

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF AUGUST 17, 2012

(Published August 25, 2012, in *Finance and Commerce*)

Council Chamber  
350 South 5th Street  
Minneapolis, Minnesota  
August 17, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Hofstede moved to amend the agenda to include under New Business a notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20 relating to *Zoning Code* (allowing veterinary clinic services), as follows:

- a) Amending Chapter 537 relating to Accessory Uses and Structures; and
- b) Amending Chapter 550 relating to Industrial Districts. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting of August 3, 2012. Seconded.

Adopted upon a voice vote.

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.

## PETITIONS AND COMMUNICATIONS

### COMMITTEE OF THE WHOLE (See Rep):

INTERGOVERNMENTAL RELATIONS (275905)

Trafficking of Minors: Calling on Village Voice Media to cease publication of adult section of its online classified section Backpage.com; Amendment to the FY 2013 Federal Agenda by adding a policy statement; direction to staff to report back to Public Safety, Civil Rights & Health Committee.

Metropolitan Council Sewer Availability Charge (SAC): Minneapolis position, with direction to staff.

Federal Minimum Wage: Amendment to the FY 2013 Federal Agenda by adding a policy statement.

### PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

CIVIL RIGHTS (275906)

Receive and file the Contract Compliance Unit 2012 2nd Quarter Report.

CIVIL RIGHTS (275907)

Receive and file the Minneapolis Civilian Police Review Authority 2012 Second Quarter Report.

CIVIL RIGHTS (275908)

Receive and File the Complaint Investigations Unit 2012 Mid-Year Report.

### PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

COUNCIL MEMBER JOHNSON (275909)

Creation of an ad hoc Metal Scrapping & Harvesting Task Force.

NEIGHBORHOOD AND COMMUNITY RELATIONS (275910)

Minneapolis Senior Citizen Advisory Committee Appointments: Approve appointments/reappointments of Raymond Olson, Jean Greener, Dorothy Robinson, James Adams, Georgia Marinkov-Omorean, Robert Albee, and Matthew Stark.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):**

CIVIL RIGHTS (275911)

Approve appropriation of \$3,500 civil penalty paid for resolution of fair housing violation charges to the Civil Rights department for the development of fair housing posters.

HEALTH AND FAMILY SUPPORT (275912)

Grant Application: Approve application for two-year grant from the Minnesota Department of Health in an amount not to exceed \$150,000 beginning October 1, 2012, to pilot a gender specific HIV/STI intervention targeted at males ages 15-21.

REGULATORY SERVICES (275913)

Animal Care and Control Donations: Accept by resolution donations of dog and cat food and supplies from Mary Kenefick, Judy Yang, Anna LaVigne, Matthew Banks, and MACC Volunteers.

**REGULATORY, ENERGY AND ENVIRONMENT (See Rep):**

LICENSES AND CONSUMER SERVICES (275914)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275915)

Northbound Smokehouse Brewpub, 2716 E 38th St: Grant On-Sale Liquor Class D with Sunday Sales and Off-Sale Liquor - Growler Licenses.

Dinkytown Wine & Spirits, 1412 5th St SE: Grant Expansion of Premises License.

Pig & Fiddle, 381 W 50th St: Grant On-Sale Liquor Class D with Sunday Sales License.

Gigi's Cafe, 824 W 36th St: Grant Expansion of Premises License.

Nightingale, 2551 Lyndale Ave S: Grant On-Sale Liquor Class E with Sunday Sales License.

REGULATORY SERVICES (275916)

Rental Dwelling License at 3719 Penn Ave N: Revoke license held by Yendung Thi Van.

REGULATORY SERVICES (275917)

Rental Dwelling License at 4910 Newton Ave N: Revoke license held by Gary Hogren.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (275918)

Sidewalk Repair and Construction: Set assessment public hearing for 9/25/12.

Chicago-Lake, Bloomington-Lake, East Lake, and Lyndale-Lake Special Service Districts: Set assessment public hearing for 9/11/12.

Minneapolis Public Schools Go-To Card Program: Presentation.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (275919)

Bluff Street Trail Project: Limited Use Permit with Mn/DOT.

Sidewalk Reconstruction Special Assessment Cancellation: 5336 30th Ave S.

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

PUBLIC WORKS AND ENGINEERING (275920)

Plymouth Ave N Bridge: Grant agreement with Mn/DOT.

Bid: OP 7646, Low bid of Fer-Pal Construction USA, LLC for water main reconstruction.

**WAYS AND MEANS BUDGET:**

FIRE DEPARTMENT (275921)

Receive and File presentation on the FY 2012 SAFER Grant Program, with a focus on Veterans' hiring.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (275922)

Legal Settlements: Leah Anderson v. City of Minneapolis, et al., and Robert Earl Alexander v. City of Minneapolis.

CITY CLERK (275923)

Contract Execution: Approve contract with KPMG for professional facilitation services for a workshop to be conducted by the Audit Committee on Wednesday, August 29, 2012.

COMMUNICATIONS (275924)

September 2012 Utility Billing Insert - Providing information about utility billing automatic payment.

CONVENTION CENTER and Procurement (275925)

Bid: OP 7654: Accept single bid of StageRight Corporation for an estimated expenditure of \$715,000 for a portable/retractable tiered riser seating system at the Convention Center.

EXECUTIVE COMMITTEE (275926)

Ratification of Collective Bargaining Agreements with: a) Minneapolis Building and Construction Trades, AFL-CIO, Trades Unit; and b) Teamsters Local 320, Truck Drivers Unit.

FINANCE DEPARTMENT (275927)

Bicycle Parking and Access Guidelines for City Worksites: Receive and file the guidelines, and approval of actions establishing and authorizing Property Services for its implementation.

FINANCE DEPARTMENT (275928)

Contract Amendment: Amendment No. 1 to Contract No. C-35630 with Videotronic for the Perimeter Detection Project for the Water Works Division.

FINANCE DEPARTMENT (275929)

Bid: OP 7663: Accept low bid of Energy Concepts, Inc., in the amount of \$58,500 for a 13kW Photovoltaic System at Fire Station No. 4.

HUMAN RESOURCES (275930)

Contract Execution: Approve three-year contract with Fringe Benefits Management Company, a division of Wage Works, Inc., to provide administrative and record keeping services for the City of Minneapolis Minneflex Spending Accounts, Transportation Benefits Plan, and Health Reimbursement Arrangement Plan, effective January 1, 2013.

HUMAN RESOURCES (275931)

Ordinance Amendment: Passage of ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances, relating to Administration: Personnel, amending Article XI Job Bank.

**ZONING AND PLANNING (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275932)

Properties at 2401 and 2405 Nicollet Ave: Ordinance amending the Zoning Code to rezone the properties from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District to establish a tobacco shop in an existing commercial building at the southwest corner of Nicollet Ave and E 24th St.

City Walk Uptown, 1312 W Lake St: Resolution amending Resolution 2012R-207 to correct the legal description relating to the vacation of 22 feet of Lagoon Ave right-of-way.

**NEW BUSINESS (See Rep):**

MAYOR (275933)

Employment Terms: Gregory Stubbs, Director of Regulatory Services' severance settlement.

REGULATORY SERVICES (275934)

Chapter 249 Property at 2812 1st Avenue S: Approve waiver of 60-day waiting period so that the provisions of Chapter 249 may be implemented immediately.

*The following reports were signed by Mayor Rybak on August 17, 2012. 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:**

**Comm of the Whole/IGR** - Your Committee, having under consideration support for legislative efforts to end the sexual exploitation of youth, now recommends:

a) Passage of the accompanying resolution calling on Village Voice Media to cease publication of the adult section of its online classified section, Backpage.com;

b) That the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be further amended by adding the following language to the Policy Initiatives Section regarding support for ending sexual exploitation of youth:

Support legislation that works 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.

The United States Department of Justice Office of Justice Programs noted in 2011, as many as 300,000 children are at risk for sexual exploitation each year in the United States. And in Minnesota, the Advocates for Human Rights and the Minnesota Office of Justice Programs of the Minnesota Department of Public Safety estimate that 124 girls were sold on the internet in the month of August 2010 alone, which is a 55% increase since February 2010.

Federal legislation such as the Trafficking Victims Protection Act (TVPA), the Mann Act, and the PROTECT Act are the primary federal policies regarding human trafficking. The TVPA was authorized in 2000 and has been reauthorized three times. However the TVPA expired in September 2011. Legislation has been introduced that would extend the Act but it has not passed. The Mann Act makes it a felony to knowingly transport any person in interstate or foreign commerce for prostitution, or for any sexual activity for which a person can be charged with a criminal offense. This law is frequently used as an effective tool to prosecute sex traffickers. The PROTECT Act was enacted in 2003 to combat the sexual exploitation of children. Among other things, the Act requires courts to impose mandatory sentences for sex offenders and makes it a crime to travel abroad to engage in sexual conduct with minors. The Act amends the criminal code to increase supervision of convicted sex offenders for specific felonies. In addition, the Act creates minimum standards and grants for states to expand their Amber Alert system for missing children; and

c) That City staff be directed to report back to the Public Safety, Civil Rights & Health Committee by November 15, 2012, relating to work of the Police Department, City Attorney's office, and other local partners on issue of child prostitution and sex trafficking of minors for sexual exploitation.

Adopted.

Resolution 2012R-429, calling on Village Voice Media to cease publication of the adult section of its online classified section, Backpage.com, was adopted 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 2012R-429**

**By Glidden**

**Calling on Village Voice Media to cease publication of the adult section of its online classified section, Backpage.com.**

Whereas, In 2011, the City of Minneapolis amended its state legislative agenda to include support for legislative 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; and

Whereas, according to the United States' Trafficking Victims Protection Act (TVPA) of 2000, human trafficking is defined as the "recruitment, harboring, transportation, provision, or obtaining of a person to perform labor or a commercial sex act through force, fraud, or coercion;" and

Whereas, in addition, according to the United States Department of Justice ("DOJ"), the TVPA further states that "any commercial sex act performed by a person under age 18 is considered human trafficking, regardless of whether force, fraud, or coercion is involved;" and

Whereas, a DOJ Office of Justice Programs (OJP) December 2011 Fact Sheet on Human Trafficking States that as many as 300,000 children are at risk for sexual exploitation each year in the United States; and

Whereas, according to data compiled both by The Advocates for Human Rights and the Minnesota Office of Justice Programs of the Minnesota Department of Public Safety, the scope of sex trafficking sex in Minnesota, includes the following:

- Over a three year period ending in 2008, service providers identified 731 sex trafficking victims;
- 124 girls were sold on the internet in the month of August 2010 alone, which is a 55% increase since February 2010;
- The average age of a girl's entry into prostitution/sex trafficking is 12 to 14 years old;
- According to one service provider, 8,000 to 12,000 people are estimated to be involved in prostitution/sex trafficking in Minnesota every day; and

Whereas, one vehicle used to exploit and "market" such victims is online advertising for "adult services"; and

Whereas, after news reports linking Craigslist adult advertising to crimes that included sex trafficking and murder, and after much public pressure and a letter signed by 17 states' attorneys general, Craigslist banned sexually related advertising in September 2010; and

Whereas, according to a *New York Times* article entitled "Fighting Over Online Sex Ads," once Craigslist discontinued such advertising, a large amount of the approximately \$44 million in sex-related advertising went to Backpage.com; and

Whereas, the Minneapolis Police Department reports that all 20 child sex-trafficking cases investigated this year involved juvenile victims being marketed and "sold" via Backpage.com; and

Whereas, Backpage.com and its parent company, Village Voice Media, have been contacted by numerous advocacy groups, law enforcement officials and religious organizations asking them to close the site; and

Whereas, a letter to Backpage.com from the National Association of Attorneys General (NAAG) dated August 31, 2011, states that charges were filed against person who trafficked or attempted to traffic minors using Backpage.com in over 50 instances in 22 states over the course of three years; and

Whereas, Backpage.com presently refuses to discontinue its adult service section and claims the company monitors it "24/7;" and

Whereas, sex trafficking is a heinous crime that must be addressed in the most serious manner possible; and

Whereas, to bolster actions by law enforcement, society should assist in eradicating such crimes by adjusting practices to make it more difficult for these criminals to function; and

Whereas, Backpage.com's adult section is facilitating sex trafficking and should alter its current practice;

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

That the Minneapolis City Council calls on Village Voice Media to cease publication of the adult section of its online classified section, Backpage.com, because it facilitates the trafficking of minors for sexual exploitation.

Adopted.

**Comm of the Whole/IGR** - Your Committee, having under consideration the Metropolitan Council's Sewer Availability Charges (SAC), a one-time fee charged by the Metropolitan Council Environmental Services to use as "reserve capacity" in the Metropolitan Disposal System, now recommends:

- a) That the City approve the "Minneapolis Position and Priorities on SAC" as set forth in the City Coordinator staff report;
  - b) That the proper City officers be authorized to communicate the City's position on SAC to the Metropolitan Council; and
  - c) That Intergovernmental Relations, Public Works, Regulatory Services and Community Planning & Economic Development departments staff work to implement the City's position through the SAC Work Group, meetings with Metropolitan Council Members and staff, and, if necessary, through new legislation.
- Adopted.

**Comm of the Whole/IGR** - Your Committee recommends that the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be further amended by including the following language in the Policy Initiatives Section relating to Federal minimum wage:

The federal minimum wage as defined in the Labor Standards Act is \$7.25 per hour or \$15,000 for a full time annual wage. The annual wage is below the poverty guidelines for most households. The limit was last raised in 2009. The minimum wage, however, for workers who receive tips is \$2.13 and was last adjusted in 1991. Neither minimum is indexed. For example, if the minimum wage were adjusted for inflation over the last forty years the minimum wage would be more than \$10.00 per hour. In fact, legislation introduced in the U.S. Senate would increase the minimum wage in three steps so that it would be \$9.80 in 2014. In subsequent years the minimum wage would be adjusted for inflation.

The City of Minneapolis supports the passage of and signing by the President of federal legislation raising and indexing the federal minimum wage for hourly workers and the sub-minimum wage for tipped workers.

Adopted.

**Comm of the Whole/IGR** - Your Committee recommends passage of the accompanying resolution appointing City representatives to the Target Center Implementation Committee, and related actions.

Adopted.

Resolution 2012R-430, appointing City representatives to the Target Center Implementation Committee and related actions, was adopted 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 2012R-430**  
**By Johnson**

**Appointing City representatives to Target Center Implementation Committee and related actions.**

Whereas, the City Council adopted a resolution approving the Minneapolis Convention Center Special Law and related amendments contained in Laws 2012, Chapter 299 (Stadium Bill); and

Whereas, the Special Law grants to the City the right to use its Convention Center taxes for debt service, operating costs and capital improvements at Target Center; and

Whereas, a 2010 M.A. Mortenson study identified capital needs at Target Center of approximately \$135 million, the allocation of which will need to be negotiated among the City, AEG, its operator and the Minnesota Timberwolves; and

Whereas, it is the desire of the City to establish a Target Center Implementation Committee to guide capital expenditures at Target Center;

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

That the City appoints the following elected officials to serve on the Target Center Implementation Committee: Mayor R.T. Rybak, Council President Barbara Johnson, Council Members Elizabeth Glidden, Lisa Goodman, John Quincy, Don Samuels, and Meg Tuthill.

Be It Further Resolved that Jerry Bell be appointed as Chair of the Target Center Implementation Committee.

Be It Further Resolved that the following be appointed as members of the Target Center Implementation Committee: Kelly Doran, Fred Krohn, Brian Woolsey, Devon George, Kevin Dooley, Dan McConnel, Karen Rosar, Joanne Kaufman, Tim Baylor and Archie Givens.

Be It Further Resolved that the City Council authorizes creation of a Staff Technical Team consisting initially of the following departments: Community Planning & Economic Development (CPED), Public Works, City Attorney, Finance, Civil Rights, Convention Center, and Regulatory Services with representatives of other departments added as needed.

Be It Further Resolved that the City Council designates Jeremy Hanson Willis, Director of CPED, as the lead City staff on this project and to the extent needed within the parameters of the City's procurement policy to retain consultants to assist City staff, work with the Target Center Implementation Committee and Staff Technical Committee.

Adopted.

**The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:**

**PSC&H** – Your Committee recommends concurrence with the following recommendations of the Mayor and City Council President regarding service on the Minneapolis Senior Citizen Advisory Committee:

To reappoint the following individuals for two-year terms to expire December 31, 2013:

Raymond Olson, ward 4 representative;  
Jean Greener, organizational representative;  
Dorothy Robinson, organizational representative; and  
James Adams, member at large;

To reappoint Georgia Marinkov-Omorean, organizational representative, to a one year term to correct a clerical error to expire 12/31/2012;

To appoint Robert Albee, ward 6 representative, for a two-ear term that began 1/1/2011 and expiring 12/31/2012; and

To appoint Matthew Stark, ward 7 representative, for a two-year term to expire 12/31/2013.

Adopted.

**PSC&H** – Your Committee recommends approval of the formation of an ad hoc task force to be convened by Council President Johnson and including representatives from City departments including Police, Regulatory Services, Solid Waste, and Communications with the goal of addressing the issue of metal scrapping and harvesting in the City of Minneapolis.

Adopted.

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

**PSC&H & W&M/Budget** – Your Committee recommends passage of the accompanying resolution appropriating \$3,500 paid as a civil penalty for the resolution of Director's charges relating to fair housing violations to the Department of Civil Rights for use in developing fair housing posters to promote fair housing practices.

Adopted.

**RESOLUTION 2012R-431  
By Samuels and Hodges**

**Amending The 2012 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 Civil Rights-Complaint Investigation in the Grants-Other fund (01600-3000200) by \$3,500 and increasing the revenue source budget (01600-3000200-375504) by \$3,500.

Adopted.

**PSC&H & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit an application for a two-year grant from the Minnesota Department of Health in an amount not to exceed \$150,000, beginning October 1, 2012, to pilot a gender specific STI/HIV intervention to young males ages 15-21 who visit the Youth Opportunity Center.

Adopted.

**PSC&H & W&M/Budget** – Your Committee recommends passage of the accompanying resolution approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care and Control.

Adopted.

Resolution 2012R-432, approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care & Control, was adopted 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 2012R-432  
By Samuels**

**Approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care & Control.**

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

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Mary Kenefick	3 bags Science Diet adult large dog biscuits (28 oz each), 2 bags Old Mother Hubbard P-Nuttier dog biscuits
Judy Yang	6 cans Pedigree wet dog food (13.2 oz each), a box Wet Noses organized dog treats (3.5 lb)
Anna LaVigne	1 box Kirkland dog biscuits (15 lb)
Matthew Banks	1 Large dog bed, 4 dog toys
MACC Volunteers	2 boxes Milk-Bones flavor snacks (26 oz each), 5 cans Science Diet wet puppy food (13 oz each), 1 package Pup-Peroni dog treats (6 oz each), and 1 bag Meow Mix dry cat food (3 lb)

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

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

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

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

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.  
Adopted.

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

**RE&E** - Your Committee recommends passage of the accompanying resolution granting Liquor and Wine Licenses to the following businesses:

- a) Dinkytown Wine & Spirits, 1412 5th St SE (expansion of premises)
- b) Pig & Fiddle, 3812 W 50th St (upgrade from wine)
- c) Nightingale, 2551 Lyndale Ave S (new business)
- d) Gigi's Cafe, 824 W 36th St (expansion of premises to expand sidewalk cafe by adding seven tables)
- e) Northbound Smokehouse Brewpub, 2716 E 38th St (new business, including off-sale growler license).

Adopted.

Approved by Mayor Rybak 8/17/2012.

(Published 8/21/2012)

Resolution 2012R-433, granting Liquor and Wine Licenses to Dinkytown Wine & Spirits, 1412 5th St SE; Pig & Fiddle, 3812 W 50th St; Nightingale, 2551 Lyndale Ave S; Gigi's Cafe, 824 W 36th St; and Northbound Smokehouse Brewpub, 2716 E 38th St, was adopted 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 2012R-433**

**By Glidden**

**Granting Liquor and Wine Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Off-Sale Liquor, to expire October 1, 2012**

Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE (permanent expansion of premises)

**Off-Sale Malt Liquor, to expire July 1, 2013**

Smokehouse Brewpub LLC, dba Northbound Smokehouse Brewpub, 2716 E 38th St (new business – growler)

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2013**

Pig & Fiddle LLC, dba Pig & Fiddle, 3812 W 50th St (upgrade from wine)

Smokehouse Brewpub LLC, dba Northbound Smokehouse Brewpub, 2716 E 38th St (new business)

**On-Sale Wine Class E with Strong Beer, to expire July 1, 2013**

GMHG LLC, dba Nightingale, 2551 Lyndale Ave S (new business)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2013**

Ventnor Partners LLC, dba Gigi's Cafe, 824 W 36th St (permanent expansion of premises).

Adopted.

Approved by Mayor Rybak 8/17/2012.

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

Adopted.

Resolution 2012R-434, granting applications for Liquor, Wine and Beer Licenses, was adopted 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 2012R-434  
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 275914):

**Off-Sale Malt Liquor, to expire October 1, 2012**

Moto I Inc, dba Moto I, 2940 Lyndale Ave S

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2013**

The Lakes Restaurant Inc, dba Stella's Fish Cafe, 1402 W Lake St (internal transfer of shares)

The Lakes Restaurant Inc, dba Stella's Fish Cafe, 1402 W Lake St (new shareholder)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire August 19, 2012**

Town Hall Ltd Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Ave S (temporary expansion of premises August 18, 2012, 9:00 a.m. to 9:00 p.m. and August 19, 2012, Noon to 8:00 p.m., Bocce Ball Tournament)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2013**

RCSH Operations Inc, dba Ruth's Chris Steakhouse, 920 2nd Ave S, Suite 100

**Temporary On-Sale Liquor**

Institute for Agriculture & Trade Policy, dba Institute for Agriculture & Trade Policy, 2105 1st Ave S (August 18, 2012, 10:00 a.m. to 2:00 p.m., Bike & Bite, 2105 1st Ave S)

St. Mary's Greek Orthodox Church, dba St. Mary's Greek Orthodox Church, 3450 Irving Ave S (September 8 & 9, 2012, 10:00 p.m. and 9:00 p.m.)

**On-Sale Wine Class C-1 with Strong Beer, to expire September 8, 2012**

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage Co, 215 E Hennepin Ave (temporary expansion of premises, September 7 & 8, 2012, 11:00 a.m. to 10:00 p.m., Kramarczuk Kielbasa Festival)

**On-Sale Wine Class E with Strong Beer, to expire July 29, 2012**

Lucky Dragon Riverside Restaurant Inc, dba Lucky Dragon, 1827 Riverside Ave (temporary expansion of premises July 28 & 29, 2012, Wedding Reception)

**Off-Sale Beer, to expire April 1, 2013**

Twins Stop Inc, dba Twins Stop-N-Go, 1122 Spring St NE (new business).

Adopted.

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

Adopted.

Resolution 2012R-435, granting applications for Business Licenses, was adopted 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 2012R-435  
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 August 17, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275914):

Laundry; Caterers; Farm Produce Permits; Grocery; Institutional Food Service; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Plumber; Precious Metal Dealer; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class A; Antique Dealer Class B; Solicitor - Individual; Solid Waste Hauler; Tattooist/Body Piercer Establishment; Taxicab Vehicle – Fuel Efficient; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades; Tobacco Dealer.

Adopted.

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

Adopted.

Resolution 2012R-436, granting applications for Gambling Licenses, was adopted 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 2012R-436**

**By Glidden**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275914):

**Gambling Exempt**

Boys & Girls Club, dba Boys & Girls Club, 690 Jackson St (Raffle July 29, 2012, Capital Grille)

Bestprep, dba Bestprep, 7100 Northland Cir N, Brooklyn Park (Raffle August 16, 2012, TCF Bank Stadium)

Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 8011 34th Ave S (Raffle August 26, 2012, The Pourhouse)

The Brand Lab, dba The Brand Lab, 110 5th St N (Raffle September 6, 2012, Carmichael Lynch)

Downtown Ducks Unlimited, dba Ducky Unlimited, 3577 Tera Ln, Woodbury (Raffle September 18, 2012, Nicollet Island Pavilion)

American Brain Tumor Association, dba American Brain Tumor Association, 8550 Bryn Mawr Ave, Chicago IL (Raffle September 22, 2012, The Depot)

Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 8011 34th Ave S, Bloomington (Raffle September 28, 2012, McNamara Alumni Center).

Adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Yendung Thi Van for the property located at 3719 Penn Ave N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (18) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-32 which are hereby made a part of this report by reference.

Adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Gary Hogren for the property located at 4910 Newton Ave N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more

fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-33 which are hereby made a part of this report by reference.

Glidden moved that the report be postponed. Seconded.

Adopted by unanimous consent.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:**

**T&PW** - Your Committee recommends passage of the accompanying resolution authorizing the execution of a Limited Use Permit with the Minnesota Department of Transportation to operate and maintain a portion of the Bluff Street Bike and Pedestrian Trail within the right-of-way of the I-35W Bridge over the Mississippi River.

Adopted.

Resolution 2012R-437, authorizing execution of a Limited Use Permit with the State of Minnesota Department of Transportation for a bike and pedestrian trail under the I-35W Mississippi River Bridge, was adopted 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 2012R-437**

**By Colvin Roy**

**Authorizing a Limited Use Permit with the State of Minnesota Department of Transportation for a bike and pedestrian trail under the I-35W Mississippi River Bridge.**

Whereas, the City of Minneapolis is a political subdivision, organized and existing under the laws of the State of Minnesota; and

Whereas, the City of Minneapolis intends to construct the Bluff Street Bicycle and Pedestrian Trail under I-35W through the existing box culvert tunnel constructed for this purpose; and

Whereas, the State of Minnesota, Department of Transportation, requires a Limited Use Permit for the construction and utilization along a portion of the Bluff Street Trail Project that falls within Minnesota Department of Transportation I-35W Bridge right-of-way;

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

That the proper City officers be authorized to enter into a Limited Use Permit with the State of Minnesota Department of Transportation to operate and maintain the portion of the Bluff Street Trail within the right-of-way of the I-35W Mississippi River Bridge. The City of Minneapolis shall construct, operate, and maintain said trail in accordance with the Limited Use Permit to be granted by the Minnesota Department of Transportation.

Be It Further Resolved that the City Council and the Mayor are authorized to execute said Limited Use Permit and any amendments to the Permit.

Adopted.

**T&PW** - Your Committee recommends passage of the accompanying resolution directing the Hennepin County Auditor to cancel the remainder of a levied 5-year sidewalk repair special assessment on the property located at 5336 30th Ave S for taxes payable in 2013 and subsequent years.

Adopted.

Resolution 2012R-438, directing the Hennepin County Auditor to cancel the special assessment for sidewalk repair for the property located at 5336 30th Ave S, was adopted 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 2012R-438**  
**By Colvin Roy**

**CANCELLATION OF MINNEAPOLIS PUBLIC WORKS  
SIDEWALK REPAIR SPECIAL ASSESSMENT**

**Directing the Hennepin County Auditor to cancel the special assessment for sidewalk repair improvements for the payable 2013 and subsequent years' tax files described hereinafter.**

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed Resolution 2009R-488 on October 16, 2009, that reduced by half the following sidewalk assessment and levied the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2010 real estate tax statements; and

Whereas, there is the following described assessment that is now paid in full due to the amount of principal and interest collected on the 2010, 2011, and first half of 2012 real estate tax statements due to an error in the amount of the assessment;

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

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessment from the 2013 and subsequent years' tax statements:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>ORIGINAL AMT</u>
01052	10S05	13-028-24-44-0098	\$725.40

Adopted.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration an application to the State Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the post-tensioning rehabilitation of the Plymouth Ave N Bridge over the Mississippi River, now recommends passage of the accompanying resolutions:

- a) Authorizing the proper City officers to execute a Bridge Bond Grant Agreement with the State Commissioner of Transportation accepting State Bridge Funds in the amount of \$4,500,000; and
- b) Increasing the appropriation of State Bridge Bonds by \$500,000 to a total of \$4,500,000, and decreasing the appropriation of Municipal State Aid Disaster Funds by \$977,753 to a total amount of \$1,167,775.

Adopted.

Resolution 2012R-439, authorizing the execution of an agreement for a grant from the State Transportation Fund (Bridge Bonds) for the rehabilitation of the Plymouth Ave N Bridge over the Mississippi River, was adopted 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 2012R-439**  
**By Colvin Roy and Hodges**

**Authorizing the execution of an agreement for a grant from the State Transportation Fund (Bridge Bonds) for the rehabilitation of the Plymouth Ave N Bridge over the Mississippi River.**

Whereas, the City of Minneapolis has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund, SAP 141-197-024, for construction of Bridge No 27611; and

Whereas, the Commissioner of Transportation has given notice that funding for this bridge is available; and

Whereas, the amount of the grant has been determined to be \$4,500,000 by reason of the lowest responsible bid;

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

That the City of Minneapolis does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required.

Be It Further Resolved that the proper City officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Adopted.

**RESOLUTION 2012R-440  
By Colvin Roy and Hodges**

**Amending The 2012 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation of State Bridge Bonds (04100-9010938-CBR125 - Source 321500) by \$500,000, to a total amount of \$4,500,000, and

b) Decreasing the appropriation of Municipal State Aid Disaster Funds (04100-9010938-CBR125 - Source 321514) by \$977,753, to a total amount of \$1,167,775.

Adopted.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7646 from Fer-Pal Construction USA, LLC, for an estimated expenditure of \$681,018.19, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the reconstruction of an existing water main.

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.

Approved by Mayor Rybak 8/17/2012.

(Published 8/21/2012)

**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.

Resolution 2012R-441, authorizing settlements of *Leah Anderson v. City of Minneapolis, et al.* and *Robert Earl Alexander v. City of Minneapolis*, was adopted 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 2012R-441  
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) *Leah Anderson v. City of Minneapolis, et al.*, by payment of \$30,000 to Leah Anderson and her attorney from the Internal Service Self Insurance Fund (06900-1500100-145400); and

b) *Robert Earl Alexander v. City of Minneapolis*, by payment of \$15,500 to Robert Earl Alexander and payment of \$7,500 to Continental Casualty Company from the Internal Service Self Insurance Fund (06900-1500100-145664).

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

Adopted.

**W&M/Budget** - Your Committee recommends approval of the September 2012 utility billing insert on behalf of Finance providing information about utility bill automatic payment (Petr 275924).

Adopted.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment No. 1 to Contract C-35630 with Videotronix to increase the contract total by \$5,003.59 for a revised contract amount of \$331,238.59, for the Perimeter Detection Project for the Water Works Division. Action is within the original project budget; no additional appropriation required.

Adopted.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received by the Department of Finance and Property Services on OP No 7663 from Energy Concepts, Inc. in the amount of \$58,500 to furnish and deliver all labor, materials, equipment and incidentals necessary to provide installation and for the commissioning of a 13kW Photovoltaic System at Fire Station No. 4.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

**W&M/Budget** - Your Committee recommends authorizing the proper City officers to execute a new three- year contract with Fringe Benefits Management Company, a division of Wage Works, Inc., to provide administrative and recordkeeping services for the City of Minneapolis Minneflex Spending accounts, the City of Minneapolis Transportation Benefits Plan, and the City of Minneapolis Health Reimbursement Arrangement Plan, effective January 1, 2013, with an option to renew for up to two additional years.

Adopted.

**W&M/Budget** - Your Committee recommends authorizing the proper City officers to execute a contract with KPMG to provide professional facilitation services for a workshop to be conducted by the Audit Committee on September 29,2012, for an amount not to exceed \$15,000, using the City's standard contract with modifications.

Adopted.

Approved by Mayor Rybak 8/17/2012.

(Published 8/21/2012)

**W&M/Budget** - Your Committee recommends passage of the accompanying resolutions approving terms of the collective bargaining agreements with: a) Trades Unit, Minneapolis Building and Construction Trades Council, AFL-CIO, effective May 1, 2011 through April 30, 2013; and b) Truck Drivers Unit, Minnesota Teamsters Public and Law Enforcement Employees Union, Local No. 320, effective January 1, 2012 through December 31, 2013.

Adopted.

Resolution 2012R-442, approving a 24-month labor agreement with Trades Unit, Minneapolis Building and Construction Trades Council, AFL-CIO, was adopted 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 2012R-442**

**By Hodges**

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

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Trades Unit, Minneapolis Building and Construction Trades Council, AFL-CIO (Petn No 275926), be approved.

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

Adopted.

Resolution 2012R-443, approving a 24-month labor agreement with Truck Drivers Unit, Minnesota Teamsters Public and Law Enforcement Employees Union, Local No. 320 was adopted 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 2012R-443**

**By Hodges**

**Approving the terms of a collective bargaining agreement with the Truck Drivers Unit, Minnesota Teamsters Public and Law Enforcement Employees Union, Local No. 320, and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Truck Drivers Unit, Minnesota Teamsters Public and Law Enforcement Employees Union, Local No. 320, (Petn No 275926), be approved.

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

Adopted.

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Personnel* by amending Article XI relating to the Job Bank to make language more consistent with recent changes made to letters of agreement contained within current collective bargaining agreements, remove language pertaining to provisions of the American Recovery and Reinvestment Act of 2009 regarding COBRA, and remove the sunset clause within Section 20.900 – Insurance Continuation; and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2012-Or-057 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel* by amending Article XI. Job Bank to make housekeeping updates to the language, was adopted 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 2012-Or-057**  
**By Johnson**  
**Intro & 1st Reading: 7/20/2012**  
**Ref to: W&M/Budget**  
**2nd Reading: 8/17/2012**

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

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

Section 1. That Section 20.820 of the above-entitled ordinance be amended to read as follows:

**20.820. Purpose and intent.** It is the purpose and intent of the city in establishing the job bank program ~~by this article~~ to provide the information, options, and assistance to classified city employees, under council jurisdiction whose jobs are eliminated as a result of restructuring or economic considerations, so that employees can make informed choices about their future with the city, and at the same time, utilize the competencies of city employees whenever possible in staffing vacant city positions. ~~This program shall replace the unassigned workers program.~~

It is also the purpose and intent of the city in establishing the job bank program to assist classified city employees who work under council jurisdiction and are injured in the course and scope of employment, by providing job bank services to injured employees when they are unable to return to their pre-injury job as a result of permanent work restrictions attributable to their work injury.

~~Unclassified, or appointed, employees, sworn employees in the fire department, sworn employees in the police department, and temporary or seasonal employees shall not be entitled to any of the provisions of this article or of the job bank program. Sworn employees in the fire and police departments shall not be entitled to any of the provisions of this article or of the job bank program unless otherwise authorized by their respective collective bargaining agreements.~~

Section 2. That Section 20.840 of the above-entitled ordinance be amended to read as follows:

**20.840. Job bank.** Provisions for employees whose jobs are eliminated, ~~either~~ as a result of restructuring or economic considerations, are contained in section 20.850 of this Code. Provisions for employees with permanent restrictions, resulting from injuries arising in the course and scope of employment for the city, that prevent return to the employee's pre-injury job, are contained in section 20.860 of this Code.

Section 3. That Section 20.850 of the above-entitled ordinance be amended to read as follows:

**20.850. Procedure.** Job bank procedures; restructuring/economic component.

~~(a)~~ The provisions of subdivisions (a)(1) to (a)(56) shall only apply to employees whose jobs are eliminated as a result of restructuring or economic considerations.

(1) *Advance notice of position elimination.* Once a position has been identified to be eliminated, an advance notice of position elimination shall be given to the affected employee consistent with section 20.850(a)(2) of this ordinance. The notice may inform the employee of the options, training assistance, and out placement services available to that employee. If a position is to be eliminated in any department, the employee with the least amount of seniority in the particular job class will be placed in the job bank, regardless of performance, assignment, function or other consideration.

(2) *Tenure in job bank.* Once an affected employee is given the advance notice of position elimination provided by this article, that employee shall begin their ~~day~~ tenure in the job bank. Employees whose positions have been eliminated based on the City's regular annual budget process, including the mayor's proposed budget and/or the final annual city budget as passed by the city council, or as otherwise ordered by the city council, are entitled to a sixty (60) day

~~tenure in the job bank. All positions eliminated based on the mayor's proposed budget and/or the final annual city budget as passed by the city council must be so eliminated after the mayor's proposed budget is announced but no later than January 1 of the next budget cycle. All attempts shall be made to place the job bank employee into a vacant city position. If during the job bank tenure the employee is not able to exercise displacement or bumping rights and has not been placed in another city position, the employee shall be laid off and placed on the appropriate layoff list with all rights as pursuant to the relevant collective bargaining agreements, if any, and all applicable civil service rules.~~

~~Employees whose positions have been eliminated based on the city's regular annual budget process, including the mayor's proposed budget and/or the final annual city budget as passed by the city council, or as otherwise ordered by the city council, are entitled to a sixty (60) day tenure in the job bank. All positions eliminated based on the mayor's proposed budget and/or the final annual city budget as passed by the city council must be so eliminated after the mayor's proposed budget is announced but no later than January 1 of the next budget cycle. Employees whose positions have been eliminated based on any mid-cycle budget or revenue reductions not controlled by the mayor and the city council, are entitled to a thirty (30) day tenure in the job bank.~~

- (3) Job bank programs. Employees of the city who are notified of the pending elimination of their position by the provisions of this article shall be placed into the job bank. Employees in the job bank shall retain their job title, salary, benefits and representation, if any, during their tenure in the job bank. Employees in the job bank will continue their job duties but will be allowed a reasonable amount of paid time off to engage in job bank related activities. ~~Each~~ Employees in the job bank shall, to the extent feasible, work with a placement coordinator and shall, upon request of the employee, receive skills assessment, training or retraining, assistance in finding a vacant position within the city or, finally, out placement assistance. These services shall be provided to the job bank employee at no cost to the employee.
- (4) Lateral Transfers. Employees in the job bank may request to be transferred to a vacant position in another job classification at the same Minneapolis Civil Service Commission (MCSC) grade level provided they meet the minimum qualifications for the position.
- a. Seniority Upon Transfer. In addition to earning job classification seniority in their new title, transferred employees shall continue to accrue job classification seniority in their former title and they shall have the right to return to their former title if the position to which they have transferred is later eliminated. In the event the transfer is to a formerly held job classification, seniority in the new (formerly held) title shall run from the date upon which they were first certified to the former classification.
- b. Pay Upon Transfer. The employee's rate of pay in the new position will be their former rate of pay or that of the next available step in the pay progression schedule for the new title which provides for an increase in the rate of pay if no equal pay progression step exists. If the employee's rate of pay in the former position is greater than the maximum rate of pay applicable to the new title, the employee's rate of pay will be red circled until the maximum rate of pay salary for the new title meets the employees' red circled rate. Such employees shall, however, be eligible for fifty (50) percent of any city council approved general increase. Lateral transfers shall not affect anniversary dates of employment for pay progression purposes.
- c. Probationary Periods. Employees transferring to a different title will serve a six (6) calendar month probationary period. In the event that probationary period is not satisfactorily completed, the affected employee shall be returned to the job bank and the employee's "bumping", layoff or transfer rights under MCSC rules or other applicable authority shall be restored to the same extent such rights existed prior to the employee taking the probationary position. Upon the affected employee's first such return to the job bank, the employee shall be entitled to remain in the job bank for the greater of ten (10) business days, or the duration of the applicable job bank period, as determined under

section 20.850(a)(2) of this ordinance, that remained as of the date the employee began in the probationary position. The rate of pay for the remainder of the employee's time in the job bank will be the same as the rate in effect as of the employee's last day in the probationary position. Return to the job bank terminates the employee's work in the probationary assignment and, therefore, time served following the return to the job bank shall not be construed to count toward the completion of the probationary period. Displacement and bumping rights shall be forfeited unless exercised by the deadlines specified in this paragraph.

~~(4)(5) *Displacement and bumping.* Job bank employees who have displacement or bumping rights may exercise those rights immediately. No denial of displacement or bumping rights shall be allowed once the employee's job has been actually eliminated.~~

a. *Definitions.*

1. Primary impact employee means an employee who enters the job bank due to the elimination of their position.
2. Secondary impact employee means an employee who enters the job bank because they may be displaced or bumped by a primary impact employee.

b. *Procedures.* Affected employees may exercise their displacement, "bumping" and/or layoff rights immediately.

1. A primary impact employee entitled to sixty (60) days in the job bank must exercise displacement or bumping rights within forty-five (45) days of entering the job bank. Such primary impact employee who exercises their rights within the first thirty (30) days from entering the job bank shall have eight (8) hours added to their vacation bank.
2. A primary impact employee entitled to thirty (30) days in the job bank must exercise displacement or bumping rights within twenty-two (22) days of entering the job bank. Such primary impact employee who exercises their rights within the first fifteen (15) days shall have eight (8) hours added to their vacation bank.
3. A secondary impact employee must exercise their displacement or bumping rights within seven (7) calendar days of being displaced or bumped.
4. Displacement and bumping rights shall be forfeited unless exercised by the deadlines specified in this section. Regardless of when bumping rights are exercised, any change in the rate of pay of the employee resulting from the exercise of bumping rights shall not take effect until after the employee's tenure in the job bank would have expired had the employee remained in the job bank for the maximum period.

~~(5) *Displaced employees in job bank.* All employees of the city who are notified of the pending elimination of their position by the provisions of this article shall be placed into job bank, pursuant to the provisions of this ordinance. All employees in the job bank shall retain their job title, salary, benefits and representation, if any, during their tenure in the job bank. Employees in the job bank will continue their job duties but will be allowed a reasonable amount of paid time off to engage in job bank programs, training and out placement.~~

~~(6) *Layoff.* If during the job bank tenure the employee is not able to exercise displacement or bumping rights and has not been placed in another city position, the employee shall be laid off and placed on the appropriate recall list with all rights as pursuant to the relevant collective bargaining agreement, if any, and all applicable MCSC rules.~~

Section 4. That Section 20.860 of the above-entitled ordinance be amended to read as follows:

**20.860. Job bank procedures; injured employee component.**

(a) The provisions of subdivisions (a)(1) to (a)(4) shall only apply to employees whose injuries are covered by the Minnesota Workers' Compensation Act.

- (1) *Advance notice of participation in job bank.* When a determination is made by the city that an eligible injured employee is ready to enter the job bank, the employee will be given official notice of one hundred twenty (120) days eligibility for the job bank.
- (2) *Tenure in job bank.* Employees who sustain injuries on or after June 1, 1995, and receive notice of eligibility shall begin one hundred twenty (120) days tenure in the job bank. The injured employee provisions in section 20.860 will also cover permanently certified or appointed employees who are in permanent or temporary job assignments as a result of work injury, if their job is eliminated.<sup>1</sup> Eligibility will be determined by the city and will begin when medical reports<sup>2</sup> indicate that permanent medical restrictions will prevent the eligible employee from returning to their pre-injury job, with or without reasonable accommodation. If during this one hundred twenty (120) day period the injured employee has not been placed in another city position, the employee shall be separated from city service.
- (3) *Compliance with Workers' Compensation Act.* Injured employees who are placed in the job bank must comply with the provisions of the Minnesota Workers' Compensation Act as a condition of continuing eligibility for workers' compensation benefits and the Return to Work Job Bank.
- (4) *Injured employees in job bank.* ~~All~~ injured employees, during their tenure in the job bank, shall be paid their pre-injury wage and fringe benefits. While in job bank, injured employees will continue performing temporary or alternate duties assigned, while being allowed some paid time off to engage in job bank programs, training and outplacement, for examples.

<sup>1</sup>The provisions of section 20.850 will not apply to these employees.

<sup>2</sup>In administering this ordinance, the city will rely on medical reports from physicians appointed by the city if there are conflicting opinions.

Section 5. That Section 20.870 of the above-entitled ordinance be amended to read as follows:

**20.870. Position vacancies.** The following provisions will apply to all employees who become eligible for job bank services.

(a) ~~All vacancies in job bank.~~ Filling vacant positions.

- (1) ~~All vacant positions which are to be filled and come under council jurisdiction shall be placed into the job bank.~~ Position vacancies to be filled shall first be offered to employees that have been laid off and are on a recall list for the involved job title, or who may have a right to bump or transfer to the position ("absolute rights").
- (2) ~~Only those positions in the approved annual budget shall be filled in the budget year. If no employee has absolute rights to a vacant position, the following shall be given consideration in priority order:~~
  - 1st Priority: Qualified job bank employees
  - 2nd Priority: Other qualified employees on a recall list
  - 3rd Priority: Employee applicants from a list of eligibles
  - 4th Priority: Displaced certified temporary employees
  - 5th Priority: Non-employee applicants from a list of eligibles
- (3) ~~All placements resulting solely from economic layoff or restructuring made through job bank shall be made by the director of human resources after consultation with the hiring authority and the employee. Employees who refuse a reasonable job offer will be terminated from further job bank participation, and their workers' compensation benefits will be discontinued in accordance with the provisions of the Minnesota Workers' Compensation Act.~~ Minimum qualifications: The qualifications of an employee in the job bank or on a recall list shall be reviewed by the human resources department to determine whether the employee meets the qualifications for a vacant position. Whether the employee can be trained for a position within a reasonable time (not to exceed three months) shall be considered when determining the qualifications of an employee.
  - a. Refusal of job offer. Employees in the job bank who do not participate in good faith or refuse a reasonable job offer will be terminated from further job bank participation, and

their workers' compensation benefits will be discontinued in accordance with the provisions of the Minnesota Workers' Compensation Act.

b. Job bank employees. If it is determined that an employee is qualified for a vacant position, the employee shall be selected. The appointing authority may appeal the issue of whether the employee is qualified for a vacant position. The dispute shall be presented to and resolved by the job bank committee. If it is determined that an employee does not meet the qualifications for a vacant position, the employee may appeal to the director of human resources.

c. Other employees on a recall list. If it is determined that an employee on a recall list is qualified for a vacant position, the employee will be given priority consideration and may be selected. Appeals regarding employees on a recall list and their qualifications for a position will be handled by the MCSC.

~~(4) Subject to civil service rules and bargaining unit agreements, all vacant positions throughout the city shall first be attempted to be filled through job bank. If a position cannot be filled through job bank, then the attempt to fill the position will be made through active city employees. Only if the position cannot be filled through job bank and currently employed city employees not in job bank may the vacant position be filled from outside city service.~~

~~(b) Job bank programs. Each employee in the job bank shall work with a placement coordinator and shall receive assistance in finding a vacant position within the city. In addition, the employee may receive skills assessment, training or retraining or outplacement assistance. These services shall be provided to the job bank employee at no cost to the employee.~~

Section 6. That Section 20.900 of the above-entitled ordinance be amended to read as follows:

**20.900. - Insurance continuation.**

~~(a) Beginning April 1, 2009. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance.~~

~~(1) If an employee has medical coverage or medical and dental insurance coverage on the date of layoff and the employee elects to continue medical insurance through COBRA or medical and dental insurance through COBRA, the city shall make the following contribution to the employee's Health Reimbursement Arrangement Plan account:~~

~~(2)~~

<b>1st Month of</b>	<b>Contribution</b>	
	<b>Medical Coverage Level</b>	
<b>COBRA Eligibility</b>	<b>Single</b>	<b>Family</b>
May 2009	\$1,430	\$4,470
June 2009	\$1,450	\$4,540
July 2009	\$1,470	\$4,600
August 2009	\$1,490	\$4,670
September 2009	\$1,520	\$4,740
October 2009	\$1,540	\$4,800
November 2009	\$1,560	\$4,870
December 2009	\$1,580	\$4,940
January 2010 through March 2010	\$1,600	\$5,000

- ~~(2) If an employee has only dental insurance coverage on the date of layoff and the employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.~~

~~The terms of this section 20.900(a) will expire on February 28, 2010.~~

~~(b) Beginning March 1, 2010. All employees whose positions are eliminated pursuant to this article and who are laid off shall be provided the following with respect to COBRA continuance of medical and dental insurance:~~

- ~~(1) If an employee elects to continue medical insurance through COBRA, the city shall pay one hundred (100) percent of the premium for medical insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect on the date of the layoff.~~
- ~~(2) If an employee elects to continue dental insurance through COBRA, the city shall pay one hundred (100) percent of the premium for dental insurance for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect on the date of the layoff.~~

~~The terms of section 20.900(b) will expire on December 31, 2011. The city council must take specific action to extend the terms of section 20.900(b) relating to the continuation of insurance benefits if the city council wants those specific insurance benefits to apply to laid off employees after December 31, 2011.~~

(a) Coverage. Employees whose positions are eliminated pursuant to this article and who are laid off shall be provided with six (6) months of medical and dental plan coverage as described in Section (b) below.

(b) Procedures.

- (1) If an employee is eligible for and elects to continue medical insurance under federal COBRA law, the city shall pay one hundred (100) percent of the monthly premium for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the medical plan in effect or last elected on the date of the layoff.
- (2) If an employee is eligible for and elects to continue dental benefits under federal COBRA law, the city shall pay one hundred (100) percent of the monthly cost for the first six (6) months of COBRA continuance at the level of coverage, single or family, in effect on the date of the layoff and for the dental plan in effect or last elected on the date of the layoff.
- (3) If an employee and/or his eligible dependent(s) are eligible for coverage under the federal Medicare program, the human resources department shall negotiate the optimal arrangement for continued medical and dental coverage protecting the interests of both the City and the employee.

Adopted.

**W&M/Budget** - Your Committee recommends acceptance of the single bid received by the Departments of Convention Center and Procurement on OP No 7654 from StageRight Corporation in the amount of \$715,000 to furnish, install and deliver a portable/retractable tiered riser seating system to the City of Minneapolis Convention Center.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

**W&M/Budget** - Your Committee, having under consideration Bicycle Parking and Access Guidelines for City Worksites, now recommends the following:

- a) receiving and filing the revised bicycle parking and access guidelines;
  - b) establishing the Property Services division as the responsible party for installation and maintenance of bicycle storage systems at City worksites;
  - c) authorizing any operating costs associated with the maintenance and upkeep of bicycle storage systems to be included in the cost allocation/recovery for maintaining the building and/or site; and
  - d) authorizing the Director of Property Services to develop bicycle access and internal service policies as appropriate for city-owned and operated buildings.
- Adopted.

**The ZONING & PLANNING Committee submitted the following reports:**

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Marcelliao Hark, on behalf of Nicollet Street LLC, (BZZ-5595) to rezone the properties at 2401 and 2405 Nicollet Ave from the C1 Neighborhood Commercial District, PO Pedestrian Oriented Overlay District to the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District to allow for the establishment of a tobacco shop in an existing commercial building at the southwest corner of Nicollet and E 24th St, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted.

Ordinance 2012-Or-058 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2401 and 2405 Nicollet Ave to the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District, was adopted 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 2012-Or-058**  
**By Schiff**  
**1st & 2nd Readings: 8/17/2012**

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

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

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

That part of Lots 13 and 14, Block 2, Belleview Addition to Minneapolis (2401 and 2405 Nicollet Ave – Plate 20) to the C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District.  
Adopted.

**Z&P** – Your Committee, having under consideration Resolution 2012R-207 vacating 22 feet of the south side of Lagoon Ave located between Fremont Ave S and Girard Ave S in relation to the application submitted by Uptown Gassen, LLC, now recommends passage of the accompanying resolution to correct the legal description of the alley vacation.  
Adopted.

Resolution 2012R-444, amending Resolution 2012R-207 entitled “Vacating 22 feet of the south side of Lagoon Avenue located between Fremont Avenue South and Girard Avenue South (Vacation File No. 1582), passed April 13, 2012 to correct the legal description of the alley vacation, was adopted 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 2012R-444  
By Schiff**

**Amending Resolution 2012R-207 entitled “Vacating 22 feet of the south side of Lagoon Avenue located between Fremont Avenue South and Girard Avenue South (Vacation File No. 1582)”, passed April 13, 2012.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by adding the following language to correct the legal description:

That part of the alley dedicated in Windom’s Addition to Minneapolis, according to the recorded plat thereof on file, Hennepin County, Minnesota, lying south of a line from the southeast corner of Lot 8, Block 23, to the southwest corner of Lot 5, Block 23, and north of a line from the northeast corner of Lot 11, Block 26, to the northeast corner of Lot 2, Block 26, all in Windom’s Addition to Minneapolis is hereby vacated.

Adopted.

**RESOLUTIONS**

Resolution 2012R-445, authorizing Fire Fighters employed by the City of Minneapolis to participate in the partnership between the International Association of Fire Fighters and the Muscular Dystrophy Association by soliciting for donations during the 2012 “Fill the Boot” campaign, was adopted 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 2012R-445**

**By Tuthill, Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Schiff, Quincy, Colvin Roy, and Hodges**

**Authorizing Fire Fighters employed by the City of Minneapolis to participate in the partnership between the International Association of Fire Fighters and the Muscular Dystrophy Association by soliciting for donations during the 2012 “Fill the Boot” campaign.**

Whereas, Chapter 227 - H.F. No 3017 of the Laws of Minnesota for 2011 authorizes, notwithstanding any law or ordinance to the contrary, cities to permit on-duty firefighters to solicit charitable contributions from motorists provided:

- The solicitation is for only one charitable organization annually;
- The charitable organization is qualified under section 501(c)(3) of the Internal Revenue Code and is registered as a charity under state law;
- The solicitation does not occur for more than three days, whether or not consecutively, in any calendar year; and
- The charitable organization provides to the municipality proof of commercial general liability insurance against claims for bodily injury and property damage if the injury or damage occurs (i) on public streets, roads, or rights-of-way, or (ii) as a result of the solicitor’s activities. The insurance must have a limit of no less than \$1,500,000 per occurrence and an endorsement to the policy naming the municipality as an additional insured; and

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

Whereas, the IAFF is the single largest national sponsor of the Muscular Dystrophy Association (MDA); and

Whereas, since 1954, when it first initiated its partnership with the MDA, IAFF members have raised over \$275 million toward the worldwide research efforts of MDA to eradicate 40 neuromuscular diseases as well as help support MDA's summer camps for children, professional and public health education, and other programs; and

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

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

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

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

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

Whereas, Minneapolis fire fighters are active members of IAFF Local 82 and have previously participated in the Fill the Boot campaign; and

Whereas, the Charitable Organization Policy adopted October 30, 2009, precludes on-duty fire fighter participation in the Fill the Boot campaign; and

Whereas, Minneapolis fire fighters intend to conduct their 2012 Fill the Boot activities on September 5, 6 and 7, 2012; and

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

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

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

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

That Minneapolis firefighter participation in the 2012 Fill the Boot campaign while on-duty will neither interfere with or preclude the performance of their regular daily duties nor detract from other work-related obligations to the public.

Be It Further Resolved that Minneapolis firefighter participation in the 2012 Fill the Boot campaign will be in the public interest and primarily serve a public purpose.

Be It Further Resolved that Minneapolis firefighter participation in the 2012 Fill the Boot campaign is contingent upon 1) the compliance of the MDA with Minneapolis Code of Ordinances, Chapter 333, Article II, Charitable Solicitations, 2) the completed execution of an agreement between the City and the MDA in which the MDA agrees to defend and indemnify and hold harmless the City of Minneapolis for all worker's compensation claims and tort claims arising out of the Minneapolis firefighter participation in the Fill the Boot campaign, including any costs incurred by the City pursuant to Minnesota Statutes, Chapter 299A, and 3) the MDA's provision of proof of commercial general liability insurance policy against claims for bodily injury and property damage with a limit of no less than \$1,500,000 per occurrence and an endorsement to the policy naming the City of Minneapolis as an additional insured.

Be It Further Resolved that the fire fighters participation in the 2012 Fill the Boot campaign is exempted from the restrictions of the Charitable Organizations Policy.

Be It Further Resolved, that Minneapolis fire fighters' participation in the 2012 Fill the Boot campaign is subject to reasonable conditions and limitations as may be established by the Fire Chief.

Adopted.

Resolution 2012R-446, honoring Advocates for Community through Musical Excellence (A.C.M.E.), was adopted 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 2012R-446**

**By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy, Hodges**

**Honoring Advocates for Community through Musical Excellence (A.C.M.E.)**

Whereas, The Venezuelan program el Sistema is a social justice program which aims to strengthen families and communities through means of classical music; and

Whereas, El Sistema, which began in a garage in Venezuela working with only 12 children, now serves over 300,000 children per year in hundreds of locations worldwide; and

Whereas, 70 to 90 percent of the students in El Sistema programs come from poor socio-economic backgrounds and areas with high crime; and

Whereas, In 2008, the Glenn Gould Prize was awarded to El Sistema founder José Antonio Abreu for demonstrating, “conclusively that music education is the gateway to lifelong learning and a better future;” and

Whereas, The non- profit organization Advocates for Community through Musical Excellence (A.C.M.E.) recognizes the beauty and transformative power of music which can aid in improving community living and relationships; and

Whereas, A.C.M.E. also recognizes that strong communities who work together are important for raising children to be productive citizens with a sense of ownership to the area and people they live with; and

Whereas, North Minneapolis currently has one of the highest concentration of violent crime and poverty in Minnesota but very limited access to musical instruction; and

Whereas, A.C.M.E. will host el Sistema Minneapolis to aid in improving the community of North Minneapolis by providing a 12-year music education program to the children of Nellie Stone Johnson Community School; and

Whereas, As it continues to grow, A.C.M.E. intends to expand the el Sistema musical instruction curriculum into all areas of Minneapolis; and

Whereas, “A.C.M.E. Day - A Celebration of Music of All” will be held on August 18, 2012 from 11:00 a.m. until 5:00 p.m. at Nellie Stone Johnson Community School with live entertainment, food, an auction, and games and prizes and will celebrate the beauty and power of music and community.

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

That we honor A.C.M.E. and proclaim August 18th, 2012, “A.C.M.E. Day.”

Adopted.

Resolution 2012R-447, declaring September 2012 “Hunger Action Month” in the City of Minneapolis., was adopted 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 2012R-447**

**By Johnson, Reich, Gordon, Hofstede, Samuels, Lilligren  
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges**

**Declaring September 2012 “Hunger Action Month” in the City of Minneapolis.**

Whereas, hunger and poverty are issues of grave concern in the United States, the State of Minnesota, and the City of Minneapolis; and

Whereas, the City of Minneapolis is committed to taking steps to educate people about the need to combat hunger in every part of our community, to provide resources citizens need, and to build awareness about the important role that food banks play in addressing hunger; and

Whereas, food banks and social service agencies across the country will host numerous events in the month of September to raise awareness about and focus attention on engaging communities in efforts to end hunger at the local level.

Now, therefore, be it resolved by the Mayor and City Council of the City of Minneapolis that the month of September 2012 be and hereby is declared "HUNGER ACTION MONTH" in the City of Minneapolis. In making this declaration, the City calls the attention of citizens to observe the commendable work of local food pantries, state and regional food banks, and other social service, nonprofit, and philanthropic organizations engaged in combating hunger in City of Minneapolis, the State of Minnesota, and the United States of America.

Adopted.

Resolution 2012R-448, declaring the week of September 16 to September 22 the Twin Cities Funk & Soul Week, was adopted 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 2012R-448**

**By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy, Hodges**

**Declaring the week of September 16 to September 22 the Twin Cities Funk & Soul Week.**

Whereas, the Twin Cities have a rich musical history steeped in a diverse variety of musical forms, notably influential funk and soul music; and

Whereas, Twin Cities '60s soul musicians such as Maurice McKinnies, Wanda Davis, Willie Walker, Mojo Buford, Jackie Harris, and Dave Brady and the Stars toiled with the social and political climate of the time to create a vibrant music scene; and

Whereas, the Minneapolis Spokesman, Connie's Insider, KUXL Radio, and clubs such as King Solomon's Mines, The Cozy and Saint Paul's Dirty Girty's were major outlets of support for the black music community at the time; and

Whereas, 70's groups Willie and the Bees, Band of Thieves, Prophets of Peace, Lewis Connection, and the Valdons pioneered and in the face of adversity laid the groundwork for a funk revolution in the Twin Cities that defied racial barriers and opened up cross cultural standards; and

Whereas, the City of Minneapolis wishes to celebrate the release of Twin Cities Funk & Soul: Lost R&B Grooves from Minneapolis/St. Paul 1964-1979 from local record company Secret Stash Records, the first of its kind collection that traces the roots of soul music in the Twin Cities and uncovers and documents the origins of the "Minneapolis Sound" pre-Purple Rain; and

Whereas, the Twin Cities Funk & Soul Allstars will be reunited for the first time ever to pay tribute to the rich funk and soul scene of the '60s and '70s on September 22 at the Cedar Cultural Center; and

Whereas, the City of Minneapolis wishes to bestow long overdue recognition and gratitude to the originators and purveyors of funk and soul music in the Twin Cities.

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

That the week of September 16 to September 22 be declared Twin Cities Funk & Soul Week in the City of Minneapolis.

Adopted.

**UNFINISHED BUSINESS**

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending rental licensing regulations, as follows:

- a) adding "effects of license revocation" for rental dwelling license holders and providing requirements inclusive of mandatory training in certain circumstances;
- b) amending provisions for the vacation of affected dwelling units; and

c) allowing for the administrative management of the substandard rental dwelling violation schedule, now recommends that said ordinance be given its second reading for amendment and passage.

Glidden moved the following:

a) to divide the ordinance so as to consider separately Sections 244.1910, 244.1915, 244.1930, 244.1940, and 244.1970;

b) that the separated portion of the ordinance be referred back to the Regulatory, Energy & Environment Committee; and

c) that the balance of the ordinance be adopted. Seconded.

Adopted upon a voice vote.

The report, with the amended ordinance, was adopted.

Ordinance 2012-Or-059 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending provisions regarding substandard dwellings and providing requirements inclusive of mandatory training for rental dwelling license holders in certain circumstances, was adopted 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 2012-Or-059**  
**By Glidden**  
**Intro & 1st Readings: 1/27/2012 & 4/13/2012**  
**Ref to: RE&E**  
**2nd Reading: 8/17/2012**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

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

Section 1. That Section 244.1810 of the above-entitled ordinance be amended as follows:

**244.1810. License required.** No person shall allow any dwelling unit to be occupied, or let or offer to let to another any dwelling unit for occupancy, ~~any dwelling unit~~ or charge, accept or retain rent for any dwelling unit unless the owner has ~~first obtained~~ a valid license or provisional license under the terms of this article. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section.

Section 2. That Section 244.1920 of the above-entitled ordinance be amended to read as follows:

**244.1920. Substandard dwelling.** A rental dwelling structure shall be considered substandard if:

(a~~1~~) At least one (1) dwelling unit within the structure scores twenty-five (25) or more points; or

(b~~2~~) The entire structure scores more than the points shown below based on the number of units within the structure:

TABLE INSET:

Number of Units	Total Points
1	25
2	30
3	35
4	40
5 or more	10 points per unit; <del>or</del>

(c~~3~~) Any major housing maintenance or fire code violation within the dwelling remains uncorrected. Any single violation scoring six (6) or more points is considered a major violation.

For purposes of the point calculation in this section, any combination of four (4) rooming units or shared bath units shall constitute one (1) dwelling unit. Points for a violation in a common area of the structure outside a dwelling unit will not be cumulative on a unit by unit basis. However, twenty-five (25) or more points in the common areas of a structure, including, but not limited to, the entryways, corridors, community rooms, exterior walls and roof, will constitute a substandard structure.

The director of inspections regulatory services or the director's designee shall cause to be prepared and shall keep on file for public inspection an accurate, complete, and detailed description and schedule of each violation used in the point calculation procedure set forth herein, along with the assigned point value for each such violation. The director shall publish, maintain and make available to the public via all readily available means, including posting to the city's designated Internet site, the description and schedule of all such violations and their assigned point values. Such description and schedule shall be titled the substandard rental dwelling violation schedule. The substandard rental dwelling violation schedule shall be subject to adjustment as deemed necessary and appropriate by the director or the director's designee and any amendments shall be published and made available to the public at least thirty (30) days prior to their effective date. The inspecting officer code official shall assign points according to the severity of each code violation on a scale from one (1) up to the maximum ten (10) points possible for such violation. Except when otherwise provided by state law, conditions in the design or structure of a building, such as, but not limited to, the size and dimension of rooms and windows and the electrical and plumbing systems, that were legal under existing codes when built shall not be violations as long as they are maintained in good repair. A violation shall receive maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health or safety of the occupants.

For any dwelling declared substandard pursuant to this section, the owner or other natural person as defined in section 244.1840 (3) shall provide proof of attendance and successful completion of a recognized healthy housing workshop or course approved by the director of regulatory services within three (3) months of the date of declaration. Failure to comply with this requirement shall constitute good cause pursuant to section 244.1910 to deny, refuse to renew, revoke, or suspend a rental dwelling license or provisional license and shall otherwise be subject to enforcement through any other available means provided by this Code.

Each code violation shall have the following maximum points:

TABLE INSET:

Computer Index Number	Violation	Maximum Points
<b>EXTERIOR VIOLATIONS</b>		
054	Ground cover	2
053	Drainage	2
059	Address numbers	2
111	Repairs/remove garage	2
113	Paint garage	2
115	Repair garage	2
117	Graffiti	4
119	Secure garage	4
121	Repair/replace retaining wall	6
123	Repair/remove/paint fence	4
127	Fence height	4

## August 17, 2012

428	Fence supports	1
429	Fence hazard	3
434	Repair/replace chimney	2
433	Repair/replace roof	4
435	Repair/remove gutters	1
436	Repair/replace exterior walls	6
437	Repair/replace foundation	6
439	Rain water drainage	1
441	Repair/replace exterior steps	3
442	Paint trim	2
443	Repair/replace exterior stairs	3
444	Paint siding	3
445	Repair/replace hatchway	2
447	Porch	4
448	Exterior doors	2
449	Repair cornice	4
450	Second floor doors	4
454	Repair/replace balcony	4
455	Repair/replace or provide guardrail	4
457	Repair/replace deck/patio	4
458	Provide exterior handrail	4
459	Repair/exterior handrails	4
461	Provide screens	1
462	Provide screen door	1
463	Provide storms	1
464	Provide storm door	1
465	Repair screens	1
467	Repair glass	1
474	Repair/replace	4
475	Registration	1
476	Post registration	1
480	Licensing	1
482	Post licensing	1
<b>OCCUPANCY AND PUBLIC VIOLATIONS</b>		
209	Security doors	2
211	Buzzers	1
212	Repair buzzer	1
214	Repair public area	4
215	Number units	1
216	Clean halls	1

**August 17, 2012**

217	Hall-exit lights	4
218	Interior handrails	3
219	Repair interior handrails	3
220	Room(s) too small	6
221	Illegal building	6
222	Unlawful occupancy	6
223	Attic occupancy	6
225	Basement occupancy	6
226	Garage occupancy	6
227	Remove illegal appliance	5
228	Seal garbage chutes	1
229	Seal transoms	2
230	Over occupancy	4
231	Required gas disconnected	10
233	Required water disconnected	10
235	Required electrical disconnected	10
241	Ceiling height	3
243	Minimum 150 sq. ft.	3
245	Minimum 220 sq. ft.	3
251	Repair support system	6
253	Interior stairs	6
261	Fire-exits	7
262	Fire egress	7
263	Repair/replace fire door	4
264	Provide closers	4
265	Provide latches	4
267	Blocked fire doors	4
269	Tents and trailers	1
<b>FIRE</b>		
309	Hall door closers	2
310	Exit signs	4
311	10-minute doors	3
313	Flammable liquids	5
315	Repair fire doors	4
317	Clean basement	5
319	Unlock fire doors	4
321	Smoke detectors	10
323	Owner-occupant smoke detector	10
325	Repair smoke detector	5
331	8" tread/9" rise	5

## August 17, 2012

333	36" stair width	5
335	Combustible storage	5
344	Provide fire extinguisher	5
343	Recharge fire extinguisher	5
345	Replace old extinguisher	5
374	Stop cooking	2
373	Post no cooking	1
375	Lav/bath facility	4
377	Community kitchen	2
379	Clean rooming house	2
384	No shared bath	5
<b>ELECTRICAL</b>		
414	Outlets	5
412	Faceplates	4
413	Repair outlets	2
415	Panel access	2
417	Illegal wiring	6
424	Extension cords	2
423	Basement fixtures	3
425	Repair/replace fixtures	4
429	Metal pull chains	3
434	Grounded bathroom	3
<b>PLUMBING</b>		
504	Open gas line	10
505	Sagging pipes	2
514	Plumbing repairs	5
513	Clogged	3
514	Plastic gas piping	6
515	Sewer required	10
516	Water to fixtures	10
517	Hot water	6
518	Pressure	5
519	Water heater	6
524	Fixtures required	10
522	Bathroom floor	3
523	Ballcocks	3
524	Faucets	5
525	Toilet seat	2
527	Bathroom door	5
528	Light/ventilation	4

## August 17, 2012

529	Flex lines	5
530	Vent shaft	4
534	Basement toilet	3
HEATING		
614	68 degrees	6
613	One-hour rating	6
624	Makeup air	4
623	Service equipment	6
625	Bleed radiators	1
HOUSING		
710	Repair/replace windows	2
711	Window locks	1
712	Openable windows	3
713	Sash cords	1
714	Doors, locks, hinges	3
715	Repair/replace door	4
716	Shades	1
717	Deadbolt—multiple dwelling	4
718	Deadbolt single-dx	4
719	Replace lock/double-key	4
726	Weather-strip window	1
727	Weather-strip doors	1
729	Rem previous occupancy junk	2
733	Roaches	2
735	Mice	2
737	Roaches contractor	4
739	Mice contractor	4
749	Repair/replace	4
754	Repair floors	4
753	Repair walls	4
755	Repair ceilings	4
759	Wall surfaces	3
774	Exit windows	8
773	Provide window	6
777	Provide keys	3
779	Mailboxes	2
824	Permitted uses	6
836	Maintain drive	2

Section 3. That Section 244.1945 of the above-entitled ordinance be amended to read as follows:

**244.1945. Reinstatement fee requirements.** A fee of one thousand dollars (\$1,000.00) must accompany any application for reinstatement of any license or provisional license that has been denied, revoked or suspended pursuant to 244.1940, if the applicant is a new owner of the property. If the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended under 244.2020, a fee of three thousand dollars (\$3,000.00) must accompany any application for reinstatement. This reinstatement fee is in addition to the license fees imposed pursuant to section 244.1880. If the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended pursuant to section 244.2020, the owner or other natural person as defined in section 244.1840 (3) shall provide proof of prior attendance and successful completion within one (1) year prior to the date of application of a recognized fundamentals of rental property management course approved by the director of regulatory services.

Adopted.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (allowing outdoor flea markets as a regulated use), as follows:

- a) Chapter 520 relating to *Introductory Provisions*;
- b) Chapter 535 relating to *Regulations of General Applicability*;
- c) Chapter 536 relating to *Specific Development Standards*;
- d) Chapter 537 relating to *Accessory Uses and Structures*;
- e) Chapter 541 relating to *Off-Street Parking and Loading*;
- f) Chapter 543 relating to *On-Premise Signs*;
- g) Chapter 546 relating to *Residence Districts*;
- h) Chapter 547 relating to *Office Residence Districts*;
- i) Chapter 548 relating to *Commercial Districts*;
- j) Chapter 549 relating to *Downtown Districts*;
- k) Chapter 550 relating to *Industrial Districts*; and
- l) Chapter 551 relating to *Overlay Districts*. Seconded.

Adopted upon a voice vote.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Secondhand Dealers*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending provisions to allow for the licensing and regulation of flea markets). Seconded.

Adopted upon a voice vote.

## NEW BUSINESS

Johnson moved to authorize the settlement of employment terms for the Director of Regulatory Services, by payment to Gregory Stubbs in the amount of \$64,729, an amount equal to six months' severance; \$6,000 for relocation expenses and six (6) months of COBRA (medical and dental) payments from fund/org 06900-1500100-145835.

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

Adopted. Yeas, 12; Nays, 1 as follows:

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

Nays – Schiff.

Approved by Mayor Rybak 8/17/2012.

(Published 8/21/2012)

Glidden moved concurrence with the determination of the Director of Housing Inspection Services that the property located at 2812 1st Ave S be constituted as an immediate hazard to public health and safety, and pursuant to Section 249.30 of the Minneapolis Code of Ordinances, that the waiver of the 60-

day waiting period be approved so as other procedures, set forth in Chapter 249, may be implemented immediately. Seconded.

Adopted.

Goodman moved passage of the accompanying resolution amending Resolution 2012R-410 entitled, "Authorizing applications to the Minnesota Department of Employment and Economic Development [DEED] Redevelopment Grant Program for the following projects: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve," passed August 3, 2012, which corrects language to comply with certain DEED requirements.

Adopted.

**RESOLUTION 2012R-449**  
**By Goodman and Hodges**

**Amending Resolution 2012R-410 entitled, "Authorizing applications to the Minnesota Department of Employment and Economic Development [DEED] Redevelopment Grant Program for the following projects: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve," passed August 3, 2012.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by correcting language as follows:

Whereas, the City of Minneapolis ~~intends to act~~ is acting as the legal sponsor for the following projects that will be more completely described in the Redevelopment Grant applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by August 1, 2012: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve; and

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

Whereas, the sources and amounts of the local match identified in the applications are ~~(or are expected to be)~~ committed to the identified projects; and

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

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

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

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

Adopted.

Schiff 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 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses* (amending the definition of restaurant to allow for more than one musician as permitted entertainment for establishments holding Class C-2 wine licenses).

Hofstede gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20 relating to *Zoning Code* (allowing veterinary clinic services), as follows:

- a) Amending Chapter 537 relating to Accessory Uses and Structures; and
- b) Amending Chapter 550 relating to Industrial Districts.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Antoine Lee v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote.

Council Chamber  
Room 315 City Hall  
350 South 5th Street  
Minneapolis, Minnesota  
August 17, 2012 – 10:16 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Peter Ginder, Deputy City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Antoine Lee v. City of Minneapolis* lawsuit.

At 10:17 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Quincy, Reich, Schiff, Colvin Roy.

Present – Council Members Tuthill, Quincy (in at 10:18 a.m.), Glidden, Goodman, Hodges, Samuels, Gordon, Reich (in at 10:19 a.m.), Hofstede, Schiff (in at 10:18 a.m.), Lilligren, Colvin Roy (in at 10:19 a.m.), Johnson.

Also Present – Peter Ginder, Deputy City Attorney; Timothy Skarda, Assistant City Attorney; Scott Gerlicher, Deputy Chief, MPD; Casey Carl, City Clerk; and Anne Roth, City Clerk's Office.

Timothy Skarda, Assistant City Attorney, summarized the *Antoine Lee v. City of Minneapolis* lawsuit from 10:18 a.m. to 10:25 a.m.

At 10:26 a.m., Schiff moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Hofstede moved that the City Attorney be authorized to settle the case of Antoine Lee v. City of Minneapolis, United States District Court file no. 11-cv-01945, upon the following terms and conditions: payment in the amount of \$68,000 to Antoine Lee and his attorneys Joshua R. Williams and A. L. Brown; and authorize the City Attorney to pay the costs of mediation and to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900 150 1500 400. Seconded.

Adopted.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

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

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 8/21/2012  
Official Posting: 8/24/2012  
Correction: 2/15/13