

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 23, 2011

Council Chamber  
Room 317 City Hall  
350 South 5th Street  
Minneapolis, Minnesota  
September 23, 2011 - 9:30 a.m.

Council President Johnson in the Chair.

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

Absent – Council Members Goodman, Schiff, Colvin Roy.

Adoption of the agenda was moved and seconded by unanimous consent.

Absent – Goodman, Schiff, Colvin Roy.

Glidden moved to amend the agenda to include under “Motions” a motion to direct the Planning Director to prepare necessary documentation to bring nomination of the Laura Chase Residence forward to the Heritage Preservation Commission. Seconded.

Adopted upon a voice vote.

Absent – Goodman, Schiff, Colvin Roy.

Lilligren moved adoption of the agenda, as amended. Seconded.

Adopted 9/23/2011.

Absent – Goodman, Schiff, Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held September 2, 2011 and the adjourned session held September 12, 2011. Seconded.

Adopted upon a voice vote 9/23/2011.

Absent – Goodman, Schiff, 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 9/23/2011.

Absent – Goodman, Schiff, Colvin Roy.

## PETITIONS AND COMMUNICATIONS

### AUDIT:

FINANCE DEPARTMENT (275188)

State Auditor’s Management & Compliance Report for the City of Mpls: Update on internal controls monitoring system implementation PowerPoint presentation.

INTERNAL AUDIT (275189)

Third Quarter 2011 Report.

**COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275190)

Mpls Leased Housing Associates III (re Buzza Historic Lofts Project, 1006 W Lake St): Preliminary approval to issue bonds for multi-family rental apartment development.

Metropolitan Council's Tax Base Revitalization Account Grant Program: Acceptance & appropriation of grant funds for Cameron Building & Pillsbury A-Mill.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and T&PW (See Rep):**

REGULATORY SERVICES (275191)

Vehicle Impoundment Processes: Ordinance updating vehicle impoundment processes to be consistent with state statutes.

**PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET:**

FIRE DEPARTMENT (275192)

Board Up Program: Update report on the program and its effectiveness in serving the financial intentions of the policy.

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

FIRE DEPARTMENT (275193)

Assistance to Firefighter Grant: Authorize submit application for Fiscal Year 2011 competitive grant seeking \$385,000 to purchase up to 10 hydraulic tool sets.

Minnesota Task Force One: Execute Joint Powers Agreement with Saint Paul Fire, Edina Fire, Rochester Fire, and Dakota County Special Operations for creation of the Minnesota Structural Collapse/Technical Rescue Task Force Organization.

POLICE DEPARTMENT/PROCUREMENT (275194)

Bid for Force Options Simulator: OP #7492, accept low responsive bid of Advanced Interactive Systems to furnish, deliver, install, and provide training for a force options simulator to the Police Department.

**REGULATORY, ENERGY AND ENVIRONMENT:**

REGULATORY SERVICES (275195)

Extended Hours Licenses: Report on public hearing notification procedures.

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

LICENSES AND CONSUMER SERVICES (275196)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275197)

Pizza Town, 1600 W Broadway: Approve Business License Operating Conditions relating to Food Manufacturer License.

A La Salsa Restaurant, 920 E Lake St: Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

Crown Cafe, 3445 Cedar Av S: Approve License Settlement Conference recommendations relating to Restaurant License.

LICENSES AND CONSUMER SERVICES (275198)

Sidewalk Cafes Licenses: Grant licenses to Ichiban Japanese Steakhouse, 1333 Nicollet Mall; and Jimmy John's, 404 14th Av SE.

Pizza La Vista, 504 1st Av N: Accept withdrawal of application for Extended Hours License; and return to staff.

REGULATORY SERVICES (275199)

Pedicabs: Ordinance amending various pedicab regulations including driver requirements, hours of operation, and vehicle specifications.

Rental Dwelling License at 3128 5th Av S: Approve reinstatement of license to be held by Danielle Jones-Glaser.

Chapter 249 Property at 2826 15th Av S: Waive 60-day waiting period to declare the property a nuisance and proceed with provisions of Chapter 249.

REGULATORY SERVICES (275200)

Rental Dwelling Licenses at 3113 Central Av NE and 310 E 31st St: Revoke licenses held by Tyrone and Leana Reese.

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

FINANCE DEPARTMENT (275201)

Solar Installation at University of Minnesota: Negotiate and execute documents with University of Minnesota for disbursement of \$230,000 in Energy Innovation Corridor grant funds for a project on their University Office Plaza building.

Electric Vehicle Charging Stations: Accept an amended "Plug-in Hybrid Electric Vehicle Task Force Grant" from the Minnesota Department of Commerce to receive an additional \$12,000 to install a total of three stations in the Haaf Parking Ramp; and Negotiate and execute documents associated with the grant.

REGULATORY SERVICES (275202)

Minneapolis Economic Recovery Strategy - Community Development Block Grant Reprogramming: Reprogram \$178,973.40 from winterization of condemned/boarded properties to Problem Properties to fund staff; and Submit Amendment #6 to the 2008 Consolidated Plan to the United States Department of Housing & Urban Development (HUD) after a seven-day public comment period to effect change in use of funds.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (275203)

Special Service Districts: Set assessment public hearing for October 11, 2011.

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

PUBLIC WORKS AND ENGINEERING (275204)

Downtown Business Improvement Special Service District: Assessment public hearing; and Comments.

45th Ave N (Zenith to Xerxes Ave N): Approve Hennepin County layout.

Nongovernmental Tax Exempt Parcel Street Maintenance Assessment: Set public hearing for November 15, 2011.

Nongovernmental Tax Exempt Parcel Street Light Operations Fee Assessment: Set public hearing for November 15, 2011.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit: Adopt Annual NPDES MS4 Report on 2010 Activities.

Stormwater Management Program: Submittal to Minnesota Pollution Control Agency.

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

PUBLIC WORKS AND ENGINEERING (275205)

Source Water Protection Plan Implementation Grant: Amend contract with Minnesota Department of Health; and Decrease appropriation.

Central Corridor Light Rail Transit (CCLRT) Project: Subordinate Funding Agreements 7, 13, and 14; and Increase appropriation.

Nicollet Ave/Central Ave Corridor: RFP for alternatives analysis for urban circulator transit services.  
Pioneers and Soldiers Cemetery Fence Rehabilitation Project: Accept funds from State Historic Preservation Office and Friends of the Cemetery; and Increase appropriation.

Biennial Routine Maintenance Agreement between City and State of Minnesota Department of Transportation.

Bid: OP 7490, Low responsive bid of Construction Results Corporation for areaway removal and alley restoration at 3022 Hennepin Ave.

**WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (275206)

Mayor's 2012 Recommended Budget Overview.

2013-2017 Recommended Five-Year Financial Direction.

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

ATTORNEY (275207)

Greene Espel: Amend Master Legal Services Agreement.

Analytics, Inc.: Amend Claims Administration Services Agreement.

Pre-Trial Diversion Services: Execute contractual agreement with Check Diversion Program, LLC, to implement a Worthless Check Diversion Program.

Ethical Reporting Line Report: Direct staff to file future reports with the Ethics Board Annual Report.

BUSINESS INFORMATION SERVICES (BIS) (275208)

Gartner Gift Donation: Accept donation for lodging and meal expenses for Otto Doll, BIS CIO to participate in the October 2011 Gartner Symposium/ITxpo.

Unisys Corporation Gift Donation: Accept donation for conference registration, travel and hotel expenses for Otto Doll, BIS CIO to participate in the Fall Unisys North America Exchange Forum.

CITY CLERK (275209)

2011 Special Election Funding: Approve City Clerk general fund appropriation (up to \$200,000) from the 2011 contingency fund for four unplanned special elections.

FINANCE DEPARTMENT (275211)

Gift Acceptance: 2nd Quarter 2011.

INTERGOVERNMENTAL RELATIONS (275212)

Patton Boggs, LLP: Amend federal representation services contract.

MINNEAPOLIS CONVENTION CENTER & PROCUREMENT (275210)

OP #7473: Accept low bid of Natus Corporation, d/b/a Hamernicks Decorating Center, for wall fabric removal and installation.

OP #7474: Accept low bid of Julius B. Nelson and Son, Inc., for wall fabric removal and installation.

REGULATORY SERVICES (275213)

Intrado, Inc. Gift Donation: Accept donation for travel, hotel and meals expenses for 911 Director, Heather Hunt to participate in a national focus group on 911 issues.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275214)

Interim Use Permit:

First Covenant Church (810 S 7th St)

**FILED:**

CHARTER COMMISSION (275215)

Minnesota State Redistricting Litigation Summary.

State of Minnesota Special Redistricting Panel: Order setting public hearing schedule.

## SEPTEMBER 23, 2011

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MAYOR (275216)

2012 Budget Process Delay: Mayor's letter dated August 11, 2011 advising delay in presenting his detailed budget due to the North Minneapolis tornado and the State government shutdown.

THE ACKERBERG GROUP (275217)

Vacate the alley running east-west between Girard Ave N and Irving Ave N located on the block bounded by Girard Ave N, Irving Ave N, West Broadway Ave and 21st Ave N.

BRIAN PASTARR (275218)

Vacate the right of way on the North side of Chestnut Ave W next to the property of 1815 Chestnut Ave W, between Morgan Ave N and Logan Ave N.

*The following reports were signed by Mayor Rybak on September 26, 2011, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

### REPORTS OF STANDING COMMITTEES

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

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds on behalf of Minneapolis Leased Housing Associates III, Limited Partnership for the Buzza Historic Lofts Project, a 137-unit multi-family rental apartment development at 1006 W Lake St, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$28,000,000 of Tax Exempt Multifamily Housing Revenue Entitlement Bonds for said project.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-468, giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and rehabilitation of a multifamily rental housing development at 1006 W Lake St for the benefit of Minneapolis Leased Housing Associates III, Limited Partnership, a Minnesota limited partnership, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

#### **RESOLUTION 2011R-468**

**By Goodman**

**Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and rehabilitation of a multifamily rental housing development at 1006 West Lake Street for the benefit of Minneapolis Leased Housing Associates III, Limited Partnership, a Minnesota limited partnership.**

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of Minneapolis Leased Housing Associates III, Limited Partnership, a Minnesota limited partnership (the "Developer"), have requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of tax-exempt multifamily housing revenue bonds in an aggregate principal amount of approximately \$28,000,000 (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and rehabilitation of an approximately 137-unit multifamily rental apartment development and facilities functionally related and subordinate thereto, located at 1006 West Lake Street in the City to be owned by Developer; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds on a date at least fifteen (15) days following the publication in a newspaper of general circulation in the City of a notice of such public hearing; and

Whereas, the Program was submitted to the Metropolitan Council for its review and comment in accordance with the requirements of the Act; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the Bonds shall not constitute debt of the City within the meaning of any state constitutional provision or statutory limitation, the Bonds shall not constitute general or moral obligations of the City or give rise to a charge against the general credit or taxing powers of the City, the Bonds shall not constitute or give rise to a pecuniary liability of the City, and the Bonds shall be payable solely out of any funds and properties expressly pledged as security therefor;

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

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in an aggregate principal amount of approximately \$28,000,000 is hereby preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of the Bonds shall be subject to final determination by the City of the terms and conditions of the Bonds and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

**Comm Dev & W&M/Budget** – Your Committee, having under consideration receipt of Metropolitan Council's Tax Base Revitalization Account Grant Program funds, now recommends that the proper City officers be authorized to accept and appropriate awards for the following projects, and to execute grant, subrecipient and/or disbursement and related agreements for these grants:

<b>Project</b>	<b>Recipient</b>	<b>Grant Award</b>
Cameron Building	City of Minneapolis	\$15,200
Pillsbury A-Mill	City of Minneapolis	\$47,300

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation by \$62,500 to reflect the receipt of said grant funds.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-469  
By Goodman and Hodges**

**Amending the 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900220) by \$62,500 and increasing the revenue source (01600-8900900-321513) by \$62,500.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and TRANSPORTATION & PUBLIC WORKS  
Committees submitted the following report:**

**PSC&H & T&PW** - Your Committee, to whom was referred the following ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, updating vehicle impoundment processes to be consistent with State Statutes, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Ordinance 2011-Or-087 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Sections 478.1041, 478.1042, 478.1043, 478.1044, 478.1045, 478.1046, 478.1055, 478.1080, and 478.1090 to update vehicle impoundment processes to be consistent with State Statutes, was adopted 9/23/2011 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2011-Or-087  
By Samuels  
Intro & 1st Reading: 8/5/2011  
Ref to: PSC&H  
2nd Reading: 9/23/2011**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

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

Section 1. That Section 478.1041 of the above-entitled ordinance be amended to read as follows:

**478.1041. Impoundment defined.** "Impoundment" means removal of a vehicle to a storage facility or impound lot by a contractor for towing in response to an authorization from a police officer, meter monitor traffic control agent or other agent authorized by the City of Minneapolis.

Section 2. That Section 478.1042 of the above-entitled ordinance be amended to read as follows:

**478.1042. When a vehicle may be impounded without prior notice.** A vehicle may be impounded with or without citation and without giving notice to its owner only under the following circumstances:

- (a) ~~When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or~~
- (b) ~~When the vehicle is illegally parked in a truck, bus, hooded meter, taxi or other similar zone where parking is limited to designated classes of vehicles and where such vehicle is interfering with the proper and intended use of such zones, or is parked where prohibited by law or by temporary or permanent signs during certain hours, on designated days, or at all times; or~~
- (c) ~~When the vehicle poses an immediate danger to the public safety; or~~
- (d) ~~When the vehicle is parked in violation of snow emergency regulations; or~~
- (e) ~~When the vehicle is a commercial vehicle unlawfully parked in an area used for residential purposes or zoned as a residence district; or~~
- (f) ~~When the vehicle weighs or is registered for a weight in excess of the limits allowed on that surface; or~~
- (g) ~~When a police officer, meter monitor or other agent authorized by the City of Minneapolis has probable cause to believe that the vehicle is stolen or lacks proper registration; or~~
- (h) ~~When a police officer or other authorized agent has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence; or~~
- (i) ~~When the person driving, operating or in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping; or~~
- (j) ~~When a police officer, meter monitor or other agent authorized by the City of Minneapolis has probable cause to believe that the owner, driver, operator, or person in physical control of the vehicle has failed to respond to five (5) or more citations for parking or traffic offenses; or~~
- (k) ~~When the vehicle is parked in a handicap transfer zone when said vehicle does not properly display a handicapped parking permit.~~

Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

Vehicle impoundment shall proceed pursuant to Minnesota Statutes Chapters 168B and 169 and all other applicable laws.

Section 3. That Section 478.1043 of the above-entitled ordinance be and is hereby repealed.

**478.1043. When a vehicle may be impounded after notice.** A vehicle not impounded under section 478.1042 may be impounded after notice of such proposed impoundment in a form similar to that set forth in section 401.50 or section 401.60 of the Minneapolis Code of Ordinances has been securely attached to and conspicuously displayed on the vehicle for a period of seventy-two (72) hours prior to such impoundment, excluding Saturdays, Sundays and city holidays, for the following reasons:

- (a) ~~When such vehicle is parked and/or used in violation of any law, ordinance or regulation; or~~
- (b) ~~When such vehicle is abandoned or lacking vital component parts essential to the mechanical functioning of the vehicle, including but not limited to the motor, drive train and wheels; or~~
- (c) ~~When such vehicle is so mechanically defective as to be unsafe for operation; provided, however, that this section shall not be construed to prevent the removal of any such defective vehicle to a place for correction of equipment defects in the manner directed by any police officer.~~

Section 4. That Section 478.1044 of the above-entitled ordinance be amended to read as follows:

**478.1044. Notice to owners.** (a) Not more than seventy-two (72) hours after impoundment of any vehicle, the supervisor of impound and towing, or the designee thereof, shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person, including lienholders, who claims the right to possession of the vehicle, if such a claim is known. The notice shall be mailed to the registered owner at the address provided by the motor vehicle division of the Minnesota Department of Public Safety or the corresponding agency of any other state or province. If the person mailing the notice has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address, a copy of the notice shall also be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. The notice shall contain the full particulars of the impoundment, redemption, and opportunity for a hearing to test the propriety of the impoundment as hereinafter provided. If a vehicle is redeemed prior to the mailing of notice, then notice need not be mailed. Saturdays, Sundays and city holidays are to be excluded from the calculation of the seventy-two-hour period.

(b) Similar notice shall be given to each person who seeks to redeem an impounded vehicle by posting in a conspicuous place at the impound lot a sign describing redemption procedures and the right to a hearing to test the propriety of the impoundment.

Section 5. That Section 478.1045 of the above-entitled ordinance be and is hereby repealed.

**478.1045. Impoundment hearings.** (a) ~~As to any vehicle subject to impoundment, a person who has a legal entitlement to possession of the vehicle has a right to a post-impoundment hearing to determine probable cause to impound the vehicle if such person files a written demand with the hearing officer on forms so provided for such a hearing within ten (10) days after impoundment of the vehicle. A person who has a legal entitlement to possession of a vehicle which has been placarded pursuant to section 478.1043 has a right to a pre-impoundment hearing to determine probable cause to impound the vehicle if such person obtains such hearing before the vehicle is impounded. However, any person who receives a pre-impoundment hearing is barred from receiving a post-impoundment hearing.~~

(b) The hearing shall be conducted by a hearing officer who shall be a hearing officer employed by the violations bureau of Hennepin County Municipal Court, but who shall not be the person who directed the impounding and storage of the vehicle. The hearing shall be conducted within forty-eight (48) hours of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and city holidays are to be excluded from the calculation of the forty-eight-hour period.

(c) The issue in the hearing shall be whether there was probable cause to impound the vehicle in question. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle, or that the removal was justified under section 478.1042 or section 478.1043.

(d) The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence and procedure. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was probable cause to impound the vehicle. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing. The hearing officer's decision is separate and distinct from any criminal proceeding in connection with the impoundment, and does not affect any criminal or traffic charges connected with the impoundment. Failure of the registered or legal owner, or his agent, to request a hearing shall be deemed a waiver of the right to such hearing.

(e) After receiving all relevant evidence, the hearing officer shall make one or more of the following findings based upon the preponderance of the evidence presented:

- (1) There was probable cause to impound the vehicle;
- (2) There was no probable cause to impound the vehicle;
- (3) There was probable cause to impound the vehicle but the vehicle was caused to incur unreasonable storage charges.

(f) If the finding is adverse to the person demanding the hearing, the hearing officer shall inform that person of the right to file a claim. Storage charges pending the hearing are assessed against the vehicle if the finding is adverse to the person demanding the hearing.

Section 6. That Section 478.1046 of the above-entitled ordinance be amended to read as follows:

**478.1046. Redemption of impounded vehicles.** (a) Only the registered owner, a person authorized by the registered owner, a lienholder of record, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or authorization, may redeem an impounded vehicle. Impounded vehicles may be redeemed under the following circumstances:

- (1) Upon payment at the impound lot of the towing and storage costs prior to redeeming such vehicle. The impound lot shall accept cash, major bank credit cards, certified bank drafts, money orders, and personal checks in payment for such costs; provided, however, that if such a personal check is offered in payment for such costs, the person so offering the same may be required to show evidence of identity by two (2) pieces of identification which may include a driver's license, Minnesota state identification card, other credit cards, or similar forms of identification; provided further, however, if there is reasonable cause to believe the tendered check is uncollectible, acceptance of such check may be refused; or
- (2) Upon a finding by the hearing officer or the supervisor of impound and towing or a claims investigator of the City of Minneapolis that there was no probable cause to impound the

vehicle. Upon such a finding, the towing charges shall be paid by the city in accordance with interdepartmental billing procedures. However, if the vehicle is not redeemed on the same day of such a finding, the person redeeming the vehicle shall be liable for all subsequent storage charges; or

(3) Upon the order of any court of competent jurisdiction.

(b) Towing charges shall be assessed against vehicles impounded as stolen vehicles and vehicles impounded for law enforcement investigatory purposes. Storage charges shall also be assessed against said vehicles unless the ~~hearing officer or the~~ supervisor of impound and towing or a claims investigator of the City of Minneapolis determines the storage charges or part thereof to be unreasonable.

(c) Vehicles which are not redeemed are subject to sale as provided in section 478.1150.

Section 7. That Section 478.1055 of the above-entitled ordinance be amended to read as follows:

**478.1055. Referral to city council; acceptance of bids.** Such bids, when received, shall be referred to the city council and by it considered. The notice shall recite that the council reserves the right to reject any and all bids. Upon the acceptance of bids in the various districts, each successful bidder shall be the impound tower within the towing district described in the notice for bids. After the acceptance of said bids and the designation of the impound tower in each of the towing districts, any vehicle ordered to be impounded by any police officer, ~~meter monitor~~ traffic control agent or other agent authorized by the City of Minneapolis shall be immediately towed to the city impound lot or other designated location by the impound tower.

Section 8. That Section 478.1080 of the above-entitled ordinance be amended to read as follows:

**478.1080. Charge when owner appears before towing.** Where a police officer, ~~meter monitor~~ traffic control agent or other agent authorized by the City of Minneapolis has ordered the impoundment of a vehicle from public property and the owner or operator thereof appears before the vehicle has been hooked to the tow truck and the wheels thereof hoisted from the ground, the tow truck operator shall release the said vehicle without payment of any fee or towing charge. Where the owner or operator of a vehicle being towed from public property appears after the vehicle has been hooked to the tow truck and the wheels thereof hoisted from the ground, or appears after a power winch has been used to move the vehicle, or appears after the vehicle has been moved forward but before the vehicle has been removed from the block upon which it was parked, the tow truck operator shall release the vehicle only upon the payment of a service fee not to exceed fifteen dollars (\$15.00) from November 15th through April 1st, and not to exceed five dollars (\$5.00) during other times of the year. The tow truck operator shall give a receipt for each service fee received. This section shall not apply to vehicles impounded ~~pursuant to section 478.1043 as an abandoned vehicle pursuant to Minn. Statute Chapter 168B or as a scofflaw vehicle pursuant to Minnesota Statute Section 169.041(5)(b)(13).~~ The tow truck operator shall comply with the provisions of section 349.185.

Section 9. That Section 478.1090 of the above-entitled ordinance be amended to read as follows:

**478.1090. Licenses and permits required.** ~~The An impound tower under contract with the city shall have a valid public impound tower's license (Class E), pursuant to Chapter 349 of this Code, prior to performing any work under his contract with the city abide by all contractual requirements and all applicable laws, ordinances and regulations. The An impound tower shall see to and require that every tow truck operator employed by the impound tower shall have in his possession a driver's registration permit for Class E service vehicles under Chapter 349 of this Code. No and identification in a form approved by the supervisor of impound and towing and no person shall act as a tow truck operator in the towing of any vehicle to be impounded without having in his possession such registration permit~~

herein provided for and identification, and such tow truck operator shall exhibit such permit registration and identification to the owner of the vehicle or his agent upon request therefor.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers of the Fire Department be authorized to submit an application for a Fiscal Year 2011 Assistance to Firefighter competitive grant seeking \$385,000 to purchase up to 10 hydraulic tool sets.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**PSC&H & W&M/Budget** - Your Committee recommends that the proper City officers of the Fire Department be authorized to execute a Joint Powers Agreement with Saint Paul Fire, Edina Fire, Rochester Fire, and Dakota County Special Operations for the creation of the Minnesota Structural Collapse/Technical Rescue Task Force Organization, also known as Minnesota Task Force One.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**PSC&H & W&M/Budget** - Your Committee recommends acceptance of low responsive bid received on OP #7492 submitted by Advanced Interactive Systems, for an estimated amount of \$62,360, to furnish, deliver, install and provide training for a force options simulator to the Minneapolis Police Department, all in accordance with City specifications.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

**RE&E** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pedicabs*, amending various pedicab regulations including driver requirements, hours of operation, and vehicle specifications, now recommends that said ordinance be given its second reading for amendment and passage.

Glidden moved that the ordinance be postponed to the October 7, 2011 meeting. Seconded.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee, having under consideration applications for Sidewalk Cafe Licenses, and public hearings having been held thereon, now recommends that the following licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

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

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall, (permanent expansion of premises)

**Sidewalk Cafe, to expire April 1, 2012**

Levit Holdings Ltd, dba Ichiban Japanese Steak House, 1333 Nicollet Mall (new business)

Miklin Enterprises Inc, dba Jimmy John's, 404 14th Av SE.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee, having under consideration the application of Pasta La Vista Inc, dba Pizza La Vista, 504 1st Av N, for an Extended Hours License to operate daily from 10:00 a.m. to 4:00

a.m., now recommends acceptance of the withdrawal request submitted by the applicant and that the application be returned to staff.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Food Manufacturer License held by Pizza Town, 1600 W Broadway.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-470, approving Business License Operating Conditions relating to the Food Manufacturer License held by Pizza Town, 1600 W Broadway, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-470**

**By Glidden**

**Approving Business License Operating Conditions relating to the Food Manufacturer License held by Pizza Town, 1600 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Food Manufacturer License held by Pizza Town, 1600 W Broadway:

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 to have a manager as listed on the application present during all hours of operation.

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

4. The business agrees to notify business licensing prior to any future changes in the status or structure of leasing or ownership in the business.

5. The business agrees to be a food business only, where no retail items to include T-shirts, cell phones, or books will be sold.

6. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash regardless of its origin, a minimum of twice daily and as needed. 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.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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Resolution 2011R-471, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### **RESOLUTION 2011R-471 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 275197):

#### **Off-Sale Liquor, to expire October 1, 2012**

D T B Corporation, dba Greenway Liquor, 105 W Grant St  
Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE  
Brothers Image LLC, dba B & G Wine and Liquor, 2201 University Av NE  
Mourado's Liquors Inc, dba Mourado's Liquors, 2426 2nd St NE  
Gawron's Liquors Inc, dba River Liquor Store, 2435 Marshall St NE  
McCleary Wine & Spirits LLC, dba Central Avenue Liquor, 2538 Central Av NE  
Meka, Inc, dba Minnehaha Lake Wine & Spirits, 2613 E Lake St  
JPOC Inc, dba Union Liquor Store, 3219 Penn Av N  
East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St  
Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N  
France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S  
McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S

#### **Off-Sale Malt Liquor, to expire October 1, 2012**

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av,  
1st floor

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

Food and Drink Inc, dba Barfly, 711 Hennepin Av

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

Hells Kitchen Inc, dba Hells Kitchen, 90 S 9th St  
Lee Consultants Ltd, dba Sticks, 708 1st St N  
Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, downstairs  
Dakota Cooks LLC, dba Dakota Jazz Club & Restaurant, 1010 Nicollet Mall  
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall  
Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av  
Wild Entertainment Ltd, dba Ground Zero/The Front, 15 4th St NE

#### **On-Sale Liquor Class B with Sunday Sales, to expire August 20, 2011**

Wanderers Food & Cocktail Inc, dba Wanderers Food & Cocktail Inc,  
533 Hennepin Av (temporary expansion of premises)

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

Stills Ordinary People LLC, dba Insomnia Night Club & Lounge, 319 1st Av N  
Wanderers Food & Cocktail Inc, dba Wanderers Wondrous Azian Kitchen,  
533 Hennepin Av

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

GWS Partners LLC, dba Whisky Park, 15 S 5th St #100  
The Bulldog NE, Inc, dba The Bulldog Restaurant NE, 401 E Hennepin Av  
Red Rocket LLC, dba The 508, 508 1st Av N  
JLB LLC, dba The Loop, 606 Washington Av N

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Campus Partners Inc, dba Sally's Saloon & Eatery, 712 Washington Av SE  
German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE

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

Smith & Hance Entertainment Inc, dba Nomad World Pub, 501 Cedar Av S

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

Westbank Productions Co LLC, dba 400 Bar, 400 Cedar Av S

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

New Grange Inc, dba The Melting Pot Restaurant, 80 S 9th St (new manager)

Local LLC, dba Local An Epurican Cafe & Pub, 931 Nicollet Mall (internal transfer of shares)

New Grange Inc, dba The Melting Pot Restaurant, 80 S 9th St

1st Avenue Entertainment Group Inc, dba Shout House, 600 Hennepin Av #160

Local LLC, dba The Local, 931 Nicollet Mall

Schooner Inc, dba Schooner Tavern, 2901 27th Av S, 1st floor

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

Kieran's Irish Pub First Avenue LLC, dba Kieran's Irish Pub First Avenue,  
600 E Hennepin Av #170

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

G & K Vegas Inc, dba Vegas Lounge, 965 Central Av NE, 1st floor

News Room Inc, dba News Room, 990 Nicollet Mall

Uncle Pearle, LLC, dba Pat's Tap, 3510 Nicollet Av

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

Mt Fuji Restaurant of NY II, LLC, dba Mt Fuji Restaurant, 2819 Hennepin Av (corporate stock purchase)

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

Taste of Thailand of Minneapolis Inc, dba Taste of Thailand, 11 S 7th St

Ramez Enterprises Inc, dba Arone's Bar, 500 Central Av NE

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

PFC Systems Inc, dba Burrito Loco, 418 13th Av SE

Fuji Two Inc, dba Fuji Ya Restaurant, 600 W Lake St

Applebees Neighborhood Bar & Grill, dba Applebees Neighborhood Grill & Bar, 615 Washington  
Av SE

Lynn M Vashro, Inc, dba Otter's Saloon, 617 Central Av NE

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800  
Nicollet Mall

Masa LLC, dba Masa, 1070 Nicollet Mall

Maxwell's Operations LLC, dba Maxwell's American Cafe, 1201 Washington Av S

Dusty's Inc, dba Duty's Bar, 1319 Marshall St NE

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S

Sumick Inc, dba Lyle's Bar & Restaurant, 2021 Hennepin Av

Halek's Bar Inc, dba Halek's Bar, 2024 Washington Av N

Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd

Tri-Franklin LLC, dba Tracy's Saloon & Eatery, 2205 E Franklin Av

Midtown Exchange Hotel LLC, dba Sheraton Restaurant, 2901 Chicago Av

**On-Sale Liquor Class E, to expire October 1, 2012**

Bon Appetit Management Co, dba Cafe Target, 1000 Nicollet Mall, 2nd floor

**Temporary On-Sale Liquor**

Minnesota Opera Company, dba Minnesota Opera, 620 1st St N  
(September 17, 2011, 7:00 p.m. to 11:30 p.m.)

**Liquor Catering Services, to expire August 1, 2012**

FH Bill Inc, dba The Corner Bar, 1501 Washington Av S (new business)

Prom Catering, dba Prom Catering, 3300 Central Av NE

FCA Restaurant Company LLC, dba FCA Restaurant Company LLC,  
380 Jackson St, Saint Paul

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

Big Daddy Inc, dba Riverview Cafe, 3753 42nd Av S

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

Patrick's French Bakery, Inc, dba Patrick's Bakery & Cafe, 6010 Lyndale Av S (internal transfer of shares)

**Temporary On-Sale Wine**

Church of All Saints, dba Church of All Saints, 435 4th St NE (October 2, 2011).

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-472, granting applications for Business Licenses, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-472**

**By Glidden**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 23, 2011 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275197):

Carnival; Car Wash; Place of Entertainment; Fire Extinguisher Servicing Class B; Farm Produce Permits; Grocery; Drive In Food; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Fuel Dealer; Fuel Dealer Cash & Carry Only; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Precious Metal Dealer; Public Market; Recycling Salvage Yard; Residential Specialty Contractor; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle Non-Transferable; Theater Zone I; Theater Zone III; Tobacco Dealer; Combined Trades.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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Resolution 2011R-473, granting applications for Gambling Licenses, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### **RESOLUTION 2011R-473 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 275197):

#### **Gambling Exempt**

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle September 16 - 18, 2011, 509 W 54th St)

Faith's Lodge, dba Faith's Lodge, 818 W 46th St, Suite 202 (Raffle September 24, 2011, the Epic Event Center)

St. Mary's Taste of Northeast Festival, dba St. Mary's Taste of Northeast, 1701 5th St NE (Raffle, Bingo October 1, 2011, St. Mary's Taste of Northeast Festival)

Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo, Raffle, Pulltabs October 2, 2011, Church of All Saints Center)

St. John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2214 3rd St NE

Our Saviour's Community Services, dba Our Saviour's Community Services, 2315 Chicago Av S (Raffle November 3, 2011, 1011 Washington Av S)

St. Lawrence Catholic Church, dba St. Lawrence Catholic Church, 1201 5th St SE (Bingo November 18, 2011, St. Lawrence Church)

Seward Montessori PTA, dba Seward Montessori PTA, 2309 28th Av S (Raffle February 6, 2012, Seward Elementary)

Women's Foundation of Minnesota, dba Women's Foundation of Minnesota, 155 5th Av S, Suite 500 (Raffle March 8, 2012, Minneapolis Marriott City Center).

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by A La Salsa Restaurant, 920 E Lake St.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-474, approving License Settlement Conference recommendations relating to the Restaurant License held by A La Salsa Restaurant, 920 E Lake St, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-474**

**By Glidden**

**Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by A La Salsa Restaurant, 920 E Lake St.**

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

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

a) on two separate occasions in a period of less than 24 months employees of A La Salsa Restaurant 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; and

b) the licensee paid administrative fines related to the compliance check failures;

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

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

1. The City of Minneapolis will impose a sanction, in the amount of \$1,500, for failing two minor sales of alcohol compliance checks; \$1,000 of the sanction will be stayed for a two-year period pending no same or similar violations. The remaining sanction of \$500 must be paid upon signature of this agreement.

2. A La Salsa shall maintain the following policies concerning prevention of the sale of alcohol to persons under the age of 21:

a) A calendar, at the point of sale locations, that lists the date the customer reaches the age of 21.

b) A La Salsa will immediately arrange alcohol server training for all employees.

c) A La Salsa will establish a self check program for age compliance using a secret shopper. A log will be kept outlining the conduct of each self check and the outcome for review by Minneapolis Police and Business Licenses.

d) A La Salsa will arrange with Minneapolis Police Licenses to conduct a class on prevention of sales to persons under the age of 21 within 30 days of signing this agreement.

e) A La Salsa will review their policies concerning prevention of sales of alcohol to persons under the age of 21 at every staff meeting.

f) A La Salsa will create a written policy for their staff concerning the prevention of sales to minor. This written policy will be presented to the Business License staff for review and approval within 30 days of signing this agreement.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant License held by Crown Cafe, 3445 Cedar Av S.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-475, approving License Settlement Conference recommendations relating to the Restaurant License held by Crown Cafe, 3445 Cedar Av S, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-475**

**By Glidden**

**Approving License Settlement Conference recommendations relating to the Restaurant License held by Crown Cafe, 3445 Cedar Av S.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 18, 2011 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded Crown Cafe failed to pay all required fees in violation of the Minneapolis Code of Ordinances;

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

That Crown Cafe will pay unpaid Sewer Availability Charges, in the amount of \$2,230, by October 14, 2011.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 3128 5th Av S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Danielle Jones-Glaser.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee, having under consideration the property located at 2826 15th Av S, and the Director of Housing Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 of the Minneapolis Code of Ordinances, now recommends concurrence with the determination made and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License held by Tyrone and Leana Reese for the properties located at 3113 Central Av NE and 310 E 31st St, and a hearing having been held before an administrative hearing officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling licenses be revoked, now recommends approval of the recommendation to revoke said licenses for failure to meet licensing standards pursuant to Section 244.1910 (13) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2011-45 which are hereby made a part of this report by reference.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

**RE&E & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to reprogram the balance of Community Development Block Grant-Recovery (CDBG-R) funds, in the

amount of \$178,973.40, from winterization of condemned/boarded properties to Problem Properties to fund staff.

Further, that staff submit Amendment #6 to the 2008 Consolidated Plan to the United States Department of Housing & Urban Development (HUD) after a seven day public comment period to effect the change in use of funds.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E & W&M/Budget** - Your Committee, having under consideration solar installations at the University of Minnesota, now recommends that the proper City officers be authorized to negotiate and execute documents with the University of Minnesota for disbursement of \$230,000 in Energy Innovation Corridor (EIC) grant funds for a project on their University Office Plaza building.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RE&E & W&M/Budget** - Your Committee, having under consideration the installation of electric vehicle charging stations, now recommends that the proper City officers be authorized to:

a) accept an amended "Plug-in Hybrid Electric Vehicle Task Force Grant" from the Minnesota Department of Commerce, Division of Energy Resources, to receive an additional \$12,000 for a new amount of \$37,000, for the purchase and installation of a total of three electric vehicle charging stations in the Haaf Parking Ramp, receivable to 01300-6800600-G3680EV.

b) negotiate and execute documents associated with the grant.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

**T&PW** - Your Committee, having under consideration the Downtown Business Improvement Special Service District, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2012 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Approved by Mayor Rybak 9/23/2011.

(Published 9/27/2011)

Resolution 2011R-476, approving special services, the cost estimates, service charges, and the lists of service charges for 2012 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-476**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges, and the lists of service charges for 2012 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.**

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Whereas, a public hearing was held on September 13, 2011 in accordance with Laws of Minnesota, Chapter 428A and Chapter 465 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges, as more particularly described in Petn No 275204 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 special services, the proposed cost estimate in the total amount of \$6,416,180 for 2012, and that the proposed service charges and the proposed list of service charges for 2012 in the total amount of \$6,036,325.36 (amount remaining after adjusting the cost estimate of \$6,416,180 for previous years adjustments and additional costs as provided for in Section 465.80 of the Minneapolis Code of Ordinances and \$60,000 to be raised through other sources) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Downtown Business Improvement Special Service District.

Be It Further Resolved that the City Engineer (with the Minneapolis Downtown Business Improvement Special Service District) is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2012 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Approved by Mayor Rybak 9/23/2011.

**T&PW** - Your Committee recommends passage of the accompanying resolution approving the Hennepin County Transportation Department's layout for County State Aid Highway 9 (CSAH 9), 45th Ave N between Zenith Ave N and Xerxes Ave N, dated August 15, 2011, titled Preliminary Layout No 1C.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-477, approving the Hennepin County Transportation Department's layout for County State Aid Highway 9 (CSAH 9) 45th Ave N between Zenith Ave N and Xerxes Ave N, dated August 15, 2011, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### **RESOLUTION 2011R-477**

**By Colvin Roy**

**Approving the Hennepin County Transportation Department's layout for County State Aid Highway 9 (CSAH 9) 45th Ave N between Zenith Ave N and Xerxes Ave N, dated August 15, 2011, titled Preliminary Layout No 1C.**

Whereas, the Hennepin County Transportation Department (County) has proposed the reconstruction of 45th Ave N from west of Lake Rd in Robbinsdale to Xerxes Ave N in Minneapolis; and

Whereas, a 100-foot-long portion of the corridor that is bounded by the east side of Memorial Pkwy to Xerxes Ave N is within the Minneapolis corporate limits; and

Whereas, the County held a meeting with the Minneapolis Park Board to assist with providing guidance and recommendations for the project; and

Whereas, the County has held meetings and open houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the City and County Departments of Public Works concur that the layout provides for the existing and future transportation needs and meets State standards; and

Whereas, staff has made its recommendation to the City Council based on said determination;

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

That the City approves the Hennepin County Transportation Department's layout, dated August 15, 2011, for County State Aid Highway 9 (CSAH 9), 45th Ave N between Zenith Ave N and Xerxes Ave N, as submitted.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW** - Your Committee reports that in accordance with procedures set out at Minnesota State Statutes, Section 429.101 and authority derived from special legislation applying to the City of Minneapolis, the City finds it to be in the interest of all citizens that the maintenance of the City street system promotes the general health, safety, and well-being of the citizenry and provides a benefit to each and every parcel within the City, and further that the cost of street maintenance should be offset by imposing a street maintenance assessment upon benefited parcels that are otherwise exempt from ad valorem taxation. Further, the City Engineer has presented to your Committee the details required by State Statutes Section 429 in connection with Street Maintenance District No 1 for assessment of the maintenance costs on Minneapolis streets for the convenience and safety of the whole City of Minneapolis area.

A summary of the facts relative to this assessment is as follows:

- Number of assessable parcels in the City of Minneapolis: 1,262 approx.
- Total assessable square footage: 27,184,674 approx.
- Annual cost per square foot: \$0.01957

Your Committee recommends that a public hearing be held on November 15, 2011, in accordance with the provisions of Minnesota State Statutes, Section 429, to be considered for the establishment of said proposed Street Maintenance District No 1.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW** - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances, passed August 14, 2009, relating to imposing a street lighting fee upon benefited parcels that are otherwise exempt from ad valorem taxation (said Chapter 431.20 determining the City finds it to be in the interest of all citizens that the establishment, construction, operation and maintenance of street lighting promotes the general health, safety, and well-being of the citizenry and provides a benefit to each and every parcel within the City and further that the cost of street lighting operations should be offset by imposing a street lighting fee upon benefited parcels that are otherwise exempt from ad valorem taxation), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting Project No 1337 for assessment of the operation costs on street lighting for the convenience and safety of the whole City of Minneapolis area.

A summary of the facts relative to this assessment is as follows:

- Number of assessable parcels in the City of Minneapolis: 1,262 approx.
- Total assessable square footage: 27,184,674 approx.
- Annual cost per square foot: \$0.00392

Your Committee recommends that a public hearing be held on November 15, 2011, in accordance with the provisions of Chapter 431 of the Minneapolis Code of ordinances, to be considered for the establishment of said proposed Street Lighting Project No 1337.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW** - Your Committee, having under consideration the City of Minneapolis' and the Minneapolis Park and Recreation Board's ANNUAL NPDES MS4 REPORT ON 2010 ACTIVITIES, as set forth in Petn No 275204, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the Minneapolis ANNUAL NPDES MS4 REPORT ON 2010

ACTIVITIES as the City's annual report on the City's Stormwater Management Plan, pursuant to Chapter 2, Section 14, of the City of Minneapolis' National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit #MN0061018 issued December 1, 2000.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-478, adopting the ANNUAL NPDES MS4 REPORT ON 2010 ACTIVITIES, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-478**  
**By Colvin Roy**

**Adopting the ANNUAL NPDES MS4 REPORT ON 2010 ACTIVITIES.**

Whereas, the City of Minneapolis is committed to improving water quality in the lakes, wetlands, streams, and Mississippi River; and

Whereas, on December 1, 2000, the City of Minneapolis was issued National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit #MN0061018 (Permit); and

Whereas, as required under the Permit, a public hearing was held on September 13, 2011; and

Whereas, the ANNUAL NPDES MS4 REPORT ON 2010 ACTIVITIES will now be submitted to the Minnesota Pollution Control Agency;

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

That the Minneapolis City Council hereby adopts the ANNUAL NPDES MS4 REPORT ON 2010 ACTIVITIES.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW** - Your Committee, having under consideration the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, now recommends that the proper City officers be authorized to submit the Minneapolis Stormwater Management Program to the Minnesota Pollution Control Agency, as required by said permit.

Adopted 9/23/2011.

Absent - Goodman, Schiff, 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 award of a Source Water Protection Plan Implementation Grant from the Minnesota Department of Health, now recommends approval of Amendment No 1 to Contract C-28214 with the Minnesota Department of Health (Agreement No B45960) removing the City's (Grantee's) duties to make funds available for secondary containment of above-ground storage tanks in the high-priority source water protection area, thereby reducing the agreement amount by \$8,000.

Your Committee further recommends passage of the accompanying resolution decreasing the appropriation in the Grant Fund by \$8,000.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-479**  
**By Colvin Roy and Hodges**

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

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the appropriation and revenue for the PW-Water Administration Department in the Grants-Other Fund (01600-6900200-G6690001) by \$8,000.00.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Central Corridor Light Rail Transit (CCLRT) Project, now recommends:

a) Execution of Subordinate Funding Agreement 7 (SFA 7) with the Metropolitan Council for the City to pay a not-to-exceed amount of \$246,750 (Civil West Bid Items plus five percent) for non-FFGA components as bid in the Civil West construction contract;

b) Reimbursement to the Metropolitan Council for the University Ave Street Lighting Project from designated approved capital project TR025 in the amount of \$137,000 (approximate) and Washington Ave Street Lighting Project in the amount of \$97,000 (approximate) from designated capital project TR024;

c) Execution of SFA 13 with the Met Council for City forces to provide sewer inspection and construction oversight associated with the CCLRT Project Civil West construction;

d) Execution of SFA 14 for storm sewer and water main changes associated with the Civil West construction; and

e) Passage of the accompanying resolution increasing the appropriation for the project by \$183,362, to be reimbursed by the Metropolitan Council.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-480**  
**By Colvin Roy and Hodges**

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

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Sewer Capital Fund/Department (07300-630000) by \$183,362.00, to be reimbursed by the Metropolitan Council.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for professional services to conduct an alternatives analysis for urban circulator transit services in the Nicollet Ave and Central Ave corridor, pursuant to Permanent Review Committee approval.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Pioneers and Soldiers Memorial Cemetery Fence Restoration Project, now recommends that the proper City officers be authorized to execute agreements, as appropriate, for the purpose of obtaining donations for the project.

Your Committee further recommends passage of the accompanying resolutions:

a) Authorizing the acceptance of a 2011 State Historic Preservation Office (SHPO) Grant-In-Aid award in the amount of \$100,000 and an \$8,000 donation from Friends of the Cemetery for the project; and

b) Increasing the appropriation for the project by \$108,000.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-481, authorizing the acceptance of funds in the total amount of \$108,000 to be used for the Pioneers and Soldiers Cemetery Fence Rehabilitation Project, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-481**  
**By Colvin Roy and Hodges**

**Authorizing the acceptance of funds in the total amount of \$108,000 to be used for the Pioneers and Soldiers Cemetery Fence Rehabilitation Project.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the following funds to be used for the Pioneers and Soldiers Cemetery Fence Rehabilitation Project:

a) 2011 State Historic Preservation Office (SHPO) Grant-In-Aid award in the amount of \$100,000.00; and

b) A donation from Friends of the Cemetery, a nonprofit organization dedicated to the preservation of Pioneers and Soldiers Cemetery, in the amount of \$8,000.00.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-482**  
**By Colvin Roy and Hodges**

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

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Capital Fund/Department (04100-9010923-CPS0610000) by \$108,000.00 to reflect the receipt of a 2011 State Historic Preservation Office (SHPO) Grant-In-Aid award in the amount of \$100,000.00 and a donation from Pioneers and Soldiers Cemetery Friends of the Cemetery in the amount of \$8,000.00.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the Biennial Routine Maintenance Agreement between the State of Minnesota Department of Transportation and the City of Minneapolis, effective July 1, 2011 through June 30, 2013.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

Resolution 2011R-483, authorizing the biennial Routine Maintenance Agreement between the State of Minnesota Department of Transportation and the City of Minneapolis, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2011R-483**  
**By Colvin Roy and Hodges**

**Authorizing the biennial Routine Maintenance Agreement between the State of Minnesota Department of Transportation and the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis enter into Agreement No 98183 with the State of Minnesota Department of Transportation to provide routine maintenance by the City on State Trunk Highways, Bridges, and the Hiawatha Tunnel, as defined in said Agreement.

Be It Further Resolved that the Director of Public Works/City Engineer and the Finance Officer are authorized to execute the Agreement.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No 7490 from Construction Results Corporation, in the amount of \$68,765.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete areaway removal and alley restoration at 3022 Hennepin Ave, Minneapolis, for the Water Works Division.

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

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

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

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and Greene Espel (C-28443), so that the total compensation and reimbursable expenses may be increased by an additional \$35,000 for a new amount not to exceed \$85,000.

Adopted 9/23/2011.

Absent - Goodman, Schiff, 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. (C-26744), by extending the term of this agreement until December 31, 2011.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration Pre-trial Diversion Services, now recommends authorizing execution of a contractual agreement with Check Diversion Program, LLC, in compliance with the requirements of the Financial Service Regulatory Relief Act of 2006 and Minnesota Statutes Section 628.69, 609.535 and 604.113 for pre-trial diversion of worthless check cases. All fees and costs associated with this program are to be paid by the offender.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration the Ethics Report Line Activity, now recommends that proper City officers be directed to file future reports on an annual basis with the Ethics Board Annual Report.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept a donation for travel, lodging, and meal expenses (not to exceed \$1,500) from Gartner, a leading global information technology research and advisory company, for the Chief Information Officer (CIO), Otto Doll to participate in the October 2011 Gartner Symposium/ITxpo in Orlando, Florida.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-484**

**By Hodges**

**Accepting a donation from Gartner for Symposium/ITxpo travel, lodging, and meal expenses.**

Resolved by The City Council of The City of Minneapolis:

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

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept a donation for conference registration, travel and hotel expenses (not to exceed \$1,500) from Unisys Corporation, for the Chief Information Officer (CIO), Otto Doll to participate in the Fall Unisys North America Exchange Forum in Sonoma, California for November 7-8, 2011.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-485**

**By Hodges**

**Accepting a donation from Unisys Corporation for conference registration, travel and hotel expenses.**

Resolved by The City Council of The City of Minneapolis:

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

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration four (4) unplanned election "events" in 2011 due to the resignation of Senator Linda Berglin (Senate District 61), conservatively estimated a total fiscal impact of \$200,000 for all four elections, now recommends passage of the accompanying resolution appropriating funds.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-486**

**By Hodges**

**Amending The 2011 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the City Clerk General Fund (00100-2600500) by up to \$200,000; and decreasing the Contingency Fund appropriation (00100-1750100) by up to \$200,000.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee recommends acceptance of the following low bids submitted by the Departments of Convention Center and Procurement:

a) OP 7473, Accept low bid of Natus Corporation, d/b/a Hamernicks Decorating Center, for an estimated expenditure of \$64,780, to furnish and deliver all labor and materials for wall fabric removal and installation at the Minneapolis Convention Center; and

b) OP 7474, Accept low bid of Julius B. Nelson and Son, Inc. for an estimated expenditure of \$98,975 to furnish and deliver all labor and materials for wall fabric removal and installation at the Minneapolis Convention Center.

Further, that the proper City officers be authorized and directed to execute a contract for these projects, all in accordance with our specifications.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** – Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the 2011 - 2nd Quarter list of donations valued under \$15,000, as set forth in Petn No 275211 on file in the Office of the City Clerk.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**RESOLUTION 2011R-487**

**By Hodges**

**Authorizing the acceptance of donations made to the City of Minneapolis, valued under \$15,000.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donations made in 2011 (2nd Quarter) to the City of Minneapolis.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee, having under consideration continued federal representation services in Washington, D.C., now recommends that the proper City officers be authorized to execute Amendment #2 to Contract C-26349 with Patton Boggs, LLP, for said services, by extending the contract period from October 1, 2011 to December 31, 2011. No additional appropriation required.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing proper City officers to accept a donation for conference travel, hotel and meal expenses (not to exceed

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\$900) from Intrado, Inc., for 911 Director, Heather Hunt to participate in a national focus group on 911 issues and to attend the National Workshop on 911 Overload, on October 4-5, 2011.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

### **RESOLUTION 2011R-488**

**By Hodges**

#### **Accepting a donation from Intrado, Inc. for travel, hotel and meal expenses.**

Resolved by The City Council of The City of Minneapolis:

That proper City officers be authorized to accept a donation, value not to exceed \$900 from Intrado, Inc., for travel expenses.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

#### **The ZONING & PLANNING Committee submitted the following report:**

**Z&P** - Your Committee, having under consideration the application of First Covenant Church with the Salvation Army for an interim use permit (BZZ-5297) for an overnight shelter accessory to a religious institution place of assembly at 810 7th St S, now recommends adoption of the findings of Community Planning & Economic Development staff, and approval of said application upon the following conditions:

- 1) The interim use shall expire no later than December 10, 2015; and
- 2) The use shall comply with the standards for overnight shelters required by section 537.110 of the zoning code.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

### **MOTION**

Glidden moved to direct the Planning Director to prepare necessary documentation to bring nomination of the Laura Chase Residence, 3045 5th Ave S, forward to the Heritage Preservation Commission no later than October 11, 2011, and to establish interim historic protections. Seconded.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

### **RESOLUTION**

Resolution 2011R-489, honoring Jim Doten, was adopted 9/23/2011 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### **RESOLUTION 2011R-489**

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

#### **Honoring Jim Doten.**

Whereas, Jim Doten joined the Department of Regulatory Services with the City of Minneapolis in 2010, bringing a diverse technical background of twenty-five years experience as a professional geologist, lab

technician, hazardous materials manager, chemical/biological weapons instructor, environmental reviewer, and brownfield remediator, with a Masters of Business Administration from Phoenix University with an emphasis in sustainability and greenhouse gas emissions auditing; and

Whereas, Mr. Doten earned the rank of Master Sergeant with the United States Army, and, during a military career spanning twenty-nine years, has served as a liaison to NATO forces in Kosovo and as Chemical Operations NCO for all United States forces in Kosovo and, most recently, as Inspector General in Basra, Iraq; and

Whereas, Master Sgt. Doten was named the Minnesota Army National Guard Non-Commissioned Officer of the Year in 2000 and a Distinguished Honor Graduate of the First Sergeant's Course and Advanced NCO Course, and was presented three Meritorious Service Medals, one Joint Service Commendation Medal, two Army Commendation Medals, one Joint Service Achievement Medal, five Army Achievement Medals, an Iraqi Freedom Medal, and a Kosovo Campaign Medal; and

Whereas, in addition to his unique combination of experiences, technical expertise, and attributes as a great teammate, the City of Minneapolis has been fortunate to have Master Sgt. Doten on its Environmental Services Team, where during his first six months he performed 1,000 extra inspections on pollution control equipment around the city to meet a year-end goal; and

Whereas, Master Sgt. Doten will be departing for a one-year deployment to Afghanistan on October 1, 2011, where he will be working to increase almond production and other cash crops, using his expertise as a professional geologist to make the most effective use of precious water resources in that region; and

Whereas, Master Sgt. Doten's important work in Afghanistan during the course of the next year will be a dual mission as a military campaign and localized community-building, providing much-needed assistance to the people of that region and positive representation of the United States of America and the City of Minneapolis;

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

That Master Sergeant Jim Doten is hereby formally commended for his service, both to this community and to the nation, for his work on behalf of the people of the City of Minneapolis and of the United States of America, together with sincere appreciate, gratitude, and thanks and with the hopes and prayers of his family, friends, and colleagues for a safe and speedy return home.

Adopted 9/23/2011.

Absent - Goodman, Schiff, Colvin Roy.

## NEW BUSINESS

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing* (modifying or deleting outdated language pertaining to snow emergency and residential street emergency parking restrictions, to create additional provisions for continuous winter parking restrictions, and to clarify definitions).

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to *Traffic Code: Violation Procedure* (allowing foremen of the city engineer's office to issue tags for vehicles parked in violation of traffic code restrictions during officially authorized street maintenance activities).

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water* (creating a fixed rate fee structure for water utility service).

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Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 19, Chapter 511 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Sewers and Sewage Disposal* (creating a fixed rate fee structure for sewer utility service).

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (to amend regulations related to automated dispensing of gasoline) as follows:

Amending Chapter 520 related to *Introductory Provisions*;  
Amending Chapter 525 related to *Administration and Enforcement*;  
Amending Chapter 536 related to *Specific Development Standards*; and  
Amending Chapter 537 related to *Accessory Uses and Structures*.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 9/23/2011.

Absent – Council Members Goodman, Schiff, Colvin Roy.

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 09/23/2011  
Official Posting: 09/30/2011  
Corrections: 10/05/2011; 10/12/2012