

REPORT TO THE CITY COUNCIL FROM
WAYS & MEANS COMMITTEE
March 10, 2020

A regular meeting of the committee was convened at 1:30 pm on this date.

Members Present: Council Members Abdi Warsame (Chair), Steve Fletcher (Vice-Chair), Phillippe Cunningham, Andrea Jenkins, and Linea Palmisano (Quorum - 4)

Members Absent: Council Members Andrew Johnson

Matters listed below are hereby submitted with the following recommendations; to-wit:

1. Legal settlement: Workers' Compensation claim of Brandy Steberg ([2020-00290](#))

Approving the settlement of the Workers' Compensation claim of Brandy Steberg by payment of \$180,000 to Mr. Steberg and his attorneys, and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

2. Legal settlement: Workers' Compensation claim of John Eland ([2020-00299](#))

Approving the settlement of the Workers' Compensation claim of John Eland by payment of \$175,000 to Mr. Eland and his attorneys, and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

3. Legal settlement: Claim of Abdi Hasan ([2020-00300](#))

Approving the settlement of the claim of Abdi Hasan by payment of \$13,500 to Abdi Hasan and his attorneys, and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

4. Legal settlement: Gregory Johnson v. City of Minneapolis and City of Minneapolis and Minneapolis Professional Employees Association ([2020-00301](#))

Approving the settlement of the charge of discrimination and grievance in the matters of Gregory Johnson v. City of Minneapolis, MDHR Case 68275, and City of Minneapolis and Minneapolis Professional Employees Association, City Grievance No. 19-03, respectively, by payment of \$25,000 to Charging Party/Grievant Gregory Johnson and his attorney Muller & Muller, PLLC, and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Warsame moved to postpone to WM meeting of Mar 24, 2020. On voice vote, the motion passed.
[Johnson absent]

5. Legal settlement: Anthony Kelley v. Bernick's, et al. v. City of Minneapolis ([2020-00302](#))

Approving the settlement of the competing third party claims by the City of Minneapolis and Third Party Plaintiff/Defendant Bernick's et al. ("Defendants") in *Anthony Kelley v. Bernick's et al., v. City of Minneapolis*, Court File No. 27-CV-18-17044, where both the City of Minneapolis and Defendants agree to dismiss their claims against each other in exchange for the City accepting payment of \$125,000 from Defendants, and authorizing the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

6. Amicus status in lawsuits challenging federal administration climate action-related policies ([2020-00313](#))

Authorizing the City Attorney to join as an amicus during calendar year 2020 in such lawsuits that challenge the federal administration's climate action-related policies, subject to the condition that the position of the amici is consistent with City policy on climate action-related matters.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

7. Lease of City-owned land bounded by 2nd to 3rd Ave S and 3rd to 4th St S to Stahl Construction Company ([2020-00303](#))

Approving the lease of City-owned land bounded by 2nd to 3rd Ave S and 3rd to 4th St S to Stahl Construction Company, from May 1, 2020, to Dec 31, 2020, for \$3,000 per month.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

8. Easement agreement with Tangletown Development LLC for shared driveway at 5400, 5416, and 5426 Nicollet Ave ([2020-00304](#))

Authorizing a Shared Driveway and Maintenance Easement Agreement with Tangletown Development LLC for a shared driveway at 5400, 5416, and 5426 Nicollet Ave.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

9. Contract amendment with Wells Fargo Bank NA for banking services (bank accounts, checking and related services) ([2020-00305](#))

Authorizing the customization of the terms and conditions of the contract with Wells Fargo Bank NA for banking services to reflect the following material negotiated changes:

1. Clarification that the relationship between the City and Wells Fargo is that of debtor and creditor and is not fiduciary in nature; and
2. That there is a three-year statute of limitations.

Staff presentation by Brad Cousins, City Attorney's Office; and Mark Ruff, Interim City Coordinator.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

10. 2019 Budget: Closing adjustments ([2020-00306](#))

Passage of Resolution amending the 2019 General Appropriation Resolution by:

1. Reducing the 2019 General Fund Contingency budget by \$3,969,000, and increasing the General Fund budget for Public Works Transportation Maintenance & Repair by the same amount;
2. Reducing the 2019 General Fund Contingency budget by \$250,000, and increasing the General Fund Budget for City Coordinator by the same amount; and
3. Reducing the 2019 General Fund budget for Finance and Property Services by \$52,000, and increasing the General Fund budget for Mayor by the same amount.

Staff presentation by Mark Ruff, Interim City Coordinator.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

11. Capital Long-Range Improvement Committee (CLIC) appointment ([2020-00307](#))

Approving the Council appointment of Devin Wise, Seat 10, Ward 5, to fill an unexpired two-year term beginning Jan 1, 2019, and ending Dec 31, 2020.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

12. 2020 Local Board of Appeal and Equalization ([2020-00310](#))

Passage of Resolution establishing the 2020 Minneapolis Board of Appeal and Equalization.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

13. Lease Termination Agreement: 10 W Lake St ([2020-00311](#))

1. Authorizing a Lease Termination Agreement to remove the leasehold interests in 10 W Lake St by June 30, 2020, for \$9,100,000.
2. Passage of Resolution approving the appropriation of funds to the Departments of Public Works and Community Planning & Economic Development.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

14. Gift acceptance from Cleveland State University for Smart Cities, Surveillance and Privacy Conference ([2020-00291](#))

Passage of Resolution accepting donation from Cleveland State University for airfare and hotel expenses for the Smart Cities, Surveillance and Privacy Conference.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

15. Contract with BFRESH Productions LLC for community media access services to manage public access television ([2020-00292](#))

1. Authorizing a contract with BFRESH Productions LLC, in amounts not to exceed \$295,000 in 2020 and \$472,000 in 2021 and 2022, with an option for two one-year extensions in an amount not to exceed \$472,000 annually, for community media access services to manage public access television.
2. Authorizing customization of the terms and conditions clarifying that the City has licensing but not ownership rights in the materials created pursuant to the contract.

Staff presentation by Greta Bergstrom, Communications Department.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

16. Contract amendment with Minneapolis Public Housing Authority (MPHA) for Stable Homes Stable Schools ([2020-00273](#))

Authorizing an amendment to the funding agreement with the Minneapolis Public Housing Authority for the Stable Homes Stable Schools program to clarify that effective April 1, 2019, City funds may be used to pay 100 percent of the rental assistance costs for undocumented families.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

17. Contract amendment with Ellie Mae for loan administration software services ([2020-00288](#))

Authorizing Modification No. 2 of negotiated terms of agreement with Ellie Mae for loan administration software services (Council Actions 2018A-0989 and 2017A-0989) to include the following new or updated provisions: (a) This Agreement will be governed by California law; (b) disputes arising from the Contract shall be determined by arbitration in San Francisco, California; and (c) an auto-renewal clause.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

18. Grant application to US Department of Health and Human Services for the Strategic Prevention Framework - Partnership for Success grant ([2020-00271](#))

Authorizing a grant application to the US Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) Center for the Strategic Prevention Framework - Partnership for Success grant, in the amount of \$1,500,000 - \$5,000,000, for a five year period of Aug 30, 2020 to Aug 30, 2025, to prevent the onset and reduce the progression of substance abuse and its related problems.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

19. Minnesota Department of Health grant for Walkable Community Workshop action plan implementation at Glendale Townhomes ([2020-00286](#))

1. Accepting an additional \$5,000 in Statewide Health Improvement Partnership funds (SHIP Grant Project Agreement #100419) from the Minnesota Department of Health for the period Nov 1, 2015 to Oct 31, 2020, for Walkable Community Workshop action plan implementation at Glendale Townhomes, by The City Council in its capacity as a Community Health Board.
2. Authorizing an amended agreement with the Minnesota Department of Health for the additional grant funds.
3. Passage of Resolution approving appropriation of funds to the Health Department.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

20. Contract with the University of Minnesota Veterinary Medical Center for Police K-9 health services ([2020-00268](#))

Authorizing a contract with the University of Minnesota Veterinary Medical Center, in the amount of \$34,560 for one year from Jul 1, 2020, to Jun 30, 2021, and using the contract form provided by the Regents of the University of Minnesota, for veterinary services for Police K-9s.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

21. Women's Foundation of Minnesota grant for expenses related to the testing of Sex Assault Exam Kits ([2020-00269](#))

1. Accepting a grant from the Women's Foundation of Minnesota, in the amount of \$16,200.83, for the direct expenses related to the testing of backlogged Sex Assault Exam Kits.
2. Authorizing an agreement with the Women's Foundation of Minnesota for the grant.
3. Passage of Resolution approving appropriation of funds to the Police Department.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

22. Fuller South Residential Street Resurfacing: Project approval and assessment ([2020-00272](#))

1. Passage of Resolution ordering the work to proceed and adopting special assessments in the amount of \$645,235.57 for the Fuller South Residential Street Resurfacing Project No. 2331F (CPV2056).
2. Passage of Resolution requesting the Board of Estimate and Taxation authorize the City's issuance and sale of assessment bonds in the amount of \$645,235.57 for the project.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

23. 37th Ave NE Street Resurfacing: Project approval and assessment ([2020-00274](#))

1. Passage of Resolution ordering the work to proceed and adopting special assessments in the amount of \$64,405.96 for the 37th Ave NE Street Resurfacing Project No. 2331B (CPV2056).
2. Passage of Resolution requesting the Board of Estimate and Taxation authorize the City's issuance and sale of assessment bonds in the amount of \$64,405.96 for the project.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

24. Areaway abandonment at 2303 Kennedy St NE, 2330 Kennedy St NE, and 2345 Kennedy St NE: Assessment ([2020-00276](#))

1. Passage of Resolution adopting and levying the special assessments in the amount of \$155,912.29 for the unpaid charges for the areaway abandonment and removal from the properties located at 2303 Kennedy St NE, 2330 Kennedy St NE, and 2345 Kennedy St NE.
2. Passage of Resolution requesting the Board of Estimate and Taxation authorize the City's issuance and sale of assessment bonds in the amount of \$155,912.29 for the areaway abandonment and removal.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

25. Contract amendment with Egan Companies, Inc. for Leamington and Haaf Parking Ramp Lighting Retrofit Project ([2020-00266](#))

Authorizing an increase to Contract No. C-44415 (OP No. 8610) with Egan Companies, Inc., in the amount of \$14,585 for a total amount not to exceed \$941,585, for additional light fixtures for the Leamington Parking Ramp and Haaf Parking Ramp Lighting Retrofit Project.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

26. Cooperative Construction Agreement with Minnesota Department of Transportation for 3rd Ave S Bridge Project water main and traffic infrastructure ([2020-00280](#))

1. Authorizing a Cooperative Construction Agreement with the Minnesota Department of Transportation, for a total estimated amount of \$8,500,000, for water main work and traffic infrastructure related to the 3rd Ave S Bridge Project, including cost participation by the City.
2. Passage of Resolution approving appropriation of funds to the Public Works Department.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

27. Joint Powers Agreement with Minnesota Department of Transportation for 3rd Ave S Bridge Project traffic control mitigation ([2020-00281](#))

1. Authorizing a Joint Powers Agreement with Minnesota Department of Transportation, for a total estimated amount of \$2,492,340, for the City to provide traffic control mitigation related to the 3rd Ave S Bridge Project.
2. Passage of Resolution approving appropriation of funds to the Public Works and Regulatory Services Departments.

Warsame moved to approve. On voice vote, the motion passed.
[Johnson absent]

28. Staff Purchasing and Joint Purchase Reports for November through December 2019 ([2020-00308](#))

Receiving and filing the list of Staff Purchasing Letters (low bid awards) and Joint Purchase Letters (Cooperative Purchasing Ventures (CPV)) issued for the months of November through December 2019.

Warsame moved to receive and file. On voice vote, the motion passed.
[Johnson absent]

With no further business to transact, the meeting adjourned at 1:55 pm.

Reported by Peggy Menshek, Council Committee Coordinator