

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JULY 31, 2009

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Council Chamber
350 South 5th Street
Minneapolis, Minnesota
July 31, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Samuels.

Hofstede moved adoption of the agenda. Seconded.

Vice President Lilligren assumed the Chair.

Johnson moved to amend the agenda so as to include a resolution authorizing Minneapolis Fire Fighters to participate in the 2009 “Fill the Boot” campaign. Seconded.

Adopted upon a voice vote 7/31/2009.

Absent - Samuels.

Hodges moved to amend the agenda to include consideration of a motion relating to the Minneapolis Park & Recreation Board (see “New Business”). Seconded.

Adopted upon a voice vote 7/31/2009.

Absent - Samuels.

President Johnson resumed the Chair.

The agenda, as amended, was adopted upon a voice vote 7/31/2009.

Absent - Samuels.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of July 17, 2009. Seconded.

Adopted upon a voice vote 7/31/2009.

Absent - Samuels.

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 7/31/2009.

Absent - Samuels.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

MAYOR (273606)

Family Housing Fund: Appointment of Bill Ziegler.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273607)

MN Department of Employment & Economic Development Redevelopment Grant Program:
Authorize application for Grain Belt Office Building project, 1215 Marshall St NE.

FINANCE DEPARTMENT (273608)

Consolidated Redevelopment Tax Increment Financing District & Plan: Recommendations relating
to establishment of TIF District.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (273609)

Civil Rights Department Budget: Report back on Task Force's analysis on the performance of all
business lines, and recommendations for budget reductions, to include an examination of the State
Department of Human Rights' capability to handle all or part of the complaint investigations unit, and
the service impacts to all business lines of a potential cut of \$300,000 (cumulative from 2009 and 2010)
to the Department's budget.

COMMISSION ON CIVIL RIGHTS (273610)

Civil Rights Department Budget: Recommendations regarding 2010 budget reductions.

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

HEALTH AND FAMILY SUPPORT SERVICES (273611)

School Based Clinic Program: Accept donated consulting services for the School Based Clinic
Program to Initiative Planning for Electronic Health Records.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (273612)

Federal/State/Local Update.

INTERGOVERNMENTAL RELATIONS (See Rep):

GRANTS AND SPECIAL PROJECTS (273613)

Najaf, Iraq: Establishment of Sister City relationship.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (273614)

Crime Report: 2009 Mid Year Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273615)

Gandhi Mahal (3009 27th Av S): Grant On-Sale Wine Class C-2 with Sunday Sales License
(expansion of premises) and Sidewalk Cafe License.

Birch's on Loring Park (1359 Willow St): Grant On-Sale Liquor Class B with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (273616)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273617)

Zipp's Liquor Store (2618 E Franklin Av): Approve License Settlement Conference recommendations
relating to Off-Sale Liquor License.

Stub & Herbs (227 Oak St SE): Approve License Settlement Conference recommendations relating
to On-Sale Liquor Class C-1 with Sunday Sales License.

Centre Village Shop (700 5th Av S): Approve License Settlement Conference recommendations relating to Off-Sale Beer License.

REGULATORY SERVICES (273618)

Property at 2215 Chicago Av: Approve demolition.

REGULATORY SERVICES (273619)

Property at 2646 16th Av S: Approve rehabilitation.

REGULATORY SERVICES (273620)

Property at 3121 Columbus Av: Approve demolition.

REGULATORY SERVICES (273621)

Property at 3206 Pillsbury Av S: Approve rehabilitation.

REGULATORY SERVICES (273622)

Rental Dwelling License at 3648 Cedar Av: Approve license reinstatement to be held by Janet Johnson.

Rental Dwelling License at 3823 Queen Av N: Approve license reinstatement to be held by My Truong.

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

FIRE DEPARTMENT (273623)

2009 Radiological Emergency Preparedness State Grant: Accept reimbursement of \$1,109 from Hennepin County for Radiological Emergency Preparedness training; and Approve appropriation.

POLICE DEPARTMENT (273624)

Operation NightCap Grant: Execute amendment to grant agreement with Minnesota Department of Public Safety, State Patrol Division, to accept \$2,640 for overtime to Traffic Unit officers for increased enforcement targeting impaired drivers and increased driver safety; and Approve appropriation.

National Association of Drug Diversion Investigators Grant: Accept grant of \$25,000 and execute agreement with National Association of Drug Diversion Investigators for police officers to investigate pharmaceutical diversion cases, including forged prescriptions, employee theft, and misappropriation of prescriptions; and Approve appropriation.

2008 Homeland Security Grant Program: Execute Joint Powers Agreement with Minnesota Department of Public Safety, Homeland Security and Emergency Management, to accept \$54,000 for the Bomb Disposal Unit; and Approve appropriation.

REGULATORY SERVICES (273625)

Mississippi Watershed Management Organization Grant: Accept \$50,000 grant to upgrade boat launch at the University of Minnesota Rowing Club Facility to provide improved emergency first response for drowning, spills and accidents on the Mississippi River; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273626)

Street Lighting Operations Fee: Public comments re proposed ordinance.

North Parallel Runway Closure: Metropolitan Airport Commission presentation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273627)

Areaway Abandonment and Removal Project No 4459: Project designation and cost estimate.

Clean Water Revolving Fund: Application submission.

Central Corridor LRT Project: Final Environmental Impact Statement (FEIS) comments.

Chicago Ave Reconstruction Project (8th St E to 14th St E): Layout.

Osseo Road and Victory Memorial Drive intersection (Hennepin County Project No 0612): Layout.

3644-48 Lyndale Ave S: Deny Special Boulevard Permit application.

4611-21 Lake St E and 3001 45th Ave S: Deny Special Boulevard Permit application.

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

PUBLIC WORKS AND ENGINEERING (273628)

2009 Alley Resurfacing Program No FS09#1: Project approval and assessment public hearing; Comments.

2nd Ave N Street Lighting Project No 1335: Project approval and assessment public hearing.

3rd Ave N Street Lighting Project No 1336: Project approval and assessment public hearing.

Marquette Ave and 2nd Ave S Reconstruction Projects: Contract increase with URS Corporation.

Rain Barrel Neighborhood Partnership: Green Institute debt settlement.

Marquette Ave and 2nd Ave S Reconstruction Projects: Budget amendments.

Bids: a) OP 7155, Electrical Installation & Maintenance Co, Inc for traffic signal revisions, signing, and pedestrian curb ramps; b) OP 7160, Construction Results Corporation, for areaway abandonment at 1000 Marquette Ave; and c) OP 7161, ABM Equipment and Supply LLC for truck bodies and trailers.

WAYS AND MEANS BUDGET:

ATTORNEY (273629)

Ethical Reporting Line Report.

FINANCE DEPARTMENT (273630)

Capital Long-Range Improvement Committee (CLIC): 2010-2014 recommendations.

WAYS AND MEANS BUDGET (See Rep):

CONVENTION CENTER AND PROCUREMENT (273631)

Bids: a) OP7163, StageRight Corporation, to furnish and deliver of stage equipment; and b) OP7164, Honeywell, Inc., to furnish and deliver HVAC Maintenance and Software Upgrade.

FINANCE DEPARTMENT (273632)

Contingency Funds: Appropriation modification for the Fire Department in FY 2009.

Alpha Review Corporation: Execute contract for the provision of Workers' Compensation (WC) and Employment Services (ES) Medical Billing Services.

Investment Management Services: Approve following firms: Galliard Capital Management, Inc.; Harris Investment Management, Inc.; Vaughan Nelson Investment Management, LP; T. Rose & Associates, Inc.; FAF Advisors, Inc.; RiverSource Investments, LLC; and NorthShore Advisors, LLC.

2010 Revised Budget Schedule: Adopt.

HUMAN RESOURCES (273633)

New Appointed Position: Assistant City Coordinator, Neighborhood and Community Relations.

New Appointed Position: Deputy Director, Neighborhood and Community Relations.

Reasonable Suspicion Drug and Alcohol Testing: Policy and Procedures.

INTERGOVERNMENTAL RELATIONS (273634)

Minneapolis Economic Recovery Strategy – HUD Homelessness Prevention and Rapid Re-Housing Program Grant: Accept grant in the amount of \$5,520,902 from U.S. Department of Housing and Urban Development; and Approve appropriation.

Minneapolis Economic Recovery Strategy – Community Development Block Grant Recovery (CDBG-R) Fund: Accept grant in the amount of \$3,609,047 from U.S. Department of Housing and Urban Development; and Approve appropriation.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (273635)

Appeal:

Green & DeLaitre Company Wholesale Warehouse Building (500 North 3rd Street)

INSPECTIONS/BOARD OF ADJUSTMENT (273636)

Appeal:

Filed by Joseph Spangler (2908 16th Avenue S)

PLANNING COMMISSION/DEPARTMENT (273637)

Moratorium Waiver:

Hamoudi Sabir, on behalf of Lake Cedar, LLC (1805 E Lake St)

Appeals:

Stone Arch Phase II (600 Main Street SE)

Karmel Village (2848 Pleasant Ave & 2825 Grand Ave S)

Rezoning:

Aeon (714 & 718 E 17th Street)

MOTIONS (See Rep):

PUBLIC WORKS AND ENGINEERING (273638)

Donation of Travel Expenses: From Bikes Belong Foundation for a bicycle delegate tour of Europe.

FILED:

CITY CLERK (273639)

3015 Cedar Av: Transcript of Administrative Citation Hearing relating to citation issued to Hamoudi Sabri.

The following reports were signed by Mayor Rybak on August 4, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following report:

Comm Dev - Your Committee recommends concurrence in the recommendation of the Mayor to appoint Bill Ziegler to the Family Housing Fund for a three year term, to expire March, 2012 (replacing Gloria Perez Jordan).

Adopted 7/31/2009.

Absent - Samuels.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the recommendations of the Finance Department relating to establishment of a Consolidated Redevelopment Tax Increment Financing (TIF) District to provide funding for the City's debt service obligations related to the Target Center as well as a source of funding for neighborhood revitalization activities beginning in 2011, as follows:

a) Passage of the accompanying resolutions 1) approving the Consolidated Redevelopment Tax Increment Financing District and Plan; and 2) Amending the 2009 General Appropriation Resolution by establishing the Consolidated TIF District Fund in the Department of Community Planning and Economic Development, and appropriating \$10,000 to said fund;

b) Approving the Basic Tax Increment Allocation Methodology described in the staff report;

c) Authorizing the Finance Officer to enter into a Memorandum of Understanding between the City of Minneapolis and Hennepin County pursuant to the basic terms described in the staff report;

now recommends:

Comm Dev - That said recommendations be sent forward without recommendation.

W&M/Budget - Approval of the recommendations.

Goodman moved that the subject matter of the report be referred to the budget process. Seconded.

Gordon moved a substitute motion to postpone the matter for two cycles. Seconded.

Goodman moved to call the question. Seconded.

Adopted upon a voice vote.

Absent - Samuels.

Gordon's motion lost. Yeas, 6; Nays, 6 as follows:

Yeas - Schiff, Lilligren, Colvin Roy, Benson, Gordon, Hofstede.

Nays - Ostrow, Glidden, Remington, Goodman, Hodges, Johnson.

Absent - Samuels.

Colvin Roy moved a substitute motion that the matter be referred back to the Ways & Means/
Budget Committee. Seconded.

Adopted by unanimous consent.

Absent - Samuels.

Colvin Roy's motion was adopted. Yeas, 7; Nays, 5 as follows:

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

Nays - Ostrow, Remington, Goodman, Hodges, Johnson.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing application to the Minnesota Department of Employment & Economic Development's (DEED's) Redevelopment Grant Program for the project known as the Grain Belt Office Building at 1215 Marshall Ave NE.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-335, authorizing application to the Minnesota Department of Employment and Economic Development's Redevelopment Grant Program for the Grain Belt Office Building at 1215 Marshall Ave NE, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-335
By Goodman and Ostrow**

Authorizing Application to the Minnesota Department of Employment and Economic Development's [DEED's] Redevelopment Grant Program.

Whereas, the City of Minneapolis intends to act as the legal sponsor for the following project, which is more completely described in the Redevelopment Grant application to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by August 3, 2009: Grain Belt Office Building (1215 Marshall Ave NE); and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial and financial capacity to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the application are committed to the identified project, or are anticipated to be committed prior to the awarding of the requested grant; and

Whereas, the City has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of its application, the City may enter into an agreement with the State of Minnesota for the above-referenced project and will comply with all applicable laws and regulations as stated in said agreement;

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

That the City Council authorizes the Director or Deputy of the Department of Community Planning and Economic Development to apply to the Minnesota Department of Economic Development for Redevelopment Program grant funding for the above-referenced project, and that the City's Finance Officer, Contracts Administrator or Purchasing Agent and/or other duly authorized City staff are hereby authorized to execute such agreements as are necessary to implement the project.

Adopted 7/31/2009.

Absent - Samuels.

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

HE&E & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting donated consulting services for the School Based Clinic Program to Initiate Planning for Electronic Health Records.

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-336, accepting donated consulting services for the School Based Clinic Program to Initiate Planning for Electronic Health Records, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-336
By Benson and Ostrow

Accepting donated consulting services for the School Based Clinic Program to Initiate Planning for Electronic Health Records.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept donated consulting services from Philip Deering of Philip Deering Consulting to assist the School Based Clinic Program to determine how it will meet mandates for electronic prescribing and health records.

Adopted 7/31/2009.

Absent – Samuels.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee recommends passage of the accompanying resolution accepting an invitation from the City of Najaf, Iraq, to join in a Sister City Agreement, inviting the citizens of Najaf and Minneapolis to participate in the activities outlined in the agreement, and approving the plans of the Iraqi and American Reconciliation Project to develop the Sister City Agreement.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-337, accepting an invitation from the City of Najaf, Iraq, to join in a Sister City Agreement, inviting the citizens of Najaf and Minneapolis to participate in the activities outlined in the agreement, and approving the plans of the Iraqi and American Reconciliation Project to develop the Sister City Agreement, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JULY 31, 2009

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

RESOLUTION 2009R-337
By Hodges, Gordon, Hofstede, Remington, Glidden

Accepting an invitation from the City of Najaf, Iraq, to join in a Sister City Agreement, inviting the citizens of Najaf and Minneapolis to participate in the activities outlined in the agreement, and approving the plans of the Iraqi and American Reconciliation Project to develop the Sister City Agreement.

Whereas, many citizens of Minneapolis are eager to form a cultural and friendship connection with Iraq; and

Whereas, the Iraqi and American Reconciliation Project is an organization consisting of retired teachers, University faculty, and other professionals working to promote peace in Iraq; and

Whereas, the Iraqi and American Reconciliation Project has received assurances from the Mayor and Council of Najaf that the City would welcome a friendship with Minneapolis; and

Whereas, a sister city relationship between Minneapolis and Najaf will be in line with the goals of the Sister Cities International Muslim World Partnership Initiative; and

Whereas, given Najaf's prominence in the Muslim world and concentration of medical specialists, universities, and other educational institutions, there are clearly many avenues for commercial initiatives between our two cities; and

Whereas, the Iraqi and American Reconciliation Project, in partnership with the University of Minnesota and Kufa University in Najaf, will host a delegation from Najaf in September of this year; and

Whereas, a sister city relationship between Minneapolis and Najaf enjoys significant community support, including from Congressman Keith Ellison; and

Whereas, Najaf would be Minneapolis' first sister city in the Middle East;

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

That the City Council, on behalf of the people of Minneapolis, hereby approves the efforts of the Iraqi and American Reconciliation Project to develop a Sister City Agreement between the City of Minneapolis and Najaf, Iraq, for the purposes of creating greater mutual understanding between the peoples of our two cities and nations.

Be It Further Resolved that the Mayor of Minneapolis is hereby authorized to act for the City of Minneapolis to finalize this Agreement.

Be It Further Resolved that our local Najaf sister city organization, Iraqi and American Reconciliation Project, in cooperation with the Mayor and City Council, pursue the necessary steps to formalize the relationship between the two cities and to involve appropriate individuals, groups, and businesses in developing cultural, educational, technical and commercial exchanges.

Adopted 7/31/2009.

Absent - Samuels.

IGR - Your Committee, having under consideration Proposed Amendment No. 168 to the Minneapolis City Charter relating to the Board of Estimate and Taxation, which was transmitted to the City Council by the Charter Commission on July 1, 2009, now recommends that said Amendment be submitted to the qualified voters of the City for adoption or rejection at the 2009 Minneapolis Municipal Election to be held November 3, 2009, pursuant to Minnesota Statutes, Section 410.12, and that notice of such submission be given by the City Clerk by publication of such notice and said proposed amendment, in full, once a week for two successive weeks prior to November 3, 2009 in the *Star Tribune*, a newspaper of general circulation in the City of Minneapolis, and once in *Finance and Commerce*, the official newspaper of the City of Minneapolis, and by posting notices of such election in each and all of the election districts of the City; and that in submitting said proposed Charter Amendment for adoption or rejection, your Committee further recommends that the ballot shall bear the following words and question:

“PROPOSAL TO CHANGE THE COMPOSITION OF THE BOARD OF ESTIMATE AND TAXATION

‘Should the City of Minneapolis adopt a change in its charter to the composition of the Board of Estimate and Taxation so that the Board’s membership consists of the members of the City Council, with the actions of the Board subject to the powers and duties of the Mayor?’

Yes _____

No _____”

Adopted 7/31/2009.

Absent - Samuels.

The following is the complete text of the proposed Charter Amendment:

PROPOSED CHARTER AMENDMENT NO. 168

Proposing that there be submitted to the qualified voters of the City of Minneapolis an amendment to Chapter 2 of the Minneapolis City Charter relating to Officers - Elections, deleting references to the Board of Estimate and Taxation Member and Library Board Member from the order of offices on the ballot at a City election; and Chapter 15 of the Minneapolis City Charter relating to Board of Estimate and Taxation, changing the membership of the Board of Estimate and Taxation to consist of the membership of the Minneapolis City Council, with the actions of the Board subject to the powers and duties of the Mayor.

Section 1. That Chapter 2, Section 9 of the Minneapolis City Charter be amended to read as follows:

Section 9. Ballot at City Election. The names of all candidates to be voted on at any general City election or special election for City purposes shall be placed on one ballot. Regardless of whether they are contested or uncontested, the offices on the ballot shall be in the following order: Mayor; Council Member; ~~Board of Estimate and Taxation Member~~; Park and Recreation Commissioner at Large; Park and Recreation Commissioner by District; ~~Library Board Member~~.

Section 2. That Chapter 15 of the Minneapolis City Charter be amended to read as follows:

CHAPTER 15. BOARD OF ESTIMATE AND TAXATION

Section 1. Composition of Board of Estimate and Taxation. There shall be in the City of Minneapolis a Board of Estimate and Taxation, consisting of the members of the City Council. The exercise of any of the powers of this Chapter by the City Council or the Board of Estimate and Taxation are actions subject to the powers and duties of the Mayor as provided in Chapter 3, section 1 of this Charter. ~~Mayor, the President of the City Council, the Chair of the Committee on Ways and Means/Budget* of the City Council, an elected member of the Library Board as designated by the board at its annual meeting each year by a majority vote of all of its members, the President of the Board of Park Commissioners or such other member thereof as the Board may designate at its annual meeting each year, and two qualified electors to be elected at large for terms of four years each commencing on the first business day of January following their election. The two elected members shall be elected in 1989 and every four years thereafter at the General Municipal Election. Vacancies occurring in the office of any of the elective members shall be filled for the unexpired term by appointment by the Mayor, subject to the confirmation of the City Council. Before entering upon the discharge of the duties of the office each member of the Board shall make and file with the City Clerk an oath promising to faithfully discharge the duties of the office. The President and Vice President of the City Council shall serve as the President and Vice President, respectively, of the Board. The Board shall elect a President and a Vice President from its own members and shall adopt, and from time to time amend and change, rules~~

governing the calling and holding of meetings and its own procedure. The City Finance Officer shall be the accounting official for Board. The Board, subject to the provisions of the Civil Service Chapter of this Charter, shall have power to appoint a Secretary and such other employees as it may deem necessary and shall fix their salaries and determine their duties. Meetings shall be held at least once a ~~month~~ year and from time to time throughout the year as the business may require. ~~All members except those receiving other compensation from the city in excess of ten thousand dollars (\$10,000.00) per year shall receive thirty-five dollars (\$35.00) per diem but not to exceed one thousand seven hundred fifty dollars (\$1,750.00) per year, as full compensation for their services on the Board. Members shall not receive a per diem or salary in addition to that received as a member of the City Council.~~

Section 2. Budgets to Be Submitted to Board. Every office, department, board, commission and other agency of the City financed in any way by appropriations of the City Council, or having any power to levy taxes, shall, on or before the 1st day of July of each year, submit to the Board of Estimate and Taxation and to the Mayor, budget information for the following fiscal year. Such budget information shall include a statement of proposed expenditure, the revenue from all sources and a recommended program for capital improvements for the ensuing five-year period. The Board of Estimate and Taxation shall, on or before the 5th day of October of each year fix and determine the maximum amount of money and maximum rate which may be raised in the aggregate by general taxation by the City Council, board or department for each such fund, and no general taxes shall be levied in such year in excess of the amounts so fixed. The City Council shall as soon as practicable prescribe a form or forms and the classification of titles for the budget estimates of the City Council and of every board and department of the City required by this section to submit budget information. The form or forms and the classification of titles so prescribed shall thereafter be followed and complied with by each department in preparing budget estimates.

Section 3. Certificates of Indebtedness Authorized to Cover Preliminary Expenses. The Board of Estimate and Taxation shall have the power to levy for its own expenses upon all the taxable property of the city, real and personal, a tax not exceeding one-fifteenth of a mill upon the taxable property of the city, and cause such levy to be certified to the County Auditor and the County Auditor shall include the same with and as part of the general taxes for state, city and county purposes, to be collected and enforced therewith together with like penalties, interest and costs, and the County Treasurer upon collection shall transmit the proceeds of such levy to the City Finance Officer, to be placed in the Board of Estimate and Taxation fund. All expenditures to be paid from such funds shall be approved by the board.

Section 4. Exceeding of Appropriation a Misdemeanor. The City Finance Officer shall at the beginning of every fiscal year and from time to time thereafter, charge against each fund or appropriation the salaries and other ascertained obligations of the year payable therefrom, which charges shall be known as encumbrances upon the fund or appropriation and only that part of the fund or appropriation not so encumbered shall be deemed available for additional expenditures. In no case shall the total encumbrance exceed the total sum appropriated by the City Council or any board of the city to any of its departments, bureaus or divisions; the Finance Officer shall neither issue nor pay warrants or checks drawn upon the funds or appropriations of any board, department, bureau or division of the city, the funds or appropriations of which are already fully encumbered. Any officer of the city who shall knowingly vote for any contract or appropriation or order any work or purchase or sign, countersign or issue any warrant or check, the effect of which shall be to exceed the appropriation or fund provided, shall be guilty of a misdemeanor and shall be personally liable for the excess. This provision shall not exempt any person from the penalty of any other statute. The City Purchasing Agent is hereby ordered and directed not to issue purchase orders or sign contracts payable out of a fund or an appropriation so as to exceed or over-encumber such fund or appropriation and all orders or contracts made by the Purchasing Agent shall first be submitted to the City Finance Officer for entry on the Finance Officer's books before being issued.

Section 5. Transfer of Funds Authorized. The Board of Estimate and Taxation may by a vote of at least ~~five (5)~~ nine (9) of its members upon the written request of the City Council or of the governing body of any department having control of expenditures, permit the transfer of moneys from one appropriation to another appropriation within the same department during the fiscal year, but this section shall not apply to the proceeds of bonds or obligations sold by the city.

Section 6. Certain Proceedings May Be Set Aside. Within ten days after the City Council, or the Board of Park Commissioners, shall adopt a report, or pass a resolution confirming the awards and assessments in any proceedings under Chapter 185, General Laws of 1911, as amended, the entire cost of which is not to be paid out of assessments against the benefited property, the City Clerk, or in the case of the Board of Park Commissioners, its Secretary, shall serve upon the Secretary or any member of the Board of Estimate and Taxation a certified copy of such report or resolution and the action taken thereon. Such service and the proof thereof shall be made in the manner required for serving a summons in the District Court. Within thirty days after such service, such proceedings may, by a vote of at least ~~five~~ nine of its members, be set aside by the Board of Estimate and Taxation, which action shall have the effect to cancel all awards and assessments and terminate and abandon the entire proceedings. No action setting aside such proceedings shall be taken by said Board of Estimate and Taxation, except after public hearing, of which not less than two weeks' published notice shall be given by two publications, once each week for two successive weeks, in the official newspaper of the City. Until the expiration of such thirty day period no further expense shall be incurred upon any such proceedings unless the Board of Estimate and Taxation shall in the meantime by vote of ~~five~~ nine of its members, approve the said proceedings.

Section 7. Levying and Collection of Taxes. All taxes may be levied and collected within the maximum fixed by statute and within the maximum fixed by the Board of Estimate and Taxation for the various purposes of said taxation and without regard to the maximum rate of taxation fixed from time to time by any board other than the boards and departments governed by this chapter.

Section 8. Board to Employ Assistance. For the purposes of this Chapter the Board of Estimate and Taxation shall employ such assistance as it may deem necessary from time to time and shall have access to all the boards and departments of the city and to all accounts, contracts, records and files thereof, and shall have the right to call upon every board or department and every member and employee for any information it may deem necessary, and it shall be the duty of every board or department and every member and employee thereof to furnish the information so called for.

Section 9. To Incur Indebtedness for Municipal Purposes on Request of Council. Upon the request of the City Council expressed by ordinance or resolution adopted by the votes of two-thirds of all members thereof, the Board of Estimate and Taxation in its discretion shall have power by a vote of at least ~~five (5)~~ nine (9) of its members to incur indebtedness for municipal purposes other than the purchase of public utilities and to pledge the credit of the city for the payment of principal and interest and for that purpose shall have power to issue and sell negotiable bonds of the city or any other form of obligation it may deem best, but any such bonds or obligations shall be sold only in the manner provided by Section 1856, General Statutes 1913, to the purchaser who will pay the highest price therefor at the rate of interest fixed by the Board of Estimate and Taxation and the obligations or bonds shall be drawn accordingly; provided, that where, with respect to any and all types and forms of obligation or indebtedness authorized by this Charter and by the laws of the State of Minnesota, the aggregate amount of any such obligations or indebtedness to be issued or incurred for any improvement, including but not limited to acquisition, development, construction or betterment, of any public building, stadium, or other capital improvement project, shall in all phases from inception to completion exceed Fifteen Million Dollars (\$15,000,000.00), the Board of Estimate and Taxation shall not issue or sell any bonds or other obligations nor incur any indebtedness for such purpose without the approval of a majority of the electors voting on the question of issuing such obligations or incurring such indebtedness at a general or special election. The foregoing proviso shall become effective immediately upon its adoption pursuant to Minnesota Statutes Chapter 410. Any premium received

from the sale of such bonds shall revert to the sinking fund provided for the redemption of such bonds. Any such bonds or obligations shall be signed by the Finance Officer under the city corporate seal and shall be countersigned by the President of the Board of Estimate and Taxation. If the proceeds of the bonds or obligations be intended for the use of any board or department the expenditures of which are not controlled by the City Council, there shall be in addition to the request by the City Council, a like request expressed by ordinance or resolution adopted by the governing board of such department by the vote of at least two-thirds of the members thereof. The proceeds of such bonds or obligations shall be put into the City Treasury and credited to the proper fund.

Section 10. Issuance and Sale of Bonds. The bonds authorized by Section 9 of this chapter or any portion thereof, may be issued and sold by the city, notwithstanding any limitation contained in the Charter of this city or any law of this state, prescribing or fixing any limit upon the bonded indebtedness of the city, provided the issuance of said bonds will not increase the net bonded indebtedness of the city as defined in Section 1848, General Statutes, 1913, and acts amendatory thereof, to an amount in excess of ten (10) per cent of its assessed valuation, but the full faith and credit of the city shall at all times be pledged for the payment of any bonds issued under this chapter and for the current interest thereon, and the City Council shall each year include in the tax levy for the city a sufficient amount to provide for the payment of such interest and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

Section 11. Meetings To Be Open to Public. The meetings of the Board of Estimate and Taxation shall at all times be open to the public and the rules and regulations of the board shall provide for public hearings in connection with the determination of maximum amounts or maximum rates to be allowed to the different bodies, boards or commissions having power to levy taxes. The minutes and proceedings of the board relating to setting the maximum taxes, the board's appropriation, authorization and issuance of indebtedness, authorization of transfer of bond proceeds and other actions so designated by the board shall be kept on file by the board and at the Municipal Library and all City of Minneapolis Libraries.

Section 12. [Promissory Notes; Certificates of Indebtedness; Tax Anticipation Bonds.] In lieu of all other methods heretofore provided by this Charter for borrowing money and issuing obligations in anticipation of the collection of general taxes for the year in which issued for the use of the City or any department or board of the City, the City of Minneapolis may borrow money upon negotiable promissory notes or certificates of indebtedness, in the manner and subject to the limitations set forth in this section, for the purpose of anticipating general taxes theretofore levied for City purposes, but the aggregate of such borrowings remaining unpaid at any time shall never exceed fifty (50) per cent of such taxes which are due and payable and as to which no penalty for nonpayment or delinquency has attached. Upon the written recommendation of the City Finance Officer specifying the funds, departments or boards of the City for whom and the purposes for which such moneys are desired, and the amount for each, and by vote of at least ~~five-sevenths (5/7)~~ nine (9) of its members, the Board of Estimate and Taxation may authorize and effect such borrowing and may issue notes or certificates of indebtedness of the City therefor. Said board shall fix the amount, date, maturity, form, denomination, and other details of such notes or certificates, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purpose thereof and direct its Secretary to give notice thereof. The full faith and credit of the City shall be pledged to the payment of such notes or certificates. They shall mature not later than the anticipated date of receipt by the City of the taxes so anticipated. Interest to maturity may be paid by discounting such notes or certificates on their issuance, or they may be sold at not less than par, with interest payable at maturity, or bids may be called for on both bases. If such notes or certificates be not paid when due, they shall bear interest after maturity until paid at the rate they bore before maturity or at which they were discounted. The Secretary of said Board shall give notice of the proposed sale, calling for bids thereon at the time and place so specified, by at least one publication in a daily newspaper published in the City, at least three (3) days before such date of sale. At the time and place so fixed such notes or certificates may be sold by the President and Secretary of said Board and by the City Finance Officer to the bidder who will agree to take them on the terms

most favorable to the City. Such notes or certificates shall be signed in behalf of the City by the President and Secretary of said Board and countersigned and delivered by the City Finance Officer upon receipt of the purchase price thereof. The moneys so received shall be disbursed solely for the purposes for which such taxes were levied and shall be credited to the funds, departments and boards specified in such recommendation, and the interest paid at maturity or the discount allowed on such notes or certificates shall be deemed disbursed and expended by and for such purposes, funds, departments, or boards, and shall be charged thereto proportion to the amounts allotted to each in such recommendation, but the purchaser of such notes or certificates shall not be obliged to see to such application of the proceeds. Any interest accruing on such notes or certificates for nonpayment at maturity shall be paid from the bond interest fund of the City.

Section 13. Putting Professional Sports Facility Financing Before the Voters. The City of Minneapolis, Minneapolis Community Development Agency, or any city department, agency, commission, or board, shall use no city resources over \$10 million dollars for the financing of professional sports facilities without the approval of a simple majority of the votes cast on the question, in a ballot question put to the public at the next regularly scheduled election. City resources are defined for these purposes as: Tax increment financing, bonds, loans, land purchase or procurement, land or site preparation, including necessary infrastructure such as roads, parking development, sewer and water, or other infrastructure development, general fund expenditures, sales tax or other taxes, deferred payments, interest free or below market interest rate loans, the donation or below market value sale of any city resources or holdings or any other free or below cost city services. The ballot question shall not be put before the public in a special election, in order to prevent the costs associated with special elections.

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

PS&RS - Your Committee, having under consideration the application of OJS LLC, dba Birchs on Loring Park, 1359 Willow St, for an On-Sale Wine Class B with Strong Beer License (new business) to expire July 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee, having under consideration the application of Little Taj Mahal Corporation, dba Gandhi Mahal, 3009 27th Av S, for an On-Sale Wine Class C-2 with Strong Beer License (expansion of premises) to expire April 1, 2010, and a Sidewalk Cafe License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/31/2009.

Absent – Samuels.

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

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-338 granting applications for Liquor, Wine and Beer Licenses, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JULY 31, 2009

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

RESOLUTION 2009R-338

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273616):

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

Hotel Minneapolis Operating Company LLC, dba Hotel Minneapolis, 215 S 4th St

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

East by Northeast LLC, dba Ginger Hop Restaurant & Bar, 201 E Hennepin Av (new business)

On-Sale Liquor Class B with Sunday Sales, to expire August 30, 2009

Fourth Street Saloon Inc, dba 4th St Saloon, 328 W Broadway (temporary expansion of premises, August 29 & 30, 2009, Noon to Midnight, Annual BBQ)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2010

Sam Ventures Inc, dba Imperial Room, 417 1st Av N #100

Foshay Hotel LLC, dba W Minneapolis – The Foshay, 821 Marquette Av

RWB Development Company LLC, dba Chambers Hotel, 901 Hennepin Av

Eastern Treasure Inc, dba Musashi Japanese Restaurant, 12 S 6th St

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

Hayden Trebnick LLC, dba Duplex, 2516 Hennepin Av (upgrade from On-Sale Wine Class C-2 with Strong Beer)

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St

Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av

Tiger Sushi II LLC, dba Tiger Sushi, 2841 Lyndale Av S

Urban Entrepreneurs LLC, dba Independent, 3001 Hennepin Av

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2010

Inversiones Pinguil LLC, dba Chimborazo Restaurant, 2851 Central Av NE (new business)

Temporary On-Sale Wine

Theatre in the Round Players, dba Theatre in the Round Players, 2456 Cedar Av (Annual benefit fundraiser August 15, 2009, 6:30 to 11:30 p.m.).

Adopted 7/31/2009.

Absent – Samuels.

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

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-339, granting applications for Business Licenses, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-339

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 July 31, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273616):

Dry Cleaning & Laundry Pickup Station; Confectionery; Farm Produce Permits; Grocery; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lot; Motor Vehicle Repair Garage; Commercial Parking Lot; Pet Shop; Recycling/Salvage Yard; Residential Specialty Contractor; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer; Taxicab Vehicle-Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer.

Adopted 7/31/2009.

Absent – Samuels.

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

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-340, granting applications for Gambling Licenses, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-340

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 273616):

Gambling Exempt

St. Mary's Greek Orthodox Church of Minneapolis, dba St. Mary's Greek Orthodox Church of Minneapolis, 3450 Irving Av S (Raffle September 13, 2009)

Sholom Community Alliance, dba Sholom Community Alliance, 3610 Phillips Pkwy S, St. Louis Park (Raffle October 17, 2009 at Minneapolis Depot, 225 3rd Av S)

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

Children's Home Society & Family Services, dba Children's Home Society & Family Services, 1605 Eustis St, St. Paul (Raffle August 15, 2009 at Vic's, 201 Main St SE).

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Centre Village Shop, 700 5th Av S.

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-341, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Centre Village Shop, 700 5th Av S, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JULY 31, 2009

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

RESOLUTION 2009R-341

By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Centre Village Shop, 700 5th Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 14, 2009 with the licensee; and

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

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

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

1. Centre Village Shop will amend and submit its written policy regarding alcohol service. The policy shall address the following issues:
 - a. policy for carding everyone that appears under 35 years of age.
 - b. conducting their own youth compliance checks four times per year for a period of two years and the rewards/consequences for those employees passing/failing the checks.
 - c. addressing alcohol sales at regularly scheduled monthly staff meetings.
 - d. requiring all staff selling liquor to attend professional alcohol server training.
2. Centre Village Shop agrees that a manager will be available at all times of alcohol sales.
3. Centre Village Shop agrees to post signs notifying customers of its carding policy at the front door, the beer cooler, and the cash register.
4. In lieu of suspension, Centre Village Shop agrees to pay a \$2,000 sanction for failing two youth alcohol compliance checks; \$1,500 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of the agreement; \$250 will be paid upon signing the agreement and \$250 will be paid 30 days after signing the agreement.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Stub & Herbs, 227 Oak St SE.

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-342, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Stub & Herbs, 227 Oak St SE, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-342

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by Stub & Herbs, 227 Oak St SE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on June 18, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months an employee of Stub and Herbs sold alcohol to a period under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. Provide an updated alcohol service policy to Licensing due at the time of signing of the agreement, to include some of the following:
 - a. Policy and procedure given to employees regarding alcohol sales.
 - b. Use of an electronic card reader system that assists employees in determining the birth date required to make a legal sale of alcohol.
 - c. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 - d. A plan on removal of obviously intoxicated customers.
 - e. Provide annual refresher alcohol service training to compliment the training that all Stub & Herbs employees received in May, 2009. New employees must receive alcohol service training within 30 days of hire.
2. Post signs that identify Stub & Herbs alcohol policy to customers. This would include posters that promote the legal age for purchasing alcohol.
3. Employ a youth alcohol self-check program with decoys four times each year for the next two years and maintain documentation of the results. Have results available upon request from Licenses & Consumer Services or Minneapolis Police. Activate this program within 30 days of the agreement being approved by the City Council.
4. Have a representative from Stub & Herbs attend regularly scheduled LINC meetings for the next two years after signing the agreement.
5. In lieu of a suspension, the City shall impose a \$3,000 sanction; \$1,000 shall be stayed for a period of two years from the signing of the agreement. The licensee shall pay \$2,000 due at the time of signing the agreement.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Zipp's Liquor Store, 2618 E Franklin Av.

Adopted 7/31/2009.

Absent – Samuels.

Resolution 2009R-343, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Zipp's Liquor Store, 2618 E Franklin Av, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-343

By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Zipp's Liquor Store, 2618 E Franklin Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on June 24, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Zipp's Liquor Store allowed alcohol sale to minors on three occasions in 2009 in violation of Section 364.10 of the Minneapolis Code of Ordinances;

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

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

1. That the \$1,500 stayed fine from the April 2009 license settlement conference is now reinstated and due on the date the agreement is signed.

2. That the Off-Sale Liquor License for Zipp's Liquor Store be suspended for a period of 30 days; 28 days of the suspension be stayed for a period of two years from the date the City Council approves the agreement under the following conditions:

a. No same or similar violations during the said two year period.

b. Zipp's shall pay, a fine in the amount of \$5,000, due within two business days of the date the City Council approves the agreement.

c. Zipp's Liquor Store's Off-Sale Liquor License will be suspended for two days.

d. The two days will be served on two week days as selected by Zipp's but must be served within 30 days of the agreement being approved by the City Council. In lieu of giving its employees unpaid time off during the two days Zipp's is closed, Zipp's will pay its employees to serve 80 hours of community service to the Seward Neighborhood Group. The 80 hours represents the approximate staffing level for the two closed week days and will be served by staff and management. Proof that the community service has been completed shall be presented to the Licenses & Consumer Services Division by September 30, 2009.

3. Zipp's Liquor will present a new written alcohol policy to the Licenses & Consumer Services Division outlining all the policies presented in number 6 above and is due on the date the agreement is signed.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 3648 Cedar Av, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Janet Johnson.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 3823 Queen Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by My Truong.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS – Your Committee, having under consideration the property located at 2215 Chicago Avenue which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been mailed to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that the Order to Demolish the building located at 2215 Chicago Avenue be upheld, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS – Your Committee, having under consideration the property located at 3121 Columbus Avenue South which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director’s Order to Demolish the property having been mailed to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that the Director of Inspections’ Order to Demolish the building located at 3121 Columbus Avenue South be upheld, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee, having under consideration the property located at 3206 Pillsbury Avenue South; and the Inspections Division having determined that the property meets the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Notice of the Director’s Order to Demolish the building having been issued to the property owner; and the Nuisance Condition Process Review Panel having held hearings and sent the matter forward without recommendation to the City Council, now recommends the following:

a. that the Order to Demolish be stayed and that the proper City officers be authorized to execute a Restoration Agreement with the property owner.

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

Adopted 7/31/2009.

Absent – Samuels.

PS&RS - Your Committee, having under consideration the property located at 2646 16th Avenue South; and the Inspections Division having determined that the property meets the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Notice of the Director’s Order to Demolish the property having been issued; and the Panel having recommended that the property be rehabilitated, now recommends the following:

a. concurrence with the Panel to stay the Order for Demolition, and that the proper City officers be authorized to execute a Restoration Agreement with the property owner.

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

Adopted 7/31/2009.

Absent – Samuels.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an amendment to the 2009 *Operation NightCap* grant agreement with the Minnesota Department of Public Safety, State Patrol Division, to accept \$2,640 to pay overtime to Traffic Unit officers for increased enforcement targeting impaired drivers and increased driver safety. Further, passage of the accompanying resolution appropriation \$2,640 to the Police Department.

Adopted 7/31/2009.

Absent – Samuels.

RESOLUTION 2009R-344

By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002735) by \$2,640 and increasing the Revenue Source (01300-4002735-321032) by \$2,640.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$25,000 and execute a grant agreement with the National Association of Drug Diversion Investigators for police officers to investigate pharmaceutical diversion cases, including forged prescriptions, employee theft at various points in the pharmaceutical supply line, and misappropriation of prescriptions. Further, passage of the accompanying resolution appropriation \$25,000 to the Police Department.

Adopted 7/31/2009.

Absent – Samuels.

**RESOLUTION 2009R-345
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4003120) by \$25,000 and increasing the Revenue Source (01600-4003120-321513) by \$25,000.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety, Homeland Security and Emergency Management, to accept \$54,000 for use of the Police Department's Bomb Disposal Unit. Further, passage of the accompanying resolution appropriating \$54,000 to the Police Department.

Adopted 7/31/2009.

Absent – Samuels.

**RESOLUTION 2009R-346
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002750) by \$54,000 and increasing the Revenue Source (01300-4002750-321010) by \$54,000.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS & W&M/Budget – Your Committee, having under consideration the 2009 Radiological Emergency Preparedness State Grant, now recommends that the proper City officers be authorized to accept reimbursement, in the amount of \$1,019, from Hennepin County for Radiological Emergency Preparedness training. Further, passage of the accompanying resolution appropriating \$1,019 to the Fire Department.

Adopted 7/31/2009.

Absent – Samuels.

**RESOLUTION 2009R-347
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants – Other Fund (01600-2800700) by \$1,019 and increasing the Revenue Source (01600-2800700-321513) by \$1,019.

Adopted 7/31/2009.

Absent – Samuels.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept a grant award of \$50,000 from the Mississippi Watershed Management Organization to upgrade the boat launch at the University of Minnesota Rowing Club Facility to provide improved emergency first response for drowning, spills and accidents on the Mississippi River. Further, passage of the accompanying resolution appropriating \$50,000 to the Department of Regulatory Services.

Adopted 7/31/2009.

Absent – Samuels.

**RESOLUTION 2009R-348
By Samuels and Ostrow**

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the 2009 revenue estimate for the Department of Regulatory Services in the Grants – Other Fund (01600-8352000) by \$50,000 and increasing the expense appropriation for Regulatory Services (01600-8352000) by \$50,000.

Adopted 7/31/2009.

Absent – Samuels.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration Storm Sewer/Rainleader Disconnect Project No 4459, and having held a public hearing thereon, now recommends passage of the accompanying resolution ordering the City Engineer to abandon and remove the areaways located in the public alley right-of-way that are in conflict with the project.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-349, ordering the City Engineer to abandon and remove the areaways located in the public alley right-of-way that are in conflict with the Storm Sewer/Rainleader Disconnect Project at 3022 Hennepin Ave S, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-349

By Colvin Roy

Ordering the City Engineer to abandon and remove the areaways located in the public alley right-of-way that are in conflict with the Storm Sewer/Rainleader Disconnect Project area.

Whereas, the City of Minneapolis scheduled the storm sewer/rainleader disconnect improvements in the alley between Hennepin Ave S and Holmes Ave S from Lake St W to 31st St W area of Minneapolis; and

Whereas, there are areaways located in the public alley right-of-way that are in conflict with said project improvements; and

Whereas, a public hearing was held on July 21, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public alley right-of-way adjoining the property at 3022 Hennepin Ave S.

Adopted 7/31/2009.

Absent - Samuels.

T&PW - Your Committee recommends that the proper City officers be authorized to submit an application for Clean Water Revolving Funds in the Total Maximum Daily Load Grant Program administered by the Minnesota Public Facilities Authority in cooperation with the Minnesota Pollution Control Agency to be used for the Flood Area 5 Green Infrastructure Demonstration Project.

Adopted 7/31/2009.

Absent - Samuels.

T&PW - Your Committee, having under consideration comments relating to the Final Environmental Impact Statement (FEIS) regarding the Central Corridor Light Rail Transit Project, now recommends approval and submittal of said FEIS comments, dated July 21, 2009, to the Metropolitan Council. (Petn No 273627)

Adopted 7/31/2009.

Absent - Samuels.

T&PW - Your Committee recommends passage of the accompanying resolution approving the layout for Chicago Ave S from 8th St E to 14th St E, dated June 26, 2009.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-350, approving the layout for Chicago Ave S from 8th St E to 14th St E, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-350
By Colvin Roy

Approving the layout for Chicago Ave S from 8th St E to 14th St E.

Whereas the reconstruction of Chicago Ave S (MSA 165) from 8th St E to 14th St E and is included in the City's approved Five Year Capital Improvement Program; and

Whereas, the proposed layout meets minimum design guidelines as set forth by State Aid and the City's Design Guidelines for Streets and Sidewalks;

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

That the City approve the layout dated June 26, 2009 for Chicago Ave S as submitted.

Adopted 7/31/2009.

Absent - Samuels.

T&PW - Your Committee recommends passage of the accompanying resolution approving the Hennepin County layout for the reconstruction of the Osseo Road and Victory Memorial Drive intersection.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-351, approving the layout for the Osseo Road and Victory Memorial Drive intersection, Hennepin County Project No 0612, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-351
By Colvin Roy

Approving the layout for the Osseo Road and Victory Memorial Drive intersection (Hennepin County Project No 0612).

Resolved by The City Council of The City of Minneapolis:

That the City approve the layout, as set forth in Petn No 273627, for the intersection of Osseo Road (CSA 152) and Victory Memorial Drive, as submitted.

Adopted 7/31/2009.

Absent - Samuels.

T&PW - Your Committee, having under consideration a Special Boulevard Permit application from the owner of the property located at 3644-48 Lyndale Ave S requesting authorization to pave a three foot wide portion of the boulevard adjacent to the curb, now recommends that said application be denied.

Adopted 7/31/2009.

Absent - Samuels.

T&PW - Your Committee, having under consideration a Special Boulevard Permit application from the owners of the properties located at 4611 and 4621 Lake St E and 3001 45th Ave S requesting authorization to pave the entire boulevard between the curb and the public sidewalk, now recommends that said application be denied.

Adopted 7/31/2009.

Absent - Samuels.

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

T&PW & W&M/Budget - Your Committee, having under consideration the 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#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 7/31/2009.

Absent - Samuels.

Resolution 2009R-352, ordering the work to proceed and adopting the special assessments for the 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#1, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-352
By Colvin Roy and Ostrow**

**2009 ALLEY RESURFACING PROGRAM
SPECIAL IMPROVEMENT OF EXISTING ALLEYS NO FS09#1**

Ordering the work to proceed and adopting the special assessments for the 2009 Alley Resurfacing Program.

Whereas, a public hearing was held on July 21, 2009 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-262, passed June 12, 2009 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work on the alleys as designated in said Resolution 2009R-262, passed June 12, 2009.

Be It Further Resolved that the proposed special assessments in the total amount of \$44,262.91, 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 2010 real estate tax statements.

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

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-353, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$44,260 for the purpose of paying the assessed cost of alley improvements in the 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#1, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-353
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$44,260 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 2009 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS09#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 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the 2nd Ave N Street Lighting Project (Washington Ave to 3rd St N), Special Improvement of Existing Street No 2277, 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;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project; and
- c) Increasing the appropriation for the project by \$16,000, to be reimbursed by special assessments.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-354, ordering the work to proceed and adopting the special assessments for the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-354
By Colvin Roy and Ostrow

2ND AVEN STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2277

Ordering the work to proceed and adopting the special assessments for the 2nd Ave N Street Lighting Project.

Whereas, a public hearing was held on July 21, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-297 passed June 26, 2009, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2009R-297 passed June 26, 2009.

Be It Further Resolved that the proposed special assessments as on file in the office of the City Clerk, be and are adopted and assessed against the benefited properties.

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

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

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-355, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$16,000 for the purpose of paying the assessed cost of street lighting improvements in the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-355
By Colvin Roy and Ostrow**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$16,000 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 lighting improvements in the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/31/2009.

Absent - Samuels.

**RESOLUTION 2009R-356
By Colvin Roy and Ostrow**

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW-Transportation-Street Lighting Capital appropriation in the Permanent Improvements Projects Fund by \$16,000 (04100-9010943), to be reimbursed by special assessments in the amount of \$16,000 (04100-9010943-391001).

Adopted 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on July 21, 2009 to consider the establishment of Street Lighting District No 1335 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1335 (streets to receive lighting are as designated in the 2nd Ave N Street Lighting Project, Special Improvement of Existing Street No 2277) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on June 26, 2009, be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1335 not be considered for final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the 3rd Ave N Street Lighting Project (Washington Ave to 5th St), Special Improvement of Existing Street No 2278, 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) Increasing the appropriation for the project by \$115,000, to be reimbursed by the Minnesota Ballpark Authority.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-357, ordering the work to proceed and adopting the special assessments for the 3rd Ave N Street Lighting Project, Special Improvement of Existing Street No 2278, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2009R-357
By Colvin Roy and Ostrow**

**3RD AVEN STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2278**

Ordering the work to proceed and adopting the special assessments for the 3rd Ave N Street Lighting Project.

Whereas, a public hearing was held on July 21, 2009, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2009R-298 passed June 26, 2009, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said resolution 2009R-298 passed June 26, 2009.

Adopted 7/31/2009.

Absent - Samuels.

**RESOLUTION 2009R-358
By Colvin Roy and Ostrow**

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW-Transportation-Street Lighting Capital appropriation in the Permanent Improvements Projects Fund by \$115,000 (04100-9010943), to be reimbursed by the Minnesota Ballpark Authority in the amount of \$115,000 (04100-9010943-322502).

Adopted 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on July 21, 2009 to consider the establishment of Street Lighting District No 1336 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1336 (streets to receive lighting are as designated in the 3rd Ave N Street Lighting Project, Special Improvement of Existing Street No 2278) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on June 26, 2009, be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1336 not be considered for final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the Marquette Ave S and 2nd Ave S Reconstruction Projects (1st St S to 12th St S), now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract C-25499 with URS Corporation, increasing the maximum billing amount from \$4,117,400 to \$4,910,092. No additional appropriation required.

Adopted 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the Rain Barrel Neighborhood Partnership Program, now recommends that the proper City officers be authorized to accept \$34,502 in full payment of the amount due from the Green Institute for Contract C-24752.

Adopted 7/31/2009.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee, having under consideration the Marquette Ave (CPV052) and 2nd Ave S (CPV053) Transit Projects, now recommends passage of the accompanying resolutions:

- a) Increasing the appropriation for the 2nd Ave S Project to accommodate the abandonment of a conflicting areaway located at 625 2nd Ave S by increasing the assessment bond amount by \$50,000;
- b) Increasing the appropriation for the Marquette Ave Project to accommodate the abandonment of a conflicting areaway located at 1000 Marquette Ave by increasing the assessment bond amount by \$200,000; and
- c) Amending Resolution 2007R-647 to increase the assessment bond amounts by \$250,000 in total, as identified above for the two projects.

Adopted 7/31/2009.

Absent - Samuels.

**RESOLUTION 2009R-359
By Colvin Roy and Ostrow**

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Capital Improvements Fund (041000-9010937-CPV053) by \$50,000 and increasing the revenue source (04100-9010937-3846) by \$50,000.

Adopted 7/31/2009.
Absent - Samuels.

RESOLUTION 2009R-360
By Colvin Roy and Ostrow

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Capital Improvements Fund (041000-9010937-CPV052) by \$200,000 and increasing the revenue source (04100-9010937-3846) by \$200,000.

Adopted 7/31/2009.
Absent - Samuels.

Resolution 2009R-361, amending Resolution 2007R-647 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$4,980,000 for certain purposes other than the purchase of public utilities", to increase the assessment bond amounts by a total of \$250,000 for areaway abandonments in the Marquette Ave and 2nd Ave Transit Projects, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-361
By Colvin Roy and Ostrow

Amending Resolution 2007R-647 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$4,980,000 for certain purposes other than the purchase of public utilities", passed December 12, 2007.

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 in the amount of ~~\$4,980,000~~ \$5,230,000, the proceeds of which are to be used for the purpose of paying the portion of the cost of making and constructing certain local improvements to be assessed against benefited properties as estimated by the City Council and the Park Board, including assessable portions of the costs relating to sanitary sewers, paving, mill and overlays, alley resurfacing, retaining walls, streetscapes, landscaping, curb and gutter, street lighting, traffic management plans, ornamental lighting and bike lane development, of which assessments shall be collected in successive equal annual installments, payable in the same manner as real estate taxes, with the number of installments determined by the type of improvement and current City Council policy.

PV001	2008 Parkway Paving (PV801)	50,000
PV003	Lynnhurst Renovation (PV803)	355,000
PV003	Xerxes Ave N Renovation (PV813)	75,000
PV004	2008 CSAH Paving Program (PV804)	800,000
PV006	2008 Alley Renovation (PV806)	65,000
PV043	54th St W (Upton Ave S to Penn Ave S)	105,000
PV052	Marquette Ave Double Width Transit Lanes	1,765,000 <u>1,965,000</u>

PV053 2nd Ave Double Width Transit Lanes	1,765,000 <u>1,715,000</u>
Total	\$4,980,000 <u>\$5,230,000</u>

Adopted 7/31/2009.
Absent - Samuels.

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

a) OP7155, Accept low bid of Electrical Installation & Maintenance Co, Inc., in the amount of \$223,267.50, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the traffic signal revisions, signing, and pedestrian curb ramps project;

b) OP 7160, Accept low bid of Construction Results Corporation, in the amount of \$99,670, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the areaway abandonment at 1000 Marquette Ave for the City of Minneapolis Public Works Department; and

c) OP 7161, Accept bid of ABM Equipment and Supply, LLC, in the amount of \$284,595, to furnish and deliver recycling truck bodies and trailers to the City of Minneapolis Public Works Department, Solid Waste and Recycling Division.

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

Adopted 7/31/2009.
Absent - Samuels.

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

W&M/Budget - Your Committee recommends acceptance of the following bids submitted by the Department of Convention Center and Procurement (Petn No 273631):

a) OP 7163, Accept bid of StageRight Corporation, in the amount of \$122,520, to furnish and deliver stage equipment to the Minneapolis Convention Center; and

b) OP 7164, Accept bid of Honeywell, Inc for an estimated expenditure of \$156,290 to furnish and deliver HVAC Maintenance and Software Upgrade to the Minneapolis Convention Center.

Adopted 7/31/2009.
Absent - Samuels.

W&M/Budget - Your Committee recommends passage of the accompanying resolution making modifications to the Fire Department appropriations, which requires a contingency transfer for fiscal year 2009 in the amount of \$310,000.

Adopted 7/31/2009.
Absent - Samuels.

RESOLUTION 2009R-362
By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the Fire Department (00100-2800400) by \$310,000; and decreasing the Contingency Fund appropriation (00100-1750000) by \$310,000.

Adopted 7/31/2009.
Absent - Samuels.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Alpha Review Corporation for the provision of Workers' Compensation (WC) and Employment Services (ES) Medical Billing Services, effective September 1, 2009, as set forth in Petn No 273632.

Adopted 7/31/2009.

Absent - Samuels.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the following investment management firms:

- a) Galliard Capital Management, Inc.;
- b) Harris Investment Management, Inc.;
- c) Vaughan Nelson Investment Management, LP;
- d) T. Rose & Associates, Inc.;
- e) FAF Advisors, Inc.;
- f) RiverSource Investment, LLC; and
- g) NorthShore Advisors, LLC.

The contracts will be effective for a period of three (3) years with an option to renew for an additional two (2) years.

Adopted 7/31/2009.

Absent - Samuels.

W&M/Budget - Your Committee recommends approval of the Revised 2010 Budget Schedule (Petn No 273632).

Adopted 7/31/2009.

Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the new appointed position of Assistant City Coordinator, Neighborhood and Community Relations, (grade 16 with 735 points), effective July 22, 2009, (Petn No 273633); and passage of the accompanying Salary Ordinance establishing the salary for said appointed position, now recommends that said position **be sent forward without recommendation**.

Ostrow moved to amend the report by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted upon a voice vote.

Absent - Samuels.

The report, as amended, was adopted 7/31/2009.

Absent - Samuels.

Approved by Mayor Rybak 8/3/2009.

(Published 8/4/2009)

Ordinance 2009-Or-060, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed position of Assistant City Coordinator, Neighborhood and Community Relations, was adopted 7/31/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-060
By Ostrow
1st & 2nd Readings: 7/31/2009

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)
Effective: JULY 22, 2009**

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" years	Step D After 3 "C" years
E	1	Assistant City Coordinator, Neighborhood and Community Relations	735	16	A	\$108,990	\$114,726	\$118,168	\$120,463

Adopted 7/31/2009.
Absent - Samuels.
(Approved by Mayor Rybak 8/3/2009).

W&M/Budget - Your Committee, having under consideration the new appointed position of Deputy Director, Neighborhood and Community Relations, (grade 12 with 553 points), effective July 22, 2009, (Petn No 273633); and passage of the accompanying Salary Ordinance establishing the salary for said appointed position, now recommends that said position be **sent forward without recommendation**.

Ostrow moved that the report be postponed to the August 28, 2009 City Council meeting.
Seconded.

Adopted upon a voice vote.
Absent - Samuels.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis' Reasonable Suspicion Drug & Alcohol Testing Policy and Procedures, now recommends the following:

- a) Approval of the revisions to the City of Minneapolis Reasonable Suspicion Drug & Alcohol Testing Policy, as set forth in Petn No 273633;
- b) Receive and file the Procedures that support the policy; and
- c) Direct the Human Resource Department to place the Policy and Procedures in the Policy Library.

Adopted 7/31/2009.
Absent - Samuels.

W&M/Budget - Your Committee, having under consideration Minneapolis Economic Recovery Strategy/HUD Homelessness Prevention and Rapid Re-Housing Program Grant (S09-MY-27-0003), now recommends acceptance of Homelessness Prevention and Rapid Re-Housing Program Grant Award in the amount of \$5,520,902 from the U.S. Department of Housing and Urban Development (HUD); and to authorize proper City officers to sign any necessary award documents.

Your Committee further recommends passage of the accompanying resolution increasing the appropriations in the Department of Community Planning & Economic Development and the Department of Intergovernmental Relations to reflect receipt of said grant funds, and increasing the revenue budget.

Adopted 7/31/2009.
Absent - Samuels.
Approved by Mayor Rybak 8/3/2009.
(Published 8/4/2009)

RESOLUTION 2009R-363
By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by:

- a) Increasing the Community Planning and Economic Development Department appropriation in the HUD Consolidated Plan Fund (01400-8900000) by \$5,505,902;
- b) Increasing the Intergovernmental Relations Department appropriation in the HUD Consolidated Plan Fund (01400-8410000) by \$15,000; and
- c) Increasing the revenue source in the Non-Departmental Agency in the HUD Consolidated Plan Fund (01400-1230000) by \$5,520,902.

Adopted 7/31/2009.

Absent - Samuels.

Approved by Mayor Rybak 8/3/2009.

(Published 8/4/2009)

W&M/Budget - Your Committee, having under consideration Minneapolis Economic Recovery Strategy/HUD Community Development Block Grant Recovery (CDBG-R) funds, now recommends acceptance of Community Development Block Grant Recovery (CDBG-R) funds in the amount of \$3,609,047 from the U.S. Department of Housing and Urban Development (HUD).

Your Committee further recommends passage of the accompanying resolution increasing departmental 2009 Operating Budget appropriations to reflect receipt of said grant funds, and increasing the revenue budget.

Adopted 7/31/2009.

Absent - Samuels.

RESOLUTION 2009R-364
By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by:

- a) Increasing the Community Planning and Economic Development Business Development appropriation in the HUD Consolidated Plan Fund (01400-8900320) by \$2,559,047;
- b) Increasing the Community Planning and Economic Development Affordable Family Housing Development appropriation in the HUD Consolidated Plan Fund (01400-8900220) by \$100,000;
- c) Increasing the Community Planning and Economic Development Real Estate Development Services appropriation in the HUD Consolidated Plan Fund (01400-8900240) by \$260,000;
- d) Increasing the Public Works Operations & Maintenance appropriation in the HUD Consolidated Plan Fund (01400-6800430) by \$190,000;
- e) Increasing the Regulatory Services Lead Hazard Control appropriation in the HUD Consolidated Plan Fund (01400-8350300) by \$200,000;
- f) Increasing the Regulatory Services Problem Properties appropriation in the HUD Consolidated Plan Fund (01400-8351000) by \$200,000;
- g) Increasing the Health & Family Support Contracts appropriation in the HUD Consolidated Plan Fund (01400-8600153) by \$100,000; and
- h) Increasing the revenue source in the Non-Departmental Agency in the HUD Consolidated Plan Fund (01400-1230000) by \$3,609,047.

Adopted 7/31/2009.

Absent - Samuels.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Lake Cedar, LLC, for a waiver from Interim Ordinance 2008-Or-084, providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east, (passed 11/7/2008), to permit the construction of a principal parking facility at 1805 E Lake Street, now recommends that application for waiver of moratorium be denied and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 7/31/2009.

Absent - Samuels.

Z&P - Your Committee, having under consideration the appeal filed by Joseph Spangler from the decision of the Board of Adjustment which, notwithstanding the recommendation of staff, granted the application of Kelly S. Hadac on behalf of IB Property Holdings, LLC, for a nonconforming use certificate to establish legal nonconforming rights to a seven unit multiple family dwelling at 2908 16th Avenue S, now recommends that said appeal be granted, the nonconforming use certificate denied, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 7/31/2009.

Absent - Samuels.

Z&P - Your Committee, having under consideration the appeal filed by Michael Norton, on behalf of 500 LLC, from the decision of the Heritage Preservation Commission denying an application for Certificate of Appropriateness to permit a rehabilitation and new addition project at 500 North 3rd Street, now recommends that the appeal be denied, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 7/31/2009.

Absent - Samuels.

Z&P - Your Committee, having under consideration the appeal filed by Call Your Bluff Development, LLC, and Bluff Street Development, LLC, from the decision of the Planning Commission denying applications for a) a conditional use permit for 79 dwelling units, b) a conditional use permit to increase building height to 6 stories or 70 feet from 4 stories or 56 feet in the I2 Industrial Overlay District, c) a variance to reduce the minimum lot area per dwelling unit by 30%, and d) site plan review for a 79 unit residential building, all at 600 Main Street SE, now recommends that said appeal be **sent forward without recommendation**.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted 7/31/2009.

Absent - Samuels.

Z&P - Your Committee, having under consideration the appeal filed by Leo Whitebird from the decision of the Planning Commission granting the applications of Basim Sabri with Karmel Village, LLC, for a conditional use permit and site plan review to increase the size of a building addition by 26,000 square feet from the size previously approved by the City Council in March of 2008 for the development located at 2848 Pleasant Avenue and 2825 Grand Avenue S, now recommends, notwithstanding the recommendation of staff, that said appeal be granted.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2009- ____ in the Office of the City Clerk be adopted and made a part of this report by reference.

Schiff moved to substitute the following report for the above report. Seconded.

Z&P - Your Committee, having under consideration the appeal filed by Leo Whitebird from the decision of the Planning Commission granting the applications of Basim Sabri with Karmel Village, LLC, for a conditional use permit and site plan review to increase the size of a building addition by 26,000 square feet from the size previously approved by the City Council in March of 2008 for the development

located at 2848 Pleasant Avenue and 2825 Grand Avenue S, now recommends that said appeal be granted, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Lilligren moved a substitute motion to substitute the following report the above report. Seconded.

Z&P - Your Committee, having under consideration the appeal filed by Leo Whitebird from the decision of the Planning Commission granting the applications of Basim Sabri with Karmel Village, LLC, for a conditional use permit and site plan review to increase the size of a building addition by 26,000 square feet from the size previously approved by the City Council in March of 2008 for the development located at 2848 Pleasant Avenue and 2825 Grand Avenue S, now recommends, notwithstanding the recommendation of staff, that said appeal be granted.

Further, staff is directed to draft Findings of Fact to support the Committee's decision for adoption at the next regularly scheduled City Council meeting.

Goodman moved to call the question on Lilligren's appeal. Seconded

Adopted upon a voice vote.

Absent - Samuels.

Lilligren's substitute motion lost. Yeas, 3; Nays 9 as follows:

Yeas - Lilligren, Gordon, Hofstede.

Nays - Ostrow, Schiff, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Johnson.

Absent - Samuels.

Lilligren moved a substitute motion that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted by unanimous consent.

Absent - Samuels.

Lilligren's motion was adopted upon a voice vote 7/31/2009.

Absent - Samuels.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Alan Arthur, on behalf of Aeon (BZZ-4414) to rezone the property at 714 and a portion of 718 E 17th Street from R6 to the OR2 High Density Office Residence District, retaining the DP Downtown Parking Overlay District, to permit a 19-space surface parking lot, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 7/31/2009.

Absent - Samuels.

Ordinance 2009-Or-061, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 714 and 718 E 17th Street to the OR2 District, was adopted 7/31/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2009-Or-061
By Schiff
1st & 2nd Readings: 7/31/2009

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

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

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

That part of Lot 3 and the west 14.00 feet of Lot 4, D.R. Wagner's Addition to Minneapolis, Hennepin County (714 and 718 East 17th Street - Plate 20) to the OR2 District, retaining the DP Downtown Parking Overlay District.

Adopted 7/31/2009.

Absent - Samuels.

MOTIONS

Lilligren moved passage of the accompanying resolution accepting a donation of travel expenses for a bicycle delegate tour of Europe from the Bikes Belong Foundation, a national non-profit organization.

Further, that the proper City officers be authorized to designate a Public Works employee to represent the City on this trip.

Adopted 7/31/2009.

Absent - Samuels.

Resolution 2009R-365, accepting the donation of travel expenses for a bicycle delegate tour of Europe, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-365

By Lilligren

Accepting the donation of travel expenses for a bicycle delegate tour of Europe.

Whereas, on July 21, 2009, the Bikes Belong Foundation offered a donation of a bicycle trip to the City of Minneapolis to include airfare, ground transportation, bicycle rental, accommodations, course materials, and meals; and

Whereas, this five day transportation study tour of urban bicycle facilities will focus on state-of-the-art practices in bicycle planning, engineering, and design; and

Whereas, the Bikes Belong Foundation is a stand alone organization which is organized by the Bikes Belong Coalition, a national advocacy organization with the mission of putting more people on bicycles more often; and

Whereas, the Bikes Belong Coalition participates in lobbying the federal government to further this mission as well as focusing on federal policy and funding, national partnerships, community grants, and promoting bicycling; and

Whereas, the Minneapolis Bicycle Program helps those who live and work in the city to use bicycles as a low polluting, cost-effective, and healthy way to travel; and

Whereas, Minneapolis is nationally recognized for its bicycle program; and

Whereas, participating in the transportation study tour will increase our city's knowledge on improving bicycle transportation and provide public benefit to the City of Minneapolis:

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

That the proper City officers be authorized to accept the donation of travel expenses for a bicycle delegate tour of Europe, to include airfare, ground transportation, bicycle rental, accommodations, course materials, and meals, from the Bikes Belong Foundation, a national non-profit organization.

Adopted 7/31/2009.

Absent - Samuels.

RESOLUTIONS

Resolution 2009R-366, authorizing Fire Fighters employed by the City of Minneapolis to participate in the partnership between the International Association of Fire Fighters and the Muscular Dystrophy Association 2009 "Fill the Boot" campaign, was adopted 7/31/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2009R-366

By Johnson

Authorizing Fire Fighters employed by the City of Minneapolis to participate in the partnership between the International Association of Fire Fighters and the Muscular Dystrophy Association by soliciting for donations during the 2009 "Fill the Boot" campaign.

Whereas, the International Association of Fire Fighters (IAFF) is the labor organization that represents the 280,000 professional fire fighters who serve the public by saving lives and protecting property in cities and governmental units throughout the United States and Canada; and

Whereas, the IAFF is the single largest national sponsor of the Muscular Dystrophy Association (MDA) and its annual Labor Day telethon; and

Whereas, since 1954, when it first initiated its partnership with the MDA, IAFF members have raised over \$275 Million toward the worldwide research efforts of MDA to eradicate 40 neuromuscular diseases; and

Whereas, the contributions generated through the efforts of fire fighters also go towards MDA's summer camps for children, professional and public health education, and other programs; and

Whereas, each year fire fighters raise millions of dollars nationwide through their Fill the Boot campaigns, in which fire fighters collect donations of money to MDA in their fire boots; and

Whereas, the commitment of the fire fighters to the cause of MDA has further elevated their image as extraordinary professionals who not only put their own lives at stake to save others from fires, explosions, structural collapses, and other disasters but also as heroes helping to work toward saving the lives of the innocent victims of neuromuscular diseases; and

Whereas, the devoted support of IAFF members to the MDA not only provides significant financial assistance to finding a cure for these diseases, but also strengthens the relationship between the fire fighters and the members of the community they serve through the face to face interactions during the Fill the Boot campaign; and

Whereas, several cities across the United States annually allow their fire fighter crews to conduct the Fill the Boot campaign activities while on-duty in a manner that leaves them available and responsible to responding to emergency calls; and

Whereas, Minneapolis fire fighters are active members of IAFF Local 82 and long-standing participants in the Fill the Boot campaign; and

Whereas, unlike other City of Minneapolis employees, fire fighters work a twenty-four hour shift that includes down time for personal activities; and

Whereas, Minneapolis fire fighters intend to conduct their Fill the Boot activities; and

Whereas, Minneapolis fire fighters conduct their Fill the Boot activities with their assigned fire rigs such as to permit immediate response to any call for service; and

Whereas, the Minnesota Chapter of the MDA has recognized the significant and valuable contribution of Minneapolis fire fighters to their annual fund raising efforts and strongly seeks their continued participation; and

Whereas, the City of Minneapolis supports the efforts of IAFF Local 82 and the MDA to find a cure for these terrible diseases; and

JULY 31, 2009

Whereas the City of Minneapolis recognizes that participation by its fire fighters in the nationwide MDA Fill the Boot campaign serves not only to raise money for MDA but also benefits the City by greatly enhancing the image of its fire fighters as dedicated public servants engaged in the community through their employment and in service to charitable causes;

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

That Minneapolis firefighter participation in the Fill the Boot campaign while on-duty will neither interfere with or preclude the performance of their regular daily duties nor detract from other work-related obligations to the public.

Be It Further Resolved, Minneapolis firefighter participation in the Fill the Boot campaign will be in the public interest and primarily serve a public purpose.

Be It Further Resolved, that Minneapolis firefighter participation in the Fill the Boot campaign is contingent upon the compliance of the MDA with all charitable solicitation ordinances and the completed execution of an agreement between the City and the MDA in which the MDA agrees to defend and indemnify and hold harmless the City of Minneapolis for all worker's compensation claims and tort claims arising out of the Minneapolis firefighter participation in the Fill the Boot campaign.

Be It Further Resolved, that Minneapolis firefight participation in the Fill the Boot campaign is subject to reasonable conditions and limitations as may be established by the Fire Chief.

Adopted upon a voice vote 7/31/2009.

Absent - Samuels.

NEW BUSINESS

Schiff moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to rezone select parcels and amend the boundaries of overlay districts as an implementation step following the adoption of several small area plans):

- a. Chapter 521 relating to *Zoning Districts and Maps Generally*; and
- b. Chapter 551 relating to *Overlay Districts*. Seconded.

Adopted by unanimous consent 7/31/2009.

Hodges moved to direct the City Clerk that, if the City Clerk receives a petition to place on the 2009 election ballot a proposed amendment to the Charter regarding the Minneapolis Park & Recreation Board, the City Clerk shall place the proposed amendment on the agenda for the Intergovernmental Relations Committee. Seconded.

Adopted 7/31/2009.

Absent - Samuels.

Lilligren moved to adjourn to Thursday, August 13, 2009, at 2:00 p.m. in Room 317, City Hall, for the purpose of receiving the Mayor's 2010 Budget Address. Seconded.

Adopted upon a voice vote 7/31/2009.

Absent - Samuels.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 8/3/2009
Official Posting: 8/7/2009
Corrections: 11/4/2009; 3/8/2010