

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JANUARY 23, 2009

(Published January 31, 2009, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
January 23, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Remington.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 1/23/2009.

Absent – Remington, Hodges.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held January 9, 2009. Seconded.

Adopted upon a voice vote 1/23/2009.

Absent – Remington, Hodges.

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 1/23/2009.

Absent – Remington, Hodges.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE (See Rep):

COORDINATOR (273227)

Process for Multi-jurisdictional participation in the Neighborhood and Community Engagement Commission.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273228)

Land Sale (165 Glenwood Ave): Sale to Community Housing Development Corporation, or affiliate.

2008 Emergency Shelter Grant Funding: Allocations to Exodus Hotel, Cabrini Transitional Housing, Harbor Light & Simpson Housing facilities.

2009 Preliminary Planning Fund Allocations.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273229)

MN Department of Employment & Economic Development Redevelopment Grant Program: Applications for projects at or known as: 14th Ave N (Standard Heating/Re-Alliance Redevelopment Area), Alliance Addition, Bassett Creek Valley/Linden Yards West, Bystrom Brothers/Franklin Station (E 22nd St ROW), East Bank Mills, and Hennepin Healthcare Systems/Family Medical Center.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (273230)

Internal Affairs Audit: Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273231)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273232)

Hilton Garden Inn (1101 4th Av S): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

Banadir Kitchen (2115 Chicago Av S): Grant Restaurant License, subject to conditions.

PUBLIC WORKS AND ENGINEERING (273233)

Police Mounted Patrol Horse Barn Facility: Authorize continue discussions with Minnesota State Fair Board, University of Minnesota, Minneapolis Park & Recreation Board, and City of St. Paul supporting potential for partnerships and to analyze the feasibility of the location, planning, design and construction of a facility at the Minnesota State Fair Grounds; Request Minnesota State Fair Board of Directors to direct staff to continue discussions with the City of Minneapolis; and Direct staff to return to Committee no later than April 1, 2009 to present a final recommendation as to the siting of the Mounted Patrol Horse Barn Facility.

REGULATORY SERVICES (273234)

Rental Dwelling License at 1734 Como Av SE: Approve license reinstatement to be held by David L. Marks.

Rental Dwelling License at 3339 James Av N: Approve license reinstatement to be held by Paul A. Freitag.

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

FIRE DEPARTMENT (273235)

SAFER Grant: Fire Department recommendation to communicate to Federal Emergency Management Agency the City's inability to accept a Fiscal Year 2008 SAFER grant.

POLICE DEPARTMENT (273236)

State Gang Strike Force: Execute grant agreement with Minnesota Department of Public Safety to receive \$480,000 to support one commander and up to eight officers to serve on Strike Force for 2009; and Approve appropriation.

Violent Offender Task Force: Execute 2009 grant agreement with Minnesota Department of Public Safety to receive \$130,000 for overtime surveillance details and equipment; and Approve appropriation.

Minnesota Criminal Justice Data Communications Network: Authorize pay 2008 annual cost of \$109,920 on a quarterly basis to Minnesota Department of Public Safety for user access to Network.

REGULATORY SERVICES (273237)

Emergency Preparedness Services: Accept payment of \$14,344.14 for emergency deployment to Iowa; Accept \$34,770 reimbursement from Hennepin County for FFY 2007 Emergency Management Performance Grant; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273238)

Marquette and 2nd Ave Transit Project: Phase II Construction Plan including Streetscape.

Traffic Zones, Restrictions, and Controls: 4th Quarter 2008 report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273239)

Special Assessment Deferment Application: 2939 Penn Ave N.

Permanent and Temporary Easement Acquisitions: CSO Projects #016, #025, and #117.

Structural Testing Services Agreement for City-owned parking ramps and skyways: Contract with Walker Restoration Consultants.

I-394 Parking Facilities (TAD Garages/ABC Ramps): Management agreement with Mn/DOT.

Midtown Global Market: Encroachment permit amendment.

Bloomington Ave S Resurfacing Project No 5194: Project designation.

Non-Motorized Transportation Pilot Program: Round 3 Solicitation for Bike Walk Twin Cities Projects.

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

PUBLIC WORKS AND ENGINEERING (273240)

Street Lighting Project Close-Outs: Reallocate excess revenue.

Contract for Composting of Yard Wastes and Street Sweepings: Confirm contract with RW Farms, LLC and Organic Technologies, Inc.

Areaway Abandonment Project - 2700-2708 Lake St E (Coliseum Building): a) Receive final costs; and b) Contract and settlement agreement with LS Black Constructors, Inc.

Fridley Membrane Filtration Plant: Project cancellation.

Bids: a) OP 7051, Intex Corporation, for crushing waste concrete and asphalt; and b) OP 7059, Veit and Company, Inc., for disposal of clean fill.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (273241)

Special Compensation Fund: 2008 2nd Half Assessment.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273242)

Legal Settlement: Donald P. Babic.

Courier Services: Execute contract with You've Been Served.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (273243)

Snow Removal: Increase contract with Minnesota 1 Construction by \$30,000.

FINANCE DEPARTMENT (273244)

Actuarial Services Consultant Panel: Execute contract.

Professional Services Agreement: Amend contract C-21724 with Deloitte Consulting by \$50,000; and extend contract term.

HEALTH AND FAMILY SUPPORT SERVICES (273245)

Teen Education Services: Accept revenue of \$5,000 from Minnesota Department of Education for assistance for teen pregnancy and sexually transmitted disease prevention education; and Approve appropriation.

HUMAN RESOURCES (273246)

AFSCME Council 5, Attorneys Unit: Labor agreement.

2009 Salary Adjustments: Non-represented employees.

2009 Salary Adjustments: Appointed Employees.

HUMAN RESOURCES (273247)

New Appointed Position: Litigation Managing Attorney.

New Appointed Position: Supervising Attorney - Criminal.

Reclassified Appointed Position: Deputy Director Communications.

Pay Equity: Direct staff to submit Compliance Report to Minnesota Department of Employee Relations.

Minneapolis Building and Construction Trades Council, Trades Unit: Labor agreement.

Minneapolis Foremen's Association, Foremen Unit: Labor agreement.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (273248)

Appeals:

2863 East Lake of the Isles Parkway: appeal from decision to approve demolition of a historic resource.

Minnehaha Park (4901 Minnehaha Ave): appeal of conditions placed on the approval of a Certificate of Appropriateness for the Minnehaha Falls and Glen restoration project.

INSPECTIONS/BOARD OF ADJUSTMENT (273249)

Appeal:

Carolyn Moore (4839 Bryant Ave S): Appeal of determination of the Zoning Administrator that property is substantially similar to a hotel/motel or bed and breakfast, and not a single family home.

PLANNING COMMISSION/DEPARTMENT (273250)

Appointments to the Minneapolis Arts Commission of Tamara Nadel, Christopher Harrison, Jill Boldenow, Rachel Parker, George Norman, Collette Illarde, Sheila Bland, Heather Doyle, and Tim Gihring.

Appeal:

Karmel-AIHikmah Preschool (2901 Pleasant Ave S): Conditional Use Permit to allow for a preschool.

Zoning Code Text Amendment:

Title 20, Chapter 535, relating to properties with more than one zoning classification.

FILED:

THE CHURCH OF ST. HELENA (273251)

Vacate alley adjacent to Church property.

POLICE DEPARTMENT (273252)

Police Community Relations Council: Mediation Compliance Final Report.

SPECIAL SCHOOL DISTRICT #1 (273253)

Alley in vicinity of 38th Avenue South and 56th Street East.

The following reports were signed by Mayor Rybak on January 27, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the process by which eligible jurisdictions may participate in the Neighborhood and Community Engagement Commission, now recommends that the following process be approved:

- a) Eligible jurisdictions are government entities that share a Minneapolis constituency.
- b) Upon agreement with the City, eligible jurisdictions that commit funding to the Neighborhood Investment Fund of \$500,000 annually for at least a five year term shall appoint one member.

- i. All appointments under this section shall sunset at the end of 2020, the end of the certification of the redevelopment tax increment financing district as authorized by the State Legislature.
- ii. All appointments under this section shall have a two (2) year term, with a limit of three terms, and staggered as determined by the NCEC.

Adopted 1/23/2009. Yeas, 10; Nays, 2 as follows:

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

Nays - Colvin Roy, Gordon.

Absent - Remington.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee forwards without recommendation the accompanying resolution authorizing sale of the property at 165 Glenwood Ave to Community Housing Development Corporation, or an affiliate, for \$835,000, subject to the following conditions:

a) Execution of redevelopment contract within 60 days of Council action with a \$20,000 non refundable fee at the time of signing;

b) Because the City's Public Works department requires use of the site for vehicle/equipment storage until the new Hiawatha Maintenance Facility opens, if the purchaser chooses to close before 6/1/2010, the purchaser must either 1) agree to allow the Public Works department continued access to the site at a nominal cost for the limited purpose of storing vehicles/equipment until the earlier of the opening of the Hiawatha Maintenance Facility and 6/1/2010, or 2) provide an alternative vehicle storage site reasonably acceptable to the Public Works director and pay or reimburse the City for all temporary staging, storage/lease, and moving costs for the City's equipment. Public Works acknowledges that construction activity may take place on the site during this leaseback period. The closing must occur no later than 7/1/2010. The conveyance to the purchaser shall be closely timed with the construction start date, in order to keep the lot under Public Works management as long as possible;

c) Required planning and regulatory approvals are obtained by 12/31/09;

d) All development financing is secured by 12/31/09;

e) All closing fees will be paid by the purchaser;

f) All costs associated with the development, including without limitation environmental remediation and soil condition corrections, will be paid for by the purchaser;

g) If the purchaser is unable to close by 7/1/2010, the City may terminate the redevelopment contract and the property will return to Public Works inventory.

Goodman moved that the report be amended by deleting the language, "forwards without recommendation," and inserting in lieu thereof, "recommends passage of" and by adding a new condition to read as follows:

"h) By 6/1/2010, Catholic Charities must have: 1) secured funding to move its Secure Waiting Space currently located at 1000 Currie Ave to 165 Glenwood Ave; 2) necessary zoning and regulatory approvals to move Secure Waiting facility to 165 Glenwood Ave; 3) an executed purchase agreement for the sale of 1000 Currie Ave, which stipulates that future land use on the site prohibits emergency shelter-type uses." Seconded.

Adopted upon a voice vote.

Absent - Remington.

The report, as amended, was adopted 1/23/2009.

Absent - Remington.

Approved by Mayor Rybak 1/26/2009.

(Published 1/27/2009)

Resolution 2009R-013, authorizing sale of land for J. Jerome Boxleitner Place Project at 165 Glenwood Ave, was adopted 1/23/2009 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-013

By Goodman

Authorizing sale of land for J. Jerome Boxleitner Place Project at 165 Glenwood Ave.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop the following described parcel(s) of land, hereinafter the Parcel, in the North Loop neighborhood, from Community Housing Development Corporation or an affiliate, hereinafter known as the Redeveloper:

LEGAL DESCRIPTION of 165 Glenwood Avenue: That part of the Southwest 1/4 of the Southwest 1/4 lying north of the Railroad Right-of Way and lying south of Glenwood Avenue and East of Lot 18, Auditors Subdivision No. 31 excluding Highway (partial description per Hennepin County), Hennepin County, Minnesota; and

Whereas, the Redeveloper has offered to pay the sum of \$835,000 to the City for the Parcel, and the Redeveloper's housing proposal is in accordance with statutory redevelopment authority; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 2, 2009, a public hearing on the proposed sale was duly held on January 13, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value of the Parcel for uses in accordance with the J. Jerome Boxleitner Place Project proposal is hereby estimated to be the sum of \$835,000.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the proposal.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 1/23/2009.

Absent - Remington.

Approved by Mayor Rybak 1/26/2009.

Comm Dev – Your Committee, having under consideration proposals for 2008 Emergency Shelter Grant (ESG) funding, now recommends approval of the following allocations:

- a) Up to \$302,500 for Exodus Hotel, 8xx Second Ave S, by Catholic Charities, or an affiliate;
- b) Up to \$120,000 for Cabrini Transitional Housing, 1xxx SE 6th St, by Cabrini Partnership and Project for Pride in Living, or an affiliate;

c) Up to \$81,510 for Harbor Light, 1xxx Currie Ave N, by The Salvation Army or an affiliate, contingent upon certain actions described in the Department of Community Planning & Economic Development report are completed by 5/31/09; and

d) Up to \$62,000 for Simpson Housing, 2xxx - 1st Ave S, by Simpson Housing Services or an affiliate, contingent upon certain actions described in the Department of Community Planning & Economic Development report are completed by 5/31/09.

Adopted 1/23/2009.

Absent - Remington.

Comm Dev - Your Committee recommends approval of the 2009 Preliminary Planning Fund allocations, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted 1/23/2009.

Absent - Remington.

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

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to submit applications to the Minnesota Department of Employment and Economic Development (DEED) Redevelopment Grant Program for redevelopment projects at (or known as): 14th Ave N (Standard Heating/Re-Alliance Redevelopment Area), Alliance Addition, Bassett Creek Valley – Linden Yards West, Bystrom Brothers/Franklin Station (E 22nd St ROW), East Bank Mills, and Hennepin Healthcare Systems/Family Medical Center, and to execute such agreements as are necessary to implement the projects.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-014, authorizing application to the Minnesota Department of Employment and Economic Development Redevelopment Grant Program for projects at 14th Avenue N (Standard Heating/Re-Alliance Redevelopment Area), Alliance Addition, Bassett Creek Valley – Linden Yards West, Bystrom Brothers/Franklin Station (East 22nd St. ROW), East Bank Mills, and Hennepin Healthcare Systems/Family Medical Center, was adopted 1/23/2009 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-014
By Goodman and Ostrow**

Authorizing Application to the Minnesota Department of Employment and Economic Development [DEED] Redevelopment Grant Program for Various Projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Redevelopment Grant applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by February 2, 2009: 14th Avenue N. (Standard Heating/Re-Alliance Redevelopment Area), Alliance Addition, Bassett Creek Valley – Linden Yards West, Bystrom Brothers/Franklin Station (East 22nd St. ROW), East Bank Mills, and Hennepin Healthcare Systems/Family Medical Center; 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 applications are committed to the identified projects; 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 one or more of its applications, the City may enter into agreements with the State of Minnesota for one or more of the above-referenced projects and will comply with all applicable laws and regulations as stated in such agreements;

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 one or more of the above-referenced projects, 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 projects.

Adopted 1/23/2009.

Absent - Remington.

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

PS&RS - Your Committee, having under consideration license applications submitted by Hilton Garden Inn, 1101 4th Av S, for operation of a new business at 1101 4th Av S, now recommends the following:

- a. passage of the accompanying resolution granting an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.
- b. approval of a 2:00 a.m. State-issued permit.
- c. that Swimming Pool, Confectionery and Hotel licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 1/23/2009.

Absent – Remington.

Resolution 2009R-015, granting the application of Hilton Garden Inn, 1101 4th Av S, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 1/23/2009 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-015

By Samuels

Granting the application of Hilton Garden Inn, 1101 4th Av S, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by First Global LLC, dba Hilton Garden Inn, 1101 4th Av S, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2009, subject to the following conditions:

1. The establishment may not operate as a sexually orientated use as is defined in Chapter 549.340 of the Minneapolis Code of Ordinances.
2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.
3. Violation of the terms of Conditions 1 and 2 above shall provide a basis for revocation of the City's consent for the applicant to operate the Class A Liquor License.

4. All parties hereto agree that this agreement is specifically enforceable and that in any litigation involving this agreement, no defense will be raised as to its enforceability.

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

Adopted 1/23/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Banadir Kitchen, 2115 Chicago Av S, for a Restaurant License, subject to conditions.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-016, granting the application of Banadir Kitchen, 2115 Chicago Av S, for a Restaurant License, subject to conditions, was adopted 1/23/2009 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-016

By Samuels

Granting the application of Banadir Kitchen, 2115 Chicago Av, for a Restaurant License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Hashim Aba, dba Banadir Kitchen, 2115 Chicago Av, for a Restaurant License (new proprietor) to expire April 1, 2009, subject to the following conditions:

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

2. The business hours of operation as determined by the Minneapolis Zoning Codes are Sunday to Thursday, 7:00 a.m. to 10:00 p.m., and Friday and Saturday 7:00 a.m. to 11:00 p.m. Any other hours of operation must be approved by the Minneapolis Zoning Department.

3. The business will have a minimum of two staff employees working from 3:00 p.m. until the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors. This condition can be rescinded one year from the date of signature on this agreement upon review by the Business License Department.

4. The business agrees to do criminal background checks on all employees and shall refuse to hire any person that has a criminal conviction directly related to controlled substances while that person is still under the court's jurisdiction. Controlled substances were found in this location under the operation of the previous ownership. Employees can obtain criminal backgrounds at the Bureau of Criminal Apprehension located at 1430 Maryland Ave, St. Paul or on the internet at www.bca.state.mn.us.

5. The business owner and employees shall not possess, sell or distribute, or attempt to distribute, or aid or abet another to, possess, sell, distribute illegal controlled substances on the premises. The business owner or employees shall not knowingly allow or encourage any person on the premises to possess, sell, distribute or attempt to possess, sell or distribute illegal controlled substances.

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

7. All windows will be free of signs and other items that block the view in and out, in accordance with Section 543.350 of the Minneapolis Code of Ordinances.

8. The business agrees to install a surveillance camera system with up to 30 storage of surveillance materials. This camera shall be installed to record data with a camera facing the entrance doors in the front and rear of the business and one exterior camera in the front of the business. The business agrees to turn over all surveillance materials to the Minneapolis Police or Business License within 24 hours of the request.

9. The business understands that it must clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use. Litter receptacles can be obtained through the City Solid Waste Department.

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

11. The business understands that the basement area can only be used for storage and use of the basements by the business customers.

12. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 1/23/2009.

Absent - Remington.

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

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-017, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/23/2009 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-017

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 273231):

Off-Sale Liquor, to expire January 1, 2010

Sam's Washington Avenue Wine Shop LLC, dba Sam's Washington Avenue Wine, 218 Washington Av N;

Surdyk's Liquor Inc, dba Surdyk's Liquor, 303 E Hennepin Av

RWB Minneapolis Catering LLC, dba Chefs Production, 600 1st Av N

Loring Park Assoc Ltd Ptnrs, dba Hyatt Regency Mpls, 1300 Nicollet Mall

Jessy & Luke Inc, dba Hi-Lake Liquors, 2130 E Lake St

Off-Sale Liquor, to expire October 1, 2009

Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N

Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE

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

Graves Hospitality Corporation, dba Graves 601 Hotel, 601 1st Av N

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

701 Ventures Inc, dba First Avenue, 29 S 7th St, 2 floors

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St

University Gateway Corp, dba Gateway Café, 200 Oak St SE

RCI Entertainment (Minnesota) Inc, dba Rick's Cabaret, 300 S 3rd St

Avenue One Entertainment LLC, dba Bootleggers, 323 1st Av N

331 Club Inc, dba 331 Club, 331 13th Av NE

Mangos Entertainment LLC, dba Visage, 400 3rd Av N

90's Minneapolis LLC, dba Gay 90's, 400 Hennepin Av

Secure Entertainment LLC, dba Lounge (The), 411 2nd Av N

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RWB Minneapolis Catering LLC, dba Chefs Production, 600 1st Av N
Bellanotte Hospitality LLC, dba Bellanotte, 600 Hennepin Av #170
Graves Hospitality Corporation, dba Graves 601 Hotel, 601 1st Av N
Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S
Univ Inn Assoc a Ltd Partnership, dba Radisson Hotel Metrodome, 615 Washington Av SE
AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av
SHP DT Bevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av
Ivy Tower Holdings LLC, dba Hotel Ivy, 1115 2nd Av S
Loring Park Assoc Ltd Ptnrs, dba Hyatt Regency Hotel, 1300 Nicollet Mall
Great Suburban World Theatre LLC, dba Suburban World Theatre, 3022 Hennepin Av

On-Sale Liquor Class A with Sunday Sales, to expire December 31, 2008

La Vina Inc, dba La Vina Restaurant, 3010 4th Av S (temporary expansion of premises, December 14, 25 & 31, 2008 - DJ, Buffet & Prize Contest)

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

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE

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

Murray's Inc, dba Murray's, 24 S 6th St, 1st floor

Baz Inc, a MN Corp, dba Champps, 100 S 6th St (includes Class B outdoor entertainment)

River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av

Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE

Axis 1 LLC, dba Axis 1 LLC, 322 1st Av N

Spring Street Tavern LLC, dba Spring Street Tavern, 355 Monroe St NE

Fleming Clarence G, dba Terminal Bar, 409 E Hennepin Av

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av

Miss Jimmy Inc, dba Red Stag Supperclub, 509 1st Av NE

RWB Minneapolis LLC, dba NBA City, 600 1st Av N

Haze 3 Corp, dba Grumpy's Bar & Grill, 1111 Washington Av S

Lakes Restaurant Inc, dba Stella's Fish Cafe & Prestige Oyster, 1402 W Lake St

Katabays Corporation, dba Blue Nile, 2027 E Franklin Av

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

Aqua Nightclub, dba Aqua Nightclub, 400 1st Av N, #110 (internal transfer of shares)

Lake & Hennepin BBQ & Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av (new corporate officer)

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

Keegan Pubs Inc, dba Keegans Pub, 16 University Av NE

HRS Enterprises Inc, dba Red Sea Bar & Restaurant, 320 Cedar Av S

Espresso Monkeys Incorporated, dba Acadia Cafe, 329 Cedar Av S

Keegan Pubs Inc, dba Little Wagon, 420 S 4th St

Jaeger Corporation, dba Clubhouse Jaeger, 923 Washington Av N

Lip to Lip Inc, dba In Wunderbar, 983 E Hennepin Av

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av

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

Concept Eatery LLC, dba 112 Eatery, 112 3rd St N

Venue Management LLC, dba Pantages Theatre, 710 Hennepin Av

Venue Management Inc, dba State Theatre, 805 Hennepin Av

Venue Management Inc, dba Hennepin Stages, 824 Hennepin Av

Venue Management Inc, dba Orpheum Theatre, 910 Hennepin Av

Cardenas Enterprises Inc, dba Pancho Villa's Grill, 2539 Nicollet Av

Merlins Rest LLC, dba Merlins Rest, 3601 E lake St

On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2009

Amazing Thailand LLC, dba Amazing Thailand, 3024 Hennepin Av (new manager)

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

Amazing Thailand LLC, dba Amazing Thailand, 3024 Hennepin Av

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

Aster Pictures Corporation, dba Aster, 125 Main St SE (downgrade from Class C-2 with Sunday Sales)

Lame Duk LLC, dba Rachel's, 222 E Hennepin Av (downgrade from Class C-2 with Sunday Sales)

Chipotle Mexican Grill of Colorado LLC, dba Chipotles Mexican Grill, 800 Nicollet Mall, Suite 2600 (new manager)

Fogo De Chao Churrascaria (Minneapolis), dba Fogo De Chao, 2 S 7th St, 1st floor

Jasmine 26 Inc, dba Jasmine 26 Restaurant & Bar, 8 E 26th St

Two Wiseguy's Inc, dba Origami Restaurant, 30 N 1st St, 1st floor

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 S 6th St

Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St #124

Watermark Entertainment LLC, dba Sgt Prestons, 221 Cedar Av S

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Av

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Av S

Was Partners LLC, dba Harry's Food & Cocktails, 500 Washington Av S, 1st floor

Chipotle Mex Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE

Zelo Inc, dba Zelo, 831 Nicollet Mall

Ala Salsa Enterprises LLC, dba A La Salsa Restaurant, 920 E Lake St, #155

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall

M T Bottles LLC, dba Spill The Wine, 1101 Washington Av S

Back Bar LLC, dba Eli's, 1225 Hennepin Av

Haanpaa Restaurants Inc, dba King and I, 1346 LaSalle Av

Bulldog Restaurant Aurant Inc, The, dba Bulldog Restaurant, The, 2549 Lyndale Av S

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 2600 Hennepin Av

Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av, #301A

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd

3675 Minnehaha Inc, dba Rail Station Bar & Grill, 3675 Minnehaha Av

Blue Plate Restaurant Co, dba Longfellow Grill, 4630 E Lake St

Cintia's of Mexico Bar & Rest Inc, dba Cintias, 6042 Nicollet Av

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

Burger Jones LLC, dba Burger Jones, 3200 W Lake St (change in ownership from Applebee's Restaurants North LLC)

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

Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd (new corporate officer & internal)

On-Sale Liquor Class E, to expire January 1, 2010

S Squared LLC, dba Saffron Restaurant & Lounge, 123 3rd St N

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

The Steak Knife, dba Tony's Diner, 1327 4th St SE.

Adopted 1/23/2009.

Absent - Remington.

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

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-018, granting applications for Business Licenses, was adopted 1/23/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

JANUARY 23, 2009

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

RESOLUTION 2009R-018

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 January 23, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petrn No 273231):

Asphalt Shingles & Roofing Manufacturer; Bed & Breakfast Facility; Billboard Erector; Christmas Tree; Dry Cleaner - Flammable; Dry Cleaner - Non-Flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Confectionery; Grocery; Short-Term Food Permit; Gasfitter Class A; Hotel/Motel; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Towing Class A; Towing Class B; Towing Class C; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Solid Waste Hauler; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Taxicab Service Company; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Valet Parking; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 1/23/2009.

Absent - Remington.

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

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-019, granting applications for Gambling Licenses, was adopted 1/23/2009 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-019

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 (Petrn No 273231):

Gambling Class B

Washburn Amateur Hockey Assoc, dba Washburn Amateur Hockey Assoc, 45 S 7th St, Suite 2310 (Pepitos, 4820 Chicago Av, Pulltabs, Paddlewheel)

Edison Booster Club Inc, dba Edison Booster Club Inc, 6801 Peony Ln N, Maple Grove (Site: Shaw's Bar & Grill, 1528 University Av NE)

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis (Raffle March 11, 2009 at Jax Cafe, 1928 University Av NE)

Gambling Exempt

American Legion Post #1 Minneapolis, dba American Legion Post #1, 2507 E 25th St (Raffles February 21, 2009)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (Pulltabs February 24, 22009)

Down Syndrome Association of Minnesota, dba Down Syndrome Association of Minnesota, 656 Transfer Rd, St. Paul (Raffles June 14, 2009 at Columbia Park, 800 Columbia Blvd)

Hopkins Education Foundation, dba Hopkins Education Foundation, 1001 Hwy 7, Hopkins (Raffles February 21, 2009 at Minneapolis Marriott, 30 S 7th St)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and Raffles March 6, 2009)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and Raffles March 13, 2009)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and Raffles March 27, 2009)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and Raffles April 3, 2009)

Minnesota Teen Challenge, dba Minnesota Teen Challenge, 1619 Portland Av S (Raffles April 17, 2009 at Minneapolis Hilton Hotel, 1001 Marquette Av).

Adopted 1/23/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Tobacco Dealer License held by Loon Express, 2801 Lyndale Av S.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-020, approving License Settlement Conference recommendations relating to the Tobacco Dealer License held by Loon Express, 2801 Lyndale Av S, was adopted 1/23/2009 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-020

By Samuels

Approving License Settlement Conference recommendations relating to the Tobacco Dealer License held by Lyndale Express, Inc, dba Loon Express, 2801 Lyndale Av S.

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

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances by failing a third tobacco compliance check on August 6, 2008;

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. Lyndale Express Inc agrees to establish a written policy concerning employees that fail tobacco compliance checks. Those policies, including disciplinary action, must be in writing and signed by each employee.

2. Lyndale Express, Inc agrees to use the electronic identification scanner on all customers that appear to be below the age of 27 years old.

3. Lyndale Express, Inc agrees to establish a training program for all new employees and quarterly review with current employees.

4. Lyndale Express, Inc agrees to conduct private tobacco compliance checks to ensure employees are following their established policies regarding the conduct of tobacco sales. These checks must take place a minimum of four times per year and be subject to review by the Business License Division.

5. Lyndale Express, Inc shall post policies in a conspicuous place for employees as a reminder that tobacco sales to minors are not tolerated.

6. Lyndale Express, Inc will pay the \$600 fine after this agreement has been signed.

7. The 60-day suspension, as specified in Section 281.65(c) of the Minneapolis Code of Ordinances, will be held for a period of two years. If no same or similar violations occur in the two-year period, the 60-day suspension will be dismissed.

Adopted 1/23/2009.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Meat Market License held by El Kora, 717 E Lake St.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-021, approving License Settlement Conference recommendations relating to the Meat Market License held by El Kora, 717 E Lake St, was adopted 1/23/2009 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-021

By Samuels

Approving License Settlement Conference recommendations relating to the Meat Market License held by Las Islitas Inc, dba El Kora, 717 E Lake St.

Whereas, the Business Licensing Division has notified Ms. Alejandra Maria Del Villar, the principal of Las Islitas, Inc, 717 and 717 1/2 E Lake St of its intention to recommend denial of the food – meat market licenses at 717 E Lake St, and the revocation of the food manufacturer’s license at 717 1/2 E Lake St; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that evidence exists that the licensee, Las Islitas, Inc may have violated Section 259.250 (1) (c) of the Minneapolis Code of Ordinances by allowing controlled substances on the licensed premises; and that Ms. Alejandra Maria Del Villar is directly and vicariously responsible for any violations on the premises, including parking area, by any employees under Section 259.250 (3) 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. Ms. Alejandra Maria Del Villar agrees that her business licenses at 717 and 717 1/2 E Lake St are withdrawn and surrendered as of December 1, 2008. Ms. Del Villar understands that if she does not close her business as agreed, a license revocation and denial hearing will be held at the Minneapolis City Council for failing to honor this agreement.

2. Ms. Alejandra Maria Del Villar does not admit that the facts listed in said Findings did occur at her business but understands that the evidence exists for a possible denial and revocation of her licenses.

Adopted 1/23/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 1734 Como Av SE, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by David L. Marks.

Adopted 1/23/2009.

Absent - Remington.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 3339 James Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Paul A. Freitag.

Adopted 1/23/2009.

Absent - Remington.

PS&RS – Your Committee, having under consideration the Police Department’s Mounted Patrol Horse Barn Facility, now recommends the following:

a. That the proper City officers be authorized to continue discussions with the Minnesota State Fair Board, the University of Minnesota, the Minneapolis Park & Recreation Board, and the City of St. Paul supporting the potential for partnerships and to analyze the feasibility of the location, planning, design and construction of a facility at the Minnesota State Fair Grounds.

b. Request that the Minnesota State Fair Board of Directors direct staff to continue discussions with the City of Minneapolis supporting the potential for partnerships and analyzing the feasibility of the location, planning, design and construction of a Mounted Patrol Horse Barn Facility at the Minnesota State Fair Grounds.

c. That the proper City officers be directed to return to the Public Safety & Regulatory Services Committee no later than April 1, 2009 to present a final recommendation as to the siting of the Mounted Patrol Horse Barn Facility.

Adopted 1/23/2009.

Absent - Remington.

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

PS&RS & W&M/Budget - Your Committee, having under consideration the State Gang Strike Force, now recommends that the proper City officers be authorized to execute an amendment to the grant agreement with the Minnesota Department of Public Safety to accept \$480,000 to support one commander and substantially support up to eight officers to serve on the Metro Gang Strike Force for the second of two years. Further, passage of the accompanying Resolution appropriating \$480,000 to the Police Department.

Adopted 1/23/2009.

Absent - Remington.

**RESOLUTION 2009R-022
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 (01600-4003130-321509) by \$480,000.

Adopted 1/23/2009.

Absent - Remington.

PS&RS & W&M/Budget - Your Committee, having under consideration the Violent Offender Task Force, now recommends that the proper City officers be authorized to execute a 2009 grant award of \$130,000 from the Minnesota Department of Public Safety to fund overtime surveillance details and equipment. Further, passage of the accompanying Resolution appropriating \$130,000 to the Police Department.

Adopted 1/23/2009.

Absent - Remington.

RESOLUTION 2009R-023

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 (01600-4003130-3211509) by \$130,000.

Adopted 1/23/2009.

Absent - Remington.

PS&RS & W&M/Budget – Your Committee, having under consideration access to the Minnesota Criminal Justice Data Communications Network for criminal justice information, now recommends that the proper City officers be authorized to pay the 2008 annual costs of \$109,920 to be billed on a quarterly basis to the Minnesota Department of Public Safety for user access to the Network.

Adopted 1/23/2009.

Absent - Remington.

PS&RS & W&M/Budget – Your Committee, having under consideration a request for reimbursements for emergency preparedness services, now recommends the following:

a. Accept payment of \$14,344.14 for emergency deployment to Iowa #6202008-1.

b. Accept reimbursement of \$34,770 from Hennepin County for FFY 2007 Emergency Management Performance Grant (EMPG CFDA #97.042) Program.

c. Passage of the accompanying resolution appropriating \$49,114.14 to the Department of Regulatory Services.

Adopted 1/23/2009.

Absent - Remington.

RESOLUTION 2009R-024

By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services in the Grants – Federal Fund (01300-8352000) by \$49,114.14; and increasing the revenue estimate (01300-8352000) by \$49,114.14.

Adopted 1/23/2009.

Absent - Remington.

PS&RS & W&M/Budget – Your Committee, having under consideration the application for a federal SAFER Grant and commitment from the City to meet the cost sharing obligation over the next five years in the event the Fire Department is awarded the grant, now recommends that the recommendation by the Fire Department to officially communicate to the Federal Emergency

Management Agency the City's inability to accept a Fiscal Year 2008 SAFER Grant be **sent forward without recommendation**.

Ostrow moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote 1/23/2009.

Absent - Remington.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the special assessment deferment application submitted by Ezekiel Collins and Susan Collins (aka Susan Ojeda-Collins), both senior citizens and disabled, to defer the special assessment for sidewalk repair (Levy 01052, Project 09S05) in the original principal amount of \$1,121.00 for payable 2009 and subsequent years, on the property located at 2939 Penn Ave N, PID 08-029-24-41-0092; legal description: Lot 6, Block 2, "Penn Avenue Addition to Minneapolis", now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee, having under consideration the City's Infiltration/Inflow Program to eliminate Combined Sewer Overflows (CSO), now recommends that the proper City officers be authorized to negotiate with private property owners to acquire temporary (construction) and permanent easements, as follows:

a) CSO #016, Alley storm drain located between West Broadway and Ferrant Place, west of Sheridan Ave N and east of Russell Ave N

1,200 square feet of temporary easement and 1,100 square feet of permanent easement between three properties:

- 2420 Sheridan Ave N and 2426 Ferrant Place (35 ft)
- 2424 Sheridan Ave N and 2426 Ferrant Place (60 ft)

Estimated cost: \$341,000;

b) CSO #025, Alley storm drain located along the north property line of 4836 Garfield Ave S (119 ft)

Permanent easement of 972 square feet

Estimated cost: \$30,000; and

c) CSO #117, Street drain at 2nd St N and 23rd Ave N that crosses the BNSF railroad and JADT development properties.

Railroad crossing permits and permanent easement totaling 8,100 square feet.

Estimated cost: \$843,000.

Funding for the projects is available from the Infiltration & Inflow Removal Program (7100-6300200-SW836).

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee, having under consideration the structural inspection, testing, and certification of City-owned and/or maintained parking ramps and skyways, now recommends that the proper City officers be authorized to negotiate and execute a Structural Engineering and Testing Services Agreement with Walker Restoration Consultants in the amount of \$70,000 per year, with an option of \$15,000 for additional consulting services, for a total amount not to exceed \$85,000, with the option to extend the agreement annually until 2013. No additional appropriation required, funds are available in Fund 06200 Department 6800440.

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to negotiate and execute a ten-year extension of Mn/DOT Management Agreement No 66310 between the State of Minnesota and the City of Minneapolis to continue the City's management and operation of the I-394 Parking Facilities (commonly known as the TAD Garages or ABC Ramps) on behalf of the State of Minnesota. The extension will commence on July 1, 2009 and end on June 30, 2019.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-025, extending the agreement between the Minnesota Department of Transportation (Mn/DOT) and the City of Minneapolis to manage the ABC Ramps, was adopted 1/23/2009 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-025

By Colvin Roy

EXTENSION OF AGREEMENT

Extending the agreement between the Minnesota Department of Transportation (Mn/DOT) and the City of Minneapolis to manage the ABC Ramps.

Whereas, the City of Minneapolis entered into Agreement No 66310, dated July 29, 1989, with the Minnesota Commissioner of Transportation for the State of Minnesota to operate the I-394 Third Ave N Distributor Parking Facilities; and

Whereas, this agreement was in accordance with the Minnesota Department of Transportation (Mn/DOT) Maintenance and Operation Plan for I-394 Third Ave N Distributor Garage A, Garage B, Garage C, dated November 1988 (Operations Plan); and

Whereas, the City has managed and operated the I-394 Third Ave N Distributor Garages (commonly known as the TAD Garages or ABC Ramps) on behalf of the State of Minnesota for a term that started on July 29, 1989; and

Whereas, the term of the existing management agreement ends on June 30, 2009; and

Whereas, Paragraph 1.2 of the existing Management Agreement provides that "The City shall have the option to extend this agreement for an additional ten-year term after the initial term, and thereafter shall have two additional options to extend this agreement of ten years each;

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

That the Director of Public Works/City Engineer, and/or any other proper City officer, be authorized to negotiate and execute a ten-year extension to Agreement No 66310 with the Minnesota Department of Transportation, to commence on July 1, 2009, and to end on June 30, 2019.

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee, having under consideration a request on behalf of the Midtown Global Market, 920 E Lake Street, to amend an existing encroachment permit granted by the City Council on June 20, 2008, allowing the placement of 4 banner poles with banners in the sidewalk on the north side of East Lake Street adjacent to the Midtown Global Market building (historic Sears Tower), now recommends that the existing permit be amended as follows:

a) To allow an additional 5th banner pole, identical to the other 4, on the same (north) side of E Lake St, east of 10th Ave S; and

b) To allow additional hardware and 1 new pole on the south side of E Lake St for a banner support assembly that crosses from north to south above E Lake St, approximately 120 feet west of 10th Ave S.

Your Committee further recommends that separate banner permits be obtained for any banners displayed across the street.

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 2009 Resurfacing Program, Bloomington Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5194.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-026, designating the improvement of Bloomington Ave S from Minnehaha Pkwy E to 54th St E, was adopted 1/23/2009 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-026

By Colvin Roy

**2009 STREET RESURFACING PROGRAM
BLOOMINGTON AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5194**

Designating the improvement of certain existing streets in the 2009 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

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

Bloomington Ave S from Minnehaha Parkway E to 54th St E.

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee, having received a cost estimate of \$277,406 for street resurfacing improvements, and a list of benefited properties for certain locations in the Bloomington Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5194 as designated by Resolution 2009R-026, passed January 23, 2009, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2009 Uniform Assessment Rates as per Resolution 2008R-571, passed December 12, 2008.

Your Committee further recommends that a public hearing be held on February 24, 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 approving the resurfacing of the above-designated street locations and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 1/23/2009.

Absent - Remington.

T&PW - Your Committee, having under consideration the Non-Motorized Transportation Pilot Program (NTP) Round 3 Solicitation for Bike Walk Twin Cities Projects, with staff recommendations as follows:

a) That Public Works staff be directed to further discuss and develop with Transit for Livable Communities (TLC) the City's high-priority pedestrian projects, as set forth in Petn No 273239, as well

as consideration of three medium-priority pedestrian projects, for potential inclusion in the final Round 3 Solicitation; and

b) That staff return to the Transportation & Public Works Committee with an update on discussions with TLC and any further actions;

now recommends that said subject matter be **sent forward without recommendation**.

Lilligren assumed the Chair.

Johnson moved that the report be amended by deleting the language "that said subject matter be sent forward without recommendation" and inserting in lieu thereof "that said staff recommendations be approved". Seconded.

Adopted by unanimous consent.

Absent - Remington.

Johnson moved that the report be amended by deleting Part (a) and inserting in lieu thereof a new Part (a) to read as follows:

"a) That Public Works staff be directed to further discuss and develop with Transit for Livable Communities (TLC) the City's high-priority projects, as set forth in Petn No 273239 (Attachment E of the staff report, as amended), with consideration for five medium-high priority category pedestrian projects as noted as additional and as replacement projects, for potential inclusion in the final Round 3 solicitation". Seconded.

Johnson moved to amend Attachment E contained in the petition by revising the following three categories relating to the Penn/Osseo/44th Project as follows:

Highly Visible Area: ~~No~~ Yes.

Matching Funds: ~~No~~ Yes.

Economic Development Overlap: ~~Low~~ Medium. Seconded.

Adopted upon a voice vote.

Absent - Remington.

Colvin Roy moved to amend Attachment E contained in the petition by deleting the word "Low" in the Economic Development Overlap category relating to the Hiawatha/38th & Hiawatha/46th Project. Seconded.

Adopted upon a voice vote.

Absent - Remington.

Hofstede moved to amend Attachment E contained in the petition by deleting the words "Medium-Low" and inserting in lieu thereof the word "Medium" in the Priority category relating to the 18th Ave NE Project and the Main/Marshall Streets NE Project. Seconded.

Adopted upon a voice vote.

Absent - Remington.

Johnson's motion, as amended, was adopted upon a voice vote.

Absent - Remington.

Johnson resumed the Chair.

The report, as amended, was adopted 1/23/2009.

Absent - Remington, Hodges.

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

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution receiving and accepting the final costs of various Street Lighting Projects and adjusting the capital appropriations as specified, thereby closing out the projects and reallocating excess revenue from the closed-out projects to other street lighting projects.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-027, closing out various street lighting projects and reallocating excess revenue to other street lighting projects, was adopted 1/23/2009 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-027
By Colvin Roy and Ostrow

Closing out various street lighting projects and reallocating excess revenue to other street lighting projects.

Resolved by The City Council of the City of Minneapolis

That the final costs of all work described in the following Street Light projects be received and accepted for the total amount specified and that the capital appropriation be adjusted as specified, thereby closing the projects (none of the project close-outs involve bond transfers):

a) Street lighting capital appropriation for 04100-9010000 project CLT008 should be decreased by \$66,172.26 and additional revenue is needed to finalize this project in the amount of \$92.93 (15th Avenue Southeast Street Light project (5th Street SE - Como Avenue Southeast));

b) There is no remaining street lighting capital appropriation in 04100-9010000 project PV025 (Fremont Avenue North Street Light project);

c) There is no remaining street lighting capital appropriation in 04100-9010000 project CTR011 (2004 City Street Light Renovation program);

d) Street lighting capital appropriation in 04100-9010000 project CB5093 should be decreased by \$71,334.22 (Golden Valley Road Lighting project);

e) Street light capital appropriation for 04100-9010000 project CLT006 should be decreased by \$489.66 (Low Level Ornamental Light at Bryant Square Park (CARAG NGBRD) project);

f) Street lighting capital appropriation for 04100-9010000 project CB5064 should be increased by \$0.44 (Low Level Street Lighting/Healy Block project);

g) Street lighting capital appropriation for 04100-9010000 project CB5065 should be decreased by \$0.15 (Low Level Street Light/5th Avenue South project);

h) Street lighting capital appropriation for 04100-9010000 project CB5062 should be decreased by \$43,525.15 and additional revenue is needed to finalize this project in the amount of \$474.85 (Uptown Streetscape project);

i) Street lighting capital appropriation for 04100-9010000 project CB5063 should be decreased by \$42,530.40 and additional revenue is needed to finalize this project in the amount of \$19.60 (MCTO Light-A-Stop project);

j) Street lighting capital appropriation for 04100-9010000 project CB5080 should be decreased by \$72,361.51 and additional revenue is needed to finalize this project in the amount of \$3,723.49 (Healy Block Area Expansion project);

k) Street lighting capital appropriation for 04100-9010000 project CB5082 should be decreased by \$486,499.87 and additional revenue is needed to finalize this project in the amount of \$19,812.24 (Lowry Hill Pedestrian Lighting project);

l) There is no remaining street lighting capital appropriation for 04100-9010000 project CB5087 and additional revenue is needed to finalize this project in the amount of \$8,217.10 (Johnson Street Northeast Lighting (Broadway - Winter Street) project);

m) Street lighting capital appropriation for 04100-9010000 project CB5091 should be decreased by \$401,880.45 and additional revenue is needed to finalize this project in the amount of \$48,935.55 (Hennepin Avenue South - Phase I - Lighting project);

n) Since there is no remaining street lighting capital appropriation for 04100-9010000 project CB5103 and additional revenue is needed to finalize this project in the amount of \$634.92, the street lighting appropriation in the project (4100-943-9432 project B5103) needs to be increased by \$715.18 (Field Regina Area Street Lighting project);

o) Street lighting capital appropriation for 04100-9010000 project CB5109 should be decreased by \$770,845.89 and additional revenue is needed to finalize this project in the amount of \$5,154.11 (3rd Avenue South, Avenue of the Arts Neighborhood Streetscape project);

p) Street lighting capital appropriation for 04100-9010000 project CLT001 should be decreased by \$221,441.68 and additional revenue is needed to finalize this project in the amount of \$3,558.32 (East 38th Street Lighting project);

q) Street lighting capital appropriation for 04100-9010000 project CPV013SL should be decreased by \$323,361.53 and additional revenue is needed to finalize this project in the amount of \$362.63 (15th Avenue Southeast Municipal State Aid Street Reconstruction project);

r) Street lighting capital appropriation for 04100-9010000 project CTR511 should be decreased by \$0.09 and excess revenues shall be re-designated in the amount of \$0.09 (2004 City Street Light Renovation project);

s) Street lighting capital appropriation for 04100-9010000 project CTR711 shall be increased by \$1,902.09 and additional revenue is needed to finalize this project in the amount of \$1,902.09 (2006 City Street Light Renovation project);

t) Street lighting capital appropriation for 04100-9010000 project CTR611 should be decreased by \$0.01 and the excess revenues re-designated in the amount of \$0.01 (2005 City Street Light Renovation project);

u) Street lighting capital appropriation for 04100-9010000 project CTR608 should be decreased by \$9,847.70 and excess revenues shall be re-designated in the amount of \$9,847.70 (2005 Parkway Street Light Replacement project);

v) Street lighting capital appropriation for 04100-9010000 project CTR508 should be decreased by \$3,916.81 and excess revenues shall be re-designated in the amount of \$3,916.81 (2004 Parkway Street Light Replacement project);

w) Street lighting capital appropriation for 04100-9010000 project CB5095 should be decreased by \$0.70 and excess revenues shall be re-designated in the amount of \$0.70 (Grand Avenue Street Lighting project);

x) Street lighting capital appropriation for 04100-9010000 project CB5066 should be decreased by \$84,989.59 and excess revenues of that amount shall be re-designated in the amount of \$84,989.59 (I-35W Decorative Railing/Lighting project);

Be It Further Resolved that as a result of the above close-out of Projects (t) through (x), \$98,754.90 of revenue becomes available for re-allocation as follows:

- \$92,887.83 to projects (a), (h) through (q) and (s); and
- \$5,867.07 to the 2006 Parkway Street Lighting (04100-9010000-CTR708) project. This project is not being closed.

Adopted 1/23/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, having under consideration the composting of yard wastes and street sweepings, now recommends that the proper City officers be directed to confirm the contract with RW Farms, LLC and Organic Technologies, Inc. in order to formally add the name of Organic Technologies, Inc. to the contract for the composting of yard wastes and street sweepings.

Adopted 1/23/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee having received final costs in the amount of \$409,358.46 for the Areaway Abandonment and Removal Project at the following location:

2700-2708 Lake St E

PID No. 36-029-24-43-0077

Legally described as: Lots 13 through 15 inclusive, except that part taken for street, Block 24, "South Side Addition" to the City of Minneapolis

in accordance with the Lake St E (Hiawatha Ave S to W River Pkwy) Street Reconstruction and Streetscape Project, Improvement of Existing Street No 6709, as ordered by Resolution 2006R-089, now recommends that the City Engineer be directed to prepare an Areaway Abandonment and Removal Assessment against the benefited property(ies).

Your Committee further recommends that a public hearing be held by on March 10, 2009, in accordance with Chapter 8, Sections 12 and 13, of the Minneapolis City Charter, to consider the amount proposed to be assessed to the benefited property(ies).

Adopted 1/23/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, having under consideration the 2700-2708 Lake St E Areaway Abandonment Project (Coliseum Building), now recommends approval of Change Order No 1 to City Contract No C-24509 with LS Black Constructors, Inc., increasing the contract by \$13,823.46, for a revised total of \$352,823.46.

Adopted 1/23/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee, having under consideration a dispute with LS Black Constructors, Inc. pertaining to performance under a contract related to an areaway abandonment project at 2700-2708 Lake St E (Coliseum Building), now recommends that the proper City officers be authorized to execute a settlement agreement between the City of Minneapolis and LS Black Constructors, Inc., wherein the parties agree to a mutual waiver of claims. (Petn No 273240)

Adopted 1/23/2009.

Absent - Remington.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to proceed with the cancellation of the Fridley Membrane Filtration Plant Project and enter into negotiations with parties that hold partially completed agreements for the project in order to close-out said agreements in an appropriate manner.

Adopted 1/23/2009.

Absent - Remington.

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

a) OP 7051, Accept low bid of Intex Corporation for an estimated annual expenditure of \$257,250, to furnish all labor, materials, and equipment for crushing waste concrete and asphalt; and

b) OP 7059, Accept low bid of Veit & Company, Inc., for an estimated annual expenditure of \$350,000, to furnish disposal of clean fill for the Public Works Department.

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 1/23/2009.

Absent - Remington.

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

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

Adopted 1/23/2009.

Absent - Remington, Hodges.

Resolution 2009R-028, authorizing settlement of *Donald P. Babic v. City of Minneapolis*, was adopted 1/23/2009 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-028

By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Donald P. Babic v. City of Minneapolis*, by payment of \$45,000 to Donald P. Babic, and his attorney, William Jepsen, from the Internal Service Self Insurance Fund (06900-1500100-145865).

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

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to execute a three year \$75,000 contract with You've Been Served, Inc. to provide courier services.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute contracts for the Actuarial Services Consultant Panel for a maximum amount not to exceed \$1,000,000 with individual scopes of work issued under this contract not to exceed \$300,000 for the two-year period to expire on December 31, 2010.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee, having under consideration the Finance Department Professional Services Agreement #C-21724 with Deloitte Consulting, now recommends the following:

a) Authorize increasing said agreement by an estimated \$50,000 to match contract amount with project budget.

b) Extend termination date of Professional Services Agreement #C-21724, scope 3 to February 17, 2009.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Minnesota Department of Education to accept \$5,000 for the provision of technical assistance to classroom teachers on the implementation of teen pregnancy and sexually transmitted disease prevention education to middle and high school students. Further, passage of the accompanying resolution appropriating \$5,000 to the Department of Health & Family Support.

Adopted 1/23/2009.

Absent - Remington, Hodges.

RESOLUTION 2009R-029

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 Department of Health & Family Support in the School Based Clinics Fund (01600-8600152) by \$5,000; and increasing the Department of Health & Family Support revenue source (01600-8600152-3215001) by \$5,000.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the current contract with Minnesota 1 Construction to increase the amount of the contract by an additional \$30,000, for a new contract amount of \$95,000, for snow removal at the Convention Center. No additional appropriation required.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Litigation Managing Attorney, (grade 14 with 663 points), effective January 2, 2009, as set forth in Petn No 273247 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted 1/23/2009.

Absent - Remington, Hodges.

Ordinance 2009-Or-004 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed position of Litigation Managing Attorney, was adopted 1/23/2009 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-004
By Ostrow
1st & 2nd Readings: 1/23/2009

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: JANUARY 2, 2009

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A	Step B	Step C	Step D
						Start rate	After 1 "A" year	After 2 "B" years	After 3 "C" years
E	1	Litigation Managing Attorney	663	14	A	\$103,646	\$109,101	\$112,374	\$114,556

Note that above schedule is in 2008 rates. This schedule is subject to change with other schedules within the Appointed Officials schedule for 2009.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Supervising Attorney - Criminal, (grade 13 with 608 points), effective January 2, 2009, as set forth in Petn No 273247 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted 1/23/2009.

Absent - Remington, Hodges.

JANUARY 23, 2009

Ordinance 2009-Or-005 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed position of Supervising Attorney - Criminal, was adopted 1/23/2009 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-005
By Ostrow
1st & 2nd Readings: 1/23/2009**

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: JANUARY 2, 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	Supervising Attorney Criminal	608	13	A	\$101,388	\$106,724	\$109,926	\$112,060

Note that above schedule is in 2008 rates. This schedule is subject to change with other schedules within the Appointed Officials schedule for 2009.

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the appointed position of Assistant Director, Communications, (grade 10 with 468 points) to Deputy Director, Communications, (grade 12 with 550 points), effective January 2, 2009, as set forth in Petn No 273247 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said reclassified position.

Adopted 1/23/2009.

Absent - Remington, Hodges.

Ordinance 2009-Or-006 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the reclassified appointed position of Assistant Director, Communications to Deputy Director, Communications, was adopted 1/23/2009 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-006
By Ostrow
1st & 2nd Readings: 1/23/2009**

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

JANUARY 23, 2009

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: JANUARY 2, 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	Deputy Director, Communications	550	12	A	\$78,898	\$83,050	\$85,542	\$87,203

Adopted 1/23/2009.
Absent - Remington, Hodges.

W&M/Budget - Your Committee, having under consideration the State of Minnesota's Pay Equity Law, now recommends authorizing staff to submit the City's Compliance Report (Petn No 273247) to the Minneapolis Department of Employee Relations, verifying the City's compliance with said law.
Adopted 1/23/2009.
Absent - Remington, Hodges.

W&M/Budget - Your Committee recommends passage of the accompanying resolutions approving terms of the following collective bargaining agreements:
a) Minneapolis Building and Construction Trades Council, Trades Unit, effective May 1, 2008 through April 30, 2011;
b) Minneapolis Foremen's Association, Foremen Unit, effective January 1, 2009 through December 31, 2010; and
c) AFSCME Council 5; Local 9, Attorney's Unit, effective January 1, 2009 through December 31, 2011.
Adopted 1/23/2009.
Absent - Remington, Hodges.

Resolution 2009R-030, approving a 36-month labor agreement with Minneapolis Building and Construction Trades Council, Trades Unit, was adopted 1/23/2009 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-030
By Ostrow**

Approving the terms of a collective bargaining agreement with the Minneapolis Building and Construction Trades Council, Trades Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Building and Construction Trades Council, Trades Unit (Petn No 273247), be approved.

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

Adopted 1/23/2009.
Absent - Remington, Hodges.

JANUARY 23, 2009

Resolution 2009R-031, approving a 24-month labor agreement with the Minneapolis Foremen's Association, was adopted 1/23/2009 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-031
By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Foremen's Association, Foremen Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Foremen's Association, Foremen Unit (Petn No 273247), be approved.

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

Adopted 1/23/2009.

Absent - Remington, Hodges.

Resolution 2009R-032, approving a 36-month labor agreement with AFSCME Council 5; Local 9, Attorney's Unit, was adopted 1/23/2009 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-032
By Ostrow

Approving the terms of a collective bargaining agreement with the AFSCME Council 5; Local 9, Attorney's Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the ASFCME Council 5; Local 9, Attorney's Unit (Petn No 273246), be approved.

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

Adopted 1/23/2009.

Absent - Remington, Hodges.

W&M/Budget - Your Committee, having under consideration a request from the Human Resources Department relating to the 2009 salary adjustment for non-represented employees (Petn No 273246), authorizing proper City officers to administer the following adjustments:

a) All non-represented employees eligible for step progression will receive their normal step progression, subject to satisfactory or better performance.

b) Effective the first day of the nearest payroll period to March 1, 2009, create a "new" top step on each classification schedule (exception the student intern and fire cadet classifications) that is 2.8% above the current top step. There will be no increase to longevity in 2009.

c) All non-represented Employees on the top step as of December 31, 2008 will be eligible to progress to the new top step on March 1, 2009.

d) Effective at 11:59:59 p.m. on December 31, 2009, the first and second step of each title will be eliminated. Employees on the eliminated steps will have their step-eligibility date for future step increases changed to January 1, and will be next eligible for a step increase on January 1, 2011. Employees on non-eliminated steps remain at the same rate of pay as before the schedule contraction, through the name of the step changes,

Your Committee now recommends that said request **be sent forward without recommendation.**

Ostrow moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Lilligren assumed the Chair.

Ostrow's motion lost. Yeas, 4; Nays 7 as follows:

Yeas - Ostrow, Hodges, Samuels, Gordon.

Nays - Hofstede, Schiff, Lilligren, Glidden, Benson, Goodman, Johnson.

Declining to vote - Colvin Roy.

Absent - Remington.

Johnson resumed the Chair.

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

Adopted by unanimous consent.

The report, as amended, was adopted 1/23/2009. Yeas, 9; Nays 2 as follows:

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

Nays - Ostrow, Gordon.

Declining to vote - Colvin Roy.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration a request from the Human Resources Department relating to the 2009 salary adjustments for appointed employees (Petn No 273246), authorizing proper City officers to administer the following salary and schedule adjustments:

a) Effective January 1, 2009, no change to existing schedule.

b) All appointed employees eligible for step progression will receive their normal step progression, subject to satisfactory or better performance.

c) Effective May 1, 2009, the salary schedule or salary for each title will receive an adjustment of 2.75%,

Your Committee now recommends that said request **be sent forward without recommendation.**

Ostrow moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Lilligren assumed the Chair.

Ostrow's motion lost . Yeas, 4; Nays 7 as follows:

Yeas - Ostrow, Hodges, Samuels, Gordon.

Nays - Hofstede, Schiff, Lilligren, Glidden, Benson, Goodman, Johnson.

Declining to vote - Colvin Roy.

Absent - Remington.

Johnson resumed the Chair.

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

Adopted by unanimous consent.

The report, as amended, was adopted 1/23/2009. Yeas, 9; Nays 2 as follows:

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

Nays - Ostrow, Gordon.

Declining to vote - Colvin Roy.

Absent - Remington.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee recommends concurrence with the recommendation of the Mayor to reappoint the following persons to the Minneapolis Arts Commission:

Reappointments, for two-year terms to expire January 31, 2011

Rachel Parker, Ward 6

George Norman, Ward 12

Collette Illarde, Ward 2

Sheila Bland, Ward 6

Heather Doyle, Ward 8

Your Committee further recommends concurrence with the recommendation of the Council President to appoint/reappoint the following persons to the Minneapolis Arts Commission:

Appointments, for two-year terms to expire January 31, 2011

Tamara Nadel, Ward 3

Christopher Harrison, Ward 4

Jill Boldenow, Ward 8

Reappointment, for two-year term to expire January 31, 2011

Tim Gihring, Ward 6.

Adopted 1/23/2009.

Absent - Remington.

Z&P - Your Committee, having under consideration the appeal filed by Marian Biehn from the decision of the Planning Commission granting an application for a conditional use to allow for a preschool at 2901 Pleasant Avenue S, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. A walkway shall be striped along the south side of the building. The walkway shall be four feet in width and connect the south building entrance to the east side of the parking area.
3. Three (3) spaces on the street in front of the building shall be designated as short-term parking for drop-off purposes. The applicant shall work with the Public Works Department prior to such designation.
4. If signage is placed on the site it shall conform to what is allowed in the R2B zoning district for a preschool.
5. If in the future play equipment is installed it shall be located in the green space behind the building and more than 20 feet from the front property line along W 29th St.
6. That portion of the six-foot high fence along the east property line located in the front yard shall be removed and replaced with the same decorative metal fence located along the front property line. In addition, the barbed wire and the brackets shall be removed from the remaining portion of the existing chain link fence.
7. Japanese Red Barberry shall be planted along the east property line for screening purposes.
8. Plant materials shall be located in the five-foot wide green space between the retaining wall and the parking area.
9. The refuse storage containers shall be located within an enclosure.
10. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
11. An advisory committee to study traffic and parking resolutions shall be established for one year and is to include neighborhood residents, City staff and the applicant.
12. No more than 50 children shall be enrolled.
13. Traffic officers shall be employed between the hours of 7:30 and 8:30 a.m., and 2:30 and 3:30 p.m.
14. Recognizing that traffic and parking congestion would be exacerbated by the proposed use, the applicant shall submit a traffic study that includes mitigation measures to be reviewed and approved by Public Works and CPED-Planning staff;

now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 1/23/2009.

Declining to vote - Lilligren.

Absent - Remington.

Z&P - Your Committee, having under consideration the appeal filed by Carolyn Moore from the decision of the Board of Adjustment upholding the Zoning Administrator's decision that the property at 4839 Bryant Avenue S is in violation of the Minneapolis Zoning Ordinances Chapter 546 Table 1, as the current use is substantially similar to a hotel/motel or bed and breakfast, which is prohibited in the R1 zoning district, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Schiff moved to amend the report by adding the following paragraph:

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

Adopted upon a voice vote.

Absent - Remington.

The report, as amended, was adopted 1/23/2009.

Absent - Remington.

Z&P - Your Committee, having under consideration the appeal filed by the East Isles Residents' Association from the decision of the Heritage Preservation Commission approving with conditions an application for demolition of a historic resource after reviewing the results of a designation study for the property at 2863 East Lake of the Isles Parkway, now recommends that the appeal be denied and the application be approved.

Your Committee further recommends that the revised findings prepared by the City Attorney and on file in the office of the City Clerk be adopted and made a part of this report by reference.

Adopted 1/23/2009. Yeas, 11; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Remington.

Z&P - Your Committee, having under consideration the appeal filed by Mike Wyatt of the Minnehaha Creek Watershed District from the decision of the Heritage Preservation Commission approving with conditions an application for Certificate of Appropriateness to allow for the Minnehaha Falls and Glen Restoration project at Minnehaha Park (4901 Minnehaha Avenue), now recommends that the following staff findings be amended:

8a) The material for the new walkway above the southern bluff shall be approved by the Heritage Preservation Commission;

8b) The materials for the proposed six-foot walkway nearest the creek between the two lower creek bridges shall be approved by the Heritage Preservation Commission; and

9) That the final design for a new eight-foot retaining wall between the second and third creek bridges shall be approved by the Heritage Preservation Commission.

Adopted 1/23/2009.

Absent - Remington.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, (regulations for properties with more than one primary zoning classification) now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

JANUARY 23, 2009

Your Committee further recommends that the revisions recommended by staff be incorporated into the ordinance.

Adopted 1/23/2009.

Absent - Remington.

Ordinance 2009-Or-007 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability* regarding properties with more than one primary zoning classification, was adopted 1/23/2009 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-007
By Goodman
Intro & 1st Reading: 11/7/2008
Ref to: Z&P
2nd Reading: 1/23/2009

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

Section 1. That Section 535.210 of the above-entitled ordinance be amended to read as follows:

535.210. Lots containing two or more zoning classifications. ~~Where a lot is bisected by one (1) or more zoning district boundary lines, land in the more restrictive district shall not be included as a part of the required yards or minimum lot area for any structures or uses not allowed in said district.~~

a) *In general.* The combining of land, lots, parcels, or tracts shall not result in more than one primary zoning classification on a single zoning lot, except as allowed by the TP Transitional Parking Overlay District. Land, lots, parcels, or tracts combined after February 1, 2009, in violation of this ordinance shall be treated as separate zoning lots corresponding with the boundaries of the different zoning classifications. Where the TP Transitional Parking Overlay District is part of the zoning lot served, land in the residential or office residential district shall not be included as a part of the required yards or minimum lot area for any structures or uses not allowed in the residential or office residential district.

b) *Split zoning.* Where a zoning lot contains two or more primary zoning classifications on February 1 2009, or where a zoning lot with two or more primary zoning classifications has not been created by the property owner through combining land, lots, parcels, or tracts after February 1, 2009, the zoning lot shall be subject to the following:

(1) *Most restrictive provisions shall apply.* For existing and proposed uses and structures, the more restrictive provisions of the primary zoning districts, including but not limited to, use and building bulk regulations, lot area, parking and loading, and yard requirements, shall apply to the entire zoning lot.

a. *Exception.* Where one (1) zoning district occupies at least seventy-five (75) percent of the total lot area and the other zoning district(s) occupies less than five-thousand (5,000) square feet of the total lot area, the district regulations of the district occupying the larger portion of the lot shall apply to the entire zoning lot.

(2) *Yard requirements.* Yards shall not be required along split zoning district boundary lines.

Adopted 1/23/2009.

Absent - Remington.

MOTIONS

Johnson moved that the subject matter of park dedication fees be referred to the Community Development and Ways & Means/Budget Committees. Seconded.

Adopted upon a voice vote 1/23/2009.

Absent - Remington.

Schiff moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the license application submitted by Glaciers Cafe, 3019 Minnehaha Av, for an On-Sale Wine License. Seconded.

Adopted 1/23/2009.

Absent - Remington.

Approved by Mayor Rybak 1/26/2009.

(Published 1/27/2009)

Schiff moved to grant the application submitted by Ice Scream Inc, dba Glaciers Cafe, 3019 Minnehaha Av, for an On-Sale Wine Class E with Strong Beer License (new business), to expire April 1, 2009, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Seconded.

Adopted 1/23/2009.

Absent - Remington.

Approved by Mayor Rybak 1/26/2009.

(Published 1/27/2009)

RESOLUTIONS

Resolution 2009R-033, honoring the Southeast Como Improvement Association for Winning the Governor's Award for Pollution Prevention, was adopted 1/23/2009 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-033

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

**Honoring the Southeast Como Improvement Association for Winning the Governor's
Award for Pollution Prevention.**

Whereas, the Southeast Como Improvement Association has had a dedicated group of volunteers active on its Environment Committee since 1999, and has had a full-time Environmental Coordinator since 2001; and

Whereas, the Southeast Como Improvement Association, through the efforts of its Environment Committee, has negotiated and signed Good Neighbor Agreements with three local manufacturing businesses, Ritrama Inc, Rock-Tenn Company, and Greatbatch Globe Tool, preventing the release of more than 1,300 tons of Volatile Organic Compounds (or VOCs) into the air; and

Whereas, between the years of 2001 and 2006, Rock-Tenn and Ritrama reduced VOC emissions by ninety-two percent, due in large part to SECIA's efforts; and

Whereas, SECIA helped connect Greatbatch Globe Tool to the Minnesota Technical Assistance Program, which identified similar potential reductions in their emissions of trichloroethylene; and

Whereas, the Good Neighbor Agreement with Greatbatch Globe Tool, by which the company committed to move towards those reductions, was signed in May 2008; and

Whereas, the City of Saint Paul recognized SECIA's environmental leadership with an award in 2007 for contributing to St. Paul's Sustainability goals; and

Whereas, SECIA distributed more than 70 retractable clotheslines as part of a City of Minneapolis "Mobilizing Citizens for Grassroots Climate Change" grant in 2007, helping reduce unnecessary carbon dioxide emissions; and

Whereas, more than one hundred and fifty residents participated in an organic lawn care program organized by SECIA in 2005-2006; and

Whereas, SECIA organized the Southeast Como Solar Pilot Project, in which seventeen solar thermal systems were installed, twelve in Minneapolis and five in Saint Paul; and

Whereas, SECIA was instrumental in building the coalition between environmental, civic, and neighborhood groups which helped convince Xcel Energy to convert the Riverside and High bridge coal-burning power plants to natural gas; and

Whereas, SECIA has been chosen to receive the 2008 Governor's Award for Pollution Prevention for their work on the Good Neighbor Agreements;

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

That the City of Minneapolis congratulates the Southeast Como Improvement Association and honors the good work done by its staff, board, and volunteers to help make Minneapolis a greener, healthier, and more sustainable city.

Be it Further Resolved that the City of Minneapolis thanks the Southeast Como Improvement Association for helping the City move toward meeting our sustainability targets.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-034, honoring the 2009 Reverend Dr. Martin Luther King, Jr. Essay Contest Winners, was adopted 1/23/2009 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-034

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

Honoring the 2009 Reverend Dr. Martin Luther King, Jr. Essay Contest winners.

Whereas, the Minneapolis Commission on Civil Rights was established in 1975 to implement Civil Rights policies through public information, education, mediation, conciliation and adjudication; and

Whereas, the Commission provides leadership in the areas of civil rights and carries forward the policies of the City through the prevention and elimination of bias and discrimination; and

Whereas, the Reverend Dr. Martin Luther King, Jr. believed that liberty, justice and freedom were the 'inalienable rights' of all men, women and children, and that all people were equal in the sight of God and deserving of dignity and self-worth; and

Whereas, the Reverend Dr. Martin Luther King, Jr., a recipient of the Nobel Prize, became a national hero whose birthday has been declared a national holiday by his nation's government; and

Whereas, Reverend Dr. Martin Luther King Jr. inspired people and nations world-wide to strive in non-violent manners for the human rights, civil liberties, and economic guarantees rightfully due people of all races; and

Whereas, the Minneapolis Commission on Civil rights established the Annual Rev. Dr. Martin Luther King, Jr. Essay Contest in 2005 as an opportunity to continue and renew this endeavor through education; and

Whereas, all sixth, seventh and eighth grade students who reside in Minneapolis were eligible to participate by submitting one essay with their answers to this **Topic and question: "Choose a current event in which you believe there has been a human rights violation. Use the Bill of Rights, the Universal Declaration of Human Rights, and/or the Minnesota Human Rights Act to prove your point. Is there anything being done to bring justice to the situation? What can you do about it?"**; and

Whereas, the Minneapolis Commission on Civil Rights selected the following prize winners from each grade level:

8th Grade:

1st place – Madeleine Hillyer, Anthony Middle School
2nd place – **Stephen Jacobs, Anthony Middle School**
3rd place – **Megan Lucas, Anthony Middle School**
Honorable Mention – **Marissa Nicol, Anthony Middle School**

7th Grade:

1st place – Liam Smith, Anthony Middle School
2nd place – **Mackenzie Martin, Anthony Middle school**
3rd Place – **Benjamin Weil, Anthony Middle School**

6th Grade:

1st place – Madeline Skjervold, Lake Harriet Community School
2nd place – **Samantha Coffler, Lake Harriet Community School**
3rd place – **Sarah Kate Stone, Lake Harriet Community School**
Honorable Mention – **Mathew Wright, Lake Harriet Community School**

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

That the Minneapolis City Council honors and appreciates all of those students who participated in the 2009 Martin Luther King Essay Contest, and gives special recognition to those who won 1st, 2nd, 3rd places, and honorable mention.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-035, honoring three teachers and two principals that have consistently had their students participate in the annual Reverend Dr. Martin Luther King Jr. Essay Contest, was adopted 1/23/2009 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-035

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

Honoring three teachers and two principals that have consistently had their students participate in the annual Reverend Dr. Martin Luther King Jr. Essay Contest.

Whereas, the Minneapolis Commission on Civil Rights was established in 1975 to implement Civil Rights policies through public information, education, mediation, conciliation, and adjudication; and

Whereas, the Commission provides leadership in the areas of civil rights and carries forward the policies of the City through the prevention and elimination of bias and discrimination; and

Whereas, the Reverend Dr. Martin Luther King Jr. believed that liberty, justice, and freedom were the 'inalienable rights' of all men, women and children, and that all people were equal in the sight of God and deserving of dignity and self-worth; and

Whereas, the Reverend Dr. Martin Luther King Jr. inspired people and nations world-wide to strive in non-violent manners for the human rights, civil liberties, and economic guarantees rightfully due people of all races; and

Whereas, the Minneapolis Commission on Civil Rights established the Annual Rev. Dr. Martin Luther King Jr. Essay Contest in 2005 as an opportunity to continue and renew this endeavor through education; and

Whereas, all sixth, seventh, and eighth grade teachers that teach in Minneapolis were given the opportunity to have their students participate in the annual essay contest; and

JANUARY 23, 2009

Whereas, the Minneapolis Commission on Civil Rights wants to recognize the teachers and principals that have consistently put forth the effort to have their students participate in the contest:

Ms. Debra Krawetz, Lake Harriet Community School-6th grade

Ms. Elizabeth Bartholemew, Anthony Middle school-7th grade

Ms Margaret Taft, Anthony Middle School-8th grade

Ms. Jackie Hanson, Anthony Middle School-principal

Ms. Mary Rynchek, Lake Harriet Community School-principal

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

That the Minneapolis City Council honors and appreciates all of the teachers and principals that had their students participate in the 2009 Reverend Dr. Martin Luther King Jr. Essay Contest, and gives special recognition to those that consistently year after year have their students participate in the contest and many times win.

Adopted 1/23/2009.

Absent - Remington.

Resolution 2009R-036, honoring Richard H. (Dick) Smith for his service to the City of Minneapolis during his career with the Department of Public Works, was adopted 1/23/2009 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-036

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

Honoring Richard H. (Dick) Smith for his service to the City of Minneapolis during his career with the Department of Public Works.

Whereas, Dick Smith started with the city in January 1972 as a Municipal Transit Aide and has worked as Parking Systems Analyst and Management Analyst; and

Whereas, in 1991, Dick was appointed Director of Management Support, which evolved into his current position of Assistant Director, Public Works, Director of Management Services and Budget; and

Whereas, Dick Smith devoted 37 years to the Minneapolis Department of Public Works; and

Whereas, Dick Smith's conduct as a Public Works professional has been exemplary; and

Whereas, Dick Smith is famous for many things, including his spatial filing system, explaining complex issues with nothing more than a pen and a napkin, a near photographic recall for the many details in Public Works, and a great sense of humor; and

Whereas, Dick Smith has always been involved with some aspect of enterprise-wide information management since the late 1980's, having served on the vintage Management Information Systems Advisory Committee and more recently on the BIS Business Advisory Group; and

Whereas, Dick Smith has represented Public Works and provided extensive institutional knowledge and played an essential role in the establishment of the Minneapolis Development Review Division; and

Whereas, Dick Smith played a critical role in the year long budgeting process; and

Whereas, Dick Smith has continuously demonstrated vision, ingenuity, and creativity in providing solutions to Public Works and City issues; and

Whereas, Dick Smith has been the quiet, reflective repository of City and Public Works history, customs, and facts; and

Whereas, Dick Smith sets an example of how to provide outstanding service to the community of Minneapolis;

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

That Richard H. (Dick) Smith be recognized and commended for the service and leadership he has provided to the City of Minneapolis.

Be It Further Resolved that the residents of the City of Minneapolis wish Dick Smith and his family all the peace, happiness, and prosperity the world can offer as he ends his exemplary career with the Department of Public Works.

Adopted 1/23/2009.

Absent - Remington.

NEW BUSINESS

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks (to reflect existing City practices related to oversight and control of repairs and improvements in public right of way).

- a. Chapter 429 relating to Right-of-Way Administration.
- b. Chapter 430 relating to Right-of-Way Permits.

Samuels gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection:

- a. Chapter 46 relating to Hazardous Waste Generation, Handling, Storage and Disposal (Pollution Control Annual Billing – registration of a hazardous waste facility);
- b. Chapter 47 relating to Air Pollution (Pollution Control Annual Billing – air pollution);
- c. Chapter 48 relating to Minneapolis Watershed Management Authority (Minneapolis Watershed Management Authority permitting and annual fees);
- d. Chapter 50 relating to Minneapolis Waste Control and Waste Discharge Rules (Minneapolis Waste Control and Discharge fees);
- e. Chapter 54 relating to Storm Water Management (Storm Water Management responsibility following construction/completion).

Samuels moved to introduce the subject matter of the following ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to Animals and Fowl, for first reading and referral to the Public Safety & Regulatory Services Committee (amending and adding provisions regarding dangerous animals and cruelty, and prohibiting the provision of false information to Animal Care and Control officers and staff):

- a. Chapter 62 relating to In General.
 - b. Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits. Seconded.
- Adopted upon a voice vote 1/23/2009.
Absent – Glidden, Remington, Benson, Samuels.

Samuels moved to introduce an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees, for first reading and referral to the Public Safety & Regulatory Services Committee (amending the indexing method for those fees covered by the Director's Fee Schedule). Seconded.

Adopted upon a voice vote 1/23/2009.
Absent – Glidden, Remington, Benson, Samuels.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Sgt. Charlie Adams v. The City of Minneapolis, et al;* and *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Fire Relief Association* lawsuits. Seconded.

Adopted upon a voice vote 1/23/2009.
Absent – Glidden, Remington, Benson, Samuels.

Cynthia D. Reichert,
Assistant City Clerk

JANUARY 23, 2009

Room 315 City Hall
Minneapolis, Minnesota
January 23, 2009 – 11:45 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Ostrow, Schiff, Lilligren, Colvin Roy, Benson, Goodman, Hodges, Samuels, Gordon, President Johnson.

Absent - Council Members Hofstede, Glidden, Remington.

City Attorney Segal stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Sgt. Charlie Adams v. The City of Minneapolis, et al;* and *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Fire Relief Association* lawsuits.

At 11:46 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Hofstede, Glidden, Remington.

Present – Council Members Hofstede (In at 11:49 a.m.; Out at 12:51 p.m.; In at 1:09 p.m.), Ostrow (Out at 12:05 p.m.; In at 12:07 p.m.; Out at 12:49 p.m.; In at 12:51 p.m.), Schiff, Lilligren (Out at 12:20 p.m.; In at 12:37 p.m.; Out in 12:41 p.m.; In at 12:44 p.m.), Colvin Roy, Glidden (In at 11:51 a.m.), Benson (Out at 12:05 p.m.), Goodman (Out at 12:46 p.m.; In at 12:50 p.m.), Hodges, Samuels, Gordon, President Johnson.

Absent – Council Member Remington.

Also present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (In at 12:05 p.m.); John (Mac) LeFevre, attorney, Kennedy & Graven law firm (In at 12:05 p.m.); Tim Dolan, Police Chief (Out at 12:05 p.m.); Caroline Bachun, Assistant City Attorney; Patrick Born, Finance Officer (In at 12:05 p.m.); Heather Johnston, Budget Director (In at 12:05 p.m.; Out at 12:49 p.m.; In at 12:50 p.m.; Out at 1:00 p.m.; In at 1:05 p.m.); Maren Anderson, Finance Department (In at 12:05 p.m.; Out at 1:00 p.m.); R.T. Rybak, Mayor (In at 11:48 a.m.; Out at 12:40 p.m.); Tina Smith, Mayor's Office (Out at 12:05 p.m.; In at 12:09 p.m.; Out at 12:39 p.m.; In at 12:40 p.m.); Peter Wagenius, Mayor's Office (In at 12:22 p.m.; Out at 12:45 p.m.); Cynthia Reichert, Assistant City Clerk; and Jackie Hanson, City Clerk's Office.

Bachun summarized the *Sgt. Charlie Adams v. The City of Minneapolis, et al* lawsuit from 11:47 a.m. to 12:05 p.m.

Ginder introduced Mac Lefevre from the Kennedy & Graven law firm, who summarized the *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Fire Relief Association* lawsuit from 12:06 p.m. to 1:07 p.m.

At 1:07 p.m., Hodges moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Hofstede, Remington, Benson.

Hodges moved to approve the settlement of the case entitled Sgt. Charlie Adams v. The City of Minneapolis, The Minneapolis Police Department and Tim Dolan in his capacity as the Chief of the Minneapolis Police Department, Hennepin County District Court File No.: 27-CV-08-3462 in the amount of \$85,000, to be payable as follows: (1) \$56,081.34 to Charles Franklin Adams; (2) \$13,333.50 to Muller & Muller PLLC, his attorneys; and (3) \$15,585.16 to John A. Klassen, PA, his attorneys. A 1099 shall be issued to Charles Franklin Adams for the entire \$85,000. Payment shall be from Fund/Org 06900-145-400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 1/23/2009.

Absent – Remington, Benson.

JANUARY 23, 2009

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 1/23/2009.
Absent – Remington, Benson.

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

Cynthia D. Reichert,
Assistant City Clerk.

Unofficial Posting 1/28/2008
Official Posting: 1/30/2008
Correction: 02/23/2009