

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

ADJOURNED SESSION OF THE REGULAR MEETING OF OCTOBER 16, 1998, HELD

OCTOBER 23, 1998

(Published Thursday, October 29, 1998
in Finance and Commerce)

Room 315 City Hall
Minneapolis, Minnesota
October 23, 1998 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Goodman,
Colvin Roy, Herron, Mead, Minn, Johnson,
Thurber, Ostrow, Campbell, Biernat, President
Cherryhomes.

Absent – Niland, McDonald.

Mead moved referral of petitions and
communications and reports of the City officers
to proper Council committees and departments.
Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

MOTIONS (See Rep):

ATTORNEY (264233)

Convention Center Completion Project:
Authorize right-of-entry by Central Lutheran
Church to permit parking ramp construction
and stage equipment.

MOTION

Goodman moved that the City Coordinator
be authorized to execute a “right-of-entry”,
effective October 21, 1998, to permit the City to
stage construction equipment and commence
construction of the parking ramp related to the
Convention Center, on land owned by Central
Lutheran Church, with the City incurring no
additional cost in accepting and utilizing this
right-of-entry. Seconded.

Adopted. Yeas, 8; Nays none.

Absent – Niland, Colvin Roy, McDonald,
Thurber, Campbell.

Passed October 23, 1998.

Approved October 26, 1998. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

NEW BUSINESS

Goodman was granted unanimous consent
to introduce an Ordinance amending Title 15,
Chapter 389 of the Minneapolis Code of
Ordinances relating to *Offenses-Miscellaneous:*
Noise, which was given its first reading.

Goodman was further granted unanimous
consent that the above Ordinance be given its
second reading for amendment and passage.

ORDINANCE 98-Or-124

By Biernat, Goodman
and McDonald

1st & 2nd Readings: 10/23/98

**Amending Title 15, Chapter 389 of the
Minneapolis Code of Ordinances relating to
Offenses-Miscellaneous: Noise, Art.I,
Generally.**

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

Section 1. That Section 389.100 (2) and (3)
of the above-entitled ordinance be amended to
read as follows:

389.100. Prohibited acts.

(2) Loading, unloading, opening, closing or
other handling of boxes, crates, bottles,
containers, building and construction materials
and equipment, demolition debris, garbage
cans, garbage dumpsters or carts, scrap metal
or other metal waste or similar objects outside

of an insulated building in a residentially used area between the hours of 10:00 p.m. and 6:00 a.m. This shall not prohibit the reasonable and careful handling of garbage carts and recycleables by residents setting them out for solid waste or recycling collection if the immediately following day is a collection day.

(3) No person shall operate a solid waste compacting vehicle, solid waste processing vehicle, solid waste collection vehicle, or recycling collection vehicle in any residentially used area between the hours of 10:00 p.m. and 6:00 a.m.

Adopted. Yeas, 8; Nays none.

Absent – Niland, Colvin Roy, McDonald, Thurber, Campbell.

Passed October 23, 1998. J. Cherryhomes, President of Council.

Approved October 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ostrow moved to introduce the subject matter of an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee (Amending sections relating to severance pay).

Biernat moved to close the meeting for the purpose of consideration of the following lawsuits:

Drain vs. Barragan

Madison vs. City of Minneapolis

Seconded.

Adopted upon a voice vote.

Present – Council Members Goodman (Out at 11:00), Colvin Roy (In at 10:10), Herron, Mead, Minn (Out at 11:00), Johnson, Thurber (In at 10:50), Ostrow, Campbell (In at 10:40), Biernat (Out at 10:35), President Cherryhomes (Out at 10:40).

Absent – Niland, McDonald.

Also present were Jay Heffern, City Attorney; Mike Norton, Deputy City Attorney; Ed Backstrom and Tim Skarda, Assistant City Attorneys; Vernon Wettornach, Mayor's office (Out at 10:25); Merry Keefe, City Clerk; Pat Kelly, Campbell's Assistant; Jan Hrcir, City Clerk's office.

The subject matter of the Drain vs. Barragan lawsuit was discussed from 9:45 to 10:30 a.m.

The subject matter of Madison vs. City of Minneapolis lawsuit was discussed from 10:36 a.m. to 11:15 a.m.

President Cherryhomes left the meeting at 10:40 a.m.

Majority Leader of the Council and President pro tem Campbell assumed the Chair.

Mead moved that the meeting be opened for the purpose of considering the above-mentioned lawsuits. Seconded.

Adopted upon a voice vote.

Majority Leader of the Council and President pro tem Campbell in the Chair.

Present – Council Members Colvin Roy, Herron, Mead, Johnson, Thurber, Ostrow, Majority Leader of the Council and President pro tem Campbell.

Absent – Niland, Goodman, Minn, McDonald, Biernat, Cherryhomes.

Mead moved that the City Attorney be authorized to settle the Drain vs. Barragan lawsuit in the amount of \$53,750. Seconded.

Adopted. Yeas, 7; Nays none.

Absent – Niland, Goodman, Minn, McDonald, Biernat, Cherryhomes.

Passed October 23, 1998.

Approved October 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Mead moved that the City Attorney's office be directed to serve a Rule 68 offer in the Madison vs. City of Minneapolis lawsuit in accordance with the discussion that took place in a closed session of the City Council. Seconded.

Adopted. Yeas 6; Nays, 1 as follows:

Yeas – Colvin Roy, Herron, Mead, Johnson, Thurber, Campbell.

Nays – Ostrow.

Absent – Niland, Goodman, Minn, McDonald, Biernat, Cherryhomes.

Passed October 23, 1998.

Approved October 26, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The meeting was adjourned at 11:15 a.m.

MERRY KEEFE,
City Clerk.
98-9425