

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF FEBRUARY 12, 2010

(Published February 20, 2010, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

February 12, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Member Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to add under New Business a notice of intent to introduce an ordinance regarding protection of displaced workers. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Hodges moved to amend the agenda to add under Resolutions the 2009 Commuter Choice Awards resolution. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The agenda, as amended, was adopted 2/12/2010.

Absent - Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held January 29, 2010. Seconded.

Adopted upon a voice vote 2/12/2010.

Absent - Colvin Roy.

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 2/12/2010.

Absent - Colvin Roy.

### PETITIONS AND COMMUNICATIONS

#### COMMITTEE OF THE WHOLE:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274034)

Status Report on 2010 Census Activities

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

INTERGOVERNMENTAL RELATIONS (274035)  
Adoption of FY 2011 Federal Agenda

**COMMUNITY DEVELOPMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274036)  
2010 Neighborhood Stabilization Program Advantage Program for 2010: Approval of program.  
PUBLIC HOUSING AUTHORITY, MINNEAPOLIS (274037)  
Elders Community Center & Green Senior Housing & Memory Care Facility: Presentation on facility at Heritage Park.

**COMMUNITY DEVELOPMENT and RE&E and W&M/Budget (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274038)  
Great Streets Façade Improvement Program Administration Contracts.  
Minneapolis Advantage Program for 2010: Reduction in loan amount & amendment to contract with Greater Metropolitan Housing Corp.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274039)  
Minnesota Dept of Commerce/Office of Energy Security: Authorize grant application for energy upgrades.  
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274040)  
Minnesota Family Investment Program: Authorize contract with Hennepin County to operate program.  
PURCHASING (274041)  
Bid: Low bid of TMS Construction, Inc for demolition of six structures.

**ELECTIONS:**

CHARTER COMMISSION (274042)  
Proposed Change of Primary Date: Update on effect of proposed change of primary election date on deadlines for Charter ballot questions.  
Redistricting Task Force: Correspondence to Council Member Gordon requesting staff assistance.

**PUBLIC SAFETY AND HEALTH:**

HEALTH AND FAMILY SUPPORT SERVICES (274043)  
H1N1 Influenza: Report.  
Youth Violence Prevention: Report.

**PUBLIC SAFETY AND HEALTH (See Rep):**

ATTORNEY (274044)  
Social Host Ordinance: Adoption of a social host ordinance to discourage underage consumption of alcohol by imposing penalties on those who host events or gatherings where underage persons possess or consume alcohol.

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

**HEALTH AND FAMILY SUPPORT SERVICES (274045)**

Prenatal Substance Abuse Grant: Apply for two-year research grant from the National Institute of Health seeking \$275,000 for a project to identify effective strategies to reduce substance use among pregnant women.

**POLICE DEPARTMENT (274046)**

Metrodome Security: Amend contract with Metropolitan Sports Facilities Commission to receive \$18,200 for security and perimeter management services for the Vikings NFL Divisional Playoff Game held January 18, 2010; and Approve appropriation.

**PUBLIC WORKS AND ENGINEERING (274047)**

Minneapolis Police Department Employee Assistance Program: Negotiate and execute lease agreement with Clifton Court, LLP, for office space for a one year period, with annual extension options through 2015.

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

**ATTORNEY (274048)**

729 E 16th St: Findings regarding licensee's request for stay of Council's decision to revoke license and all further enforcement proceedings regarding other properties owned by licensee.

**ATTORNEY (274049)**

Rental Dwelling License at 607 Erie St SE: Findings regarding licensee's request for stay of Council's decision to revoke license.

**LICENSES AND CONSUMER SERVICES (274050)**

22nd Avenue Station (2121 University Av NE): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class A with Sunday Sales License.

Picosa Restaurant (65 Main St SE): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class B with Sunday Sales License.

**LICENSES AND CONSUMER SERVICES (274051)**

Licenses: Applications.

**LICENSES AND CONSUMER SERVICES (274052)**

Savoy Uptown (2329 Hennepin Av): Application for On-Sale Wine Class C-2 with Strong Beer License.

Highland Market (2600 Central Av NE): Approve Business License Operating Conditions relating to Grocery, Meat Market and Tobacco Licenses.

**REGULATORY SERVICES (274053)**

Property at 3654 Russell Av N: Deny rental dwelling license.

**HANBERY & CARNEY, P.A. (274054)**

Rental Dwelling License at 729 E 16th St: Request for stay of City Council's decision to revoke license at 729 E 16th St; and to impose additional revocation actions for other properties owned by John and Mary Jensen.

**SHAHIDULLAH, MOHAMMED (274055)**

Rental Dwelling License at 607 Erie St SE: Deny request by licensee for a stay of the Council's decision to revoke license.

**REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):**

**REGULATORY SERVICES (274056)**

Director's Fee Schedule: Approve changing "Elevator-Annual Registration" to "Elevator-Annual Registration and Inspection" and approving related fees.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (274057)**

Traffic Zones, Restrictions, and Controls: 2009 4th Quarter Report.

35W Bridge Detour Routes Resurfacing Project: Project designation. (Deleted from agenda.)

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

PUBLIC WORKS AND ENGINEERING (274058)

University of Minnesota (U of M) Non-Motorized Trail Project: a) Alignment; b) Memorandum of Understanding with U of M; and c) Execution of right-of-way plats.

Special Assessment Deferment Applications: a) 4104 Zenith Ave S; b) 2945 Oakland Ave; and c) 5123 Sheridan Ave N.

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

PUBLIC WORKS AND ENGINEERING (274059)

Cedar Lake Trail: Amendment to agreement with Minnesota Department of Transportation.

Emergency Operations Training Facility: Change order to contract with Ebert, Inc.

Hiawatha Trail Extension Project: a) Accept funds from Transit for Livable Communities; b) Interagency agreements with Minnesota Department of Transportation; and c) Trail easements and use permits.

Solid Waste Disposal Services: Contract with Hennepin County.

**WAYS AND MEANS BUDGET:**

ATTORNEY (274060)

2009 Ethical Practices Board Annual Report.

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

ATTORNEY (274061)

Legal Settlement: Dean Craker v. City of Minneapolis.

Claims Administration Services: Amend contract agreement with Analytics, Inc.; and extend term.

BUSINESS INFORMATION SERVICES (BIS) (274062)

Gift Donation: Accept donation for travel and lodging expenses from Unisys Corporation for Unisys Client Exchange Forum.

COMMUNICATIONS (274063)

March 2010 Utility Billing Insert: 2010 U.S. Census.

Minneapolis Television Network (MTN): Annual contract and performance agreement.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274064)

Drinking Fountain Program: Reduce 2008 projects from ten to four fountains; and reallocate funds.

FINANCE DEPARTMENT (274065)

Community Planning & Economic Development (CPED) 2010 Budget: Increase using 2010 Contingency Funds.

Wells Fargo Contract: Amend contract C-24776 outlining terms for a City representative on the Wells Fargo Government Client Advisory Council.

HUMAN RESOURCES (274066)

Gift Donation: Accept donation for free access to computerized Spanish language education classes for City of Minneapolis employees.

MINNEAPOLIS 311 (274067)

Language Services Associates: Extend funds to cover the cost of Interpreter services until RFP selects a new contract provider.

NEIGHBORHOOD AND COMMUNITY RELATIONS (274068)

Homeless Outreach Services: Amend contract with St. Stephen's Human Services, Inc.; and extend contract period.

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

INSPECTIONS/BOARD OF ADJUSTMENT (274069)

Appeal: 3020 10th Avenue South

PLANNING COMMISSION/DEPARTMENT (274070)

Rezoning Application: 846 22nd Ave SE

**FILED:**

MAYOR (274071)

Department Head Appointments: Mayor's letter nominating Patrick Todd, City Assessor; Susan Segal, City Attorney; Steven Bosacker, City Coordinator; Mike Christenson, Community Planning & Economic Development Director and Executive Director of MCDA; Alex Jackson, Fire Chief; Gretchen Musicant, Commissioner of Health/Department of Health & Family Support; Steve Kotke, Public Works Director; Rocco Forte, Regulatory Services Director; and Tim Dolan, Police Chief.

*The following reports were signed by Mayor Rybak on February 17, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm of the Whole/IGR** - Your Committee recommends approval of the Fiscal Year 2011 Federal Agenda for the City of Minneapolis, as set forth and described in Petn No 274035.

Glidden moved to amend the last paragraph of the Housing Stabilization policy of the FY 2011 Federal Agenda by deleting the last sentence in the last paragraph and inserting language as follows: "The city also recommends that the NSP program be amended to permit the use of funds for more foreclosure prevention activities including emergency crisis repairs, mortgage foreclosure counseling, employment services to increase household income, and foreclosure-related assistance to stabilize renters and prevent homelessness. The city recommends that the NSP program be amended to address investor competition by developing strategies for home buyers to compete with immediate cash offers, changing the definition of foreclosure to include short sales, and addressing regulations that slow the purchase process for NSP developers and home buyers. Finally, the city recommends the NSP program be amended so that the effect of requirements to create sustainable housing for households at or below 50% AMI does not result in concentrating those homes in neighborhoods with the highest concentrations of poverty." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 2/12/2010.

Absent - Colvin Roy.

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

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to execute contracts for Great Streets Façade Improvement Program Matching Grant Administration, for proposals described in the Department of Community Planning & Economic Development staff report, as follows:

- a) Bancroft Neighborhood Association, \$50,000
- b) East Downtown Council, \$50,000
- c) Lake Street Council, \$50,000
- d) Nicollet-East Harriet Business Association, \$50,000
- e) Northside Arts Collective, \$50,000
- f) Seward Redesign, \$125,000
- g) West Bank Business Association, \$50,000
- h) West Broadway Business and Area Coalition, \$50,000

Adopted 2/12/2010.

Absent - Colvin Roy.

**Comm Dev** - Your Committee, having under consideration the Minneapolis Advantage Program for 2010, now recommends approval of a reduction in the maximum program loan amount from \$10,000 to \$5,000, and that the proper City officers be authorized to amend the Greater Metropolitan Housing Corporation contract by increasing it \$250,000 to cover program costs.

Adopted 2/12/2010.

Absent - Colvin Roy.

**The COMMUNITY DEVELOPMENT, REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:**

**Comm Dev, RE&E & W&M/Budget** - Your Committee, having under consideration the Minneapolis Economic Recovery Strategy, now recommends that the proper City officers be authorized to submit an application to the Minnesota Department of Commerce/Office of Energy Security, on behalf of the City of Minneapolis, for a \$500,000 grant in response to a competitive funding solicitation to establish a revolving loan fund to finance energy upgrades and improvements for commercial, industrial, and/or nonprofit facilities in the City, and to make such modifications as indicated by further guidance by Department of Commerce.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

**Comm Dev & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a contract with Hennepin County (HC# A091527) for the operation of the Minnesota Family Investment Program and to contract with Hennepin County to receive \$466,334 for the period of January 1, 2010 to December 31, 2010.

Adopted 2/12/2010.

Absent - Colvin Roy.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7241 from TMS Construction, Inc, in the amount of \$70,685, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition and site clearance of the following six structures: 1625 - 26th Ave N, 3020 - 4th St N, 2803 Polk St NE, 655 Taylor St NE, 4626 Aldrich Ave N and 2534 James Ave N.

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

Adopted 2/12/2010.

Absent - Colvin Roy.

**The PUBLIC SAFETY & HEALTH Committee submitted the following report:**

**PS&H** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 370 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Regulations Involving Minors*, adopting a social host ordinance to discourage underage consumption of alcohol by imposing penalties on those who host events or gatherings where underage persons possess or consume alcohol, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the City Attorney's Office is encouraged to refer appropriate violations of the Social Host Ordinance to the City's restorative justice partners. The City Attorney's Office is directed to report back to the Public Safety & Health Committee on how the ordinance is being used and enforced within one year of its passage.

Adopted 2/12/2010.

Absent - Colvin Roy.

Ordinance 2010-Or-005 amending Title 14, Chapter 370 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Regulations Involving Minors*, adding a new Section 370.45 to adopt a social host ordinance to discourage underage consumption of alcohol by imposing penalties on those who host events or gatherings where underage persons possess or consume alcohol, was adopted 2/12/2010 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 2010-Or-005**  
**By Gordon**  
**Intro & 1st Reading: 10/30/2009**  
**Ref to: PS&RS**  
**2nd Reading: 2/12/2010**

**Amending Title 14, Chapter 370 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Regulations Involving Minors.**

Section 1. That Chapter 370 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 370.45 to read as follows:

**370.45 Social Host.** (a) *Purpose and Findings.* The City Council seeks to reduce underage possession and consumption of alcohol by imposing criminal penalties on those person(s) who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol.

The City Council finds that:

- (1) Alcohol is an addictive drug, which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of the irresponsible user.
- (2) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to public health, safety and welfare requiring prevention or abatement.
- (3) Holding persons criminally responsible for hosting or permitting an event or gathering where underage possession or consumption of alcohol occurs will help deter underage consumption.

(b) *Definitions.*

- (1) *Alcohol* means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, liqueur, cordials, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (2) *Alcoholic beverage* means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half (1/2) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (3) *Adult* means any person eighteen (18) years of age or older.
- (4) *Underage Person* means any person under the age of twenty-one (21) years.
- (5) *Parent* means any person having legal custody of a juvenile as a natural parent, adoptive parent, step parent, legal guardian, or a person to whom legal custody has been given by order of the court.
- (6) *Person* means any individual, partnership, co-partnership, corporation, or any association of one (1) or more individuals.
- (7) *Host* means to permit, aid, conduct, entertain, organize, supervise, or control an event or gathering.
- (8) *Event or gathering* means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity. An event or gathering shall not include assemblies or gatherings occurring on the licensed property of a retail

intoxicating liquor or three and two-tenths (3.2) percent malt liquor licensee, municipal liquor store, or bottle club permit holder who is regulated by Minn. Stat. § 340A.503.

(9) *Residence or Premises* means any home, yard, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(c) *Prohibited Acts.*

- (1) It is unlawful for any person(s) to:
  - a. Host an event or gathering;
  - b. At any residence, premises, or on any other private or public property;
  - c. Where alcohol or alcoholic beverages are present; and
  - d. When the person knows or has reason to know that an underage person will or does:
    1. Consume any alcohol or alcoholic beverage; or
    2. Possess any alcohol or alcoholic beverage with the intent to consume it.
- (2) It is a violation of section (c) if the person intentionally aids, advises, hires, counsels, or conspires with another or otherwise procures another to commit the prohibited act.
- (3) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible for a violation of section (c).

(d) *Penalty.* A violation of this ordinance is a misdemeanor.

(e) *Exceptions.*

- (1) It shall be an affirmative defense to a violation of section (c) that the defendant is the parent of the underage person and that the defendant gave or furnished the alcoholic beverage to that person solely for consumption in the defendant's household.
- (2) It shall be an affirmative defense to a violation of section (c) that the conduct was part of a legally protected religious observance.

(f) *Severability.* If any section, subsection, sentence, clause, part, provision, phrase, word, or other portion of this Ordinance is, for any reason, held to be unconstitutional or invalid, in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this chapter, which remaining portions shall continue in full force and effect.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to apply for a two-year research grant from the National Institute of Health seeking an amount not to exceed \$275,000 for a project to identify effective ways to reduce substance use among pregnant women.

Adopted 2/12/2010.

Absent - Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the contract with the Metropolitan Sports Facilities Commission to receive \$18,200 for providing security and perimeter management services by the Police and Public Works Departments for the Vikings NFL Divisional Playoff game on January 18, 2010. Further, passage of the accompanying resolution appropriating \$6,500 to the Public Works Agency and \$11,700 to the Police Department.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-050  
By Samuels and Hodges**

**Amending The 2010 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a. Increasing the appropriation for the Public Works Agency in the General Fund (00100-6070500-345501) by \$6,500.

b. Increasing the appropriation for the Police Department Agency in the Special Revenue Fund (01210-4004100-345501) by \$11,700.

Adopted 2/12/2010.

Absent - Colvin Roy.

**PS&H & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a new lease agreement with Clifton Court, LLP, in the amount of \$6,900, for office space for the Police Department's Employee Assistance Program. Said lease shall be for a one year period with annual extension options through 2015.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

**RE&E** - Your Committee, having under consideration the application of Lowertown Hospitality Group Inc, dba Savoy Uptown, 2329 Hennepin Av, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license application be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

Absent - Colvin Roy.

The report, as amended, was adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Av NE.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-051, approving Business License Operating Conditions relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Av NE, was adopted 2/12/2010 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 2010R-051**

**By Glidden**

**Approving Business License Operating Conditions relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Av NE.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Av NE:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongos, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, and small zip lock bags also known as jewelry bags. The business will also agree not to supply matches to non-tobacco customers.

3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

4. All windows will be free of signs and other items that block the view in and out, as specified in Minneapolis Ordinance 543.350.

5. Owner shall comply with the Surveillance Camera Ordinance. Additionally, the business will install two exterior cameras.

6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times. This shall be completed by June 1, 2010.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** - Your Committee, having under consideration the application of Haute Dish LLC, dba Haute Dish, 119 Washington Av N, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire January 1, 2011, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 2/12/2010.

Absent - Colvin Roy.

Approved by Mayor Rybak 2/16/2010.

(Published 2/17/2010)

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

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-052, granting applications for Liquor, Wine and Beer Licenses, was adopted 2/12/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

## FEBRUARY 12, 2010

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

### **RESOLUTION 2010R-052**

**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 274051):

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2011**

CSM Depot LLC, dba Renaissance by Marriott, 225 3rd Av S

**On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2010**

Nick & Eddie, dba Nick and Eddie, 1612 Harmon Pl (transfer of shares)

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2010**

Nick & Eddie, dba Nick and Eddie, 1612 Harmon Pl

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2010**

Shuang Cheng Inc, dba Shuang Cheng Restaurant, 1320 4th St SE (permanent expansion)

**Temporary On-Sale Wine**

The Minnesota Opera, dba Minnesota Opera, 620 1st St N (Donor Benefit Event February 25, 2010, 6:00 p.m. to 9:00 p.m., 620 1st St N).

Adopted 2/12/2010.

Absent - Colvin Roy.

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

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-053, granting applications for Business Licenses, was adopted 2/12/2010 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 2010R-053**

**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 February 12, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274051):

Amusement Devices; Christmas Tree; Dry Cleaner Flammable; Dry Cleaner Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Fire Extinguisher Servicing Class B; Caterers; Food Market Manufacturer; Short-Term Food Permit; Seasonal Short Term Food; Hotel/Motel; Liquid Waste Hauler; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Residential Specialty Contractor; Sign Hanger; Taxicab Limited; Taxicab Service Company; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades; Tree Servicing; Pawnbroker Class A.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-054, granting applications for Gambling Licenses, was adopted 2/12/2010 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 2010R-054**  
**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 274051):

**Gambling Exempt**

Buya.Org, dba Buya.Org, 2629 Shore Blvd, White Bear Lake (Raffle January 21, 2010, Graves 601 Hotel, 601 1st Av N)

Greg Marzolf Jr Foundation, dba Greg Marzolf Jr Foundation, 2152 Upper St Dennis Rd, St. Paul (Raffle January 28, 2010, Hilton Minneapolis)

Faith's Lodge, dba Faith's Lodge, 818 W 46th St (Raffle February 11, 2010, Stella's Fish Cafe, 1402 W Lake St)

Dominican Community of St. Albert the Great, dba Dominican Community of St. Albert the Great, 2833 32nd Av S (Bingo, Raffles February 19, 2010)

Emergency Foodshelf Network, dba Emergency Foodshelf Network, 8501 54th Av N (Raffle February 18 - 21, 2010, Minneapolis Convention Center)

Goldbricks, dba Goldbricks, 1828 4th St NE (Raffle February 25, 2010, Jax Cafe, 1928 University Av)

Emergency Foodshelf Network, dba Emergency Foodshelf Network, 8501 54th Av N (Raffle February 24 - 28, 2010, Minneapolis Convention Center)

Hope Chest for Breast Cancer Foundation, dba Hope Chest for Breast Cancer Foundation, 3850 Shoreline Dr S, Wayzata (Raffle February 28, 2010, Minneapolis Convention Center)

Dominican Community of St. Albert the Great, dba Dominican Community of St. Albert the Great, 2833 32nd Av S (Bingo, Raffles March 12, 2010)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (Bingo March 21, 2010)

Minnesota Ducks Unlimited Special Events, dba Minnesota Ducks Unlimited Special Events, 1602 Washington Blvd NE, Blaine (Raffle March 27, 2010, Minneapolis Convention Center, 1301 2nd Av S)

Womans Club of Minneapolis, dba Womans Club of Minneapolis, 410 Oak Grove St (Raffle April 10, 2010)

Goldbricks, dba Goldbricks, 1828 4th St NE (Raffle April 11, 2010, Eastside Neighborhood Building)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle, Bingo, Paddlewheels, Pulltabs, Tipboards June 6, 2010)

Goldbricks, dba Goldbricks, 1828 4th St NE (Raffle June 13, 2010, Eastside Neighborhood Building, 1700 2nd St NE)

Goldbricks, dba Goldbricks, 1828 4th St NE (Raffle December 12, 2010, Eastside Neighborhood Building, 1700 2nd St NE).

Adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by 22nd Avenue Station, 2121 University Av NE.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-055, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by 22nd Avenue Station, 2121 University Av NE, was adopted 2/12/2010 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 2010R-055**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by 22nd Avenue Station, 2121 University Av NE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on November 17, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within a period of less than 24 months, employees of the 22nd Avenue Station sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes and the established compliance check policy and procedures of the City of Minneapolis;

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

That the On-Sale Liquor License issued to 22nd Avenue Station shall be subject to the following conditions and adverse license action, in accordance with the Findings on file in the Office of the City Clerk and hereby made a part of this report by reference:

1. Provide a written alcohol service policy to Licensing due at the time of signing the agreement to include the following:
  - a. Policy and procedure given to employees regarding alcohol sales which includes rewards and consequences for serving minors.
  - b. Use of an electronic card reader system that assists employees in determining the birth date required to make a legal sale of alcohol. (Proof of purchase due at time of signing the agreement)
  - c. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
  - d. A plan on removal/refusal of obviously intoxicated customers.
  - e. A trained manager shall be on site at all times the bar is open for business.
2. Provide refresher alcohol service training for all servers within 30 days of the agreement being approved by the City Council.
3. Post signs that identify 22nd Avenue Station's alcohol service policy to customers. This would include posters that promote the legal age for purchasing alcohol.
4. Employ a youth alcohol self-check program with decoys four times each year for the next two years and maintain documentation of the results. Results shall be made available upon request from Licenses & Consumer Services or the Minneapolis Police. Implementation of this program shall begin within 30 days of the agreement being approved by the City Council.
5. In lieu of a suspension, the City shall impose a \$3,000 sanction; \$1,000 shall be stayed for purchasing and implementing an electronic card reader. This license shall pay \$2,000 due at the time of signing the agreement.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Picoso Restaurant, 65 Main St SE.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-056, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Picoso Restaurant, 65 Main St SE, was adopted 2/12/2010 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 2010R-056**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class B with Sunday Sales License held by Picoso Restaurant, 65 Main St SE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 10, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Picoso Restaurant had not been able to pay past due taxes to the State of Minnesota for a period of ten months in violation of the Minneapolis Code of Ordinances; and on two separate inspections, Picoso Restaurant had illegally purchased alcohol on the licensed premises in violation of Minnesota Administrative Rules;

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

That the On-Sale Liquor License issued to Picoso Restaurant shall be subject to the following conditions and adverse license action, as more fully set forth in said Findings on file in the Office of the City Clerk and which are hereby made a part of this report by reference:

1. Provide an updated alcohol service policy to Licensing due at the time of signing this agreement to include the following:
  - a. Procedures regarding alcohol sales, youth alcohol access, containment of alcohol to the licensed premises, and closing at 1:00 a.m. and dispersing of customers by 1:30 a.m.
  - b. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
2. The licensee has paid \$950 of citations related to the above issues and no further sanction will be issued for the above mentioned dates.
3. Create a system of sales accounting where tax collected daily is saved to be made available to cover monthly tax liability.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** - Your Committee, having under consideration the property located at 3654 Russell Av N owned by Anthony Okafor, now recommends concurrence with the recommendation of the Director of Inspections that a rental dwelling license be denied for a minimum of six months due to delinquent assessments, in accordance with Section 244.1910 of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference. Further, that the owner must complete the established reinstatement process prior to issuance of a license.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** – Your Committee, having under consideration the Rental Dwelling License for the property located at 607 Erie St SE; and the City Council having revoked the license held by Mohammed Shahidullah on January 29, 2010; and the licensee having requested a stay of the Council’s decision pending an appeal, now recommends that said request for a stay of the Committee’s adverse license decision be denied. Further, that the City Attorney’s Office be directed to draft Findings of Fact.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 729 E 16th St; and the City Council having revoked the license held by John T. Jensen II/ Mary Jensen on September 18, 2009; and the licensee having requested a stay of the Council’s decision and a stay of all further enforcement proceedings relating to the licensee, now recommends the following:

- a. That the request to stay the adverse license decision relating to the license at 729 E 16th Street be denied.
- b. That the request to stay the imposition of additional revocation actions for other properties owned by the licensee be granted.
- c. That the City Attorney’s Office be directed to draft Findings of Fact.

Adopted 2/12/2010.

Absent - Colvin Roy.

**The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:**

**RE&E & W&M/Budget** - Your Committee, having under consideration proposed revisions to the Director’s Fee Schedule, now recommends approval to change “Elevator-Annual Registration” to “Elevator-Annual Registration and Inspection”, and that the proposed fees in the following table be approved:

<u>Permit Type</u>	<u>Type</u>	<u>Ordinance</u>	<u>2009 Fees</u>
Elevator - Annual Registration/Inspection	Power driver		
	passenger & freight	91.620 (1)	\$135.50 for all
Elevator - Annual Registration/Inspection	Dumbwaiter	91.620 (2)	\$ 86.50
Elevator - Annual Registration/Inspection	Moving stairway (ea)	91.620 (3)	\$116.50
Elevator - Annual Registration/Inspection	Docklift	91.620 (4)	\$ 86.50
Elevator - Annual Registration/Inspection	Hand powered		
	Elevator	91.620 (5)	\$ 86.50
Elevator - Annual Registration/Inspection	Manlift	91.620 (6)	\$ 86.50

Adopted 2/12/2010.

Absent - Colvin Roy.

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

**T&PW** - Your Committee, having under consideration the University of Minnesota Non-Motorized Trail Project, now recommends:

- a) Approval of the University of Minnesota Trail alignment, as set forth in Petn No 274058;
- b) That the proper City officers be authorized to negotiate and execute a License and Memorandum of Understanding (MOU) agreement over the use of the University of Minnesota property for the trail; and
- c) Passage of the accompanying resolution accepting and executing the Right-of-Way Plats for the University of Minnesota area.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-057, authorizing the recording of Right-of-Way Plats for the University of Minnesota Non-Motorized Trail Project, was adopted 2/12/2010 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 2010R-057**  
**By Colvin Roy**

**Authorizing the recording of a Right-of-Way Plat of the University of Minnesota Non-Motorized Trail Project.**

Whereas, the City Council has authorized the construction of the University of Minnesota Non-Motorized Trail Project; and

Whereas, the City Council has authorized the acquisition of land needed for the Trail Project from the University of Minnesota and the Burlington Northern Santé Fe Railroad Company; and

Whereas, the Public Works Department has had a Right-of-Way Plat prepared which shows the alignment of the Trail and indentifies the property therein which is to be acquired for construction of the Trail;

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

That in order to complete the necessary property acquisitions and identify the Trail alignment, the City hereby authorizes the recording of the Right-of-Way Plat and the signing of the Plat by the Mayor of the City of Minneapolis.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

a) Mary Dockendorf (Senior Citizen) to defer the special assessments (Levy 01052, Project 10S05) for sidewalk repair in the principal amount of \$579.15 and (Levy 01028, Project 10WTR) for water service line repair in the principal amount of \$2,640 for payable 2010 and subsequent years, on the property at 4104 Zenith Ave S, PID 08-028-24-24-0103, legal description: Lot 2, Block 22, Oliver Park Addition to Minneapolis;

b) Myoung Duk Kovach (Senior Citizen) to defer the special assessment (Levy 01028, Project 10WTR) for water service line repair in the principal amount of \$4,180 for payable 2010 and subsequent years, on the property at 2945 Oakland Ave, PID 35-029-24-33-0154, legal description: Lot 10, Block 1, "Wood and Smith's Subdivision of Lot 1, Emerson's Addition to Minneapolis"; and

c) Irene H. Droege (Senior Citizen) to defer the special assessment (Levy 01052, Project 10S05) for sidewalk repair in the principal amount of \$524.66 for payable 2010 and subsequent years, on the property at 5123 Sheridan Ave N, PID 11-118-21-21-0040, legal description: Lot 10, Block 13 "Englewood, Hennepin Co, Minn";

now recommends that the applications be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195, and by City Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the Cedar Lake Trail Phase III Project, now recommends passage of the accompanying resolution approving the execution of Amendment #1 to Agreement No 92797 with the Minnesota Department of Transportation to provide for 100% of Federal High Priority Project Grant funds to be allocated to right-of-way acquisition.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-058, authorizing the execution of Amendment No 1 to Minnesota Department of Transportation Agreement No 92797, was adopted 2/12/2010 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 2010R-058  
By Colvin Roy and Hodges**

**CEDAR LAKE TRAIL PHASE III (CITY PROJECT No 9844)**

**Authorizing the execution of Amendment No 1 to Minnesota Department of Transportation (Mn/DOT) Agreement No 92797, pending satisfactory review by the proper City officers.**

Whereas, the City of Minneapolis has included the completion of the Cedar Lake Trail within its capital improvement program; and

Whereas, the City sought and received a Federal High Priority Project (HPP) Grant to help fund the completion of the Cedar Lake Trail; and

Whereas, Mn/DOT Agreement No 92797 authorized a portion of the HPP Grant to be used for right-of-way acquisition; and

Whereas, during project development, the right-of-way costs were higher than anticipated and the estimate for construction costs are lower; and

Whereas, to make best use of the HPP Grant, the City requested and Mn/DOT concurred that all the HPP Grant should be allocated for right-of-way acquisition;

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

That pending satisfactory review, the proper City officers are hereby authorized and directed for and on behalf of the City of Minneapolis to execute Amendment No 1 to Mn/DOT Agreement No 92797.

Adopted 2/12/2010.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Emergency Operations Training Facility, now recommends that the proper City officers be authorized to execute Change Order No 2 to Contract C-26968 with Ebert, Inc., increasing the contract by \$63,789.40, for a revised contract total of \$4,477,541.78, to allow for construction contingencies provided as part of the original project budget.

Adopted 2/12/2010.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Hiawatha Trail Extension Project, now recommends:

a) Acceptance of \$230,000 in Non-Motorized Transportation Pilot Program funds from Transit for Livable Communities, and passage of the accompanying resolution increasing the appropriation for the project;

b) Passage of the accompanying resolution authorizing the proper City officers to execute inter-agency agreements with the Minnesota Department of Transportation for federal participation in the project; and

c) Authorizing the proper City officers to negotiate and acquire trail easements and use permits for the project.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-059**  
**By Colvin Roy and Hodges**

**Amending The 2010 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 Hiawatha Trail Extension Project in the Capital Improvements Fund (4100-9010943-321000-BIK008) by \$230,000, to be reimbursed by Non-Motorized Transportation Pilot Program funds from Transit for Livable Communities.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-060, authorizing the execution of inter-agency agreements with the Minnesota Department of Transportation for federal participation in the Hiawatha Trail Extension Project, was adopted 2/12/2010 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 2010R-060**  
**By Colvin Roy and Hodges**

**Authorizing the execution of inter-agency agreements with the Minnesota Department of Transportation for federal participation in the Hiawatha Trail Extension Project.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute inter-agency agreements with the Minnesota Department of Transportation (Mn/DOT) for Federal Participation in the Hiawatha Trail Extension Project (BIK008).

Adopted 2/12/2010.

Absent - Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the contract with Hennepin County for Solid Waste Disposal Services, now recommends that the proper City officers be authorized to execute a contract with Hennepin County for the disposal of solid wastes collected by Minneapolis Solid Waste and Recycling Services and its contractors, to include a tipping (disposal) fee of \$43/ton from April 1, 2010 to December 31, 2010, and a tipping fee of \$45/ton from January 1, 2011 to December 31, 2011.

Adopted 2/12/2010.

Absent - Colvin Roy.

**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 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-061, authorizing settlement of *Dean Craker v. City of Minneapolis*, was adopted 2/12/2010 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 2010R-061**

**By Hodges**

**Authorizing legal settlement.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Dean Craker v. City of Minneapolis*, by payment of \$20,000 to Dean Craker, and his attorney, Brad C. Eggen, from the Internal Service Self Insurance Fund (06900-1500100-145607).

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

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Claims Administration agreement between the City of Minneapolis and Analytics, Inc., so that the compensation payable under said agreement may be increased to \$130,723.20; and that the terms of the agreement be extended to December 31, 2010. No additional appropriation required.

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept a donation for travel and lodging expenses (not to exceed \$1,500) from Unisys Corporation, to present a case study and participate in its Unisys Client Exchange forum in Reston, Virginia on March 2-3, 2010.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-062**

**By Hodges**

**Accepting a donation from Unisys Corporation for travel and lodging expenses.**

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation for travel and lodging expenses, value not to exceed \$1,500 from Unisys Corporation.

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends approval of the March 2010 utility billing insert on behalf of Community Planning and Economic Development communicating the importance of participation in the U.S. Census (Petn 274063).

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the contract agreement between the City of Minneapolis and the Minneapolis Television Network (MTN), now recommends passage of the accompanying resolution approving a new annual contract, which has been developed to provide clear performance standards for operating the Public Access Channels, maintaining a public access center, and other business and reporting requirements.

Adopted 2/12/2010.

Absent - Colvin Roy.

**FEBRUARY 12, 2010**

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Resolution 2010R-063, approving the contract agreement between the City of Minneapolis and the Minneapolis Television Network, was adopted 2/12/2010 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 2010R-063  
By Hodges**

**Approving the contract agreement between the City of Minneapolis and the Minneapolis Television Network.**

Resolved by The City Council of The City of Minneapolis:

**AGREEMENT BETWEEN THE CITY OF MINNEAPOLIS,  
A HOME RULE CHARTER CITY,  
AND THE MINNEAPOLIS TELEVISION NETWORK,  
A MINNESOTA NONPROFIT CORPORATION**

**AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, between: THE CITY OF MINNEAPOLIS, a Home Rule Charter City, and the MINNEAPOLIS TELEVISION NETWORK, a Minnesota Nonprofit Corporation.

**WITNESSETH:**

Whereas, the City of Minneapolis, a Home Rule Charter City (hereinafter referred to as "City") has granted a cable communication franchise to Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc., a wholly owned subsidiary of Comcast Corporation (Hereinafter referred to as "Comcast"); and

Whereas, the City has enacted a franchise ordinance, **2009-Or-191**, which is codified as Appendix H, Chapter 1, of the Minneapolis Code of Ordinances (hereinafter referred to as "Code"); and

Whereas, Comcast has executed an Acceptance of the franchise ordinances; and,

Whereas, Comcast has agreed in its cable communications franchise to provide certain Access Channels to the City to be used for Public, Educational, and Governmental programming and has further agreed to provide certain monetary support to the City in the form of a "PEG Fee"; and

Whereas, the Minneapolis Television Network, d/b/a Minneapolis Television Network (MTN) ("MTN") is a non-profit corporation that was originally organized in 1983 by the City under Minnesota Statutes, Chapter 317; and

Whereas, the Secretary of State for the State of Minnesota has certified that MTN's Articles of Incorporation were recorded with the Minnesota State Department on December 13, 1983, and that MTN is legally recognized under the Laws of Minnesota (City Pet. 229811); and

Whereas, MTN filed amended Articles of Incorporation with the City on July 24, 1992 (City Pet. 256458), and later filed it with the Secretary of State on October 16, 1992; and

Whereas, in order to provide for the continued existence of MTN (a corporation created by a political subdivision before 1997), the City, pursuant to Minnesota Statutes, Section 465.719, subd. 2, enacted a resolution on July 25, 2003 providing for the continued existence of MTN (City Resolution 2003R-352); and

Whereas, a certified copy of City Resolution 2003R-352 was filed with the Secretary of State pursuant to Minnesota Statutes, Section 465.719, subd. 2 (City **Petn 268938**); and

Whereas, Article II of MTN's Articles of Incorporation articulates the purpose of MTN; and

Whereas, since 1983, the City has contracted with MTN to operate the dedicated Public Access channels provided by Comcast and its predecessors in interest (City Contract Number 6544) and in

return the City has provided funding to MTN; and

Whereas, the City and MTN now desire to enter into this agreement outlining, among other things, certain rights and obligations each may have relative to the operation of the City's Public Access channels.

Now Therefore, in consideration of these premises and in consideration of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and MTN hereby agree, as follows:

## ARTICLE I

### Rules of Interpretation

#### Section 1.01. Rules of Interpretation.

- (a) This Agreement shall be interpreted in accordance with the laws of the State of Minnesota.
- (b) The words "hereof" or "herein" and words of similar import, without reference to a particular section or article, refer to this Agreement as a whole and not to any particular section or article thereof.
- (c) The City's Cable Officer shall be the City's Communications Director or designee appointed by the Communications Director.
- (d) The headings and articles and sections are for convenience only and shall not affect the construction of this Agreement.
- (e) Quarterly or quarter shall mean four consecutive periods of three months beginning on January 1st of each calendar year.
- (f) MTN, for purposes of this Agreement, shall be empowered to act and shall be considered to have acted, when so authorized, pursuant to the authority of the voting members of the Board of Directors and all duly authorized officers, employees, agents and contractors who act under the control, supervision and direction of the voting members of the Board of Directors of MTN, and not as a result of any relationship between City and MTN.
- (g) Unless the context clearly requires otherwise, the singular shall include the plural and vice versa.
- (h) This Agreement shall be construed, whenever possible, to be in full compliance with applicable federal, state and local laws and regulations.
- (i) In the event that there are any discrepancies or conflicts between the Code, Appendix H, Chapter 1 and this Agreement, the provisions of the Code, including any amendments thereto hereinafter made, shall prevail. The Code, or any amendments thereto hereinafter made, shall supersede any inconsistent provision in this Agreement.

## ARTICLE II

### Incorporation by Reference

#### Section 2.01. Incorporation by Reference.

The material set forth below shall be incorporated into this Agreement by reference, as if fully set forth herein, as follows:

- (a) The provisions of the cable franchise or as it may be amended from time to time for incorporation into the Code, Appendix H, Chapter 1, are incorporated herein by reference and made part hereof. Amendments to the Code shall be incorporated herein by reference as if fully set forth herein, without further action of the parties hereto.
- (b) The Articles of Incorporation for MTN, City Pet. 256458, filed with the Minnesota Secretary of State in 1992, are incorporated herein by reference and made part hereof.
- (c) The provisions of the Minneapolis Code of Ordinances, § 139.50 dealing with discrimination, affirmative action and women and minority business enterprises, as well as all other applicable federal, state and local laws or regulations relating to discrimination, affirmative action and women and minority business enterprises are incorporated herein by reference and made part hereof.
- (d) The provisions of the Minneapolis Code of Ordinances, § 24.220 et seq., dealing with prevailing wages are, to the extent applicable, incorporated herein by reference and made part hereof.
- (e) Minnesota Statutes, § 238.084, Subd. 1 (z), is incorporated herein by reference and made part hereof.

**ARTICLE III**

**Purpose of Agreement and Performance Requirements**

**Section 3.01. Purpose of Agreement.**

It is understood by the parties hereto that Comcast has agreed to provide certain Public, Educational, and Governmental Access Channels and certain monetary support in the form of a "PEG Fee" to the City. The purpose of this Agreement is to authorize MTN to operate the City's Public Access Channels and to define the rights and obligations of the parties hereto, as set out herein for the operation of the Public Access Channels. It is also the purpose of this Agreement to require MTN to perform all requirements of Minnesota Statutes § 238.084, subd. 1(z) and to meet the performance standards contained herein. This Agreement does not affect the Educational and Governmental Access Channels of the City.

**Section 3.02. Performance Requirements of MTN Services.**

In consideration for the funding provided by the City to MTN, pursuant to this Agreement, MTN shall provide the following services:

**(a) Operate the Public Access Channels.**

For the term of this Agreement, MTN is designated to operate the City's three (3) public access channels (currently located on channels 16, 17, and 75) on Comcast's cable communications system, consistent with applicable law and the cable franchise.

**(b) Maintain and Operate a Public Access Center.**

MTN shall maintain and operate, in accordance with best industry practices, a fully equipped and staffed public access production studio facility with related office space (the "Studio"). The Studio shall be open for citizens of the City to use during normal operating hours and by appointment. The Studio shall be located within the corporate boundaries of the City.

**(c) Access to Facilities.**

MTN shall provide access to the equipment, facilities, and services provided herein on a non-discriminatory basis to all City residents and other organizations with their principal place of business located in the City for non-commercial programming purposes on a first-come, first served non-discriminatory basis pursuant to the operating policies of MTN.

**(d) Education and Training for Residents.**

MTN shall provide training, equipment and channel time to City residents, without discrimination with regard to content of users' speech.

**(e) Develop Operating Policies and Procedures.**

MTN shall develop policies and procedures for use and operation of the public access equipment, facilities, and channels and file such policies and procedures with the City, consistent with applicable law, the cable franchise and this Agreement.

**(f) Compliance with Laws, Rules and Regulations.**

MTN shall administer the public access channels and facilities in compliance with applicable laws, rules, regulations, and in compliance with the cable franchise (**2009-Or-191**).

**(g) Maintenance of Equipment.**

MTN shall provide regular maintenance and repair of all video equipment purchased with funds received pursuant to this Agreement and/or donated, loaned, or leased to MTN by the City. It will be the responsibility of MTN to ensure that access users who wish to use MTN's facilities have the skills necessary to properly operate video production and editing equipment.

**(h) Copyright Issues.**

Prior to cablecasting any programming over the cable communications system, MTN shall require all users of MTN's facilities to agree in writing that they shall make all appropriate arrangements to obtain all rights to all material cablecast and clearances from broadcast stations, networks, sponsors, music licensing organizations' representatives, and without limitation from the foregoing, any and all other persons necessary to transmit its or their program material over the public access channels that are operated and managed by MTN. MTN shall maintain for the applicable statute of limitations for the City's inspection, upon reasonable notice by the City, copies of all such user agreements. MTN shall own the copyright of any programs which it may choose from time to time to produce. Copyright of programming produced by the public shall be held by such person who produces said programming.

**(i) MTN Productions.**

MTN shall cablecast 340 hours of original public access programming per month.

**(j) Playback/Cablecast.**

MTN shall provide for the playback/cablecasting of programs on the City's public access channels. MTN shall cablecast an average of 86 non-repetitive hours of local original and outside programming per week. MTN shall cablecast no more than 418 hours of replayed programming per week. All programming shall be non-commercial in nature. Failure of playback of programming shall not exceed five percent. MTN staff will schedule channel time in a first-come, nondiscriminatory manner that will maximize fairness and diversity of expression, and will ensure that no person or group monopolizes channel time to the disadvantage of others. MTN will use discretion to ensure access for new channel users, standalone programs, series of limited duration, and special events. MTN will ensure that residents and organizations in Minneapolis will have the highest priority in using the public access channels. MTN will also ensure fair access for the presentation of alternative views and ideas, consistent with the Ordinances of the City of Minneapolis, Federal and State Laws. MTN shall throughout each day display a credit stating "Partial funding for the operation of this channel is provided by the City of Minneapolis." Such credit shall also state that the opinions expressed on the public access channel are the sole responsibility of the program producers.

**(k) Promotion.**

MTN shall use its best efforts to promote the use and benefit of the City's public access channels to cable subscribers, the public, public access users and Comcast through the public access channels, other media, printed material, public speaking engagements, web site, newsletter, program guide, video bulletin boards, and any other means of publicity to increase members. MTN will evaluate the success of these efforts on an annual basis and state them in the annual report.

**(l) Non-Involvement of City in Programming Decisions.**

The City shall have no editorial control over, involvement in or responsibility for the content or scheduling of public access programming. MTN shall make all decisions to accept, schedule and cablecast public access programming.

**(m) Agreements with other Cities and Fundraising.**

Nothing in this Agreement shall prohibit MTN from entering into public access agreements with other public entities. Such joint agreements are encouraged so long as they do not conflict with this Agreement including the provision on priority for City residents in services and use of equipment funded by the City. Agreements with other public entities shall include provisions that are reasonably commensurate with the funding provided by the City. MTN shall notify and provide the City a copy of any such agreements upon 30 days of execution. MTN may also during the course of this Agreement receive supplemental funds from other sources, including but not limited to fundraising activities.

**(n) User Fees.**

MTN may charge a reasonable user fee to users of the public access facilities.

**(o) Coordination with Comcast.**

MTN shall maintain communications with Comcast as needed to ensure continued carriage of public access programming on the cable communications system in the event of channel changes and/or equipment changes and to coordinate transmittal of signals into the cable communications system. MTN may request the City to assist MTN with the coordination with Comcast.

**(p) Government Access Productions.**

MTN will provide equipment and staff, up to 6 times per year, for location shoots requested by the city. City staff will oversee the requested productions. If the request is a live production, city staff will notify MTN 40 days in advance of the live meeting.

**(q) Other Activities.**

MTN may undertake other public access programming activities and services as deemed appropriate by MTN and consistent with this Agreement.

**ARTICLE IV**

**Method of Transferring Funds from the City to MTN**

**Section 4.01.**

The MTN shall, on at least an annual basis, and no later than May 31st of the year preceding, adopt a budget that includes a report identifying MTN's training and access objectives for the next calendar year and submit a budget request to City's Cable Officer, which shall be subject to the approval of the Minneapolis City Council and the Mayor in accordance with Chapter 3, Section 1 of the Minneapolis City Charter.

**Section 4.02.**

During the term of this Agreement the City may review the MTN's previously approved Budget and channel allocation and withdraw approval for any previously approved budget item or items and channel allocation, or otherwise modify, change or reallocate any approved item or items in MTN's previously approved budget and channel allocation without MTN's consent or approval and without recourse by MTN, if the City finds:

- (a) MTN has not substantially complied with the material terms of this Agreement; and/or,
- (b) there has been a material change in the legal, technical or financial qualifications of MTN that would substantially impair the continued provision of service by them;
- (c) the services provided by MTN have not generally met standards intended by City and Comcast with the Franchise Ordinance; and/or
- (d) MTN has been found to be in noncompliance with Minnesota Statutes regarding access channels; and/or
- (e) the City and Comcast have agreed to modifications or amendments to the Code, Appendix H, Chapter 1 relevant to this Agreement; and/or
- (f) MTN has been found guilty and convicted of committing any felony offense.

**Section 4.03.**

Upon approval of the MTN's budget by the City, the City's finance officer shall transfer, on a quarterly basis, if available, funds to the MTN to meet approved MTN budget items from PEG Fees provided by Comcast to the City.

**Section 4.04.**

The City Finance Officer shall keep all PEG Fees provided by Comcast pursuant to Code, Appendix H, Chapters 1, in a segregated account within the general fund bearing interest at the rate of return for the entire general portfolio computed by the Treasury Division of the Finance Department, pending disbursement of said funds.

**Section 4.05.**

All funds transferred to the MTN by the City's Finance Officer shall be from the Finance Officer's segregated account, described above, unless disbursements from other City funds are specifically authorized by the City. In the event that there are insufficient funds in the segregated account maintained by the City's finance officer to fully meet the MTN's approved budget, at the time of City approval of said budget, the City's financial officer shall transfer any unpaid budgeted MTN funds to the MTN, upon receipt of those funds from Comcast.

**Section 4.06.**

MTN shall not spend any sums provided by the City except upon authorization in accordance with the terms of this Agreement.

**ARTICLE V**

**Use of Funds by MTN**

**Section 5.01.**

All funds received by MTN from the City shall be used for the production of public access cable programming, consistent with the Franchise.

**ARTICLE VI**

**Deposit of MTN Funds**

All funds paid to MTN by the City shall be deposited in a bank located in Minneapolis, Minnesota. The City's Cable Officer shall be notified of each bank used by MTN. Where possible, all funds provided to MTN by the Company through the City shall be placed in an interest bearing account.

**ARTICLE VII**  
**Disbursement of Funds by MTN, Bonding**

**Section 7.01.**

All funds provided to MTN by the City shall be disbursed, as follows:

- (a) The Chairman or Treasurer of MTN or a person authorized by the Chairman or Treasurer of MTN shall sign checks issued by the MTN for amounts of less than \$5,000.00.
- (b) The Chairman and Treasurer of MTN shall both sign MTN checks exceeding \$5,000.00.

**Section 7.02.**

Any person authorized by MTN's board of directors to transact any business on behalf of the MTN and/or to receive or pay monies on behalf of MTN shall immediately execute and furnish a fidelity bond inuring to the benefit of the City and MTN, with sufficient sureties thereon, in the amount of One Hundred Thousand Dollars (\$100,000.00). Said bond shall be purchased from a company licensed to do business in the State of Minnesota and shall be subject to approval by MTN and by the City Attorney. Said bond shall be filed with the City's Finance Officer. The City's Finance Officer shall not transmit funds to MTN pursuant to Article IV hereof, until said bond or bonds have been approved and filed.

**ARTICLE VIII**  
**Accounting Provisions**

**Section 8.01.**

MTN shall maintain financial records and enforce sufficient internal controls in accordance with generally accepted accounting principles (GAAP) for all funds received and disbursed, irrespective of source.

**Section 8.02.**

MTN shall forward a report to the City on a quarterly basis, detailing all revenues received and all expenditures made by MTN and the purpose for each such expenditure for the preceding quarter, irrespective of the source of revenues, no later than sixty (60) days after the close of each quarter of MTN.

**Section 8.03.**

MTN shall designate an independent certified public accountant to audit their financial activities on an annual basis.

**Section 8.04.**

MTN shall submit an audit of all MTN revenues and expenditures to the City, accompanied by an unqualified opinion signed by the certified public accountant selected by the MTN, on an annual basis, within one hundred twenty (120) days of the end of each fiscal year.

**Section 8.05.**

MTN shall permanently maintain all records, books, checks, statements, bills, etc. so as to enable the City to independently audit MTN, as the City may desire from time to time. MTN shall retain all records pertinent to expenditures incurred under this Agreement for a period of six years after the resolution of all audit findings. Records for non-expendable property acquired with funds under this Agreement shall be retained for six years after final disposition of such property.

**Section 8.06.**

MTN shall permit the City, upon reasonable notice and during normal business hours, to examine and copy all of its books, records, papers and documents upon request of the City or the City's Cable Officer. MTN shall designate a person or persons to accompany the City's representative for the foregoing purposes. Said person or persons shall be readily available to the City.

**Section 8.07.**

MTN shall provide the City, within thirty (30) days of a request by the City's governing body, with any other reports, records or books requested by the City. If additional expenditures are required by MTN as a result of a request by the City's governing body, the City will authorize MTN to utilize MTN reserves to pay for the additional expenditures.

**ARTICLE IX**  
**Purchase and Title of Equipment**

**Section 9.01.**

MTN shall own all equipment and facilities acquired by it and purchased with funds provided pursuant to this Agreement or otherwise from the City, except that upon termination or non-renewal of this

Agreement all such equipment or facilities shall become property of the City. MTN shall be responsible for maintenance of all equipment and facilities owned, leased, or loaned to it under this Agreement or purchased with funds pursuant to this Agreement, or otherwise provided from the City.

**Section 9.02.**

To secure all of its obligations under this Agreement, MTN hereby grants to City a security interest in all of the assets and interests owned or hereafter acquired by MTN with funds provided by the City, and the proceeds thereof, including but not limited to, MTN deposit accounts and inventory, and all equipment and fixtures, that are or were acquired with funds provided by the City. MTN agrees to take all steps reasonably necessary to perfect and enforce the City's security interest, including the execution and processing of financing statements and continuation statements under the state uniform commercial code. MTN will also notify any institution with whom it now or hereafter maintains any deposit account of the existence of the City's security interest in the account.

**Section 9.03.**

Upon the dissolution of MTN, MTN shall, subject to the approval of the City, transfer all assets of MTN representing City-funded equipment and facilities, and/or the proceeds of either to the City, or at the City's option, to such organization or organizations designated by the city to manage public access.

**Section 9.04.**

MTN shall, in accordance with generally accepted accounting procedures, maintain detailed records of all equipment or other capital assets and shall submit an inventory to the City's Cable Officer of all equipment and other capital assets within one week of January 1 and June 1 of each year.

**ARTICLE X**

**General Contract Monitoring and Performance Provisions**

**Section 10.01. Contract Monitoring.**

The Cable Officer shall administer and monitor the terms, conditions and performance of this Agreement on behalf of the City. MTN shall designate one or more persons to administer and monitor the terms, conditions and performance of this Agreement.

**Section 10.02. Performance Requirements.**

MTN shall meet all obligations under this Agreement and shall also meet all requirements of Minnesota Statutes § 238.084, Subd. 1(z). The City shall meet all obligations under this Agreement.

**Section 10.03. Reporting.**

MTN shall, by April 1st of the year following the close of each fiscal year, provide the City with a detailed summary of the previous year's activities in producing public access programming and MTN's compliance with Section 10.02 and shall include the following:

- (a) Current copies of MTN's Articles of Incorporation, Bylaws, and a current and complete list of MTN's Board of Directors;
- (b) Year-end financial statements audited by an independent certified public accountant, detailing the expenditures of funding provided by the City and the balance of MTN's bank account(s);
- (c) Statistics on programming and services provided, including but not limited to the following:
  - i. Programming statistics on a per-channel basis for year-to-date, including number of hours and programs of first-run local programming, number of hours and programs of first-run outside programming, total hours of programming cablecast by week for quarter, and cablecast failure rate.
  - ii. Training statistics for public access for the year-to-date, including course schedules, attendance, and recruiting efforts.
  - iii. Use of Equipment and facilities for the year-to-date.
  - iv. Report on equipment and facilities maintenance and repair activities. MTN will also maintain in this report a list of complaints from members regarding equipment condition.
  - v. Report on number of visitors to MTN web site.
  - vi. Report on promotions conducted during the year and their effectiveness, as required by Section 3.02 (k).
- (d) Evidence of adequate of insurance;
- (e) A current copy of all schedules of video and audio equipment in MTN's custody. Included in this report will be; make, model, serial number, purchase date, price, life expectancy and location of all equipment.

(f) Any other reasonable and appropriate documents and information requested by the City;  
(g) MTN will have program tracking-reports available upon request from City staff. These reports will include program submission totals/month. Tracking the programs created by MTN staff, members at MTN, in a foreign language, produced in the twin cities area, produced in Minneapolis, but not at MTN, produced in Minnesota, but out of twin cities area, and programs sponsored by a member.

(h) MTN will maintain a complete record of the names and addresses of all persons, groups, organizations or other entities that request access time and/or access cable casting equipment. Such records will be maintained in the public inspection file and will be available for public inspection at the MTN official place of business during regular business hours or by appointment. All records required herein, including requests for access channel time, shall be maintained for a period of at least two years.

**Section 10.04.**

The City Council's Ways and Means Budget Committee or the City's governing body shall have the right to request additional information to determine MTN's compliance with sections 10.02 and 10.03.

**ARTICLE XI**

**Reservation of Rights by City**

**Section 11.01.**

The City of Minneapolis reserves the right, at its discretion, from time to time, to determine whether MTN is performing its purposes in a manner satisfactory to the City, and if it is not, the City without recourse by MTN, may receive and reallocate all or a portion of the channel capacity, budget appropriations, including facilities, equipment and other capital assets purchased previously with such appropriations, to another entity, including Comcast.

**Section 11.02.**

The language contained in Section §11.01 and 11.04 shall be included in any contract entered into by MTN.

**Section 11.03.**

Copies of all contracts or agreements entered into by MTN shall be filed with the City's Cable Officer.

**Section 11.04.**

The MTN shall not enter into contracts or agreements committing channel capacity, funds, facilities, equipment or other capital assets for a period of time in excess of the term of this Agreement, without approval of the City Council and Mayor. Said approval shall not be unreasonably withheld.

**Section 11.05.**

In the event the City exercises its option pursuant to §11.01, MTN agrees that it will assign existing contracts or agreements, appropriations, channel capacity, facilities, equipment, other capital assets, etc., to the City or its designee and/or return unused funds to the City or its designee, within such time limits as the City may require, and in accordance with such terms and/or conditions as the City may require.

**Section 11.06.**

In the event of cancellation, termination or non-renewal of the Agreement, all MTN's rights and obligations hereunder shall, at the City's request, be deemed assigned to the City or the City's qualified designee or assignee or to any qualified interim operating authority designated by City for uses consistent with the cable franchise. MTN agrees, warrants and guarantees that it will execute all documents needed to accomplish this assignment. MTN agrees that it will fully assist the City or its designee in providing for an orderly transition of duties and responsibilities pursuant to the terms of this Agreement in the event of any assignment of rights pursuant hereto.

The City may require and MTN agrees, if requested, to continue to fulfill all the terms of this Agreement pending assignment of MTN's rights, pursuant to this Agreement, to the City, its designee or an interim operating authority.

**Section 11.07.**

The City reserves the right to amend the cable franchise, Code, and Appendix H, Chapter 1, without MTN's consent.

**Section 11.08.**

Costs of enforcing this Agreement, including attorney fees, costs and disbursements may be assessed against MTN, at the City's discretion.

**ARTICLE XII  
Indemnification and Insurance**

**Section 12.01.**

MTN shall indemnify, keep and save the City free and harmless for claims arising out of the MTN's operation and responsibilities under the Agreement. In the event that suit shall be brought or that recourse or damages sought against either the City or the Comcast, or both, either independently or jointly with MTN, MTN shall indemnify the City and/or the Comcast and pay such judgment with all costs, including reasonable attorneys' fees, and hold the City and/or the Comcast harmless. MTN shall continuously throughout the duration of this Agreement maintain liability insurance with a company licensed to do business in the State of Minnesota, naming the city and the company as additional insureds, with regard to all claims or damages set forth herein in a minimum amount of:

- (a) Workers Compensation insurance that meets the statutory obligations with Coverage B-Employers Liability limits of at least \$100,000 each accident, \$500,000 disease - policy limit and \$100,000 disease each employee.
- (b) Commercial General Liability insurance with limits of at least \$2,000,000 general aggregate, \$2,000,000 products - completed operations \$2,000,000 personal and advertising injury, 100,000 each occurrence fire damage and \$10,000 medical expense any one person. The policy shall be on an "occurrence" basis, shall include contractual liability coverage and the City shall be named an additional insured.
- (c) Commercial Automobile Liability insurance covering all owned, non-owned and hired automobiles with limits of at least \$500,000 per accident.
- (d) Technology Liability Insurance for the duration of this agreement providing coverage for, but not limited to, Technology and Internet Errors & Omissions, Security and Privacy Liability, and Electronic Media Liability. If written on a Claims-Made basis, policy must provide an extended reporting period and have a retroactive date that on or before the date of this Agreement or the date Contractor commences work, whichever is earlier.
- (e) Two million dollars (\$2,000,000.00) for damages arising from programming errors or omissions, including copyright infringement, misappropriation of literary property or program format, defamation, or invasion of privacy; and
- (f) One million dollars (\$1,000,000.00) in broadcasters' errors and omissions insurance.

The insurance policy or policies obtained by the MTN in compliance with this section must be approved by the City Attorney and maintained by the City's Finance Officer. Acceptance of the insurance by the City shall not relieve, limit or decrease the liability of MTN. Any policy deductibles or retention shall be the responsibility of MTN. MTN shall control any special or unusual hazards and be responsible for any damages that result from those hazards. The City does not represent that the insurance requirements are sufficient to protect MTN's interest or provide adequate coverage. Evidence of coverage is to be provided on a City-approved Insurance Certificate. A thirty (30) day written notice is required if the policy is canceled, not renewed or materially changed. MTN shall require any of its subcontractors, if sub-contracting is allowable under this Agreement, to comply with these provisions.

**Section 12.02.**

MTN shall maintain a worker's compensation insurance policy with a company licensed to do business in Minnesota for all employees, in accordance with Minn. Stat., Chapter 176. The parties hereto specifically agree that employees of MTN are not employees of the City.

**ARTICLE XIII  
Miscellaneous**

**Section 13.01. Addresses for Notices.**

All notices or other filings to be given by either party to the other hereunder shall be in writing and deemed to have been given when delivered personally or when deposited in the United States mail, registered

or certified postage prepaid, addressed as follows:

- (a) To the City:  
Cable Officer  
City of Minneapolis  
Room 301M City Hall  
Minneapolis, Minnesota 55415
- (b) To MTN:  
Chairperson of Board  
MTN  
125 S.E. Historic Main St #244  
Minneapolis, MN, 55414

or addressed to any such party at such other address as such party shall hereafter furnish by notice to the other party, or in accordance with language contained elsewhere herein.

**Section 13.02. Waivers.**

No waiver by the City or MTN of any default hereunder shall operate as a waiver of any other default or to the same default on a future occasion. No delay on the part of the City or MTN in exercising any right or remedy hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right or remedy preclude other or future exercise thereof or the exercise of any other right or remedy.

**Section 13.03. Remedies Cumulative.**

The rights and remedies herein specified are cumulative and not exclusive of any rights or remedies which the City or MTN would otherwise have.

**Section 13.04. Duration of Agreement.**

This agreement shall be for in effect between January 1, 2010 and December 31, 2011 and thereafter may be renewed or extended with the consent of the parties hereto.

**Section 13.05. Independent Contractor.**

Parties understand and agree that MTN is an independent contractor and that no relationship of principal/agent or employer/employee exists between the City and MTN. If in the performance of this Agreement any third persons are employed by MTN, such persons shall be entirely and exclusively under the control, direction and supervision of MTN. All terms of employment, including hours, wages, working conditions, discipline, hiring and discharging or any other term of employment shall be determined by MTN and the City shall have no right or authority over such persons or terms of employment.

**Section 13.06. Assignment and Subletting.**

Neither this Agreement nor any interest herein shall be assigned or transferred by MTN, except as expressly authorized in writing by the City.

**Section 13.07. Time.**

Time is of the essence in this Agreement and for the performance of all covenants and conditions in this Agreement.

**Section 13.08. Entire Agreement.**

This Agreement is the entire agreement of the parties and supersedes all prior negotiations and agreements whether written or oral, including City Contract Number 6544. This Agreement may be amended only by written agreement and no purported oral amendment to this Agreement shall be valid.

**Section 13.09. Equal Opportunity Statement.**

Contractor agrees to comply with the provisions of all applicable federal, state and City of Minneapolis statutes, ordinances and regulations pertaining to civil rights and nondiscrimination including, without limitation, Minnesota Statutes, Section 181.59 and Chapter 363A, and Minneapolis Code of Ordinances, Chapter 139, incorporated herein by reference.

**Section 13.10. Non-Discrimination.**

MTN will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, sex, national origin, affection preference, disability, age, marital status or status with regard to public assistance or as a disabled veteran or veteran of the Vietnam era. Such prohibition against discrimination shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

If required by the City, MTN shall agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City, setting forth this nondiscrimination clause. In addition, MTN shall, in all solicitations or advertisements for employees placed by or on behalf of MTN, state that all qualified applicants will receive consideration for employment without regard to race, creed, religion, ancestry, sex, national origin, affectional preference, disability, age, marital status or status with regard to public assistance or status as disabled veteran or veteran of the Vietnam eras, 1991 Gulf and current Afghanistan and Iraq wars, and comply in all other aspects with the requirements of the Minneapolis Code of Ordinances, Chapter 139.

**Section 13.11. Disability Compliance Requirements.**

All Contractors hired by the City of Minneapolis are required to abide by the regulations of the U.S. Americans with Disabilities Act of 1990 (ADA) which prohibits discrimination against individuals with disabilities. MTN will not discriminate against any employee or applicant for employment because of their disability and will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, discharge, compensation and fringe benefits, classification, referral and training. The ADA also requires Contractors associated with the City to provide qualified applicants and employees with disabilities with reasonable accommodation that does not impose undue hardship. Contractors also agree to post in a conspicuous place, accessible to employees and applicants, notices of their policy on non-discrimination. The above requirements also apply to the Minnesota Human Rights Act, Minnesota Statutes Chapter 363A. In the event of MTN's noncompliance with the non-discrimination clauses of this Agreement, this Agreement may be canceled, terminated, or suspended, in whole or part, and MTN may be declared ineligible by the Minneapolis City Council from any further participation in city contracts in addition to other remedies as provided by law.

**Section 13.12. Billboard Advertising.**

City Code of Ordinance 109.470, prohibits the use of City and City-derived funds to pay for billboard advertising as a part of a City project or undertaking.

**Section 13.13. Data Practices.**

MTN agrees to comply with the Minnesota Government Data Practices Act and all other applicable state and federal laws relating to data privacy or confidentiality. MTN must immediately report to the City any requests from third parties for information relating to this Agreement. The City agrees to promptly respond to inquiries from MTN concerning data requests. MTN agrees to hold the City, its officers, and employees harmless from any claims resulting from MTN's unlawful disclosure or use of data protected under state and federal laws.

**Section 13.14. Living Wage Ordinance.**

MTN shall comply with the "Minneapolis Living Wage and Responsible Public Spending Ordinance", (<http://www.ci.minneapolis.mn.us/procurement/Ch38LivingWage.pdf>) Chapter 38 of the City's Code of Ordinances (the "Ordinance").

**Section 13.15. Code of Ethics.**

In so far as it relates to its relationship with the City created by this Agreement, MTN agrees to comply with the City's Code of Ethics, as codified at Minneapolis Code of Ordinances, Title 2, Chapter 15. Contractor certifies that to the best of its knowledge all City employees and officers participating in this Agreement have also complied with Title 2, Chapter 15 of that Ordinance as it related to their relationships between the City and MTN created by this Agreement. Compliance with the Code of Ethics by MTN will be in its potential role as an "interested person," "lobbyist," and not as a "local official" or "local employee" (except to the extent that a Contractor representative or member of its board of directors is already a City official or employee). It is agreed by the Parties that any violation of the Code of Ethics constitutes grounds for the City to void this Agreement. All questions relative to this section shall be referred to the City and shall be promptly answered.

**Section 13.16. Equal Benefits Ordinance.**

Minneapolis Code of Ordinances, Section 18.200, relating to equal benefits for domestic partners, applies to each contractor and subcontractor with 21 or more employees that enters into a "contract", as defined by the ordinance, that exceeds \$100,000. The categories to which the ordinance applies are personal services; the sale or purchase of supplies, materials, equipment or the rental thereof; and

the construction, alteration, repair or maintenance of personal property. The categories to which the ordinance does not apply include real property and development contracts.

Please be aware that if a "contract", as defined by the ordinance, initially does not exceed \$100,000, but is later modified so the Agreement does exceed \$100,000, the ordinance will then apply to the Agreement. A complete text of the ordinance is available at:

[http://www.ci.minneapolis.mn.us/procurement/docs/equal\\_benefits\\_ordinance.pdf](http://www.ci.minneapolis.mn.us/procurement/docs/equal_benefits_ordinance.pdf)

It is MTN's and subcontractor's responsibility to review and understand the requirements and applicability of this ordinance.

**Section 13.17. Small & Underutilized Business Program (SUBP) Requirements.**

Contractor must comply with the Small & Underutilized Business Program (SUBP), as detailed in Chapter 423 of the Minneapolis Code of Ordinances. The SUBP Ordinance applies to any construction/development project in excess of one hundred thousand dollars (\$100,000) and any contract for the provision of goods and services in excess of fifty thousand dollars (\$50,000). Should MTN find an opportunity to contract with other business concerns to complete portions of the task solicited, we ask that they would entertain contracts with businesses owned by women or minority persons.

**CITY OF MINNEAPOLIS**

Department Responsible for Administering and Monitoring Agreement

Dated: \_\_\_\_\_

By \_\_\_\_\_

Sara Dietrich  
Its Communications Director/Cable Officer

\_\_\_\_\_  
Finance Officer or Designee

Approved as to form:

\_\_\_\_\_  
Peter W. Ginder, Deputy City Attorney

**MINNEAPOLIS TELEVISION NETWORK, INC.**

Dated: \_\_\_\_\_

By \_\_\_\_\_

Chair

By \_\_\_\_\_

Treasurer

Adopted 2/12/2010.  
Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the Wells Fargo Bank contract relating to the City's General Cash Management Services for Retail Lockbox Service, now recommends that proper City officers be authorized to amend contract C-24776, (Petn 274065) outlining terms for a City representative to participate on the Wells Fargo Government Client Advisory Council representing the City's interests and direction.

Adopted 2/12/2010.  
Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution making modifications to the 2010 general appropriations by increasing Community Planning and Economic Development's general fund appropriation by \$90,000 and decreasing general fund contingency by \$90,000 on a one-time basis.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-064**

**By Hodges**

**Amending The 2010 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) increasing the Community Planning and Economic Development budget in General Fund (0100-8900510) by \$90,000; and

b) decreasing contingency budget in General Fund (0100-1750100) by \$90,000 on a one-time basis.

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept the donation of web-based access to Spanish language education classes for City of Minneapolis employees at no charge; program will be available until December 31, 2010.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-065, accepting a donation from Rojas Spanish Language, Inc. of web-based Spanish language education classes, was adopted 2/12/2010 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 2010R-065**

**By Hodges**

**Accepting a donation from Rojas Spanish Language, Inc. of web-based Spanish language education classes.**

Whereas, the City has approximately many citizens who speak Spanish as their primary language; and

Whereas, City employees often need to interact with these Spanish speaking citizens; and

Whereas, Rojas Spanish Language, Inc. offers computerized Spanish language classes over the internet; and

Whereas, Rojas Spanish Language, Inc. has graciously offered access to its web-based Spanish language education to the City for City employees in 2010 without charge for the access; and

Whereas, Section 465.03 of Minnesota Statutes requires such gift acceptance be made by resolution of City Council, adopted by 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 Rojas Spanish Language, Inc.'s offer of access to its web-based Spanish language education to the City for City employees in 2010 without charge for the access be accepted as a gift on behalf of the City of Minneapolis for the purpose of Spanish language education for interested City employees.

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the service contract with Language Services Associates (C-27177), now recommends that proper City officers be authorized to extend said contract for Interpreter Services until the Request for Proposals (RFP) process has been completed and a contract with the new service provider is in place. No additional appropriation required.

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration Homeless Outreach Services, now recommends that proper City officers be authorized to amend contract C-24688 with St. Stephen's Human Services, Inc. as follows:

- a) extend contract period from January 1, 2010 to December 31, 2010; and
- b) increase contact amount by \$150,000, payable from the Neighborhood and Community Relations 2010 adopted budget. No additional appropriation required.

Adopted 2/12/2010.

Absent - Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the City's Drinking Fountain Program and the Minneapolis Art Commission's recommendation to eliminate four fountains, now recommends reducing the 2008 Drinking Fountain Project from ten fountains to four fountains, eliminating the following 6 projects:

- 1) Central Avenue Fountain;
- 2) Nicollet Mall Fountain;
- 3) Mill District Fountain;
- 4) Marquette Avenue Fountain;
- 5) Uptown Fountain; and
- 6) Penn Avenue Fountain.

Your Committee further recommends passage of the accompanying four resolutions:

a) Amending the 2008 Capital Improvement Resolution, decreasing the 2008 Water Bonds and Net Debt Bonds by \$134,000;

b) Amending Resolution 2009R-592 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$1,500,000 for certain purposes other than the purchase of public utilities," passed December 7, 2009; by reducing the Water Bond Issuance request to \$1,366,000;

c) Amending the 2010 Capital Improvement Resolution, increasing the 2010 Art in Public Places project by \$134,000; and

d) Requesting the Board of Estimate & Taxation to concur in the transfer of Bond Funds.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-066**

**By Hodges**

**Amending the 2008 Capital Improvement Resolution.**

Resolved by the City Council of The City of Minneapolis:

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

a) Decreasing the appropriation in the 2008 WTR10 City of Waters Fountains project of \$250,000 Water Bonds by \$134,000 for a revised total of \$116,000 (07400-9509535 WTR10).

b) Decreasing the appropriation in the 2008 ART01 Art in Public Places project of \$350,000 Net Debt Bonds by \$134,000 for a revised total of \$216,000 (04100-8908962 ART01).

These appropriation adjustments will leave \$216,000 in the 2008 ART01 project of which \$116,000 is for Water Fountains and when added to the remaining \$116,000 in WTR10 City of Waters Fountains project results in a total funding level of \$232,000 for Water Fountains.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-067  
By Hodges**

**Amending Resolution 2009R-592 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$1,500,000 for certain purposes other than the purchase of public utilities," passed December 7, 2009.**

Resolved by the City Council of The City of Minneapolis:

That the above-entitled resolution be amended by reducing the Water Bond Issuance request resolution from \$1,500,000 to \$1,366,000 by reducing project WTR12 Water Distribution Improvements (WTR1012) from \$500,000 to \$366,000.

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-068  
By Hodges**

**Amending the 2010 Capital Improvement 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 2010 ART01 Art in Public Places (ART1001) project by \$134,000 of Net Debt Bonds for a revised total of \$337,000 (04100-9010970 ART1001).

Adopted 2/12/2010.

Absent - Colvin Roy.

**RESOLUTION 2010R-069  
By Hodges**

**Requesting the Board of Estimate & Taxation to concur in the transfer of Bond Funds.**

Resolved by the City Council of The City of Minneapolis:

That the Board of Estimate & Taxation is requested to concur in the transfer of the following:

a) \$134,000 of Water Bonds from the 2008 WTR10 City of Waters Fountains capital project to the 2010 WTR12 Water Distribution Improvements (WTR1012) capital project;

b) \$134,000 of Net Debt Bonds from the 2008 ART01 Art in Public Places capital project to the 2010 ART01 Art in Public Places (ART1001) capital project

c) Upon completion of the 2008 WTR10 City of Waters Fountains project and 2008 ART01 capital projects, the Finance Department is authorized to close these projects without further Council Action by administratively adjusting project appropriations between the 2008 ART01 projects and the 2010 ART01 projects.

Adopted 2/12/2010.

Absent - Colvin Roy.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Daniel Lubbers from the decision of the Board of Adjustment which denied his application for variances to a) increase the maximum floor area of a detached accessory structure; b) increase the maximum height of a detached accessory structure; c) reduce the minimum distance between an accessory structure and a dwelling; and d) reduce the minimum south interior side yard from 7 feet to 1 foot to allow for a detached garage not located entirely in the rear 40 feet of the zoning lot, all to allow for an addition to an existing detached

garage accessory to an existing four-unit dwelling at 3020 10th Avenue South, now recommends that said appeal be granted, and the applications approved.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2010-11 in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 2/12/2010.

Absent - Colvin Roy.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Robert Zak (BZZ-4617) to rezone the property at 846 22nd Avenue SE from R1A to the R4 District, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 2/12/2010.

Absent - Colvin Roy.

### **MOTION**

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2010, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 2/12/2010.

Absent - Colvin Roy.

### **RESOLUTIONS**

Resolution 2010R-070, supporting Minneapolis Public Schools in providing equitable access to quality arts learning to all Minneapolis students, was adopted 2/12/2010 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 2010R-070**

**By Glidden**

#### **Supporting Minneapolis Public Schools in providing equitable access to quality arts learning to all Minneapolis students.**

Whereas, the Minneapolis City Council is committed to promoting the health, safety, education and overall development of Minneapolis youth; and

Whereas, the youth of Minneapolis are, collectively, the City's greatest single asset and are able to communicate in more than 100 different languages; and

Whereas, Minneapolis Public Schools has made a long-term commitment to providing quality arts education to students; and

Whereas, Minneapolis Public Schools and its arts, government, and community partners believe in the vision that Minneapolis is a national leader in providing the transformative power of arts learning to all children so they may succeed in school, career and life; and

Whereas, Minneapolis Public Schools and its arts, government, and community partners are ready and willing to enter into productive partnerships to serve all students; and

Whereas, The Wallace Foundation has provided significant planning funds and stands ready to support an arts implementation plan that best serves the needs of all Minneapolis students to receive high quality arts learning in and out of school; and

Whereas, the Minneapolis City Council at its February 12, 2010, meeting voted to support the MPS Comprehensive Arts Plan and to acknowledge its willingness to collaborate and coordinate services and opportunities to leverage existing and new resources to support the plan;

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

That the Minneapolis City Council supports Minneapolis Public Schools as they:

1. Provide all Minneapolis students, PreK-12, access to arts education and arts-integrated learning opportunities, both during and outside of school time.
2. Develop the individual and organizational knowledge, attitudes, skills and practices to create culturally responsive learning environments in and through the arts for all MPS students, PreK-12.
3. Provide high quality arts learning opportunities during and outside of school time to all Minneapolis students, PreK-12.
4. Ensure that Minneapolis Public Schools and the community at large continue to value, support and fund quality arts learning for all.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-071, honoring James W. Forsyth for 25 years of service to the City of Minneapolis, was adopted 2/12/2010 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 2010R-071**

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

**Honoring James W. Forsyth for 25 years of service to the City of Minneapolis.**

Whereas, James W. Forsyth has served the City of Minneapolis for nearly 25 years through his employment with the Minneapolis Community Development Agency and the Community Planning and Economic Development Department; and

Whereas, Jim has served the City as a project coordinator specializing in industrial development and Mississippi River management; and

Whereas, although initially hired exclusively to manage the Upper Harbor River Terminal, Jim's abilities and willingness to take on other assignments soon led to his involvement in the planning and implementation of a multitude of redevelopment projects that will continue to provide enormous benefits to the residents, neighborhoods and business communities of Minneapolis for years to come; and

Whereas, among Jim's many notable accomplishments are his leadership in the redevelopment of the Southeast Minneapolis Industrial (SEMI) Area, including forming the Southeast Economic Development (SEED) Committee, leading the master planning initiative that laid the groundwork for redevelopment of the area, overseeing the development of numerous jobs-intense industrial developments within SEMI, and garnering millions of dollars in grant funds for contamination remediation and infrastructure; managing the Upper Harbor River Terminal for nearly 25 years; managing the Minneapolis Industrial Land and Employment Strategy (MILES) program; and coordinating the development of the TownePlace Suites, 900 Sixth Avenue Southeast and Humboldt Industrial Park projects; and

Whereas, Jim's knowledge, skills, integrity and dedication to his profession, along with his even-tempered and positive approach to his work and to life have earned him the deep respect and affection of his colleagues; and

Whereas, Jim grew up in the Bryant neighborhood, attended Minneapolis public schools, graduated from Minneapolis Central High School and the University of Minnesota, and raised his family in the City; and

Whereas, Jim has been a life-long public servant, with a 40-year career that includes employment with the Minnesota State Planning Agency, the Minnesota Department of Natural Resources and the US Army Corps of Engineers in addition to his service with the City of Minneapolis; and

Whereas, Jim retired from employment with the City of Minneapolis on January 29, 2010, to pursue personal interests, engage in community and volunteer activities, study the science and art of fishing, and enjoy life with his wife at his lake home in Amery, Wisconsin;

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

That on behalf of the citizens of the City of Minneapolis, the City Council honors and commends James W. Forsyth for his service and thanks him for his many contributions to the quality of life within the city.

Be It Further Resolved that the members of the City Council wish Jim much happiness, good health and personal fulfillment during his retirement years.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-072, honoring the Honorable Richard H. Hopper, Judge of Hennepin County District Court, for his outstanding service to the people of the State of Minnesota and the City of Minneapolis, as founding and presiding judge of the Hennepin County Community Court, was adopted 2/12/2010 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 2010R-072**

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

**Honoring the Honorable Richard H. Hopper, Judge of Hennepin County District Court, for his outstanding service to the people of the State of Minnesota and the City of Minneapolis, as founding and presiding judge of the Hennepin County Community Court.**

Whereas, The Honorable Richard H. Hopper served as a district court judge in Dakota County from 1989-1996, and retired from Dakota County in 1996; and

Whereas, In 1998, Judge Hopper came out of retirement to serve as the grant-funded Presiding Judge of the Hennepin County Community Justice Project, a proposal aimed at dedicating court, prosecution and other resources to handling misdemeanor "livability" – related crimes; and

Whereas, In 1999, Judge Hopper began presiding over the Hennepin County Community Court (originally known as the Third Precinct Community Court), which created a separate court dedicated to Minneapolis non-traffic misdemeanors and pioneered the development of this court to improve the effectiveness of the criminal justice system in responding to livability crime; and

Whereas, Judge Hopper recognized the important role of our city communities and regularly ventured outside the Government Center, reaching out to community organizations and attending meetings of groups like the Hawthorne Huddle and the Little Earth community; and

Whereas, Judge Hopper was not content with just creating the Community Court and recognized the need for a new approach to dealing with chronic offenders who suffer from mental illness; studied other approaches to these problems; obtained grant funding and launched the Hennepin County criminal Mental Health Court in 2003, a court that seeks to achieve long-term law-abiding conduct by providing treatment for underlying mental health issues along with rigorous oversight; and

Whereas, Through much ingenuity, tenacity and cajoling, Judge Hopper has developed the Mental Health Court into a full program, with the creation of the PRISM center in 2008, – a one-stop rehabilitation and probation facility that coordinates medical, social service, corrections and community-based services for offenders in the mental health court program; and

Whereas, Judge Hopper was still not content and wanted to develop a more effective response for prostitution offenders and spearheaded development of the GIFT program (Gaining Independence for

Females in Transition), a new approach to help women convicted of prostitution offenses break free from prostitution and implemented a review calendar to monitor and encourage compliance; and

Whereas, Judge Hopper has initiated yet another problem-solving innovation, a review calendar working with St. Stephen's Homeless Outreach and the City Attorney's Office focusing on chronic misdemeanor offenders who are homeless; and

Whereas, Judge Hopper has enhanced the public safety of the City of Minneapolis, and has helped many offenders get their lives on track through his work as presiding judge and as an innovator of probationary programs; and

Whereas, Judge Hopper has been a leader in recognizing and addressing the negative impact of livability crimes on the public safety and well being of City residents and visitors; and

Whereas, Judge Hopper is on a first name basis with most, if not all, of the City's top 200 chronic misdemeanor offenders and can recount their life histories; and

Whereas, Judge Hopper's work has led to an increase in livability crime offenders being held accountable for their actions; and

Whereas, after ten years of service above and beyond the call of duty, Judge Hopper has decided to turn over the reins of Community Court to his colleagues, while he develops a new Veterans Court and continues as presiding judge of the Mental Health Court and the St. Stephen's calendar;

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

That the City of Minneapolis honors the Honorable Richard H. Hopper for his integrity, intelligence, wisdom, innovation, strong work ethic, passion for justice, patience and judicial leadership as presiding judge of Hennepin County Community Court.

Be It Further Resolved that the City is grateful to the Honorable Richard H. Hopper for his numerous contributions to public safety and the livability of our City neighborhoods, providing innovation and more effective resolutions for chronic misdemeanor offenders and wishes him continued success in all his future endeavors.

Adopted 2/12/2010.

Absent - Colvin Roy.

Resolution 2010R-073, commending the Minneapolis recipients of the 2009 Commuter Choice Awards, was adopted 2/12/2010 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 2010R-073**

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

**Commending the Minneapolis recipients of the 2009 Commuter Choice Awards.**

Whereas, Minneapolis faces a grave challenge in the form of increasing impacts of reliance on single-occupancy automobiles, including environmental degradation, increased congestion and lost productivity, decreased physical activity, and rising obesity rates; and

Whereas, meeting this challenge requires innovative approaches to shift the focus of our transportation system away from single-occupancy automobile use and toward cleaner, more efficient, and healthier modes of conveyance; and

Whereas, the Metropolitan Council, Metro Transit and regional Transportation Management Organizations (TMOs), including the Minneapolis TMO, partner to create a network of transportation services that support employers and commuters; and

Whereas, the partnership created the Commuter Choice Awards to honor organizations and individuals for their creative solutions in promoting alternatives to driving to work alone, including transit, bicycle commuting, carpooling, vanpooling, and telecommuting; and

Whereas, these programs have helped improve the quality of life in the Twin Cities metro area by reducing pollution and congestion on roadways and making employees' daily commutes more enjoyable; and

Whereas, Minneapolis Community and Technical College won the 2009 Progressive Organization Award for its success in promoting and supporting commuting options for students, faculty and staff; and

Whereas, MCTC's efforts to make taking transit an affordable option for its students by subsidizing the cost of the Go-To College Pass, a semester-long transit pass for sale at participating colleges, universities and trade schools, resulted in a 30 percent participation rate in the Go-To College Pass program (a 15 percent increase from last year) and;

Whereas, MCTC participated in TransitSchools, added 50 motorcycle parking stalls, increased bicycle racks by 50 percent resulting in a 40 percent increase in bicyclists on campus, and its student organizations support significant subsidy of Go-To College Pass; and

Whereas, the Institute for Agriculture and Trade Policy won the 2009 Exceptional Company Involvement Award for covering the cost of transit passes for employees, regularly holding commuter fairs, adding bike storage for employees, and creating a program called TravelBetter, where employees pledge to try alternatives to driving alone to work throughout the summer;

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

That the City thanks each Minneapolis winner for their invaluable contributions to the health of our transportation system and the livability of our City, and applauds them for their leadership in pushing toward a sustainable future.

Adopted 2/12/2010.

Absent - Colvin Roy.

### **UNFINISHED BUSINESS**

Pursuant to notice, Glidden moved to introduce the subject matter of an ordinance amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority, for first reading and referral to the Regulatory, Energy & Environment Committee (amending Section 48.20 to include Minnesota Rules, Chapter 9220 relating to Waste Tire Programs to allow for the enforcement of record keeping requirements of tire retailers as well as Minnesota Pollution Control Agency Identification requirements of tire haulers). Seconded.

Adopted upon a voice vote 2/12/2010.

Absent - Colvin Roy.

### **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 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards (amending the Limited Access Roadway Opportunity Billboard District to allow additional digital interstate highway signs).

Lilligren gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending the Minneapolis Code of Ordinances (relating to the establishment of City of Minneapolis Boards, Commissions, Committees, Task Forces, or similar organizations to revise term dates to match the City of Minneapolis' twice yearly appointment process):

a) Title 2 relating to Administration, as follows:

Chapter 14 relating to In General;

Chapter 35 relating to Capital Long Range Improvement Program Process;

Chapter 36 relating to Arts Commission;

b) Title 7, Chapter 141 relating to Civil Rights: Administration and Enforcement;

- c) Title 9, Chapter 172 relating to Fire and Police Protection: Civilian Police Review Authority;
- d) Title 12, Chapter 242 relating to Housing: Appeals;
- e) Title 17 relating to Streets and Sidewalks, as follows:
  - Chapter 438 relating to Uptown Special Service District;
  - Chapter 444 relating to Dinkytown Special Service District;
  - Chapter 446 relating to Central Avenue Special Service District;
  - Chapter 448 relating to Nicollet Avenue South Special Service District;
  - Chapter 450 relating to Stadium Village Special Service District;
  - Chapter 452 relating to 43rd Street West and Upton Avenue South Special Service District;
  - Chapter 454 relating to South Hennepin Avenue Special Service District;
  - Chapter 456 relating to Franklin Avenue East Special Service District;
  - Chapter 457 relating to 48th Street East and Chicago Avenue South Special Service District;
  - Chapter 458 relating to Hennepin Theatre District Special Service District;
  - Chapter 460 relating to Bloomington-Lake Special Service District;
  - Chapter 461 relating to Chicago-Lake Special Service District;
  - Chapter 462 relating to East Lake Street Special Service District;
  - Chapter 463 relating to Lyndale-Lake Special Service District;
- f) Title 20, Chapter 525 relating to Zoning Code: Administration and Enforcement;
- g) Title 23, Chapter 599 relating to Heritage Preservation: Heritage Preservation Regulations.

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration* by adding a new Chapter 39 regarding protection of displaced workers.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Kastner v. Appledorn* lawsuit. Seconded.

Adopted upon a voice vote 2/12/2010.  
Absent - Colvin Roy.

Room 315 City Hall  
Minneapolis, Minnesota  
February 12, 2010 - 10:29 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Absent - Council Members Colvin Roy, Reich, Hofstede.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Kastner v. Appledorn* lawsuit.

At 10:30 a.m., Lilligren moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.  
Absent - Colvin Roy, Reich, Hofstede.

Present – Council Members Lilligren (out from 11:07-11:14 a.m.), Tuthill, Quincy, Glidden, Goodman (out from 10:55-11:11 a.m.; out at 11:34 a.m.), Hodges, Samuels, Gordon, Reich (in at 10:31 a.m.), Hofstede (in at 10:31 a.m.), Schiff, Johnson.

Absent - Council Member Colvin Roy.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Tim Skarda, Assistant City Attorney; Amanda Trelstad, City Attorney's office; Tim Dolan, Police Chief; Inspector

## FEBRUARY 12, 2010

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Scott Gerlicher, Police Department; R.T. Rybak, Mayor (out at 11:39 a.m.); Jeremy Hanson, Mayor's Chief of Staff; Steven Ristuben, City Clerk; and Irene Kasper, City Clerk's Office.

Skarda summarized the *Kastner v. Appledorn* lawsuit from 10:31-11:50 a.m.

At 11:50 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Goodman.

Schiff moved to settle the case of *Nicholas Kastner vs. Appledorn and Will*, United States District Court file no. 09-1730, upon the following terms and conditions: payment in the amount of \$75,000.00 and reasonable attorneys fees in an amount to be determined by the Court to Nicholas Kastner and his attorneys Frederick Goetz; and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900 150 1500 4000. Seconded.

Adopted 2/12/2010.

Absent - Colvin Roy, Goodman.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Goodman.

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

Steven J. Ristuben,  
City Clerk.

Unofficial Posting: 2/17/2010

Official Posting: 2/19/2010