

OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF APRIL 11, 2014

(Published April 19, 2014, in *Finance and Commerce*)

Council President Johnson called the meeting to order at 9:30 a.m. in the Council Chamber, a quorum being present.

Present - Council Members Kevin Reich, Cam Gordon, Jacob Frey, Blong Yang, Abdi Warsame, Lisa Goodman, Elizabeth Glidden, Alondra Cano, Lisa Bender, John Quincy, Linea Palmisano, President Barbara Johnson.

Absent – Council Member Andrew Johnson.

On motion by Frey, seconded, the agenda was amended to include under Resolutions a Resolution honoring DeLaSalle High School Boys' Basketball 2014 Minnesota Class AAA State Champions.

On motion by Reich, seconded, the agenda was amended to include under New Business the introduction of the subject matter of ordinances relating to the establishment of the 54th & Lyndale Special Service District and the West Broadway Improvement Special Service District.

On motion by Glidden, seconded, the agenda, as amended, was adopted.

On motion by Glidden, seconded, the minutes of the regular meeting of March 28, 2014 and the adjourned session held March 28, 2014 were adopted.

On motion by Glidden, seconded, the petitions, communications, and reports of the City officers were referred to the proper Council committees and departments.

The following reports were signed by Mayor Betsy Hodges on April 15, 2014. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city. A complete copy of each summarized ordinance and resolution is available for public inspection in the office of the City Clerk.

REPORTS OF STANDING COMMITTEES

The CLAIMS Committee submitted the following reports:

Claims - Your Committee, having under consideration the appeal filed by Melissa Birch, 2205 Bayview Place, Wayzata, MN, from the decision of the Staff Claims Committee denying a claim in the amount of \$376.00, relating to a towed vehicle, now recommends that said appeal be denied.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

Claims - Your Committee, having under consideration the appeal filed by Michael Brown, 863 Central Ave W, St. Paul, MN, from the decision of the Staff Claims Committee denying a claim in the amount of \$3,300.00, relating to a vehicle sold, now recommends that said appeal be denied.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

The COMMUNITY DEVELOPMENT & REGULATORY SERVICES Committee submitted the following reports:

CD&RS – Your Committee, to whom was referred an ordinance amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Regulations, requiring all Class A and Class B Liquor, Wine and Beer On-Sale Establishments to make available hearing protection for patrons and employees, now recommends that Ordinance 2014-Or-015 be given its second reading for amendment and passage.

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

ORDINANCE 2014-Or-015
By Frey
Intro & 1st Reading: 2/21/2014
Ref to: CD&RS
2nd Reading: 4/11/2014

Amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Regulations.

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

Section 1. That Chapter 364 of the above-entitled ordinance be amended by adding thereto a new Section 364.115 to read as follows:

364.115. Hearing protection devices. All Class A and Class B on-sale liquor, wine and beer licensees shall have and make available, free of charge, hearing protection devices to all patrons and employees. Such single-use earplugs must have a Noise Reduction Rating (NRR) of at least twelve (12) decibels. The requirement imposed by this section shall not apply unless the license official has identified a source or supplier of such hearing protection devices to provide sufficient devices free of charge to all such establishments.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The ordinance was adopted.

CD&RS – Your Committee, having under consideration the City-owned properties at 1919 and 1913 Columbus Ave S, now recommends approval of a three-year lease of said properties to Baraka Plaza, LLC or an affiliate for the purposes of installing and maintaining a playground/play area as an accessory use to the Baraka Daycare Center at 1910 Chicago Ave S, and that the proper City officers be authorized to enter into a lease agreement and related documents in accordance with the terms contained in the Department of Community Planning & Economic Development staff report.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

CD&RS - Your Committee, having under consideration the Rental Dwelling License held by Steven Meldahl for property at 3111 Upton Ave N, Minneapolis, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Regulatory Services that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, and that the Findings of Fact, Conclusions and Recommendation prepared by the Department of Regulatory Services be adopted.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

CD&RS – Your Committee recommends approval of the Department of Licenses and Consumer Services Agenda recommendations granting Liquor, Business and Gambling licenses as set forth in Petition No 277136 on file in the office of the City Clerk, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

Approved by Mayor Betsy Hodges 4/14/2014.

(Published 4/15/2014)

CD&RS - Your Committee recommends passage of Resolution 2014R-130 approving Business License Operating Conditions relating to the Restaurant License held by Java Coffee, 2740 Minnehaha Ave, Minneapolis.

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

RESOLUTION 2014R-130
By Goodman

Approving Business License Operating Conditions relating to the Restaurant License held by Java Coffee, 2740 Minnehaha Ave, Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by Java Coffee, 2740 Minnehaha Ave, Minneapolis:

1. Java Coffee agrees that the previous owner, Mohamed Omar shall not be in any manner involved with or possess any interest in the ownership or management of the licensed establishment. Furthermore, Mohamed Omar shall not be employed by or at the licensed establishment nor derive or share in any financial benefit associated with the operation of the establishment. This includes providing the sale of food or food products to Java Coffee.
2. Java Coffee will be allowed to conduct business on the interior during the following hours:
 - a. Monday to Thursday 6:00 a.m. to 10:00 p.m., Sunday 6:00 a.m. to 11:00 p.m. and Friday and Saturday 6:00 a.m. to 12:00 a.m. with the following conditions:
 - 1) Hours of operation shall be posted in 2 inch size lettering on the interior and the exterior of the building.
 - 2) All food sales shall stop at 15 minutes before closing time.
 - 3) A verbal closing warning shall be issued at 10 minutes before closing time.
 - 4) All patrons shall be out of the premises by at the closing time listed above.
 - 5) The owner shall instruct all patrons to remove themselves from the parking lot by five minutes after the hour.
 - b. The outdoor cafe shall close at 10:00 p.m. each day. Tables and chairs shall be stacked by 10:00 p.m. each day.
3. Java Cafe agrees to monitor the outside of the premises for noise including the loud voices of the patrons. They shall request any person using a loud voice to remove themselves to the interior of the premises or leave the business.
4. "No Trespassing" signs will remain clearly posted on the exterior of the business. Java Coffee employees shall immediately ask people that are observed loitering in the immediate vicinity of the restaurant to leave. If the loitering activity persists, staff will call 9-1-1 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

5. The owner of Java Coffee agrees to pay all fines and fees by the final disposition date owed by the City of Minneapolis. Some of the fees sent to a business include, but are not limited to, Pollution Control Annual billing, false alarms, water bills, business license renewal fees and administrative citations.

6. The owner of Java Coffee agrees that if three violations of this agreement occur, the hours of operation shall be immediately changed to the C1 district hours of operation, Sunday to Thursday 6:00 a.m. to 10:00 p.m. and Friday and Saturdays 6:00 a.m. to 11:00 p.m.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-131 approving Business License Operating Condition relating to the Food Manufacturer License held by Rejuvamix Cafe, 3001 Hennepin Ave, Minneapolis.

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

RESOLUTION 2014R-131
By Goodman

Approving Business License Operating Condition relating to the Food Manufacturer License held by Rejuvamix Cafe, 3001 Hennepin Ave, Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Condition relating to the Food Manufacturer License held by Rejuvamix Cafe, 3001 Hennepin Ave, Minneapolis:

Mr. Bradley Kohler, license holder of Rejuvamix Café, agrees to submit a report from his probation officer, to indicate he is in compliance with the terms of his probation, with his license renewal each year until the end of his probation. The City of Minneapolis reserves the right to a denial or revocation of the business license should the terms of his probation be violated.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-132 approving Business License Operating Conditions relating to the Extended Hours, Restaurant, and Place of Entertainment Licenses held by Sinners, 121 Washington Ave N, Minneapolis.

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

RESOLUTION 2014R-132
By Goodman

Approving Business License Operating Conditions relating to the Extended Hours, Restaurant, and Place of Entertainment Licenses held by Sinners, 121 Washington Ave N, Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Extended Hours, Restaurant, and Place of Entertainment Licenses held by Sinners, 121 Washington Ave N, Minneapolis:

1. The City of Minneapolis Bureau of Fire Prevention & Inspections Division has certified that the maximum occupant load for the establishment at 121 Washington Avenue North is 161. No more than 161 patrons shall be allowed inside the establishment at any given time. The licensee shall employ the use of a device(s) that will make an accurate occupancy count readily available for law enforcement, or other regulatory agents, upon request.
2. A queue line shall not be allowed to form on the public right of way.
3. Security personnel shall wear shirts that are clearly labeled "SECURITY".
4. The establishment shall use a wand along with a pat search for patrons entering and re-entering the establishment.
5. No new patrons shall be allowed to gain entrance to the establishment after 2:30 a.m. This policy shall be conspicuously posted.
6. Entertainers shall not perform lap dances or bed dances in areas other than areas designated on an approved diagram (to be submitted upon signing this agreement).
7. Before hiring, the licensee shall perform background checks on all entertainers and all other staff using this website: www.cch.state.mn.us.
8. The licensee shall utilize an electronic ID scanner to maintain a "Do Not Admit" list, which shall be made readily available upon request by Licenses & Consumer Services or the Police Department.
9. The licensee shall maintain increased lighting in working condition during operating hours.
10. Implement and continuously enforce a dress code for patrons to enter the establishment.
11. The licensee shall ensure that the back door (near the DJ booth) is not being accessed by patrons.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-133 approving Business License Operating Conditions relating to the On-Sale Liquor, Class B license held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave, Minneapolis.

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

RESOLUTION 2014R-133
By Goodman

Approving Business License Operating Conditions relating to the On-Sale Liquor, Class B license held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave, Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor, Class B license held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave, Minneapolis:

1. The ownership of Tibet Kitchen Bar and Restaurant agrees to furnish one security guard as defined in Minnesota Statute 326.32, Subd 13, who will maintain security on-site from 9:00 p.m. until one-half hour after closing time daily.
2. The ownership of Tibet Kitchen Bar and Restaurant agrees to have security provide routine patrols every 30 minutes.
3. The ownership agrees to not allow entry or service of patrons who are intoxicated or to trespass customers that are refused service due to over intoxication, creating a disturbance, or other disruptions.
4. Patrons who become disorderly will be escorted off of property.
5. Loitering will not be permitted inside the business or on the property outside.
6. The ownership of Tibet Kitchen Bar & Restaurant agrees to maintain their video surveillance system and have 30 days of recorded memory available from your surveillance system from all four cameras and if requested by Minneapolis Police or Business Licensing the recordings will be provided within eight hours of the request.
7. The ownership agrees to offer medical or emergency response to any patron or staff member who are injured that may require medical attention. If an injury is severe and a person is unable to care for themselves, medical or emergency response will be made on their behalf. If a crime occurs, security and staff will call Minneapolis Police and cooperate with responding officers.
8. Tibet Kitchen Bar & Restaurant will not promote or provide any "happy hours" or other alcoholic drink specials after 8:00 p.m. daily.
9. Tibet Kitchen Bar & Restaurant agrees to have a professional trained manager on-site during business hours.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-134 approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License for properties at 3701 and 3715 Colfax Ave N and 3546 Morgan Ave N, Minneapolis, owned by Kolbe LLC, Pentagon Management LLC, Mehrtash Mehran, Lindsey Stevens, Masam Mehran, and Neima Mehran.

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

RESOLUTION 2014R-134
By Goodman

Approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License for properties at 3701 and 3715 Colfax Ave N and 3546 Morgan Ave N, Minneapolis, owned by Kolbe LLC, Pentagon Management LLC, Mehrtash Mehran, Lindsey Stevens, Masam Mehran, and Neima Mehran.

Whereas, a Rental License Conditions meeting was held March 7, 2014, regarding the Rental Dwelling License for the above-mentioned properties and the licensees and their representative did appear; and

Whereas, pursuant to negotiations between the City of Minneapolis and the licensees, the parties agreed to a Stipulated Agreement in order to allow the licensees to retain the Rental Dwelling License for said properties;

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

That Kolbe LLC, Pentagon Management LLC, Mehrtash Mehran, Lindsey Stevens, Masam Mehran, and Neima Mehran be allowed to retain the Rental Dwelling License for the properties at 3701 and 3715 Colfax Ave N and 3546 Morgan Ave N, subject to the following Stipulated Agreement and Conditions, as on file in the office of the City Clerk:

1. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agrees to disclose to the Deputy Director of Housing Inspections, any and all properties they have any financial interest in, including the names of anyone who has any interest in Kolbe LLC and Pentagon Management Group LLC.
2. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agrees to keep the rental licenses current on the properties listed above.
3. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agree to submit a successful management plan to the Minneapolis Police Department c/o Luther Krueger, Crime Prevention Analyst, 350 5th St S, Room 100, Minneapolis, MN 55415 within 30 days of signing the Stipulated Agreement.
4. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agree to attend a Rental Property Owner's Workshop within three months of signing the Stipulated Agreement.
5. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agree to stay in compliance with Minneapolis Code of Ordinance section 244.1910 – Licensing Standards.
6. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agree to comply with any written orders issued by Housing Inspection Services in a timely manner such that an administrative enforcement method is not required to obtain compliance.

7. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agree to not allow any delinquent taxes, citations or fees to exist relating to the property.

8. The Respondent, Mehrtash Mehran and Masam Mehran, hereby agree to the above stated conditions for a period of 5 years from the date of signature.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

CD&RS - Your Committee recommends passage of Resolution 2014R-135 approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Demetrick Washington for property at 3701/3703 – 35th Ave S, Minneapolis.

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

RESOLUTION 2014R-135
By Goodman

Approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Demetrick Washington for property at 3701/03 – 35th Ave S, Minneapolis.

Whereas, a Rental License Conditions meeting was held March 19, 2014, regarding the Rental Dwelling License for the above-mentioned properties and the licensee did appear; and

Whereas, pursuant to negotiations between the City of Minneapolis and the licensee, the party agreed to a Stipulated Agreement in order to allow the licensee to retain the Rental Dwelling License for said property;

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

That Demetrick Washington be allowed to retain the Rental Dwelling License for the property at 3701/03 – 35th Ave S, Minneapolis, subject to the following Stipulated Agreement and Conditions, as on file in the office of the City Clerk:

1. The Respondent, Demetrick R. Washington, hereby agrees there will be no further violations of M.C.O. 244.1910 (3) for illegal occupancy of the property at 3701/3703 – 35th Avenue South.

2. The Respondent, Demetrick R. Washington, hereby agrees to have the proper permits pulled, inspected and closed in regards to the illegal basement unit. Specifically, the installed egress window and capping off the kitchen sink.

3. The Respondent, Demetrick R. Washington, hereby agrees to comply with any written orders issued by Housing Inspection Services in a timely manner such that an administrative enforcement method is not required to obtain compliance.

4. The Respondent, Demetrick R. Washington, hereby agrees to keep the rental license current on the property located at 3701/3703 – 35th Avenue South.

5. The Respondent, Demetrick R. Washington, hereby agrees to submit a successful management plan to the Minneapolis Police Department c/o Luther Krueger, Crime Prevention Analyst, 350 5th St S., Room 100, Minneapolis, MN 55415 within 30 days of signing the Stipulated Agreement.
6. The Respondent, Demetrick R. Washington, hereby agrees to attend a Rental Property Owner's Workshop within three months of signing the Stipulated Agreement.
7. The Respondent, Demetrick R. Washington, hereby agrees to not allow any delinquent taxes, citations or fees to exist relating to the property.
8. The Respondent, Demetrick R. Washington, hereby agrees to the above stated conditions for a period of 12 (twelve) months from the date of signature.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

The HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS Committees submitted the following reports:

HE&CE & W&M - Your Committee recommends that the proper City officers be authorized to enter into three-year contracts with Abdo, Eick and Meyers LLP; CliftonLarsonAllen LLP; Mike Wilson and Associates; and Rogers and Company LLC, in a total amount not to exceed \$300,000, to provide audit services, financial management, and report filing support for contracted neighborhood organizations.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (11)

Noes: (0)

Absent: Warsame, A. Johnson (2)

The report was adopted.

HE&CE & W&M - Your Committee recommends that the proper City officers be authorized to amend Contract No 37423 with Laura Oliven Silberfarb to increase the contract by up to \$50,000 from unexpended funds from the Communities Transformation Grant (01300-8600120), for a revised not-to-exceed contract total of \$81,000, to support tobacco prevention services through September 30, 2014.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (11)

Noes: (0)

Absent: Warsame, A. Johnson (2)

The report was adopted.

HE&CE & W&M - Your Committee recommends that the proper City officers be authorized to accept estimated revenue in the amount of \$5,000 from the Minnesota Coalition for Battered Women for participation in Project Connect to assist youth experiencing intimate partner violence.

Your Committee further recommends passage of Resolution 2014R-136 increasing the appropriation in the Grants-Other Fund by \$5,000.

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

**RESOLUTION 2014R-136
By Gordon and Quincy**

Amending The 2014 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 Health Department Agency in the Grants-Other Fund (01600-8600152) by \$5,000 and increasing the revenue source (01600-8600152-372001) by \$5,000.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (11)

Noes: (0)

Absent: Warsame, A. Johnson (2)

The report and resolution were adopted.

HE&CE & W&M - Your Committee recommends that the proper City officers be authorized to enter into an agreement with the Minnesota Department of Public Safety to accept estimated revenue in the amount of \$46,307 in Federal Department of Justice support for the Youth Violence Prevention Broader Urban Involvement and Leadership Development Program (BUILD).

Your Committee further recommends passage of Resolution 2014R-137 increasing the revenue estimate in the Grants-Federal Fund by \$46,307.

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

**RESOLUTION 2014R-137
By Gordon and Quincy**

Amending The 2014 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 Health Department Agency in the Grants-Federal Fund (01300-8600111) by \$46,307 and increasing the revenue source (01300-8600111-321010) by \$46,307.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (11)

Noes: (0)

Absent: Warsame, A. Johnson (2)

The report and resolution were adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to Traffic Code: Vehicle Operation, prohibiting the practice of motor braking, also known as engine braking, on Interstate Highway 394 in the City of Minneapolis, and having held a public hearing thereon, now recommends that Ordinance 2014-Or-016 be given its second reading for amendment and passage.

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

ORDINANCE 2014-Or-016
By Goodman
Intro & 1st Reading: 3/7/2014
Ref to: T&PW
2nd Reading: 4/11/2014

Amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to Traffic Code: Vehicle Operation.

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

Section 1. That Chapter 474 of the above-entitled ordinance be amended by adding thereto a new Section 474.125 to read as follows:

474.125. Engine Braking. Pursuant to the authority granted in Minnesota Session Law Chapter 350, Article 1, Section 87 (2008), Engine Brakes; Regulation by Minneapolis, it is prohibited to use an engine brake on motor vehicles along Legislative Route No. 107, also known as marked Interstate Highway 394, beginning at the South Penn Avenue interchange in the city of Minneapolis and thence extending easterly to the terminus of marked Interstate Highway 394. For purposes of this section, "engine brake" means any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The ordinance was adopted.

T&PW - Your Committee recommends that the proper City officers be authorized to amend Contract No C-30080 with Heitkamp, Inc., increasing the contract by \$375,683, for a revised contract total of \$2,099,808.50, for the cleaning and lining of cast iron water mains. Funds are available in the existing project budget and no additional appropriation is required.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

T&PW - Your Committee recommends that the proper City officers be authorized to execute a Transfer Station Operations Agreement between Waste Management of Minnesota, Inc. and the City of Minneapolis in the amount of \$417,000 for the term of May 1, 2014 through April 30, 2015, with the option to extend the contract on an annual basis for two (2) additional years.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

T&PW - Your Committee, having under consideration *Double Black Diamond, Inc. d/b/a Red Cow v. City of Minneapolis*, Court File No 27-cv-13-20130 (Hennepin Cnty), now recommends approval of the settlement of said litigation as set forth in Petn No 277141 and authorizing the City Attorney's Office to execute any documents necessary to effectuate settlement. Settlement of the case is contingent upon modification of Critical Parking Area ("CPA") No 24, previously modified through Ordinance 2013-Or-091 adopted November 1, 2013, to exclude the east side of the 4900 block of Drew Ave.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

Approved by Mayor Betsy Hodges 4/14/2014.

(Published 4/15/2014)

T&PW - Your Committee, having under consideration a settlement agreement relating to *Double Black Diamond, Inc. d/b/a Red Cow v. City of Minneapolis*, Court File No 27-cv-13-20130 (Hennepin Cnty) which included the modification of Critical Parking Area (CPA) No 24, and the Department of Public Works having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, now recommends passage of Ordinance 2014-Or-017 modifying CPA No 24 to remove the east side of the 4900 block of Drew Ave S from the CPA.

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

ORDINANCE 2014-Or-017
By Reich
Ref to: T&PW
1st & 2nd Readings: 4/11/2014

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

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

Section 1. That Section 478.710 of the above-entitled ordinance be amended by amending locations in Critical Parking Area No 24 as follows:

No 3767 - Drew Ave S from 49th St W to 50th St W, ~~both sides of the street~~ west side of the street only adjacent to residential uses, to be signed "No Parking 4:00 p.m. - 10:00 p.m. Daily, Except by Permit"; and

No 3767 - Chowen Ave S from 49th St W to 50th St W, west side of street only adjacent to residential uses, to be signed "No Parking 4:00 p.m. - 10:00 p.m. Daily, Except by Permit".

Residents on both sides of Drew Ave S and on the west side of Chowen Ave S only can purchase CPA No 24 permits.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The ordinance was adopted.

Approved by Mayor Betsy Hodges 4/14/2014.

(Published 4/15/2014)

The TRANSPORTATION & PUBLIC WORKS AND WAYS & MEANS Committees submitted the following reports:

On motion by Reich, seconded, the following report was referred back to the Transportation & Public Works and Ways & Means Committees:

T&PW & W&M - Your Committee, having under consideration the 2014 Street Resurfacing Program, Johnson St NE, 10th & 11th Aves SE Street Resurfacing Project, Special Improvement of Existing Street No 5261, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

T&PW & W&M - Your Committee, having under consideration the 2014 Street Resurfacing Program, Burroughs N Area and Dupont Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5259, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Resolution 2014R-138 ordering the work to proceed and adopting the special assessments for the project; and
- b) Resolution 2014R-139 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

APRIL 11, 2014

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

**RESOLUTION 2014R-138
By Reich and Quincy**

**2014 STREET RESURFACING PROGRAM
BURROUGHS N AREA AND DUPONT AVE S STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5259**

Ordering the work to proceed and adopting the special assessments for the Burroughs N Area and Dupont Ave S Street Resurfacing Project.

Whereas, a public hearing was held on April 1, 2014 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2014R-056, passed February 21, 2014, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2014R-056, passed February 21, 2014.

Be It Further Resolved that the proposed special assessments in the total amount of \$1,098,160.03 for the Burroughs N Area and Dupont Ave S Street Resurfacing Project No 5259, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2015 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to be on the 2015 real estate tax statements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

APRIL 11, 2014

RESOLUTION 2014R-139
By Reich and Quincy

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,098,160 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed costs of street improvements in the Burroughs N Area and Dupont Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5259, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collected in five (5) successive annual installments, payable in the same manner as real estate taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

T&PW & W&M - Your Committee recommends passage of Resolution 2014R-140 directing the Hennepin County Auditor to cancel the 5-year street resurfacing special assessment levied against the property located at 2408 31st Ave S for payable in 2014 and subsequent years due to full prepayment of the special assessment.

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

RESOLUTION 2014R-140
By Reich and Quincy

**CANCELLATION OF MINNEAPOLIS PUBLIC WORKS
STREET RESURFACING SPECIAL ASSESSMENT**

Directing the Hennepin County Auditor to cancel the special assessment for street resurfacing improvements for the payable 2014 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed resolutions in 2013 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2014 real estate tax statements; and

Whereas, there is the following described assessment that is erroneously being carried on the real estate tax statement due to a full prepayment of the assessment;

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

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessment from the 2014 and subsequent years' tax statement for 2408 31st Ave S, Minneapolis, as shown below:

APRIL 11, 2014

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01027	5252Y	36-029-24-14-0003	\$1,035.51

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

T&PW & W&M - Your Committee recommends passage of Resolution 2014R-141 directing the Hennepin County Auditor to cancel the levied 5-year street resurfacing special assessment levied against the property located at 4325 Zenith Ave S for payable in 2014 and subsequent years due to full prepayment of the special assessment and authorizing the Sidewalk Division to refund the principal and interest installments collected on 2010 through 2013 property tax statements.

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

RESOLUTION 2014R-141
By Reich and Quincy

CANCELLATION OF MINNEAPOLIS PUBLIC WORKS
SIDEWALK REPAIR SPECIAL ASSESSMENT

Directing the Hennepin County Auditor to cancel the special assessment for sidewalk repair improvements for the payable 2014 tax file described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed resolutions in 2009 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2010 real estate tax statements; and

Whereas, there is the following described assessment that is erroneously being carried on the real estate tax statement due to a full prepayment of the assessment;

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

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessment from the 2014 tax statement for 4325 Zenith Ave S, Minneapolis, as shown below:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01052	10S05	08-028-24-32-0072	\$259.84

Be It Further Resolved that the Sidewalk Division is hereby directed and authorized to request the refund of the principal and interest installments collected on the 2010 through 2013 property tax statements to the property owners in the amount of \$238.57 from 04100-9010939-365004.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

T&PW & W&M - Your Committee recommends that the proper City officers be authorized to submit an application for a TIGER 2014 grant to implement the Nicollet-Central Modern Streetcar Project, pending consideration of other regional transit projects and final authorization to submit an application by the City's Rail Policy Group.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

On motion by Reich, seconded, the following report was deleted:

T&PW & W&M - Your Committee recommends passage of the accompanying resolution transferring \$76,607 from the Solid Waste Fund to the General Fund to fund a policy position in the Mayor's Office for the purpose of providing vision, leadership, coordination and implementation of sustainability policy and to assist in the implementation of organics recycling and drafting a Zero Waste plan for the City. Continued funding for this activity will be addressed as part of the 2015 budget process.

T&PW & W&M - Your Committee recommends passage of Resolution 2014R-142 increasing the appropriation in the Transportation Maintenance & Repair Division by \$1,000,000 from the Contingency Fund to provide additional resources to perform an accelerated level of pothole patching in 2014.

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

RESOLUTION 2014R-142
By Reich and Quincy

Amending the 2014 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 2014 appropriation in the Public Works Department (00100-6070500) by \$1,000,000 and decreasing the Contingency Fund appropriation (00100-1750100) by \$1,000,000.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

T&PW & W&M - Your Committee, having under consideration the Cedar Ave Sidewalk Modifications Project, now recommends:

a) Passage of Resolution 2014R-143 amending the 2014 Capital Budget to establish CPV107 Cedar Ave Sidewalk Modifications Project and increasing the appropriation for the project from the following revenue sources:

- \$747,500 from Hennepin County TOD Program Grant
- \$300,000 from Hiawatha TOD funds
- \$200,000 from Special Assessments
- \$500,000 from Advance from the Permanent Improvement Fund;

b) Direct Public Works and Finance staff to identify, through the normal 2014 project close-out process anticipated to take place in September 2014, a revenue source for the Cedar Ave Sidewalk Modifications Project to restore the advance from the Permanent Improvement Fund. It is anticipated that bond proceeds from projects being closed out will be sufficient to address this advance;

c) Passage of Resolution 2014R-144 declaring the City's intent to pay for the expenditures not reimbursed by the other sources above with tax exempt bond proceeds;

d) Approve the proposed layout of the Cedar Ave Sidewalk Modifications Project as set forth in the staff report;

e) Authorize staff to negotiate with private property owners as necessary to acquire and execute temporary easement agreements not to exceed \$1,000 for the sidewalk work on Cedar Ave;

f) Passage of Resolution 2014R-145 authorizing the execution of a grant contract agreement amendment with Hennepin County for accepting grant funds of up to \$822,500, of which \$747,500 will be used for the Cedar Ave Sidewalk Modification Project, with \$1,000,000 matching funds to be provided by City of Minneapolis upon satisfactory review by the City Attorney's Office; and

g) Passage of Resolution 2014R-146 designating the location, streets, and improvements proposed to be made in the project and, as an exception to policy, not assessing for the street lighting improvements.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report and resolutions were adopted.

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

RESOLUTION 2014R-143
By Reich and Quincy

Amending The 2014 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the 2014 Capital Budget Resolution 2013R-573, as amended, be further amended to establish the Cedar Avenue Sidewalk Modifications Project utilizing Capital Project Number CPV107 in the amount of \$1,747,500.

Be It Further Resolved that the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation and revenue source 322002 for 04100-9010937-CPV107 by \$747,500 from the Hennepin County TOD Program Grant;
- b) Increasing the appropriation and revenue source 345501 for 04100-9010937-CPV107 by \$300,000 from the Hiawatha TOD Fund to be received from CPED;
- c) Increasing the appropriation and revenue source 365001 for 04100-9010937-CPV107 by \$200,000 from Sidewalk Assessments. Actual Assessment will be determined at a Public Hearing; and
- d) Increasing the appropriation for 04100-9010937-CPV107 by \$500,000 from 04100 Permanent Improvement Fund balance.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

RESOLUTION 2014R-144

By Reich and Quincy

Declaring the City's intent to pay for the expenditures not reimbursed by the other sources above with tax exempt bond proceeds.

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse all expenditures not paid for by grant funds or special assessments, initially estimated at \$500,000, related to the Cedar Ave Sidewalk Modifications Project, from the proceeds of tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services, and staff costs reasonably allocated to the project as well as costs incurred and paid for the design, purchase, and reconstruction of sidewalk improvements, roadway reconfiguration and striping, pedestrian level lighting and associated improvements on Cedar Ave S from approximately 3rd St S to 7th St S. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt issued by the City consists of ad valorem property taxes.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

APRIL 11, 2014

**RESOLUTION 2014R-145
By Reich and Quincy**

Amending Redevelopment Agreement for Cedar-Riverside Central LRT and Franklin Hiawatha LRT Station Area Public Realm Improvements (Hennepin County Contract No A101158).

Resolved by The City Council of The City of Minneapolis:

That upon satisfactory review by the City Attorney's Office, the proper City officers are authorized to execute and enter into a grant contract agreement amendment with Hennepin County to accept grant funds of up to \$822,500, of which \$747,500 will be used for the Cedar Ave Sidewalk Modification Project, with \$1,000,000 matching funds to be provided by City, as more fully set forth in Petn No 277143 on file in the office of the City Clerk.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

**RESOLUTION 2014R-146
By Reich and Quincy**

**CEDAR AVE SIDEWALK MODIFICATIONS PROJECT
SPECIAL IMPROVEMENT NO 9930**

Designating the improvement of certain existing sidewalks in the Cedar Ave Sidewalk Modifications Project at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing infrastructure 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 replacing sidewalks, concrete curb and gutter all on a stabilized base, street lighting, and including other related improvements as needed:

Cedar Ave from 3rd St S to 7th St S.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

T&PW & W&M - Your Committee, having received a cost estimate of \$1,747,500 for sidewalk modification improvements and a list of benefited properties for certain locations in the Cedar Ave Sidewalk Modifications Project, Special Improvement No 9930, as designated by Resolution 2014R-146, passed April 11, 2014, now recommends that the City Engineer be directed to prepare a proposed Sidewalk Modifications Special Improvement Assessment against the list of benefited properties.

Your Committee further recommends that a public hearing be held on June 17, 2014 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 construction of the above-designated sidewalk locations, the abandonment and removal of areaways located in the public right-of-way that are in conflict with the project, and the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

T&PW & W&M - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7904 from Fischer Mining, LLC, for an estimated annual expenditure of \$163,800.00, to furnish and deliver fine aggregate to the Minneapolis Public Works Paving Division as needed through March 31, 2015. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

T&PW & W&M - Your Committee recommends acceptance of the single bid submitted to the Public Works Department on OP No 7910 from Graymont (WI) LLC, for an estimated annual expenditure of \$1,800,000.00, to furnish and deliver quick lime to the Minneapolis Public Works Water Treatment and Distribution Division for a twelve (12) month period. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

Approved by Mayor Betsy Hodges 4/14/2014.

(Published 4/15/2014)

T&PW & W&M - Your Committee recommends acceptance of the single bid submitted to the Public Works Department on OP No 7912 from Commercial Asphalt Company, for an estimated annual expenditure of \$5,409,950.00, to furnish and deliver hot mix asphalt to the Minneapolis Public Works Department as needed through March 31, 2015. Further, that the proper City officers be authorized to execute a contract for said service in accordance with City specifications.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

The WAYS & MEANS Committee submitted the following reports:

W&M - Your Committee recommends passage of Resolution 2014R-147 authorizing settlement of legal matters, as recommended by the City Attorney.

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

**RESOLUTION 2014R-147
By Quincy**

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

- a) Theopolis Hunter, by payment of \$3,500 to Mr. Hunter and his attorney, Metro Law Offices, from Fund/Org. 06900-1500100-145675.
- b) Saadaat Al-Ahad, by payment of \$4,600 to Mr. Al-Ahad and his attorney, Metro Law Offices, from Fund/Org. 06900-1500100-145675.

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

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

W&M - Your Committee, having under consideration the 2013 Standard Agreement with Jeane Thorne, Inc, now recommends that the proper City officers be authorized to execute an amendment to the agreement to increase the amount by \$40,000, for a new not-to-exceed total of \$90,000 running through December 31, 2014, to continue to provide administrative/clerical personnel services on a temporary, as-needed basis, to assist with the normal workload as assigned by the City Attorney.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

W&M - Your Committee, having under consideration the 3rd Avenue Parking Ramp Restoration Project for the Convention Center, now recommends that the proper City officers be authorized to increase contract C-35456 with LS Black Constructors Inc., in the amount of \$33,060.49 for a new not-to-exceed total of \$313,556.85, to allow for close-out and final payment of all invoices associated with the project.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

W&M - Your Committee recommends that the proper City officers be authorized to execute a contract with Employee Strategies, in the amount of \$230,650, to provide the Human Resources Department with services to design and develop curriculum for a new leadership development program.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

W&M - Your Committee, having under consideration the contract with Safari Books Online, LLC for a one-year subscription for online training resources for the Information Technology Department, now recommends that the proper City officers be authorized to:

- a) Extend contract C-36729 with Safari Books Online, LLC for an additional two-year subscription, through April 30, 2016; and
- b) Increase the amount by \$28,006, for a new total not-to exceed \$50,000 over the life of the contract.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

W&M - Your Committee recommends passage of Resolution 2014R-148 accepting funding for the Community Connections Conference.

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

RESOLUTION 2014R-148
By Quincy

Accepting funding for the Community Connections Conference.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set for the below to the City:

<u>Name of Donor</u>	<u>Gift</u>
Leech Lake Band of Ojibwe 36 for profit, not-profit, and government agency exhibitors	Entertainment Costs for Conference Exhibit Hall Revenue

Whereas, no goods or services were provided in exchange for said donation; and

Whereas, all such donations have been contributed to assist the City in costs for the Community Connections Conference, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donation offered;

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

That the donations described above are accepted and shall be used for costs of the Community Connections Conference.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The resolution was adopted.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee, to whom was referred an interim ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, adding Chapter 590, providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings in the R1, R1A, R2, and R2B zoning districts in the neighborhoods of Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst, now recommends the moratorium ordinance be cancelled.

Your Committee further recommends the following staff directive be approved:

- a) Direct staff to implement and enforce the use of Construction Management Agreements for all un-occupied construction projects involving the wrecking, new build, or major remodeling of 1 and 2 unit dwelling structures.
- b) Direct staff to identify additional resources to meet staffing needs relating to the implementation and oversight of construction management and planning related activities, and refer the matter to the Ways & Means Committee for further consideration.
- c) Direct staff to continue to study the growth in construction of 1 to 4 unit dwellings for the purposes of informing future development and to make recommendations on the zoning code of ordinances and planning process based on the study findings.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

Approved by Mayor Betsy Hodges 4/14/2014.

(Published 4/15/2014)

Z&P – Your Committee, to whom was referred a moratorium waiver to allow for the demolition of an existing single-family dwelling and the construction of a new single-family dwelling located at 4205 Xerxes Ave S in the R1 Single-family district located within the Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst neighborhoods moratorium area, now recommends the waiver be granted with the following conditions:

- a) Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
- b) The proposed structure shall comply with the administrative site plan review standards required by Chapter 530 of the zoning code.
- c) The applicant shall provide a detailed construction management plan addressing the phasing of the demolition and construction, staging, waste areas, soil removals/storage and erosion control measures both during and after construction.
- d) The applicant shall provide an erosion and sediment control plan to be reviewed and approved by the Public Works Department.

On roll call, the result was:

Ayes: Reich, Frey, Gordon, Yang, Warsame, Goodman, Glidden, Cano, Bender, Quincy, Palmisano, President Johnson (12)

Noes: (0)

Absent: A. Johnson (1)

The report was adopted.

RESOLUTIONS

Resolution 2014R-149 declaring the 1st of July “Somali American Day” in the City of Minneapolis was adopted.

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

RESOLUTION 2014R-149

**By Warsame, B. Johnson, Reich, Gordon, Frey, Yang,
Goodman, Glidden, Cano, Bender, Quincy, A. Johnson and Palmisano**

Declaring the 1st of July “Somali American Day” in the City of Minneapolis.

Whereas, the independence day of Somalia is a national holiday observed annually in Somalia and the Diaspora worldwide on the 1st of July; and

Whereas, many Somali refugees and their families immigrated to the United States, and today Somali Americans are one of the fastest growing immigrant groups in Minneapolis; and

Whereas, like many immigrant groups before them, Somali Americans sought shelter to the United States to escape war and persecution, to find opportunities, and to better their lives and the lives of their children; and

Whereas, Somali Americans play an integral role in building a vibrant and diverse Minneapolis, contributing socially, culturally, politically, and economically to our city;

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

That the 1st of July every year be and hereby is declared “Somali American Day” in the City of Minneapolis. In making this declaration, the City recognizes and celebrates the history, culture, and contributions of Somali Americans in Minneapolis.

Resolution 2014R-150 honoring DeLaSalle High School Boys’ Basketball 2014 Minnesota Class AAA State Champions was adopted.

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

RESOLUTION 2014R-150

**By Frey, Reich, Gordon, B. Johnson, Yang, Warsame,
Goodman, Glidden, Cano, Bender, Quincy, A. Johnson, Palmisano**

Honoring DeLaSalle High School Boys’ Basketball 2014 Minnesota Class AAA State Champions.

Whereas, DeLaSalle High School of Minneapolis won its third straight Minnesota Class AAA State Championship on March 15, defeating Austin High School, 60-40; and

Whereas, DeLaSalle is only the sixth high school in the history of the Minnesota State Tournament to win three straight boys’ championships. The 2013-14 team finished with a record of 27-3, were champions of the Tri-Metro Conference with an 13-0 record, and champions of Section 3AAA prior to winning the State Tournament; and

Whereas, head coach Dave Thorson now has a career record of 450 wins and 125 losses. In his 20 years at DeLaSalle, the school has qualified for twelve state tournaments, won six titles and finished as runner-up twice. Going back to 1927, DeLaSalle boys’ basketball teams have qualified for 45 state tournaments and won 20 state championships; and

Whereas, the team compares as a microcosm of the entire DeLaSalle student body, the most diverse private high school in Minnesota – defined by every possible demographic including socio-economics, race, neighborhood and family background. The 13 players and managers on the team came to DeLaSalle from 13 different grade schools, parochial and public, including every neighborhood in Minneapolis; and

Whereas, DeLaSalle repeated as Academic Team Champions for Section 3AAA, honored for posting the highest cumulative grade point average among its players. Nine of the 13 players earned a place on the DeLaSalle Honor Roll in the fall semester of the 2013-14 school year. All five seniors have been accepted to colleges. During Coach Dave Thorson’s career at DeLaSalle, every senior has matriculated to college; and

Whereas, in alphabetical order, the team’s roster included Sacar Anim, Eli Brimacomb, Joshua Collins, Geno Crandall, Jeffrey Daubanton, Cooper Doran, Jarvis Johnson, Samm Jones, James Lawson, Goanar Mar, Malcolm Porter, Mike Pucci; Reid Travis; and

Whereas, in alphabetical order, the team's assistant coaching staff included Todd Anderson, David Collier `99, Walter Franklin `10, Nicholas Grue `98, C.J. Hallman `02, Quincy Lewis, and Tim Swords `08; the team's trainer was Cindy Schlafman;

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

That the City of Minneapolis congratulates the DeLaSalle boys' basketball team and coaches for winning the 2014 class AAA state championship.

MOTIONS

On motion by Quincy, seconded, the regular payrolls for all City employees under City Council jurisdiction for the month of May, 2014, were approved and ordered paid subject to audit by the Finance Officer.

UNFINISHED BUSINESS

On motion by Frey, seconded, the following report was deleted:

Z&P – Your Committee, having under consideration an appeal filed by Robert D. Riskin with, and on behalf of, all property owners immediately adjacent to McDonald's, of the decision of the Zoning Board of Adjustment granting the following variances for an existing fast food restaurant located at 1100-1118 University Ave NE,

- a) A variance to increase the maximum number of freestanding signs from one to four;
- b) A variance to increase the maximum area for freestanding signs from 80 square feet to 330 square feet; and
- c) A variance to increase the maximum height of freestanding signs from 8 feet to approximately 10 feet 3 inches and 10 feet 9 inches,

now recommends that, notwithstanding staff recommendation, said appeal be granted, that the variances be denied, and that Findings of Fact prepared by City Attorney, as directed by the Committee, on file as FOF-2014- in the Office of the City Clerk, be adopted.

NEW BUSINESS

A. Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 204 of the Minneapolis Code of Ordinances relating to Food Code: Environmental Preservation: Environmentally Acceptable Packaging (updating and amending various provisions).

Bender gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations (amending provisions related to the keeping of honeybees).

Bender gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code (amending regulations related to composting):

- a) Chapter 520 relating to Introductory Provisions.
- b) Chapter 536 relating to Specific Development Standards.
- c) Chapter 537 relating to Accessory Uses and Structures.
- d) Chapter 541 relating to Off-Street Parking and Loading.
- e) Chapter 550 relating to Industrial Districts.
- f) Chapter 551 relating to Overlay Districts.

On motion by Reich, seconded, the subject matter of the following ordinances were introduced, given their first reading, and referred to the Transportation & Public Works Committee:

Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks (establishing the following Special Service Districts):

- a) Chapter 432 relating to the establishment of the 54th & Lyndale Special Service District.
- b) Chapter 434 relating to the establishment of the West Broadway Improvement Special Service District.

On motion by Glidden, seconded, the meeting was adjourned to April 24, 2014, at 12:00 p.m. at the Minneapolis American Indian Center, 1530 East Franklin Avenue, for the purpose of receiving Mayor Hodges' State of the City Address.

Casey Joe Carl,
City Clerk

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CLAIMS:

RISK MANAGEMENT (277131)
Tort Claims Summary Report.

CLAIMS (See Rep):

RISK MANAGEMENT (277132)
Appeals Filed:
Melissa Birch (towed vehicle);
Michael Brown (vehicle sold).

COMMITTEE OF THE WHOLE:

HENNEPIN COUNTY (277133)
Hennepin County Sheriff's Department update by Sheriff Stanek.

COMMUNITY DEVELOPMENT & REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (277134)
Chicago Grill BBQ and Soul Food (2118 W Broadway): Recommend deny renewal of Food Manufacture license.

COMMUNITY DEVELOPMENT & REGULATORY SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277135)

City-Owned Properties at 1919 & 1913 Columbus Ave S: Three-year lease of properties to Baraka Plaza, LLC.

LICENSES AND CONSUMER SERVICES (277136)

Hearing Protection Devices: Ordinance amending Title 12, Chapter 364 of the Minneapolis Code of Ordinances, requiring Class A and Class B Liquor, Wine & Beer On-Sale establishments to make available hearing protection for patrons & employees.

Liquor, Business & Gambling License Applications: Department of Licenses & Consumer Services agenda recommendations.

Business License Operating Conditions:

Java Coffee (2740 Minnehaha Ave);

Rejuvamix Cafe (3001 Hennepin Ave);

Sinners (121 Washington Ave N);

Tibet Kitchen Bar & Restaurant (1833 Nicollet Ave).

REGULATORY SERVICES (277137)

Rental Dwelling Licenses:

Steven Meldahl (3111 Upton Ave N): Revocation recommendation; Kolbe LLC, Pentagon Management LLC, Masam Mehran, Neima Mehran, Mehrtash Mehran, Lindsey Stevens (3701 & 3715 Colfax Ave N, 3546 Morgan Ave N): Stipulation Agreement and Conditions.

Demetrick Washington (3701-03 35th Ave S): Conditions. Stipulated Agreement and Conditions.

HEALTH, ENVIRONMENT & COMMUNITY ENGAGEMENT and WAYS & MEANS (See Rep):

HEALTH DEPARTMENT (277138)

Tobacco Prevention Services: Amend contract with Laura Oliven Silberfarb.

Project Connect: Accept revenue from Minnesota Coalition for Battered Women.

Youth Violence Prevention Broader Urban Involvement and Leadership Development Program (BUILD): Accept revenue from Federal Department of Justice.

NEIGHBORHOOD AND COMMUNITY RELATIONS (277139)

Neighborhood Organization Audit Services: Contracts with Abdo, Eick and Meyers LLP, CliftonLarsonAllen LLP, Mike Wilson and Associates, and Rogers and Company LLC.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (277140)

54th & Lyndale Special Service District: Set public hearing for April 29, 2014.

West Broadway Improvement Special Service District: Set public hearing for April 29, 2014.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (277141)

Engine Braking: Ordinance amending Title 18, Chapter 474 of Code prohibiting motor braking/engine braking on Interstate Highway 394; Comments.

Cleaning and Lining of Cast Iron Water Mains: Increase contract with Heitkamp, Inc.

Transfer Station Operations Agreement: Contract with Waste Management of Minnesota.

Double Black Diamond, Inc. d/b/a Red Cow v. City of Minneapolis: Settlement.

Critical Parking Area (CPA) #24: Ordinance modifying CPA #24.

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

PUBLIC WORKS AND ENGINEERING (277142)

Bids: a) OP 7904, Low bid of Fischer Mining LLC for fine aggregate; b) OP 7910, Single bid of Graymont (WI) LLC for quick lime; and c) OP 7912, Single bid of Commercial Asphalt Company for hot mix asphalt.

PUBLIC WORKS AND ENGINEERING (277143)

Johnson St NE, 10th and 11th Aves SE Street Resurfacing Project No 5261: Project approval and assessment public hearing; Comments.

Burroughs North Area and Dupont Ave S Street Resurfacing Project No 5259: Project approval and assessment public hearing; Comments.

Street Resurfacing Special Assessment: Cancel assessment relating to 2408 31st Ave S.

Sidewalk Reconstruction Special Assessment: Cancel assessment relating to 4325 Zenith Ave S and refund principal and interest payments received.

Nicollet-Central Modern Streetcar Project: Submit application for TIGER 2014 grant.

Zero Waste Initiatives: Increase appropriation from Solid Waste & Recycling Division for position in Mayor's Office.

Pothole Repair: Increase appropriation for pothole repair by \$1,000,000 from Contingency Fund.

Cedar Ave Sidewalk Modifications Approval: a) Establish project and increase appropriation; b) Approve layout; c) Grant contract agreement amendment with Hennepin County; and d) Project designation.

WAYS AND MEANS:

FINANCE DEPARTMENT (277146)

2013 4th Quarter Financial Status Report Presentation: PowerPoint and report.

City's Debt Obligation Presentation: PowerPoint, Taxable General Obligation Bonds (Downtown East Project) Series 2014 Report, Ryan Development Project Resolution.

Preliminary Budget Development Calendar for 2014: 2015 Initial Budget Schedule.

WAYS AND MEANS (See Rep):

ATTORNEY (277144)

Legal Settlements:

a) Theopolis Hunter v. City of Minneapolis, \$3,500.

b) Saadaat Al-Ahad v. City of Minneapolis, \$4,600.

Administrative/Clerical Personnel Services: Increase contract by \$40,000 with Jeane Thorne, Inc.

CONVENTION CENTER (277145)

3rd Avenue Parking Ramp: Contract increase with Black Constructors Inc. by \$33,069.49, payment application.

HUMAN RESOURCES (277147)

Professional Services - Leadership Development Program: Contract with Employee Strategies for \$230,650.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (277148)

Employee Training and Professional Development Resources: Extend and increase contract with Safari Books Online, LLC for \$28,006 through April 30, 2016

NEIGHBORHOOD AND COMMUNITY RELATIONS (277149)

Community Connections Conference: Accept donations from 36 for-profit, non-profit and government agencies and the Leech Lake Band of Ojibwe.

APRIL 11, 2014

ZONING AND PLANNING (See Rep):

CITY COUNCIL (277150)

Linden Hills, Fulton, Armatage, Kenny, and Lynnhurst Neighborhoods Moratorium (Interim Ordinance).

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277151)

4205 Xerxes Ave S Moratorium Waiver application by Rehkamp Larson Architects.

FILED:

CHARTER COMMISSION (277152)

Proposed Charter amendment increasing filing fees for municipal elections: Proposal; Comments.

WEST RIVER ROAD INVESTMENTS LLC (277153)

Vacate part of Lot 20, Block 37, Bassett, Moore and Case's addition to Minneapolis, lying west of the east line of North 1st St.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (277154)

CPED Housing Policy and Development Council Study Session.

Official Posting: 4/18/2014