

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JANUARY 14, 2011

(Published January 22, 2011, in *Finance and Commerce*)

Council Chamber
Room 317 City Hall
350 South 5th Street
Minneapolis, Minnesota
January 14, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, President Johnson.

Absent – Council Member Schiff.

Adoption of the agenda was approved by unanimous consent.

Absent - Schiff.

Goodman moved to amend the agenda to include notices of intent under “New Business” regarding ordinances to revise regulations relating to sidewalk cart vendors, sidewalk cart food vendors and mobile food vendors. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

The agenda, as amended, was adopted 1/14/2011.

Absent - Schiff.

Lilligren moved acceptance of the minutes of the regular meeting of December 10, 2010; the adjourned session of December 10, 2010, held December 13, 2010; the regular and adjourned session of December 17, 2010. Seconded.

Adopted upon a voice vote 1/14/2011.

Absent - Schiff.

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 1/14/2011.

Absent - Schiff.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274690)
2010 Census Wrap Up Report.

COMMITTEE OF THE WHOLE (See Rep):

INTERGOVERNMENTAL RELATIONS (274691)
Report and recommendations from the Metropolitan Council Work Group.
Sexual Exploitation of Youth State Legislative Agenda Amendment.

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274692)
METP Youth Programs Presentation.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274693)
54th & Riverview Road Development Site: Authorizing staff to swap deeds to vacated alley splinter parcels adjacent to site.

Mpls Public Housing Authority Board of Commissioners: Appointments of Daisy Nguyen & Steve Minn.

Minnesota Family Investment Program: Authorize contracts with Hennepin County for operation of the MFIP & to receive funds.

J. Jerome Boxleitner Project (165 Glenwood Ave): Authorize third amendment to redevelopment contract with CHDC Boxleitner LLC to extend closing date.

2010 Affordable Housing Trust Fund & Non-Profit Development Assistance Fund: Project recommendations.

MAYOR (274694)

Mpls Public Housing Authority Board of Commissioners: Appointments of Cara Letofsky, Charles Lutz & F. Clayton Tyler as Chair.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274695)

2011 Rehab Support Program: Accept MN Housing finance Agency funding, with associated actions.

2011 Upper Harbor Terminal Operating Budget.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (274696)

Beltrami NRP Phase II Neighborhood Action Plan.

PUBLIC SAFETY AND HEALTH (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (274697)

Bike Walk Center in North Minneapolis: Reject all proposals; Issue new Request for Proposals as quickly as possible, to include a broader geographic eligibility for site location; In forming an RFP review team, staff be directed to request one or more representatives from each Northside Council Members' Office, and to include individuals with business experience and program management skills.

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

FIRE DEPARTMENT (274698)

Firefighter Training Programs: Amend Contract with Hennepin Technical College to extend contract for one-year period to provide credit based training and promotional exam services.

HEALTH AND FAMILY SUPPORT SERVICES (274699)

School Based Clinic Program: Authorize submit grant application to United States Department of Health and Human Services seeking \$160,000 over a two-year period for the purchase of equipment for clinics.

Pandemic Influenza Preparedness: Accept \$189,389 from Minnesota Department of Health, and execute contract, to develop or update clinic preparedness plans, training of clinic staff, and enhancing clinic supplies of personal protective equipment; and Approve appropriation.

Juvenile Supervision Center: Amend contract with The Link to provide curfew truancy services through December 31, 2012, and add \$560,000 to contract.

Nurse Family Partnership Program: Execute contract with Minnesota Department of Health to accept \$45,819 for the expansion of the program to train Minnesota Visiting Nurse Agency staff on the outcome based NFP Program; and Approve appropriation.

POLICE DEPARTMENT (274700)

Coverdell Forensic Science Improvement Program: Accept \$72,585 and execute grant agreement with Minnesota Department of Public Safety, Office of Justice Programs, for crime laboratory equipment and supplies, training, and the annual costs associated with accreditation; and Approve appropriation.

Criminal Justice Data Communications Network: Execute Joint Powers Agreement with Minnesota Bureau of Criminal with Minnesota Bureau of Criminal Apprehension for state agency to provide network to benefit criminal justice communities in Minnesota.

Minneapolis-Saint Paul Safe Streets Task Force: Accept grant award of \$75,000 from Minnesota Department of Public Safety to provide funds for salaries of five officers assigned to Task Force; and Approve appropriation.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274701)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (274702)

Saffron Restaurant & Lounge (123 3rd St N): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E Licenses.

Janine's Food (1510 W Broadway): Approve Business License Operating Conditions relating to Grocery and Tobacco Licenses.

Harriet Brewing (3036 Minnehaha Av): Grant Off-Sale Malt Liquor License, subject to conditions.

REGULATORY SERVICES (274703)

Body Art: Ordinance amending certain sections to conform with the newly enacted State Statute by eliminating the licensing of tattooists and piercers at the municipal level; continuing the licensing of body art establishments; updating health and safety standards; prohibiting tattooing of anyone under age 18 regardless of parental consent; and codifying grounds for denial of an establishment license or emergency closure.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (274704)

Traffic Zones, Restrictions, and Controls: 4th Quarter 2010 report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274705)

University of Minnesota Collaborative Powdered Activated Carbon Research Project: Contract increase.

33rd Ave SE (Hennepin Ave SE to Como Ave SE) and Talmage Ave SE (29th Ave SE to 33rd Ave SE) Reconstruction Project No 2225: Layout.

Riverside Ave Reconstruction Project: Resolution holding harmless State of Minnesota re variance to State Aid Rules.

Marquette Ave and 2nd Ave Reconstruction Project: Amendment to Urban Partnership Agreement (UPA) sub-recipient agreement.

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

PUBLIC WORKS AND ENGINEERING (274706)

Ultrafiltration Research and Development: Agreement with Dow Chemical.

I-94 Reconstruction: Municipal agreement with Minnesota Department of Transportation.

University Ave SE (29th Ave SE to Emerald St SE) Street Lighting Project: Increase appropriation from special assessment bonds.

Washington Ave (Oak St SE to Huron Blvd SE) Street Lighting Project: Increase appropriation from special assessment bonds.

Hennepin County Recycling: 2011 S.C.O.R.E. (Select Committee on Recycling and Environment) grant application.

Energy Efficiency and Conservation Block Grant (EECBG) Funding: Energy Retrofits of Minneapolis Park & Recreation Buildings.

Bids: a) OP 7365, Bid of R&R Leasing, Inc. for hauling and disposal of treatment residuals for Water Works Division; and b) OP 7366, Low bid of S&T Lawn Service for snow removal services for Lyndale-Lake Special Service District.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274707)

Legal Settlements: a) Cassandra Ward Brown vs. City of Minneapolis; and b) Herr vs. Peterson, et al.

Violence Against Women Act STOP Special Project Grant: Accept State of Minnesota, Department of Public Safety grant funding to enhance efforts to reduce domestic violence and to provide services and support to victims; and Passage of Resolution approving appropriation.

BUSINESS INFORMATION SERVICES and PROCUREMENT (274708)

Safety Camera System: Increase contract C-23509 with A+ Security, Inc., for BIS to provide a safety camera system.

COMMUNICATIONS (274709)

February 2011 Utility Billing Insert: City Tree Program.

Minneapolis Television Network (MTN) Board of Directors: Two (2) appointments, terms to expire December 31, 2014.

COORDINATOR (274710)

City Tree Program: Authorize one-year contract with Tree Trust, with two (2) one-year extensions to provide 1,500 trees to Minneapolis property owners for planting this spring.

HUMAN RESOURCES (274711)

Minneapolis Defined Contribution Retirement Plan: a) Adopt "Restated Plan"; b) authorize amendments necessary for compliance with recent changes in applicable law; c) execute "Restated Plan"; d) execute all documents necessary and pay required fees to submit an Application for a Determination Letter to the IRS; and e) authorize additional actions for a favorable determination letter not be required to return to the City Council for approval.

MINNEAPOLIS CONVENTION CENTER and PROCUREMENT (274712)

OP #7311: Authorize contract increases with a) Swanson and Youngdale, Inc.; and b) Painting by Nakasone, to complete the wall fabric replacement project.

OP #7373: Accept low bid of Fiber and Data Resources Inc. dba Audio and Security Engineers for the Target Center Video Surveillance Project.

OP #7377: Accept low bid of Morcon Construction for the Restroom Renovation Project.

FILED:

CHARTER COMMISSION (274713)

Charter Commission Annual Report: 2010.

Advisory Group: a) Proposed application form and job description; and b) Proposed rules.

MINNESOTA APPELLATE COURTS (274714)

Mahmood Khan vs. Minneapolis City Council: Opinion filed by the Minnesota Court of Appeals on December 21, 2010.

RIVERVIEW APARTMENTS SENIOR HOUSING (274715)

Vacate the public alley between the intersection of 54th St E and Riverview Rd and the right of way of Mpls. Street Railway Company.

The following reports were signed by Mayor Rybak on January 18, 2011, 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 reports:

Glidden moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from January 13, 2011, regarding an amendment to the State Legislative Agenda relating to Sexual Exploitation of Youth, at this meeting. Seconded.

Adopted by unanimous consent 1/14/2011.

Absent - Schiff.

Comm of the Whole - Your Committee now recommends that the City's agenda for the 2011 Legislative Session, adopted December 10, 2010, as amended, be further amended to include in the "Public Safety" section, as a support item, the following language:

"The City of Minneapolis supports efforts to end the sexual exploitation of youth by building a system that responds effectively to their needs, including sufficient resources and training for law enforcement and service providers."

Adopted 1/14/2011.

Absent - Schiff.

Glidden moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from January 13, 2011, regarding approval of a staff direction establishing a Neighborhood Funding Work Group, at this meeting. Seconded.

Adopted by unanimous consent 1/14/2011.

Absent - Schiff.

Comm of the Whole - Your Committee recommends approval of the following staff direction:

"In order to facilitate decision-making related to the 2011 budget's staff direction regarding neighborhood programs, the City Council directs that the Council President and Vice President work with the chairs of the Ways and Means/Budget Committee and the Intergovernmental Relations Committee, as well as a Mayoral representative, the City Coordinator, the Neighborhood and Community Relations Director, the Finance Director, the Communications Director and the Intergovernmental Relations Director to establish the Neighborhood Funding Work Group. The Work Group's charge is to frame options and proposed actions for consideration by the Committee of the Whole and Ways & Means Committee relative to the 2011 Operating Budget resolution footnote (p).

2011 Operating Budget resolution footnote (p):

1. The Council does not intend to renew the Joint Powers Agreement when it expires on December 31, 2011. As a result, IGR staff is directed to report to the Intergovernmental Relations Subcommittee/Committee of the Whole on January 13, 2011, with passage on either January 14

or 28 on an amendment to the City's state legislative agenda which would incorporate a proposed strategy to seek legislation consolidating neighborhood programs and eliminating the need for the Joints Powers Board.

2. Direct the Finance and NCR departments to allow neighborhoods to contract up to 50% of the un-contracted balance of their Phase II allocation (excluding Phase II allocated but not Contracted Reserve funds), as of City Council adoption of the 2011 budget, but not to exceed a total contracted amount of 50% of their Phase II allocation.

3. Direct NCR to work with the NCEC and report back to City Council by March 1, 2011, on how programs, including the Neighborhood Investment Fund and the Community Innovation Fund, will be implemented moving forward with an emphasis on mitigating equity issues among neighborhoods related to the suspension of new contracts.

4. Direct the Finance department to report to the Ways & Mean/Budget Committee no later than February 1, 2011, with a plan to provide property tax relief in 2012 and 2013 by capturing on 50% of the value of the properties in the consolidated TIF district in these two years. This report should also include impacts on Target Center funding and neighborhood funding. In addition, Finance staff, working with the NCR department, the NCEC, the IGR department and the City Attorney's Office, is further directed to identify options for property tax relief for the years 2012 and 2013 should legislative authority to consolidate neighborhood programs not be achieved, and report these options to Ways and Means/Budget by February 15, 2011. This report should also include the impacts of limiting revenue generated by the TIF district funding neighborhood programs and Target Center debt relief to \$10 million annually, with any increment over and above \$10 million used to fund Phase II plans."

Hofstede moved to amend the report to include the following additional staff direction:

"The City Council will continue to review neighborhood NRP Phase II plans with the intention of approving them in their entirety. Per the 2011 budget staff directive, the approval of Phase II plans will allow neighborhoods to contract for up to 50 percent of the full plan amount. Moving forward, the Neighborhood and Community Relations Department will work with the Neighborhood and Community Engagement Commission and neighborhoods to develop and implement programming that addresses equity issues and provides funding continuity for neighborhood organizations." Seconded.

Lost. Yeas, 4; Nays, 8 as follows:

Yeas - Hofstede, Gordon, Reich, Johnson.

Nays - Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels.

Absent - Schiff.

The report was adopted 1/14/2011.

Absent - Schiff.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration the 54th St and Riverview Road site, a proposed senior housing complex and townhouse development in the vicinity of 5100 E 54th St, now recommends passage of the accompanying resolution authorizing the proper City officers to swap deeds to vacated alley splinter parcels adjacent to said development site.

Adopted 1/14/2011.

Absent - Schiff.

JANUARY 14, 2011

Resolution 2011R-001, authorizing the exchange of land in relation to alley deeds with adjacent property owners adjacent to the 54th and Riverview Rd development site, was adopted 1/14/2011 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 2011R-001
By Goodman**

Authorizing the exchange of land in relation to alley deeds with adjacent property owners adjacent to the 54th and Riverview Road Development Site.

Whereas, in connection with a development proposal for the 54th and Riverview Road development site (the "Site"), the City of Minneapolis, hereinafter known as the City, completed a quiet title action to dedicate a curved alley that had been depicted in the existing plat for the Site in the Nokomis East neighborhood (the "Alley"). The City and the two private property owners that own property abutting the Alley, Andrew Neary and Sherri Neary (collectively, "Neary") and Richard S. Blackman, Michele L. Keir and Rachael K. Blackman (collectively, "Blackman/Keir") desire to exchange quit claim deeds so that each party's ownership of the portion of the Alley that abuts their respective properties will be described according to the extended lot lines of the properties rather than being described as perpendicular to the centerline of the Alley; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on December 23, 2010, a public hearing on the proposed deed swap was duly held on January 4, 2011, 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 City agrees to accept from Neary a quit claim deed for the land legally described as follows: All that part of the northerly and northeasterly one-half of the Alley as depicted in the plat of THORPE BROS. MINNEHAHA GROVE ADDITION TO MINNEAPOLIS, which lies southeasterly of the southeasterly line of Lot 10 of said plat, as extended to the centerline of said Alley.

Be It Further Resolved that the City agrees to deliver to Neary a quit claim deed for the land described as follows: All that part of the northerly one-half of the Alley as depicted in the plat of THORPE BROS. MINNEHAHA GROVE ADDITION TO MINNEAPOLIS, which lies between the northwesterly and southwesterly lines of Lot 10 of said plat, as extended to the centerline of said Alley.

Be It Further Resolved that the City agrees to deliver to Blackman/Keir a quit claim deed for the land described as follows: All that part of the south one-half of the Alley as depicted in the plat of THORPE BROS. MINNEHAHA GROVE ADDITION TO MINNEAPOLIS, which lies easterly of Lot 16 of said plat, as extended to the centerline of said Alley.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute, deliver and accept the quit claim deeds described above, as appropriate, 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 official of the City.

Adopted 1/14/2011.

Absent - Schiff.

Comm Dev - Your Committee, having under consideration appointments to the Minneapolis Public Housing Authority Board of Commissioners, now recommends confirmation of Mayoral appointments and approval of City Council appointments, as follows:

Mayoral Appointments:

Cara Letofsky, for a term 1/1/2011-1/1/2014 (replacing Mark Manbeck);

Charles T. Lutz, for a term 1/1/2011-1/1/2014 (reappointment);

F. Clayton Tyler, appointed to serve as Chair of the MPHA Board (succeeding Charles Lutz serving as Chair);

Council Appointments:

Daisy Nguyen, for a term 1/1/2011-1/1/2012 (filling unexpired term of Dawn Davis);

Steve Minn, for a term 1/1/2011-1/1/2014 (reappointment).

Adopted 1/14/2011.

Absent - Schiff.

Comm Dev - Your Committee recommends the proper City officers be authorized to enter into two contracts with Hennepin County (HC# A101540 and HC# A102287) for the operation of the Minnesota Family Investment Program (MFIP) and to contract with Hennepin County to receive a total of \$270,513 for the period of 1/1/2011 to 12/31/2011. The dollar amount has already been appropriated into the 2011 budget.

Adopted 1/14/2011.

Absent - Schiff.

Comm Dev - Your Committee, having under consideration the J. Jerome Boxleitner Project at 165 Glenwood Ave, now recommends that the proper City officers be authorized to execute a third amendment to that certain Redevelopment Contract by and between the City of Minneapolis and CHDC Boxleitner LLC to extend the closing date to on or before June 30, 2011. The developer has consented to be responsible for all property management expenses (i.e. snow removal, lawn mowing and litter removal) during the interim or until closing up to \$250 per event plus a monthly storm water fee of \$226.29.

Adopted 1/14/2011.

Absent - Schiff.

Comm Dev – Your Committee, having under consideration the 2010 Affordable Housing Trust Fund (AHTF) and Non-Profit Development Assistance Fund (Non-Profit) project recommendations, now recommends approval of up to \$4,772,851 in AHTF loans, and up to \$68,000 from the Non-Profit Fund for the following projects and developers, and that the proper City officers be authorized to execute the necessary documents relative to the loans and grants:

a) A loan up to \$1,900,000 from the AHTF and a grant up to \$30,000 from the Non-Profit Fund for Emanuel Housing, 822 Third St S, by RS Eden or an affiliated entity;

b) A loan up to \$80,200 from the AHTF and a grant up to \$8,000 from the Non-Profit Fund for PPL Foreclosure Redirection II project, 3601 Fremont Ave N;

c) A loan up to \$70,000 from the AHTF for St. Anne's Senior Housing, 2323 – 26th Ave N by CommonBond or an affiliated entity;

d) A loan up to \$1,449,000 from the AHTF and a grant up to \$30,000 from the Non-Profit Fund for Spirit on Lake, 1238 E Lake St by PRG, Inc. and Plymouth Church Neighborhood Foundation or an affiliated entity;

e) A loan up to \$873,651 from the AHTF for Stradford Flats, 16-22 E 15th St by Sherman Associates or an affiliated entity contingent upon the applicant seeking the balance of the Low Income Housing Tax Credits from Minnesota Housing. However, if the City provides the balance of the tax credits, the 2010 AHTF award is terminated and the developer must seek the deferred funds from a source other than the City; and

f) A loan up to \$400,000 from the AHTF for Touchstone Supportive Housing, 2304 Snelling Ave by Project for Pride in Living or an affiliated entity.

Adopted 1/14/2011.

Absent - Schiff.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration Community Revitalization Funds (CRV) from Minnesota Housing Finance Agency, now recommends approval of the following recommendations:

- a) Acceptance of the MHFA Single Family Fall 2010 Community Revitalization Funds award totaling \$750,000;
- b) Passage of the accompanying resolution approving appropriations to the Department of Community Planning & Economic Development (CPED);
- c) That the proper City offices be authorized to execute grant, sub-recipient and/or disbursement and related agreements for these funds;
- d) Approval of an amendment to the Greater Metropolitan Housing Corporation contract to allow them to administer this program on behalf of the City; and
- e) Approval of the Rehab Support Program as outlined in the CPED staff report.

Adopted 1/14/2011.

Absent - Schiff.

**RESOLUTION 2011R-002
By Goodman and Hodges**

Amending the 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation in the Department of Community Planning and Economic Development Grants Other Fund (01600-8900230) by \$750,000 and increasing the revenue source (01600-8900900-321513) by \$750,000;
- b) Increasing the appropriation in the CPED Residential Finance Fund (01SRF-8900230) by \$95,000.

Adopted 1/14/2011.

Absent - Schiff.

Comm Dev & W&M/Budget - Your Committee recommends approval of the Upper Harbor Terminal Operating Budget for 2011, as set forth in the Department of Community Planning & Economic Development.

Adopted 1/14/2011.

Absent - Schiff.

Comm Dev & W&M/Budget - Your Committee, having under consideration the recommendations of the Neighborhood Revitalization Program (NRP) Policy Board for the Beltrami NRP Phase II Neighborhood Action Plan, now recommends:

Comm Dev -

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$271,232;
- b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$271,232 from existing balance;
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

W&M/Budget -

- a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$271,232;
- b) Passage of the accompanying resolution increasing the CPED appropriation in the NRP Fund by \$135,616 from existing balance. The reduced appropriation amount is consistent with the staff direction set out in footnote "p" of the 2011 General Appropriation Resolution adopted 12/13/2010;

c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Goodman moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Community Development Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Schiff.

The report, as amended, was adopted 1/14/2011.

Absent - Schiff.

RESOLUTION 2011R-003

By Hodges

Amending The 2011 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 Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$135,616 from existing balance.

Adopted 1/14/2011.

Absent - Schiff.

The PUBLIC SAFETY & HEALTH Committee submitted the following report:

PS&H - Your Committee, having received proposals through a competitive Request for Proposal (RFP) process to plan for and open a Bike Walk Center at 2145 Lowry Av N to sell affordably priced new and used bicycles, bike and pedestrian accessories, and to offer programming to encourage residents to bike and walk for transportation and recreation; and having received a recommendation by the Department of Health & Family Support to contract with the Cultural Wellness Center for the period January 1, 2011 through March 18, 2012, now recommends the following:

a. That all proposals be rejected.

b. That the proper City officers be authorized to issue a new RFP as quickly as possible, which will include a broader geographic eligibility for site location.

c. That in forming an RFP review team, staff is directed to request one or more representatives from each Northside Council Member's office and to include individuals with business experience and program management skills.

Adopted 1/14/2011. Yeas, 10; Nays, 1 as follows:

Yeas - Hofstede, Lilligen, Colvin Roy, Tuthill, Quincy, Goodman, Hodges, Samuels, Reich, Johnson.

Nays - Gordon.

Declining to vote - Glidden.

Absent - Schiff.

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

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a grant application to the United States Department of Health and Human Services seeking \$160,000 over a 24-month period for the purchase of equipment for clinics in the School Based Clinic Program beginning no later than July 1, 2011.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$189,389 from the Minnesota Department of Health, and execute a contract, for pandemic

influenza preparedness, primarily to focus on increasing the capacity of community clinics to maintain services to the City's most at-risk residents by developing or updating clinic preparedness plans, training of clinic staff, and enhancing clinic supplies of personal protective equipment. Further, passage of the accompanying resolution appropriating \$189,389 to the Department of Health & Family Support.

Adopted 1/14/2011.

Absent - Schiff.

**RESOLUTION 2011R-004
By Samuels and Hodges**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Federal Fund (01300-8600150) by \$189,389 and increasing the Revenue Estimate (01300-8600150-321007) by \$189,389.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee, having under consideration the provision of curfew truancy services at the Juvenile Supervision Center, now recommends that the proper City officers be authorized to amend Contract #27542 with The Link to increase the amount by an additional \$560,000, for a new contract total of \$840,000, and to extend the service period through December 31, 2012.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the Minnesota Department of Health to accept \$45,819 for the expansion of the Nurse-Family Partnership (NFP) Program, in coordination with the Minnesota Visiting Nurse Agency (MVNA), to expand training for MVNA staff on the outcome based NFP Program for intensive public health nursing home visiting services for at-risk families. Further, passage of the accompanying resolution appropriating \$45,819 to the Department of Health & Family Support.

Adopted 1/14/2011.

Absent - Schiff.

**RESOLUTION 2011R-005
By Samuels and Hodges**

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Federal Fund (01300-8600153) by \$45,819 and increasing the Revenue Estimate (01300-8600153-321007) by \$45,819.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee, having under consideration the Coverdell Forensic Science Improvement Program, now recommends that the proper City officers be authorized to accept \$72,585 and execute a contract with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funds for the purchase of Crime Laboratory equipment and supplies (both new and

updates/replacements), for training, and for the annual costs associated with ASCLD/LAB accreditation. Further, passage of the accompanying resolution appropriating \$72,585 to the Police Department.

Adopted 1/14/2011.

Absent - Schiff.

RESOLUTION 2011R-006
Samuels and Hodges

Amending The 2011 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4003300) by \$72,585 and increasing the Revenue Estimate (01300-4003300-321010) by \$72,585.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension for the State agency to provide a criminal justice data communications network to benefit criminal justice agencies in Minnesota. This Joint Powers Agreement will supersede any and all prior agreements with the Police Department involving system costs and fees to be paid and brings those fees under this agreement with fees to be paid upon receipt of quarterly invoices.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee, having under consideration the Minneapolis-Saint Paul Safe Streets Task Force, now recommends that the proper City officers be authorized to accept a grant award of \$75,000 from the Minnesota Department of Public Safety to provide funds for the salaries of five officers assigned to the Task Force. Further, passage of the accompanying resolution appropriating \$75,000 to the Police Department.

Adopted 1/14/2011.

Absent - Schiff.

RESOLUTION 2011R-007
By Samuels and Hodges

Amending The 2011 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 (01600-4003100) by \$75,000 and increasing the Revenue Estimate (01600-4003100-321509) by \$75,000.

Adopted 1/14/2011.

Absent - Schiff.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend Contract #C-2277 with Hennepin Technical College to extend the contract for a one-year period ending January 31, 2011, at the current rates, to provide credit based training and promotional exam services for the Fire Department.

Adopted 1/14/2011.

Absent - Schiff.

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

RE&E - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Body Art Code*, amending certain sections to conform with the newly enacted State Statute in the following areas:
eliminating the licensing of tattooists and piercers at the municipal level;
continuing the licensing of body art establishments;
updating health and safety standards;
prohibiting tattooing of anyone under age 18 regardless of parental consent;
codifying the grounds for denial of an establishment license or emergency closure,
now recommends that said ordinance be given its second reading for amendment and passage.
Adopted 1/14/2011.
Absent - Schiff.

Ordinance 2011-Or-001 amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Body Art Code*, amending Sections 339.20, 339.40, 339.50, 339.55, 339.60, 339.70, 339.80, 339.81, 339.82, 339.83, 339.90, 339.100, 339.120, 339.130, 339.140, 339.150, 339.160, 339.170 and 339.180 to eliminate the licensing of tattooists and piercers at the municipal level; continue the licensing of body art establishments; update the health and safety standards; prohibit tattooing of anyone under age 18 regardless of parental consent; and to codify the grounds for denial of an establishment license or emergency closure, was adopted 1/14/2011 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 2011-Or-001
By Glidden
Intro & 1st Reading: 12/10/2010
Ref to: RE&E
2nd Reading: 1/14/2011

Amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code.

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

Section 1. That Section 339.20 of the above-entitled ordinance be amended to read as follows:

339.20. Definitions. The following terms used in this ordinance shall be defined as follows:

Aftercare means written instructions given to the client, specific to the ~~tattoo or body piercing~~ procedure(s) rendered, on caring for the ~~tattoo~~ body art and surrounding area ~~or piercing, and. The instructions must include information on~~ when to seek medical treatment.

Antiseptic means an agent that destroys disease-causing microorganisms on human skin or mucosa.

Apprentice means a person who is learning the skills of the practice of ~~tattooing or body piercing~~ under an apprenticeship within a licensed ~~tattoo or body piercing~~ establishment.

Apprenticeship means the educational time required for an apprentice to learn the skills of the practice of ~~tattooing or body piercing~~, specifically, thirty (30) days minimum, one (1) year maximum time spent under the direct supervision of a licensed ~~tattooist or piercer~~ within a licensed ~~tattoo or body piercing~~ establishment.

Body art or body art procedure means physical body adornment using, but not limited to, ~~tattooing and body piercing~~. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Body art establishment means any structure or venue, whether permanent or temporary, where ~~body art is performed~~.

Body piercer or piercer means any person engaged in the practice of body piercing.

Body piercing or piercing means puncturing or penetration of the skin and tissue of a person and the insertion of jewelry or other adornment into the opening, except puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

Branding means an indelible mark made by intentional burning with a hot iron or other instrument burned into the skin using instruments of thermal cautery, radio hyfrecation, and strike branding.

Contaminated waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations, title 29, Part section 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

Convention temporary event means a tattooing or piercing event held in a building other than the licensed tattooing or piercing establishment.

Department means the department of ~~operations and~~ regulatory services, City of Minneapolis.

Director means the director of ~~operations and regulatory~~ licenses and consumer services, or designee.

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of ~~tattoo or piercing~~ a body art establishment.

Establishment means any location where tattooing, piercing, or both tattooing and piercing are practiced.

Establishment plan means a to-scale drawing or other suitable drawings and specifications of an establishment's layout which illustrates that the requirements of sections 339.160(1) and (2) are incorporated into the establishment's proposed facilities.

Guest artist means an individual who performs body art procedures according to the requirements under section 339.120(1).

Guest artist temporary event means tattooing or piercing performing body art procedures within a licensed ~~tattooing or piercing~~ body art establishment by a person licensed to ~~tattoo or pierce~~ perform body art procedures pursuant to section 339.120(1).

Handsink means a lavatory equipped with potable hot and cold ~~running~~ water held under pressure, used ~~solely~~ for washing hands, wrists, arms, or other portions of the body.

Hot water means water ~~which attains and maintains at~~ a temperature of at least 110°F.

Implanting means to fix or set securely an object in or under tissue and includes but is not limited to 3-dimensional body art applications. Implanting does not include medical procedures including but not limited to pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by licensed medical personnel.

Jewelry means any ~~personal~~ ornament inserted into a ~~newly~~ pierced area.

Liquid chemical germicide means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Microdermal means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Micropigmentation or cosmetic tattooing means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Operator means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Piercer (see "Body piercer.")

Piercing (see "Body piercing.")

Procedure surface means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin

where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

Remodel means, for the purposes of the body art code, any change to the current establishment that would require either a building permit or trades permit for the work to proceed except that remodel does not include changes to the front desk area, wait area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into adjacent space to add workstations are examples of remodeling. Remodel also means any change to an establishment plan previously submitted to the director.

Sanitize/sanitization means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level.

Scarification means an indelible mark left (as in the skin) by the healing of deliberately injured tissue fixed on the body by the production of scars.

Sharps means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades, and razor blades.

Sharps container means a closed puncture-resistant, leak-proof container labeled with the international "biohazard" symbol that can be closed is used for handling, storage, transportation, and disposal, and is labeled with the international "biohazard" symbol.

Single use means products or items that are intended for one-time, one-person use and that are disposed of after use on each the client, including, but not limited to, This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilization means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Subdermal implantation means the implantation of an object entirely below the dermis.

Suspension means the piercing of human tissue with large gauge fishing hooks or other piercing apparatus and subsequent hanging of the human body in mid air with the body being lowered and raised off the ground by pullies or other raising/lowering apparatus suspension of the body from affixed hooks placed through temporary piercings.

Tattooing means any method of placing indelible ink or other pigment into or under the skin or mucosa by the aid of with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of micropigmentation and cosmetic tattooing.

Tattooist means any person engaged in the practice of tattooing.

Technician or body art technician means any individual who is licensed under Minn. Statute Chapter 146B to perform tattooing or piercing.

Temporary body art establishment means any place or premise operating at a fixed location where an operator performs body art procedures for no more than twenty-one (21) days in conjunction with a single event or celebration.

Tongue bifurcation means the cutting of the tongue from the tip of the base, forking at the end.

Universal precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Section 2. That Section 339.40 of the above-entitled ordinance be amended to read as follows:

339.40. Enforcement. The Pursuant to the authority granted in Minn. Statute Section 146B.02(9), the department of operations and regulatory services shall enforce the provisions of this chapter. The

director of operations and regulatory licenses and consumer services, or designee thereof, after proper identification, shall at all reasonable times have the right to enter into and upon premises and inspect any tattooing or piercing establishment.

Section 3. That Section 339.50 of the above-entitled ordinance be amended to read as follows:

339.50. License Technician license required. No person shall operate any establishment where tattooing or piercing is practiced, nor engage in the practice of tattooing or piercing body art without being licensed under this chapter Minn. Statute Chapter 146B.

Section 4. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.55 to read as follows:

339.55. Establishment license required. No person shall operate any establishment where body art, tattooing, or piercing is practiced without being licensed under this chapter.

Section 5. That Section 339.60 of the above-entitled ordinance be amended to read as follows:

339.60. Licensing Establishment licensing procedure. (a) All applications, new and renewal, for body art establishment licenses shall be made upon forms furnished by the director of licenses and consumer services, and upon payment of the license fee, the license may be granted or denied pursuant to section 259.30.

(b) Each new applicant shall provide:

(1) Provide proof of an apprenticeship; or Names, addresses, phone numbers, and dates of birth of all owners, officers, partners and onsite managers of the body art establishment;

(2) Provide proof of being a credentialed (licensed or certified) medical professional including an MD, Physician Assistant, RN, LPN, Nurse Practitioner, Dentist, Dental Hygienist, Phlebotomist, Veterinarian, Veterinarian Technician, Ophthalmologist Technician, Dermatologist Assistant, Nurse Practitioner; or The address of the permanent or temporary establishment;

(3) Provide proof of completion of either the American Red Cross or US OSHA courses pertaining to blood borne pathogens and the prevention of disease transmission. Other courses provided by professional tattooing or piercing organizations/associations, certified educational programs, or by equipment manufacturers, may be submitted to the department for approval. An approved establishment plan;

(4) All applicable fees; and

(5) Any other relevant information as required by the director.

(c) Each new applicant for a tattoo or body piercing license shall successfully complete an examination administered by the department. Successful completion of the examination given by the department shall be a passing grade of seventy (70) percent or better. The fee for such examination shall be twenty-five dollars (\$25.00).

(d) The director of licenses and consumer services may grant a tattooist or piercer a license by reciprocity with a municipality, county, or state, which has equal or greater requirements. Each new applicant under this section shall:

(1) Provide to the department a copy of their license from the municipality, county, or state where they are currently licensed.

(2) Make license application upon forms furnished by the director, and upon payment of the license fee, the application shall be submitted to the director of licenses and consumer services who shall grant or deny the license pursuant to section 259.30.

Section 6. That Section 339.70 of the above-entitled ordinance be and is hereby repealed.

339.70. Apprenticeship procedure. (a) No person shall apprentice at a licensed tattoo or body piercing establishment until the licensed tattooist or piercer conducting the apprenticeship submits to the director the following:

(1) The name and address of the establishment where the apprenticeship is taking place.

(2) The name of the apprentice.

(3) The name(s) of the tattooist(s) or the piercer(s) conducting the apprenticeship. If more than one person is conducting the apprenticeship, then a lead person must be identified on the application.

(4) The starting date of the apprenticeship.

(5) The anticipated completion date of the apprenticeship.

(b) One of the licensed tattooists or piercers identified pursuant to 339.70(a)(3) shall be present at all times when the apprentice is tattooing or piercing.

(c) An apprenticeship shall last for a minimum of thirty (30) days, one (1) year maximum.

(d) If the apprenticeship procedure is not followed, the licensed tattooist or piercer conducting the apprenticeship will be sanctioned.

Section 7. That Section 339.80 of the above-entitled ordinance be amended to read as follows:

339.80. Location restricted. No ~~tattooist or piercer~~ body art technician shall engage in the practice of body art, tattooing or piercing at any location other than the location(s) listed in the application and license of a valid establishment.

Section 8. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.81 to read as follows:

339.81. Transfer and display of license. A body art establishment license must be issued to a specific person and location and is not transferable. The license must be prominently displayed in a public area of the establishment.

Section 9. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.82 to read as follows:

339.82. Establishment information. The following information must be kept on file for three (3) years on the premises of the establishment and must be made available for inspection upon request by the director:

- (1) a description of all body art procedures performed by the establishment;
- (2) copies of the spore tests conducted on each sterilizer; and
- (3) the following information for each technician or guest artist employed or performing body art procedures in the establishment:
 - a. name;
 - b. home address;
 - c. home telephone number;
 - d. date of birth;
 - e. copy of an identification photo; and
 - f. license number or guest artist license number.

Section 10. That Chapter 339 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 339.83 to read as follows:

339.83. Establishments located in a private residence. If the body art establishment is located within a private residence, the space where the body art procedures are performed must:

- (1) be completely partitioned off;
- (2) be exclusively used for body art procedures, except for licensed practices under Minn. Statutes Chapter 155A, which must be performed in compliance with the health and safety standards in this chapter;
- (3) be separate from the residential living, eating, and bathroom areas;
- (4) have a separate and secure entrance accessible without entering the residential living, eating, and bathroom areas;
- (5) have an approved establishment plan pursuant to section 339.90;
- (6) meet the standards of this chapter;
- (7) be made available for inspection upon request; and
- (8) comply with all provisions of the zoning code and with any other applicable provisions of this Code.

Section 11. That Section 339.90 of the above-entitled ordinance be amended to read as follows:

339.90. Establishment plan review. Establishment plan review is required for all new, remodeled, and altered establishments prior to commencement of construction. An establishment owner must submit an establishment plan to the director for approval of such plans and specifications. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter, including but not limited to sections 339.160 339.150 (1) and (2). Failure to submit a plan for approval may result in the closing down of operations until plans have been approved.

Section 12. That Section 339.100 of the above-entitled ordinance be amended to read as follows:

339.100. License fee. (a) ~~Tattooist or piercer.~~ The annual license fee for a tattooist or a piercer shall be as established in Appendix J, License Fee Schedule. The type of license sought must be indicated on the application. A person who is a tattooist and a piercer must indicate both on the application, but one (1) fee shall be waived. A tattooist or a piercer may engage in the practice of tattooing or piercing at up to four (4) licensed establishments without acquiring additional licenses provided that the additional establishments are listed on the license application.

~~(b) Establishment.~~ An establishment shall pay an annual license fee as established in the Appendix J, License Fee Schedule. The licensee of an establishment, if also a tattooist or piercer, shall not be required to pay the tattooist or piercer fee described in section 339.100(a).

~~(e)(b) Establishment plan review.~~ The establishment plan review fee shall be one hundred dollars (\$100.00) as established in the License Fee Schedule.

Section 13. That Section 339.120 of the above-entitled ordinance be amended to read as follows:

339.120. Temporary event license. Notwithstanding the requirements set forth in this chapter, the director may issue a temporary event license to a ~~tattooist or piercer~~ for a convention or guest artist temporary event. A convention temporary event shall be sponsored by a licensed ~~tattooist, piercer,~~ body art establishment; or professional organization. A guest artist temporary event shall be sponsored by a licensed ~~tattooist, piercer,~~ or body art establishment. The sponsor of a convention or guest artist temporary event shall list on the temporary event license application the name, address, date of birth, state license number and phone number of each participating ~~tattooist or piercer~~ body art technician, and the starting and anticipated completion dates the guest artist will be working.

(1) *License requirements.*

a. A ~~tattooist or piercer~~ body art technician must hold a license or similar certification or registration to engage in the practice of tattooing or piercing issued under the jurisdiction of another political subdivision, state, or nation issued pursuant to Minnesota Statute Section 146B.04.

b. An applicant who practices tattooing or piercing in a jurisdiction that does not license, certify, or register tattooists or piercers, may obtain a temporary event license provided the ~~tattooist or piercer~~ passes the examination described in section 339.60(e) and complies with all other requirements of section 339.120.

(2) *Duration of event.*

a. A convention temporary event shall be no longer than seven (7) consecutive days.

b. A guest artist temporary event shall be no longer than ninety (90) consecutive days may not conduct body art procedures for more than thirty (30) days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license pursuant to Minn. Statute 146B.03.

(3) *Number of events.*

a. The same ~~tattooist, piercer,~~ establishment; or professional organization serving as a sponsor of a convention temporary event shall have no more than two (2) tattooing or piercing events in the same calendar year.

b. The same ~~tattooist, piercer,~~ or establishment serving as a sponsor of a guest artist temporary event shall have no more than four (4) tattooing or piercing events in the same calendar year.

(4) *Convention temporary event location requirements.*

a. A convention temporary event shall be held in a building other than a licensed tattooing or piercing establishment.

b. The location must be equipped with the facilities specified in ~~339.160(1)~~ 339.150(1) and (2).

c. A portable hand washing station must be located at each tattooing or piercing station, or an approved equivalency.

(5) *Tattooist or piercer fee.* The fee for such a temporary license shall be as established in Appendix J, License Fee Schedule. A sponsor of a convention temporary event with more than ten (10) tattooists or piercers may request a group fee in lieu of individual license fees for tattooists or body piercers based on the cost of inspection as set by the director.

(6) *Sponsor fee.* The fee for a sponsor of a convention or guest artist temporary event shall be as established in the Appendix J, License Fee Schedule, and the fee shall be increased by fifty (50) percent if the completed application is received less than fourteen (14) days prior to the event. If the sponsor is a tattooist or piercer at a convention temporary event, the sponsor must submit a separate temporary event tattooist or piercer application and the tattooist or piercer fee shall be waived.

Section 14. That Section 339.130 of the above-entitled ordinance be amended to read as follows:

339.130. Director of operations and regulatory services Professional standards. The director of operations and regulatory services, or designee, may establish additional health regulations deemed necessary to protect health, safety, or welfare of the public and require such regulations to be adhered to by tattooists, tattoo establishments, piercers, and piercing establishments licensed under this chapter. The additional health regulations shall be approved by the city council: (a) A technician may perform body piercing on an individual under the age of eighteen (18) if the individual's parent or legal guardian is present and a consent form and the authorization form is signed by the parent or legal guardian in the presence of the technician, and the piercing is not prohibited under paragraph (d).

(b) No technician shall tattoo any individual under the age of eighteen (18) regardless of parental or guardian consent.

(c) No nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of eighteen (18) regardless of parental or guardian consent.

(d) Technicians shall require proof of age prior to performing body art procedures on a client. Proof of age is established by one (1) of the following:

(1) A valid driver's license or identification card issued by the State of Minnesota, or another state, and including the photograph and date of birth of the person;

(2) A valid military identification card issued by the United States Department of Defense;

(3) A valid passport; or

(4) A resident alien card; or

(5) A tribal identification card.

(e) Before administering a body art procedure, the technician shall obtain from the client a signed and dated informed consent form. The consent form must disclose (i) that a tattoo is considered permanent, that it may be removed only with a surgical procedure, that any effective removal may leave scarring or (ii) that body piercing may leave scarring.

(f) Before performing any body art procedure, the technician must provide the client with a disclosure and authorization form that indicates whether the client has:

(1) Diabetes;

(2) A history of hemophilia;

(3) A history of epilepsy, seizures, fainting, or narcolepsy;

(4) Any condition that requires the client to take medications such as anticoagulants that thin the blood or interfere with blood clotting; or

(5) Any other information that would aid the technician in the body art procedure process evaluation.

(g) The form must include a statement informing the client that the technician shall not perform a body art procedure if the client fails to complete or sign the disclosure and authorization form, and the technician may decline to perform a body art procedure if the client has any identified health conditions.

(h) The technician shall ask the client to sign and date the disclosure and authorization form confirming that the information listed on the form is accurate.

(i) Before performing any body art procedure, the technician shall offer and make available to the client personal draping, as appropriate.

(j) No technician shall perform body art procedures on any person who appears to be under the influence of alcohol, controlled substances as defined in Minn. Statutes Section 152.01(4), or hazardous substances as defined in rules adopted under Minn. Statutes Chapter 182.

(k) No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined in Minn. Statutes Section 152.01(4), or hazardous substances as defined in rules adopted under Minn. Statutes Chapter 182.

Section 15. That Section 339.140 of the above-entitled ordinance be amended to read as follows:

339.140. Clients records. (a) No tattooist or piercer shall tattoo or pierce any person under the age of eighteen (18) years except in the presence of, and with the written permission of, the parent or legal guardian of such person. Nipple and genital piercing is prohibited on minors regardless of parental consent.

(b) Tattooists and piercers shall request proof of age prior to tattooing a client. Proof of age is established by one of the following:

- (1) A valid driver's license or identification card issued by the State of Minnesota, or another state, and including the photograph and date of birth of the person;
- (2) A valid military identification card issued by the United States Department of Defense;
- (3) A valid passport; or
- (4) A resident alien card.

(c) Before administering a tattoo, the client must be advised that any tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave scarring. Written information to this effect shall be included on the tattoo consent form.

(d) Tattooing or piercing may not be performed on any person who is under the influence of alcohol, controlled substances as defined in Minnesota Statutes, Section 152.01 Subd.4, or hazardous substances as defined in rules adopted under Minnesota Statutes, Chapter 182: The establishment licensee shall maintain proper records for each customer. The records shall include the following:

- (1) The date of the procedure.
- (2) Record of information on picture identification showing name, age, and current address of client.
- (3) The design and location of the body art procedure performed.
- (4) The name and license number of the technician performing the procedure.
- (5) If the client is eighteen (18) years or older, a copy of the informed consent form to perform the tattoo or piercing signed and dated by the client.
- (6) If the client is under the age of eighteen (18) years, a copy of the consent form to allow the piercing signed and dated by the parent or legal guardian as required under section 339.140.
- (7) A copy of the consent form signed and dated by the client required pursuant to section 339.130(f).

The record of the procedure shall be kept for three (3) years and shall be available for inspection by the department upon request.

Section 16. That Section 339.150 of the above-entitled ordinance be amended to read as follows:

339.150. Client records Health and sanitary requirements. The establishment licensee shall maintain proper records for each customer. The records shall include the following:

- (1) The date of the procedure.
- (2) Record of information on picture identification showing name, age, and current address of client.
- (3) The design and location of the tattoo or piercing.
- (4) The name and license number of the tattooist or piercer.
- (5) Copy of the signed information and consent form to perform the tattoo or piercing.

The record of the procedure shall be kept for three (3) years and shall be available for inspection by the department upon request. No body art establishment shall engage in the practice of body art, tattooing or piercing without complying with the following health and sanitary regulations:

- (1) Facilities.
 - a. Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the director to ascertain compliance with all other conditions and provisions of section 339.150(1) and (2).
 - b. Every establishment shall be equipped with a sewer and water connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition. The hand lavatory must be equipped with liquid hand soap, single-use paper towels or a mechanical hand drier or blower, and a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.

c. There shall be not less than one hundred fifty (150) square feet of floor space at the establishment and the establishment shall be lighted and ventilated as to comply with the standards approved by the director.

d. No establishment shall be used or occupied for living or sleeping quarters.

e. Facilities shall be maintained in good working order and in a clean and sanitary condition.

f. The procedure area must be separated from any other area that may cause potential contamination of work surfaces.

g. For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.

h. All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.

i. All ceilings in the establishment must be in good condition.

j. All walls and floors must be free of open holes or cracks and be washable. No carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.

k. No animals may be present during a body art procedure, unless the animal is a service animal.

(2) *Equipment and instruments.*

a. All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:

1. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least fifteen (15) minutes at a minimum of two hundred fifty (250) degrees Fahrenheit, one hundred twenty-one (121) degrees Celsius, and at a minimum of fifteen (15) pounds of chamber pressure (fifteen (15) psi); or

2. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least thirty (30) minutes at a minimum of two hundred forty (240) degrees Fahrenheit, one hundred fifteen (115) degrees Celsius, and at a minimum of ten (10) pounds of chamber pressure (ten (10) psi); or

3. By another method approved by the director which results in sterilization.

4. At least once a month, but not to exceed thirty (30) days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.

b. Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.

c. Jewelry must be made of surgical implant grade stainless steel, solid 14 karat or 18 karat white or yellow gold, niobium, titanium, platinum, and/or a dense, low-porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.

d. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.

e. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses.

f. Every tattooist or piercer shall provide single-service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the director.

g. Every body art technician, tattooist or piercer shall wear clean garments when engaged in the practice.

h. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk-packaged clean.

i. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.

j. All instruments and supplies must be stored clean and dry in covered containers.

k. Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including, but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(3) Skin preparation.

a. Whenever it is necessary to shave the skin, a new disposable safety razor or a stainless steel straight edge must be used for each customer. The disposable razor must be discarded after use. The stainless steel straight edge must be thoroughly washed to remove all organic matter and sterilized before use on another client. All electric hair clippers shall be sanitized.

b. No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, or open wound.

c. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single-service towels and washcloths shall be used in the skin cleaning process.

d. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.

(4) Hand washing.

a. Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.

b. A technician may not smoke, eat, or drink while performing body art procedures.

c. A technician may not perform a body art procedure if the technician has any open sores visible or in a location that may come in contact with the client.

(5) Gloves. Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. At a minimum, gloves must be discarded after the completion of a procedure on a client. Upon leaving the procedure area, hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.

(6) Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

a. Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.

b. Contaminated waste that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag that is marked with the international biohazard symbol. It must then be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

c. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

d. Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling,

storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160(2)(a).

e. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(7) The operator of the body art establishment shall ensure that all technicians provide each client with verbal and printed instructions on the approved care of the tattoo or piercing during the healing process. The written instructions must advise the client to consult a health care professional at the first sign of infection.

(8) The operator of the body art establishment shall immediately notify the Minnesota Commissioner of Health and the City of Minneapolis health department of any reports received of a potential bloodborne pathogen transmission.

Section 17. That Section 339.160 of the above-entitled ordinance be amended to read as follows:

339.160. Health and sanitary requirements Grounds for denial of an establishment license or emergency closure. No tattooist, tattoo establishment, piercer, or piercing establishment shall engage in the practice of tattooing or piercing without complying with the following regulations:

(1) *Facilities:*

a. Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the director to ascertain compliance with all other conditions and provisions of section 339.160(1) and (2):

b. Every establishment shall be equipped with a sewer and water-connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition:

c. There shall be not less than 150 square feet of floor space at the establishment and said establishment shall be lighted and ventilated as to comply with the standards approved by the director:

d. No establishment shall be used or occupied for living or sleeping quarters:

e. Facilities shall be maintained in good working order and in a clean and sanitary condition:

(2) *Equipment and instruments:*

a. All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:

1. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least fifteen (15) minutes at a minimum of two hundred fifty (250) degrees F, one hundred twenty-one (121) degrees C, and at a minimum of fifteen (15) pounds of chamber pressure (fifteen (15) psi); or

2. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least thirty (30) minutes at a minimum of two hundred forty (240) degrees F, one hundred fifteen (155) degrees C, and at a minimum of ten (10) pounds of chamber pressure (ten (10) psi); or

3. By another method approved by the director which results in sterilization.

b. Jewelry must be made of surgical implant grade stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, platinum, and/or a dense, low-porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use:

c. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded:

d. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses:

e. Every tattooist or piercer shall provide single-service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the director.

f. Every tattooist or piercer shall wear clean garments when engaged in the practice of tattooing.

g. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk-packaged clean.

h. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.

(3) *Skin preparation:*

a. Whenever it is necessary to shave the skin, a new disposable safety razor must be used for each customer. All electric hair clippers shall be sanitized.

b. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single-service towels and washcloths shall be used in the skin cleaning process.

c. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.

(4) *Handwashing:*

a. Each tattooist or piercer shall scrub his or her hands thoroughly before beginning to tattoo or pierce. Tattooists or piercers with skin infections of the hand shall not tattoo or pierce.

b. The tattooist's or piercer's hands must be washed after contact with the person being tattooed or pierced or after contact with potentially contaminated articles.

(5) Gloves of medical exam quality shall be used for touching persons being tattooed or pierced or for handling blood or body fluids.

(6) Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

a. Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.

b. Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the international biohazard symbol. It must then be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

c. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

d. Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling, storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160(2)(a).

e. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to blood borne pathogens.

(7) No tattooist or piercer shall practice tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01 subd.4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.

(8) The tattooist or piercer shall provide the person tattooed or pierced with printed instructions on the approved care of the tattoo or piercing during the healing process.

If any of the following conditions exist, the owner or operator of a licensed establishment may be ordered by the director to discontinue all operations of a licensed body art establishment or the director may refuse to grant or renew, suspend, or revoke licensure:

- (1) evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;
- (2) lack of potable, plumbed, or hot or cold water to the extent that handwashing or toilet facilities are not operational;
- (3) lack of electricity or gas service to the extent that handwashing, lighting, or toilet facilities are not operational;
- (4) significant damage to the body art establishment due to tornado, fire, flood, or another disaster;
- (5) evidence of an infestation of rodents or other vermin;
- (6) evidence of any individual performing a body art procedure without a license as required under this chapter;
- (7) evidence of existence of a public health nuisance;
- (8) use of instruments or jewelry that are not sterile;
- (9) failure to maintain required records;
- (10) failure to use gloves as required;
- (11) failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;
- (12) failure to properly report complaints of potential bloodborne pathogen transmission to the commissioner; or
- (13) evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment.

Before license approval or renewal or the reopening of the establishment, the establishment shall submit to the director satisfactory proof that the problem condition causing the need for the licensure action or emergency closure has been corrected or removed by the operator of the establishment. A body art establishment may not reopen without the written approval of the director and a valid establishment license.

Section 18. That Section 339.170 of the above-entitled ordinance be amended to read as follows:

339.170. Prohibitions Violations. (a) ~~No person shall engage in the branding, implantation, suspension, or scarification of another person.~~

(b) ~~No person shall pierce the genitalia or nipples of a minor.~~

(c) ~~No person shall engage in tattooing or piercing while under the influence of alcohol, controlled substances as defined in Minnesota Statutes, section 152.01 subd.4, or hazardous substances as defined in the rules adopted under Minnesota Statutes, Chapter 182.~~

Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

(1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.

(2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.

(3) Repeated or serious violations of this chapter or of any other applicable provision of this Code may constitute just cause for the imposition of adverse license action, including but not limited to license suspension or revocation.

(4) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

Section 19. That Section 339.180 of the above-entitled ordinance be and is hereby repealed.

339.180. Violations. (a) ~~A violation of this chapter shall be a misdemeanor punishable as provided in section 1.30 of this Code.~~

(b) ~~Violations of this chapter may subject a license holder, after notice and hearing, to a monetary penalty, or in the case of repeat or serious violations, license revocation, suspension, or non-renewal by the city council.~~

Adopted 1/14/2011.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Janine's Food, 1510 W Broadway.

Adopted 1/14/2011.

Absent - Schiff.

Resolution 2011R-008, approving Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Janine's Food, 1510 W Broadway, was adopted 1/14/2011 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 2011R-008
By Glidden

Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Janine's Food, 1510 W Broadway.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery and Tobacco Licenses held by Janine's Food, 1510 W Broadway:

1. The business agrees to perform criminal background checks on all employees of the business.
2. The business agrees to have a manager as listed on the application present during all hours of operation.
3. The business agrees that either the owner or manager will attend meetings of local block clubs, business associations, or neighborhood associations when invited.
4. The business agrees that there will be no business operation involvement with previous owners, employees or any of their relatives who were involved with the sale of secondhand goods in March 2010.
5. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
6. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongos, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, pipe screens, gram scales, small zip lock bags also known as jewelry bags, and single use tobacco products to include blunt wrappers and rolling papers. The business will also agree not to supply matches to non-tobacco customers.
7. The business agrees that all merchandise sales at this location must be conducted by employees of the licensee.
8. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
9. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.
10. The owner shall comply with the Surveillance Camera Ordinance.
11. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash regardless of its origin twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
12. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 1/14/2011.

Absent - Schiff.

RE&E - Your Committee, having under consideration the application of Harriet Brewing Company LLC, dba Harriet Brewing, 3036 Minnehaha Av, for an Off-Sale Malt Liquor License (new business) to expire October 1, 2011, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting said license, subject to conditions.

Adopted 1/14/2011.

Absent - Schiff.

Approved by Mayor Rybak 1/14/2011.

(Published 1/19/2011)

Resolution 2011R-009, granting the application of Harriet Brewing, 3036 Minnehaha Av, for an Off-Sale Malt Liquor License, subject to conditions, was adopted 1/14/2011 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 2011R-009

By Glidden

Granting the application of Harriet Brewing, 3036 Minnehaha Av, for an Off-Sale Malt Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Harriet Brewing Company LLC, dba Harriet Brewing, 3036 Minnehaha Av, for an Off-Sale Malt Liquor License (new business) to expire October 1, 2011, subject to the following conditions:

1. Minneapolis City Ordinance 352.10 and Minnesota Statute 340A.401 requires an on-sale license for the sell, exchange, barter, dispose of or keep for sale any liquor of alcoholic beverages to the public as part of a commercial transaction.

2. Harriet Brewing, LLC is allowed to conduct beer tastings in the production area and the off-sale malt liquor area under the following conditions:

a. All patrons will be asked for identification if they appear under the age of 35.

b. Patrons under the age of 18 must be accompanied by a parent or guardian.

c. Tasting in the off-sale retail area must comply with Minnesota Statute 340A.510 which limits the sample to 100 milliliter for malt liquors.

d. All samples must be free. Charging an admission fee and offering a sample shall constitute an on sale purchase and is prohibited under the license issued.

3. Kegs of beer are not allowed to be sold under the off-sale malt liquor license.

4. Harriet Brewing Company LLC, located at 3036 Minnehaha Av, is classified as a "B" occupancy under the Fire and Building Codes. A building classified as a "B" occupancy does not allow for entertainment.

5. The applicant shall attend alcohol server training from a company on the business licensing approved trainer list within 30 days of signing this agreement. Proof of attendance shall be submitted to the Business License Department upon completion of the training.

6. Hours of Operation shall comply with Minneapolis Code of Ordinance 364.80 (b), No off-sale of liquor may be made:

a. On Sundays;

b. Before 8:00 a.m. on Monday through Saturday;

c. After 10:00 p.m. on Monday through Saturday;

d. On Thanksgiving Day;

e. On December 25th; or

f. After 8:00 p.m. on December 24th.

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

Adopted 1/14/2011.

Absent - Schiff.

Approved by Mayor Rybak 1/14/2011.

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

Adopted 1/14/2011.

Absent - Schiff.

Resolution 2011R-010, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/14/2011 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 2011R-010

By Glidden

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 274701):

Off-Sale Liquor, to expire January 1, 2012

U B Liquors LLC, dba Merwin Liquors, 700 W Broadway

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2012

University Gateway Corp, dba Gateway Cafe by D'Amico & Sons, 200 Oak St SE

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2012

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

Spring Street Tavern LLC, dba Spring Street Tavern and Club Underground, 355 Monroe St NE

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2012

Lame Duk LLC, dba Rachel's, 222 E Hennepin Av.

Adopted 1/14/2011.

Absent - Schiff.

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

Adopted 1/14/2011.

Absent - Schiff.

Resolution 2011R-011, granting applications for Business Licenses, was adopted 1/14/2011 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 2011R-011

By Glidden

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 14, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274701):

Amusement Devices; Car Wash; Christmas Tree; Courtesy Bench; Dancing School; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Farm Produce Permits; Grocery; Food Manufacturer; Short Term Food; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Towing Class A; Plumber; Rental Halls; Residential Specialty Contractor; Secondhand Goods Class A; Sign Hanger; Skating Rink - Ice, Roller; Solid Waste Hauler; Suntanning Facility; Taxicab Limited; Taxicab Service Company; Taxicab Vehicle; Taxicab Vehicle - Non-Transferable; Theater Zone I; Combined Trades; Wrecker of Buildings Class B; Pawnbroker Class A.

Adopted 1/14/2011.

Absent - Schiff.

RE&E - Your Committee recommends that the following application for gambling license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274701):

Gambling Exempt

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 7301 Ohms Ln, Edina (Raffle February 10, 2011, Fine Line Music Cafe, 318 1st Av N).

Adopted 1/14/2011.

Absent - Schiff.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E License held by Saffron Restaurant & Lounge, 123 3rd St N.

Adopted 1/14/2011.

Absent - Schiff.

Resolution 2011R-012, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E License held by Saffron Restaurant & Lounge, 123 3rd St N, was adopted 1/14/2011 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 2011R-012

By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E License held by Saffron Restaurant & Lounge, 123 3rd St N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on November 1, 2010 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded on two separate occasions employees of Saffron Restaurant & Lounge sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;

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

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

1. Saffron Restaurant & Lounge agrees to implement a policy to card anyone appearing under the age of 45 and to prominently post signs in the restaurant outlining their policy.
2. Saffron Restaurant & Lounge agrees to conduct their own youth alcohol compliance checks on a quarterly basis for a period of two years and keep a record of the results.
3. Saffron Restaurant & Lounge agrees to address alcohol service at regularly scheduled staff meetings.
4. Saffron Restaurant & Lounge agrees to require all staff serving liquor to attend professional alcohol server training within 60 days of signing this agreement.
5. Saffron Restaurant & Lounge agrees that a trained manager will be present at all times of alcohol sales.
6. Saffron Restaurant & Lounge agrees to pay a \$3,000 sanction in lieu of suspension for failing a second youth alcohol compliance check. \$2,500 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of one year from the signing of this agreement.
7. Saffron Restaurant & Lounge agrees to pay the \$1,000 administrative citation fine and \$500 sanction within 60 days of signing the agreement.

Adopted 1/14/2011.

Absent - Schiff.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Ronald Folger for the property located at 1651 Penn Av N, and a hearing having been held before an administrative hearing officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked for failure to meet licensing standards pursuant to Section 244.2010 (a) of the Minneapolis Code of Ordinances relating to conduct on licensed premises, now recommends concurrence that said license be revoked, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 1/14/2011.

Absent - Schiff.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration a collaborative agreement with the Board of Regents of the University of Minnesota to conduct research in determining the most effective type and use of powdered activated carbon in drinking water for taste and odor control, now recommends that the proper City officers be authorized to execute an amendment to Contract C-28122 with the Regents of the University of Minnesota, increasing the contract by \$25,000, for a revised contract total of \$195,000, for laboratory services related to the project.

Adopted 1/14/2011.

Absent - Schiff.

T&PW - Your Committee recommends approval of the layout for the 33rd Ave SE (Hennepin Ave SE to Como Ave SE) and Talmage Ave SE (29th Ave SE to 33rd Ave SE) Reconstruction Project No 2225.

Adopted 1/14/2011.

Absent - Schiff.

T&PW - Your Committee recommends passage of the accompanying resolution holding harmless the State of Minnesota from actions that may arise from the granting of a variance that would permit the reconstruction of Riverside Ave (between Cedar Ave and Franklin Ave) with 8 foot wide parking lanes rather than the 10 foot wide lanes required by State Aid Rules.

Adopted 1/14/2011.

Absent - Schiff.

Resolution 2011R-013, holding harmless the State of Minnesota from actions that may arise from the reconstruction of Riverside Ave between Cedar Ave and Franklin Ave at less than State Aid Standards, was adopted 1/14/2011 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 2011R-013
By Colvin Roy

Holding harmless the State of Minnesota from actions that may arise from the reconstruction of Riverside Ave between Cedar Ave and Franklin Ave at less than State Aid Standards.

Whereas, the City Engineer has requested a variance from Minnesota Rules, Chapter 8820.9936, for the reconstruction of Riverside Ave between Cedar Ave and Franklin Ave in accordance with Resolution 2010R-534 adopted by the Minneapolis City Council on November 5, 2010; and

Whereas, the Commissioner of Transportation did grant said variance with the condition that the City adopt a resolution concerning legal responsibilities as a result of the grant of said variance at the City Council request;

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

That the City of Minneapolis indemnifies, saves, and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the granting of the variance, the reconstruction of MSA 141-198-02, Riverside Ave between Cedar Ave and Franklin Ave, in any other manner than in accordance with Minnesota Rule 8820.9936 and further agrees to defend at their sole cost and expense any action or proceeding begun for asserting any claim of whatever character arising as a result of the granting of this variance.

Adopted 1/14/2011.

Absent - Schiff.

T&PW - Your Committee, having under consideration the Marquette Ave and 2nd Ave Transit Project, now recommends that the proper City officers be authorized to enter into a second amendment to the Urban Partnership Agreement (UPA) Subrecipient Agreement No SG-2008-010 with the Metropolitan Council to extend the project activity period date from October 31, 2010 to December 31, 2010 in order to receive reimbursement for expenses incurred after October 31, 2010.

Adopted 1/14/2011.

Absent - Schiff.

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

T&PW & W&M/Budget - Your Committee, having under consideration a collaborative partnership with Dow Water & Process Solutions (a subsidiary of Dow Chemical Company) for research and development pilot testing of ultrafiltration membranes, now recommends that the proper City officers be authorized to enter into a written agreement with the Dow Chemical Company providing for:

- a) Field testing of Dow Chemical Company ultrafiltration pilot unit and related items at a designated site in the City of Minneapolis Water Treatment Facility at 4500 Marshall St NE in Fridley;
- b) The City's assistance in the installation and operation of the Dow unit;
- c) Dow's delivery and installation of the Dow unit at the facility;
- d) The City's allowing process streams to be discharged to appropriate locations;
- e) Confidentiality obligations of the City regarding information obtained from the testing;
- f) Reimbursement of the City for direct costs incurred by the City;
- g) Defense and indemnification of the City for claims arising from the project; and
- h) Other necessary and related provisions as laid out in the written agreement of the parties.

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee, having under consideration the Minnesota Department of Transportation's State Project Number 2781-415 for the reconstruction of I-94 from Nicollet Ave to Cretin Ave/Vandalia St, now recommends passage of the accompanying resolution authorizing the proper City officers to negotiate and execute Agreement No 98067 with the Minnesota Department of Transportation to cover costs for City forces to relocate existing water infrastructure.

Adopted 1/14/2011.

Absent - Schiff.

Resolution 2011R-014, authorizing the negotiation and execution of an agreement with the Minnesota Department of Transportation to relocate water infrastructure in conjunction with the I-94 Reconstruction Project, was adopted 1/14/2011 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 2011R-014
By Colvin Roy and Hodges

Authorizing the negotiation and execution of an agreement with the Minnesota Department of Transportation to relocate water infrastructure in conjunction with the I-94 Reconstruction Project.

Whereas, the Minnesota Department of Transportation (Mn/DOT) plans to reconstruct Interstate Highway 94 from Nicollet Avenue in Minneapolis to Cretin Avenue/Vandalia Street in St. Paul (State Project Number 2781-415);

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

That the proper City officers be authorized to negotiate and execute Agreement No 98067 with the Minnesota Department of Transportation to cover costs for City forces to relocate existing water infrastructure in conjunction with Mn/DOT's Interstate Highway 94 Reconstruction Project.

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the 2011 capital appropriation from special assessment bonds by \$265,000 for the University Ave SE (29th Ave SE to Emerald St SE) Central Corridor Adjacent Street Lighting Project and creating a new Capital Project TR025 to accept these funds.

Adopted 1/14/2011.

Absent - Schiff.

RESOLUTION 2011R-015
By Colvin Roy and Hodges

Amending Resolution 2010R-599, entitled "Adopting the 2011-2015 Five Year Capital Program and fixing the maximum amounts for 2011 to be expended by the various funds under the jurisdiction of the City Council" passed December 13, 2010.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the capital appropriation from special assessment bonds by \$265,000 for the University Ave SE Central Corridor Adjacent Street Lighting Project (04100-9010943-801501 - Project TR025) and increasing the corresponding revenue budget (04100-9010943-365000 - Project TR025) by \$265,000.

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the 2011 capital appropriation from special assessment bonds by \$220,000 for the Washington Ave (Oak St SE to Huron Blvd SE) Central Corridor Adjacent Street Lighting Project and creating a new Capital Project TR024 to accept these funds.

Adopted 1/14/2011.

Absent - Schiff.

RESOLUTION 2011R-016
By Colvin Roy and Hodges

Amending Resolution 2010R-599, entitled "Adopting the 2011-2015 Five Year Capital Program and fixing the maximum amounts for 2011 to be expended by the various funds under the jurisdiction of the City Council" passed December 13, 2010.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the capital appropriation from special assessment bonds by \$220,000 for the Washington Ave Central Corridor Adjacent Street Lighting Project (04100-9010943-801501 - Project TR024) and increasing the corresponding revenue budget (04100-9010943-365000 - Project TR024) by \$220,000.

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee, having under consideration Hennepin County recycling grant applications for 2011, now recommends:

a) That the proper City officers be authorized to submit the 2011 grant application to Hennepin County for S.C.O.R.E. (Select Committee on Recycling and Environment) funding for the 2011 Minneapolis Recycling Program; and

b) That the proper City officers be authorized to execute the contract with Hennepin County for the S.C.O.R.E. funds, said contract to be effective for 2011.

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee, having under consideration Energy Efficiency and Conservation Block Grant (EECBG) funding, now recommends:

a) Approval of the allocation of up to \$250,000 of City of Minneapolis EECBG funds to energy retrofits at Minneapolis Park Board buildings; and

b) That the proper City officers be authorized to execute a Memorandum of Understanding with the Minneapolis Park & Recreation Board detailing the projects and the financial transactions that will take place once the projects are completed.

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7365 from R & R Leasing, Inc., for an estimated annual expenditure of \$500,000.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the hauling and disposal of treatment residuals for the Water Works Division.

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

Adopted 1/14/2011.

Absent - Schiff.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7366 from S & T Lawn Service, for an estimated annual expenditure of \$48,000.00, to furnish and deliver snow removal services for the Lyndale-Lake Special Service District.

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

Adopted 1/14/2011.

Absent - Schiff.

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 1/14/2011.

Absent - Schiff.

Resolution 2011R-017, authorizing settlement of legal matters of *Cassandra Ward Brown vs. City of Minneapolis*, and *Herr vs. Peterson, et al.*, was adopted 1/14/2011 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 2011R-017

By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) *Cassandra Ward Brown vs. City of Minneapolis*, by payment of \$10,000.00 to Cassandra Ward Brown, and \$22,830.50 to her attorneys, Albert Goins and Ward Law Group, from the Internal Service Self Insurance Fund (06900-1500100-145400); and

b) *Herr vs. Peterson, et al.*, by payment of \$3,000.00 to Anna Herr and her attorneys, Chrastil and Steinberg, P.L.L.P., from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept a grant in the amount of \$87,194 from the State of Minnesota, Department of Public Safety, Office of Justice Programs, as part of its Violence Against Women Act STOP Special Project for 2011, and to enter into a two (2) year grant agreement with the State.

Further, passage of the accompanying resolution appropriating funds to the City Attorney's Office.

Adopted 1/14/2011.

Absent - Schiff.

RESOLUTION 2011R-018

By Hodges

Amending The 2011 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 Attorney - Grants Federal Fund (01300-1400-Project G3140STOP) by \$87,194.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the City's Trees Program, now recommends that the proper City officers be authorized to negotiate and execute a contract with Tree Trust in 2011 in an amount not to exceed \$75,000 annually, with an option for one-year extensions in 2012 and in 2013. Funding for this service has been included in the 2011 budget and no additional appropriation is required.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget - Your Committee recommends approval of the February 2011 utility billing insert on behalf of City Coordinator - Sustainability, providing information about the City Trees Program, encouraging people to order a \$25 tree in March for their Minneapolis property.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration OP #6630, relating to Safety Camera Systems, now recommends authorizing the proper City officers to amend and increase contract C-23509 with A+ Security, Inc. by \$37,085.15 for a new contract amount of \$1,545,179.15 for the BIS Department to provide a safety camera system.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration OP #7311, the Convention Center's wall fabric replacement contracts, now recommends authorizing the proper City Officers to amend and increase the following contracts to cover additional materials and labor to complete the project:

a) C-28318 with Swanson and Youngdale, Inc. by \$10,815; and

b) C-28414 with Painting by Nakasone by \$8,415.

Further, that the proper City officers be directed and authorized to execute an amendment to these contracts.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget - Your Committee recommends acceptance of the following low bids submitted by the Departments of Convention Center and Procurement:

a) OP 7373, Accept low bid of Fiber and Data Resources Inc., dba Audio and Security Engineers, for an estimated expenditure of \$85,153.48, to furnish and deliver all materials, equipment and labor for the Minneapolis Convention Center and Target Center Video Surveillance Project; and

b) OP 7377, Accept low bid of Morcon Construction for an estimated amount of \$49,811 to furnish and deliver all materials, labor, tools and incidentals for the construction of the restroom renovation project for the Minneapolis Convention Center.

Further, that the proper City officers be authorized and directed to execute a contract for these projects, all in accordance with our specifications.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis Defined Contribution Retirement Plan, now recommends the following:

a) Approve and adopt the City of Minneapolis Defined Contribution Retirement Plan, as Restated Effective October 1, 2010, (the "Restated Plan");

b) Approve amendments to the Restated Plan necessary for compliance with recent changes in applicable law, specifically the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree, and Employer Recovery Act of 2008;

c) Authorize the proper City Officials to execute the Restated Plan and the amendments;

d) Authorize the proper City Officers to execute any and all documents necessary and pay required fees necessary to submit an Application for a Determination Letter for the Restated Plan to the IRS; and

e) Authorize that any changes to the Restated Plan and amendments required by the IRS for a favorable determination letter are approved without further action by the City Council.

Adopted 1/14/2011.

Absent - Schiff.

W&M/Budget – Your Committee, having under consideration one (1) Mayoral with Council approval, and one (1) City Council appointment to the Minneapolis Television Network (MTN) Board of Directors, for a term beginning January 15, 2011 and expiring on December 31, 2014, now recommends the following applicants for approval:

Mayoral Appointment

Darren Smith

Council Appointment

Jenny Hanson

Adopted 1/14/2011.

Absent - Schiff.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of February, 2011, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 1/14/2011.

Absent - Schiff.

Glidden moved to amend the "City Council Appointment of Council Members on Boards and Commissions" list, adopted at the Organization Meeting held January 4, 2010, to modify the Metropolitan Emergency Services Board appointments to read as follows:

Metropolitan Emergency Services Board Glidden, Reich Reich, Glidden (alt)

Seconded.

Adopted 1/14/2011.

Absent - Schiff.

UNFINISHED BUSINESS

Comm of the Whole - Your Committee, having before it the recommendations of the Metropolitan Council Work Group, now recommends approval of the following staff direction:

Per the recommendation of IGR staff and the Met Council work group, IGR Staff will lead implementation of the following recommendations on process for communicating policy and city positions on regional and Met Council Issues

The often used cliché “timing is everything” best describes the opportunity to develop a process to have the “municipal voice” heard at the Met Council. In 2011 a new Met Council will be appointed, the release of census information will signal the start of the regional planning process and federal urban policy is focusing on regions. In addition construction on the central corridor and planning for a third line will continue. The new Met Council will also be challenged to address slower growth as it relates to wastewater collection and disposal and determine if additional policy areas should be regional systems.

Being aware of the challenges and opportunities facing the region, the City of Minneapolis should take an active role in the region’s policy development process. Specifically the work group recommends the following:

- **The City Council meet early in the year with the Met Council Chair and council members from Minneapolis to discuss the Met Council’s major plans and policies for the year and if appropriate present the city’s position on the plans and proposals.**
- **The city continues the multi-department review of the Met Council’s policy plans and amendments to them. The review should include a presentation before the relevant city council committee and formal city council action that conveys the city’s position to the Met Council.**
- **The city review the Met Council’s annual operating and capital budget. The review would be accomplished by a multi-department team led by Finance/IGR. The review should assess the proposal in not only fiscal terms but also in relation to the operating and policy principles.**
- **The IGR chair and staff will be responsible for working with the Met Council in general and the city members in particular.**
- **The IGR Chair and Director develop with the City’s Met Council members a method to communicate information on city positions regarding policies and programs of the Met Council.**
- **The Met Council periodically schedule committee or Council meetings in Minneapolis and other cities throughout the region.**
- **The IGR staff be directed to present in writing to the City Council during the last quarter of each year, a listing of Met Council actions scheduled for the forthcoming year that could impact the city and proposed actions and also a written summary of the city’s current year’s interaction with the Met Council including proposals that have not yet been resolved.**

Your Committee further recommends passage of the accompanying resolution.

Glidden moved that the report be amended by amending the fourth bullet in the staff direction to insert the word “primarily” after the word “be”. Seconded.

Adopted upon a voice vote.

Absent - Schiff.

The report, as amended, was adopted 1/14/2011. Yeas, 11; Nays, 1 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Reich, Johnson.

Nays - Gordon.

Absent - Schiff.

Resolution 2011R-019, supporting a strong, effective Metropolitan Council for the Twin Cities Region, was adopted 1/14/2011 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 2011R-019

By Glidden

Supporting a strong, effective Metropolitan Council for the Twin Cities Region.

Whereas, the U.S. and global populations are increasingly centered in metro regions, resulting in concentrated labor, knowledge, capital and social networks within a small percent of overall landmass; and

Whereas, the nation's one hundred largest metro areas, like the Twin Cities region, account for two thirds of our nation's population and three quarters of our gross domestic product and a disproportionate number of jobs, commerce, patents, research and knowledge institutions; and

Whereas, the success of the Twin Cities region is critical to the success of our State as a whole, as it generates three fifths of the jobs for our state and three quarters of Minnesota's wealth; and

Whereas, the Twin Cities region has shown foresight by thinking and acting as a region greater than the sum of its parts for far longer than most regions in the United States; and

Whereas, since its creation decades ago, the Metropolitan Council has embodied regional cooperation and planning and operation of regional services; and

Whereas, the Twin Cities region's success in applying for competitive federal funding from the Urban Partnership Agreement and the Sustainable Communities Partnership highlight the importance of regional cooperation and cross-sector collaboration around transportation, land use, and environmental protection; and

Whereas, the need for regional cooperation and leadership by public and private entities in the area of economic development has been highlighted by the Itasca project and the Brookings Institutions' Blueprint for American Prosperity; and

Whereas, despite policies and goals to increase housing density, the Twin Cities have become known for decentralized jobs and housing, ranking 9 of 12 peer regions in urban area density; and

Whereas, the social equity implications of dispersed jobs makes it hard for low-wage earners to find housing near work; and

Whereas, the Twin Cities' ability to respond to issues of sustainability, energy usage, high oil and gas prices, and affordability may depend on our ability to align multi-modal transportation choices and housing and jobs in compact areas; and

Whereas, The only way that our state – or our nation – will be able to effectively prosper and compete in a global economy is by investing in the sustainability, continued growth and success of our metro regions; and

Whereas, now, more than ever, we need a strong Metropolitan Council to engage the region's leadership, manage the tools, and leverage the assets our region needs to compete in a global economy; and

Whereas, as Minnesota's largest city, the City of Minneapolis stands ready to work with our partners to build a stronger, more effective Metropolitan Council and in the process build a regional economy that competes globally;

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

That in developing policy the City of Minneapolis recommends that the Metropolitan Council incorporate the following principles for **Regional Decision-making**:

- Collaborate with local government, the private sector, advocacy and non-profit organizations, and other partners to foster a unified vision and achieve regional goals.
- Have clear lines of accountability to the people of the region, private and public stakeholders, and local government and strong, unambiguous means to measure that accountability.
- Align public policy decisions and public investment decisions with a comprehensive plan and the region's vision for economic development.
- Leverage public and private partnerships and maximize resources in order to aggressively and proactively pursue federal and state resources; and

Be It Further Resolved that the City of Minneapolis recommends that the Metropolitan Council consider the following **Regional Policy and Funding Priorities:**

- Provide leadership with public and private partners in setting a regional economic development vision that supports growth and guides growth for our region.
- Adopt and implement policies to eliminate racial disparities and reverse racial and economic segregation trends that threaten our region's economic strength.
- Take an active role in the planning, development and continued sustainability of large public facilities within the region.
- Define and strengthen existing job and activity centers and align land use, transit opportunities, housing density, commercial investment, open space and recreation and transit opportunities along existing connecting corridors.
- Invest resources in integrated transit systems and maintain and improve existing roadways, and bridges.
- Prioritize maintenance and improvement of existing infrastructure and projects that integrate investments in regional systems with development.
- Adopt policies that protect the region's natural environment; and

Be It Further Resolved that in selecting members to the Metropolitan Council, the City of Minneapolis recommends:

- That the Governor, per Minn. Stat. Sec 473.123, appoint Met Council members that:
Reflect the demographic and political composition of the district;
Be knowledgeable about urban and metropolitan affairs;
Meet regularly with locally elected officials and legislative members from the councilmember's district;
and

- That the Governor should consider additional qualifications for Met Council members, including that members:

Support the need for a regional governance organization.

Demonstrate interest in regional issues or public service through service on local government boards or commissions or other relevant community or professional activities; and

Be It Further Resolved that the City of Minneapolis recommends that the Legislature restructure the governance of the Met Council to provide more direct accountability to voters and local government by including locally-elected officials in a Council of Governments model which reflects the following:

- A majority of council members shall be locally elected city and county officials;

A combination of population and communities of interest (central cities, developed area and developing area) should guide the apportionment of local elected council members;

Representation on the governing board should be proportional to the city and county responsibility for land use, waste water, community development, housing, parks and open space, transportation and environment protection; and

- The Governor shall maintain power of appointment, with Senate confirmation, for a minority of councilmember positions.

Adopted 1/14/2011. Yeas, 11; Nays, 1 as follows:

Yeas - Hofstede, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Reich, Johnson.

Nays - Gordon.

Absent - Schiff.

Pursuant to previous notice, Tuthill moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (establishing standards for rooftop seating and dining):

- a) Amending Chapter 520 relating to *Introductory Provisions*;
- b) Amending Chapter 525 relating to *Administration and Enforcement*;
- c) Amending Chapter 536 relating to *Specific Development Standards*;
- d) Amending Chapter 537 relating to *Accessory Uses and Structures*;

- e) Amending Chapter 548 relating to *Commercial Districts*; &
 - f) Amending Chapter 550 relating to *Industrial Districts*. Seconded.
- Adopted upon a voice vote 1/14/2011.
Absent - Schiff.

NEW BUSINESS

Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code* (creating a furnace and boiler safety check and energy audit requirement for certain rental properties and repealing sections 244.680 and 244.685).

Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances relating to *Housing: Lead Poisoning Prevention and Control* (adding a requirement for a lead clearance inspection for certain rental properties and amending requirements related to lead safe work practices).

Schiff 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 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits* (adding the provision for a three-year pet license).

Tuthill gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General* (amending regulations applicable to outdoor areas and establishing capacity limits and specific hours of use).

Goodman 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 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing* (revising regulations relating to sidewalk cart vendors, sidewalk cart food vendors and mobile food vendors).

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General* (revising regulations relating to sidewalk cart vendors, sidewalk cart food vendors and mobile food vendors).

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks* (revising regulations relating to sidewalk cart vendors, sidewalk cart food vendors and mobile food vendors):

- Amending Chapter 427 relating to *In General*;
- Amending Chapter 430 relating to *Right-Of-Way Permits*;
- Amending Chapter 439 relating to *Nicollet Mall*;
- Amending Chapter 465 relating to *Downtown Business Improvement Special Service District*;
- Amending Chapter 474 relating to *Vehicle Operations*;
- Amending Chapter 478 relating to *Parking, Stopping, and Standing*.

Goodman 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* (revising regulations relating to sidewalk cart vendors, including sidewalk cart food vendors and mobile food vendors):

JANUARY 14, 2011

Amending Chapter 520 relating to *Introductory Provisions*;
Amending Chapter 535 relating to *Regulations of General Applicability*;
Amending Chapter 536 relating to *Specific Development Standards*;
Amending Chapter 548 relating to *Commercial Districts*;
Amending Chapter 549 relating to *Downtown Districts*.

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote 1/14/2011.
Absent - Schiff.

Casey Joe Carl,
City Clerk.

Unofficial Posting: 1/19/2011
Official Posting: 1/21/2011
Correction: 5/27/2011