

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 12, 2008

(Published September 20, 2008, in *Finance and Commerce*)

Council Chamber  
350 South 5th Street  
Minneapolis, Minnesota  
September 12, 2008 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, President Johnson.

Benson moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to include under New Business the introduction of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code* (providing for a reduction or elimination of the conversion rental inspection fee for property owners who are renting their properties for a relatively short, defined amount of time with the intent to reoccupy the property as an owner occupant). Seconded.

Adopted upon a voice vote.

Absent – Lilligren, Schiff.

The agenda, as amended, was adopted upon a voice vote 9/12/2008.

Absent - Lilligren.

Benson moved acceptance of the minutes of the regular meeting and the adjourned session of August 22, 2008. Seconded.

Adopted upon a voice vote 9/12/2008.

Absent - Lilligren.

Benson 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 9/12/2008.

Absent - Lilligren.

### PETITIONS AND COMMUNICATIONS

#### **PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

LICENSES AND CONSUMER SERVICES (273007)

Favor Cafe (913 W Lake St): Grant On-Sale Liquor Class C-2 with Sunday Sales License, with conditions.

Licenses: Applications.

#### **PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

POLICE DEPARTMENT (273008)

Security Services at Gopher Football Games: Execute agreement with University of Minnesota to provide services at 2008 Gopher football games; and Approve appropriation.

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SafeZone Security Camera System: Increase contract with NorthWrite to pay outstanding invoices.

Public School Resource Officers: Execute contract with Minneapolis Public Schools to provide officers to targeted high schools and feeder middle schools; and Approve appropriation.

### **TRANSPORTATION AND PUBLIC WORKS:**

CENTERPOINT ENERGY (273009)

Utility Pole Installations: a) 2416 10th Ave S; and b) 2813 Buchanan St NE.

PUBLIC WORKS AND ENGINEERING (273010)

Sidewalk Repair and Construction Assessments: Set public hearing for 10/2/08.

Nicollet Mall Improvement, Maintenance, and Operation Assessments: Set public hearing for 10/14/08.

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

PUBLIC WORKS AND ENGINEERING (273011)

Snow and Ice Removal from Public Sidewalks: Assessment public hearing; Comments.

Central Ave Special Service District Advisory Board: Appointments.

Joint City/County Solid Waste Management Facility: a) Begin negotiations to purchase 701 Industrial Blvd; and b) Negotiate agreements.

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

PUBLIC WORKS AND ENGINEERING (273012)

Bids: a) OP 6996, Hawkins, Inc., for hydrochloric acid; and b) OP 7006, Lino Lakes Landscaping, Inc., for turf establishment.

Bid: OP 7009, Accept bids for Tow Districts A and B, Tow Zones 1-6, and towing outside City limits; Comments.

### **WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (273013)

City of Minneapolis Management & Compliance report for year ended 12/31/2007.

2008 Financial Status Report: 2nd Quarter.

POLICE DEPARTMENT (273014)

August 2008 Monthly Budget Status Report.

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

ATTORNEY (273015)

Legal Settlements: a) Nicholas Hall v. Officer James Burns and Officer Michael Grahn; b) Lemuel Yorahee II v. Minneapolis Police Department.

COMMUNICATIONS & PUBLIC WORKS (273016)

October 2008 Utility Billing Insert: Fall street sweeping and yard waste collection dates.

FINANCE DEPARTMENT (273017)

Gift Acceptance: Oracle Corporation conference registration.

### **FILED:**

MINNEAPOLIS COLLEGE OF ART & DESIGN (273018)

Permission to vacate 2nd Avenue South, N of 26th Street E to existing cul-de-sac.

*The following reports were signed by Mayor Rybak on September 17, 2008, 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 PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:**

**PS&RS** – Your Committee, to whom was referred an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, relating to gas shutoffs for vacant buildings, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/12/2008.

Absent - Lilligren.

Approved by Mayor Rybak 9/12/2008.

(Published 9/16/2008)

Ordinance 2008-Or-073 amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, amending Sections 249.20 and 249.25 relating to gas shutoffs, was adopted 9/12/2008 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 2008-Or-073**

**By Hofstede**

**Intro & 1st Reading: 8/8/2008**

**Ref to: PS&RS**

**2nd Reading: 9/12/2008**

**Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition.**

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

Section 1. That Section 249.20 of the above-entitled ordinance be amended to read as follows:

**249.20. Findings.** The city council finds, determines and declares that buildings which remain vacant and unoccupied for any appreciable period of time become an attractive nuisance to children, a harborage for rodents, and invitation to derelicts, vagrants and criminals as a temporary abode, and an increased fire hazard, and increased risk of explosion due to the theft of internal piping, and that the unkept grounds surrounding such property invite the dumping of garbage and rubbish thereon; that such buildings are permitted to become dilapidated since such buildings are often economically obsolete and the owners of such buildings are unwilling to expend the necessary funds to repair or raze the buildings; that such buildings contribute to the growth of blight within the city, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services; that the use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare; and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus may constitute a nuisance condition. Adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of the means by which such nuisance conditions may be abated.

Section 2. That Section 249.25 of the above-entitled ordinance be amended to read as follows:

**249.25. Securing vacant buildings.** (a) In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the director of inspections may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within six (6) days after the order is served, the director of inspections shall cause the building to be boarded up or otherwise properly secured. Whenever a building is boarded up pursuant to the authority of this chapter, the director of inspections may cause all openings to the building to be boarded and secured.

(b) Emergency. When it is determined by the director of inspections or the chief of police, or the fire chief that an emergency exists with respect to the health or safety of persons in the community, and immediate boarding and securing of a building is required, and where danger will exist to children, transients or others in the absence of an immediate boarding or securing of the building, the director of inspections or the chief of police, or the fire chief may waive all requirements herein and immediately board or otherwise secure the building, provided that:

- (1) The conditions showing the existence of an exigency are documented in writing by the director of inspections or the chief of police or the fire chief or their designees.
- (2) Notice be mailed immediately by the department invoking this section to the address of the owner and taxpayer, and, if recorded on the assessors rolls, the address of the mortgage holder, of the date of boarding or otherwise securing and the reasons therefor.

(c) After a vacant or unoccupied building has been boarded or otherwise secured under this section, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and reoccupied, the director of inspections shall resecure any openings into the building whenever it again becomes open to trespass, without further notice to the owner. An administrative fee of one hundred dollars (\$100.00) and all other costs incurred by the city for boarding or otherwise securing a building under this chapter, including, but not limited to the actual costs for boarding, inspecting, posting and monitoring the building, shall be assessed as provided in section 227.100. "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any; or, if none, the person listed as owner by the city assessor on the homestead record; or, if none, the taxpayer as shown by the records of the city assessor. "Owner" shall not include a community development agency organized pursuant to the Laws of Minnesota 1980 Chapter 595.

(d) After a vacant or unoccupied building has been boarded or otherwise secured under this section for a period of 60 days, the owner of the building shall have the gas to the building turned off and the building winterized. If the owner fails to have the gas to the building turned off the director of inspections may order the utilities company to shut off the gas to the building. The director of inspections shall then require the building to be winterized to prevent the water pipes from freezing and damaging the building. The costs incurred by the city for winterizing the building shall be assessed as provided in section 227.100.

Adopted 9/12/2008.

Absent - Lilligren.

Approved by Mayor Rybak 9/12/2008.

**PS&RS** - Your Committee, having under consideration the application of Hells Kitchen, dba Hells Kitchen, 90 S 9th St, for an On-Sale Liquor Class C-2 with Sunday Sales License (upgrade from On-Sale Wine and change in location from 89 S 10th St) to expire October 1, 2009, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/12/2008.

Absent - Lilligren.

Approved by Mayor Rybak 9/12/2008.

(Published 9/16/2008)

**PS&RS** - Your Committee, having under consideration the application of Market Bar-B-Que Inc, dba Market BBQ, 1414 Nicollet Av, for an On-Sale Liquor Class C-1 with Sunday Sales License (upgrade from On-Sale Liquor Class E) to expire April 1, 2009, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/12/2008.

Absent - Lilligren.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Favor Cafe, 913 W Lake St, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Adopted 9/12/2008.

Absent - Lilligren.

Resolution 2008R-392, granting the application of Favor Cafe, 913 W Lake St, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions, was adopted 9/12/2008 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 2008R-392**

**By Samuels**

**Granting the application of Favor Cafe, 913 W Lake St, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Favor Catering Company LLC, dba Favor Cafe, 913 W Lake St, for an On-Sale Liquor Class C-2 with Sunday Sales License (change in ownership from After Bar LLC) to expire July 1, 2009, subject to the following conditions:

1. Full menu service must be make available during all hours of operation.
2. No dance floor area shall be provided for in the establishment unless a temporary license is granted in advance by the Licensing Department.
3. There shall be no bar area in the establishment per Title 14 of the Minneapolis Code of Ordinances.
4. All litter within 100 feet of the exterior of the building housing the licensed premises must be picked up on a daily basis.
5. Noise from the establishment will be kept to a minimum by taking appropriate measures as required in Section 360.55 of the Minneapolis Code of Ordinances and as part of this requirement, noise coming from patrons of the establishment will be kept to a minimum so as to not disturb the peace and quiet of the residents of any dwelling unit.
6. All laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with on-sale beverage alcohol license must be complied with.
7. No pool/foosball table type amusement games will be allowed.
8. All alcohol must be poured behind the high top screen counter or out of plain view of the customer.
9. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/12/2008.

Absent - Lilligren.

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

Adopted 9/12/2008.

Absent - Lilligren.

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Resolution 2008R-393, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/12/2008 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 2008R-393 By Samuels**

#### **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 273007):

#### **On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2009**

Amor & Jon Inc, dba Rinata, 2451 Hennepin Av (change in ownership from Lorenzo & Giorgio Inc)  
Tiger Sushi II LLC, dba Tiger Sushi, 2833 Lyndale Av S (new business)

#### **Temporary On-Sale Wine**

Hennepin Theatre Trust, dba Hennepin Theatre Trust, 800 LaSalle Av (September 26, 2008, 6:00 p.m. to 9:00 p.m. at International Market Square, 275 Market St)

#### **Temporary On-Sale Beer**

Sacred Heart Parish, 2200 5th St NE (Polish Fest August 5, 2008, 10:00 a.m. to 7:00 p.m. at 2114 5th St NE)

Ecuadorian Civic Committee, dba Ecuadorian Civic Committee, 1304 E Lake St 201B, August 9, 2008, Noon to 6:00 p.m.)

Church of St. Cyril & Methodius, 1315 2nd St NE (Church Festival August 16, 2008, Noon to 8:00 p.m. and August 17, 2008, Noon to 6:00 p.m.)

Church of All Saints, dba Church of All Saints, 435 4th St NE (September 7, 2008, 11:00 a.m. to 5:00 p.m.)

St. Mary's Greek Orthodox Church, 3450 Irving Av S (September 5 & 6, 2008, Noon to 10:00 p.m.; September 7, 2008, Noon to 6:00 p.m.)

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (September fest September 20 & 21, 2008, Noon to 9:00 p.m.)

Our Lady of Peace, dba Our Lady of Peace, 5426 12th Av S (September 19, 2008, 6:00 p.m. to 10:00 p.m., September 20, 2008, Noon to 10:00 p.m., and September 21, 2008, Noon to 3:00 p.m.).

Adopted 9/12/2008.

Absent - Lilligren.

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

Adopted 9/12/2008.

Absent - Lilligren.

Resolution 2008R-394, granting applications for Business Licenses, was adopted 9/12/2008 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 2008R-394**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 12, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273007):

Carnival; Car Wash; Children's Rides; Dancing School; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Hotel/Motel; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Plumber; Rental Halls; Secondhand Goods Class B; Antique Dealer Class B; Solid Waste Hauler; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Vehicle; Tree Servicing; Valet Parking.

Adopted 9/12/2008.

Absent - Lilligren.

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

Adopted 9/12/2008.

Absent - Lilligren.

Resolution 2008R-395, granting applications for Gambling Licenses, was adopted 9/12/2008 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 2008R-395**

**By Samuels**

**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 273007):

**Gambling Class B**

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Off-Site Gambling October 4 & 5, 2008 at Church of the Incarnation, 3817 Pleasant Av S)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: Mayslacks, 1428 4th St NE)

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av S (Site: Legends, 825 E Hennepin)

**Gambling Exempt**

Minneapolis Uptown Rotary Community, dba Minneapolis Uptown Rotary Community, 3234 W Lake St (Raffles September 13, 2008 at Midtown Commons (Exchange), Elliot Av & E Lake St)

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Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo, Raffles, Paddlewheel, Pulltabs September 7, 2008)

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Bingo and Raffles September 21, 2008)

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5426 12th Av S (Bingo, Raffle, Paddlewheel September 19 – 21, 2008 at Our Lady of Peace School, 5435 11th Av S)

House of Charity, dba House of Charity, 510 S 8th St (Raffle September 24, 2008 at Semple Mansion, 100 W Franklin Av)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and Raffles October 19, 2008 at Social Hall of Church, E 29th & 32nd Av S)

St. John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffles, Paddlewheel and Pulltabs October 19, 2008)

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 7801 E Bush Lake Rd #130 (Raffle November 1, 2008 at Historic Milwaukee Road Depot, 225 3rd Av S)

Minnesota Immigrant Freedom Network, dba Minnesota Immigrant Freedom Network, 2500 University Av W, St. Paul (Raffle November 16, 2008 at Holy Rosary Church, 2424 18th Av S)

Clare Housing, dba Clare Housing, 929 Central Av NE (Bingo and Raffles October 4, 2008 at Hyatt Regency Minneapolis, 1300 Nicollet Mall)

Majestic Hills Ranch, dba Majestic Hills Ranch, 3001 Metro Dr, Bloomington (Raffle November 1, 2008 at Zuhrah Shrine Center).

Adopted 9/12/2008.

Absent - Lilligren.

**PS&RS** – Your Committee, having on May 16, 2008 directed staff to negotiate an agreement with Hennepin County governing the payment of jail and processing fees, and as of September 1, 2008 to pay only those jail and processing fees for which a municipality is responsible pursuant to State law or those fees required by a contract entered into between Hennepin County and the City of Minneapolis, now recommends that said staff direction be amended to provide as follows:

The City's Finance Department shall gather additional financial data pertaining to jail billings and fees charged to the City by Hennepin County; a work team including the Finance Department, the Minneapolis Police Department, and the Office of the City Attorney shall work together to reconcile the additional financial data with existing billing practices and applicable laws and thereafter, no later than October 15, 2008, shall reach a consensus as to options and recommendations. The City's work team shall further undertake continued efforts to develop the terms of a contract with Hennepin County, with negotiations to be completed on or before November 30, 2008, with a proposed effective date of January 1, 2009.

Adopted 9/12/2008.

Absent - Lilligren.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an agreement with the University of Minnesota to receive \$5,585 for the Police Department's Bomb Unit to provide security services at 2008 Gopher football games at the Metrodome. Further, passage of the accompanying resolution appropriating \$5,585 to the Police Department.

Adopted 9/12/2008.

Absent - Lilligren.

**RESOLUTION 2008R-396  
By Samuels and Ostrow**

**Amending The 2008 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002750) by \$5,585.

Adopted 9/12/2008.

Absent - Lilligren.

**PS&RS & W&M/Budget** - Your Committee, having under consideration a contract with NorthWrite, Inc for the development and maintenance of the security camera system in the SafeZone, now recommends that the proper City officers be authorized to increase the total compensation amount of the contract by approximately \$2,500 to pay outstanding invoices.

Adopted 9/12/2008.

Absent - Lilligren.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a contract with Minneapolis Public Schools whereby the Police Department will receive \$868,537 per year to provide school resource officers to targeted high schools and feeder middle schools throughout the City during the period September 2, 2008 through June 30, 2013. The School Board will pay for take home cars and gas for the officers and provide office space and laptop computers. Further, passage of the accompanying resolution appropriating \$868,537 to the Police Department and approving an increase of 15 Full-Time Equivalent positions.

Adopted 9/12/2008.

Absent - Lilligren.

**RESOLUTION 2008R-397  
By Samuels and Ostrow**

**Amending The 2008 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Police Department - Special Revenue Fund (012100-4003100) by \$868,537.

Adopted 9/12/2008.

Absent - Lilligren.

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

**T&PW** - Your Committee, having under consideration unpaid assessments for snow and ice removal from public sidewalks, and having held a public hearing thereon, now recommends that the following properties be removed from the assessment list pending further investigation by staff:

<u>Address</u>	<u>Property ID No</u>	<u>Assessment Amount</u>
a) 2610 13th Ave S	Property ID 35-029-24-42-0313	\$128.00
b) 3153 15th Ave S	Property ID 02-028-24-12-0197	\$84.00
c) 3328 17th Ave S	Property ID 02-028-24-14-0008	\$84.00
d) 1701 2nd St NE	Property ID 14-029-24-22-0013	\$174.00
e) 2001 3rd Ave S	Property ID 34-029-24-11-0002	\$501.00
f) 1400 8th Ave N	Property ID 21-029-24-24-0153	\$348.00

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g) 1406 8th Ave N	Property ID 21-029-24-24-0154	\$169.50
h) 1412 8th Ave N	Property ID 21-029-24-24-0155	\$169.50
i) 1418 8th Ave N	Property ID 21-029-24-24-0156	\$174.00
j) 5253 Aldrich Ave N	Property ID 12-118-21-21-0067	\$253.50
k) 5115 Chicago Ave	Property ID 14-028-24-31-0057	\$252.00
l) 3141 Clinton Ave S	Property ID 03-028-24-11-0167	\$83.40
m) 2000 Como Ave SE	Property ID 19-029-23-23-0021	\$85.00
n) 3200 Longfellow Ave	Property ID 01-028-24-23-0048	\$166.50

Your Committee further recommends passage of the accompanying resolution adopting and levying the assessments for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No 273011 on file in the office of the City Clerk.

Colvin Roy moved that the resolution be amended by adding the following changes to the Sidewalk Snow Removal Assessment List:

That the proposed assessment for the property identified as 5115 Chicago Ave, Property ID 14-028-24-31-0057, in the amount of \$252.00, be waived;

That the proposed assessment for the property identified as 4100 Columbus Ave S, Property ID 11-028-24-23-0015, be reduced by one-half from \$83.25 to \$41.62;

That the proposed assessment for the property identified as 5253 Aldrich Ave N, Property ID 12-118-21-21-0067, be reduced by one-half from \$253.50 to \$126.75;

That the proposed assessment for the property identified as 5212 Minnehaha Ave, Property ID 17-028-23-33-0113, in the amount of \$166.50, be waived;

That the proposed assessment for the property identified as 3353 32nd Ave S, Property ID 06-028-23-23-0124, be reduced by one-half from \$168.00 to \$84.00;

Further, that the remaining properties listed in the report (A-I and L-N) be returned to the assessment list. Seconded.

Adopted upon a voice vote.

Colvin Roy moved that the property located at 5214 Minnehaha Ave be removed from the assessment list. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 9/12/2008.

Resolution 2008R-398, adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No 273011, was adopted 9/12/2008 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 2008R-398 By Colvin Roy**

#### **Adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No 273011.**

Whereas, a public hearing was held on August 26, 2008, in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessment for the property identified as 5900 12th Ave S, Property ID 23-028-24-31-0165, in the amount of \$83.25, be waived;

That the proposed assessment for the property identified as 4933 16th Ave S, Property ID 14-028-24-14-0080, in the amount of \$84.00, be waived;

That the proposed assessment for the property identified as 2838 1st Ave S, Property ID 34-029-24-43-0156, in the amount of \$125.25, be waived;

That the proposed assessment for the property identified as 3800 4th Ave S, Property ID 10-028-24-11-0133, in the amount of \$165.00, be waived;

That the proposed assessment for the property identified as 3812 4th Ave S, Property ID 10-028-24-11-0141, in the amount of \$82.50, be waived;

That the proposed assessment for the property identified as 4153 5th Ave S, Property ID 10-028-24-14-0160, be reduced by one-half from \$165.00 to \$82.50;

That the proposed assessment for the property identified as 3553 Elliot Ave S, Property ID 02-028-24-31-0069, be reduced by one-half from \$165.00 to \$82.50;

That the proposed assessment for the property identified as 2702 Portland Ave S, Property ID 34-029-24-41-0053, be reduced by one-half from \$262.50 to \$131.25;

That the proposed assessment for the property identified as 5115 Chicago Ave, Property ID 14-028-24-31-0057, in the amount of \$252.00, be waived;

That the proposed assessment for the property identified as 4100 Columbus Ave S, Property ID 11-028-24-23-0015, be reduced by one-half from \$83.25 to \$41.62;

That the proposed assessment for the property identified as 5253 Aldrich Ave N, Property ID 12-118-21-21-0067, be reduced by one-half from \$253.50 to \$126.75;

That the proposed assessment for the property identified as 5212 Minnehaha Ave, Property ID 17-028-23-33-0113, in the amount of \$166.50, be waived;

That the proposed assessment for the property identified as 3353 32nd Ave S, Property ID 06-028-23-23-0124, be reduced by one-half from \$168.00 to \$84.00;

That the proposed assessments against the affected properties on the list dated July 15, 2008 set forth in Petn No 273011 in the total amount of \$164,411.82 and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$162,904.70 as a result of the above reductions, and hereby are adopted and levied.

Be It Further Resolved that the assessments in the total amount of \$162,904.70 be collected in one (1) installment on the 2009 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 9/12/2008.

**T&PW** - Your Committee recommends approval of the following appointments and reappointments to the Central Avenue Special Service District Advisory Board, for terms to expire December 31, 2009:

**Appointments:** Christine Levens, James Higgins, Lynda MacDonald, and Erick Garcia Luna.

**Reappointments:** Colleen Olsen, Julia Burman, and Amy Fields.

Adopted 9/12/2008.

**T&PW** - Your Committee, having under consideration a proposed joint City/County Solid Waste and Household Hazardous Waste Management Facility, now recommends that the proper City officers be authorized to begin negotiations regarding the purchase of property located at 701 Industrial Blvd for the proposed facility.

Your Committee further recommends that the proper City officers be authorized to negotiate and prepare the appropriate development, operating, and maintenance management agreements with Hennepin County regarding the proposed project and site.

Adopted 9/12/2008.

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

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6996, Accept bid of Hawkins, Inc., for an estimated annual expenditure of \$150,000, to furnish and deliver hydrochloric acid to Public Works Water Department; and

b) OP 7006, Accept low responsive bid of Lino Lakes Landscaping, Inc. for an estimated annual expenditure of \$350,000, to furnish and deliver all labor, materials, equipment, and incidentals necessary to provide turf establishment through the period ending June 9, 2009.

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

Adopted 9/12/2008.

**T&PW & W&M/Budget** - Your Committee, having under consideration low responsive bids on OP 7009 to furnish and deliver the towing of vehicles from public or private property for Tow Districts A and B, Tow Zones 1-6, and towing outside the city limits, now recommends:

**T&PW** - That said bids be **sent forward without recommendation**.

**W&M/Budget** -

a) That all bids for OP 7009 be rejected;

b) That bid specifications be revised for clarity and a new bid for public impound towing services be issued; and

c) That the existing contracts be extended or authorization be given for the issuance of new contracts for the lesser of 90 days or until new contracts for the public impound towing services are executed by the selected bidders.

Colvin Roy moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Colvin Roy moved to amend Part (c) of the recommendation to read as follows:

c) That the existing contracts be extended or authorization be given for the issuance of new contracts for the lesser of 90 days or until new contracts for the public impound towing services are executed by the selected bidders with bidders from the 2003 bid for public impound towing for a period not to exceed 90 days for public impound towing services for amounts not to exceed \$100,000 for each of the towing Zones 1 through 6, and \$250,000 for each of the towing Districts A and B. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 9/12/2008.

**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 9/12/2008.

Resolution 2008R-399, authorizing settlement of *Nicholas Hall v. Officer James Burns and Officer Michael Grahn*, and *Lemuel Yorahee II v. Minneapolis Police Department*, was adopted 9/12/2008 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 2008R-399**

**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

a) Nicholas Hall v. Officer James Burns and Officer Michael Grahn, by payment of \$12,500, payable to "Law Office of David L Shulman, PLLC, for and on behalf of Nicholas Hall,"; payable from the Self Insurance Fund (06900-1500100-145400).

b) Lemuel Yorahee II v. Minneapolis Police Department, by payment of \$12,000, payable to Lemuel Yorahee and his attorneys, Batchelor Law Firm; payable from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted 9/12/2008.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing acceptance of a gift from Oracle Corporation to the City of Minneapolis of a free conference registration for Oracle OpenWorld taking place September 21-25, 2008, (valued at \$1795).

Adopted 9/12/2008.

### RESOLUTION 2008R-400

By Ostrow

#### Authorizing acceptance of a gift.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the gift of a free conference registration valued at \$1795.

Adopted 9/12/2008.

**W&M/Budget** - Your Committee recommends approval of the October 2008 utility billing insert on behalf of Streets and Solid Waste & Recycling divisions of Public Works providing information about the fall street sweeping and bagged yard waste collection dates.

Adopted 9/12/2008.

### MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of October, 2008, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 9/12/2008.

Ostrow moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the license application submitted by La Gran Colombia Restaurant, 2205 Central Av NE, for an On-Sale Wine License. Seconded.

Adopted upon a voice vote 9/12/2008.

(Published 9/16/2008)

Ostrow moved to grant the application submitted by La Gran Columbia Inc, dba La Gran Columbia Restaurant, 2205 Central Av NE, for an On-Sale Wine Class E with Strong Beer License (new business), to expire April 1, 2009, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Seconded.

Adopted 9/12/2008.

Approved by Mayor Rybak 9/12/2008.

(Published 9/16/2008)

**RESOLUTION**

Resolution 2008R-401, authorizing acceptance of a gift of paintings depicting the City of Minneapolis, was adopted 9/12/2008 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 2008R-401  
By Hodges**

**Authorizing the City of Minneapolis to accept a gift of paintings depicting the City of Minneapolis.**

Whereas, an anonymous donor has one painting of Linden Hills and two paintings of downtown Minneapolis that they would like to donate to the City of Minneapolis; and

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

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

That the paintings shall be accepted as gifts on behalf of the City of Minneapolis.

Adopted 9/12/2008.

**UNFINISHED BUSINESS**

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to Building Code: Parking Ramps, for first reading and referral to the Public Safety & Regulatory Services Committee (requiring parking ramp operators to accept credit or debit card payments from patrons).

Adopted upon a voice vote 9/12/2008. Seconded.

**NEW BUSINESS**

Schiff moved to introduce an ordinance amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service, for first reading and referral to the Public Safety & Regulatory Services Committee for a public hearing to be held September 17, 2008 (increasing the maximum service fee for vehicle immobilization). Seconded.

Adopted upon a voice vote 9/12/2008.

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, for first reading and referral to the Ways & Means/Budget Committee (extending the COBRA health and dental benefits expiration dates to December 31, 2011). Seconded.

Adopted upon a voice vote 9/12/2008.

Benson moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (implementing the Minneapolis-St. Paul International Airport Zoning Ordinance), as follows:

- a. Chapter 521 relating to Zoning Districts and Maps Generally;
- b. Chapter 535 relating to Regulations of General Applicability;
- c. Chapter 551 relating to Overlay Districts. Seconded.

Adopted upon a voice vote 9/12/2008.

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances by adding a new Chapter 586 providing for a moratorium on the establishment, re-establishment or expansion of reception, banquet, rental and/or meeting halls outside of the Central Business District.

Glidden moved to introduce the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Public Safety & Regulatory Services Committee (providing for a reduction or elimination of the conversion rental inspection fee for property owners who are renting their properties for a relatively short, defined amount of time with the intent to reoccupy the property as an owner occupant). Seconded.

Adopted upon a voice vote 9/12/2008.

Lilligren moved to adjourn to Room 315 City Hall to consider the following lawsuits: *Giovanni Veliz v. City of Minneapolis*; and *Kenneth Bady v. Murphy-Kjos, et al.* Seconded.

Adopted upon a voice vote 9/12/2008.

Room 315 City Hall

Minneapolis, Minnesota

September 12, 2008 - 10:15 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Ostrow, President Johnson.

Absent – Council Members Hofstede, Schiff.

Lynne Fundingsland, Assistant City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Giovanni Veliz v. City of Minneapolis*; and the *Kenneth Bady v. Murphy-Kjos, et al.* lawsuits.

At 10:18 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Hofstede, Schiff.

Present – Council Members Lilligren (Out at 10:45 a.m.; In at 10:48 a.m.), Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede (In at 10:20 a.m.), Ostrow, Schiff (In at 10:20 a.m.), President Johnson.

Also present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Sara Lathrop, Assistant City Attorney; Sharon Lubinski, Assistant Chief, Police Department; R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Jackie Hanson, City Clerk's Office.

Fundingsland summarized the *Giovanni Veliz v. City of Minneapolis* lawsuit from 10:18 a.m. to 10:30 a.m.

Fundingsland summarized the *Kenneth Bady v. Murphy-Kjos, et al.* lawsuit from 10:30 a.m. to 11:12 a.m.

At 11:12 a.m., Benson moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

**SEPTEMBER 12, 2008**

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Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 9/12/2008.

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: 9/15/2008  
Official Posting: 9/19/2008