue Townhomes ($300,000) and Nicollet Square ($200,000) under the Minnesota Housing and Redevelopment Authorities Act.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development ("CPED") that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to $3,360,500, to the City of Minneapolis for the twelve (12) projects identified in this report in Minneapolis, Minnesota (the "Projects"); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, subd. 2, the County HRA cannot exercise its powers within the boundaries of the City unless the City requests the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance for the Projects in the City;

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to $3,360,500 from the County.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City to assist the Projects, nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Projects.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the Projects and Property ownership, and the City shall retain all other powers and jurisdiction over matters relating to the City and the Projects.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects to be undertaken.

Be It Further Resolved that appropriate staff of the City are authorized to execute and deliver to the County HRA necessary contracts or documents, if any, relating the Projects.

Adopted 8/8/2008.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant applications, now recommends that the proper City officers be authorized to accept and appropriate the following grant awards with the agencies and for projects listed below, and that the

proper City officers be authorized to execute grant, subrecipient and/or disbursement and related agreements for these grants:

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

1. Broadway Plaza, $224,400
2. Dunwoody Flats, $161,600

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

1. Broadway Plaza, $77,274
2. Crown Iron/1361 Tyler St NE, $145,610

Hennepin County Environmental Response Fund Grant Awards:

1. 807-817 4th St SE, $31,065; recipient City of Minneapolis
2. Bassett Creek Valley-Linden Yards West, $86,500; recipient City of Minneapolis
3. Broadway Plaza, $198,867; recipient City of Minneapolis
4. Bystrom/Franklin Station, $26,715; recipient Seward Redesign
5. Dunwoody Flats, $494,400; recipient City of Minneapolis
6. Former Acme Tag & Label site, $70,050; recipient City of Minneapolis
7. North Branch Library, $10,000; recipient Emerge Community Development
8. Salem Lutheran Church, $35,000; recipient City of Minneapolis
9. Standard Heating & Air Conditioning, $88,702; recipient City of Minneapolis

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

Adopted 8/8/2008.

RESOLUTION 2008R-334
By Goodman and Ostrow

Amending the 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) Grants-Other Fund (01600-8900320) by $821,353;

b) Increasing the appropriation in the CPED Grants-Other Fund (01600-8900220) by $792,115;

c) Increasing the revenue source in the CPED Grants-Other Fund (01600-8900900-321504) by $222,884;

d) Increasing the revenue source in the CPED Grants-Other Fund (01600-8900900-321513) by $386,000;

e) Increasing the revenue source for CPED Grants-Other Fund (01600-8900900-322002) by $1,004,584.

Adopted 8/8/2008.

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

HE&E – Your Committee, having under consideration the Mayor and City Council appointments and reappointments to the Civil Rights Commission, and having held a public hearing thereon, now recommends approval of the following:

Mayoral Appointments, for terms to expire August 31, 2011

Kristian Maul, Ward 9 (Attorney)

Valorie Jones, Ward 5

Christine Hilleary, Ward 13

City Council Appointment, for a term to expire August 31, 2010
Robert Simon, Ward 7
Mayoral Reappointments, for terms to expire August 31, 2010
Anita Urvina Davis, Ward 4
Vladimir Monroe, Ward 3
City Council Reappointment, for term to expire August 31, 2010
Louisa Hext, Ward 9
Mayoral Reappointments, for terms to expire August 31, 2011
Amy Johnson, Ward 7 (Attorney)
Frances Li, Ward 11 (Attorney)
Michelle Monteiro, Ward 9 (Attorney)
Sonja Peterson, Ward 1 (Attorney)

Your Committee further recommends that the following appointments be **sent forward without recommendation**:

Mayoral Appointment, to expireAugust 31, 2010
Sharon R. Osborn, Ward 12 (Attorney)
City Council Appointment, to expireAugust 31, 2009
Allen Kathir

Benson 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.

The report, as amended, was adopted 8/8/2008.

HE&E – Your Committee recommends concurrence with the Mayor to appoint Donald Bellfield, Ward 8, as Chair of the Minneapolis Civilian Police Review Authority for a two-year term to expire December 31, 2009.

Adopted 8/8/2008.

HE&E – Your Committee, to whom was referred the following ordinances amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, correcting a reference to the Minneapolis City Charter relating to high-risk sexual conduct and modernizing language relating to delegation of authority, now recommends that said ordinances be given their second reading for amendment and passage:

a. Chapter 214 relating to *Department of Health and Family Support*;
b. Chapter 219 relating to *Contagious Diseases*.

Adopted 8/8/2008.

Ordinance 2008-Or-058, amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Department of Health and Family Support*, amending Section 214.40 to correct a reference to the Minneapolis City Charter relating to high-risk sexual conduct, was adopted 8/8/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2008-Or-058
By Benson
Intro & 1st Reading: 7/11/2008
Ref to: HE&E
2nd Reading: 8/8/2008

Amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Department of Health and Family Support.

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

Section 1. That Section 214.40 of the above-entitled ordinance be amended to read as follows:

214.40. Department organization. The commissioner of health may modify the management structure of the department, including modification of the duties, position descriptions or titles of any of the seven bureau directors authorized by Charter Chapter ~~8~~ 14, Section ~~14~~ 8 in order to more effectively carry out the duties assigned to the department by this title and the city council.

Adopted 8/8/2008.

Ordinance 2008-Or-059, amending Title 11, Chapter 219 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Contagious Diseases*, amending Section 219.510 and 219.530 to modernize high risk sexual conduct language relating to delegation of authority, was adopted 8/8/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2008-Or-059
By Benson
Intro & 1st Reading: 7/11/2008
Ref to: HE&E
2nd Reading: 8/8/2008

Amending Title 11, Chapter 219 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Contagious Diseases.

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

Section 1. That Section 219.510 of the above-entitled ordinance be amended by adding thereto a new subdivision (7) to read as follows:

219.510. Definitions.

(7) The words "Director of Operations and Regulatory Services" mean the City of Minneapolis Director of Operations and Regulatory Services.

Section 2. That Section 219.530 of the above-entitled ordinance be amended to read as follows:

219.530. Powers of the commissioner of health and the director of operations and regulatory services.

(1) In exercising powers conferred by this or any other section of this Code relating to communicable diseases, the board of health and the commissioner of health or the director of operations and regulatory services shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services which relate to the spread of infectious diseases. Any regulations which are adopted by the board of health which relate to controlling the spread of infectious diseases shall also apply in exercising the powers authorized by this Code.

(2) In order to ascertain the source of infection and reduce its spread, the commissioner of health, and persons under the commissioner's direction and control, or the director of operations and regulatory services, and persons under the director's direction and control, shall have full power and authority to inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, which may be a site of high-risk sexual conduct. If the commissioner of health or the director of operations and regulatory services determines that a hazardous site exists, the commissioner of health or the director of operations and regulatory services shall declare it to be a public health hazard and public health nuisance and shall then:

(a) Notify the management, owner or tenant of the premises that the commissioner or director has reasonable belief that the premises, building or structure is a hazardous site.

(b) Issue warnings to the management, owner or tenant of the premises stating the reasons for the commissioner's or director's belief that the premises, building, or structure is a hazardous site.

(c) Once such notice and warnings have been issued, the commissioner, or the commissioner's appointee or the director or the director's appointee shall proceed as follows:

(i) After the management, owner or tenant of the premises has been notified in writing as to the basis of the commissioner's or the director's determination, the management, owner or tenant shall have ten (10) days to request a hearing before the commissioner or the commissioner's appointee or the director or the director's appointee for a determination as to the existence of such hazardous site. If the management, owner or tenant of the premises does not request a hearing within ten (10) days of the notice, the commissioner or the director shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site. The commissioner of health or the director of operations and regulatory services shall cause orders to be issued to the management, owner or tenant of the premises constituting the hazardous site to take corrective measures to prevent high-risk sexual conduct from taking place within the premises.

(ii) If the management, owner or tenant of the premises requests a hearing, the hearing shall be held before the commissioner or the commissioner's appointee or the director or the director's appointee at a date not more than thirty (30) days after demand for a hearing. After considering all evidence, the commissioner or the commissioner's appointee or the director or the director's appointee shall make a determination as to whether the premises constitutes a hazardous site. The commissioner or the director shall then issue a decision based upon all evidence presented. If the commissioner or the commissioner's appointee or the director or the director's appointee makes a determination that the premises constitute a hazardous site, the commissioner or the director shall then issue an order and cause the premises, building or structure to be posted with a warning advising the public that the premises have been declared a hazardous site.

(d) If, within thirty (30) days from issuance of the orders to the management, owner or tenant of the hazardous site, the commissioner of health or the director of operations and regulatory services determines that such corrective measures have not been undertaken, then the commissioner of health or the director of operations and regulatory services may order the abatement of the hazardous site as a public nuisance, which shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or may secure a court order for the closure of the premises constituting the "hazardous site" until the premises, building, or structure is in compliance with the standards set forth in section 219.520.

(e) Any person who removes, destroys, or defaces warnings posted on premises shall be guilty of a misdemeanor.

Adopted 8/8/2008.

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

HE&E & W&M/Budget – Your Committee, having under consideration a request by the Department of Public Works to accept grant funds and negotiate and execute certain agreements for the Solar Photovoltaic Project at the Minneapolis Convention Center, now recommends the following:

a. That the proper City officers be authorized to accept a grant award of $2,000,000 in Renewable Development Funds from the Minnesota Public Utilities Commission to be utilized in partnership with EyeOn Energy, LLC for the purchase and installation of 600 kilowatt of solar photovoltaic panels to be installed on the Minneapolis Convention Center.

b. That City staff be directed to enter into negotiations with EyeOn Energy, LLC and/or the Minnesota Public Utilities Commission as needed to obtain such grant awards.

c. That City staff be directed to move forward with negotiations as to a 20-year Power Purchase Agreement with EyeOn Energy, LLC for the purchase of renewable electric energy produced by EyeOn Energy at the Minneapolis Convention Center.

d. That prior to execution of any such agreements, that staff be directed to report back to the Health, Energy & Environment and Ways & Means/Budget Committees, and the City Council.

Adopted 8/8/2008.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee, having under consideration federal representation services, now recommends that the proper City officers be authorized to enter into a contract with Patton Boggs in an amount not to exceed $144,000, for the period 9/1/2008 to 8/31/2009.

Your Committee further recommends that the federal representation services contract with Lockridge Grindal Nauen be extended, for an amount of not less than $48,000, for the period 9/1/2008 to 8/31/2009.

Colvin Roy moved that the report be referred back to the Intergovernmental Relations Committee. Seconded.

Goodman moved a substitute motion to postpone. Seconded.

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

Yeas - Lilligren, Colvin Roy, Goodman, Hofstede, Johnson.

Nays - Ostrow, Schiff, Glidden, Remington, Benson, Hodges, Samuels, Gordon.

Colvin Roy's motion lost. Yeas, 5; Nays, 8 as follows:

Yeas - Lilligren, Colvin Roy, Goodman, Hofstede, Johnson.

Nays - Ostrow, Schiff, Glidden, Remington, Benson, Hodges, Samuels, Gordon.

Colvin Roy moved that the report be divided so as to consider the second paragraph separately. Seconded.

Adopted by unanimous consent.

The balance of the report was adopted 8/8/2008.

Yeas, 8; Nays, 5 as follows:

Yeas - Ostrow, Schiff, Glidden, Remington, Benson, Hodges, Samuels, Gordon.

Nays - Lilligren, Colvin Roy, Goodman, Hofstede, Johnson.

IGR - Your Committee, having under consideration federal representation services, now recommends that the proper City officers be authorized to extend the contract with Lockridge Grindal Nauen, for an amount of not less than $48,000, for the period 9/1/2008 to 8/31/2009.

Adopted 8/8/2008.

IGR - Your Committee recommends passage of the accompanying resolution in support of the 2008 Clean Water, Land and Legacy Amendment to the Minnesota State Constitution.

Adopted 8/8/2008.

Resolution 2008R-335, in support of 2008 Clean Water, Land and Legacy Amendment to the Minnesota State Constitution, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-335
By Benson and Hodges

In support of 2008 Clean Water, Land and Legacy Amendment to the Minnesota State Constitution.

Whereas, Minneapolis is known as the City of Lakes; and

Whereas, the Sustainability Indicators adopted by the City of Minneapolis acknowledge the need of clean water for drinking, fishing, swimming, for the benefit of ourselves, our children and future generations; and

Whereas, funding for water, parks, and wildlife habitat remains near historic lows, and we are losing access for swimming, fishing, and wildlife watching; and

Whereas, there is tremendous growth in Minnesota: over 1 million acres of wooded lands, natural areas and farmland are projected to be lost over the next 25 years, as Minnesota continues growing faster than any other state in the Midwest; and

Whereas, the proposed measure will also help to fight global warming by protecting forests and grasslands in Minnesota; and

Whereas, Minneapolis has a long and proud tradition of arts and cultural resources; and

Whereas, arts and cultural education are critical not only to our children's future but also to our state's economic well-being as Minnesota's largest employers have had great success in recruiting and retaining executives to our state because of our way of life: a strong arts community, a civic-minded population, and a rich tradition of arts and cultural resources;

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

That the City of Minneapolis does hereby affirm, endorse and encourage citizen passage of the 2008 Clean Water, Land and Legacy Amendment on the November 4th state ballot.

Adopted 8/8/2008.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, increasing the taxicab mileage and waiting time charges; authorizing an automatic annual adjustment in taxicab fare rates in a percentage equal to annual changes in certain Indexes, and requiring taxicab vehicle licensees to distribute passenger comment and information materials, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Ordinance 2008-Or-060, amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending Sections 341.590, 341.720, 341.750, 341.775 to increase the taxicab mileage and waiting time charges; to authorize an automatic annual adjustment in taxicab fare rates in a percentage equal to annual changes in certain Indexes, and to require taxicab vehicle licensees to distribute passenger comment and information materials, was adopted 8/8/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2008-Or-060
By Samuels
Intro & 1st Reading: 6/20/2008
Ref to: PS&RS
2nd Reading: 8/8/2008

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

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

Section 1. That Section 341.590 (q) of the above-entitled ordinance be amended to read as follows:

341.590. Condition of vehicle. No taxicab shall be licensed, nor shall any person licensed under Article III of this chapter operate such vehicle, until it has been thoroughly and carefully examined and found to comply with the following:

(q) Every taxicab licensee shall permanently affix to either the back of the front seat passenger side headrest, or the back of the front seat passenger side, beginning no lower than three (3) inches from the top of the front seat of the taxicab, an information card made of a laminated material at least three (3) inches by five (5) inches in size in Braille. This information card will contain the name of the taxicab company, the cab number and the phone number of the office of licenses and consumer services. Also affixed to the back of either the front driver or front passenger seat headrest, or other location easily accessible to passengers, shall be a pamphlet holder suitable to store and display informational materials, passenger survey cards, or other materials as designated by the Director of Licenses and Consumer Services. Such pamphlet holder shall be designed to hold pamphlets or cards with a maximum width of four (4) inches. Taxicab licensees must maintain a supply of customer information and comment cards for immediate passenger use at all times.

Section 2. That Section 341.720 of the above-entitled Ordinance be amended to read as follows:

341.720. Mileage charges. The maximum rate of fare based upon mileage shall be as follows:

For each load of five (5) passengers, or less, for the first one-fifth (1/5) mile or fraction thereof . . . $2.50

For each succeeding one-fifth (1/5) of a mile, or fraction thereof . . . ~~0.38~~ 0.47

A driver may require a five-dollar ($5.00) minimum charge to employ any taxicab in Minneapolis. If a driver chooses to require a minimum fare, the minimum charge shall be displayed on both sides and the rear of each vehicle. In addition, such notice of minimum charge shall be posted inside in a manner clearly legible to passengers, nor shall any operator be barred from offering a discount to senior citizens whom have attained the age of sixty-five (65) years of age.

Section 3. That Section 341.750 of the above-entitled ordinance be amended to read as follows:

341.750. Waiting time. Charges for waiting time shall be as follows: For each minute or fraction thereof, ~~thirty-five cents ($0.35)~~; forty cents ($0.40) waiting time shall include the time when the taxicab is not in motion, beginning with the time of arrival at the place to which it has been called, or the time consumed while it is standing at the direction of the passenger. No charge shall be made for the time lost on account of inefficiency of any taxicab or its operation or time consumed by premature response to a call.

Section 4. That Section 341.775 of the above-entitled ordinance be amended to read as follows:

341.775. Review of fares. Taxicab fare rates shall be reviewed ~~every twenty-four (24) months in conjunction with the hearing required in section 341.270(a)~~ by the Director annually. The maximum meter fare amounts for mileage charges herein established shall be subject to an automatic annual adjustment effective each March first thereafter in a percentage equal to annual changes in the Midwest Region CPI-U (Consumer Price Index-Urban), Transportation Expenditure Category, for the period ending December thirty-first of the preceding calendar year. Notification of the annual adjustment to the taxicab meter rate shall be made to taxicab service company at least thirty (30) days prior to taking effect.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

PS&RS – Your Committee, having under consideration a resolution approving a one dollar ($1.00) per passenger taxicab fuel surcharge from September 1 through September 6, 2008, now recommends that said resolution be **sent forward without recommendation**.

Schiff moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be adopted"; and further, that the resolution be amended by:

a. deleting the language "from September 1, 2008 to September 6, 2008" and inserting in lieu thereof "from September 1, 2008 through February 28, 2009".

b. by deleting the words "per passenger" and inserting in lieu thereof "per trip". Seconded.

Adopted upon a voice vote.

The report lost 8/8/2008. Yeas, 2; Nays, 11 as follows:

Yeas – Schiff, Remington.

Nays – Ostrow, Lilligren, Colvin Roy, Glidden, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Johnson.

PS&RS - Your Committee, having under consideration the application of 900 Washington Hotel LLC, dba aloft Hotel Minneapolis, 900 Washington Av S, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, a Hotel License, and a 2:00 a.m. State Permit, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting said licenses.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Approved by Mayor Rybak 8/8/2008.

(Published 8/12/2008)

Resolution 2008R-336, granting the application of aloft Hotel Minneapolis, 900 Washington Av S, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions; a Hotel License; and a 2:00 a.m. State Permit, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-336
By Samuels

Granting the application of aloft Hotel Minneapolis, 900 Washington Av S, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions; a Hotel License; and a 2:00 a.m. State Permit.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by 900 Washington Hotel LLC, dba aloft Hotel Minneapolis, 900 Washington Av S, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2008, subject to the following conditions; a Hotel License (new business) to expire November 1, 2008; and a 2:00 a.m. permit issued by the State of Minnesota:

1. The establishment may not operate as a sexually orientated use as is defined in Section 549.340 of the Minneapolis Code of Ordinances.

2. The applicant 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, employee 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 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.

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

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Approved by Mayor Rybak 8/8/2008.

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

a. Uptown Brewing Co LLC, dba Herkimer Bar & Brewery, 2922 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for outdoor area) to expire October 1, 2008.

b. Ruizena Inc, dba Cafe Ena, 4601 Grand Av S, for an On-Sale Wine Class D with Strong Beer License (expansion of premises for sidewalk cafe and new manager), to expire April 1, 2009; a Sidewalk Cafe License (new business) to expire April 1, 2009, and a Catering License (new business) to expire April 1, 2009.

c. Bean Scene Too, LLC, dba Bean Scene Too, 1101 W Broadway #150, for a Sidewalk Cafe License (new business) to expire April 1, 2009.

d. Schubert-Phanthavong LLC, dba Otho Restaurant & Street Lounge, 949 Portland Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for an outdoor seating area) to expire October 1, 2008.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

PS&RS - Your Committee, having under consideration the application of Toro Restaurant LLC, dba Barrio, 925 Nicollet Mall, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2009, a Sidewalk Cafe License (new business) to expire April 1, 2009, and a 2:00 a.m. permit issued by the State of Minnesota, 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 8/8/2008.

Absent – Glidden, Hodges.

Approved by Mayor Rybak 8/8/2008.

(Published 8/12/2008)

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

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Resolution 2008R-337, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-337
By Samuels

Granting applications for 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 272948):

Off-Sale Liquor, to expire October 1, 2008

D T B Corporation, dba Greenway Liquor, 105 W Grant St (expansion of premises)

On-Sale Liquor Class A with Sunday Sales, to expire August 16, 2008

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (Tailgate Party, August 16, 2008, Noon to 2:30 a.m.)

On-Sale Liquor Class A with Sunday Sales, to expire August 3, 2008

Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall (Sommerfest, July 12 to August 3, 2008, all day)

On-Sale Liquor Class B with Sunday Sales, to expire September 2, 2008

P J Hafiz Club Management Inc, dba Sneaky Pete's, 14 5th St N (temporary expansion of premises, July 2, 2008, 11:00 a.m. to 2:00 a.m.)

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

Twin Cities Entertainment Inc, dba Aqua Nightclub, 400 1st Av N #110 (owner as new manager)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2008

Sam Ventures Inc, dba Imperial Room, 417 1st Av N (expansion of premises)

On-Sale Liquor Class B with Sunday Sales, to expire September 5, 2009

Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 Hennepin Av #100 (Internal expansion of premises, Republican National Convention event, August 30 to September 5, 2008, all day)

On-Sale Liquor Class C-2 with Sunday Sales, to expire August 17, 2008

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (Bocce Ball Tournament, August 16 & 17, 2008, 10:00 a.m. to 10:00 p.m.)

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 20, 2008

Jahraus Management LLC, dba Nick and Eddie, 1612 Harmon Pl (temporary expansion of premises, July 19 & 20, 2008, 9:00 a.m. to 8:30 p.m.)

On-Sale Liquor Class D with Sunday Sales, to expire August 17, 2008

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE (temporary expansion and temporary outdoor entertainment, August 15 – 17, 2008, 7th Annual Tent Party)

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

Schubert-Phanthavong LLC, dba Otho Restaurant & Street Lounge,
949 Portland Av S (internal transfer of shares)

Temporary On-Sale Beer

Church of St. Austin, 4050 Upton Av N (Fundraiser, July 19, 2008, 5:30 p.m. to 9:00 p.m.)

Adopted 8/8/2008.

Absent – Glidden, Hodges.

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

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Resolution 2008R-338, granting applications for Business Licenses, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-338
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 August 8, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272948):

Place of Entertainment; Boarding House; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Precious Metal Dealer; Recycling/Salvage Yard; Secondhand Goods Class B; Antique Dealer Class B; Solicitor – Company; Solicitor – Individual; Solid Waste Hauler; Swimming Pool – Public; Taxicab Service Company; Taxicab Vehicle; Tobacco Dealer; Wrecker of Buildings Class B.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

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

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Resolution 2008R-339, granting applications for Gambling Licenses, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-339
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 272948):

Gambling Exempt

Painters and Allied Trades for Children, dba Painters and Allied Trades, 3205 Country Dr, Little Canada (Raffle July 25, 2008 at Hilton Minneapolis, 1001 Marquette)

Twin Cities Habitat for Humanity, dba Twin Cities Habitat for Humanity, 3001 4th St SE (Raffle August 6, 2008).

Adopted 8/8/2008.

Absent – Glidden, Hodges.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Restaurant Miami, 913 W Lake St.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

Resolution 2008R-340, approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Restaurant Miami, 913 W Lake St, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-340
By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor License held by Restaurant Miami, 913 W Lake St.

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

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee failed to meet business license management requirements in Section 259.10 of the Minneapolis Code of Ordinances by not complying with numerous violations that were noticed to the licensee;

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

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

1. The owner/licensee shall pay all outstanding citations and fees owed to the City:

   a. Administrative Citation #08-0622863 issued by Licenses & Consumer Services in the amount of $250.

   b. Three Administrative Citations #EHFS08-00127 issued by Environmental Health & Food Safety in the amount of $600.

c. False Alarm fees owed to Licenses & Consumer Services in the amount of $500
d. PCAB fees owed to Environmental Management and Safety in the amount of $318.

2. That the owner/licensee will not apply for an on-sale alcohol license for a period of at least three years.

3. The licensee understands that the license for Afterbar Inc LLC expires on June 30, 2008 and will close the business immediately and will not allow any operation of a restaurant until such time as a valid license is issued by the City.

Adopted 8/8/2008.

Absent – Glidden, Hodges.

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

PS&RS & W&M/Budget - Your Committee, having under consideration a report passed June 20, 2008 executing an agreement with Saint Paul Harley-Davidson/Buell of St. Paul for leasing of police-equipped motorcycles for the Police Motorcycle Patrol, now recommends the following:

PS&RS – that said report be amended to clarify that the lease contract for eight motorcycles be for an estimated annual contract cost of $27,880; and that service and maintenance be an additional expenditure.

W&M/Budget – that said report be sent forward without recommendation.

Ostrow moved that the report be amended to approve the Public Safety & Regulatory Services Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/8/2008.

Absent – Glidden, Hodges.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration a petition from residents of the 200 block of 17th St E to be included in the established "Type B" Critical Traffic and Parking Area #12, as set forth in Petn No 272952, the Public Works Department having verified that said petition represents more than 75 percent of the residents of the affected properties, and having determined that the findings are met and meet the requirements for a Critical Traffic and Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, by adding the 200 block of 17th St E to Critical Parking Area #12, "No Parking from 5 am to 7 pm Daily, Except by Permit."

Adopted 8/8/2008.

Ordinance 2008-Or-061, amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, adding the south side of 17th St E between 2nd and 3rd Ave S to Critical Parking Area #12, was adopted 8/8/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2008-Or-061
By Colvin Roy
1st and 2nd Readings: 8/8/2008

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*".

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

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding to Critical Parking Area #12 the following No Parking Zone:

No. 7114 - South side of 17th Street East between 2nd and 3rd Avenues South (Critical Parking Area #12) (No Parking, 5 am to 7 pm Daily, Except by Permit).

Adopted 8/8/2008.

T&PW - Your Committee, having under consideration the University of Minnesota Trail Project, Phase III, now recommends passage of the accompanying resolution authorizing the execution of two interagency agreements with the Minnesota Department of Transportation prescribing the terms and conditions of Federal Participation in Force Account and Federal Participation in Right-of-Way, pending satisfactory review by the proper City officers.

Adopted 8/8/2008.

Resolution 2008R-341, authorizing the execution of two interagency agreements with the Minnesota Department of Transportation prescribing the terms and conditions of Federal Participation in Force Account and Federal Participation in Right-of-Way, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-341
By Colvin Roy

Authorizing the execution of two interagency agreements with the Minnesota Department of Transportation for Federal Participation in Force Account (Agreement No 92693) and for Federal Participation in Right-of-Way (Agreement No 92905) for the University of Minnesota Trail, Phase III (City Project No 9847), pending satisfactory review by the proper City officers.

Whereas, in 2007 the City of Minneapolis pursued and received a federal aid grant in the amount of $2.5 million to cover costs associated with right-of-way acquisition, design, construction, and construction engineering on the University of Minnesota Trail, Phase III; and

Whereas, that pursuant to Minnesota Statute 161.36, Subd. 2, the federal aid funds are distributed to the states through the State Highway Agency, which are then made available to the local agencies for eligible transportation projects; and

Whereas, in the State of Minnesota, the Minnesota Department of Transportation (Mn/DOT) Commissioner of Transportation is the appointed Agent to distribute these funds; and

Whereas, before the project costs are eligible for reimbursement, the City of Minneapolis needs to enter into an agreement with Mn/DOT which outlines the use of the funds and the conditions of the agency as prescribed by federal laws; and

Whereas, Agreement 92905 is for Federal Participation in Right-of-Way, and Agreement 92693 is for Federal Participation in Force Account;

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

That the proper City Officers are hereby authorized and directed, on behalf of the City, to execute and enter into an agreement with the Mn/DOT Commissioner of Transportation prescribing the terms and conditions of said federal aid participation, as set forth and contained in Minnesota Department of Transportation Agency Agreement Numbers 92693 and 92905.

Adopted 8/8/2008.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and enter into a Memorandum of Agreement with the Minnehaha Creek Watershed District for the identification of a future project for the siting of a sediment control measure in lieu of measures for Combined Sewer Overflow Projects 010, 038, 053, and 110.

Adopted 8/8/2008.

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

T&PW & W&M/Budget - Your Committee, having under consideration the Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270, and having held a public hearing thereon, now recommends that the project boundaries be amended by postponing the resurfacing of the following streets until such time as the Stevens Avenue Reconstruction Project is performed, following the reconstruction of I-35W:

- 1st Ave S, from 46th St E to 48th St E;
- 47th St E, from Nicollet Ave S to Stevens Ave S; and
- 48th St E, from Nicollet Ave S to Stevens Ave S.

Your Committee further recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments for the project;

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for Phase I of the project; and

c) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for Phase II of the project.

Adopted 8/8/2008.

Resolution 2008R-342, ordering the work to proceed and adopting the special assessments for the Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-342
By Colvin Roy and Ostrow

2008 STREET RESURFACING PROGRAM
FULLER NORTH STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2270

Ordering the work to proceed and adopting the special assessments for the Fuller North Project.

Whereas, a public hearing was held on July 29, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2008R-256, passed June 20, 2008, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments; and

Whereas, said resurfacing project will be done in (2) construction seasons as Phase I in 2008 and Phase II in 2009.

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2008R-256, passed June 20, 2008, with Phase I being all of the streets as designated in said resolution except for:

1st Ave S from 46th St E to 48th St E; and

47th and 48th Sts E from Nicollet Ave S to Stevens Ave S

which will be resurfaced as Phase II in 2009.

Be It Further Resolved that the proposed special assessments in the amount of $696,956.86 for Phase I and $69,696.88 for Phase II, 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 for Phase I to begin on the 2009 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 for Phase I to begin on the 2009 real estate tax statements.

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 for Phase II 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 for Phase II to begin on the 2010 real estate tax statements.

Adopted 8/8/2008.

RESOLUTION 2008R-343
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $696,955 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 Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270(8), 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 8/8/2008.

RESOLUTION 2008R-344
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $69,695 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 Fuller North Street Resurfacing Project, Special Improvement of Existing Street No 2270(9), 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 8/8/2008.

T&PW & W&M/Budget - Your Committee, having under consideration the North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269, and having held a public hearing thereon, 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 project.

Adopted 8/8/2008.

Resolution 2008R-345, ordering the work to proceed and adopting the special assessments for the North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-345
By Colvin Roy and Ostrow

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

Ordering the work to proceed and adopting the special assessments for the North Hiawatha Project.

Whereas, a public hearing was held on July 29, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2008R-257, passed June 20, 2008, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2008R-257, passed June 20, 2008.

Be It Further Resolved that the proposed special assessments in the total amount of $925,299.28, 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 2009 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 2009 real estate tax statements.

Adopted 8/8/2008.

RESOLUTION 2008R-346
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $925,295 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 North Hiawatha Street Resurfacing Project, Special Improvement of Existing Street No 2269, 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 8/8/2008.

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5188, and the 60th St E Street Resurfacing Project, Special Improvement of Existing Street No 5189, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments for the projects;

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for Nicollet Ave S Project; and

c) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for 60th St E Project.

Adopted 8/8/2008.

Resolution 2008R-347, ordering the work to proceed and adopting the special assessments for the Nicollet Ave S, Special Improvement of Existing Street No 5188, and 60th St E, Special Improvement of Existing Street No 5189, Street Resurfacing Projects, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-347
By Colvin Roy and Ostrow

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

Ordering the work to proceed and adopting the special assessments for the Nicollet Ave S and 60th St E Projects.

Whereas, public hearings were held on July 29, 2008, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2008R-255, passed June 20, 2008, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2008R-255, passed June 20, 2008.

Be It Further Resolved that the proposed special assessments in the total amount of $144,898.04 for Nicollet Ave S and $51,834.74 for 60th St E, 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 2009 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 2009 real estate tax statements.

Adopted 8/8/2008.

RESOLUTION 2008R-348
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $144,895 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 Nicollet Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5188, 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 8/8/2008.

RESOLUTION 2008R-349
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of $51,830 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 60th St E Street Resurfacing Project, Special Improvement of Existing Street No 5189, 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 8/8/2008.

T&PW & W&M/Budget - Your Committee, having under consideration the 2008 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS08#1, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments for the program; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds for the program.

Adopted 8/8/2008.

Approved by Mayor Rybak 8/8/2008.

(Published 8/12/2008)

Resolution 2008R-350, ordering the work to proceed and adopting the special assessments for the 2008 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS08#1, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-350
By Colvin Roy and Ostrow

2008 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS08#1

Ordering the work to proceed and adopting the special assessments for the 2008 Alley Resurfacing Program.

Whereas, a public hearing was held on July 29, 2008, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2008R-284, passed July 11, 2008, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work on the alleys as designated in said Resolution 2008R-284, passed July 11, 2008.

Be It Further Resolved that the proposed special assessments in the total amount of $47,036.02, 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 for alley resurfacing 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 assessment bonds are sold for, with collection of the special assessments to begin on the 2009 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of $150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2009 real estate tax statement.

Adopted 8/8/2008.

Approved by Mayor Rybak 8/8/2008.

RESOLUTION 2008R-351
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of $47,035 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 alley improvements in the 2008 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS08#1, 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 8/8/2008.

Approved by Mayor Rybak 8/8/2008.

(Published 8/12/2008)

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant in the amount of $2,500 from Keep America Beautiful for a Cigarette Litter Prevention Program.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the Clean City Cost Center by $2,500.

Adopted 8/8/2008.

RESOLUTION 2008R-352
By Colvin Roy and Ostrow

Amending the 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Solid Waste Agency in the Solid Waste-Enterprise Fund (7700-664-6671) by $2,500 and

increasing the revenue source (7700-664-6671 - Source 3755) by $2,500.
Adopted 8/8/2008.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a new six-year lease, to include renewal options, with Froisatoni, LLC for office space in the Mill Quarter Municipal Parking Ramp (709 2nd St S). Revenue from the lease will be deposited into the Parking Fund. (Fund 07500 Department 685072R 685MILL).
Adopted 8/8/2008.

T&PW & W&M/Budget - Your Committee recommends that Contract C-23676 with Sani-Masters, Inc. be increased by $200,000, for a new not-to-exceed amount of $500,000, to allow for continued graffiti abatement. No additional appropriation required.
Adopted 8/8/2008.

The WAYS & MEANS/BUDGET Committee submitted the following reports:
W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.
Approved 8/8/2008.

Resolution 2008R-353, authorizing settlement of *Dewayne Davidson v. City of Minneapolis, et al.,* and *Shirley Denise James v. City of Minneapolis,* was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-353
By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:
That the City Attorney is authorized to proceed with the settlements of:
a) Dewayne Davidson v. City of Minneapolis, et al., by payment of $16,500, payable to Stephen C. Fiebiger & Associates, Chartered for and on behalf of Dewayne Davidson; payable from the Self Insurance Fund (06900-1500100-145400).
b) Shirley Denise James v. City of Minneapolis, by payment of $5,200, payable to Shirley Denise James and her attorneys, Metro Law Offices, Ltd.; payable from the Internal Service Self Insurance Fund (06900-1500100-145400).
Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the above settlements.
Adopted 8/8/2008.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a donation from A Plus Security and USI Wireless for the use of six (6) mobile cameras and WiFi connectivity during the Republican National Convention.
Your Committee further recommends passage of the accompanying resolution authorizing the acceptance of said donation.
Adopted 8/8/2008.

Resolution 2008R-354, authorizing acceptance of a donation from A Plus Security and USI Wireless, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-354
By Ostrow

Authorizing the acceptance of six mobile cameras and WiFi connectivity from A Plus Security and USI Wireless during the Republican National Convention.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a donation from A Plus Security and USI Wireless for the use of six (6) mobile cameras and WiFi connectivity during the Republican National Convention, value estimated to be up to $8,678.

Adopted 8/8/2008.

W&M/Budget - Your Committee recommends approval of the September 2008 utility billing insert on behalf of Utility Billing notifying utility customers that they can sign up to receive their utility bills electronically and giving instructions to sign up if they would like to get their bill electronically and/or pay their bill electronically.

Adopted 8/8/2008.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Administration Resources Corporation (ARC) to provide claims processing and other administrative services for the City of Minneapolis Minneflex Plan flexible spending account and the City of Minneapolis Health Reimbursement Arrangement Plan, effective January 1, 2009 for a period of three (3) years with an option to renew for up to an additional two (2) years.

Approved 8/8/2008.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Delta Dental as the selected provider for dental claims processing and related services, effective January 1, 2009 for a period of three (3) years with an option to renew for up to an additional two (2) years.

Adopted 8/8/2008.

W&M/Budget - Your Committee, having under consideration the composting/disposal of street sweepings, yard wastes, and leaves from the Fall Street Sweeping Program, now recommends the following:

a) Authorize proper City officers to negotiate and execute a contract with RW Farms, LLC and/or Resource Recovery Technologies, LLC; and

b) Approval of the amended Permanent Review Committee (PRC) findings prepared by the City Attorney's Office, and on file in the Office of the City Clerk, that a labor peace provision not be required of any contractor entering into an agreement to provide composting and disposal of street sweepings, yard waste and leaves to the City.

Adopted 8/8/2008.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Kirk Moorhead on behalf of Housing 150, LLC, from the decision of the Planning Commission denying an application for a Conditional Use Permit to increase the number of dwelling units to 21 and a Variance to reduce the gross floor area requirement for an efficiency unit to 272 square feet at 1801 1st Ave S, now recommends, notwithstanding the recommendation of staff, that said appeal be granted, subject to the following conditions: 1) CPED Planning will have the opportunity to review the final site plan and floor plans; 2) the applicant shall provide bicycle parking to support a minimum of four (4) bicycles; and 3) the CUP be recorded prior to issuance of building permits and the initiation of the use.

Your Committee further recommends that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.
Adopted 8/8/2008.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Fremont Development Partners to vacate a City of Minneapolis Utility Easement on a portion of the property located at 2838 Fremont Ave S (#1546), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.
Your Committee further recommends passage of the accompanying resolution vacating said utility easement.
Adopted 8/8/2008.

Resolution 2008R-355, vacating a City of Minneapolis Utility Easement on the property located at 2838 Fremont Ave S, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-355
By Schiff

Petition to vacate a City of Minneapolis Utility Easement on a portion of the property located at 2838 Fremont Avenue South (#1546).

Resolved by The City Council of The City of Minneapolis:

All of the Utility Easement as reserved for the City of Minneapolis in the vacated alley of Block 10, Windom's Addition to Minneapolis, lying between a line that is parallel to and 3.5' feet South of the Westerly extension of the North line of Lot 1, said Block 10, and a line that is parallel to and 20' feet South of the westerly extension of the North line of Lot 5, in said Block 10. All according to Document No. 4604407, and the plat of record at the Hennepin County Recorders office, Minneapolis, MN is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns.
Adopted 8/8/2008.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Little Earth United Tribes Housing Corporation to vacate that portion of the "semi-circle" of the cul-de-sac known as Ogema Place adjacent to the property located at 2413 Cedar Ave S (#1495), subject to retention of easement rights by the City of Minneapolis for a public road, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.
Your Committee further recommends passage of the accompanying resolution vacating said cul-de-sac portion.
Adopted 8/8/2008.

Resolution 2008R-356, vacating a portion of the "semi-circle" of the cul-de-sac known as Ogema Place adjacent to 2413 Cedar Ave S, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-356
By Schiff

Vacating that portion of the "semi circle" of the cul-de-sac known as Ogema Place adjacent to the property located at 2413 Cedar Avenue South. Ogema Place will become a thru street from 24th Street to E.M. Stately Street (#1495).

Resolved by The City Council of The City of Minneapolis:

That part of Lots 21, 24, and 25, Auditor's Subdivision No. 10, Hennepin County, Minnesota described as follows:

Commencing at the northwest corner of Lot 10, said Auditor's subdivision; thence South 00 degrees 02 minutes 45 seconds East, assumed bearing, along the West line of Lots 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 27, said Auditor's Subdivision a distance of 809.70 feet to a point 30 feet North of the Southwest corner of said Lot 27; thence North 89 degrees 15 minutes 05 seconds East, parallel with the South line of said Lot 27, a distance of 652.81 feet; thence Northwesterly deflecting to the left 107 degrees21 minutes 32 seconds (North 18 degrees 06 minutes 27 seconds West) a distance of 280.17 feet; thence North 31 degrees 02 minutes 43 seconds West a distance of 159.66 feet to a point in the South line of Lot 25 in said Auditor's Subdivision and the point of beginning of the land to be described, thence South 89 degrees 33 minutes 35 seconds West a distance of 27.68 feet to the Southwest corner of said Lot 25; thence Northwesterly, Northerly and Northeasterly a distance of 177.81 feet along a tangential curve to the right, having a central angle of 140 degrees 31 minutes 26 seconds and a radius of 72.5 feet to the intersection with a line bearing North 30 degrees 18 minutes 29 seconds West from said point of beginning in the South line of Lot 25 in said Auditor's Subdivision, distant 27.68 feet East of the Southwest corner of said Lot 25, thence south 30 degrees 18 minutes 28 seconds East, along said line, a distance of 148.13 feet to a point in the South lot line of said Lot 25 and said point of beginning"; All according to Doc. No. 1029523, and the plat of record at the Hennepin County Recorders Office, Minneapolis, MN; is hereby vacated except that such vacation shall not affect the easement right and authority of the City of Minneapolis for a public road easement in favor of the City of Minneapolis over lots 13 and 21, Auditors Subdivision No. 10, Hennepin County, Minnesota.

Adopted 8/8/2008.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of September, 2008, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 8/8/2008.

Pursuant to Section 249.30 (b) of the Minneapolis Code of Ordinances, the Director of Inspections has determined that the property located at 2009 Emerson Av N, constitutes an immediate hazard to the public health and safety. Based upon the determination of the Director of Inspections, Hofstede moved that the City Council approve the waiver of the 60-day waiting period set in Chapter 249 and that the other procedures as set out in Chapter 249 may be implemented immediately. Seconded.

Adopted 8/8/2008.

Approved by Mayor Rybak 8/8/2008.

(Published 8/12/2008)

Pursuant to Section 249.30 (c) of the Minneapolis Code of Ordinances, the Director of Inspections has determined that the property located at 756 Jefferson St NE constitutes an immediate hazard to the public health and safety. Based upon the determination of the Director of Inspections, Hofstede moved that the City Council approve the 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. Seconded.

Adopted 8/8/2008.

Approved by Mayor Rybak 8/8/2008.

(Published 8/12/2008)

RESOLUTIONS

Resolution 2008R-357, honoring Cherre Palenius for 28 years of service to the City of Minneapolis, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-357
By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring Cherre Palenius for 28 years of service to the City of Minneapolis.

Whereas, Cherre Palenius has consistently provided outstanding performance in her 28-year career with the City of Minneapolis, exhibiting the highest caliber of professionalism, creative solutions to challenges, breadth of knowledge, and an overwhelming commitment to excellence; and

Whereas, Cherre approached each and every job task with tenacity, tact and enthusiasm, meticulously carried out all aspects with fine detail, and provided the utmost in customer service for the City of Minneapolis; and

Whereas, Cherre began serving the city by managing programs such as the Urban Homesteading program that involved single family home ownership and renovation and returned over 150 homes to viability in the neighborhoods of Minneapolis; and has recently worked on multifamily projects which included complicated funding programs, such as the HOW and the HOPE programs, her passion for providing decent, safe and affordable housing for those citizens in the most need never wavered; and

Whereas, Cherre worked tirelessly and diligently on making a success of the Heritage Park project through the redevelopment and new construction of hundreds of units of market rate and affordable housing in this important area of the City of Minneapolis; and

Whereas, Cherre had great success in her gardening endeavors, the fruits of which she often shared with her colleagues, her green thumb in gardening does not compare to her green thumb and heart of gold which she applied to the nurturing of projects she coordinated for the City of Minneapolis; and

Whereas, Cherre is currently pursuing a graduate degree requiring a lot of personal and financial sacrifice and by doing so is an inspiring role model for her children and all those who dare to dream of what can be; and

Whereas, Cherre is a great person with the utmost style, class and integrity and left employment with the City of Minneapolis on July 18, 2008 and is already deeply missed;

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

That we commend Cherre Palenius for her dedicated service to the City of Minneapolis and thank her for her many contributions to the quality of life of residents in the City of Minneapolis.

Be It Further Resolved that we wish Cherre Palenius much happiness, excellent health, personal and professional fulfillment and many extraordinary opportunities in the years to come.

Adopted 8/8/2008.

Resolution 2008R-358, honoring Pastor Bill Morton for his service and exemplary leadership in his role as Pastor of Joyce United Methodist Church, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-358
By Remington, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Benson, Colvin Roy, Hodges

Honoring Pastor Bill Morton for his service and exemplary leadership in his role as Pastor of Joyce United Methodist Church.

Whereas, in 2000, Pastor Morton began his role as Pastor at Joyce United Methodist Church; and

Whereas, as Pastor, he served with vision and commitment to achieve the Church's service objectives; and

Whereas, he currently serves as a Board Member of the Joyce Preschool and Food Shelf; and

Whereas, the CARAG Community has elected him to six consecutive terms as Board Member of the CARAG Neighborhood Association; and

Whereas, he has participated on the CARAG Schools, Park, Arts, Culture, and Education (SPACE) Committee which has implemented many infrastructure improvements at Bryant Square Park; and

Whereas, he additionally volunteers his time as a Board Member of the Uptown Association; and

Whereas, he possesses the respect and admiration of the Uptown Community by making a difference with his fairness, hard work, and effective leadership; and

Whereas, Pastor Morton is a constant ambassador for Uptown;

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

That we commend and extend our gratitude to Pastor Bill Morton for his leadership and dedication to the City of Minneapolis and wish him the best of luck and happiness with all his future endeavors.

Adopted 8/8/2008.

Resolution 2008R-359, honoring Clarence Hightower for his service and exemplary leadership in his role as Executive Director of the Minneapolis Urban League, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-359
By Remington, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Benson, Colvin Roy, Hodges

Honoring Clarence Hightower for his service and exemplary leadership in his role as Executive Director of the Minneapolis Urban League.

Whereas, Clarence Hightower has been a leader, anchor and beacon of hope in the Minneapolis African American community and beyond for nearly 30 years; and

Whereas, Clarence Hightower served with distinction and honor as the executive director of the North Community YMCA Branch and president of The City, Inc., enhancing the lives of numerous clients and neighbors; and

Whereas, Clarence Hightower led the Minneapolis Urban League for the past 10 years as President/CEO of the largest civil rights organization in the upper Midwest; and

Whereas, Clarence Hightower successfully shepherded the largest capital campaign in the 82-year history of the Minneapolis Urban League, garnering approximately $6 million for building

renovations and new construction; and

Whereas, Clarence Hightower has inspired and assisted countless children, youth, adults and family members by consistently providing a quiet, steady, and strong hand; and

Whereas, Clarence Hightower stood tall in the face of adversity and remained steadfast in his quest for racial equity; and

Whereas, the mighty work and powerful legacy of Clarence Hightower will live on in the city of Minneapolis for generations to come;

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

That we commend and extend our gratitude to Clarence Hightower for his leadership and dedication to the people of the City of Minneapolis and wish him the best of luck and happiness with all his future endeavors.

Adopted 8/8/2008.

Resolution 2008R-360, commending Minneapolis residents for their participation in community gardening and declaring August 16, 2008, as Community Gardening Day in the City of Minneapolis, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-360
By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Commending Minneapolis residents for their participation in community gardening and declaring August 16, 2008, as Community Gardening Day in the City of Minneapolis.

Whereas, the City of Minneapolis hosts more than a hundred community gardens in all 13 wards; and

Whereas, the creation of community gardens in Minneapolis have been the generators of countless thousands of hours of volunteer time, community ownership and reinvestment in our neighborhoods; and

Whereas, community gardens add beauty to urban neighborhoods and provide much needed green space in high density areas; and

Whereas, community gardens build community by crossing cultural and socio-economic divides by providing a common space for neighbors to meet and work together; and

Whereas, Minneapolis' community gardens reflect the cultural and ethnic diversity of the city, including gardeners who speak English, Spanish, Hmong, Somali, and Korean; and

Whereas, community gardens empower residents to become more active in their communities, providing cross-cultural and intergenerational opportunities for people to come together; and

Whereas, community gardens reduce the urban heat island effect and filter rainwater, helping to keep our rivers, lakes, and groundwater clean; and

Whereas, community gardens provide access to nutritionally rich and culturally specific foods that may otherwise be unavailable to inner-city residents; and

Whereas, community gardens provide horticultural therapy and exercise, helping to draw people out of their homes and get active; and

Whereas, community gardens educate neighbors about land stewardship, providing an informal classroom for children and adults to learn skills caring for the natural environment; and

Whereas, community gardens enhance crime prevention efforts and improve property values; and

Whereas, community gardeners are grateful to the City of Minneapolis Public Works' Solid Waste and Recycling Division for the delivery of over 1450 yards of yard waste compost for the last three years and the Public Works' Water Treatment and Distribution Services Division for providing access to water; and

Whereas, the Parade of Community Gardens takes place in the Twin Cities Metro on August 16th, 2008, giving residents an opportunity to learn about community gardening and visit gardens in their area, like the Dowling Gardens on 46th Avenue South in Minneapolis, one of only two surviving Victory Gardens in the United States to be gardened continuously since World War II;

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

That we commend the 2,000 Minneapolis residents who participate in community gardens for their valuable contributions to our city.

Be It Further Resolved that City of Minneapolis departments are encouraged, when feasible, to assist in community gardens in their expansion and success.

Be It Further Resolved that we declare August 16th, 2008 as Community Gardening Day in the City of Minneapolis.

Adopted 8/8/2008.

Resolution 2008R-361, supporting the "Restore Your Voice" initiative, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-361
By Glidden, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren Goodman, Schiff, Remington, Benson, Colvin Roy, and Hodges

Supporting the "Restore Your Voice" Initiative.

Whereas, broad voter participation is fundamental to a strong democratic society; and

Whereas, the City of Minneapolis believes that full enfranchisement of every eligible voter will result in the election of high quality leaders, truly representative of their constituents; and

Whereas, the City of Minneapolis is committed to building One Minneapolis by closing race and class gaps and providing for equal access, equal opportunity, and equal input; and

Whereas, the City of Minneapolis supports the full re-entry into society of formerly incarcerated felons, who lose their voting rights while serving a sentence as a result of a felony conviction but regain them once their full sentence (including parole and probation) is completed; and

Whereas, the City of Minneapolis acknowledges that re-enfranchisement at the ballot box is an important step for ex-felons in becoming productive members of our communities and regaining a place in civil society; and

Whereas, many people who have been convicted of offenses in other counties in the State of Minnesota have moved to Hennepin County and the City of Minneapolis to begin their lives anew; and

Whereas, people of color are arrested, convicted, and incarcerated in numbers disproportionate to their representation in the population, which disproportionately impacts their families and communities; and

Whereas, Minnesota is one of the leading states in the nation in terms of incarceration rates, arrest rates, and poverty rates that are disproportionately high for African Americans and other persons of color; and

Whereas, over 35% of the incarcerated in Minnesota are African-American while that group represents only 3% of the total state population, and over 7% incarcerated are Native American while that group represents only 1% of the total population of the State; and

Whereas, the City of Minneapolis wishes to collaborate with other jurisdictional and non-profit partners on a public education and outreach campaign to increase voting among formerly incarcerated people;

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

That the City endorses the "Restore Your Voice" Initiative to increase voter registration and turnout among ex-offenders who have served their time and have had their right to vote restored.

Be It Further Resolved that the City will increase its efforts to inform disenfranchised ex-felons of their voting rights; continue to collaborate with partners to develop public education materials promoting ex-felon re-enfranchisement; utilize the City's communications tools to deliver information about re-enfranchisement to formerly incarcerated individuals, and continue its commitment to the integrity and transparency of the election process while promoting a welcoming environment for all eligible voters.

Adopted 8/8/2008.

Resolution 2008R-362, honoring The South Metro Airport Action Council for 40 years of service, was adopted 8/8/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2008R-362
By Remington, Hofstede, Samuels, Lilligren, Glidden, Benson, Colvin Roy, Hodges

Honoring The South Metro Airport Action Council for 40 Years of Service.

Whereas, The South Metro Airport Action Council (SMAAC) was founded in the mid-1960's as a group dedicated to shielding residents of Minneapolis from jet noise; and

Whereas, SMAAC expanded from a Minneapolis base to became a metro wide organization during the dual-track airport location debate and; and

Whereas, many SMAAC officers have served on City and MAC committees seeking to protect neighborhood interests; and

Whereas, SMAAC's activities resulted in the development of expertise and associations with national organizations; and

Whereas, SMAAC's new mission is as a citizens' watchdog group, still monitoring jet noise, with more future emphasis on aviation safety, economics, environmental protection, and open governance;

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

That the Council congratulates SMAAC for 40 years of service to the residents of Minneapolis.

Adopted 8/8/2008.

UNFINISHED BUSINESS

T&PW & W&M/Budget - Your Committee, having under consideration the composting/disposal of street sweepings, yard wastes, and leaves from the Fall Street Sweeping Program, with a staff request that the proper City officers be directed to negotiate and execute a contract with RW Farms, LLC and/or Resource Technologies, LLC, and the Ways & Means/Budget Committee's consideration of the possible inclusion of labor peace provisions in said contract, now recommends that the matter be **sent forward without recommendation**.

Lilligren moved that the report be deleted. Seconded.

Adopted upon a voice vote 8/8/2008.

NEW BUSINESS

Glidden moved approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 131 precincts in the City for all elections in Year 2008, as set forth in Petn No 272961 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis, and further recommended authorization for the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, for all elections in Year 2008, pursuant to Minnesota Statutes, Section 203B.13. Seconded.

Adopted 8/8/2008.

Hofstede 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 (relating to gas shutoffs). Seconded.

Adopted by unanimous consent 8/8/2008.

Goodman moved to introduce the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (revising sign regulations applicable to a regional sports arena—the Metrodome), as follows:

a. Chapter 520 relating to Introductory Provisions;
b. Chapter 543 relating to On-Premise Signs;
c. Chapter 544 relating to Off-Premise Advertising Signs and Billboards. Seconded.

Adopted by unanimous consent 8/8/2008.

Johnson moved to introduce the subject matter of an ordinance amending Title 13, Chapter 333 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors, for first reading and referral to the Public Safety & Regulatory Services Committee (allowing various exemptions for participation of City Departments). Seconded.

Adopted by unanimous consent 8/8/2008.

Johnson moved to adjourn to Thursday, August 14, 2008, at 1:00 p.m. in Room 317, City Hall, for the purpose of receiving the Mayor's Budget Address. Seconded.

Adopted upon a voice vote 8/8/2008.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 8/11/2008
Official Posting: 8/15/2008
Correction: 8/21/2008; 10/10/2008