



# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF AUGUST 19, 2011

(Published August 27, 2011, in *Finance and Commerce*)

Council Chamber

Room 317 City Hall

350 South 5th Street

Minneapolis, Minnesota

August 19, 2011 - 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.

Adopted upon a voice vote 8/19/2011.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of August 5, 2011. Seconded.

Adopted upon a voice vote 8/19/2011.

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 8/19/2011.

### PETITIONS AND COMMUNICATIONS

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

NEIGHBORHOOD AND COMMUNITY RELATIONS (275117)

Agreements to Host the 2013 National Neighborhoods USA Conference

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (275118)

Distribution of Released NRP Phase II Funds Report.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275119)

Peavey Plaza: Waiver of City's procurement policy requiring an RFP; authorize agreement with HR&A Advisors for services.

Environmental Remediation Grant Awards: Accept & appropriate awards by MN Department of Employment & Economic Development, Metropolitan Council & Hennepin County.

PURCHASING (275120)

Demolition of Structures Bid OP#7477 (2527-14th Ave S, 312-23rd Ave N, 3654 Girard Ave N, 914-42nd Ave N, 4746 Dupont Ave N).

**ELECTIONS (See Rep):**

CITY CLERK (275121)

2011 Special Senate District 61 Elections: Approve a) polling places; and b) List of Election Judge Appointments; and Absentee Ballot Board.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:**

CIVIL RIGHTS (275122)

Complaint Investigations Unit: 2011 Mid-Year Report.

Contract Compliance Unit: 2011 Second Quarter Report.

Civilian Police Review Authority: 2011 Second Quarter Report.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and RE&E:**

REGULATORY SERVICES (275123)

City Inspection Management Responsibilities: Report on progress of integration, training programs, and performance of inspection programs between the Fire Prevention Bureau and the Department of Regulatory Services.

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

FIRE DEPARTMENT (275124)

Emergency Medical Service Training: Negotiate and execute five-year contract with Hennepin County Medical Services Education Department to provide training to members of the Fire Department.

HEALTH AND FAMILY SUPPORT (275125)

Minneapolis Economic Recovery Strategy - Local Food Resource Network/Hubs: Execute amendment #2 to contract with Gardening Matters to increase the amount and extend the termination date to expand the project and provide plan for sustainability beyond March 2012 when grant funding expires.

POLICE DEPARTMENT (275126)

Cell Phones/Provider Services for Beat Officers in 4th Precinct: Accept monetary donation.

**REGULATORY, ENERGY AND ENVIRONMENT:**

COORDINATOR (275127)

Tree Canopy Mapping Project: Follow up report; and Tree Advisory Commission's recommendations to increase the tree canopy coverage throughout the City.

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

LICENSES AND CONSUMER SERVICES (275128)

Best Steak House (5455 Nicollet Av): Grant On-Sale Wine Class E with Strong Beer License.

Victory 44 (2203 44th Av N): Grant On-Sale Wine Class E with Strong Beer License.

Queens Cafe (2700 E Lake St): Grant On-Sale Wine Class E with Strong Beer License.

Stanleys Northeast Bar Room (2500 University Av NE): Grant On-Sale Liquor Class E with Sunday Sales License with permanent expansion of premises.

Hotel Ivy (201 S 11th St): Grant On-Sale Liquor Class A with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (275129)

City Afrique Restaurant (4326 Lyndale Av N): Grant On-Sale Wine Class E with Strong Beer License, subject to conditions.

Comedy Sportz (3001 Hennepin Av): Grant On-Sale Wine Class A with Strong Beer License, subject to conditions.

Pig & Fiddle (3812 W 50th St): Approve Business License Operating Conditions relating to On-Sale Wine Class E with Strong Beer License.

Uruba Restaurant (1812 Nicollet Av): Approve License Settlement Conference recommendations relating to Restaurant License.

LICENSES AND CONSUMER SERVICES (275130)

Licenses: Applications.

REGULATORY SERVICES (275131)

Brewer Taprooms: Ordinances allowing a brewer licensed under Minnesota Statutes to obtain a taproom license for the sale and consumption of malt liquor on the licensed premises.

Sidewalk Cafes: Ordinance allowing for overnight storage of furniture and fixtures throughout the City of Minneapolis.

REGULATORY SERVICES (275132)

Rental Dwelling License at 1218 E 26th St: Revoke license held by Abukar Ali Jimale and property manager Abdulaziz Sheikh.

REGULATORY SERVICES (275133)

Rental Dwelling License at 1519 Jefferson St NE: Revoke license held by Arthur and Marie DuLac.

REGULATORY SERVICES (275134)

Rental Dwelling License at 2618 18th Av S: Revoke license held by Celia Robles-Arias.

REGULATORY SERVICES (275135)

Rental Dwelling License at 2700 14th Av S: Revoke license held by Luis Calderon.

REGULATORY SERVICES (275136)

Rental Dwelling License at 4155 Queen Av N: Refer to staff (License not revoked).

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (275137)

Downtown Business Improvement Special Service District Proposed Services and Services Charges for 2012: Set public hearing for September 13, 2011.

Water and Sewer Service Line Repair Assessments: Set public hearing for September 27, 2011.

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

PUBLIC WORKS AND ENGINEERING (275138)

Minneapolis Armory (500 Sixth St S): Memorandum of Understanding re sidewalk replacement/areaway repair.

Hauling and Disposal of Treatment Residuals: Amend contract with R & R Leasing, Inc.

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

PUBLIC WORKS AND ENGINEERING (275139)

22nd St E Street Reconstruction and Street Lighting Project No 2998: Project approval and assessment public hearing.

Sidewalk Construction: Increase contract with Concrete Idea, Inc.

Central Corridor Light Rail Transit (CCLRT) Project: Subordinate Funding Agreement 12; and Increase appropriation.

Lowry Ave Bridge Phase II: Cooperative Agreement with Hennepin County; and Increase appropriation.

On-Site Security Services: RFP for security services for Minneapolis Convention Center, Public Works Water Treatment & Distribution Campuses, and Impound Lot.

Bids: a) OP 7479, Low bid of Lino Lakes Landscaping for turf establishment; and b) OP 7493, Low bid of Standard Sidewalk, Inc., for sidewalk construction at Minneapolis Armory.

**WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (275140)

2011 Financial Status Report: 2nd Quarter.

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

COMMUNICATIONS (275141)

Social Media Policy: Approve revised policy; and receive and file procedures.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275142)

McKnight Foundation Grant: Accept grant to build Transit Oriented Development (TOD) capacity among the City, Hennepin County and Metro Transit.

CONVENTION CENTER (275143)

Minneapolis EcoFocused Display and LEED certification projects: Accept revenue funds from NRG Energy, Inc. over a 4-year period.

TCF National Bank: Amend contract to allow continuous ATM service beyond 9/1/2011 deadline.

COORDINATOR (275144)

2011 Charitable Campaign: Approve nine federations to participate.

FINANCE DEPARTMENT (275145)

198 Aldrich Avenue Facility: Execute change order to contract C-28948 with CM Construction Company, Inc. to complete renovations.

2011 City Budget: Impact of state aid reductions; and Mitigation of Waterfall implementation on City departments.

HUMAN RESOURCES (275146)

2011 and 2012 Salary Adjustments: Approve salary adjustments for a) Appointed Employees; and b) Non-represented Employees.

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

ARTS COMMISSION (275147)

Arts Commission Appointments:

James Bartsch

Blake G Iverson

Leanne E Johnson

INSPECTIONS/BOARD OF ADJUSTMENT (275148)

Appeal:

Trenton Fields (6045 11th Ave S)

PLANNING COMMISSION/DEPARTMENT (275149)

Vacations:

Buzza Historic Lofts (1006 W Lake St)

Bennett East Residences (2821 & 2825 Dupont Ave S and 2820, 2824, 2828 and 2836 Colfax Ave

S)

Rezoning:

Bennett East Residence (2820 Colfax Ave S)

**UNFINISHED BUSINESS (See Rep):**

ATTORNEY (275150)

Findings of Fact:

Adoption of Findings of Fact in support of the Council action of 8/5/2011 relating to applications by:

Holiday Stationstore #69 2322 Washington Ave N

Holiday Stationstore #209 2448 Hennepin Ave

**FILED:**

VSB EQUITIES, LLP (275151)

Vacate six feet of the south side of 50th street east from the east line of 34th avenue south to the east line of lot 3 Collins addition to Minneapolis.

MULARONI-CO ARCHITECTURE, LLC (275152)

Vacate a portion of the alley which runs from 38th Ave to 39th Ave and parallel to Lake Street, ending vacation at intersecting alley inbetween 38th and 39th Ave.

*The following reports were signed by Mayor Rybak on August 24, 2011, **unless noted otherwise.** Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

### **REPORTS OF STANDING COMMITTEES**

#### **The COMMITTEE OF THE WHOLE submitted the following report:**

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from August 18, 2011, regarding authorizing the execution of agreements relating to hosting the 2013 Neighborhoods USA Conference. Seconded. Adopted 8/19/2011.

**Comm of the Whole** - Your Committee, having under consideration the request to authorize proper City officials to execute agreements relating to hosting the 2013 Neighborhoods USA Conference, now recommends authorizing the City Finance Officer and the Neighborhood and Community relations Director to execute the necessary agreements for the City of Minneapolis with the Citizens for a Loring Park Community to host said conference. Adopted 8/19/2011.

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

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7477 from G Urban Companies, Inc, for an estimated expenditure of \$83,175, to furnish and deliver all labor, materials and incidentals necessary to accomplish demolition and site clearance of the following structures, per the bid specifications: 2527 - 14th Ave S; 312 - 23rd Ave N, 3654 Girard Ave N; 914 - 42nd Ave N; 4746 Dupont Ave N.

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 8/19/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the revitalization of Peavey Plaza, now recommends approval of a waiver from the City's procurement policy requiring an Request For Proposals (RFP), subject to approval by the Permanent Review Committee, and that the proper City officers be authorized to enter into an agreement with HR&A Advisors to provide services in an amount not to exceed \$60,000, and that an additional \$38,500 be authorized to amend the agreement with Conurbation. Funding for these consulting services to facilitate and enhance the sustainability of Peavey Plaza will ultimately be repaid through state bond funds when the agreements with the State of Minnesota are finalized later in 2011.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by \$98,500 from unallocated appropriation within the Preliminary Planning Fund. After such action the unallocated balance of appropriation within the Preliminary Planning Fund will be \$236,881 and the amount appropriated to the Peavey Plaza PPF account will be \$249,250 for staff and consultant work.

Adopted 8/19/2011.

**RESOLUTION 2011R-413  
By Goodman and Hodges**

**Amending the 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Preliminary Planning Fund (01CPP) for Project Code MCPP181 (Peavey Plaza) in the amount of \$98,500 from the unallocated appropriation balance.

Adopted 8/19/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration environmental remediation grant applications, now recommends that the proper City officers be authorized to accept and appropriate the following grant awards with the agencies and for projects listed below, and that the proper City officers be authorized to execute grant, subrecipient and/or disbursement and related agreements for these grants:

**Minnesota Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program Awards:**

<b>Project</b>	<b>Recipient</b>	<b>Grant Award</b>
Ford Centre	City of Minneapolis	\$253,125
Marshall Street Boat Basin	City of Minneapolis	33,000
Mill & Main, Phase I	City of Minneapolis	416,850
Mississippi Watershed Management District	City of Minneapolis	370,929
MoZaic	City of Minneapolis	295,183
Oak Street Flats	City of Minneapolis	151,457
Precision Associates Building	City of Minneapolis	88,017
University Gateway, Phase I	City of Minneapolis	457,950

**Metropolitan Council Livable Communities Tax Base Revitalization Account (TBRA) Grant Awards:**

<b>Project</b>	<b>Recipient</b>	<b>Grant Award</b>
Lehmann Center	City of Minneapolis	\$306,000
Mill & Main, Phase I	City of Minneapolis	217,700
Oak Street Flats	City of Minneapolis	34,500
Precision Associates Building	City of Minneapolis	612,500
University Gateway, Phase I	City of Minneapolis	79,300

**Hennepin County Environmental Response Fund (ERF) Grant Awards:**

<b>Project</b>	<b>Recipient</b>	<b>Grant Award</b>
Lehmann Center	City of Minneapolis	\$449,447
Mill & Main, Phase I	City of Minneapolis	36,127
Mississippi Water Management Association	Mississippi Water Management Association	64,295
Oak Street Flats	City of Minneapolis	23,777
PPL Foreclosure Direction Program	Project for Pride in Living	150,000
Precision Associates Building	City of Minneapolis	302,878

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation to reflect the receipt of grant funds, and increasing the revenue budget.

Adopted 8/19/2011.

**RESOLUTION 2011R-414  
By Goodman and Hodges**

**Amending the 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a. Increasing the appropriation in the Department of Community Planning & Economic Development (CPED) Grants Other Fund (01600-8900320) by \$1,489,487;
- b. Increasing the appropriation in the CPED Grants Other Fund (01600-8900220) by \$2,639,253;
- c. Increasing the revenue source for the CPED Grants Other Fund (01600-8900900-321504) by \$2,066,511;
- d. Increasing the revenue source for the CPED Grants Other Fund (01600-8900900-321513) by \$1,250,000; and
- e. Increasing the revenue source for the CPED Grants Other Fund (01600-8900900-322002) by \$812,229.

Adopted 8/19/2011.

**The ELECTIONS Committee submitted the following reports:**

**Elections** - Your Committee recommends passage of the accompanying resolution designating polling places for the September 13, 2011 Primary and the October 18, 2011 Special Senate District 61 General Elections.

Adopted 8/19/2011.

Resolution 2011R-415, designating polling places for the 2011 Special Senate District 61 Elections, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-415  
By Gordon, Reich, Hofstede, Johnson, Samuels, Lilligren,  
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

**Designating polling places for the September 13, 2011 Primary and the October 18, 2011 Special Senate District 61 General Elections.**

Resolved by The City Council of The City of Minneapolis:

That the following polling places be designated as follows:

**SIXTH WARD**

**PRECINCT**

- 1 - Whittier International School, 315 26th St W
- 2 - Whittier Park, 425 26th St W
- 3 - Minnesota Church Center, 122 Franklin Ave W (*use Pillsbury Ave entrance*)
- 4 - First Christian Church, 2201 1st Ave S
- 5 - Franklin Library, 1314 Franklin Ave E
- 6 - Pentagon Highrise, 1415 22nd St E

- 7 - Ebenezer Towers, 2523 Portland Ave S
- 8 - Ebenezer Park Apartments, 2700 Park Ave

**EIGHTHWARD**

**PRECINCT**

- 1 - Central Gym Park, 3450 4th Ave S (*use 4th Ave S entrance*)
- 2 - Office of Indian Ministries, 3045 Park Ave
- 3 - Hosmer Library, 347 36th St E
- 4 - Holy Name Church, 3637 11th Ave S
- 5 - Sabathani Community Center, 310 38th St E
- 6 - Martin Luther King Park (Gym), 4055 Nicollet Ave
- 10 - St. Joan of Arc Gymnasium, 4537 3rd Ave S

**NINTHWARD**

**PRECINCT**

- 3 - Andersen School, 2700 12 Ave S (*use Andersen Lane entrance*)
- 4 - Little Earth of United Tribes NELC, 2438 18th Ave S
- 5 - Powderhorn Park Building (Gym), 3400 15th Ave S
- 7 - Powderhorn Park Building (Multipurpose), 3400 15th Ave S
- 10 - Andersen School, 1098 Anderson Lane (*use Andersen Lane entrance*)
- 11 - Hiawatha Towers Highrise, Bldg #2, 2121 16th Ave S

**TENTHWARD**

**PRECINCT**

- 5 - Horn Towers Highrise, 3121 Pillsbury Ave
  - 9 - Lyndale Community School, 312 34th St W
- Adopted 8/19/2011.

**Elections** - Your Committee recommends approval of the appointment of election judges, and authorization for the use of substitutions from the eligible list of election judges as necessary, for the 23 precincts in the City for all elections in Year 2011, as set forth in Petn No 275121 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Your Committee further recommends authorization for the use of an Absentee Ballot Board, and approval of the list of election judges to serve as said Board, for all elections in Year 2011, pursuant to Minnesota Statutes, Section 203B.13.

Adopted 8/19/2011.

**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 accepting a Monetary Donation for Cell Phones and Cell Phone Provider Services for Beat Officers in the 4th Precinct.

Adopted 8/19/2011.

Resolution 2011R-416, accepting a Monetary Donation for Cell Phones and Cell Phone Provider Services for Beat Officers in the 4th Precinct, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-416  
By Samuels and Hodges**

**Accepting a monetary donation for Cell Phones and Cell Phone Provider Services for Beat Officers in the 4th Precinct.**

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:

<u>Name of Donor</u>	<u>Gift</u>
East Gateway Partnership	\$4,500.00; and

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

Whereas, all such donations have been contributed to assist the city in paying for cell phones and cell phone provider services for beat officers in the 4th Precinct, 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.

The donations described above are accepted and shall be used for cell phones and cell phone provider services for beat officers in the 4th Precinct.

Adopted 8/19/2011.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a five-year contract with Hennepin County Medical Services Education Department to provide emergency medical service training to members of the Fire Department, for an estimated annual expenditure of \$87,000.

Adopted 8/19/2011.

**PSC&H & W&M/Budget** - Your Committee, having under consideration the Local Food Resource Network and Hubs Project to assist Minneapolis residents in growing, accessing, and consuming healthy foods, especially in low income populations and communities of color, now recommends that the proper City officers be authorized to execute Amendment #2 to Contract #28141 with Gardening Matters to increase the amount by \$20,000, for a new contract total not to exceed \$110,000, and to extend the termination date to expand the project and provide a plan for sustainability beyond March 2012 when grant funding will expire.

Adopted 8/19/2011.

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

**RE&E** - Your Committee, to whom was referred ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to *Liquor and Beer*, allowing a brewer licensed under Minnesota Statutes to obtain a taproom license for the sale and consumption of malt liquor on the licensed premises, now recommends that the following ordinances be given their second reading for amendment and passage:

- a) amending Chapter 360 relating to *In General*; and
- b) amending Chapter 362 relating to *Liquor Licenses*.

Adopted 8/19/2011.

Ordinance 2011-Or-074 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Sections 360.10 and 360.65 to allow a brewer licensed under Minnesota Statutes to obtain a taproom license for the sale and consumption of malt

liquor on the licensed premises, was adopted 8/19/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2011-Or-074**  
**By Glidden and Schiff**  
**Intro & 1st Reading: 7/22/2011**  
**Ref to: RE&E**  
**2nd Reading: 8/19/2011**

**Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.**

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

Section 1. That Section 360.10 of the above-entitled ordinance be amended by adding thereto the following definition in alphabetical sequence to read as follows:

**360.10. Definitions.** Whenever used in this title, unless some other meaning is clearly required by the context, the following words and phrases shall mean:

*Brewer taproom.* A brewer taproom is a facility on or adjacent to premises owned by a brewer licensed under Minn. Statute Section 340A.301, Subd. 6(c), (i) or (j) and produces less than two hundred fifty thousand (250,000) barrels of malt liquor annually, and where the on-sale and consumption of malt liquor produced by the brewer is permitted pursuant to Minn. Statute Section 340A.301, Subd. 6b.

Section 2. That Section 360.65 of the above-entitled ordinance be amended to read as follows:

**360.65. Minimum food service requirement.** All on-sale liquor and beer licenses issued for new premises shall meet a minimum food service requirement as follows:

(a) The establishment shall:

- (1) Be under the control of a single proprietor or manager.
- (2) Have suitable kitchen facilities including a stove or rethermalizing equipment, refrigerator, work table, dishwashing and utensil-washing sink. The equipment and premises shall meet the provisions of all food and health codes.
- (3) Provide food service consisting of no less than four (4) entrees or sandwiches or other principal food items as approved by the director, and a choice of non-alcoholic beverages. Prepackaged foods shall not be included in the enumerated required food items.
- (4) Provide food service during a substantial portion of the operating hours of the establishment.

The section does not apply to currently licensed on-sale liquor and beer establishments with a validly issued license, or renewals thereof, operating and in existence on the date of passage of this ordinance, nor to establishments operating as a banquet facility, or brewer taproom as defined in section 360.10, nor to temporary licenses issued under chapters 362, 363 and 366 of the Minneapolis Code of Ordinances.

Adopted 8/19/2011.

Ordinance 2011-Or-075 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, amending Section 362.46 to allow a brewer licensed under Minnesota Statutes to obtain a taproom license for the sale and consumption of malt liquor on the licensed premises, was adopted 8/19/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

**AUGUST 19, 2011**

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

**ORDINANCE 2011-Or-075**  
**By Glidden and Schiff**  
**Intro & 1st Reading: 7/22/2011**  
**Ref to: RE&E**  
**2nd Reading: 8/19/2011**

**Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.**

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

Section 1. That Chapter 362 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 362.46 to read as follows:

**362.46. Brewer taprooms.** (a) A brewer licensed under Minnesota Statute Section 340A.301, Subdivision 6(c), (i), or (j) may be issued an on-sale liquor license for the "on sale" of malt liquor produced on the licensed premises, subject to the following conditions:

- (1) The on-sale of malt liquor may only be made during the days and hours that "on-sale" of liquor may be made.
- (2) A brewer may only hold one (1) brewer taproom license under this chapter.
- (3) The only beverage alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer upon the brewery premises.
- (4) All other provisions of this chapter, and Chapters 259, 360, and 364 shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.
- (5) The annual license fee shall be as established in the license fee schedule for on sale beer licenses.
- (6) Licensed brewer taprooms may operate a restaurant on the premises without additional licensure.

Adopted 8/19/2011.

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses* allowing for the overnight storage of sidewalk cafe furniture and fixtures throughout the City of Minneapolis, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/19/2011.

Ordinance 2011-Or-076 amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, amending Section 265.290 to allow for the overnight storage of sidewalk cafe furniture and fixtures throughout the City of Minneapolis, was adopted 8/19/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2011-Or-076**  
**By Glidden**  
**Intro & 1st Reading: 7/1/2011**  
**Ref to: RE&E**  
**2nd Reading: 8/19/2011**

**Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses.**

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

Section 1. That section 265.290 (c) of the above-entitled ordinance be amended to read as follows:

**265.290. Restrictions.** (a) Each permit issued pursuant to this article shall specify the area in which such cafe may be operated; provided that no sale or service shall be permitted in any portion of the street designated for vehicular travel.

(b) Issuance of a permit shall not be construed as authorizing any permanent installation to be placed in the public way.

(c) ~~No such permit shall authorize the placing or leaving on the sidewalk of any tables, chairs, furnishings or other equipment during any~~ may be stored during those periods of time such sidewalk cafe is not open and being operated, ~~except that this subsection shall not apply to any establishment located in the Central Commercial District as defined in section 360.10 or in the Lake and Hennepin PO Overlay District as defined in section 551.150 of this Code if the storage is within the approved portion of the cafe area and all items are secured to prevent unauthorized use.~~

(d) No such permit shall authorize a sidewalk cafe at any location where the same is prohibited by state law, or this Code of Ordinances, except as herein provided.

(e) Except as specifically provided herein, the ownership, operation and maintenance of a sidewalk cafe shall be subject to all applicable laws, ordinances and regulations.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the application of Haralamos Best Steak Inc, dba Best Steak House, 5455 Nicollet Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2012, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the application of Foodcrafters LLC, dba Victory 44, 2203 44th Av N, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the application of Queens Grill, dba Queens Grill, 2700 E Lake St #1300, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the application of 2500 University LLC, dba Stanleys Northeast Bar Room, 2500 University Av NE, for an On-Sale Liquor Class E with Sunday Sales License (downgrade of license, and permanent expansion of premises) to expire July 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the application of Sage Restaurant Manager, LLC, dba Hotel Ivy, 201 S 11th St, for an On-Sale Liquor Class A with Sunday Sales License (new proprietor) to expire July 1, 2012, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the application of City Afrique Restaurant Inc, dba City Afrique Restaurant, 4326 Lyndale Av N, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2012, now recommends that said license be granted, subject to the following conditions:

a) The 40' by 26' floor space indicated on the diagram may not be used for any customer use due to Community Planning & Economic Development and Zoning parking requirements. This condition will remain in effect until such time Community Planning & Economic Development and Zoning approve a variance or other form of parking requirement for City Afrique's establishment.

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

Adopted 8/19/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting the application of Comedy Sportz, 3001 Hennepin Av, for an On-Sale Wine Class A with Strong Beer License, subject to conditions.

Adopted 8/19/2011.

Resolution 2011R-417, granting the application of Comedy Sportz, 3001 Hennepin Av, for an On-Sale Wine Class A with Strong Beer License, subject to conditions, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-417**

**By Glidden**

**Granting the application of , Comedy Sportz, 3001 Hennepin Av, for an On-Sale Wine Class A with Strong Beer License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Tag Line Productions Inc, dba Comedy Sportz, 3001 Hennepin Av, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2012, subject to the following conditions:

1. The establishment will not operate as a sexually oriented use as defined in Chapter 549.340 of the Minneapolis Code of Ordinances.

2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers, sexually suggestive touching, or other similar types of activities.

3. Violation of the terms of paragraphs 1 or 2 above shall provide a basis for revocation of the City's consent for applicant to operate the Class A Liquor License.

4. No live bands.

5. Accompaniment of improvisational acts will be limited to four musicians.

6. No dance events.

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

Adopted 8/19/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Wine Class E with Strong Beer License held by Pig & Fiddle, 3812 W 50th St.

Adopted 8/19/2011.

Resolution 2011R-418, approving Business License Operating Conditions relating to the On-Sale Wine Class E with Strong Beer License held by Pig & Fiddle, 3812 W 50th St, was adopted 8/19/2011

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by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-418**  
**By Glidden**

**Approving Business License Operating Conditions relating to the On-Sale Wine Class E with Strong Beer License held by Pig & Fiddle, 3812 W 50th St.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Wine Class E with Strong Beer License held by Pig & Fiddle, 3812 W 50th St:

1. The business agrees to a meeting with neighbors to be convened by the Ward 13 City Council Member 60 days after the business opens for the use of the outdoor seating area to address any operational concerns.

2. The business agrees that the amplified sound coming from outdoor speakers should not be more than five decibels above the ambient noise level.

3. The business agrees if there is a complaint, and at least three board members from the Fulton Neighborhood Association deem the complaint to be valid, the business owner agrees to either lower the amplified sound to a mutually agreed upon level or cease and desist from amplified sound from outdoor speakers altogether.

4. The business agrees to close their sidewalk cafe at 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.

Adopted 8/19/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant License held by Uruba Restaurant, 1812 Nicollet Av.

Adopted 8/19/2011.

Resolution 2011R-419, approving License Settlement Conference recommendations relating to the Restaurant License held by Uruba Restaurant, 1812 Nicollet Av, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-419**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the Restaurant License held by Uruba Restaurant, 1812 Nicollet Av.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on July 13, 2011 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded:

a) Uruba Restaurant failed to pay fines in a time manner to the Environmental Division in violation of the Minneapolis Code of Ordinances; and

b) Uruba Restaurant failed to comply with the Minneapolis Environmental Health Code in a timely manner;

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

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

1. Mr. Jama agrees to pay \$600 of the \$1,200 by July 19, 2011. He further agrees to pay the remaining \$600 by August 19, 2011.

2. Mr. Jama agrees to become a certified food manager and agrees to receive his certification by August 30, 2011.

3. Mr. Jama agrees to maintain a clean restaurant, comply with the Food Code in order to protect safety, and to conduct self audits of his restaurant and to maintain them and have them available for inspectors when they do subsequent inspections at Uruba Restaurant.

4. Mr. Jama agrees to have quarterly health inspections of Uruba Restaurant conducted by the City of Minneapolis Environmental Health Division for a one-year period, and he further agrees to pay \$100 per inspection. The payment for inspections will be due upon receipt of the invoice.

Adopted 8/19/2011.

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

Adopted 8/19/2011.

Resolution 2011R-420, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-420**

**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 275130):

**Off-Sale Liquor, to expire October 1, 2011**

France 44 Liquors Inc, dba France 44 Wine & Spirits, 4351 France Av S (internal transfer of shares)

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

Skyway Ventures LLC, dba Lure, 725 Hennepin Av

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

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

Brothers of Minneapolis Inc, dba Brothers, 430 1st Av N

**On-Sale Liquor Class C-2 with Sunday Sales, to expire August 20, 2011**

Town Hall Brewery Limited Partnership, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (August 20, 2011, 9:00 a.m. to 10:00 p.m., annual bocce ball tournament)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2012**

Empire Eight LLC, dba Five Event Center, 2917 Bryant Av S

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

510 Groveland Assoc, Minnesota Cooperative, dba La Belle Vie, 510 Groveland Av

Darbar India Grill Inc, dba Darbar India Grill, 1221 W Lake St #105

Amor & Jon Inc, dba Rinata, 2451 Hennepin Av

**Temporary On-Sale Liquor**

St. Marys Greek Orthodox Church, dba St. Marys Greek Orthodox Church, 3450 Irving Av S (September 9, 2011, Noon to 10:00 p.m.)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2012**

Java Jacks, Inc, dba Java Jacks, 818 W 46th St

Turtle Break Company, dba Restaurant Levain-Pizza Biga, 4762 Chicago Av

**Off-Sale Beer, to expire April 1, 2012**

RBF LLC of Wisconsin, dba Rainbow Foods, 1104 Lagoon Av  
RBF LLC of Wisconsin, dba Rainbow Foods, 1540 New Brighton Blvd  
RBF LLC of Wisconsin, dba Rainbow Foods, 2919 26th Av S

**Temporary On-Sale Beer**

St. Maron Maronite Catholic Church, dba St. Maron Maronite Catholic Church, 600 University Av  
NE (September 24 & 25, 2011, 11:00 a.m. to 8:00 p.m., annual parish fundraiser).  
Adopted 8/19/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.  
Adopted 8/19/2011.

Resolution 2011R-421, granting applications for Business Licenses, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-421  
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 September 19, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275130):

Car Wash; Dancing School; Caterers; Farm Produce Permits; Grocery; Food Manufacturer; Food Market Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Motor Vehicle Repair Garage; Pet Shop; Precious Metal Dealer; Secondhand Goods Class B; Solid Waste Hauler; Tattooist/Body Piercer Establishment; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing.

Adopted 8/19/2011.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.  
Adopted 8/19/2011.

Resolution 2011R-422, granting applications for Gambling Licenses, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-422  
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 275130):

**Gambling Exempt**

Firefighters for Healing Foundation, dba Firefighters for Healing Foundation, 415 Broadway St NE (Raffle August 16, 2011, 700 Hennepin)

Minneapolis Police Activities League, dba Minneapolis Police Activities League, 4119 Dupont Av N (Raffle August 27, 2011, 761 Washington Av N)

Open Eye Figure Theatre, dba Open Eye Figure Theatre, 506 E 24th St (Raffle August 27, 2011, 506 E 24th St)

Hazelden Foundation, dba Hazelden Foundation, PO Box 11, Center City (Raffle September 16, 2011, Nicollet Island Pavilion)

March of Dimes Minnesota Chapter, dba March of Dimes Minnesota Chapter, 5233 Edina Industrial Blvd, Edina (Raffle September 29, 2011, 200 Oak St SE, University of Minnesota)

Church of St. Austin, dba Church of St. Austin, 4050 Upton Av N (Bingo, Raffle, Pulltabs October 16, 2011, Church of St. Austin).

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Celia Robles-Arias for the property located at 2618 18th Av S; 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 the license be revoked for failure to meet licensing standards pursuant to Section 244.1910, subdivision (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-2011-36 which are hereby made a part of this report by reference.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Luis Calderon for the property located at 2700 14th Av S; 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 the license be revoked for failure to meet licensing standards pursuant to Section 244.1910, subdivision (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-2011-37 which are hereby made a part of this report by reference.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Kurt Manley for the property located at 4155 Queen Av N; and the licensee having been notified of the City's intent to revoke the license for failure to meet licensing standards and not having filed an appeal, now recommends that the license not be revoked, and the matter be referred to staff.

Adopted 8/19/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Arthur and Marie DuLac for the property located at 1519 Jefferson St NE; 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 the license be revoked for failure to meet licensing standards pursuant to Section 244.1910, subdivision (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-2011-39 which are hereby made a part of this report by reference.

Adopted 8/19/2011.

**VETOED BY THE MAYOR**

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Abukar Ali Jimale, and property manager Abdulaziz Sheikh, for the property located at 1218 E 26th St; 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 the license be revoked for failure to meet licensing standards pursuant to Section 244.1910, subdivision (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-2011-40 which are hereby made a part of this report by reference.

Adopted 8/19/2011.

Vetoed 8/24/2011. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

(See "UNFINISHED BUSINESS" - Consideration of Mayor's Veto next meeting 9/2/2011.)

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

**T&PW** - Your Committee, having under consideration the sidewalk replacement along the 6th St side of the Minneapolis Armory Building located at 500 6th St S, now recommends passage of the accompanying resolution authorizing the proper City officers to execute a Memorandum of Understanding with Armory Development II, LLC regarding the replacement of the sidewalk in conjunction with the owner's responsibility related to the repair of the associated areaway.

Adopted 8/19/2011.

Approved by Mayor Rybak 8/19/2011.

(Published 8/23/2011)

Resolution 2011R-423, authorizing the execution of a Memorandum of Understanding with Armory Development II, LLC for sidewalk repairs located on the 6th St side of the Minneapolis Armory at 500 6th St S, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-423**

**By Colvin Roy**

**Authorizing the execution of a Memorandum of Understanding with Armory Development II, LLC for sidewalk repairs located on the 6th Street side of the Minneapolis Armory at 500 6th Street South.**

Whereas, the Owner is currently the lawful owner of the building commonly known as, "The Armory Building," located at 500 Sixth Street South in Minneapolis, Minnesota (the "Property"); and

Whereas, the City has identified the need for sidewalk repairs and/or replacement along the Sixth Street side of the Property (the "Sidewalk Project"); and

Whereas, the City is undertaking the Sidewalk Project pursuant to the Charter of the City of Minneapolis (Ch. 8) and, as further provided by its Charter, the City will subsequently assess all related costs against the Property; and

Whereas, a below-grade encroachment known as an "areaway" is associated with and is owned by the Property (the "Areaway"); and

Whereas, the Areaway is located in the City's right-of-way along the Sixth Street side of the Property; and

Whereas, based on an engineering report obtained by the Owner, it has been determined that the Areaway is not in direct conflict with the Sidewalk Project; and

Whereas, the City assumes no responsibility for the accuracy or reliability of the Owner's engineering report, and any damages arising out of errors or omissions shall be the Owner's responsibility; and

Whereas, the Areaway roof, which serves and is integral to the Areaway, requires waterproofing in order to preserve its useful capacity; and

Whereas, the Owner is responsible for any measures taken to preserve the Areaway's useful capacity; and

Whereas, the Owner desires to coordinate its own efforts to waterproof the Areaway together with the City's efforts to complete the Sidewalk Project;

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

That the proper City officers be authorized to execute a Memorandum of Understanding with Armory Development II, LLC for sidewalk repairs located on the 6th Street side of the Minneapolis Armory at 500 6th Street South.

Adopted 8/19/2011.

Approved by Mayor Rybak 8/19/2011.

**T&PW** - Your Committee recommends that the proper City officers be authorized to amend contract C-28855 (OP 7365) with R & R Leasing, Inc., increasing the contract by \$150,000.00, for a revised contract total of \$650,000.00, to allow for the hauling and disposal of treatment residuals for the Water Works Division through August 2011. Funds are available in the Water Treatment and Distribution Services operating budget.

Adopted 8/19/2011.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the 22nd St E Street Reconstruction and Street Lighting Project, Special Improvement of Existing Street No 2998 (Cedar Ave S to Minnehaha Ave S), and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting special assessments for the Street Reconstruction Project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Street Reconstruction Project;
- c) Ordering the work to proceed and adopting special assessments for the Street Lighting Project;
- d) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of the Street Lighting Project; and
- e) Ordering the City Engineer to abandon and remove areaways located in the public right-of-way in conflict with the Street Reconstruction Project.

Adopted 8/19/2011.

Resolution 2011R-424, ordering the work to proceed and adopting special assessments for the 22nd St E Street Reconstruction Project No 2998 (Cedar Ave S to Minnehaha Ave S), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-424  
By Colvin Roy and Hodges**

**22ND ST E STREET RECONSTRUCTION PROJECT  
(CEDAR AVE S TO MINNEHAHA AVE S)  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2998**

**Ordering the work to proceed and adopting the special assessments for the 22nd St E Street Reconstruction Project (Cedar Ave S to Minnehaha Ave S).**

Whereas, a public hearing was held on August 9, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-352, passed July 1, 2011, to consider

the proposed special assessments on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-352, passed July 1, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$112,528.41, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.

Adopted 8/19/2011.

Resolution 2011R-425, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$112,550 for the purpose of paying the assessed cost of street improvements in the 22nd St E Street Reconstruction Project No 2998 (Cedar Ave S to Minnehaha Ave S), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-425  
By Colvin Roy and Hodges**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$112,550 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 22nd St E Street Reconstruction Project (Cedar Ave S to Minnehaha Ave S), Special Improvement of Existing Street No 2998, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 8/19/2011.

Resolution 2011R-426, ordering the work to proceed and adopting special assessments for the 22nd St E Street Lighting Project No 2998L (Cedar Ave S to Minnehaha Ave S), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-426  
By Colvin Roy and Hodges  
22ND ST E STREET LIGHTING PROJECT  
(CEDAR AVE S TO MINNEHAHA AVE S)  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2998L**

**Ordering the work to proceed and adopting the special assessments for the 22nd St E Street Lighting Project (Cedar Ave S to Minnehaha Ave S).**

Whereas, a public hearing was held on August 9, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-353, passed July 1, 2011, to consider the proposed special assessments on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-353, passed July 1, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$130,000, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.

Adopted 8/19/2011.

Resolution 2011R-427, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$130,000 for the purpose of paying the assessed cost of street improvements in the 22nd St E Street Lighting Project No 2998L (Cedar Ave S to Minnehaha Ave S), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-427  
By Colvin Roy and Hodges**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$130,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 22nd St E Street Lighting Project (Cedar Ave S to Minnehaha Ave S), Special Improvement of Existing Street No 2998L, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 8/19/2011.

Resolution 2011R-428, ordering the abandonment and removal of areaways located in the public street right-of-way in conflict with the 22nd St E Street Reconstruction Project No 2998, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### **RESOLUTION 2011R-428 By Colvin Roy and Hodges**

#### **Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction in the 22nd St E area.**

Whereas, the City of Minneapolis has scheduled the street reconstruction improvements starting in 2011 in the 22nd St E area of Minneapolis (Cedar Ave S to Minnehaha Ave S); and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on August 9, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis Code of Ordinances to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along 22nd St E (both sides) from Cedar Ave S to Minnehaha Ave S.

Adopted 8/19/2011.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend Contract C-28960 (OP 7385) with Concrete Idea, Inc., increasing the contract by \$300,000.00, for a revised contract total of \$2,172,300.00, to increase the scope of the contract to include sidewalk damage resulting from the May 22, 2011 tornado in North Minneapolis.

Adopted 8/19/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Central Corridor Light Rail Transit (CCLRT) Project, now recommends that the proper City officers be authorized to execute Subordinate Funding Agreement 12 with the Metropolitan Council to allow City forces to provide traffic control, analysis, and retiming of the traffic signal systems at impacted intersections associated with the CCLRT Project civil west construction.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the project by \$151,572.00, to be reimbursed by the Metropolitan Council.

Adopted 8/19/2011.

### **RESOLUTION 2011R-429 By Colvin Roy and Hodges**

#### **Amending The 2011 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Capital Improvements Fund/Department (04100-9010943-CCLRT) by \$151,572.00, to be reimbursed by the Metropolitan Council.

Adopted 8/19/2011.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a Cooperative Agreement with Hennepin County for the construction of the Lowry Avenue Bridge, Phase II.

Your Committee further recommends passage of the accompanying resolution decreasing the Minnesota State Aid (MSA) appropriation for the Chicago Ave Street Reconstruction Project by \$2,000,000.00 and increasing the MSA appropriation for the Lowry Avenue Bridge Project by \$2,000,000.00.

Adopted 8/19/2011.

**RESOLUTION 2011R-430**  
**By Colvin Roy and Hodges**

**Amending The 2011 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) Decreasing the Minnesota State Aid (MSA) appropriation for the PW-Capital Improvements Fund/Department (04100-9010937-CPV029 - Revenue Source 321514) (Chicago Ave Street Reconstruction Project) in the amount of \$2,000,000.00; and
- b) Increasing the MSA appropriation or the PW-Capital Improvements Fund/Department (04100-9010938-CBR121 - Revenue Source 321514) (Lowry Avenue Bridge Project) in the amount of \$2,000,000.00.

Adopted 8/19/2011.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for security services for the Minneapolis Convention Center, the Public Works Water Treatment and Distribution Campuses, and the Impound Lot for an initial two-year period, effective January 1, 2012, with three (3) one-year extension options, at an estimated combined annual cost of \$3,200,000.00 (\$2,200,000.00 payable from Convention Center Fund 01760, \$400,000.00 payable from Water Fund 07400, and \$600,000.00 payable from Parking Fund 07500).  
Adopted 8/19/2011.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7479 from Lino Lakes Landscaping, for an estimated annual expenditure of \$104,600.00, to furnish and deliver turf establishment for the Minneapolis Public Works Paving Division.

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

Adopted 8/19/2011.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7493 from Standard Sidewalk, Inc., for an estimated expenditure of \$26,155.25, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the removal and construction of sidewalks at the Minneapolis Armory site, 200 S 6th St, for the Public Works Paving Division.

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

Adopted 8/19/2011.

Approved by Mayor Rybak 8/19/2011.

(Published 8/23/2011)

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

**W&M/Budget** - Your Committee, having under consideration a Social Media Policy for the City of Minneapolis, now recommends the following:

- a) Approval of the Social Media Policy, to communicate the City's requirements regarding the use of social media and increase awareness of how employees should conduct themselves when interacting on the City's social media sites such as, but not limited to, blogs, Facebook, Twitter, and YouTube (Petn No 275141);
- b) Receive and file the Procedures that support the policy; and
- c) Direct Communications to place the policy and procedures in the Policy Library.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration a grant from the McKnight Foundation in the amount of \$75,000 to build transit oriented development (TOD) capacity among the City, Hennepin County and Metro Transit, now recommends that the proper City officer be authorized to accept said grant.

Further, passage of the accompanying resolution appropriating \$75,000 to the Department of Community Planning and Economic Development.

Adopted 8/19/2011.

**RESOLUTION 2011R-431**

**By Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Department Other Grants - State and Local fund (01600-8900110) by \$75,000 and increasing the revenue budget for the Community Planning and Economic Development agency Fund - Other Grants - State & Local (01600-8900900-322502) by \$75,000.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration contribution funds from NRG Energy, Inc. in the amount of \$250,000 to be accepted over a (4) year period through Meet Minneapolis for Sustainable Initiatives at the Minneapolis Convention Center including the "Minneapolis EcoFocused" Display and LEED certification projects, now recommends that the proper City officer be authorized to accept said funds and to increase the revenue estimates in the Convention Center related fund (01760 8650121 372001) for the following years as follows:

2011	\$100,000
2012	\$50,000
2013	\$50,000
2014	\$50,000

Further, passage of the accompanying resolution appropriating said funds to the Minneapolis Convention Center - Facility Operations Fund.

Adopted 8/19/2011.

**RESOLUTION 2011R-432**

**By Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the revenue budget for the Minneapolis Convention Center - Facility Operations Fund (01760-8650121-372001) by \$250,000.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration the TCF National Bank Contract C-27672 for ATM Services at the Minneapolis Convention Center, now recommends authorization to amend contract to allow continuous ATM service beyond the September 1, 2011 deadline, in order to meet client/customer needs without interruption. Service to be provided commission and rent free and will end prior to December 15, 2011.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee recommends approval of the following nine charitable campaign federations to participate in the 2011 City of Minneapolis Charitable Campaign:

- a) Community Solutions Fund;
- b) Community Health Charities;
- c) Hennepin History Museum;
- d) Open Your Heart to the Hungry and Homeless;
- e) United Negro College Fund;
- f) United Arts;
- g) Minnesota Environmental Fund;
- h) United Way of Minneapolis Area; and
- i) Peace Maker Foundation.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration the renovations to the 198 Aldrich Avenue facility, now recommends authorizing the proper City officers to amend and increase contract C-28948 with CM Construction Company, Inc. by \$23,451 for minor changes which were required to resolve unforeseen conditions. No additional appropriation required.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration the City's 2011 adopted budget, as amended on April 29, 2011; and having received a report from staff on the service implications resulting from the impact of the State's recent budget actions, now recommends passage of the accompanying resolution, amending the 2011 General Appropriation Resolution, by mitigating the waterfall implementation in both the Police and Fire Departments on a one-time basis.

Colvin Roy and Schiff moved to substitute the pending resolution by striking out sections a, b, and c and inserting in lieu thereof substitute provisions in five parts; to-wit:

"Amend the Police Department expense budget to allow for the late notice of the State reduction by increasing its expense appropriation (00100-400100) on a one-time basis by \$650,000 and reducing the contingency fund appropriation (00100-1750100) by a like amount. The department shall permanently reduce positions to reflect the ongoing resources that will be available on January 1, 2012.

Amend the Fire Department budget to allow for the late notice of the State reduction by increasing its appropriation (00100-2800400) on a one-time basis by \$1.1 million and reducing the contingency fund appropriation (00100-1750100) by a like amount.

Direct departments with the following vacant positions to transfer at \$25,000 per position in 2011 salary savings to Fire Department budget, increasing its appropriation (00100-2800400) on a one-time basis by \$300,000:

- |                                    |                                  |
|------------------------------------|----------------------------------|
| Assessor                           | Assessor I-C                     |
| City Clerk                         | Asst City Clerk-C                |
| Communications                     | Office Support Specialist II-C   |
| Finance                            | Controller-C                     |
| Health & Family Support            | Family Support Spec 3 Youth Dev  |
| Neighborhood & Community Relations | Neighborhood Support Spec-C      |
| PW – Traffic & Parking Services    | Engineering Technician II – C    |
| PW – Transp Maintenance & Repair   | Office Support Specialist I-C    |
| Reg Svcs                           | Director Regulatory Services-C   |
| Reg Svcs                           | Manager Staff Services - C       |
| Reg Svcs                           | Manager Green Bldg Plcy Dev – C  |
| Reg Svcs                           | Manager License Consumer Srv – C |

Suspend the current standard of coverage and direct the Minneapolis Fire Department Chief to report monthly to the Public Safety, Civil Rights and Health Committee and the Ways & Means Committee on staffing levels and response times achieved as well as over time usage.

Direct the Minneapolis Fire Department to apply for a federal SAFER grant for 2012." Seconded.

The motion to substitute was adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Tuthill, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Lilligren.

Hodges moved to divide the resolution, as substituted, to consider the question by paragraphs. Seconded.

Adopted by unanimous consent.

Hodges moved to substitute the first and second paragraphs of the pending substitute motion to read as follows:

"a) Amend the Police Department expense budget to allow for the late notice of the State reduction by increasing its expense appropriation (00100-400100) on a one-time basis by \$650,000 and reducing the contingency fund appropriation (00100-1750100) by a like amount. The department shall permanently reduce positions to reflect the ongoing resources that will be available on January 1, 2012;

b) Amend the Fire Department budget to allow for the late notice of the State reduction by increasing its appropriation (00100-2800400) on a one-time basis by \$1.1 million and reducing the contingency fund appropriation (00100-1750100) by a like amount. The department shall permanently reduce positions to reflect the ongoing resources that will be available on January 1, 2012; and

c) Any costs of 2011 layoffs resulting from the waterfall should be expensed against the contingency fund (00100-1750100)." Seconded.

Lost. Yeas, 5; Nays 8 as follows:

Yeas - Quincy, Goodman, Hodges, Samuels, Lilligren.

Nays - Tuthill, Glidden, Gordon, Reich, Hofstede. Schiff, Colvin Roy, Johnson.

President Johnson then laid before the Council consideration of paragraphs one and two of the divided substitute resolution.

Adopted 8/19/2011. Yeas, 9; Nays, 4 as follows:

Yeas - Tuthill, Quincy, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Goodman, Hodges, Samuels, Lilligren.

**RESOLUTION 2011R-433  
By Colvin Roy and Schiff**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

Amend the Police Department expense budget to allow for the late notice of the State reduction by increasing its expense appropriation (00100-400100) on a one-time basis by \$650,000 and reducing the contingency fund appropriation (00100-1750100) by a like amount. The department shall permanently reduce positions to reflect the ongoing resources that will be available on January 1, 2012.

Amend the Fire Department budget to allow for the late notice of the State reduction by increasing its appropriation (00100-2800400) on a one-time basis by \$1.1 million and reducing the contingency fund appropriation (00100-1750100) by a like amount.

Adopted 8/19/2011. Yeas, 9; Nays, 4 as follows:

Yeas - Tuthill, Quincy, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Goodman, Hodges, Samuels, Lilligren.

President Johnson then laid before the Council consideration of paragraph three of the divided substitute resolution.

**VETOED BY THE MAYOR**

**W&M/Budget** - Your Committee, having under consideration the City's 2011 adopted budget, as amended on April 29, 2011; and having received a report from staff on the service implications resulting from the impact of the State's recent budget actions, now recommends passage of the accompanying resolution, amending the 2011 General Appropriation Resolution, by directing specified departments with vacant positions to transfer funds in 2011 salary savings to the Fire Department budget.

Adopted 8/19/2011. Yeas, 8; Nays, 5 as follows:

Yeas - Tuthill, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Lilligren.

Vetoed 8/19/2011. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

(See "UNFINISHED BUSINESS" - Consideration of Mayor's Veto next meeting 9/2/2011.)

**VETOED BY THE MAYOR**

**RESOLUTION 2011R-434  
By Colvin Roy and Schiff**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

Directing departments with the following vacant positions to transfer at \$25,000 per position in 2011 salary savings to Fire Department budget, increasing its appropriation (00100-2800400) on a one-time basis by \$300,000:

Assessor	Assessor I-C
City Clerk	Asst City Clerk-C
Communications	Office Support Specialist II-C
Finance	Controller-C
Health & Family Support	Family Support Spec 3 Youth Dev
Neighborhood & Community Relations	Neighborhood Support Spec-C
PW – Traffic & Parking Services	Engineering Technician II – C
PW – Transp Maintenance & Repair	Office Support Specialist I-C
Reg Svcs	Director Regulatory Services-C
Reg Svcs	Manager Staff Services - C
Reg Svcs	Manager Green Bldg Plcy Dev – C
Reg Svcs	Manager License Consumer Srv – C

Adopted 8/19/2011. Yeas, 8; Nays, 5 as follows:

Yeas - Tuthill, Glidden, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Quincy, Goodman, Hodges, Samuels, Lilligren.

Vetoed 8/19/2011. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

(See "UNFINISHED BUSINESS" - Consideration of Mayor's Veto next meeting 9/2/2011.)

President Johnson then laid before the Council consideration of paragraph four of the divided substitute resolution by Colvin Roy and Schiff.

Reich moved to direct Chief Jackson report back to the Ways and Means/Budget and Public Safety, Civil Rights and Health Committees in 2 cycles with an update on the Board Up Program, and its effectiveness in serving the financial intentions of the policy. Seconded.

Adopted upon a voice vote.

Samuels moved to strike the fourth paragraph of the divided substitute resolution and insert in lieu thereof the following language:

**“RESOLUTION 2011R-XXX**

**By Samuels**

**Repealing the *Minneapolis Fire Department Standards of Response Coverage* adopted and ratified by the City Council on July 22, 2005 (Petition No. 270501).**

Whereas, on July 22, 2005 the City Council adopted and ratified a report from the Fire Department entitled *Minneapolis Fire Department Standards of Response Coverage* which enumerated certain daily staffing level goals for the department; and

Whereas, significant budgetary and resource challenges continue to be addressed by the City and the department, including an ongoing analysis of service-delivery models and attendant issues;

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

That the document entitled *Minneapolis Fire Department Standards of Response Coverage*, initially adopted and ratified July 22, 2005 is hereby repealed;

Be It Further Resolved that the Chief of the Fire Department is directed to report back to the City Council, at an available date after receipt of the report that the department engaged to analyze alternative service-delivery models, with an assessment and recommendations for future service delivery and staffing.

Be It Further Resolved that the Chief of the Fire Department is directed to report to the Public Safety & Health and Ways & Means/Budget committees on a monthly basis on the actual usage of leave (e.g., sick leave, budgetary leave) and overtime versus department projections. In the event that the use of such leave results in closures of fire apparatus or stations, the report shall include information on such closures, including the average response time by month. The Fire Chief is authorized to use his discretion to mitigate such closures through staffing decisions that do not require the use of overtime.”  
Seconded.

Adopted upon a voice vote.

In response to an inquiry, the City Clerk indicated that it was his understanding that the Reich directive, previously adopted, would be, without objection, incorporated into the resolution offered by Samuels. President Johnson concurred in the Clerk’s interpretation.

**W&M/Budget** - Your Committee, having under consideration the City’s 2011 adopted budget, as amended on April 29, 2011; and having received a report from staff on the service implications resulting from the impact of the State’s recent budget actions, now recommends passage of the accompanying resolution, repealing the *Minneapolis Fire Department Standards of Response Coverage* adopted and ratified by the City Council on July 22, 2005.

Adopted 8/19/2011.

Resolution 2011R-435, repealing the *Minneapolis Fire Department Standards of Response Coverage* adopted and ratified by the City Council on July 22, 2005 (Petition No. 270501), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**AUGUST 19, 2011**

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

**RESOLUTION 2011R-435**

**By Samuels**

**Repealing the *Minneapolis Fire Department Standards of Response Coverage* adopted and ratified by the City Council on July 22, 2005 (Petition No. 270501).**

Whereas, on July 22, 2005 the City Council adopted and ratified a report from the Fire Department entitled *Minneapolis Fire Department Standards of Response Coverage* which enumerated certain daily staffing level goals for the department; and

Whereas, significant budgetary and resource challenges continue to be addressed by the City and the department, including an ongoing analysis of service-delivery models and attendant issues;

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

That the document entitled *Minneapolis Fire Department Standards of Response Coverage*, initially adopted and ratified July 22, 2005 is hereby repealed;

Be It Further Resolved that the Chief of the Fire Department is directed to report back to the City Council, at an available date after receipt of the report that the department engaged to analyze alternative service-delivery models, with an assessment and recommendations for future service delivery and staffing.

Be It Further Resolved that Chief Jackson is hereby directed to report back to the Ways and Means/Budget and Public Safety, Civil Rights and Health Committees in 2 cycles with an update on the Board Up Program, and its effectiveness in serving the financial intentions of the policy.

Be It Further Resolved that the Chief of the Fire Department is directed to report to the Public Safety & Health and Ways & Means/Budget committees on a monthly basis on the actual usage of leave (e.g., sick leave, budgetary leave) and overtime versus department projections. In the event that the use of such leave results in closures of fire apparatus or stations, the report shall include information on such closures, including the average response time by month. The Fire Chief is authorized to use his discretion to mitigate such closures through staffing decisions that do not require the use of overtime.

Adopted 8/19/2011.

President Johnson then laid before the Council consideration of paragraph five of the divided substitute resolution by Colvin Roy and Schiff.

**W&M/Budget** - Your Committee, having under consideration the City's 2011 adopted budget, as amended on April 29, 2011; and having received a report from staff on the service implications resulting from the impact of the State's recent budget actions, now recommends passage of the accompanying resolution, directing the Fire Department to prepare an application for a federal SAFER grant for 2012.

Lilligren moved to amend the resolution, to read as follows:

"Direct the Minneapolis Fire Department to prepare an application ~~apply~~ for a federal SAFER grant for 2012 and return to the city council for final approval." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/19/2011.

**RESOLUTION 2011R-436**

**By Colvin Roy and Schiff**

**Authorizing application for a Federal SAFER Grant.**

Resolved by The City Council of The City of Minneapolis:

That the proper officers of the Fire Department be directed to prepare an application for a federal SAFER grant for 2012 and return to the City Council for final approval.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration the 2011 and 2012 salary adjustments for appointed employees (Petn No 275146), now recommends that the salaries and schedules be adjusted as follows:

**2011**

1. Effective January 1, 2011, no change to existing salary schedules.
2. All appointed employees eligible for step progression will receive their normal step progression, subject to satisfactory or better performance.
3. Authorize the use of Furloughs, at the discretion of the department head, as described below. This recommendation is for 2011 and beyond.
4. Require new employment agreements for all reappointed and/or newly appointed charter department heads that include "furlough" language.

**2012**

5. Effective January 1, 2012, no change to existing schedule.
6. Step progression is frozen.

Adopted 8/19/2011.

**W&M/Budget** - Your Committee, having under consideration the 2011 and 2012 salary adjustments for non-represented employees (Petn No 275146), now recommends the following:

**2011**

1. Effective January 1, 2011, no change to existing salary schedules.
2. All non-represented employees eligible for step progression will receive their normal step progression, subject to satisfactory or better performance.
3. Longevity pay progression is allowed for eligible employees.
4. Authorize the use of Furloughs, at the discretion of the department head, as described below. This recommendation is for 2011 and beyond.

**2012**

5. Effective January 1, 2012, no change to existing salary schedule.
6. Step progression is frozen.
7. Longevity pay progression is frozen.

Adopted 8/19/2011.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Trenton Fields from the decision of the Board of Adjustment which denied his application for a variance to increase the maximum length of a recreational vehicle on the property at 6045 11th Ave S in the R1 Single-Family District, now recommends granting said appeal, subject to the condition that the property owner do additional landscaping immediately to the north of the property to create an additional buffer for the property owner at 6041 11th Ave S, working with staff to identify appropriate landscaping.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2011-42-Z&P in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 8/19/2011.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of BKV Group, Inc., on behalf of Minneapolis Leased Housing Associates III, LP, to vacate a dead-end alley located on the west side of the property at 1006 W Lake St (#1584), subject to retention of easement rights by Xcel Energy, Qwest, and the provision of a new easement for the neighboring property owner to allow vehicular access to the north side of the property located at 1010 W Lake St, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley.

Adopted 8/19/2011.

**AUGUST 19, 2011**

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Resolution 2011R-437, vacating the dead-end alley located in Blocks 20 & 29, Windom's Addition to Minneapolis on the property located at 1006 W Lake St in the Buzza building project site (Vacation File No. 1584), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-437**  
**By Schiff**

**Vacating the dead-end alley located in Blocks 20 & 29, Windom's Addition to Minneapolis on the property located at 1006 West Lake Street in the Buzza building project site (Vacation File No. 1584).**

Resolved by The City Council of The City of Minneapolis:

All that part of the twelve foot North and South alley laid out and dedicated in Blocks 20 and 29, Windom's Addition to Minneapolis, according to the recorded plat thereof lying South of a line 20.00 feet North of the production East across said alley of the South line of Lot 7, said Block 20 is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest Corporation, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to said corporation as follows, to wit:

As to Xcel Energy and Qwest Corporation: The entire described area to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said utility easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 8/19/2011.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Carol Lansing with Faegre & Benson LLP on behalf of JPG-OFP, LLP, and Uptown Aurora Properties, LLC, a) to rezone the property at 2820 Colfax Ave S from R3 to the R5 Multiple-family District (BZZ-5179); and b) to vacate a part of the public alley for the properties at 2821 & 2825 Dupont Ave S and 2820, 2824, 2828 & 2836 Colfax Ave S (#1587), to permit a 217-unit, Planned Unit Development, 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 and the accompanying resolution vacating said alley.

Adopted 8/19/2011.

Ordinance 2011-Or-077 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2820 Colfax Ave S to the R5 District, was adopted 8/19/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2011-Or-077**  
**By Schiff**  
**1st & 2nd Readings: 8/19/2011**

**AUGUST 19, 2011**

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

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

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

That part of Lot 6, and the South 3 1/2 feet of Lot 5, Block 4, Windom's Addition to Minneapolis, Hennepin County, Minnesota (2820 Colfax Ave S - Plate 24) to the R5 District.

Adopted 8/19/2011.

Resolution 2011R-438, vacating that part of the alley located within Blocks 4 and 13, Windom's Addition to Minneapolis (Vacation File No. 1587), was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-438  
By Schiff**

**Vacating that part of the alley located within Blocks 4 and 13, Windom's Addition to Minneapolis (Vacation File No. 1587).**

Resolved by The City Council of The City of Minneapolis:

That part of the alley located within Blocks 4 and 13, Windom's Addition to Minneapolis, lying South of the easterly extension of the north line of the South 5 feet of Lot 8, said Block 4, to the centerline of the alley, and South of the westerly extension of the north line of the South 3.5 feet of Lot 5, said Block 4 to the centerline of the alley, and lying North of the north line of Lots 5 and 8, said Block 13, extended; and the alley easement per Document 400146 being the North 30 feet of the West 18 feet of Lot 4, said Block 13 is hereby vacated.

Adopted 8/19/2011.

**Z&P** – Your Committee recommends confirmation of the Council appointments of James Bartsch (Ward 12) and Blake G. Iverson (Ward 7) to the Minneapolis Arts Commission, filling terms of office set to expire December 31, 2011.

Your Committee further recommends concurrence with the recommendation of the Mayor in appointing Leanne E. Johnson (Ward 9) to the Minneapolis Arts Commission, filling a term of office set to expire December 31, 2012.

Adopted 8/19/2011.

**RESOLUTION**

Resolution 2011R-439, honoring William Matthew Little, was adopted 8/19/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-439**

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

**Honoring William Matthew Little.**

Whereas, William Matthew Little was born and educated in North Carolina and is a graduate of North Carolina A&T with a major in Biological Sciences and a minor in chemistry; and

Whereas, Matthew Little served in the infantry in World War II; and

Whereas, Matthew Little was and remains a devoted and faithful father to six children, Matthea, Arthur, Azaniah, Kinshasha, Titilayo and Stanley; and

Whereas, Matthew Little organized and chaired the Minnesota contingent of the 1963 Civil Rights "March on Washington," in which the late Rev. Martin Luther King, Jr. gave his immortal "I Have a Dream Speech," with the resultant landmark legislation forcing change throughout the United States and the world; and

Whereas, Matthew Little demonstrated outstanding leadership within the Minneapolis National Association for the Advancement of Colored People (NAACP), holding virtually every office within the organization, and representing the Minneapolis branch at the NAACP's national convention for twelve years; and

Whereas, Matthew Little became co-chair of the first state-wide organized group to lobby for Minnesota civil rights legislation, with the sponsored legislation leading to the creation of the State Department of Human Rights; and

Whereas, Matthew Little served as the co-chair of a Minneapolis coalition group called Stop the Violence Committee, comprised of 36 civic, social and religious community organizations who combined their resources to combat street violence and gang activity; and

Whereas, Matthew Little has written a weekly column for the Minnesota Spokesman Recorder for over 30 years; and

Whereas, Matthew Little has received numerous awards and achievements including being selected as a delegate member to the Democratic Nation Convention in 1980, 1984, and 1992, listed as one of the 100 most influential people in Minnesota, presented the Hubert Humphrey Award by the State Democratic Party, and recognized with three awards or honorable mentions from three standing Presidents of the United States of America.; and

Whereas, Matthew Little will celebrate his Ninetieth Birthday on August 21, 2011;

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

That we honor William Matthew Little for his outstanding contributions to the City of Minneapolis, the State of Minnesota, and the United States of America and that we declare August 21, 2011 as William Matthew Little Day in the City of Minneapolis.

Adopted 8/19/2011.

### **UNFINISHED BUSINESS**

Johnson moved to adopt the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2011-35-Z&P in the Office of the City Clerk in support of the City Council's decision 8/5/2011 to approve a conditional use permit and variance relating to Holiday Stationstore #69 at 2322 Washington Ave N. Seconded.

Adopted upon a voice vote 8/19/2011.

Johnson moved to adopt the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2011-41-Z&P in the Office of the City Clerk in support of the City Council's decision 8/5/2011 to approve a conditional use permit and variance relating to Holiday Stationstore #209 at 2448 Hennepin Ave. Seconded.

Adopted upon a voice vote 8/19/2011.

Pursuant to notice, Glidden moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (to revise regulations for secondhand good stores), as follows:

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

- d) Amending Chapter 548 relating to *Commercial Districts*; and
  - e) Amending Chapter 549 relating to *Downtown Districts*. Seconded.
- Adopted upon a voice vote 8/19/2011.

### NEW BUSINESS

Samuels 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 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses* (amending Section 362.40 to allow the re-location of an existing off sale liquor store).

Hodges moved to introduce the subject matter of an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, for first reading and referral to the Community Development and Ways & Means/Budget Committees, with an August 29, 2011 public hearing to be held at the Ways & Means/Budget Committee meeting (adding a new section 20.475A to implement a retirement incentive for the Department of Community Planning & Economic Development). Seconded.

Adopted by unanimous consent 8/19/2011.

Johnson moved to request unanimous consent to introduce an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by adding a new Section 20.62, enabling furloughs for appointed and non-represented employees. Seconded.

Adopted by unanimous consent 8/19/2011.

Johnson moved that an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by adding a new Section 20.62, enabling furloughs for appointed and non-represented employees, be given its second reading and passage. Seconded.

Adopted 8/19/2011.

Ordinance 2011-Or-078 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, by adding a new Section 20.62, enabling furloughs for appointed and non-represented employees, was adopted 8/19/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2011-Or-078**  
**By Johnson**  
**1st & 2nd Readings: 8/19/2011**

**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 Chapter 20 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.62 to read as follows:

**20.62. Furlough.** (a) The city council may authorize mandatory furloughs for classified and unclassified exempt and non-exempt employees. "Mandatory furlough" means the involuntary temporary reduction of work days and the placement of an employee on involuntary leave without pay due to an unanticipated decrease in revenue after the city council and mayor have adopted a balanced budget for the fiscal year. As part of its consideration, the city council shall be presented information from the chief financial officer regarding the present financial status of the city's budget and other

options for curing any current shortfall(s). In the event city council authorizes mandatory furloughs of city employees due to unanticipated decrease in revenue(s), the city council shall direct the city coordinator to coordinate department plans to implement furloughs necessary to alleviate the specific budgetary shortfall(s). Mandatory furloughs shall be implemented as follows:

- (1) If an affected department head determines that the use of mandatory furloughs is an appropriate response to unanticipated decrease in revenue(s), the department head shall develop a plan in coordination with the city coordinator.
  - (2) The plan shall project the amount of the decreased revenues, which necessitate implementing mandatory furloughs and the projected number of days each employee will be furloughed to satisfy the budgetary shortfall(s).
  - (3) Each department head shall post a furlough schedule for implementing the furlough plan. Each designated employee within the department shall be furloughed for no more than two (2) days during a pay period nor more than twenty (20) days per calendar year unless the department head and the designated employees develop an alternative plan to accomplish the financial objective. The furlough plan must be approved by the human resources director prior to implementation. If the furlough plan is denied by the human resources director, the department head may appeal the denial to the city coordinator, whose decision shall be final. The city coordinator shall provide a copy of the final decision to the affected employees.
  - (4) Every furlough plan shall be designed so that no affected employee group bears a disproportionate burden.
  - (5) Approved furlough plans shall be posted in each departmental office at least twenty-eight (28) days prior to implementation and written notice shall be provided to the affected employees. The plan shall specify the employees being furloughed and the effective dates of the mandatory furlough.
  - (6) Each affected department head shall first solicit volunteers for budgetary leaves of absence. An employee volunteering for budgetary leave of absence will have his/her mandatory furlough reduced by the amount of voluntary budgetary leave. Budgetary leave of absence must be pre-approved by the department head and the Budgetary Leave of Absence Policy and Procedures followed. An employee cannot cancel budgetary leave of absence after it has been approved by the department head without the express approval of his/her department head. Cancelled budgetary leave will not count toward the mandatory furlough.
  - (7) Employees shall not perform any work for the City of Minneapolis during a mandatory furlough day. While on mandatory furlough, employees shall not be assigned a status of "On-Call," required to attend any training, scheduled to attend any other activity which could constitute hours worked. This prohibition against performing work for the City of Minneapolis includes but is not limited to answering work-related calls, checking telephone messages and reading emails. An employee's violation of the prohibition against performing work while on furlough will result in discipline up to and including discharge from employment. A mandatory furlough day shall not be included as hours worked for purposes of determining eligibility for overtime compensation.
  - (8) Employees on furlough shall be credited with seniority, vacation accrual, sick leave accrual and other benefits which employees are entitled to under Civil Service Commission Rules, employment agreement, city council resolution, ordinance, collective bargaining agreement, or other authorization. Employer-paid premiums for insurance coverage and retirement contributions shall continue without interruption as if the furloughed employees had actually worked, provided that the furloughed employees make their employee contributions.
  - (9) Employees on furlough shall not be entitled to substitute any form of accrued paid leave for the furlough period.
  - (10) A mandatory furlough due to budgetary shortfall(s) is not a disciplinary action.
- (b) Notwithstanding the provisions of Section A, a department head may petition the human resources director to exclude certain positions from mandatory furloughs if a mandatory furlough would

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endanger the health and safety of the citizens of Minneapolis. The human resources director may, upon petition by the department head, designate specific positions which shall be excluded from the furlough plan. The human resources director shall notify the city council of the positions s/he has determined shall be excluded from the furlough plan in order to protect the health and safety of the citizens and the human resources director shall state the reasons the positions are excluded. If the department head disagrees with the determination of the human resources director, the department head may appeal to the city coordinator, whose decision shall be final. The city coordinator shall provide a copy of the final decision to the affected employees and their exclusive representatives.

(c) The chief financial officer shall report the cumulative departmental cost savings achieved through mandatory furloughs monthly to the city coordinator as long as the mandatory employee furlough is in effect.

Adopted 8/19/2011.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 8/19/2011.

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 8/22/2011  
Official Posting: 8/26/2011  
Corrections: 9/02/2011  
10/5/2011; 10/12/2012

