

OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF SEPTEMBER 20, 2013

(Published September 28, 2013, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
September 20, 2013 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.
Adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting of August 30, 2013 and the adjourned session held August 30, 2013. Seconded.
Adopted upon a voice vote.

Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.
Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

RICKMYER, PETER (276722)

Americans with Disabilities Act (ADA): Letter regarding 1) grievance Jordan Area Community Council refuses to comply with ADA; and 2) Request \$25,000 for Jordan Area Community Council (JACC).

COMMITTEE OF THE WHOLE (See Rep):

INTERGOVERNMENTAL RELATIONS (276723)

Aviation: Authorize the City of Minneapolis to submit comments regarding the Federal Aviation Administration's (FAA) proposed rule change related to environmental review for the implementation of new air traffic systems.

NEIGHBORHOOD AND COMMUNITY RELATIONS (276724)

Minneapolis Advisory Committee on People with Disabilities: Approve appointments of Guthrie Byard, Ward 12; Jason Kenneth Fladager, Ward 11; Kathy Kosnoff, Ward 13; Lisa Larges, Ward 12; and Jeff Mihelich, Ward 11.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276725)

Fairview Health Services Bonds: Authorize execution of documents to amend Series 2008 bonds.

Waters of Minnehaha (Nokomis Senior Assisted Living Project, 3733 23rd Ave S): Authorize amendment & re-subordination of Housing Revenue Bond & Affordable Housing Trust Fund loan interests.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276726)

1401 Central Ave NE Property: Authorize temporary easement to MnDOT for BNSF railroad bridge reconstruction.

ELECTIONS (See Rep):

CITY CLERK (276727)

2013 Municipal General Election: Approve list of election judges serving in 117 precincts, health care facilities, and as Absentee Ballot Board in the City; and Authorize the Election Director to appoint additional election judges as necessary.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

CIVIL RIGHTS (276728)

Police Conduct Review Panel: Appointments of Dennis Wagner, Sarah McCann, Angela Kiese, Dr. Troy Gonzales.

Police Conduct Oversight Commission: Appointments of Andrew Buss, Al Giraud-Isaacson, Sarah Rude, Jennifer Singleton, Andrea Brown, Andre Dukes, Michael Weinbeck.

REGULATORY SERVICES (276729)

Feral Cats: Ordinance amending Title 4 of the Mpls Code of Ordinances, adding a new Chapter 67 entitled Managed Care of Feral Cats.

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

POLICE DEPARTMENT (276730)

Minnesota Internet Crimes Against Children Task Force: Authorize multi-agency law enforcement joint powers agreement with Minnesota Bureau of Criminal Apprehension.

Police Substation: Authorize contract with SRI Ten City Center, LLC to locate police substation in City Center.

DWI Court Grant: Accept & appropriation grant award from MN Department of Public Safety/Fourth Judicial District court to continue adult DWI Court in Hennepin County.

REGULATORY SERVICES (276731)

Animal Care & Control Donations: In-kind donations of dog & cat food & supplies.

REGULATORY, ENERGY AND ENVIRONMENT:

COORDINATOR (276732)

Energy Pathways Study Deliverable: City of Minneapolis Energy Vision 2014.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276733)

True Thai Restaurant Ltd, 2627 Franklin Ave E: Revoke On-Sale Wine Class E with Strong Beer License.

COORDINATOR (276734)

Sherburne County (Sherco) Generating Station: Submittal of comments to Minnesota Public Utilities Commission.

LICENSES AND CONSUMER SERVICES (276735)

Licenses: Grant licenses recommended for approval.

Muse Event Center, 107 3rd Ave N: Grant On-Sale Liquor Class B with Sunday Sales License.

Travail, 904 W Broadway: Grant On-Sale Liquor Class E License.

Whole Foods Market, 222 Hennepin Ave: Grant On-Sale Wine Class E with Strong Beer License.

Kilimanjaro Restaurant, 3021 5th Ave S: Grant Extended Hours and Sidewalk Cafe Licenses.

SuperAmerica, 641 Broadway St NE: Business License Operating Conditions relating to Food Grocery, Food Manufacturer, Gasoline Filling Station, and Tobacco Licenses.

REGULATORY SERVICES (276736)

Chapter 249 Property at 2639 Oliver Ave N: Approve demolition.

REGULATORY SERVICES (276737)

Rental Dwelling License at 237 26th Ave NE: Reinstate license to be held by Desta Foghe.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276738)

Downtown Business Improvement Special Service District: Reschedule 2014 assessment public hearing to September 24, 2013.

Special Service Districts: Schedule 2014 assessment public hearing for October 8, 2013.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276739)

Water Interconnect: Operation and maintenance agreement with City of St. Paul Board of Water Commissioners.

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

PUBLIC WORKS AND ENGINEERING (276740)

Chicago-Lake, Bloomington-Lake, East Lake, and Lyndale-Lake Special Service Districts: Assessment public hearing.

Ewing Municipal Parking Facility (50th St W and France Ave S): Assessment public hearing.

Yard Waste Processing: Contract amendment with Organics Technologies, Inc. (OTI).

Organized Collection of Garbage: Contract with Minneapolis Refuse, Inc. (MRI).

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276741)

Legal Settlements: Passage of Resolution authorizing legal settlements of: Terry Yzaguirre and Jerome Yzaguirre v. City of Minneapolis, Officer Raichert, John Does 1-10, Sgt. Patricia Annoni, Hennepin County, Michael Freeman, and Susan Segal (\$3,000); and Constance Anderson v. City of Minneapolis (\$3,075).

CONVENTION CENTER (276742)

Target Center Catering Kitchen:

OP 7844, accept low bids and execute contracts with the following vendors: Meisinger Construction Company, Inc., Twin City Acoustics, Northern Air Corporation dba NAC Mechanical & Electrical Services, and Elliott Contracting Corporation.

COORDINATOR (276743)

2013 City of Minneapolis Charitable Campaign:

Approve participation of the following nine charitable fundraising organizations:

Community Solutions Fund, Community Health Charities, Greater Twin Cities United Way, Hennepin History Museum, Minnesota Environmental Fund, Open Your Heart to the Hungry and Homeless, Peace Maker Foundation, United Negro College Fund, and United Arts.

COORDINATOR (276744)

Living Legacy Project: Execute contract with Minnesota Historical Society Legacy Fund and accept gift from Minnesota Historical Society.

FINANCE DEPARTMENT (276745)

1809 Washington Street Maintenance Facility Re-roofing Project: OP 7839, accept low bid and execute contract with Rosenquist Construction, Inc.

FINANCE DEPARTMENT (276746)

Outdoor Warning Signs: OP 7846, accept low bid and execute contract with Frontline Plus Fire and Rescue for replacement, relocation, and addition of outdoor warning signs.

HUMAN RESOURCES (276747)

HR Classroom Online Training: Accept Terms and Conditions of Use and Service Agreement from HR Classroom and Curtis Communications (as amended) and approve expenditure for training licenses and related services.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (276748)

Document Scanning Services: Execute contract changes with AMI Imaging Systems Inc.; Waive additional terms and conditions; Extend contract through Nov 30, 2013; and Increase contract by \$25,000.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (276749)

Information on Demand Conference Donation: Accept gift from IBM for 2013 conference registration expenses.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (276750)

Rezoning:

Urban Homeworks, 2015 Emerson Avenue North (2009 Emerson Avenue North); and 304 Lake Street East Redevelopment Project (Daniel Oberpriller), 304 Lake Street East, 2933-37 3rd Avenue South.

NEW BUSINESS(See Rep):

ATTORNEY (276751)

Legal Services: Execute contract with Leonard, Street & Deinard to represent the City in connection with Ryan Companies, Inc.'s development proposal for the Downtown East Project

(\$300,000); Authorize consent to and waive any conflicts of interest between the City and Leonard Street & Deinard regarding its work for the City in regard to the Downtown East Project; and Authorize consent to and waive any conflicts of interest between the City and Leonard Street & Deinard regarding its work for as bond counsel for the City for issuance of conduit bonds for the Cameron Building, LP (Shafer Richardson) Project.

REGULATORY SERVICES (276752)

Property at 3043 Grand Ave S: Approve waiver of the 60-day waiting period to declare a property a nuisance and proceed with the provisions of Chapter 249 of the Minneapolis Code of Ordinances.

FILED:

DIRECTOR OF EMERGENCY MANAGEMENT (276753)

Delegation of Emergency Management Authority and Responsibility, December 25, 2012 through January 1, 2013.

Director of Emergency Management and Delegation of Authority and Order for Succession dated March 18, 2013.

HENNEPIN COUNTY INTERCHANGE PROJECT (276754)

Vacate SE corner of 5th Street No. and 6th Avenue No.

Vacate 5th Avenue No. between 6th Avenue No. and Bridge.

UNITED PROPERTIES (276755)

Vacate parts of alley between 6th Avenue No. and 5th Avenue No and between 5th Street No and US Highway 52 Ramp to 94.

The following reports were signed by Mayor Rybak on September 23, 2013. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole - Your Committee recommends concurrence with the recommendation of the Mayor and City Council President to approve the following appointments to the Minneapolis Advisory Committee on People with Disabilities, for two-year terms to begin January 1, 2013 and expire December 31, 2014:

Guthrie Byard, Ward 12

Jason Kenneth Fladager, Ward 11

Kathy Kosnoff, Ward 13 (filling the unexpired term of Michael Foster)

Lisa Larges, Ward 12

Jeff Mihelich, Ward 11.

Further, that Kathy Kosnoff be appointed for a term to begin January 1, 2014 and expire December 31, 2015.

Adopted.

(Published 9/24/2013)

Glidden moved to find under Council Rule V, Section 2, that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from September 19, 2013 regarding submission of public comments to the Federal Aviation Administration relating to

amendments to the environmental review process for the implementation of new air traffic systems at this meeting. Seconded.

Adopted.

Comm of the Whole – Your Committee recommends that the proper City officers be authorized to submit comments in response to the Federal Aviation Administration (FAA) notice posted on August 15, 2013 regarding proposed changes to the environmental review process for the implementation of new air traffic systems, specifically as to proposed categorical exclusion (CATEX) for performance based navigation (PBN) or other “next generation” air traffic management such as area navigation (RNAV), as set forth in Petn No 276723 on file in the Office of the City Clerk.

Adopted.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the request of Fairview Health Services to amend bond indentures and loan agreements to allow the setting of new interest rates and tender dates relating to the Series 2008 tax-exempt revenue bonds that were used to construct a replacement children's hospital at 25th and Riverside Aves and to refund outstanding bonds, now recommends passage of the accompanying resolution authorizing the execution of various documents to amend the Series 2008C, 2008D and 2008E Fairview Health Services bonds.

Adopted.

(Published 9/24/2013)

Resolution 2013R-390, amending the of terms of Health Care System Variable Rate Demand Revenue Bonds, Series 2008C, Series 2008D and Series 2008E on behalf of Fairview Health Services, was adopted 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 2013R-390

By Goodman

Amending the of terms of Health Care System Variable Rate Demand Revenue Bonds, Series 2008C, Series 2008D and Series 2008E on behalf of Fairview Health Services.

Whereas, pursuant to Minnesota Statutes, Section 469.152 through 469.165, as amended, the City of Minneapolis (the “City”) has previously issued on behalf of Fairview Health Services, a Minnesota nonprofit corporation (the “Corporation”), its Health Care System Variable Rate Demand Revenue Bonds, Series 2008C, Series 2008D and Series 2008E (Fairview Health Services) (the “Bonds”), to finance health care facilities of the Corporation; and

Whereas, each series of the Bonds has been issued pursuant to the terms of a separate Amended and Restated Trust Indenture between the City and Wells Fargo Bank, National Association, as trustee, dated as of October 1, 2010 (together, the “Bond Indentures”); and

Whereas, the City loaned the proceeds of each of the series of the Bonds to the Corporation pursuant to a separate Amended and Restated Loan Agreement between the City and the Corporation dated as of October 1, 2010 (together, the “Loan Agreements”); and

Whereas, all of the Bonds presently bear interest at an Index Interest Rate, as such term is defined in the Bond Indentures, which terminates on October 1, 2013, and on such date all of the Bonds are subject to mandatory tender by the Bondholders for purchase by the Corporation under the terms of Bond Indentures (the "Mandatory Purchase Date"); and

Whereas, the Corporation has advised the City that in order to provide for the remarketing of the Bonds by the Corporation on the Mandatory Purchase Date, it will be necessary to amend the Bond Indentures and Loan Agreements to implement modifications and amendments to the terms of the Bonds and the Bond Indentures and the Loan Agreements, and the Corporation has requested that the City enter into an amendment to each of the Bond Indentures (the "Bond Indentures Amendment") and an amendment to each of the Loan Agreements (the "Loan Agreements Amendment") for these purposes;

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

That the City hereby consents to the amendment of the terms of the Bonds in connection with the remarketing of the Bonds on the Mandatory Purchase Date, and subject to the approval of the forms thereof by City Attorney's Office and the City Finance Department, the Bond Indentures Amendment and the Loan Agreements Amendment are directed to be executed in the name and on behalf of the City by the City Finance Officer. Any other City documents and certificates necessary in connection with the amendment of the terms of the Bonds and execution of the Bond Indentures Amendment and Loan Agreements Amendment shall be executed by the appropriate City officers. The execution of any of the Bond Indentures Amendment, the Loan Agreements Amendment or any other document or instrument by the City Finance Officer or by the appropriate officer or officer of the City shall be conclusive evidence of the approval of such document in accordance with the terms hereof.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indentures Amendment or the Loan Agreements Amendment, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the amendment of the terms of the Bonds, the acting Mayor, Assistant City Clerk, Acting City Finance Officer or other officer may execute such instrument.

Be It Further Resolved that the effective date of this resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

Comm Dev - Your Committee, having under consideration the request of Covenire Care Nokomis, LLC, to amend, extend and re-subordinate the City's existing financing documents relating to the Waters of Minnehaha project at 3733 23rd Ave S (a/k/a Nokomis Senior Assisted Living), now recommends that the proper City officers be authorized to amend and re-subordinate the Housing Revenue Bond (HRB) and Affordable Housing Trust Fund (AHTF) loan interests and extend the AHTF loan maturity date in accommodation of their Department of Housing & Urban Development (HUD)-insured 1st mortgage refinance.

Adopted.

(Published 9/24/2013)

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the request of the Minnesota Department of Transportation (MnDOT) for a temporary easement relating to the BNSF bridge reconstruction project over Central Ave, now recommends that the proper City officers be authorized to execute and deliver to MnDOT a limited area temporary easement over a portion of the City-owned property at 1401 Central Ave NE for the period from date of execution through 7/1/2015, in exchange for payment by MnDOT in the amount of \$18,100 as compensation for the easement, subject to City Attorney review and approval of the formant and content of the easement document.

Further, passage of the accompanying resolution increasing the revenue budget in the Department of Community Planning and Economic Development by \$18,100.
Adopted.

**RESOLUTION 2013R-391
By Goodman and Hodges**

Amending the 2013 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 Common Project Uncertified Fund (01CAZ-8900320) by \$18,100 and increasing the revenue budget (01CAZ-8900320-348501) by \$18,100.

Adopted.

The ELECTIONS Committee submitted the following report:

Elections - Your Committee recommends approval of the appointment of election judges to serve in 117 precincts (polling places), health care facilities, and as members constituting the City's Absentee Ballot Board for the 2013 Municipal General Election, as set forth in Petn No 276727 on file in the office of the City Clerk, in accordance with Minnesota Statutes 204B.21, Subd. 2, and Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Your Committee further recommends that the Election Director be authorized to appoint additional election judges from the eligible list as necessary.

Adopted.

Abstain – Goodman.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:

PSC&H - Your Committee recommends approval of the following City Council appointments, and confirmation of Mayoral appointments, to the Police Conduct Review Panel, for terms indicated:

City Council Appointments:

Dennis Wagner and Sarah McCann, for terms to expire 12/31/2015.

Mayoral Appointments:

Angela Kiese, for a term to expire 12/31/2016; and
Dr. Troy Gonzales, for a term to expire 12/31/2015.
Adopted.

PSC&H - Your Committee recommends approval of the following City Council appointments, and confirmation of Mayoral appointments, to the Police Conduct Oversight Commission, for terms indicated:

City Council Appointments:

Andrew Buss and Al Giraud-Isaacson, for terms to expire 12/31/2015;
Sarah Rude and Jennifer Singleton, for terms to expire 12/31/2014.

Mayor Appointments:

Andrea Brown, (Chair), and Andre Dukes (Vice-Chair), for terms to expire 12/31/2015;
Michael Weinbeck, for a term to expire 12/31/2014.

Samuels moved to amend the report as follows:

City Council Appointments:

Andrew Buss and ~~Al Giraud-Isaacson~~ Jennifer Singleton, for terms to expire 12/31/2015;
Sarah Rude and ~~Jennifer Singleton~~ Al Giraud-Isaacson, for terms to expire 12/31/2014.

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

PSC&H - Your Committee, to whom was referred an ordinance amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, adding a new Chapter 67 entitled, "*Managed Care of Feral Cats*," now recommends that said ordinance be given its second reading for amendment and passage.

Gordon moved to amend Sections 67.40 (a) and 67.40 (a) (1) of the above-entitled ordinance to read as follows:

67.40. Enforcement. (a) Minneapolis Animal Care and Control or its designee, in order to encourage the stabilization and reduction of the feral cat population in the City of Minneapolis, shall have, in addition to any other rights and powers provided pursuant to this Code or state statute, the following rights:

- (1) The right to trap in a humane manner and remove any feral cats that:
 - a. Have not been vaccinated against rabies or which are demonstrating signs of the disease.
 - b. Are not spayed or neutered.
 - c. Have bitten or injured a person or domestic pet.
 - d. Are not identifiable through an EAID as belonging to a feral cat colony that has a sponsor and a feral cat colony caretaker.
 - e. Belong to a colony that is illegally being managed within one-half mile of the edge of any public lands encompassing a creek, river or body of water of six (6) acres or more in size.
 - e.f. Pose any other public health or public safety concerns.
 1. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a sponsor may arrange to have the cat spayed or neutered, eartipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID

inserted. The sponsor may then arrange for the cat to be adopted or placed in a feral cat colony.

2. If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, the cat shall be humanely destroyed. Seconded.

Adopted upon a voice vote.

Hofstede moved to amend Section 67.30 (d) (7) of the ordinance to read as follows:

67.30. Feral cat colonies.

(d) *Feral cat colony caretaker responsibilities.* In order to be an approved feral cat colony caretaker, said caretakers shall reasonably complete the following:

- (7) Provide food, water, and ~~if feasible,~~ shelter for colony cats. Food shall only be provided for a period not to exceed three (3) hours per day. Seconded.

Adopted upon a voice vote.

Abstain - Colvin Roy.

Tuthill moved to amend Sections 67.30 (a) and 67.30 (d) (1) of the ordinance to read as follows:

67.30. Feral cat colonies. (a) *Feral cat colonies permitted.* Feral cat colonies shall be permitted and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter, medical care, and other forms of sustenance, provided that the feral cat colony caretaker has obtained a permit and the feral cat colonies are registered with and approved by a Minneapolis Animal Care and Control registered sponsor, as defined in subsection (b), and that the feral cat colony caretaker takes all appropriate and available steps to meet the terms and conditions of this chapter.

(d) *Feral cat colony caretaker responsibilities.* In order to be an approved feral cat colony caretaker, said caretakers shall reasonably complete the following:

(1) Register the colony with the sponsor and obtain a permit issued by Minneapolis Animal Care and Control.

a. The Manager of Minneapolis Animal Care and Control may grant permit pursuant to this section after the applicant has sought the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate (or the real estate on which the feral cat colony is managed.) Such written consent shall be required on the initial application and as often thereafter as the Manager of Minneapolis Animal Care and Control deems necessary.

b. Application for permit. Any person desiring a permit under this chapter shall make written application to Minneapolis Animal Care and Control. Approval of such application is subject to reasonable conditions prescribed by Minneapolis Animal Care and Control. Failure to adhere to the conditions is cause for cancellation of the permit and/or enforcement as an administrative violation.

c. Duration of permit. All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked. The application fee for such permit shall be fifty dollars (\$50.00) which shall be paid at the time of application. The annual renewal fee thereafter for such permit

shall be forty dollars (\$40.00). Minneapolis Animal Care and Control shall inspect the premise annually or as deemed necessary.

d. Refusal to grant permit. Minneapolis Animal Care and Control may refuse a permit to maintain a feral cat colony hereunder for failure to comply with the provisions of this chapter. If any such permit is refused, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

e. Enforcement. Minneapolis Animal Care and Control shall enforce the provisions of this chapter. Seconded.

Lost. Yeas, 4; Nays, 9 as follows:

Yeas – Samuels, Colvin Roy, Tuthill, Johnson.

Nays – Hodges, Gordon, Reich, Hofstede, Schiff, Lilligren, Quincy, Glidden, Goodman.

Glidden moved to amend Section 67.30 (c) of the ordinance by adding a new subdivision (9) to read as follows:

67.30. Feral cat colonies.

(c) *Sponsor requirements.* In order to operate as an approved sponsor, the non-profit shall be registered with Minneapolis Animal Care and Control and shall reasonably complete the following requirements:

(9) Annually visit all feral cat colonies registered with their organization.

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Ordinance 2013-Or-078 amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, adding a new Chapter 67 entitled *Managed Care of Feral Cats*, was adopted 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 2013-Or-078
By Gordon and Goodman
Intro & 1st Reading: 8/2/2013
Ref to: PSC&H
2nd Reading: 9/20/2013

Amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, adding a new Chapter 67 entitled *Managed Care of Feral Cats*.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 67 to read as follows:

CHAPTER 67. MANAGED CARE OF FERAL CATS.

67.10. Definitions.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

EAID means an electronic animal identification device.

Eartipping means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized.

Feral cat means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formerly owned cat that has been abandoned and is no longer socialized.

Feral cat caretaker means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat or multiple feral cats.

Feral cat colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

Feral cat colony caretaker means any feral cat caretaker who is approved by a sponsor to care for a feral cat colony and who resides in the city. The caretaker must reside within six (6) blocks of the colony.

Harm means, for the purposes of this chapter, any result or action caused by behavior as defined in section 64.110 which could qualify for a potentially dangerous or dangerous animal declaration.

Microchip means, for the purpose of this chapter, to implant an EAID (electronic animal identification device) in an animal.

Nuisance means, for purposes of this chapter, conduct by stray or feral cats that includes, but is not limited to habitually or continually howling, crying or screaming or habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a feral cat colony caretaker.

Sponsor is any humane animal-related organization, registered as a non-profit with the State of Minnesota, that satisfactorily meets the requirements of this chapter as determined by Minneapolis Animal Care and Control.

TNR means trap, neuter and return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, microchipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this chapter.

67.20. Responsibilities of owners of domesticated cats. (a) Owners of domesticated cats shall provide appropriate and adequate food, water, medical care, and shelter for their cats.

(b) The owner of a domesticated cat shall exercise reasonable and responsible care to guard against the cat creating a nuisance.

- (c) An owner shall not abandon a domesticated cat.

67.30. Feral cat colonies. (a) *Feral cat colonies permitted.* Feral cat colonies shall be permitted and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter, medical care, and other forms of sustenance, provided that the feral cat colonies are registered with and approved by a Minneapolis Animal Care and Control registered sponsor, as defined in subsection (b), and that the feral cat colony caretaker takes all appropriate and available steps to meet the terms and conditions of this chapter.

(b) *Sponsorship of colony TNR programs.* Any humane animal-related organization, registered as a non-profit with the State of Minnesota, that meets the requirements of this chapter imposed upon sponsors shall be eligible to act as a sponsor. Any humane animal-related organization intending to undertake the responsibilities of sponsor shall so advise Minneapolis Animal Care and Control in writing and provide organizational information, including the organization's name, address, telephone number, board member's names, contact person, and electronic mail addresses, as appropriate and requested.

(c) *Sponsor requirements.* In order to operate as an approved sponsor, the non-profit shall be registered with Minneapolis Animal Care and Control and shall reasonably complete the following requirements:

- (1) Review, and in its discretion, approve feral cat colony caretakers.
- (2) Take reasonable steps necessary to resolve any complaints over the conduct of a feral cat colony caretaker or of cats within a colony.
- (3) Maintain records provided by feral cat colony caretakers on the size and location of the colonies as well as the vaccination, microchip registration information, photographs of the cats, and spay and neuter records of cats in the sponsor's colonies. These records must be made available upon request to Minneapolis Animal Care and Control for review and to accredited researchers as identified by Minneapolis Animal Care and Control for the purpose of research in which the confidentiality of the names and addresses of the colony caretakers is protected.
- (4) Provide, at a minimum, written educational training for all caretakers addressing uniform standards and procedures for colony maintenance.
- (5) Report annually to MACC on the following:
 - a. Number and location by zip code or other identified and requested parameter of colonies, excluding the names and addresses of colony caretakers, for which it acts as a sponsor in the city.
 - b. Total number of cats in each of its colonies.
 - c. Number of cats from its colonies microchipped, vaccinated, spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
- (6) A sponsor shall not permit feral cat colonies to be managed within one-half mile of the edge of any public lands encompassing a creek, river, or body of water of six (6) acres or more in size.
- (7) Provide any forms or other documentation necessary to allow feral cat colony caretakers to receive any public or private subsidies, medical care

or other forms of assistance for their feral cat colonies which may be available to them.

- (8) Provide to Minneapolis Animal Care and Control the location, by address, of feral cat colonies where feral cat colony caretakers have regularly failed to comply with this chapter or where the sponsor has been unable to resolve a nuisance behavior situation.
- (9) Annually visit all feral cat colonies registered with their organization.

(d) *Feral cat colony caretaker responsibilities.* In order to be an approved feral cat colony caretaker, said caretakers shall reasonably complete the following:

- (1) Register the colony with the sponsor.
- (2) Take all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to update the vaccinations as warranted and mandated by law.
- (3) Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.
- (4) Eartip the ear of a colony cat that has been vaccinated and spayed or neutered, so that colony cats can be readily identified.
- (5) Have an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The sponsor and/or the feral cat colony caretaker shall be the named contacts for purposes of registering the EAID.
- (6) Provide the sponsor with descriptions and photographs of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered.
- (7) Provide food, water and shelter for colony cats. Food shall only be provided for a period not to exceed three (3) hours per day.
- (8) Obtain proper medical attention for any colony cat that appears to require it.
- (9) Observe the colony cats at least twice per week and keep a record of any illness or unusual behavior noticed in any colony cat.
- (10) Obtain the written approval of the owner of any property, or any authorized representative of the owner, to which the caretaker requires access to provide colony care.
- (11) Take all reasonable steps to:
 - a. Remove kittens from the colony as early as appropriate.
 - b. Place the kittens in homes or foster homes for the purpose of subsequent permanent placement.
 - c. Capture and spay the mother cat.
- (12) Report semiannually in writing to the sponsor on:
 - a. The location of the colony.
 - b. The number and gender of all cats in the colony.

- c. The number of cats that died or otherwise ceased being a part of the colony.
 - d. The number of kittens born to colony cats and their disposition.
 - e. The number of cats placed in animal shelters or in permanent homes as companion cats.
 - f. The number of cats vaccinated.
 - g. The number of cats microchipped and ear tipped.
 - h. The number of cats spayed or neutered.
- (13) Take reasonable steps necessary to resolve any complaints over the conduct of cats within a colony.
- (14) Educate neighbors, within a four (4) block area, on the nature of TNR and resources, which shall minimally include the sponsor's contact information and any other information required by Minneapolis Animal Care and Control.

(e) *Withdrawal of feral cat colony caretaker or sponsor.* In the event that a feral cat colony caretaker is unable or unwilling to continue in that role, he or she shall notify his or her sponsor. In the event a sponsor is unable or unwilling to continue to perform its role, it shall so advise Minneapolis Animal Care and Control. The Sponsor shall work with Minneapolis Animal Care and Control to obtain a replacement sponsor. If no new sponsor is found within thirty (30) days, the sponsor shall notify Minneapolis Animal Care and Control.

(f) *Disposition of feral cat colony cats.*

- (1) An animal control officer who has a trapped cat whose right or left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a feral cat colony, shall scan the cat for an EAID. If an EAID is found, the officer shall attempt to contact the sponsor or feral cat colony caretaker. If an EAID is not found, the officer shall take reasonable steps to notify a sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The sponsor shall then take all appropriate and available steps to identify the feral cat colony caretaker of the cat or a feral cat colony caretaker who will take responsibility for managing the cat.
- (2) If the feral cat colony caretaker is not able to immediately take custody of the cat, the officer shall transport the cat to Minneapolis Animal Care and Control. The feral cat colony caretaker shall be responsible for retrieving the cat from the shelter within three (3) business days or advising the shelter if he or she does not intend to retrieve the cat; no fees will be charged for cats reclaimed within three (3) business days. In all other cases normal impound and kennel fees apply.
- (3) Minneapolis Animal Care and Control, its designee, or a licensed veterinarian, in accordance with section 67.40 shall be the only persons permitted to destroy a feral cat. No person may knowingly cause physical harm to and/ or cause the destruction by any means of a feral cat. The only exception will be by written permit from the Minnesota Department of

Agriculture and/or the Minnesota Department of Health for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the activities, specify the items and products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.

67.40. Enforcement. (a) Minneapolis Animal Care and Control or its designee, in order to encourage the stabilization and reduction of the feral cat population in the City of Minneapolis, shall have, in addition to any other rights and powers provided pursuant to this Code or state statute, the following rights:

- (1) The right to trap in a humane manner and remove any feral cats that:
 - a. Have not been vaccinated against rabies or which are demonstrating signs of the disease.
 - b. Are not spayed or neutered.
 - c. Have bitten or injured a person or domestic pet.
 - d. Are not identifiable through an EAID as belonging to a feral cat colony that has a sponsor and a feral cat colony caretaker.
 - e. Belong to a colony that is illegally being managed within one-half mile of the edge of any public lands encompassing a creek, river or body of water of six (6) acres or more in size.
 - f. Pose any other public health or public safety concerns.
 1. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a sponsor may arrange to have the cat spayed or neutered, eartipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The sponsor may then arrange for the cat to be adopted or placed in a feral cat colony.
 2. If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, the cat shall be humanely destroyed.
- (2) The right to direct that a sponsor remove a feral cat that is creating a nuisance or harm if the sponsor has failed to adequately resolve the issue within thirty (30) days (or such shorter time period as Minneapolis Animal Care and Control may specify) after being given written notice thereof. In the event that Minneapolis Animal Care and Control directs the sponsor to remove the cat, the sponsor shall have thirty (30) days (or a shorter period as Minneapolis Animal Care and Control may specify) to do so. Failure of the sponsor to remove the cat within said time period as specified shall constitute grounds for Minneapolis Animal Care and Control to remove the cat and/or remove the sponsor as a registered sponsor.

(b) Animal control officers or police officers shall investigate any nuisance or harm complaint allegedly caused by a feral cat.

(1) In the event that an animal control officer or police officer finds that a feral cat or feral cat colony has created a nuisance or harm, the animal control officer or police officer shall advise the sponsor in writing of the issue.

(2) The sponsor shall have the right to review the matter with the manager of Minneapolis Animal Care and Control or the manager's designee. If the sponsor is not able to satisfy the manager or the manager's designee that the nuisance or other violation has not or is not occurring, the sponsor shall have thirty (30) days (or shorter time period as Minneapolis Animal Care and Control may specify) to comply with the direction with respect to correcting the issue. If the sponsor fails to correct the issue, Minneapolis Animal Care and Control shall have the right to remove the cat and/or remove the sponsor as a registered sponsor.

(c) If a sponsor fails to perform its responsibilities under this chapter, Minneapolis Animal Care and Control may notify the sponsor that it must comply with the requirements of this chapter within thirty (30) days. If the sponsor fails to do so or repeatedly fails to comply with the requirements of this chapter, Minneapolis Animal Care and Control may remove the sponsor from being a registered sponsor, and may reassign the feral cat colonies from the sponsor to another approved sponsor.

(d) If a feral cat colony caretaker regularly fails to comply with the requirements of this chapter, the sponsor may notify the feral cat colony caretaker that he or she has thirty (30) days to make all reasonable efforts to fulfill the responsibilities of this chapter. If the feral cat colony caretaker fails to comply within that time period or has received more than one notification, the sponsor shall remove approval for the person from being a feral cat colony caretaker and may identify and obtain replacement feral cat colony caretakers for the feral cat colonies of the non-compliant feral cat colony caretaker. If no other feral cat colony caretaker can be found within thirty (30) days, the sponsor shall notify Minneapolis Animal Care and Control, and Minneapolis Animal Care and Control may humanely remove all, or portions of, the feral cat colonies and dispose of them in accordance with section 67.40.

(e) Any sponsor or feral cat colony caretaker that has been removed from being a registered sponsor or removed as an approved feral cat colony caretaker due to non-compliance issues shall not be allowed to be a sponsor or a feral cat colony caretaker for one year from the date of their removal.

(f) Feral cats that were spayed or neutered and vaccinated for rabies prior to the effective date of this chapter, but did not have an EAID inserted or were marked as feral by some indication other than an ear-tip, such as but not limited to a tattoo, shall be deemed to be in compliance with this article, if all other requirements in section 67.30 are being met by their feral cat colony caretaker. Feral cat colony caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this article within three (3) years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.

67.50. Abandonment of feral cats prohibited. No person having the care, custody and control of any feral cats shall abandon said animals anywhere in the city, or introduce said animals from outside the city into an existing Feral Cat Colony inside the city.

67.60. Effective date. This chapter shall take effect on January 1, 2014.

Adopted.

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

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting in-kind donations of dog and cat food and supplies from Melissa Pederson and MACC Volunteers.

Adopted.

Resolution 2013R-392, approving donations of dog and cat food and treats from Melissa Pederson and MACC Volunteers, was adopted 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 2013R-392
By Samuels and Hodges**

Approving donations of dog and cat food and treats.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the City:

Melissa Pederson - 11 pillows made by children;
MACC Volunteers - Mini zukes dog treats (1 lb), Sentry FiproGuard Max (cats); 3 packages of Beef hide (2 lb) Zuke's mini bakes for dogs; blankets, toys, dog coat, leash and collar, towels; Frontline plus Flea Tick Control (Feline), Zuke's cat treats; 5 packages twist sticks (10 pack); and

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

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

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Multi-Agency Law Enforcement Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension to permit the Minneapolis Police Department to participate on the Minnesota Internet Crimes Against Children Task Force, for a period of three years, and to execute any contracts associated.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract agreement with SRI Ten City Center, LLC, to locate a Police Substation in City Center, to be shared with Metro Transit, with space being lease-free for 24 months, with construction costs of \$35,000 to create the workspace, payable from the Police Department General Fund.

Adopted.

(Published 9/24/2013)

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds from the Minnesota Department of Public Safety/Fourth Judicial District Court in the amount of \$70,900, and to execute an agreement with them in the same amount for continuation of the Adult DWI Court in Hennepin County, with a match of \$10,900 payable from the Police Department. Further, passage of the accompanying resolution appropriating said funds to the Police Department.

Adopted.

RESOLUTION 2013R-393
By Samuels and Hodges

Amending the 2013 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 Other Fund (01600-4002730) by \$70,900 and increasing the revenue source (01600-4002730-321513) by \$70,900.

Adopted.

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

RE&E - Your Committee recommends that the proper City officers be authorized to submit comments, as set forth in Petn No 276734, to the Minnesota Public Utilities Commission (PUC) urging the Commission to direct Xcel Energy to include in its 2014 Integrated Resource Plan a timeline for replacing the Sherburne County (Sherco) Generating Station Units 1 and 2 with clean energy (Docket E002/RP-13-368).

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting Licenses to the following businesses:

- a) Muse Event Center, 107 3rd Ave N (New Business);
- b) Travail, 904 W Broadway (New Business); and
- c) Whole Foods Market, 222 Hennepin Ave (New Business).

Adopted.

(Published 9/25/2013)

Resolution 2013R-394, granting licenses to Muse Event Center, 107 3rd Ave N; Travail, 904 W Broadway; and Whole Foods Market, 222 Hennepin Ave, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

SEPTEMBER 20, 2013

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

RESOLUTION 2013R-394 By Glidden

Granting Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2014

Muse Hospitality LLC, dba Muse Event Center, 107 3rd Ave N (New Business, to include a 2:00 a.m. License issued by the State of Minnesota)

On-Sale Liquor Class E, to expire July 1, 2014

Soul Brothers LLC, dba Travail, 904 W Broadway (New Business)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2014

Whole Foods Market Group Inc, dba Whole Foods Market, 222 Hennepin Ave (Culinary School; New Business).

Adopted.

RE&E - Your Committee, having under consideration the application of Kilimanjaro Restaurant Corp, dba Kilimanjaro Restaurant, 3021 5th Ave S, for the following licenses:

a) Extended Hours License to operate a restaurant from 6:00 a.m. to 3:00 a.m. seven days per week, to expire May 1, 2014; and

b) Sidewalk Cafe License to allow seating for 14 patrons at seven (7) tables (sidewalk cafe hours limited to 10:00 p.m.) to expire April 1, 2014;

and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Food Grocery, Food Manufacturer, Gasoline Filling Station, and Tobacco Licenses held by Dave & Rons Inc, dba SuperAmerica, 641 Broadway St NE.

Adopted.

Resolution 2013R-395, approving Business License Operating Conditions relating to the Licenses held by Dave & Rons Inc, dba SuperAmerica, 641 Broadway St NE, was adopted 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 2013R-395 By Glidden

Approving Business License Operating Conditions relating to the Food Grocery, Food Manufacturer, Gasoline Filling Station, and Tobacco Licenses held by Dave & Rons Inc, dba SuperAmerica, 641 Broadway St NE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Food Grocery, Food Manufacturer, Gasoline Filling Station, and Tobacco Licenses held by Dave & Rons Inc, dba SuperAmerica, 641 Broadway St NE:

1. The licensee will operate no later than 10:00 p.m. on a daily basis.
2. The licensee will not sell tobacco paraphernalia (including pipes, small cigars, or rolling papers) nor will the licensee sell alcohol of any kind.
3. The licensee will place and maintain garbage cans by each driveway apron and will pick up their sidewalks and grounds daily to help control the litter problem in the neighborhood. All litter and debris will be removed daily within 100 feet of the property line.
4. The licensee will remove any pay phones from the property by January 15, 2011, and not allow any more payphones to be placed on their premises.
5. The licensee will limit items sold under their Food Manufacturer License to hot dogs, various hot sandwiches, pastry items, and soft drinks.
6. The licensee agrees to seek bids and the approval of the Minneapolis Public Works Department to construct a curb-cut that will redirect traffic away from Adams St NE toward Broadway St NE within one year of the signing of these conditions. The licensee will coordinate with Minneapolis Public Works and the Logan Park Neighborhood Group to make sure construction meets the specifications of space for delivery companies. The licensee agrees to pay for the installation of the curb-cut. The licensee will maintain the current directional arrow until such time a curb-cut is installed.
7. The licensee will improve and maintain the landscaping and the gardens on the premises.
8. These conditions replace the December 8, 2010 conditions agreed upon by the licensee.

Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 237 26th Ave NE, 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 Regulatory Services to approve the reinstatement of said license to be held by Desta Foghe.

Adopted.

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

Adopted.

Resolution 2013R-396, granting applications for Liquor, Wine and Beer Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

SEPTEMBER 20, 2013

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

RESOLUTION 2013R-396 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 276735):

Off-Sale Liquor, to expire October 1, 2014

Aramark Food Service LLC, dba Aramark Food Service LLC, 500 11th Ave S
Hilton Beverage LLC, dba Hilton Minneapolis, 1001 Marquette Ave
Brothers Image LLC, dba B & G Wine and Liquor, 2201 University Ave NE
McCleary Wine & Spirits LLC, dba Central Avenue Liquor, 2538 Central Ave NE
Zipps Liquor Store Inc, dba Zipps Liquor, 2618 Franklin Ave E
JPOC Inc, dba Union Liquor Store, 3219 Penn Ave N
Thind Family LLC, dba Camden Liquors, 4153 Lyndale Ave N
France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Ave S
Wallis Inc, dba Ken and Norm's Liquor, 4801 Chicago Ave

On-Sale Liquor Class A with Sunday Sales, to expire September 20, 2013

Minnesota Orchestral Association, dba Minnesota Orchestral Association,
1100 Marquette Ave (Temporary Expansion, Symphony Ball Fundraiser, 4:30 p.m. - 11:00 p.m.)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2014

Hells Kitchen Inc, dba Hells Kitchen, 80 9th St S
Aramark Food Service LLC, dba Aramark at the Metrodome, 500 11th Ave S
Hennepin Theatre Trust, dba New Century Theatre, 615 Hennepin Ave
Gator Lessee LLC, dba The Grand Hotel, 615 2nd Ave S
Lee Consultants LTD, dba Sticks, 708 1st St N
Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Ave
Hilton Beverage LLC, dba Hilton Minneapolis, 1001 Marquette Ave
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall
Heartland Seven Corners Hotel LLC, dba Hotel Minneapolis Metrodome,
1500 Washington Ave S

On-Sale Liquor Class B with Sunday Sales, to expire October 6, 2013

Hennepin Ave Restaurant LLC, dba Butcher & The Boar, 1121 Hennepin Ave
(Temporary Expansion, 3rd Annual Boarfest, 12:00 p.m. - 10:00 p.m.)

On-Sale Liquor Class B with Sunday Sales, to expire October 5, 2013

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Ave NE
(Temporary Expansion, Oktoberfest, October 4-5, 2013, 4:00 p.m. - 11:00 p.m.)

On-Sale Liquor Class B with Sunday Sales, to expire October 12, 2013

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Ave NE
(Temporary Expansion, October 11-12, 2013, 4:00 p.m. - 11:00 p.m.)

SEPTEMBER 20, 2013

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2014

Ukrainian American Community Center, dba Ukrainian American Community Center,
301 Main St NE

The Bulldog NE, Inc, dba The Bulldog Restaurant NE, 401 Hennepin Ave E

Red Rocket LLC, dba The 508, 508 1st Ave N

JLB LLC, dba The Loop, 606 Washington Ave N

Restaurant Events LLC, dba Solera, 900 Hennepin Ave

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

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Ave NE

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 26, 2013

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE (Gopher Football,
9:00 a.m. - 10:00 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire November 9, 2013

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE (Gopher Football,
9:00 a.m. - 10:00 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire November 23, 2013

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE (Gopher Football,
9:00 a.m. - 10:00 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2014

1st Avenue Entertainment Group Inc, dba Shout House, 600 Hennepin Ave

O'Donovan's Irish Pub LLC, dba O'Donovan's Irish Pub, 700 1st Ave N

On-Sale Liquor Class D with Sunday Sales, to expire August 25, 2013

730 Washington LLC, dba Borough, 730 Washington Ave N (Temporary Expansion,
10:30 a.m. - 9:00 p.m.)

On-Sale Liquor Class E with Sunday Sales, to expire August 17, 2013

Spoonriver LTD, dba Spoonriver, 750 2nd St S (Temporary Expansion)

On-Sale Liquor Class E with Sunday Sales, to expire September 28, 2013

Spoonriver LTD, dba Spoonriver, 750 2nd St S (Temporary Expansion)

On-Sale Liquor Class E with Sunday Sales, to expire August 10, 2013

Cuzzy's Inc, dba Cuzzy's Bar & Grill, 507 Washington Ave N (Temporary Expansion,
North Loop Fest, 5:00 p.m. - 10:00 p.m.)

On-Sale Liquor Class E with Sunday Sales, to expire September 14, 2013

The Uptown Brewing Company, dba Herkimer, 2922 Lyndale Ave S (Temporary
Expansion, Oktoberfest, 5:00 p.m. - 10:00 p.m.)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2014

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

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

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

Asian Taste Inc, dba Asian Taste, 1400 Nicollet Ave

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

SEPTEMBER 20, 2013

GM Minneapolis LLC, dba Green Mill, 2626 Hennepin Ave
Republic Calhoun Square LLC, dba Republic, 3001 Hennepin Ave
Lake Street Cafeteria LLC, dba Uptown Cafeteria & Support Group, 3001 Hennepin Ave

Temporary On-Sale Liquor, to expire August 2, 2013

Macy's Design Cuisine, dba Macy's Design Cuisine, 700 Nicollet Mall (9:00 p.m. - Midnight)

Temporary On-Sale Liquor, to expire September 13, 2013

Northern Clay Center, dba Northern Clay Center, 2424 Franklin Ave E
(Annual Fundraiser, 5:00 p.m. - 9:00 p.m.)

Temporary On-Sale Liquor, to expire September 14, 2013

Our Lady of Peace Church and School, dba Our Lady of Peace Church,
5426 12th Ave S (Fall Festival September 13-14, 2013, 9:00 a.m. - 10:00 p.m.)

Liquor Catering Services, to expire August 1, 2014

Minnesota Sportservice LLC, dba Target Field, 353 5th St N (New Business)

Temporary On-Sale Beer, to expire September 22, 2013

Church of Annunciation, dba Church of Annunciation, 501 54th St W (Fall Festival
September 20-22, 2013).

Adopted.

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

Adopted.

Resolution 2013R-397, granting applications for Business Licenses, was adopted 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 2013R-397

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 20, 2013 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276735):

Carnival; Car Wash; Extended Hours; Food Caterers; Food Market Distributor; Farm - Produce Permits; Institutional Food Service; Food Manufacturer; Food Restaurant; Short-Term Food Permit; Sidewalk Cafe; Fuel Dealer; Gasoline Filling Station; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory; Towing Class B; Parking Lot Commercial Class A; Parking Lot

SEPTEMBER 20, 2013

Commercial Class B; Precious Metal Dealer; Residential Specialty Contractor; Second Hand Goods Class A; Second Hand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Solicitor - Individual; Solid Waste Hauler; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Valet Parking; and Tobacco Dealer.

Adopted.

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

Adopted.

Resolution 2013R-398, granting applications for Gambling Licenses, was adopted 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 2013R-398 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 276735):

Gambling Class B

Lions Club of Northeast, dba BJ's Liquor Lounge, 229 W Broadway

Gambling Exempt

Parish Community of St Bridget, dba Parish Community of St. Bridget, 3811 Emerson Ave N (Pulltabs, Bingo, Raffle August 18, 2013, Sojourner Truth School)

Church of Annunciation, dba Church of Annunciation, 509 54th St W (Raffles September 22, 2013)

Children's Theatre Company, dba Children's Theatre Company, 2400 3rd Ave S (Raffle September 7, 2013)

Our Lady of Peace Church, dba Our Lady of Peace Church, 5426 12th Ave S (Bingo, Raffles September 13-14, 2013)

Church of St. Helena, dba Church of St. Helena, 3204 43rd St E (Bingo, Raffle, Pull-Tabs September 13-15, 2013)

Casa Minnesota, dba Casa Minnesota, PO Box 17358 Minneapolis (Raffle September 28, 2013, Target Field)

St Mary's Orthodox Cathedral, dba St. Mary's Taste of NE, 1701 5th St NE (Bingo, Raffle, Pulltabs September 28, 2013)

St. John's Byzantine Church, dba St. John's Byzantine Church, 2215 3rd St NE (Bingo, Raffle, Paddlewheels, Pulltabs October 6, 2013)

Living Table United Church, dba Living Table United Church, 4001 38th Ave S (Raffle October 20, 2013)

MN Paralyzed Veterans, dba MN Paralyzed Veterans, 1 Veterans Dr (Raffle November 11, 2013)

St. Lawrence Catholic Church, dba St. Lawrence Catholic Church, 1201 5th St SE
(Bingo November 22, 2013).

Adopted.

RE&E - Your Committee, having under consideration the On-Sale Wine Class E with Strong Beer License held by True Thai Restaurant, Ltd, 2627 Franklin Ave E, and having received notification from the State of Minnesota Department of Revenue that True Thai Restaurant, Ltd has an outstanding tax liability, now recommends that said license be revoked and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Glidden moved that the report be deleted from the agenda. Seconded.

Adopted.

(Republished 10/2/2013)

RE&E - Your Committee, having under consideration the property located at 2639 Oliver Ave N, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances, and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 2639 Oliver Ave N be demolished in accordance with the Findings of Fact (FOF-2013-32) prepared by the Nuisance Condition Process Review Panel, which are hereby made a part of this report by reference.

Your Committee further recommends adoption of additional Findings of Fact prepared by the City Attorney's Office to support the Committee's decision (FOF-2013-32).

Adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration utility relocation work in conjunction with the Central Corridor Light Rail Transit Project, now recommends that the proper City officers be authorized to negotiate and execute an agreement with the City of St. Paul Board of Water Commissioners for the operation and maintenance of a 16-inch connection, isolation valves, and a vault intended for mutual use by either city as an emergency connection to provide water for the University of Minnesota East Bank Campus in Minneapolis or the St. Anthony Park Community in St. Paul. No additional appropriation required.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Chicago-Lake, Bloomington-Lake, East Lake, and Lyndale-Lake Special Service Districts, 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 2014 in the aforementioned Special Service Districts and directing the City Engineer to proceed with the work.

Adopted.

Resolution 2013R-399, approving special services, the cost estimates, service charges, and the lists of service charges for 2014 in the Chicago-Lake, Bloomington-Lake, East Lake, and Lyndale-Lake Special Service District, was adopted 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 2013R-399
By Colvin Roy and Hodges**

Approving special services, the cost estimates, service charges, and the lists of service charges for 2014 in the Chicago-Lake, Bloomington Lake, East Lake, and Lyndale-Lake Special Service Districts and directing the City Engineer to proceed with the work.

Whereas, public hearings were held on September 10, 2013 in accordance with Laws of Minnesota, Chapter 428A, Sections 428A.01 through 428A.10, and Chapters 460, 461, 462, and 463 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 276740 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 \$51,000 for 2014, and that the proposed service charges and the proposed list of service charges for 2014 in the total amount of \$45,001 (amount remaining after adjusting the cost estimate of \$51,000 for previous years' unexpended balances and additional costs as provided for in Section 461.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Chicago-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$54,000 for 2014, and that the proposed service charges and the proposed list of service charges for 2014 in the total amount of \$43,315 (amount remaining after adjusting the cost estimate of \$54,000 for previous years' unexpended balances and additional costs as provided for in Section 460.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Bloomington-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$49,900 for 2014, and that the proposed service charges and the proposed list of service charges for 2014 in the total amount of \$48,882 (amount remaining after adjusting the cost estimate of \$49,900 for previous years' unexpended balances and additional costs as provided for in Section 462.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the East Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$135,000 for 2014, and that the proposed service charges and the proposed list of service charges for 2014 in the total amount of \$113,748 (amount remaining after adjusting the cost estimate of \$135,000 for previous years' unexpended balances and additional costs as provided for in Section 463.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Lyndale-Lake Special Service District.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2014 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.

T&PW & W&M/Budget - Your Committee, having under consideration the 50th St W and France Ave S Parking Facility (Ewing Municipal Parking Facility), and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting and levying the special assessments and adopting the assessment roll for the 2012 operation and maintenance charges for the parking facility for payable 2014.

Adopted.

Resolution 2013R-400, adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2012 operation and maintenance of the 50th St W and France Ave S Parking Facility (Ewing Municipal Parking Facility), was adopted 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 2013R-400
By Colvin Roy and Hodges

Adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2012 operation and maintenance of the 50th St W and France Ave S Parking Facility (Ewing Municipal Parking Facility).

Whereas, the total amount of the proposed special assessments is \$15,251.54 and consists of 2012 operation and maintenance costs through December 31, 2012; and

Whereas, a public hearing was held on September 10, 2013 in accordance with Minnesota Statutes Section 459.14, and Minnesota Statutes Chapter 429 to consider the operation and maintenance and proposed special assessments as shown on the proposed assessment roll 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 assessments in the total amount of \$15,251.54, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2014 real estate tax statements without interest charges.

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

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the contract with Organic Technologies, Inc. (OTI) for the processing of approximately 50% of the City's residential yard waste, now recommends that the proper City officers be authorized to negotiate and execute a one-year contract extension with OTI incorporating increased performance standards for odor and environmental concerns into the agreement.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman.

Nays – Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the contract for the collection of garbage, recyclables, problem materials, mattresses, and seasonal yard waste for approximately one-half of the City's dwelling units, now recommends that the proper City officers be authorized to negotiate and execute a contract with Minneapolis Refuse, Inc. (MRI) for a three-year term, from February 1, 2014 through January 31, 2017, with two (2) one-year renewals.

Adopted.

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.

Resolution 2013R-401, authorizing legal settlements, was adopted 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 2013R-401
By Hodges**

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) Terry Yzaguirre and Jerome Yzaguirre v. City of Minneapolis, Officer Raichert, John Does 1-10, Sgt. Patricia Annoni, Hennepin County, Michael Freeman, and Susan Segal (\$3,000); and

b) Constance Anderson v. City of Minneapolis (\$3,075).

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted.

W&M/Budget - Your Committee recommends approval of the following nine charitable fundraising organizations to participate in the 2013 City of Minneapolis Charitable Campaign: Community Solutions Fund; Community Health Charities; Greater Twin Cities United Way; Hennepin History Museum; Minnesota Environmental Fund; Open Your Heart to the Hungry and Homeless; Peace Maker Foundation; United Negro College Fund; and United Arts.

Adopted.

W&M/Budget - Your Committee, having under consideration the *Living Legacy Project* which will support this year's One Minneapolis One Read selection *A Choice of Weapons* by Gordon Parks through complementary programming that exposes students to Parks' work and influence in the field of photography, now recommends the following:

a) That the proper City officers be authorized to execute a contract with the Minnesota Historical Society Legacy Fund to receive \$55,686 to implement the project in collaboration with the Coordinator's Arts, Culture and Creative Economy Program, Juxtaposition Arts and Mill City Museum.

b) Passage of the accompanying Resolutions:

Accepting a gift of \$55,686 from the Minnesota Historical Society for Legacy funds.

Amending the General Appropriation Resolution by appropriating \$55,686 to the City Coordinator's Office.

Adopted.

Resolution 2013R-402, accepting gift of funds to implement *The Living Legacy Project*, was adopted 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 2013R-402
By Hodges**

Accepting gift of funds to Implement *The Living Legacy Project*.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set for the below to the City:

<u>Name of Donor</u>	<u>Gift</u>
Minnesota Historical Society	Funding for implementation of The Living Legacy Project

Whereas, no goods or services were provided in exchange for said donation; and

Whereas, all such donations have been contributed for the purpose of supporting this year's One Minneapolis One Read selection *A Choice of Weapons* by Gordon Parks through complementary programming that exposes students to Parks' work and influence in the field of photography, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donation offered;

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

That the donation described above is accepted and shall be used for the purpose of implementation of *The Living Legacy Project*.

Adopted.

**RESOLUTION 2013R-403
By Hodges**

Amending The 2013 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 City Coordinator Agency in the Grants – Other Fund (01600-8400100) by \$55,686 and increasing the revenue source by \$55,686.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the low bids received on OP 7844, to furnish and deliver all labor and materials necessary for the Minneapolis Target Center Catering Kitchen, all in accordance with City specifications, for a total estimated expenditure of \$169,955 with the following vendors:

- a) Meisinger Construction Company, Inc. (\$59,750);
- b) Twin City Acoustics (\$7,855);
- c) Northern Air Corporation, dba NAC Mechanical & Electrical Services (\$102,350); and
- d) Elliott Contracting Corporation (\$48,145).

Your Committee further recommends that the proper City officers be authorized to execute contracts for said project.

Adopted.

(Published 9/24/2013)

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP 7839 submitted by Rosenquist Construction, Inc., for an estimated expenditure of \$282,000 to furnish and deliver all labor, materials, and incidentals necessary for the re-roofing project at 1809 Washington Street Maintenance Facility, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP 7846 submitted by Frontline Plus Fire and Rescue, for an estimated annual expenditure of \$798,332.54 for replacement, relocation, and addition of outdoor warning signs for the Minneapolis Finance/Property Services department, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to:

- a) Accept Terms and Conditions of Use and Service Agreement put forth by HR Classroom and Curtis Communications (as amended) and cited on the HR Classroom order form; and

b) Approve the expenditure of \$11,684 for the purchase of 1600 training licenses and related services for access to online training.

Adopted.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the following contractual changes with AMI Imaging Systems, Inc., to allow close out of the existing contract:

a) Waive the additional terms and conditions associated with a contract over \$50,000;

b) Extend the current contract through November 30, 2013; and

c) Increase the contract \$25,000 for a new not-to-exceed total of \$75,000.

Adopted.

W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting gifts covering conference registration expenses for up to three Minneapolis Information Technology employees to attend IBM's 2013 Information on Demand Conference in Las Vegas, Nevada, from November 3-7, 2013.

Adopted.

Resolution 2013R-404, accepting gift of registration costs for up to three Minneapolis Information Technology participants to IBM's 2013 Information on Demand Conference scheduled in Las Vegas, Nevada, November 3-7, 2013, was adopted 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 2013R-404

By Hodges

Accepting gift of registration costs for up to three Minneapolis Information Technology participants to IBM's 2013 Information on Demand Conference scheduled in Las Vegas, Nevada, November 3-7, 2013.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set for the below to the City:

Name of Donor
IBM

Gift
Conference registration for up to three participants from the Mpls Information Technology Dept.

Whereas, no goods or services were provided in exchange for said donation; and

Whereas, all such donations have been contributed for the purpose of obtaining training in the areas of business analytics, enterprise content management, and information management, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donation offered;

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

That the donation described above is accepted and shall be used for the purpose of promoting progress in matters of Information Technology management and processing.

Adopted.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition by Urban Homeworks, (BZZ-5887), to rezone the property located at 2015 Emerson Avenue North, from the R5 Multiple-family District, C1 Neighborhood Commercial District and WB West Broadway Overlay District to the C1 Neighborhood Commercial District maintaining the WB West Broadway Overlay District, to legalize an existing contractor's office, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the *Zoning Code*.

Adopted.

Ordinance 2013-Or-079 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2015 Emerson Avenue North to the C1 Neighborhood Commercial District maintaining the WB West Broadway Overlay District, was adopted 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 2013-Or-079
By Schiff
1st & 2nd Readings: 9/20/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

The south 40 feet of Lot 4, Block 34, Highland Park Addition to Minneapolis (2015 Emerson Avenue North [2009 Emerson Avenue North] – Plate 8) to the C1 Neighborhood Commercial District maintaining the WB West Broadway Overlay District.

Adopted.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition by Daniel Oberpriller, 304 Lake Street East Redevelopment Project (BZZ-6185), to rezone the property located at 304 East Lake Street, 2933-37 3rd Avenue South, from C4 General Commercial District and OR2 High-density Office Residence District to OR3

Institutional Office Residence District, to allow construction of a 12,236 square foot blood/plasma collection facility, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the *Zoning Code*.

Lilligren moved that the report be postponed one Council cycle. Seconded.

Lost. Yeas, 2; Nays, 11 as follows:

Yeas – Lilligren, Johnson.

Nays – Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Tuthill, Quincy, Glidden, Goodman.

The report was adopted.

Yeas, 12; Nays, 1 as follows:

Yeas – Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Johnson.

Nays – Lilligren.

Ordinance 2013-Or-080 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 304 East Lake Street, 2933-37 3rd Avenue South, to the OR3 Institutional Office Residence District, was adopted 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 2013-Or-080
By Schiff
1st & 2nd Readings: 9/20/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

Lots 7, 8, 9, 10, Block 2, F.A. Parker's Addition to Minneapolis, (304 East Lake Street, 2933-37 3rd Avenue South - Plate 25) to the OR3 Institutional Office Residence District.

Adopted.

Yeas, 12; Nays, 1 as follows:

Yeas – Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Johnson.

Nays – Lilligren.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of October, 2013, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted upon a voice vote.

Resolution 2013R-405, authorizing Fire Fighters employed by the City to participate in the partnership between the International Association of Fire Fighters and the Muscular Dystrophy Association by soliciting for donations during the 2013 "Fill the Boot" campaign, was adopted 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 2013R-405

By Reich

Authorizing Fire Fighters employed by the City to participate in the partnership between the International Association of Fire Fighters and the Muscular Dystrophy Association by soliciting for donations during the 2013 "Fill the Boot" campaign.

Whereas, the International Association of Fire Fighters (IAFF) is the labor organization that represents the 300,000 professional fire fighters who serve the public by saving lives and protecting property in cities and governmental units throughout the United States and Canada; and

Whereas, the IAFF is the single largest national sponsor of the Muscular Dystrophy Association (MDA); and

Whereas, since 1954, when it first initiated its partnership with the MDA, IAFF members have raised over \$275 million toward the worldwide research efforts of MDA to eradicate 40 neuromuscular diseases as well as help support MDA's summer camps for children, professional and public health education, and other programs; and

Whereas, each year fire fighters raise millions of dollars nationwide through their Fill the Boot campaigns, in which fire fighters collect donations of money to MDA in their fire boots; and

Whereas, the commitment of the fire fighters to the cause of MDA has further elevated their image as extraordinary professionals who not only put their own lives at stake to save others from fires, explosions, structural collapses, and other disasters but also as heroes helping to work toward saving the lives of the innocent victims of neuromuscular diseases; and

Whereas, the devoted support of IAFF members to the MDA not only provides significant financial assistance to finding a cure for these diseases, but also strengthens the relationship between the fire fighters and the members of the community they serve through the face-to-face interactions during the Fill the Boot campaign; and

SEPTEMBER 20, 2013

Whereas, several cities across the United States annually allow their fire fighter crews to conduct the Fill the Boot campaign activities while on-duty in a manner that leaves them available and responsible to responding to emergency calls; and

Whereas, Minneapolis fire fighters conduct their Fill the Boot activities with their assigned fire rigs such as to permit immediate response to any call for service; and

Whereas, Minneapolis fire fighters are active members of IAFF Local 82 and have previously participated in the Fill the Boot campaign; and

Whereas, the Charitable Organization Policy adopted October 30, 2009, precludes on-duty fire fighter participation in the Fill the Boot campaign; and

Whereas, unlike other City of Minneapolis employees, fire fighters work a twenty-four hour shift that includes down time for personal activities; and

Whereas, Minneapolis fire fighters intend to conduct their 2013 Fill the Boot activities on September 18, 19 and 20, 2013; and

Whereas, the Minnesota Chapter of the MDA has recognized the significant and valuable contribution of Minneapolis fire fighters to their annual fundraising efforts and strongly seeks their continued participation; and

Whereas, the City of Minneapolis supports the efforts of IAFF Local 82 and the MDA to find a cure for these terrible diseases; and

Whereas, the City of Minneapolis recognizes that participation by its fire fighters in the nationwide MDA Fill the Boot campaign serves not only to raise money for MDA but also benefits the City by greatly enhancing the image of its fire fighters as dedicated public servants engaged in the community through their employment and in service to charitable causes;

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

That Minneapolis fire fighter participation in the 2013 Fill the Boot campaign while on-duty will neither interfere with nor preclude the performance of their regular daily duties nor detract from other work-related obligations to the public.

Be It Further Resolved that Minneapolis fire fighter participation in the 2013 Fill the Boot campaign will be in the public interest and primarily serve a public purpose.

Be It Further Resolved that Minneapolis fire fighter participation in the 2013 Fill the Boot campaign is contingent upon 1) the compliance of the MDA with Minneapolis Code of Ordinances, Chapter 333, Article II, Charitable Solicitations, 2) the completed execution of an agreement between the City and the MDA in which the MDA agrees to defend and indemnify and hold harmless the City of Minneapolis for all workers' compensation claims and tort claims arising out of the Minneapolis fire fighter participation in the Fill the Boot campaign, including any costs incurred by the City pursuant to Minnesota Statutes, Chapter 299A, and 3) the MDA's provision of proof of commercial general liability insurance policy against claims for bodily injury and property damage with a limit of no less than \$1,500,000 per occurrence and an endorsement to the policy naming the City of Minneapolis as an additional insured.

Be It Further Resolved that the fire fighters participation in the 2013 Fill the Boot campaign is exempted from the restrictions of the Charitable Organizations Policy.

Be It Further Resolved that Minneapolis firefighters' participation in the 2013 Fill the Boot campaign is subject to reasonable conditions and limitations as may be established by the Fire Chief.

Adopted.

UNFINISHED BUSINESS

Hofstede renews 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* (adding a new Chapter 592 providing for a moratorium on development within the Nicollet Island-East Bank neighborhood).

Pursuant to notice on August 30, 2013, Glidden moved to introduce the subject matter of an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, which was given its first reading and referred to the Regulatory, Energy & Environment Committee (clarifying definitions and language related to taxicab rideshare companies). Seconded.

Adopted upon a voice vote.

NEW BUSINESS

Reich moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, which were given their first reading and referred to the Zoning & Planning Committee (revising standards for sports and health facilities):

- a) Chapter 547 relating to *Office Residence Districts*.
 - b) Chapter 549 relating to *Downtown Districts*. Seconded.
- Adopted upon a voice vote.

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses* (amending mandatory food service requirements).

Johnson moved the following:

a) That the proper City officers be authorized to enter into a legal services contract with the Leonard, Street & Deinard Law Firm for the Downtown East Project (panel legal services contract with a not to exceed amount of \$300,000) and that the City Attorney be authorized to include appropriate terms and conditions as necessary for that contract.

b) That the City Council consent to and waive any conflicts of interest between the City and the Leonard, Street & Deinard Law Firm regarding its work for the City in regard to the Downtown East Project.

c) That the City Council consent to and waive any conflicts of interest between the City and the Leonard, Street & Deinard Law Firm regarding its work as bond counsel for the City for

issuance of conduit bonds for the Cameron Building, LP (Shafer Richardson) Project. Seconded.

Adopted.

Glidden moved concurrence with the determination of the Director of Regulatory Services that the property at 3043 Grand Ave S be constituted as an immediate hazard to public health and safety; and pursuant to Section 249.30 of the Minneapolis Code of Ordinances, that the waiver of the 60-day waiting period be approved so that the other procedures contained in Chapter 249 may be implemented immediately. Seconded.

Adopted.

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations* (adding a new chapter 286 entitled *Massage Establishments*).

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (changing regulations pertaining to massage):

- a) Chapter 520 relating to *Introductory Provisions*
- b) Chapter 525 relating to *Administration and Enforcement*
- c) Chapter 535 relating to *Regulations of General Applicability*
- d) Chapter 536 relating to *Specific Development Standards*
- e) Chapter 541 relating to *Off-Street Parking and Loading*
- f) Chapter 548 relating to *Commercial Districts*
- g) Chapter 549 relating to *Downtown Districts*
- h) Chapter 550 relating to *Industrial Districts*
- i) Chapter 551 relating to *Overlay Districts*.

Lilligren moved to adjourn to Room 315 City Hall to consider the *B.J.R., a minor child, by and through Marcia Garcia, her mother and legal guardian vs. Officer James Goltart, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

ADJOURNED SESSION

Room 315 City Hall

Minneapolis, Minnesota

September 20, 2013 – 11:03 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

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

Deputy City Attorney Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *B.J.R., a minor child, by and through Marcia Garcia, her mother and legal guardian vs. Officer James Goltart, et al.* lawsuit.

SEPTEMBER 20, 2013

At 11:04 a.m., Gordon moved that the meeting be closed. Seconded.
Adopted upon a voice vote.
Absent – Schiff.

Present – Council Members Hodges, Samuels, Gordon, Reich, Hofstede, Schiff (In at 11:05 a.m.), Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, President Johnson.

Also present – Peter Ginder, Deputy City Attorney and Lynn Fundingsland and Darla Boggs, Assistant City Attorneys; Travis Glampe, Deputy Chief of Police; Casey Joe Carl, City Clerk; and Jackie Hanson, City Clerk's Office.

Fundingsland summarized the *B.J.R., a minor child, by and through Marcia Garcia, her mother and legal guardian vs. Officer James Goltart, et al.* lawsuit from 11:04 a.m. to 11:55 a.m.

At 11:55 a.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

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

Lilligren moved to adjourn. Seconded.
Adopted upon a voice vote.

Casey Joe Carl
City Clerk

Official Posting: 9/27/2013
Corrections: 10/3/2013