

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JUNE 17, 2011

(Published June 25, 2011, in *Finance and Commerce*)

Council Chamber  
Room 317 City Hall  
350 South 5th Street  
Minneapolis, Minnesota  
June 17, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 6/17/2011.

There being no objections, the agenda was amended to include a motion relating to the merger of the Minneapolis Police Relief Association (MPRA) and Minneapolis Firefighters' Relief Association (MFRA) into the Public Employees Retirement Association Police and Fire, for consideration after the Adjourned Council Session (see "New Business").

Lilligren moved acceptance of the minutes of the regular meeting May 27, 2011. Seconded.

Adopted upon a voice vote 6/17/2011.

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 6/17/2011.

### PETITIONS AND COMMUNICATIONS

#### **COMMITTEE OF THE WHOLE:**

INSPECTIONS DEPARTMENT (274989)

Minneapolis RECOVERS update

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

COORDINATOR (274990)

Adoption of Performance Measures recommended by Council on Local Results and Innovation

INTERGOVERNMENTAL RELATIONS (274991)

2012 State Bonding Agenda

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274992)

DeLaSalle High School (One DeLaSalle Dr): Preliminary & final approval to issue bonds for computer equipment & infrastructure improvements.

2010 Affordable Housing Trust Fund Supplemental Funding Recommendations.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274993)  
2011 Metropolitan Council Livable Communities Demonstration Account: Submission & priority ranking of grant applications.  
INTERGOVERNMENTAL RELATIONS (274994)  
FY2011 CDBG & Schedule 4 Budget Revision.  
NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (274995)  
NRP Phase II Neighborhood Action Plans:  
Lynnhurst;  
East Isles.

**ELECTIONS (See Rep):**

CITY CLERK (274996)  
Disposition of City's Elections Responsibilities:  
a) Receive and file consultant analysis and recommendations; and  
b) Direct staff to develop plan and associated timeline to retain City's responsibilities and functions.

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

ATTORNEY (274997)  
Rental Dwelling License at 1424 Fremont Av N: Findings of Fact relating to request for stay of City Council decision to revoke the license held David Busch on behalf of DRB #24 LLC.  
LICENSES AND CONSUMER SERVICES (274998)  
Goda Restaurant (3400 Nicollet Av): Grant Sidewalk Cafe License.  
Blackbird Cafe (3800 Nicollet Av): Grant Sidewalk Cafe License.  
Town Hall Tap (4810 Chicago Av): Approve Business License Operating Conditions relating to On-Sale Wine Class E with Strong Beer and Sidewalk Cafe Licenses.  
LICENSES AND CONSUMER SERVICES (274999)  
Licenses: Applications.  
PUBLIC WORKS AND ENGINEERING (275000)  
Commercial Recycling: Ordinance adopting a recycling requirement for owners and operators of commercial buildings and establishments.  
REGULATORY SERVICES (275001)  
Outdoor Areas: Ordinance amending regulations applicable to outdoor areas and establishing capacity limits and specific hours of use.  
REGULATORY SERVICES (275002)  
Rental Dwelling License at 3506 Girard Av N: Revoke license held by Keith & Kitty Lynch.  
REGULATORY SERVICES (275003)  
Rental Dwelling License at 3507 Queen Av N: Revoke license held by Tredis Adams.  
MET LAW GROUP, PLLC (275004)  
Rental Dwelling License at 1424 Fremont Av N: Request for stay of City Council decision revoking the license held by David Busch on behalf of DRB #24 LLC pending review by the Court of Appeals.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (275005)  
Transportation Infrastructure Study: Update.

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

PUBLIC WORKS AND ENGINEERING (275006)  
Special Assessment Deferment Application: 4016 Aldrich Ave N.  
Pedestrian Advisory Committee: Appointments.

Southeast Minneapolis Industrial (SEMI) West Pond Construction Project No 4505: Project approval and easement agreement.

Minneapolis RECOVERS/Storm-Related Sidewalk Repairs: Staff directions re damage estimate.  
PUBLIC WORKS AND ENGINEERING (275007)

Bids: a) OP 7753, Low bid of Thomas and Sons Construction, Inc., for Riverside Ave Phase I Construction;

b) OP 7454, Low bid of Veit and Company, Inc. for the 25th Ave SE and Granary West Pond Construction;

c) OP 7455, Low bid of Derovations Corporation, d/b/a Dero Bike Rank Company, for bike racks; and

d) OP 7456, Low bid of Huls Bros. Trucking, Inc. for the hauling and disposal of treatment residuals.  
PUBLIC WORKS AND ENGINEERING (275008)

Ventura Village, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project No 5216: Project approval and assessment public hearing; and Comments.

Chicago Ave Street Resurfacing Projects No 5208 and 5209: Project approval and assessment public hearing.

Talmage Ave SE Street Reconstruction Project No 2225: Project approval and assessment public hearing.

Non-Motorized Transportation Pilot Project (NTP) Grant Awards for Bicycle Sharing Project Expansion: Accept and appropriate funds.

Metropolitan Council Municipal Infiltration/Inflow Program: Grant agreement and appropriate funds.

Nicollet-Central Urban Circulator Subrecipient Grant Agreement: Agreement with Metropolitan Council; and appropriate funds.

Flood Area 5 37th Ave N Greenway Project: Accept funding and increase appropriation.

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

ATTORNEY (275009)

Legal Settlements: a) Ayan Osman; b) Carlton Davis v. City of Minneapolis; c) Curtis Shelmon v. City of Minneapolis; d) Marian Hampton v. City of Minneapolis; e) Robert Lee Allison v. Debra Ann Hubert and City of Minneapolis; f) Brendon Schram v. City of Minneapolis; and g) David James Taylor v. City of Minneapolis.

Adult Correctional Facility: Agreement with Hennepin County for per diem rates payment.

BUSINESS INFORMATION SERVICES (BIS) (275010)

Community Relationship Management Software: Execute three (3) year contract with PowerTeam Inc. dba PowerObjects for professional services; contract to include two options for one-year extensions.

Safety Camera Software Conversion: Increase Contract C-23509 - OP 6606 with A+ Security Inc., to software conversion work at 3rd and 4th police precincts.

COMMUNICATIONS (275011)

July 2011 Utility Billing Insert: Local Use Tax.

FINANCE DEPARTMENT (275012)

Re-roofing Project: Execute change order to contract C-28805 with Excel Companies for re-roofing project at Fire Station No. 1.

Property Disposition Fund: Authorize use of \$100,000 from sale of 165 Glenwood Avenue for municipal operation upgrades at 1200 Currie Avenue and 198 Aldrich Avenue sites.

FIRE DEPARTMENT (275013)

Donation of Travel Expenses: Accept donation of travel expenses to conduct firefighting training in Eldoret, Kenya.

HEALTH AND FAMILY SUPPORT SERVICES (275014)

Youth Violence Prevention: Apply for five-year grant from US Department of Health and Human Services, to plan and implement evidence-based strategies to reduce youth violence.

REGULATORY SERVICES (275015)

Minneapolis RECOVERS: Accept in-kind donations to Minneapolis Animal Care & Control.

**MOTIONS:**

COUNCIL MEMBER JOHNSON (275015.1)

Closed Pensions: Mpls Police Relief Association & Mpls Firefighters Relief Association Term Sheets/Points of Agreement. (See City Council Adjourned Session).

**FILED:**

CHARTER COMMISSION (275016)

Advisory Group for Minneapolis Redistricting: Applications.

Advisory Group Selection Committee: a) Memorandum recommending appointments; and b) Committee rating sheets.

CITY CLERK (275016.1)

Rental Dwelling Licenses at 905 Franklin Av, 3725 Cedar Av S, and 1830 Stevens Av S: Transcript of proceedings before the RE&E Committee on April 4, 2011 relating to the rental licenses held by Spiros Zobalis and Mary Brandt.

COUNCIL MEMBER GORDON (275017)

FY2011 CDBG & Schedule 4 Budget Revision: Proposed amendment. (See CD & W&M/Budget Committee report.)

*The following reports were signed by Mayor Rybak on June 22, 2011, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

**The COMMITTEE OF THE WHOLE submitted the following reports:**

Glidden moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from June 16, 2011, regarding the 2012 State Bonding Agenda at this meeting. Seconded.

Adopted by unanimous consent 6/17/2011.

**Comm of the Whole** - Your Committee, having under consideration potential 2012 Capital Bonding Projects, now recommends passage of the accompanying resolution approving the submission of a ranked list of projects.

Adopted 6/17/2011.

Resolution 2011R-296, approving and ranking the 2012 Capital Budget requests and submitting requests to the Commissioner of Minnesota Management and Budget, was adopted 6/17/2011 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-296**

**By Glidden**

**Approving and ranking the 2012 Capital Budget requests and submitting requests to the Commissioner of Minnesota Management and Budget.**

Resolved by The City Council of The City of Minneapolis:

That the following capital investment projects are submitted to the Minnesota Management and Budget office and that the projects are prioritized as follows:

1. Plymouth Avenue Bridge
2. 10th Avenue Bridge

3. Target Center Improvements
4. Nicollet Mall Planning Funds
5. Granary Road
6. 35W South and 35W North Storm Tunnel Preservation Projects
7. Grand Rounds Scenic Byway Lighting Renovation

Resolve that the City supports these bonding projects for the 2012 legislative session however understand that the City's foremost priority is state bonding assistance through special legislation to help with public infrastructure needs as part of the north side tornado disaster recovery.

Be It Further Resolved that Minneapolis Intergovernmental Relations Department staff is directed to properly file these requests for funding with the Minnesota Management and Budget office.

Adopted 6/17/2011.

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 June 16, 2011, regarding the adoption of performance measures developed by the State of Minnesota Council on Local Results and Innovation at this meeting. Seconded.

Adopted by unanimous consent 6/17/2011.

**Comm of the Whole** - Your Committee, having under consideration the adoption of performance measures developed by the State of Minnesota Council on Local Results and Innovation, now recommends passage of the accompanying resolution declaring the City of Minneapolis' commitment to adopting the 10 city performance measures.

Adopted 6/17/2011.

Resolution 2011R-297, adopting the Performance Measures developed by the State of Minnesota Council on Local Results and Innovation, was adopted 6/17/2011 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-297**

**By Lilligren**

**Adopting the Performance Measures developed by the State of Minnesota Council on Local Results and Innovation.**

Resolved by The City Council of The City of Minneapolis:

That the following 10 performance measures developed by the State of Minnesota Council on Local Results and Innovation be adopted and implemented as part of the City's overall results management system:

**General**

1. Rating of the overall quality of services provided by your city
2. Percent change in the taxable property market value
3. Citizens' rating of the overall appearance of the city

**Police Services**

4. Part I and II crime rates

**Fire Services**

5. Citizens' rating of the quality of fire protection services

**Streets**

6. Average city street pavement condition rating
7. Citizens' rating the quality of snowplowing on city streets

**Water**

8. Citizens' rating of the dependability and quality of city water supply

**Sanitary Sewer**

9. Citizens' rating of the dependability and quality of city sanitary sewer service

**Parks and Recreation**

10. Citizens' rating of the quality of city recreational programs and facilities (parks, trails, park buildings).

Adopted 6/17/2011.

**The COMMUNITY DEVELOPMENT Committee submitted the following reports:**

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for the DeLaSalle High School project at One DeLaSalle Dr, to finance the acquisition of computer equipment and related applications to upgrade their educational systems, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$475,000 in Bank Qualified Bank Direct Tax-exempt 501(c)(3) Minneapolis Community Development Agency Revenue Bonds, Series 2011, for said project.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 6/17/2011.

Resolution 2011R-298, giving preliminary and final approval to and authorizing the financing of a project on behalf of De La Salle High School at One De La Salle Dr, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefore, was adopted 6/17/2011 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-298**

**By Goodman**

**Giving preliminary and final approval to and authorizing the financing of a project on behalf of De La Salle High School (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$475,000 (the "Bond") to finance the acquisition of computer equipment and related applications and infrastructure improvements for the Company's educational facilities located at One De La Salle Drive in the City (the "Project"); and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota nonprofit corporation; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an interest rate expected to not exceed 4.00% per annum, shall have a final maturity date not later than December 1, 2014, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$475,000 for the purpose of financing the Project.



That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 6/17/2011.

**Comm Dev** - Your Committee, having under consideration 2010 Affordable Housing Trust Fund (AHTF) supplemental funding project recommendations, now recommends approval of a total of up to \$2,353,686 from the 2010 AHTF Supplemental funding, and a total up to \$53,500 from the Non-Profit Development Assistance Fund, for the following projects/applicants, and that the proper City officers be authorized to execute the necessary documents for the AHTF loans and the Non-Profit Development Assistance grants:

a) A loan up to \$188,311 for Alliance Northside Properties, 2519 Fremont Ave N, 2655 Thomas Ave N and 3725 Penn Ave N by Alliance Housing Incorporated or an affiliated entity and a grant up to \$23,500 from the Non-Profit Development Assistance Fund;

b) A loan up to \$945,000 for City Place Lofts, 730 Hennepin Ave, by City Place Developer LLC or an affiliated entity;

c) A loan up to \$875,000 for Dunwoody Apartments, 110 E 18<sup>th</sup> St, by Gateway Commons LLC or an affiliated entity, with the following conditions:

- 1) retrieve a personal guarantee from the developer;
- 2) review general partner loan terms;
- 3) write in recapture provisions; and

d) A loan up to \$345,375 for Urban Homeworks Rental Reclaim Phase IV, 2026 Fremont Ave N, 1811 Emerson Ave N, 2129 Emerson Ave N, 1514 Irving Ave N, 1601 Irving Ave N and 2701 Lyndale Ave N by Urban Homeworks or an affiliated entity, and a grant up to \$30,000 from the Non-Profit Development Assistance Fund.

Adopted 6/17/2011.

**Comm Dev** - Your Committee, having under consideration a modification to the Rehab Support Program to help housing affected by the tornado which occurred in north Minneapolis on May 22, 2011, now recommends approval of a change in the program guidelines to make the loan accessible to repair and improve more properties affected by the tornado, and that the proper City officers be authorized to execute an amendment to the agreement with Minnesota Housing Finance Agency allowing this change.

Adopted 6/17/2011.

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

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing submission and priority ranking of the following grant applications, in the amounts requested, to the Metropolitan Council Livable Communities Demonstration Account (LCDA), as described in the Department of Community Planning & Economic Development staff report:

**2011 LCDA Development Applications and Recommended Ranking**

1. Emanuel Housing, by RS Eden, \$488,170
2. Corcoran Triangle, by Wellington, McNellis & Swenson, \$505,000
3. ArtCube, by Artspace, \$400,000
4. Spirit on Lake, by PRG, \$391,500
5. Currie Park Lofts, by Fine Associates, \$1,010,210

**2011 LCDA Pre-Development Applications and Recommended Ranking**

1. West Bank right-of-way parcel study, by the Minneapolis Department of Community Planning & Economic Development, \$100,000

Adopted 6/17/2011.

Resolution 2011R-299, identifying the need for Livable Communities Demonstration Account funding and authorizing applications for grant funds, was adopted 6/17/2011 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-299  
By Goodman and Hodges**

**Identifying the need for Livable Communities Demonstration Account funding and authorizing applications for grant funds.**

Whereas, the City of Minneapolis is a participant in the Livable Communities Act's Housing Incentives Program for 2011 as determined by the Metropolitan Council, and is therefore eligible to apply for Livable Communities Demonstration Account funds; and

Whereas, the City has identified proposed projects within the City that meet the Demonstration Account's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreements; and

Whereas, the City agrees to act as legal sponsor for the projects contained in the grant applications to be submitted by July 15, 2011; and

Whereas, the City acknowledges Livable Communities Demonstration Account grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the region, and therefore represents that the proposed projects or key components of the proposed projects can be replicated in other metropolitan-area communities; and

Whereas, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities Demonstration Account during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of Demonstration Account grant funding; and

Whereas, cities may submit grant applications for up to six projects during each funding cycle for LCDA Development Grants and Pre-Development Grants combined, but, using the cities' own internal ranking processes, must rank their projects by priority so the Metropolitan Council may consider those priority rankings as it reviews applications and makes grant awards;

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

1. That the Minneapolis City Council finds that it is in the best interests of the City's development goals and priorities for the proposed projects to occur at these particular sites at this particular time.

2. That the Minneapolis City Council finds that the project components for which Livable Communities Demonstration Account funding is sought:

a) will not occur solely through private or other public investment within the reasonably foreseeable future; and

b) will occur within three years after the grant award only if Livable Communities Demonstration Account funding is made available for these projects at this time.

3. That the Minneapolis City Council ranks the project funding applications, according to the City's own internal priorities, in the following order:

Development Grants and Priority Ranking (grant amount requested):

- (1) Emanuel Housing, \$488,170
- (2) Corcoran Triangle, \$505,000
- (3) ArtCube, \$400,000
- (4) Spirit on Lake, \$391,500



(5) Currie Park Lofts, \$1,010,210

Pre-Development Grants and Priority Ranking (grant amount requested)

(1) West Bank Right-of-Way Parcel Study, \$100,000

4. That the Minneapolis City Council represents that the City has undertaken reasonable and good faith efforts to procure funding for the project components for which Livable Communities Demonstration Account funding is sought but was not able to find or secure from other sources funding that is necessary for project component completion within three years and states that this representation is based on the following reasons and supporting facts:

Emanuel Housing: Funding already committed to the project (various public affordable housing sources) cannot typically be used for the infrastructure/site improvements described in the application.

Corcoran Triangle: Funding already committed to the project (various public affordable housing sources) cannot typically be used for the infrastructure/site improvements described in the application.

ArtCube: Funding for site improvements will help catalyze the remaining project funds.

Spirit on Lake: Funding for acquisition and site improvements will help catalyze the remaining project funds. The remaining grant activities cannot typically be funded with traditional public affordable housing sources.

Currie Park: LCDA is a primary funding source for the street construction, as described in the application. Other requested uses typically cannot be funded with traditional affordable housing sources.

West Bank ROW Parcel Evaluation, requesting \$100,000: The City has evaluated other funding sources and has not identified any that could be utilized for this type of complex, cross-jurisdictional analysis.

5. That the Minneapolis City Council authorizes its Director of Community Planning and Economic Development to submit on behalf of the City applications for Metropolitan Council Livable Communities Demonstration Account grant funds for the project components identified in the applications, and its Finance Officer or designee to execute such agreements as may be necessary to implement the projects on behalf of the City.

Adopted 6/17/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Lynnhurst Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$285,619;

b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$142,810 from existing balance. The reduced appropriation amount is consistent with the staff direction set out in footnote "p" of the 2011 General Appropriation Resolution adopted 12/13/2010, as amended 4/1/2011;

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

Adopted 6/17/2011.

**RESOLUTION 2011R-300  
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 NRP Fund (01CNR-8900800) by \$142,810.

Adopted 6/17/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the East Isles Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$387,253;

b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$168,627 from existing balance. The reduced appropriation amount is consistent with the staff direction set out in footnote "p" of the 2011 General Appropriation Resolution adopted 12/13/2010, as amended 4/1/2011;

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

Adopted 6/17/2011.

**RESOLUTION 2011R-301  
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 NRP Fund (01CNR-8900800) by \$168,627.

Adopted 6/17/2011.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a reduced preliminary estimate provided by the Department of Housing & Urban Development (HUD) for FY2011 Community Development Block Grant (CDBG)/Consolidated Plan awards, and the report from the Departments of Finance and Intergovernmental Relations requesting a direction to staff to revise and amend the FY2011 Schedule 4 programs and projects as proposed by the Mayor and to publish a 2011 Consolidated Plan Amendment #1 for a 30-day public comment period prior to submission to HUD for FY2011 program year effective 6/1/2011, and that upon receipt of an official award amount from HUD, staff be authorized to make necessary across-the-board budget adjustments to reflect official awards, now recommends:

**Comm Dev** - Approval of the revised CDBG Schedule 4, Year 37 CDBG amendment as set forth in the staff report which a) keeps the Mayor's proposed 2011 CDBG recommendations in public service and administration categories; b) amends the December 2010 Council approved schedule in capital programming by applying across the board cuts to all capital programs and eliminating funding for public housing general rehabilitation and adding that amount to Adult Training and Placement to offset its CDBG reduction; and c) offsets the reduction to the CPED Affordable Housing Trust Fund (AHTF) by reprogramming budgeted CDBG Recovery funds for the CPED Van White Bridge and 10-K Solar projects to the AHTF in the amount of \$544,047 for a new AHTF 2011 budget of \$3,271,450. The \$544,047 in Recovery funds must be expended by 9/30/2012 in a CDBG-eligible AHTF project.

**W&M/Budget** - Approval of the Community Development Committee recommendation, with an amendment under the capital allocation to reduce the CDBG allocation for New Problem Properties Strategy for Regulatory Services by \$117,065 on a one-time basis and increase the appropriation for Fire Protections Equipment for the Fire Department by \$117,065.

Goodman moved to amend the report by approving the Ways & Means/Budget Committee recommendation and deleting the Community Development Committee recommendation. Seconded.

Gordon moved to amend the report by substituting a new revised CDBG Schedule 4, Year 37 CDBG amendment, which returned a portion of the funding to the Public Health Advisory Recommendations, as set forth in Petn No. 275017.

Lost for lack of a second.

Goodman's motion was adopted upon a voice vote.

The report, as amended, was adopted 6/17/2011. Yeas, 12; Nays, 1 as follows:

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

Nays - Gordon.

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

**Elections** - Your Committee, having under consideration the disposition of the City's elections responsibilities, now recommends the following:

a) Receive and file the comprehensive analysis report presented by Ms. Connie Schmidt, CERA, Connie Schmidt & Associates, Inc.; and

b) Direct staff to develop a plan and associated timeline to retain the City's elections responsibilities and related functions with identified improvements in service delivery, resource allocation, cost savings, operational enhancements, and to explore partnerships with other jurisdictions.

Gordon moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

**Elections** - Your Committee, having under consideration the disposition of the City's elections responsibilities, now recommends the following:

a) Receive and file the comprehensive analysis report presented by Ms. Connie Schmidt, CERA, Connie Schmidt & Associates, Inc.; and

b) Direct staff to develop a plan and associated timeline to retain the City's elections responsibilities and related functions with identified improvements in service delivery, resource allocation, cost savings, operational enhancements, to strengthen the City's partnership with Hennepin County, and to explore partnerships with other jurisdictions.

Adopted 6/17/2011.

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

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending regulations applicable to outdoor areas and establishing capacity limits and specific hours of use, now recommends that said ordinance be **sent forward without recommendation**.

Tuthill moved that the ordinance be postponed two cycles, and that staff be directed to work with a task force to develop specific recommendations and/or ordinance amendments, as appropriate. Seconded.

Adopted upon a voice vote 6/17/2011.

**RE&E** - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to adopting a recycling requirement for owners and operators of commercial buildings and establishments, now recommends:

a) that the following ordinance be returned to author:

Title 11, Chapter 225 relating to *Health and Sanitation: Garbage and Refuse*.

b) that the following ordinance be given its second reading for amendment and passage:

Title 9, Chapter 174 relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*.

Gordon moved that Section 174.435 (a) of the ordinance be amended to read as follows:

**"174.435. Recycling at commercial buildings. (a) Service required. Beginning September 1, 2011, every person required pursuant to section 225.40 to provide or who otherwise provides containers for the collection of solid waste at any commercial building or use shall do the following to facilitate recycling activity in each such commercial building or use:"** Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/17/2011.

Ordinance 2011-Or-053 amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau*, amending Sections 174.410, 174.420, 174.430, and 174.435 to adopt a recycling requirement for owners and operators of commercial buildings and establishments, was adopted 6/17/2011 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-053**  
**By Gordon**  
**Intro & 1st Reading: 10/22/2010**  
**Ref to: RE&E**  
**2nd Reading: 6/17/2011**

**Amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau.**

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

Section 1. That Section 174.410 of the above-entitled ordinance be amended to read as follows:

**174.410. Certificate of registration required.** The owner of any commercial building shall obtain an annual renewable certificate of registration indicating that the building and its associated uses and occupancies are in compliance with all requirements of this article and the fire code. No building, or portion of a building upon the judgment of the fire marshal, shall continue to be occupied without such valid certificate of registration after a reasonable time, as fixed by written order of the fire marshal pursuant to section 174.430(3).

Section 2. That Section 174.420 of the above-entitled ordinance be amended to read as follows:

**174.420. Issuance of certificate of registration.** The certificate of registration required pursuant to this article shall be issued after inspection by the fire marshal or the fire marshal's designee reveals that the use and occupancy of the commercial building is in conformity with the requirements of this article and the Minnesota State Fire Code. The owner and occupants of any commercial building shall cooperate in facilitating any inspections required pursuant to this article and reinspection fees may be charged pursuant to section 1.120 of this Code for any required reinspection finding noncompliance conducted after the due date for compliance with a duly-issued order. The certificate of registration required pursuant to this article shall be required one (1) year after the initial occupancy of any commercial building and annually thereafter, and shall be required annually for any existing commercial building. The certificate of registration shall contain the following information:

- (1) The building certificate number.
- (2) The address of the building.
- (3) The name and address of the owner.
- (4) A description of that portion of the building for which the certificate is issued.
- (5) A statement that the described portion of the building has been inspected for compliance with the requirements of the fire code for the group and division of occupancy and the use for which the occupancy is classified.
- (6) The name of the building contact or official.

Section 3. That Section 174.430 of the above-entitled ordinance be amended to read as follows:

**174.430. Renewal required.** For every commercial building governed by this article, a periodic inspection shall be scheduled by the fire marshal. When the results of such inspection shall show that the commercial building fails in any respect to comply with the provisions of this article or the fire code, the fire marshal shall notify the owner to this effect and specify wherein such commercial building fails to comply with the requirements of this article or the provisions of the fire code. The fire marshal shall take the necessary action to secure compliance with the provisions of this article and the fire code, so that no immediate hazard to health or safety of the occupants or public is allowed to continue.

- (1) *Temporary certificate.* If the fire marshal finds that no substantial hazard will result from occupancy of any commercial building or portion thereof before any required code compliance is completed, a temporary certificate of registration may be issued for the portion or portions of a commercial building prior to the completion of any required code compliance by the entire commercial building.
- (2) *Posting.* The certificate of registration shall be posted in a conspicuous place on the premises and shall not be removed except by the fire marshal.

- (3) *Denial, suspension and revocation.* The fire marshal may, in writing, suspend or revoke a certificate of registration issued under the provisions of this article whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the commercial building or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code. Whenever a certificate of registration is denied, suspended or revoked, the fire marshal shall notify the owner or operator of the commercial building in writing. The notice shall be served upon the owner or operator of the commercial building in person or by first class mail and it shall inform the owner or operator of the right, within twenty (20) days after the date of the notice to request an appeal of the denial, suspension or revocation to the fire code appeals board. If an appeal is timely received the hearing before the fire code appeals board shall take place within a reasonable period thereafter.

Section 4. That Chapter 174 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 174.435 to read as follows:

**174.435. Recycling at commercial buildings.** (a) *Service required.* Beginning September 1, 2011, every person required to provide or who otherwise provides containers for the collection of solid waste at any commercial building or use shall do the following to facilitate recycling activity in each such commercial building or use:

- (1) Provide, by contract with a licensed private collection vendor, adequate containers for the recycling of at least those materials that are generated at the building and designated as recyclable materials pursuant to section 225.05 and Article VI of Chapter 225. Persons who provide their own collection and delivery of recyclable materials to a recycling facility may provide containers at their own cost. Containers shall be stored on the premises of the building in locations that are convenient for the deposit and collection of recyclable materials. A commercial building that houses multiple tenants, uses or occupants may have such containers located in an accessible and shared location or locations. Recycling services provided pursuant to this section may be shared by multiple locations provided that adequate containers are reasonably available and accessible from each location.
- (2) Provide for the collection and delivery of recyclable materials to a recycling facility by self-hauling or by contract with a licensed private collection vendor, at a regular frequency of at least twice monthly.
- (3) Distribute written information and instructions describing the recycling program. The owner or operator of any commercial building that contracts for or otherwise offers or is required to offer recycling services pursuant to this section shall distribute such written information to each business or commercial use located in the building on at least an annual basis that describes the types of materials accepted for recycling, the locations of the containers and any other information necessary for a building tenant or occupant to access and utilize the recycling services.
- (4) Provide, upon the occurrence of the periodic inspection required by this article or upon the order of the fire marshal, a written recycling plan describing the recycling services offered at the commercial building or use and addressing any other issues deemed relevant by the fire marshal.
- (5) Provide, upon the order of the fire marshal, any documentation, receipts or contracts requested to establish compliance with this section.

(b) *Enforcement and penalties.* The fire marshal and authorized representatives and designees shall enforce the provisions of this section. If it is determined that a person required to provide commercial recycling services subject to this section fails to meet any requirement of this section, the fire marshal shall mail a warning notice to the person. The notice shall specify the reasons why the commercial building or use fails to meet the recycling standards set forth in this section. The notice shall indicate that the person has ten (10) business days to comply with the ordinance. Any person who fails, omits, neglects, or refuses to comply with the provisions of this section after the period of compliance provided for in the required warning notice shall be subject to an administrative penalty



pursuant to Chapter 2 and the schedule of civil fines adopted by the city council. The provisions of Chapter 2 shall govern the appeal and hearing rights afforded to any such person. Additionally, failure to comply with this section may constitute good cause for the denial, suspension, revocation or refusal to issue the certificate of commercial building registration provided for pursuant to this article.

Adopted 6/17/2011.

**RE&E** - Your Committee, having under consideration the application of Chowgirls Inc, dba Chowgirls, 1222 2nd St NE, for an On-Sale Liquor Class D with Sunday Sales 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 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

(Published 6/21/2011)

**RE&E** - Your Committee, having under consideration the application of Leo's Burritos LLC, dba Leo's Burritos, 921 Washington Av SE, 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 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

(Published 6/21/2011)

**RE&E** - Your Committee, having under consideration the application of Blackbird Inc, dba Blackbird Cafe, 3800 Nicollet Av, for a Sidewalk Cafe License 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 6/17/2011.

**RE&E** - Your Committee, having under consideration the application of Goda Restaurant, dba Goda Restaurant, 3400 Nicollet Av, for a Sidewalk Cafe 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 6/17/2011.

**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 and Sidewalk Cafe Licenses held by Town Hall Tap, 4810 Chicago Av S.

Adopted 6/17/2011.

Resolution 2011R-302, approving Business License Operating Conditions relating to the On-Sale Wine Class E with Strong Beer and Sidewalk Cafe Licenses held by Town Hall Tap, 4810 Chicago Av S, was adopted 6/17/2011 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-302**  
**By Glidden**

**Approving Business License Operating Conditions relating to the On-Sale Wine Class E with Strong Beer and Sidewalk Cafe Licenses held by Town Hall Tap, 4810 Chicago Av S.**

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 and Sidewalk Cafe Licenses held by Town Hall Tap, 4810 Chicago Av S:

1. The business understands that the entertainment allowed on the premises is as follows: MCO 363.42 (f) states, A Class E "on sale" license shall permit the sale of wine by the glass or bottle for consumption on the premises, and in addition thereto shall permit, as defined and when carried on in conformity with the ordinances of the city, the sale of food as a restaurant, and the use of radio, television, taped music and jukebox. All other devices producing musical sound are prohibited. No live entertainment of dancing shall be allowed.

2. The business agrees to post a sign at all exits reminding patrons to respect the neighborhood by keeping noise to a minimum.

3. A half hour before closing, the business shall post an employee(s) on the sidewalk in front of the establishment to remind patrons that are creating noise to keep noise level at a minimum.

4. Restaurant staff will immediately ask people that are loitering in the immediate vicinity of the restaurant to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity.

5. The business agrees that the garage doors on their establishment will be closed at 10 p.m. each day.

6. The business agrees to comply with MCO 389.60 regarding sound level limits.

7. The business agrees to close their sidewalk cafe at 10 p.m. Sunday to Wednesday and 11 p.m. on Thursday to Saturday.

8. An encroachment permit shall be obtained for the permanent installation of the fencing surrounding the sidewalk cafe by June 9, 2011. The business agrees to comply with all requirements of the encroachment permit per MCO Chapter 95.

Adopted 6/17/2011.

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

Adopted 6/17/2011.

Resolution 2011R-303, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/17/2011 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-303**

**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 274999):

**On-Sale Liquor Class A with Sunday Sales, to expire June 24, 2011**

Bryant Lake Bowl Restaurants Inc, dba Bryant Lake Bowl, 810 W Lake St (temporary expansion June 24, 2011, 6:00 p.m. to 10:30 p.m.)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 17, 2011**

Mr Susie LLC, dba Barbette, 1600 W Lake St (temporary expansion July 17, 2011, 2:00 p.m. to 10:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire June 25, 2011**

Spoonriver Ltd, dba Spoonriver, 750 S 2nd St #100 (June 25, 2011, 8:00 a.m. to 1:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire July 30, 2011**

Spoonriver Ltd, dba Spoonriver, 750 S 2nd St #100 (July 30, 2011, 8:00 a.m. to 1:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire September 3, 2011**

Spoonriver Ltd, dba Spoonriver, 750 S 2nd St #100 (September 3, 2011, 8:00 a.m. to 1:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire September 24, 2011**

Spoonriver Ltd, dba Spoonriver, 750 S 2nd St #100 (September 24, 2011, 8:00 a.m. to 1:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2011**

Halek's Bar Inc, dba Halek's Bar, 2024 Washington Av N (temporary expansion of license)

**Temporary On-Sale Liquor**

Basilica of St. Mary, dba Basilica Block Party, 88 17th St N (July 8 & 9, 2011, 4:00 p.m. to 10:30 p.m.)

Twelve Holy Apostles, dba Twelve Holy Apostles, 632 E 2nd St, Duluth (fundraiser July 23, 2011, 4:00 p.m. to 11:00 p.m.)

**Liquor Catering Services**

Common Roots Cafe, dba Common Roots Cafe, 2558 Lyndale Av S (new business)

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

50th Street Malt Shop Inc, dba Malt Shop, 809 W 50th St (new business)

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

Wheeler & Man Inc, dba Baldy's BBQ, 1813 Riverside Av (new business)

Great Wall Inc, dba Great Wall Chinese Restaurant, 4515 France Av S (corporate stock purchase)

Karim Inc, dba Adrian's Tavern, 4812 Chicago Av (internal transfer of shares)

**Temporary On-Sale Wine**

Marketing Minneapolis LLC, dba Alive After 5, 81 S 9th St #260 (Peavy Plaza June 6 - 8, 2011, 5:00 p.m. to 9:00 p.m.)

Marketing Minneapolis LLC, dba Alive After 5, 81 S 9th St #260 (Peavy Plaza June 9 - 11, 2011, 5:00 p.m. to 9:00 p.m.)

Marketing Minneapolis LLC, dba Alive After 5, 81 S 9th St #260 (Peavy Plaza June 13 - 15, 2011, 5:00 p.m. to 9:00 p.m.)

Marketing Minneapolis LLC, dba Alive After 5, 81 S 9th St #260 (Peavy Plaza June 16 - 17, 2011, 5:00 p.m. to 9:00 p.m.)

Marketing Minneapolis LLC, dba Alive After 5, 81 S 9th St #260 (Peavy Plaza June 20 - 22, 2011, 5:00 p.m. to 9:00 p.m.)

Marketing Minneapolis LLC, dba Alive After 5, 81 S 9th St #260 (Peavy Plaza June 23 - 24, 2011, 5:00 p.m. to 9:00 p.m.)

Adopted 6/17/2011.

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

Adopted 6/17/2011.

Resolution 2011R-304, granting applications for Business Licenses, was adopted 6/17/2011 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-304**

**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 June 17, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274999):

Dance Hall; Dancing School; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Caterers; Confectionery; Food Distributor; Food Market Distributor; Farm Produce Permits; Grocery;

Food Manufacturer; Meat Market; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Pet Shop; Plumber; Public Market; Residential Specialty Contractor; Secondhand Goods Class A; Solicitor - Company; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle; Taxicab Vehicle - Non-Transferable; Tobacco Dealer; Combined Trades; Tree Servicing.

Adopted 6/17/2011.

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

Adopted 6/17/2011.

Resolution 2011R-305, granting applications for Gambling Licenses, was adopted 6/17/2011 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-305  
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 274999):

**Gambling Exempt**

Church of St. Bridget, dba Church of St. Bridget, 3811 Emerson Av N (Raffle June 5, 2011 at Sojourner Truth Academy, 3820 Emerson Av N)

Minnesota Military Family Foundation, dba Minnesota Military Family Foundation, 620 Mendelssohn Av N (Raffle July 1, 2011, Target Field, 1 Twins Way)

Hope Chest for Breast Cancer Foundation, dba Hope Chest for Breast Cancer Foundation, 3850 Shoreline Dr, Wayzata (Raffle September 10, 2011, 1901 Lagoon Av).

Adopted 6/17/2011.

**RE&E** - Your Committee, having under consideration a request by MET Law Group, PLLC, on behalf of David Busch and DRB #24, LLC requesting a stay of the City Council's decision of April 29, 2011 which revoked the rental dwelling license for the property at 1424 Fremont Avenue North, pending potential appeal to the Minnesota Court of Appeals, now recommends that said request for a stay be denied.

Gordon moved that the report be amended by adding the following language:

"Your Committee further recommends adoption of the Findings of Fact on file in the Office of the City Clerk as FOF-2011-26, which are hereby made a part of this report by reference." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 6/17/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Keith and Kitty Lynch for the property located at 3506 Girard Av N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2011-24 which are hereby made a part of this report by reference.

Adopted 6/17/2011.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Tredis Adams for the property located at 3507 Queen Av N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2011-25 which are hereby made a part of this report by reference.

Adopted 6/17/2011.

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

**T&PW** - Your Committee, having under consideration the special assessment deferment application submitted by:

Leon Sepple (senior citizen and disabled) to defer the special assessment (Levy 01028, Project 11WTR) for a water service line repair in the original principal amount of \$10,050, for payable 2011 and subsequent years, on the property located at 4016 Aldrich Ave N, PID 04-029-24-14-0042, legal description: Lot 11, Block 1, "Barnes Brothers' Addition to Minneapolis", now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 6/17/2011.

**T&PW** - Your Committee recommends the following appointments to the Minneapolis Pedestrian Advisory Committee for terms beginning July 1, 2011 and expiring June 30, 2013:

Philip Ailiff  
Amber Fink  
Diane Hansen  
Tony Hull  
Ann Kattreh  
Andrea Long  
Don Ostrom  
Julia Tabutt

Your Committee further recommends the following appointment to the Minneapolis Pedestrian Advisory Committee for a term beginning immediately and expiring June 30, 2012:

Scott Engel

Adopted 6/17/2011.

**T&PW** - Your Committee, having under consideration the Southeast Minneapolis Industrial (SEMI) West Pond Construction Project No 4505, now recommends:

- a) Passage of the accompanying resolution approving the project plan and ordering the City Engineer to proceed and do the work for the project; and
- b) That the proper city officers be authorized to execute an agreement with CenterPoint Energy to amend CenterPoint Energy's easement on City property in order to relocate a gas main in the area.

Adopted 6/17/2011.

Resolution 2011R-306, approving the project plan set for the Southeast Minneapolis Industrial (SEMI) West Pond Construction Project No 4505, was adopted 6/17/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

**JUNE 17, 2011**

---

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

**RESOLUTION 2011R-306**

**By Colvin Roy**

**Approving the project plan set for the Southeast Minneapolis Industrial (SEMI) West Pond Construction Project No 4505.**

Whereas, Public Works and CPED plan to construct a stormwater management pond on a City-owned parcel located at the north end of the planned extension of 25th Ave SE; and

Whereas, the stormwater pond will control the rate of a portion of the stormwater run-off from the proposed SEMI Project roadways;

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

That the project plan set for the Southeast Minneapolis Industrial (SEMI) West Pond Construction Project No 4505 be approved and the City Engineer be authorized to proceed with the work on the project.

Adopted 6/17/2011.

**T&PW** - Your Committee recommends that Public Works staff be directed to develop a damage estimate for public sidewalks, curb and gutter, and alley pavements damaged as a result of the May 22, 2011 tornado in North Minneapolis.

Your Committee further recommends that the Public Works and Finance Departments return to the Transportation & Public Works Committee with a proposal to fund those repairs without assessing abutting property owners.

Adopted 6/17/2011.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the Ventura Village Area, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project, Special Improvement of Existing Street No 5216, 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 project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

Adopted 6/17/2011.

Resolution 2011R-307, ordering the work to proceed and adopting the special assessments for the Ventura Village Area, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project No 5216, was adopted 6/17/2011 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-307**

**By Colvin Roy and Hodges**

**2011 STREET RESURFACING PROGRAM  
VENTURA VILLAGE AREA, RIDGEWOOD AVE AND PILLSBURY AVE  
STREET RESURFACING PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5216**

**Ordering the work to proceed and adopting the special assessments for the Ventura Village Area, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project.**

Whereas, a public hearing was held on June 7, 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-179, passed April 15, 2011 to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-179, passed April 15, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$773,427.18 for the Ventura Village Area, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 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 City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 real estate tax statements.

Adopted 6/17/2011.

Resolution 2011R-308, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$773,430 to pay the assessed cost of street improvements in the Ventura Village Area, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project, Special Improvement of Existing Street No 5216, was adopted 6/17/2011 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-308  
By Colvin Roy and Hodges**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$773,430 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 Ventura Village Area, Ridgewood Ave and Pillsbury Ave Street Resurfacing Project, Special Improvement of Existing Street No 5216, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/17/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Chicago Ave (38th St E to 46th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5209, and the Chicago Ave (49th St E to 60th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5208, 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 projects;



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 38th St E to 46th St E Project; and

c) 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 49th St E to 60th St E Project.

Glidden moved that the resolution in part (a) be amended by extending the term of the repayment period for the special assessment for the property located at 4532 Chicago Ave from five (5) years to seven (7) years. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

(Published 6/21/2011)

Resolution 2011R-309, ordering the work to proceed and adopting the special assessments for the Chicago Ave (38th to 46th St E) and Chicago Ave (49th to 60th St E) Street Resurfacing Projects No 5209 and No 5208, was adopted 6/17/2011 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-309  
By Colvin Roy and Hodges**

**2011 STREET RESURFACING PROGRAM  
CHICAGO AVE (38TH ST E TO 46TH ST E) STREET RESURFACING PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5209, AND  
CHICAGO AVE (49TH ST E TO 60TH ST E) STREET RESURFACING PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5208**

**Ordering the work to proceed and adopting the special assessments for the Chicago Ave (38th to 46th St E) and Chicago Ave (49th to 60th St E) Street Resurfacing Projects.**

Whereas, public hearings were held on June 7, 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-182, passed April 15, 2011 to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-182, passed April 15, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$196,686.49 for the Chicago Ave (38th to 46th St E) Street Resurfacing Project, and in the total amount of \$277,223.99 for the Chicago Ave (49th to 60th St E) Street Resurfacing Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 real estate tax statements.

Be It Further Resolved that the assessment for the property identified as 4532 Chicago Ave, Property ID 11-028-24-33-0204, be collected in seven (7) successive equal annual principal installments beginning on the 2012 real estate tax statements and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds.

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 City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 real estate tax statements.

Adopted 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

Resolution 2011R-310, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$196,690 to pay the assessed cost of street improvements in the Chicago Ave (38th St E to 46th St E) Street Resurfacing Project No 5209, was adopted 6/17/2011 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-310**  
**By Colvin Roy and Hodges**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$196,690 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 Chicago Ave (38th St E to 46th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5209, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

Resolution 2011R-311, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$277,225 to pay the assessed cost of street improvements in the Chicago Ave (49th St E to 60th St E) Street Resurfacing Project No 5208, was adopted 6/17/2011 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-311**  
**By Colvin Roy and Hodges**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$277,225 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 Chicago Ave (49th St E to 60th St E) Street Resurfacing Project, Special Improvement of Existing Street No 5208, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Talmage Ave SE (29th Ave SE to 33rd Ave SE) Street Reconstruction Project, Special Improvement of Existing Street No 2225, 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 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 project; and
- c) Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way in conflict with the street reconstruction in the Talmage Ave SE area.

Adopted 6/17/2011.

Resolution 2011R-312, ordering the work to proceed and adopting the special assessments for the Talmage Ave SE (29th Ave SE to 33rd Ave SE) Street Reconstruction Project No 2225, was adopted 6/17/2011 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-312  
By Colvin Roy and Hodges**

**TALMAGE AVE SE (29TH AVE SE TO 33RD AVE SE)  
STREET RECONSTRUCTION PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2225**

**Ordering the work to proceed and adopting the special assessments for the Talmage Ave SE (29th Ave SE to 33rd Ave SE) Project.**

Whereas, a public hearing was held on June 7, 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-180, passed April 15, 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-180, passed April 15, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of \$504,944.19, 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 2012 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 2012 real estate tax statements.

Adopted 6/17/2011.

Resolution 2011R-313, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$504,950 to pay the assessed cost of street improvements in the Talmage Ave SE (29th Ave SE to 33rd Ave SE) Street Reconstruction Project No 2225, was adopted

6/17/2011 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-313**  
**By Colvin Roy and Hodges**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$504,950 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 Talmage Ave SE (29th Ave SE to 33rd Ave SE) Reconstruction Project, Special Improvement of Existing Street No 2225, 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 6/17/2011.

Resolution 2011R-314, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way in conflict with the Talmage Ave SE (29th Ave SE to 33rd Ave SE) Street Reconstruction Project No 2225, was adopted 6/17/2011 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-314**  
**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 Talmage Ave SE area.**

Whereas, the City of Minneapolis has scheduled the street reconstruction improvements starting in 2011 in the Talmage Ave SE (29th Ave SE to 33rd Ave SE) area of Minneapolis; 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 June 7, 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 Talmage Ave SE (both sides) from 29th Ave SE to 33rd Ave SE.

Adopted 6/17/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration Non-Motorized Transportation Pilot Project (NTP) grant awards for the Bicycle Sharing Project Expansion, now recommends:

a) Acceptance of two NTP federal grants in the total amount of \$1,043,000 to be used for the Bicycle Sharing Project Expansion;

b) That the proper City officers be authorized to enter into agreement(s) with Mn/DOT for the two grants;

c) That the proper City officers be authorized to amend Agreement No C-27786 with Nice Ride Minnesota to reflect the receipt of the grants;

**JUNE 17, 2011**

---

- d) Passage of the accompanying resolution increasing the appropriation for the project;
  - e) Passage of the accompanying resolution appointing the Commissioner of Transportation as agent of the City and entering into an agreement to accept the federal grants.
- Adopted 6/17/2011.

**RESOLUTION 2011R-315  
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-Transportation Agency in the Permanent Improvement Projects Fund (01300-9010000) by \$1,043,000 and increasing the revenue source (01300-9010000 - Source 321012) by \$1,043,000.

Adopted 6/17/2011.

Resolution 2011R-316, appointing the Commissioner of Transportation as agent of the City and entering into an agreement to accept a grant for the Non-Motorized Transportation Pilot Program, was adopted 6/17/2011 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-316  
By Colvin Roy and Hodges**

**RESOLUTION FOR AGENCY AGREEMENT**

**Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept a grant for the Non-Motorized Transportation Pilot Program.**

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation for the projects described as Bicycle Sharing; Expansion in North Minneapolis (SP 141-191-034) and Bicycle Sharing; Expansion in Minneapolis (SP 141-091-035).

Adopted 6/17/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Metropolitan Council Municipal Infiltration/Inflow Program Grant Agreement, now recommends:

a) Passage of the accompanying resolution authorizing the execution of a General Obligation Bond Grant Agreement - Construction Grant with the Metropolitan Council for the CIPP (cured-in-place pipe) Lining of Sanitary Sewers in I Mn-320 Turnback project areas, including a bond-financed property certification; and

b) Passage of the accompanying resolution increasing the appropriation for the project, to be reimbursed by the Met Council grant.

Adopted 6/17/2011.

Resolution 2011R-317, entering into an agreement to accept a grant for the Metropolitan Council Municipal Infiltration/Inflow Grant Program and authorizing the Director of Public Works to be the authorized representative for the City, was adopted 6/17/2011 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-317  
By Colvin Roy and Hodges**

**RESOLUTION FOR AGENCY AGREEMENT**

**Entering into an agreement to accept a grant for the Metropolitan Council Municipal Infiltration/Inflow Grant Program and authorizing the Director of Public Works to be the authorized representative for the City.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized and directed to enter into and execute a General Obligation Bond Grant Agreement - Construction Grant with the Metropolitan Council for the CIPP (cured-in-place pipe) Lining of Sanitary Sewers in Mn-320 Turnback Project Areas, including a bond-financed property certification.

Be It Further Resolved that the Director of Public Works, or his designee, be the authorized representative for the City for the purposes of signing the bond-financed property certification and annual reporting, as well as for submitting pay claims for reimbursement of project costs.

Adopted 6/17/2011.

**RESOLUTION 2011R-318  
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 as follows:

a) Increasing the appropriation for the PW-Sewer Construction Agency (07100-9010932 Project SA036) by \$461,780 and increasing the transfer in from Fund 01600 revenue source 382601 (07100-1270100) by \$461,780, to be reimbursed by a Metropolitan Council Grant to be deposited into Fund 01600; and

b) Increasing the appropriation for the PW-Surface Water and Sewers appropriation in the Grant Fund (01600-1270100-907101) by \$461,780 and increasing revenue source 3215 (01600-9010932) by \$461,780, to be reimbursed by a Metropolitan Council Grant.

Adopted 6/17/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration urban circulator transit services in the Nicollet Avenue and Central Avenue corridor, including streetcar and enhanced bus service, now recommends:

a) That the proper City officers be authorized to execute a subrecipient agreement with the Metropolitan Council to accept a \$900,000 Federal Transit Administration (FTA) grant and provide a \$300,000 local match to conduct an alternatives analysis for urban circulator transit services in the Nicollet Avenue and Central Avenue corridor, substantially similar to Petition No 275008;

b) That the proper City officers be authorized to make FTA certifications and assurances as provided by federal regulation and as shown by example in Petition No 275008;

c) Passage of the accompanying resolution increasing the appropriation and revenue source in Project 04100-9010943-32100-CTR716NC by \$900,000;



d) Passage of the accompanying resolution receiving and accepting the final costs of \$0 in CTR816SG080, thereby decreasing the appropriation for 04100-9010943 CTR816SG080 by \$100,000 and making \$100,000 of net debt bonds available for reallocation; and

e) Passage of the accompanying resolution requesting the concurrence of the Board of Estimate and Taxation in the reallocation of \$100,000 of net debt bonds referenced in recommendation (d); the entire amount to be reallocated to Project 04100-9010943-CTR716NC.

Adopted 6/17/2011.

**RESOLUTION 2011R-319**  
**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 and revenue source in Project 04100-9010943-32100-CTR716NC by \$900,000.

Adopted 6/17/2011.

Resolution 2011R-320, receiving and accepting the final costs of Project CTR816SG080 and adjusting the capital appropriations as necessary thereby closing the project, was adopted 6/17/2011 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-320**  
**By Colvin Roy and Hodges**

**Receiving and accepting the final costs of Project CTR816SG080 and adjusting the capital appropriations as necessary thereby closing the project.**

Resolved by The City Council of The City of Minneapolis:

That the final costs of all work described in Project CTR816SG080 for a total of \$0 be received and accepted and that the capital appropriation be adjusted by decreasing the appropriation for 04100-9010943 CTR816SG080 by \$100,000 and making \$100,000 of Net Debt Bonds available for reallocation.

Be It Further Resolved that as a result of the above project close-out, excess Net Debt Bonds in the total amount of \$100,000 become available for re-designation. This entire amount shall be re-designated to Project 04100-9010943-CTR716NC including an increase to the appropriation and revenue source.

Adopted 6/17/2011.

Resolution 2011R-321, requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the total amount of \$100,000, was adopted 6/17/2011 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-321**  
**By Colvin Roy and Hodges**

**Requesting concurrence of the Board of Estimate and Taxation in the reallocation of already issued Net Debt Bonds in the total amount of \$100,000.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of already issued Net Debt Bonds in the total amount of \$100,000 from Project 04100-9010943 CTR816SG080 to Project 04100-9010943-CTR716NC.

Adopted 6/17/2011.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Flood Area 5 - 37th Avenue North Greenway Project, now recommends:

a) Passage of the accompanying resolution increasing the appropriation for Flood Area 5 infrastructure work by \$1,083,788 for 2011 funding by the Minnesota Public Facilities Authority (PFA) for the Clean Water Total Maximum Daily Load (TMDL) Grant Program;

b) Passage of the accompanying resolution increasing the appropriation for Flood Area 5 infrastructure work by \$481,963 for 2011 funding by the PFA for the Clean Water Green Project Reserve Principal Forgiveness Program;

c) Passage of the accompanying resolution, pursuant to IRS Treasury Regulations, declaring official intent to reimburse expenditures related to the Flood Area 5 37th Avenue North Greenway Project by incurring tax exempt debt; and

d) That the proper City officers be authorized to sign the necessary award documents.

Adopted 6/17/2011.

**RESOLUTION 2011R-322**  
**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 expense budget appropriation for Flood Area 5 infrastructure work (07300-9010932-SW030 Proj CSW030STFL05) by \$1,083,788 and increasing the revenue source (07300-9010932-Source 3225) by \$1,083,788.

Adopted 6/17/2011.

**RESOLUTION 2011R-323**  
**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 expense budget appropriation for Flood Area 5 infrastructure work (07300-9010932-SW030 Proj CSW030STFL05) by \$481,963 and increasing the revenue source (07300-9010932-Source 3225) by \$481,963.

Adopted 6/17/2011.

Resolution 2011R-324, declaring official intent to reimburse expenditures related to the Flood Area 5 37th Avenue North Greenway Project by incurring tax exempt debt, was adopted 6/17/2011 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-324**  
**By Colvin Roy and Hodges**

**IRS DECLARATION OF INTENT**  
**TO REIMBURSE COSTS WITH TAX EXEMPT DEBT**

**Declaring official intent to reimburse expenditures related to the Flood Area 5 37th Avenue North Greenway Project by incurring tax exempt debt.**

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse itself related to the CSW030STFL05 Flood Area 5 37th Avenue North Greenway Project from the proceeds of tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, consulting services, and staff costs reasonably allocated to the project, as well as costs incurred and paid for the design and construction of the project. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt to be issued by the City consists of stormwater utility fees collected in the Stormwater Enterprise Fund.

Adopted 6/17/2011.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7453 from Thomas and Sons Construction, Inc., for an estimated expenditure of \$924,934.25, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the Riverside Avenue Phase I Construction Project for the City of 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 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

(Published 6/21/2011)

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7454 from Veit and Company, Inc., for an estimated expenditure of \$838,379.55, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the 25th Ave SE and Granary West Pond Construction for the City of 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 6/17/2011.

Approved by Mayor Rybak 6/17/2011.

(Published 6/21/2011)

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7455 from Derovations Corporation, d/b/a Dero Bike Rack Company, for an estimated expenditure of \$56,743.50, to furnish and deliver bike racks to various jurisdictions for the Non-Motorized Transportation Pilot Project (NTP) Bicycle Rack Program for the City of Minneapolis Public Works Transportation 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 6/17/2011.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7456 from Huls Bros. Trucking, Inc., for an estimated annual expenditure of \$600,000.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the Hauling and Disposal of Treatment Residuals Phase II beginning on or after June 2011 through December 31, 2012, for the Minneapolis Public Works Water Works Division.

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

Adopted 6/17/2011.

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

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

Adopted 6/17/2011.

Resolution 2011R-325, authorizing settlement of *Ayan Osman; Carlton Davis; Curtis Shelmon; Marian Hampton; Robert Lee Allison; Brendon Schram* and *David James Taylor*, was adopted 6/17/2011 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-325**

**By Hodges**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

a) *Ayan Osman v. City of Minneapolis*, by payment of \$12,000 Fardowsa Mile, parent and natural guardian of Ayan Osman, and their attorneys, from the Internal Service Self Insurance Fund (06900-1500100-145400);

b) *Carlton Davis v. City of Minneapolis*, by payment of \$25,000 to Carlton Davis and his attorney, Larry E. Reed, from the Internal Service Self Insurance Fund (06900-1500100-145400);

c) *Curtis Shelmon v. City of Minneapolis*, by payment of \$23,500 to Oppenheim Law, LLC Trust Account, from the Internal Service Self Insurance Fund (06900-1500100-145400);

d) *Marian Hampton v. City of Minneapolis*, by payment of \$27,000 to Marian Hampton and her attorney, from the Internal Service Self Insurance Fund (06900-1500100-145400);

e) *Robert Lee Allison v. Debra Ann Hubert & City of Minneapolis*, by payment of \$6,000 to Robert Lee Allison and his attorneys, McSweeney & Fay, from the Internal Service Self Insurance Fund (06900-1500100-145400);

f) *Brendon Schram v. City of Minneapolis*, by payment of \$37,500 to Brendon Schram and his attorney, Albert T. Goins, Sr., from the Internal Service Self Insurance Fund (06900-1500100-145400); and

g) *David James Taylor v. City of Minneapolis*, by payment of \$16,500 to David James Taylor and his attorneys, Krueger Law Firm, from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 6/17/2011.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to enter into two (2) year agreement with Hennepin County for the payment of Adult Correctional Facility per diem charges.

Adopted 6/17/2011.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a three (3) year contract with PowerTeam Inc., dba PowerObjects, for an amount not to exceed \$65,000 for professional services; and to include two (2) options for one-year extensions.

Funding for said contract is a planned expense covered within the Neighborhood and Community Relations Departmental budget. No additional appropriation required.  
Adopted 6/17/2011.

**W&M/Budget** - Your Committee, having under consideration the Safety Camera Software Conversion Project under contract C-23509 (OP #6606) with A+ Security Inc., now recommends increasing the contract amount by \$130,000 to complete software conversion work for the 3rd and 4th Police Precinct camera systems. Funding for the contract is provided by grant funds through Regulatory Services & Emergency Preparedness (01300 8352000 G3835PORT2008 Mile - BIS Project 880F1107). No additional appropriation required.  
Adopted 6/17/2011.

**W&M/Budget** - Your Committee recommends approval of the July 2011 utility billing insert on behalf of the Finance Department about local use tax (Petn No 275012).  
Adopted 6/17/2011.

**W&M/Budget** - Your Committee, having under consideration the re-roofing project at Fire Station No. 1, now recommends that the proper City officers be authorized to amend contract C-28805 with Excel Companies by \$6,106.25 for a revised contract amount of \$98,356.25 for Change Order #1 consisting of unforeseen masonry changes and warranty related expenses. No additional appropriation required.  
Adopted 6/17/2011.

**W&M/Budget** - Your Committee, having under consideration the Property Disposition Fund regarding sale proceeds of the 165 Glenwood Avenue property, now recommends authorizing proper City officers to utilize up to \$100,000 for site, security and electrical improvements to the 1200 Currie Avenue and 198 Aldrich Avenue municipal operation locations.  
Further, passage of the accompanying resolution appropriating funds to the Department of Property Services.  
Adopted 6/17/2011.

**RESOLUTION 2011R-326  
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 as follows:  
a) decrease the appropriation in the Property Deposition Fund (6200-90110923 Project 680PROP) by \$100,000; and  
b) increase the appropriation in the Property Services - Internal Services Fund (6200-6800000) by \$100,000.  
Adopted 6/17/2011.

**W&M/Budget** – Your Committee recommends passage of the accompanying resolution accepting the donation of travel expenses to conduct firefighting training in Eldoret, Kenya.  
Adopted 6/17/2011.

**RESOLUTION 2011R-327  
By Hodges**

**Accepting the donation of travel expenses to conduct firefighting training in Eldoret, Kenya.**

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept the donation of travel-related expenses from the Municipal Government of Eldoret, valued at \$12,600 for airfare, for six (6) City of Minneapolis employees to conduct firefighting training in Eldoret from July 11 through 22, 2011.

Adopted 6/17/2011.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to apply for a five (5) year grant from the U.S. Department of Health and Human Services, for an amount not to exceed \$225,000 the first budget year and \$1,125,000 for the full project period, beginning no later than January 1, 2012, to plan and implement evidence-based strategies to reduce youth violence in coordination with a youth violence prevention coalition.

Adopted 6/17/2011.

**W&M/Budget** – Your Committee recommends passage of the accompanying resolution approving acceptance of a gift of animal food and supplies made in response to the May 22, 2011 tornado that hit North Minneapolis.

Adopted 6/17/2011.

Resolution 2011R-328, approving acceptance of a gift of animal food and supplies made in response to the May 22, 2011 tornado that hit North Minneapolis, was adopted 6/17/2011 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-328**  
**By Johnson, Samuels, and Hodges**

**Approving acceptance of a gift of animal food and supplies made in response to the May 22, 2011 tornado that hit North Minneapolis.**

Whereas, the City of Minneapolis suffered a tornado on May 22, 2011 which caused extensive damage to North Minneapolis; and

Whereas, the residents of North Minneapolis and their pets have been dislocated due to the tornado and are in need of pet food and supplies; and

Whereas, PETCO Foundation and individual community members and businesses have contacted Animal Care and Control desiring to donate pet food and supplies to assist with the disaster recovery; and

Whereas, Section 465.03 of Minnesota Statutes requires such gift acceptance be made by resolution of City Council, adopted by a two-thirds majority of its members and expressing such terms in full;

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

That the PETCO Foundation's offer to provide to Animal Care and Control, 272 pounds of Purina ONE dog food, 64 pounds of Purina ONE cat food and 160 pounds of PETCO scented cat litter shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved, that Lyn Mitchell's offer to provide 7 pet kennels, plus 20 pounds of Pedigree adult dog food, 6 pounds Pro Plan Purina puppy food, 18 pounds Purina One Puppy food, 15 pounds Natural Balance dog food, 100 ounces Natural Life Lama Derm adult dog food, 24 cans of 15 oz Alpo dog food, six cans of Whiskas cat food, 18 pounds of Premium Edge kitten food, 24 cans of Friskies cat food, 56 oz Purina Cat Show cat food, 24 ounces Chef Michael's cat food, 3.5 lb Whole Cat pet food, 6 lb of One Beyond cat food, and 56 oz Meow Mix kitten food shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved, that Cheryl Anderson's offer to provide 200 lb Diamond Brand adult dog food shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved, that Pamela and Ross Mayer 's offer to provide 20 pounds Master Paws dog treats and 450 ounces of Pounce brand cat treats shall be accepted as a gift on behalf of the City of Minneapolis.



**JUNE 17, 2011**

---

Be It Further Resolved, that Jena Clem's offer to provide 80 hand-braided fleece cat toys shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved, that Jim Flipp's offer to provide 200 pounds of Nature's Seasons – Cool Season Dog Food shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved, that Susan Jordan's 6.6 pounds Trader Joe's brand dog food, 27 oz Gravy Train dog food, 11 oz Trader Joe's cat food, and 18 oz each GKC cat and dog food shall be accepted as a gift on behalf of the City of Minneapolis.

Be It Further Resolved, that Westgate Pet Clinic's offer to provide 97 pounds of Royal Canine dog food shall be accepted as a gift on behalf of the City of Minneapolis.

Adopted 6/17/2011.

### **MOTIONS**

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

Adopted 6/17/2011.

### **RESOLUTION**

Resolution 2011R-329, honoring Twin Cities World Refugee Day, was adopted 6/17/2011 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-329**

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

#### **Honoring Twin Cities World Refugee Day.**

Whereas, in 2000 the United Nations General Assembly established June 20th as World Refugee Day; and

Whereas, Twin Cities World Refugee Day recognizes the more than 100,000 refugees living in Minnesota and celebrates the diversity of culture and experiences that they bring to our community; and

Whereas, Twin Cities World Refugee Day raises awareness around refugee issues, including international conflicts and violence that create refugee crises, the refugee resettlement process both here and abroad, and the challenges and opportunities faced by refugees after resettling in Minnesota; and

Whereas, Twin Cities World Refugee Day builds a cultural bridge between longtime Minnesota residents and our newest community members; and

Whereas, the festival brings together refugees from more than a dozen ethnic groups and other Minnesotans to celebrate the diverse gifts that refugees bring to our state; and

Whereas, Twin Cities World Refugee Day is a collaboration by a variety of local organizations that serve refugees and immigrants, including American Refugee Committee, Capi, Council on Black Minnesotans, Emerge, Episcopal Community Services, The Family Partnership, International Institute of Minnesota, Iseek, Karen Organization of Minnesota, Lao Center, Lutheran Social Service Refugee Services, Minneapolis Public Housing Authority, Minnesota Council of Churches, Project for Pride in Living, Statewide Tobacco Education and Engagement Project, WellShare International, World Relief of Minnesota, City of Minneapolis, Hennepin County, St. Paul Public Schools, and State of Minnesota; and

Whereas, the 2011 World Refugee Day celebration will be held on June 25th from noon until 6:00pm in Minnehaha Park with free live entertainment, food and vendors from around the world, children's activities, a community resource fair and interactive educational displays;

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

That we honor Minnesota's refugees and proclaim June 20th, 2011, World Refugee Day.

Adopted 6/17/2011.

### **UNFINISHED BUSINESS**

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 amend regulations related to day labor agencies), as follows:

Amending Chapter 520 related to *Introductory Provisions*;

Amending Chapter 536 related to *Specific Development Standards*;

Amending Chapter 548 related to *Commercial Districts*;

Amending Chapter 549 related to *Downtown Districts*;

Amending Chapter 550 related to *Industrial Districts*; &

Amending Chapter 551 related to *Overlay Districts*. Seconded.

Adopted upon a voice vote 5/27/2011.

### **NEW BUSINESS**

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of Minneapolis Code of Ordinances related to *Housing: Maintenance Code, Light and Ventilation* (to incorporate MN rule 4625).

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 188 of Minneapolis Code of Ordinances related to *Food Code: Administration and Licensing* (to be consistent with MN rule 4626, MN statute 157 and the City's delegation agreement with the Minnesota Department of Health).

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 186 of Minneapolis Code of Ordinances related to *Food Code: In General* (to be consistent with MN rule 4626, MN statute 157 and the City's delegation agreement with the Minnesota Department of Health).

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 201 of Minneapolis Code of Ordinances related to *Food Code: Public Markets* (amending various regulations related to farmers markets and other market types including definitions, license categories and related regulations).

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 10, Chapter 202 of Minneapolis Code of Ordinances related to *Food Code: Municipal Market* (amending definitions and regulations related to municipal market licensure and operation).

Lilligren gave notice of intent to introduce at the next regular meeting of the City Council an ordinance amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances related to *Civil Rights: In General* (amending the definition of "sexual orientation" and adding a protected class definition of gender identity or expression).

**JUNE 17, 2011**

---

Johnson moved to amend the agenda to include a motion relating to the merger of the Minneapolis Police Relief Association (MPRA) and Minneapolis Firefighters' Relief Association (MFRA) into the Public Employees Retirement Association Police and Fire, for consideration after the Adjourned Council Session. Seconded.

Adopted upon a voice vote 6/17/2011.

Lilligren moved to adjourn to Room 315, City Hall, for the purpose of discussing the following matters: a) *Ronald Brandon v. City of Minneapolis*; b) *Katie Felder, as trustee for next of kin of Dominic Felder v. King and Loonsfoot*; and c) *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association*. Seconded.

Adopted upon a voice vote 6/17/2011.

Council Chamber  
Room 315 City Hall  
350 South 5th Street  
Minneapolis, Minnesota  
June 17, 2011 - 11:06 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Members Hofstede, Schiff, Colvin Roy, Gordon.

Segal stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits: a) *Ronald Brandon v. City of Minneapolis*; b) *Katie Felder, as trustee for next of kin of Dominic Felder v. King and Loonsfoot*; and c) *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association*.

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

Adopted upon a voice vote.

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

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (out 11:11-11:15 a.m.); Tim Skarda, Assistant City Attorney; R. T. Rybak, Mayor; Jeremy Hanson Willis, Mayor's Chief of Staff; Peter Wagenius, Mayor's Office; Andrew Lenz, Finance Department; Kevin Carpenter, Chief Financial Officer; Tim Dolan, Chief of Police (in at 11:15 a.m.); Casey Joe Carl, City Clerk; and Irene Kasper, City Clerk's Office.

Lilligren moved that the meeting be opened at 11:11 a.m. Seconded.

Adopted upon a voice vote.

Lilligren moved to suspend City Council Rule 1 relating to staff present at a closed Council meeting so as to allow another representative of Mayor R.T. Rybak's office, Peter Wagenius, to attend. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

Skarda summarized the *Katie Felder, as trustee for next of kin of Dominic Felder v. King and Loonsfoot* lawsuit from 11:11-11:20 a.m.

Segal summarized the *City of Minneapolis vs. Minneapolis Police Relief Association and Minneapolis Firefighter's Relief Association* lawsuit from 11:20-11:57 a.m. and from 12:25-1:15 p.m.

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

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (out 11:45-11:46 a.m.); Mac LeFevre, outside counsel with Kennedy & Graven; R.T. Rybak, Mayor; Jeremy Hanson Willis, Mayor's Chief of Staff; Peter Wagenius, Mayor's Office; Andrew Lenz, Finance Department; Kevin Carpenter, Chief Financial Officer; Heather Johnston, Finance Department; Casey Joe Carl, City Clerk; and Irene Kasper, City Clerk's Office.

At 11:57 a.m., Lilligren moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Lilligren moved to recess until 12:15 p.m. Seconded.  
Adopted upon a voice vote.

Lilligren moved to reconvene at 12:25 p.m. Seconded.  
Adopted upon a voice vote.

At 12:25 p.m., Lilligren moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.  
Absent - Hofstede.

Present - Council Members Reich, Hofstede (in at 12:39 p.m.), Schiff, Lilligren, Colvin Roy, Tuthill, Quincy (in at 12:26 p.m.), Glidden, Goodman (1:16-1:23 p.m.), Hodges (out 12:26- 12:27 p.m.), Samuels (out 12:45-12:46 p.m.), Gordon, President Johnson (out 12:26-12:27 p.m.)

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney (out 11:45-11:46 a.m.); Mac LeFevre, outside counsel with Kennedy & Graven; R.T. Rybak, Mayor (out at 12:35 p.m.); Jeremy Hanson Willis, Mayor's Chief of Staff; Peter Wagenius, Mayor's Office; Kevin Carpenter, Chief Financial Officer; Heather Johnston and Andrew Lenz (in at 12:44 p.m.), Finance Department; Casey Joe Carl, City Clerk; and Irene Kasper, City Clerk's Office.

At 1:15 p.m., Hodges moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Johnson moved the following:

1) To approve the Term Sheet - Points of Agreement negotiated between representatives of the Minneapolis Police Relief Association (MPRA) and the City, dated May 15, 2011, to merge the MPRA into the Public Employees Retirement Association Police and Fire Fund (PERA Police and Fire), the basic terms of which agreement include the following:

a. Voluntary merger of the MPRA into PERA Police & Fire effective January 1, 2012, with a 21% increase in the annual benefit (\$54,000 for a full retiree) in 2012 and set annual increases through 2015 with an annual benefit in 2015 that is 43% higher than the current benefit (\$64,000 for a full retiree), with post-retirement adjustments thereafter governed by the provisions of PERA Police and Fire (Retirees and beneficiaries would remain frozen at the current rate of benefits through the merger date (\$44,742.36 for a full retiree)); and

b. Savings to the City and State of approximately \$34 million in present value dollars.

2) To direct City representatives to communicate with the Minneapolis Firefighters' Relief Association (MFRA) that the City will not approve the terms contained in the Term Sheet - Points of Agreement (MFRA Term Sheet) negotiated between representatives of the MFRA and the City, dated May 18, 2011, to merge the MFRA into PERA Police and Fire for the following reasons:

a. The MFRA Term Sheet is void because it was expressly conditioned on passage during the 2011 regular session of the legislature of a statute merging the Minneapolis Police Relief Association into

PERA Police and Fire and no such legislation was passed;

b. The Minnesota Court of Appeals issued its decision in the City's lawsuit against the MPRA and MFRA and affirmed the district court's order that the MFRA had overpaid benefits for overtime and other items in an amount in excess of \$16 million and that the MFRA is required to recover those overpayments;

c. The terms of the MFRA merger included in the bill introduced in the 2011 regular session (SF 1369) would increase the funding costs by approximately \$8 million compared to the existing MFRA plan with no merger; and

d. To provide the same benefits to MFRA as MPRA would be highly unusual, as well as unnecessarily costly to taxpayers. Currently, active firefighters and police officers are not paid the same, nor do retirees in MPRA and MFRA currently receive the same pension benefit. Similarly, police and fire retirees in PERA do not receive the same pension benefit.

Seconded.

Adopted 6/17/2011.

At 1:16 p.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Goodman.

Present - Council Members Reich, Hofstede (out 1:23-1:29 p.m.), Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman (1:16-1:23 p.m.), Hodges, Samuels, Gordon, President Johnson (out 1:32-1:35 p.m.).

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Amanda Trelstad, Lynne Fundingsland and Michael Bloom, Assistant City Attorneys; Velma Korbel, Director of Civil Rights (out at 1:50 p.m.); Michael Browne, Assistant Director of Civil Rights (out at 1:50 p.m.); Jeremy Hanson Willis, Mayor's Chief of Staff; Peter Wagenius, Mayor's Office; Heather Johnston and Andrew Lenz, Finance Department; Casey Joe Carl, City Clerk; and Irene Kasper, City Clerk's Office.

Fundingsland summarized the *Ronald Brandon v. City of Minneapolis* lawsuit from 1:16-1:48 p.m.

At 1:48 p.m., Schiff moved that the meeting be opened.

At 1:50 p.m., Samuels moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Lilligren moved that the claims asserted in *The Matter of the City of Minneapolis and Ronald G. Brandon II* (OAH Docket No.: 2-6010-21830-3) before the Minneapolis Civil Service Commission and the claims asserted in *Ronald G. Brandon II v. City of Minneapolis, Velma Korbel, individually and in her official capacity as Director of Minneapolis Department of Civil Rights, and Minneapolis Professional Employee Association*, Court File: 27-CV-10-23696, be settled in the amount of \$90,000.00 payable to Ronald Brandon and his attorney, Damon Ward, from Fund/Org. 06900 1500100 145300. Seconded.

Adopted 6/17/2011.

Schiff moved to settle the case of *Katie J. Felder vs. Jason King, et al*, United States District Court File No. 07-4929, upon the following terms and conditions: payment in the amount of \$2,189,128.66 to Katie J. Felder, as trustee for the next of kin of Dominic Aries Felder and the Behrenbrinker Law Firm in a manner agreed to between the parties and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org 6900 150 1500 4000. Seconded.

Adopted 6/17/2011.

**JUNE 17, 2011**

---

Lilligren moved to adjourn. Seconded.  
Adopted upon a voice vote 6/17/2011.

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

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 6/20/2011  
Official Posting: 6/24/2001