

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF AUGUST 3, 2012

(Published August 11, 2012, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

August 3, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Lilligren moved to amend the agenda to include under "Resolutions" a resolution honoring Community Gardening Day in Minneapolis. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting of July 20, 2012. Seconded.

Adopted upon a voice vote.

Absent – Glidden, Samuels, Hofstede.

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

Adopted upon a voice vote.

Absent – Samuels.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

INTERGOVERNMENTAL RELATIONS (275862)

National Mortgage Settlement: Direction to staff re offer support to Minnesota Attorney General.

LOCKRIDGE GRINDAL NAUEN (275863)

Federal Update: Transportation Reauthorization Act.

COMMITTEE OF THE WHOLE (See Rep):

INTERGOVERNMENTAL RELATIONS (275864)

State Property Tax Policy: Establishment of property tax policy work group.

Fiscal Year 2013 Federal Agenda: Amendment to add language re

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275865)

Utility Easement (2304 Snelling Ave): Agreement with PPL and Seward Commons, LLC.

Seven Corners Parking Ramp (1800-14 Washington Ave S): Purchase & Sale Agreement to reassign Minneapolis Venture LLC's development obligations to Grandma's Associates LLC.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275866)

Modification No. 121 to Common Development and Redevelopment Plan and Common Tax Increment Financing Plan: Approve Modification to include Heritage Park Redevelopment Project & TIF District.

Tornado Recovery Spending Plan & Housing Program Guidelines.

Environmental Remediation Grants: Acceptance of awards from MN Department of Employment & Economic Development (DEED), Metropolitan Tax Base Revitalization Account (TBRA) & Hennepin County Environmental Response Fund.

Metropolitan Council TBRA Investigation Grant Program: Authorize submittal of applications for grant funding.

DEED Redevelopment Grant Program: Authorize submittal of applications for grant funding.

Metropolitan Council Livable Communities Demonstration Account & Tax Base Revitalization Account transportation-oriented development grants: Authorize submittal of applications for grant funding.

PURCHASING (275867)

Minnehaha Industrial Park: Bid #7643 from Veit and Company, Inc for remedial action.

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

CIVIL RIGHTS (275868)

Ordinance: Amendment to Title 7, Chapter 141 related to Civil Rights: Administration and Enforcement, approving changes to the Commission on Civil Rights appointment cycle.

HEALTH AND FAMILY SUPPORT (275869)

Public Health Advisory Committee: Appointment of Linda Brandt to category of Hennepin County Human Services and Public Health Representative through December 31, 2012.

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

FIRE DEPARTMENT (275870)

Fire Department Agency Evaluation and Master Plan compiled by Emergency Services Consulting International (ESCI).

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

FIRE DEPARTMENT (275871)

BCBS Health Challenge Grant 2012: Authorize acceptance of grant for use in holding a pilot Fire Corps program for East African youth.

HEALTH AND FAMILY SUPPORT (275872)

Authorization to increase the not to exceed amount for selected five year master contracts through contract termination on December 31, 2015 with: Domestic Abuse Project; Neighborhood HealthSource; Sustainable Resource Center; and The Family Partnership.

POLICE DEPARTMENT (275873)

Minnesota Joint Analysis Center: Authorize acceptance of grant funds for participation in the Joint Analysis Center.

Traffic Grant Award: Authorize acceptance of grant funds from the 2013 Toward Zero Deaths grant from the Minnesota Department of Public Safety, and authorize entering into agreements with the police departments of the University of Minnesota, Golden Valley, Crystal, Hopkins, Robbinsdale, and New Hope to share the grant funds.

REGULATORY SERVICES (275874)

Accepting donations to Minneapolis Animal Care and Control from: Deb Morgan, Teresa Nordin, and Volunteers at MACC; and Kristin Shanley, Pizza Luce (Seward/University location), and volunteers at MACC.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (275875)

Cafe Maude at Loring, 1612 Harmon Pl: Grant On-Sale Liquor Class C-2 with Sunday Sales License with Sidewalk Cafe.

Gigi's Cafe, 824 W 36th St: Approve amended business plan to add interior seats to the restaurant.

Karta Thai Restaurant, 2411 Central Ave NE: Grant On-Sale Wine Class E with Strong Beer License.

The Kenwood, 2115 W 21st St: Grant On-Sale Wine Class E with Strong Beer License.

LICENSES AND CONSUMER SERVICES (275876)

Jimmy John's, 14 University Ave NE: Grant Sidewalk Cafe License.

Highland Market, 2600 Central Ave NE: Approve License Settlement Conference recommendations relating to Grocery, Meat Market and Tobacco Licenses.

McDonalds, 3110 E Lake St: Grant Extended Hours License to operate Sunday through Thursday until 11:00 p.m. and Friday and Saturday until Midnight.

LICENSES AND CONSUMER SERVICES (275877)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275878)

Pat's Tap, 3510 Nicollet Ave: Approve amended business plan to add interior seats.

Wings N Things, 324 W Broadway: Grant Extended Hours License to operate seven days a week until 2:00 a.m.

Indeed Brewing Company, 711 15th Ave NE: Grant On-Sale Liquor Taproom, Class E and Off-Sale Malt Liquor Growler Licenses, including an outdoor patio area.

Copper Pot Indian Grill, 10 S 5th St: Grant On-Sale Liquor Class E with Sunday Sales License.

REGULATORY SERVICES (275879)

Rental Licensing Regulations: Ordinance amending regulations by adding "effects of license revocation" for rental dwelling license holders and providing requirements inclusive of mandatory training in certain circumstances; amending provisions for the vacation of affected dwelling units; and allowing for the administrative management of the substandard rental dwelling violation schedule.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (275880)

Downtown Business Improvement Special Service District: Set public hearing for September 11, 2012.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (275881)

48th and Chicago Special Service District Advisory Board: Appointments.

Bloomington-Lake Special Service District Advisory Board: Appointments.

Central Ave Special Service District Advisory Board: Appointments.

Chicago-Lake Special Service District Advisory Board: Appointments.

Dinkytown Special Service District Advisory Board: Appointments.

E Lake Special Service District Advisory Board: Appointments.

Linden Hills Special Service District Advisory Board: Appointments.

Lyndale-Lake Special Service District Advisory Board: Appointments.

Nicollet Ave Special Service District Advisory Board: Appointments.

S Hennepin Ave Special Service District Advisory Board: Appointments.

Stadium Village Special Service District Advisory Board: Appointments.

Uptown Special Service District Advisory Board: Appointments.

PUBLIC WORKS AND ENGINEERING (275882)

Midtown Corridor Policy Advisory Committee: Appoint Council Members Lilligren and Schiff.

Hennepin County Residential Recycling Grant: Agreement with County for annual SCORE funds.

14th Ave N Construction Project No 9895: Contract amendment with Urban Companies.

Sabo Bridge Approach Ramp Air Rights Easement: Amendment to agreement with Metropolitan Council.

Critical Parking Area #21: Add 3000 block of Knox Ave S and 3100 Block of Girard Ave S; and install metered parking on 1300 block of 31st St W.

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

PUBLIC WORKS AND ENGINEERING (275883)

Recycling Cart Purchase: Increase appropriation.

2013 Mn/DOT Metro Municipal Agreement Program: Application submission.

Metrodome Parking: Terminate Parking Revenue Agreement with Metropolitan Sports Facilities Commission.

Bids: a) OP 7648, Low bid of AAA Striping Service Company for pavement markings; and b) OP 7653, Only bid of Cellular Concrete, Inc for preformed foam cellular concrete.

WAYS AND MEANS BUDGET:

COMMUNICATIONS (275884)

Receive file reports from: MTN on hours of original programming produced, in response to Staff direction in 2012 Budget footnote "cc".

Communications on best practices study into other models to address public, education and government television (PEG), in response to staff direction in 2012 budget footnote "bb".

FINANCE DEPARTMENT (275885)

Receive and file 2011 Comprehensive Annual Financial Report (CAFR).

HUMAN RESOURCES (275886)

Relocation Expense Policy changes considered, but not enacted, by the committee.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (275887)

Amendments to Master Legal Services Agreements with:

Kennedy & Graven, Chartered; and

Lockridge Grindal Nauen, P.L.L.P.

ATTORNEY (275888)

Approve settlement of claims of: Grady Bergstrom v. City of Minneapolis (\$4,322).

Kenya Montgomery v. Timothy Devick, et al (\$40,000 + \$34,414.50).

CONVENTION CENTER (275889)

Convention Center and Target Center Consultant Pool RFP, Specialties: negotiate and execute master agreements with the recommended firms within the Specialty Consulting group for contracts with variable fees limited to a contractual maximum of \$2,500,000 per contract over three years.

FINANCE DEPARTMENT (275890)

Authorization to write off uncollectible receivables totaling \$207,683.68.

FINANCE DEPARTMENT (275891)

Contract Amendment: Amendment No. 1 to Contract No. C-35496 with Century Fence Company to increase contract amount for the Emergency Operations Training Facility Perimeter Fence.

FINANCE DEPARTMENT (275892)

Requesting the Board of Estimate and Taxation to issue General Obligation Refunding Bonds for the refunding of GO Bonds callable on December 1, 2012, and December 1, 2013.

Authorize finance officer to issue and award General Obligation Tax Increment Refunding Bonds for Heritage Park General Obligation TIF Bonds.

FINANCE DEPARTMENT (275893)

Adoption of a Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds.

MAYOR (275894)

Authorize acceptance of independent report by Andrew Luger that examines the work of the Youth Violence Prevention Initiative from January 2008 to the present.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275895)

Zoning Decision Timelines: Ordinance extending the length of time for which a decision from the Zoning Administrator or Planning Director or zoning approval granted by the City Planning Commission, Board of Adjustment, or City Council are valid.

Secondhand Goods Stores: Ordinances eliminating all spacing requirements related to secondhand goods uses; and Return to author the subject matter of various Chapters amending the Zoning Code.

Automated Dispensing of Gasoline: Ordinance allowing unattended, automated dispensing of gasoline or other engine fuel; and Return to author the subject matter of various Chapters amending the Zoning Code.

NEW BUSINESS (See Rep):

FIRE DEPARTMENT (275896)

SAFER Grant: Authorize application for 2012 Federal Staffing for Adequate Fire and Emergency Response Veterans Hiring program grant.

INTERGOVERNMENTAL RELATIONS (275897)

One Minneapolis One Read: Contract with TicketWorks for ticketing services.

REGULATORY SERVICES (275898)

Chapter 249 Property at 2321 Fillmore St NE: Approve waiver of 60-day waiting period so that the provisions of Chapter 249 may be implemented immediately.

FILED:

CHARTER COMMISSION (275899)

Redistricting: Observations and Recommendations on Minneapolis Redistricting by Raymond French, Volunteer Student Observer.

CITY CLERK (275900)

Taxicab Driver Fathi Omar Sheikh: Verbatim Transcripts relating to Administrative Citation RFS 11-0872306.

CURRIE PARK DEVELOPMENTS, LLC (275901)

Vacate sidewalk adjacent to 15th Ave S for vehicular site egress; and vacate sidewalk adjacent to 6th Street dwelling units development.

GRANDMA'S ASSOCIATES, LLC (275902)

Vacate storm sewer easement at 1827 - 2nd Street S.

OPUS DEVELOPMENT CORPORATION (275903)

Vacate alley easements in the block bounded by Nicollet Mall, 4th Street South, Marquette Avenue and 5th Street South.

The following reports were signed by Mayor Rybak on August 7, 2012, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Vice President Lilligren assumed the Chair.

Comm of the Whole/IGR - Your Committee, having under consideration establishment of a property tax policy work group to make recommendations to the Governor and the Legislature, now recommends establishment of a property tax policy work group with participation from City staff, the City Council and the Mayor's Office.

1. The City Coordinator, in cooperation with the Department of Intergovernmental Relations staff, shall identify City staff participants for the work group.
2. The Council President shall select council member participants.
3. The recommendations of the work group shall be presented to the Mayor and Council by December 13, 2012.

Council President Johnson moved to appoint Council Members Glidden, Hodges, Johnson and Tuthill to the Property Tax Policy Work Group. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

President Johnson resumed the Chair.

Comm of the Whole/IGR - Your Committee recommends that the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be further amended by adding the following language to the Policy Initiatives Section relating to foreclosure prevention:

Foreclosure Prevention: Principal Reduction For Fannie Mae and Freddie Mac Mortgages

Fannie Mae and Freddie Mac own or insure approximately 60% of the nation's residential mortgages. As a result of the foreclosure crisis, the two agencies and private mortgage firms have been urged by housing advocates and governments to develop policies to assist homeowners to remain in their homes. Among the policies have been mortgage modification programs that include lower monthly payments, forbearance, principal reduction, shared equity and a combination of the programs. A recent court settlement involving mortgage lenders, the states and the federal government will provide refinancing and form of principal reduction to homeowners whose homes are "underwater" – mortgage value exceeds home value. The principal reduction program is available to loans serviced by banks but loans backed by Fannie Mae and Freddie Mac are not eligible for the program.

The FHFA despite its own analysis indicating that the program is cost effective has not offered a principal reduction program. The FHFA analysis of a principal reduction program concluded that it would reduce the agencies losses and benefit the homeowner. The FHFA administrator raised concerns about the principal reduction including administration and costs and that a reduction program could encourage homeowners who are current on their mortgage to default so that they can apply for the debt reduction program.

Several members of Congress including Rep. Ellison have recommended that the FHFA authorize Freddie Mac and Fannie Mae to offer a principal reduction program. They cite the potential savings, community benefit of the program and available funding from the Treasury.

The City of Minneapolis recommends that the FHFA establish a principal reduction program for Fannie Mae and Freddie Mac owned or insured residential mortgages.

Adopted.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into a Utility Easement Agreement with PPL and Seward Commons, LLC, or affiliated entities, for purposes of providing utility access to the City-owned site at 2304 Snelling Ave within Seward Commons, consistent with the terms outlined in the Department of Community Planning & Economic Development staff report.

Adopted.

Comm Dev - Your Committee, having under consideration the proposed sale of the Seven Corners Parking Ramp (1800-14 Washington Ave S), now recommends that the proper City officers be authorized to amend the Purchase and Sale Agreement with respect to the Seven Corners Parking Ramp to reassign Minneapolis Venture LLC's ("Alatus") development obligations for that site to a new single purpose entity, Grandma's Associates LCC, of which Alatus will be a 36.5% owning member.

Adopted.

Approved by Mayor Rybak 8/3/2012.

(Published 8/7/2012)

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

Comm Dev & W&M/Budget – Your Committee, having under consideration Modification No. 121 to the Common Development and Redevelopment Plan and Common Tax Increment Financing (TIF) Plan, which expands the boundaries of the Common Project to include the Heritage Park Redevelopment Project and TIF District and identifies Common Project tax increment revenue generated by the West Side Milling TIF District as a source of funds to pay off a portion of the Heritage Park General Obligation TIF bonds, now recommends passage of the accompanying resolutions - a) approving said Modification; and b) increasing the appropriation in the Department of Community Planning and Economic Development West Side Milling Fund by \$2,900,000.

Adopted.

Resolution 2012R-404, approving Modification No 121 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan, 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 2012R-404
By Goodman and Hodges**

Approving Modification No 121 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City approved the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan (the "Common Plans") and established the Common Development and Redevelopment Project (the "Common Project").

1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, Modification No 121 to the Common Plans (the "Modification"). The Modification expands the boundaries of the Common Project to include the entire Heritage Park Redevelopment Project and identifies Common Project tax increment revenue generated by the West Side Milling District TIF District as a source to payoff a portion of the General Obligation TIF bonds issued in 2003 to pay for infrastructure costs of the Heritage Park Redevelopment Project. These actions are all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Modification are all pursuant to and in accordance with the Project Laws.

2.2. The Council further finds, determines and declares that the Modification conforms to the general plan for the development or redevelopment of the city as a whole. Written comments of the City Planning Commission with respect to the Modification were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the Modification will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the project area by private enterprise.

2.4. The Council further finds, determines and declares that the reasons and facts supporting the findings in this resolution are described in the Modification.

2.5. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modification.

Section 3. Approval

3.1. Based upon the findings set forth in Section 2 hereof, the Modification presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

Adopted.

**RESOLUTION 2012R-405
By Goodman and Hodges**

Amending the 2012 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 West Side Milling Fund (01CWM-8900900) by \$2,900,000 from available fund balance.

Adopted 8/3/2012.

Comm Dev & W&M/Budget - Your Committee, having under consideration a spending plan for Tax Increment Financing funds in the tornado recovery area of north Minneapolis and Tornado Recovery Housing Program Guidelines, now recommends:

- a) Passage of the accompanying resolution approving a Tornado Recovery Spending Plan for Tax Increment District Nos. 46 (MILES I), 78 (SEMI Phase 4), 83 (Rosacker Nursery site), 97 (Nicollet-Franklin) and 137 (Clare Apartments/Old Third Avenue Townhomes);
- b) Approval of Tornado Recovery Housing Program Guidelines, as set forth in the Department of Community Planning & Economic Development staff report; and
- c) Passage of the accompanying resolution approving CPED appropriations.

Adopted.

Resolution 2012R-406, approving a Tornado Recovery Spending Plan for Tax Increment District Nos. 46 (MILES I), 78 (SEMI Phase 4), 83 (Rosacker Nursery Site), 97 (Nicollet-Franklin) and 137 (Clare Apartments/Old Third Avenue Townhomes), 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 2012R-406
By Goodman and Hodges**

Approving a Tornado Recovery Spending Plan for Tax Increment District Nos. 46 (MILES I), 78 (SEMI Phase 4), 83 (Rosacker Nursery Site), 97 (Nicollet-Franklin) and 137 (Clare Apartments/Old Third Avenue Townhomes).

Resolved by The City Council of The City of Minneapolis:

Section 1. Background; Findings.

That the City has previously established Tax Increment Financing District Nos. 46 (MILES I) , 78 (SEMI Phase 4), 83 (Rosacker Nursery Site), 97 (Nicollet-Franklin) and 137 (Clare Apartments/Old Third Avenue Townhomes) (the "TIF Districts") and adopted the tax increment financing plans therefor (the "TIF Plans") pursuant to Minnesota Statutes, Sections 469.174 to 469.1799 (the "TIF Act") and certain special legislation.

Be It Further Resolved that Laws 2011, First Special Session, c.7, art. 5, §12 (referred to as the "Tornado TIF Authority Act") authorizes the City to spend available tax increment from any existing tax increment financing district, notwithstanding any other law to the contrary, for certain purposes relating to recovery from the May 22, 2011 tornado that struck north Minneapolis.

Be It Further Resolved that in accordance with the Tornado TIF Authority Act, the City has caused to be prepared a spending plan (the "Spending Plan") authorizing the City to use up to \$1 million in tax increment revenues from the TIF Districts for a program to finance city acquisition and demolition of tornado-damaged property, a program to finance new construction of "green" homes on tornado-damaged properties, and related city administrative costs.

Be It Further Resolved that the City has performed all actions required by law to be performed prior to the approval of the Spending Plan, including, but not limited to, causing notice of a public hearing to be published and holding a public hearing regarding the Spending Plan on July 10, 2012.

Section 2. Approval of the Spending Plan.

Be It Further Resolved that the Spending Plan is hereby approved in substantially the form on file in the City Clerk's office.

Be It Further Resolved that the City makes all the findings set forth in the Spending Plan, which are incorporated herein by reference.

Be It Further Resolved that City staff and consultants are hereby authorized to take actions necessary to carry out the terms of the Spending Plan.

Adopted.

**RESOLUTION 2012R-407
By Goodman and Hodges**

Amending the 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) MILES Fund (01CPJ-8900900) by \$65,000 from available fund balance;

- b) Increasing the appropriation in the CPED Rosacker Nursery Site Fund (01CRS-8900900) by \$225,000 from available fund balance;
- c) Increasing the appropriation in the CPED Nicollet-Franklin Fund (01CNF-8900900) by \$395,000 from available fund balance;
- d) Increasing the appropriation in the CPED SEMI Phase 4 Fund (01CS4-8900900) by \$250,000 from available fund balance;
- e) Increasing the appropriation in the CPED Clare Apartments/Old Third Avenue Townhomes Fund (01CCH-8900900) by \$65,000 from available fund balance; and
- f) Increasing the appropriation in the CPED Capital Project Other Fund (01CPO-8900900) by \$1,130,000 from available fund balance.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7643 from Veit and Company, Inc in the amount of \$288,744.50 to furnish and deliver all labor, materials, equipment and incidentals necessary to complete remedial action at Minnehaha Industrial Park.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

Comm Dev & W&M/Budget – Your Committee, having under consideration environmental remediation grant awards, now recommends that the proper City officers be authorized to accept and appropriate awards by the Minnesota Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program, Metropolitan Council Livable Communities Tax Base Revitalization Account (TBRA) Grant Program and the Hennepin County Environmental Response Fund (ERF) and to execute grant, sub-recipient and/or disbursement and related agreements for the following grants:

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

DEED Grant Projects with recipient being City of Minneapolis:

1. 1515 Central Ave SE, \$334,418
2. Artspace Jackson Flats, \$142,875
3. Brunfield Place, \$148,500
4. Dwell at Calhoun Greenway, \$557,835
5. Pillsbury Lofts, \$214,817
6. The GAV, \$156,000

TBRA Grant Projects with recipient being City of Minneapolis:

1. 1101 University Ave SE, \$173,400
2. 1515 Central Ave SE, \$285,900
3. Brunfield Place, \$38,400
4. Dwell at Calhoun Greenway, \$226,500
5. Fountain Residential, \$24,000
6. Pillsbury Lofts, \$439,300

ERF Grant Projects with recipient being City of Minneapolis:

1. 1101 University Ave SE, \$100,000
2. Brunfield Place, \$27,465
3. Dwell at Calhoun Greenway, \$278,917
4. Pillsbury Lofts, \$146,437
Adopted.

**RESOLUTION 2012R-408
By Goodman and Hodges**

Amending the 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900320) by \$990,683 and Fund (01600-8900220) by \$2,304,081;
- b) Increasing the CPED revenue source in the Grants Other Fund (01600-8900900-321504) by \$1,554,445; Fund (01600-8900900-321513) by \$1,187,500; and Fund (01600-8900900-322002) by \$552,819.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to submit applications to the Metropolitan Council's Tax Base Revitalization Account [TBRA] Investigation Grant Program for environmental investigation/assessment funding for the following projects: Heritage Park (Outlot C), Minneapolis Preservation Portfolio Project, and The Commons @ Penn Avenue.

Adopted.

Resolution 2012R-409, authorizing application to the Metropolitan Council Tax Base Revitalization Account for the Heritage Park (Outlot C), Minneapolis Preservation Portfolio and The Commons @ Penn Avenue projects, 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 2012R-409
By Goodman and Hodges**

Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following investigation projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: Heritage Park (Outlot C), Minneapolis Preservation Portfolio Project, and The Commons @ Penn Avenue; and

Whereas, the City intends to act as the legal sponsor for the above-referenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by August 1, 2012, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

Whereas, the City finds that the contamination investigation will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for investigation completion;

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

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate City staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects. The City acknowledges that for each grant awarded to the City, the City will be the grantee and will act as legal sponsor, and will administer and be responsible for grant funds expended for the project referred to in the applicable grant application.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to submit applications to the Minnesota Department of Employment and Economic Development [DEED] Redevelopment Grant Program for the following projects: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve.

Your Committee further recommends approval of the DEED Redevelopment Grant Program application fee and administration fee as described in the Department of Community Planning & Economic Development staff report.

Adopted.

Resolution 2012R-410, authorizing applications to the Minnesota Department of Employment and Economic Development Redevelopment Grant Program for the following projects: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve, 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 2012R-410
By Goodman and Hodges**

Authorizing Applications to the Minnesota Department of Employment and Economic Development [DEED] Redevelopment Grant Program for the following projects: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve.

Whereas, the City of Minneapolis intends to act as the legal sponsor for the following projects that will be more completely described in the Redevelopment Grant applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on or by August 1, 2012: Currie Park Lofts, L & H Station, The Commons @ Penn Avenue, and West Broadway Curve; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial and financial capacity to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are (or are expected to be) committed to the identified projects; and

Whereas, the City has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of its applications, the City may enter into agreements with the State of Minnesota for the above-referenced projects and will comply with all applicable laws and regulations as stated in said agreements;

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

That the City Council authorizes the Director or Deputy of the Department of Community Planning and Economic Development to apply to the Minnesota Department of Economic Development for Redevelopment Program grant funding for the above-referenced projects, and that the City's Finance Officer, Contracts Administrator or Purchasing Agent and/or other duly authorized City staff are hereby authorized to execute any agreements that may be necessary to implement the projects.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to submit applications for Metropolitan Council Livable Communities Demonstration Account (LCDA) and Metropolitan Council Tax Base Revitalization Account (TBRA) Transportation-Oriented Development (TOD) grant funds for the following projects, with priority ranking as follows:

Metropolitan Council LCDA TOD Projects:

1. Currie Park, by Fine Associates - \$993,229
2. Corcoran Triangle, by Welling - \$505,000
3. Mill City Quarter, by Lupe Development - \$1,000,000

Metropolitan Council TBRA TOD Projects:

1. West Broadway Curve, by Common Bond - \$56,533
2. Mill City Quarter, by Lupe Development - \$810,000
3. Junction Flats, by Trammell Crow - \$548,500
4. Elan of Uptown, by Greystar - \$700,500

Adopted.

Resolution 2012R-411, identifying the need for livable communities transit oriented development funding and authorizing applications for grant funds, 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 2012R-411
By Goodman and Hodges**

Identifying the need for livable communities transit oriented development funding and authorizing applications for grant funds.

Whereas, the City of Minneapolis ("City") is a participant in the Metropolitan Livable Communities Act ("LCA") Local Housing Incentives Program for 2012 as determined by the Metropolitan Council, and is therefore eligible to apply for LCA Livable Communities Demonstration Account and Tax Base Revitalization Account Transit Oriented Development (collectively, "TOD") funds; and

Whereas, the City has identified proposed projects within the City that meet TOD purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council's adopted metropolitan development guide; and

Whereas, the City has the institutional, managerial and financial capability to adequately manage an LCA TOD grant; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement; and

Whereas, the City acknowledges Livable Communities TOD grants are intended to fund projects or project components that can serve as models, examples or prototypes for TOD development or redevelopment elsewhere in the region, and therefore represents that the proposed projects or key components of the proposed projects can be replicated in other metropolitan-area communities; and

Whereas, only a limited amount of grant funding is available through the Metropolitan Council's Livable Communities TOD initiative during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur without the availability of TOD grant funding; and

Whereas, cities may submit grant applications for up to three TOD Demonstration Account projects and up to six TOD Tax Base Revitalization Account projects during each funding cycle, but, using the City's own internal ranking processes, must rank their projects by priority so the Metropolitan Council may consider those priority rankings as it reviews applications and makes grant awards;

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

That the City finds that it is in the best interests of the City's development goals and priorities for the proposed projects to occur at the sites indicated in the grant applications at this particular time.

Be It Further Resolved that the City finds that the TOD project components for which Livable Communities TOD funding is sought (a) will not occur solely through private or other public investment within the reasonably foreseeable future; and (b) will occur within the term of the grant award (two years for Pre-Development grants, and three years for Development grants, one year for Cleanup Site Investigation grants and three years for Cleanup grants) only if Livable Communities TOD funding is made available for these projects at this time.

Be It Further Resolved that the City ranks the TOD project funding applications according to the City's own internal priorities in the following order:

Priority	TBRA TOD Project Names	Grant Amount Requested
1	West Broadway Curve (Common Bond)	\$56,533
2	Mill City Quarter (Lupe Development)	\$810,000
3	Junction Flats (Trammell Crow)	\$548,500
4	Elan of Uptown (Greystar)	\$700,500

Priority	LCDA TOD Project Names	Grant Amount Requested
1	Currie Park Lofts (Fine Associates)	\$993,229
2	Corcoran Triangle (Wellington)	\$505,000
3	Mill City Quarter (Lupe Development)	\$1,000,000

Be It Further Resolved that the City authorizes its Department of Community Planning and Economic Development to submit on behalf of the City applications for Metropolitan Council Livable Communities TOD grant funds for the TOD project components identified in the applications and to execute such agreements as may be necessary to implement the projects on behalf of the City.

Adopted.

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

PSC&H - Your Committee recommends approval of the appointment of Linda Brandt as the Hennepin County Human Services and Public Health Representative to the Public Health Advisory Committee for the remaining portion of a two-year term to expire December 31, 2013.

Adopted.

Absent – Goodman.

PSC&H – Your Committee, to whom was referred an ordinance amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, providing for Civil Rights Commissioner appointments to end on December 31 instead of August 31 and that such appointments be made under the open appointments process, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Absent – Goodman.

Ordinance 2012-Or-051 amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, changing the end dates for Civil Rights Commissioner appointments to end on December 31 and providing for such appointments to be made under the open appointments process, 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 2012-Or-051
By Samuels
Intro & 1st Reading: 6/29/2012
Ref to: PSC&H
2nd Reading: 8/3/2012

Amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to Civil Rights: Administration and Enforcement.

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

Section 1. That Section 141.20 of the above-entitled ordinance be amended to read as follows:

141.20. Commission membership. (a) *Composition and qualifications.* The commission shall consist of twenty-one (21) members all of whom shall be persons known to favor the principles of equal opportunity, nondiscrimination and the objectives of this title, ~~who shall be appointed by the mayor and confirmed by the city council.~~ A minimum of six (6) and a maximum of eight (8) shall be lawyers. All members shall be residents of the city, ~~unless the residency requirement is waived in accordance with section 14.180 of this Code.~~ All members shall be appointed in conformance with the open appointments process as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180.

(b) *Appointment, terms.* On and after ~~August 31, 1976~~ June 1, 2012, ~~the mayor shall appoint members~~ members shall be appointed as follows: ~~For those terms which terminate on August 31, 1976, six (6) members shall be appointed for a term to terminate August 31, 1979, and three (3) members shall be appointed for a term to terminate August 31, 1978; for those terms which terminate on August 31, 1977, three (3) members shall be appointed for a term to terminate August 31, 1978, and five (5) members shall be appointed for a term to terminate August 31, 1980. On or after August 31, 1978, one member shall be appointed for a term to terminate August 31, 1979, two (2) members shall be appointed for a term to terminate August 31, 1980, and one member shall be appointed for a term to terminate August 31, 1981. Thereafter all members shall be appointed for three-year terms which shall terminate on August 31 of the third year following the year of their appointment. Commencing in 1982, the city council and the mayor shall divide the appointment of members as provided hereafter. The city council shall~~

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~~appoint four (4) of the members whose terms terminate on August 31, 1982; the mayor three (3). The city council shall appoint three (3) of the members whose terms terminate on August 31, 1983; the mayor four (4). The mayor shall appoint the members whose terms terminate on August 31, 1984. All these appointments and subsequent reappointments by the same appointing authorities shall be for three-year terms which shall terminate on August thirty-first of the third year following the year of their appointment.~~

(1) Seven (7) appointments – Four (4) by the city council and three (3) by the mayor.

- a. Four (4) appointments have a scheduled term end date of August 31, 2012. One (1) appointment has a scheduled term end date of December 31, 2012. Two (2) membership seats are vacant. The appointments scheduled to end on August 31, 2012 shall have a term end date of December 31, 2012. The appointment scheduled to end on December 31, 2012 shall have a term end date of December 31, 2012. The vacant membership seats shall have a term end date of December 31, 2012. The next term for these four (4) appointments of the city council and three (3) appointments of the mayor shall be January 1, 2013 through December 31, 2015.
- b. All subsequent terms of these seven (7) appointments shall be three-year terms starting on January 1 and ending on December 31. Four (4) of these appointments shall be appointments of the city council and three (3) of these appointments shall be appointments of the mayor.

(2) Seven (7) appointments – Three (3) by the city council and four (4) by the mayor.

- a. Seven (7) appointments have a scheduled term end date of December 31, 2013. These seven (7) appointments scheduled to end on December 31, 2013 shall have a term end date of December 31, 2013. The next term for these three (3) appointments of the city council and four (4) appointments of the mayor shall be January 1, 2014 through December 31, 2016.
- b. All subsequent terms of these seven (7) appointments shall be three-year terms starting on January 1 and ending on December 31. Three (3) of these appointments shall be appointments of the city council and four (4) of these appointments shall be appointments of the mayor.

(3) Seven (7) appointments – Seven (7) by the mayor.

- a. Seven (7) appointments have a scheduled term end date of August 31, 2014. These seven (7) appointments scheduled to end on August 31, 2014 shall have a term end date of December 31, 2014. The next term for these seven (7) appointments of the mayor shall be January 1, 2015 through December 31, 2017.
- b. All subsequent terms for these seven (7) appointments shall be three-year terms starting on January 1 and ending on December 31. All seven of these appointments shall be appointments of the mayor.

All mayoral appointments shall be subject to city council confirmation; all city council appointments are subject to mayoral consent or veto as provided in the Minneapolis City Charter, Chapter 3, Section 1. Members shall continue to serve until their successors have been appointed.

(c) *Removal and vacancies; compensation; quorum.* Any member may be removed by the appointing authority for incompetence, neglect of duty, misconduct or malfeasance. Any vacancy occasioned by resignation, death or removal shall be filled for the balance of the unexpired term in the same manner as provided for original appointment. Members of the commission shall be compensated at the rate of thirty-

five dollars (\$35.00) per monthly meeting attended and further as provided in section 141.50(k)(2) and (3). Nine (9) members of the commission shall constitute a quorum.

Any member who has four (4) absences from regular meetings in a calendar year shall automatically cease to be a member of the commission. Any member appointed to a standing committee or task force who has four (4) absences from any scheduled committee or task force meeting in a calendar year shall automatically cease to be a member of the commission. Any member of a hearing committee who misses two (2) public hearings to which the member has been assigned by the chairperson of the commission without providing a substitute in any calendar year shall automatically cease to be a member of the commission.

Any time a member has been automatically removed from the commission by operation of this section, the chairperson shall immediately inform the appointing authority of the vacancy.

Adopted.

Absent – Goodman.

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

PSC&H & W&M/Budget - Your Committee, having under consideration the Blue Cross/Blue Shield Connect for Health Challenge Grant for 2012, now recommends that the proper City officers be authorized to accept the grant award in the amount of \$20,000 for use by the Fire Department to hold a pilot Fire Corps program for East African youths entering 9-12 grade.

Further, passage of the accompanying resolution appropriating \$20,000 to the Fire Department.

Adopted.

Absent – Goodman.

**RESOLUTION 2012R-412
By Samuels and Hodges**

Amending The 2012 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 Fire Department Agency in the Grants - Other Fund (01600-2800700) by \$20,000.

Adopted.

Absent – Goodman.

PSC&H & W&M/Budget – Your Committee recommends that the proper City officers be authorized to increase the not to exceed amounts for the following Master Contracts to finalize projects through contract termination on December 31, 2015: Domestic Abuse Project (#28814); Neighborhood HealthSource (#28777); Sustainable Resource Center (#28671); and The Family Partnership (#28852).

Adopted.

Absent – Goodman.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant contract agreement with Minnesota Homeland Security and Emergency Management for participation in the Minnesota Joint Analysis Center. Further, passage of the accompanying resolution appropriating \$69,050 to the Police Department.

Adopted.

Absent – Goodman.

**RESOLUTION 2012R-413
By Samuels and Hodges**

Amending The 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (01300-4003400) by \$69,050 and increasing the revenue source (01300-4003400-321010) by \$69,050.

Adopted.

Absent – Goodman.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the 2013 Toward Zero Deaths grant agreement from the Minnesota Department of Public Safety; accept a traffic grant award in the amount of \$367,000; and grant the Police Department permission to enter into agreements with the Police Departments of the University of Minnesota, Golden Valley, Crystal, Hopkins, Robbinsdale, and New Hope to share the grant funds in amounts to be determined. Further, passage of the accompanying resolution appropriating \$367,000 to the Police Department.

Adopted.

Absent – Goodman.

**RESOLUTION 2012R-414
By Samuels and Hodges**

Amending The 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (01300-4002730) by \$367,000 and increasing the revenue source (01300-4002730-321012) by \$367,000.

Adopted.

Absent – Goodman.

PSC&H & W&M/Budget – Your Committee recommends passage of the accompanying resolutions approving donations of dog and cat food, toys and treats, pizza and animal veterinary items for the care of animals at Minneapolis Animal Care and Control.

Adopted.

Absent – Goodman.

Resolutions 2012R-415 and 2012R-416, approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care & Control, were adopted by the City Council. A complete copy of each 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 2012R-415
By Samuels and Hodges**

Approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care & Control.

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:

Deb Morgan	10 cans of wet cat food (3 oz. each);
Teresa Nordin	9 fleece blankets, 1 treat tote, 16 poop bags with dispensers, 100 trial size cat treats, and 1 leash; and
Volunteers at MACC	Frontline Plus for dogs/cats (20 applications), Kong balls, Kong Wubba, Kong Stuff'n.

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

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.

Absent – Goodman.

**RESOLUTION 2012R-416
By Samuels and Hodges**

Approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care & Control.

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:

Kristin Shanley	dog shampoo and bath oil, 2 cans Pedigree dog food (13 oz. each), 1 bag dog kibble (6 oz.), 9 doses of Frontline Plus, 2 doses of Heartgard, and 1 bag nylabones
Pizza Luce-Seward	Will Donate 4 Pizzas for a Community Meeting at MACC
Volunteers at MACC	1 Dozen Bandanas for pet photos, 1 bag organic chicken treats (16 oz.), 3 bags Zuke's natural cat treats (3 oz.), and 1 bag Canidae dog treats
Jeff Deitch	2 bottles tape worm tablets canine

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

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.

Absent – Goodman.

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

RE&E - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending rental licensing regulations, as follows:

- a) adding “effects of license revocation” for rental dwelling license holders and providing requirements inclusive of mandatory training in certain circumstances;
 - b) amending provisions for the vacation of affected dwelling units; and
 - c) allowing for the administrative management of the substandard rental dwelling violation schedule,
- now recommends that said ordinance be given its second reading for amendment and passage.

Glidden moved that the report be postponed. Seconded.

Adopted upon a voice vote.

Absent – Goodman.

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

- a) Indeed Brewing Company, 711 15th Ave NE (new business - Growler/Taproom)
- b) Pat’s Tap, 3510 Nicollet Ave (amended business plan to add interior seating)
- c) Cafe Maude at Loring, 1612 Harmon PI (new business with sidewalk cafe)
- d) Copper Pot Indian Grill, 10 S 5th St (new business)
- e) Gigi’s Cafe, 824 W 36th St (amended business plan to add interior seating)
- f) The Kenwood, 2115 W 21st St (new business)
- g) Karta Thai Restaurant, 2411 Central Ave NE (new business).

Adopted.

Absent – Goodman.

Approved by Mayor Rybak 8/3/2012.

(Published 8/7/2012)

Resolution 2012R-417, granting Liquor and Wine Licenses to Indeed Brewing Company, 711 15th Ave NE; Pat’s Tap, 3510 Nicollet Ave; Cafe Maude at Loring, 1612 Harmon PI; Copper Pot Indian Grill, 10 S 5th St; Gigi’s Cafe, 824 W 36th St; The Kenwood, 2115 W 21st St; and Karta Thai Restaurant, 2411 Central Ave 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 2012R-417
By Glidden

Granting Liquor and Wine 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:

Off-Sale Malt Liquor, to expire July 1, 2013

Indeed Brewing Company LLC, dba Indeed Brewing Company, 711 15th Ave NE (Growler/new business)

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

Uncle Pearle LLC, dba Pat’s Tap, 3510 Nicollet Ave (amended Business Plan to add interior seating)

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2013

Cafe Maude at Loring LLC, dba Cafe Maude at Loring, 1612 Harmon PI (new business)

On-Sale Wine Class E with Strong Beer, to expire July 1, 2013

Indeed Brewing Company LLC, dba Indeed Brewing Company, 711 15th Ave NE (Taproom/new business)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2013

Ventnor Partners LLC, dba Gigi's Cafe, 824 W 36th St (amended Business Plan to add interior seating)

Kenwood Place LLC, dba The Kenwood, 2115 W 21st St (new business)

Karta Thai Inc, dba Karta Thai Restaurant, 2411 Central Ave NE (new business)

Sidewalk Cafe, to expire April 1, 2013

Cafe Maude at Loring LLC, dba Cafe Maude at Loring, 1612 Harmon Pl (new business)

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

Trinity Food Coop, dba Copper Pot Indian Grill, 10 S 5th St (new business).

Adopted.

Absent – Goodman.

Approved by Mayor Rybak 8/3/2012.

RE&E - Your Committee, having under consideration the application of Miklin Enterprises Inc, dba Jimmy John's, 14 University Ave NE, for a Sidewalk Cafe License (new business) to expire April 1, 2013, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Hofstede moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted upon a voice vote.

Absent – Goodman.

The report, as amended, was adopted.

Absent – Goodman.

RE&E - Your Committee, having under consideration the application of WNT Inc, dba Wings N Things, 324 W Broadway, for an Extended Hours License (new business) to operate seven days a week until 2:00 a.m. to expire May 1, 2013, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

Absent – Goodman.

RE&E - Your Committee, having under consideration the application of YHD Foods, dba McDonalds, 3110 E Lake St, for an Extended Hours License (new business) to operate a 24-hour drive through with lobby hours of 5:00 a.m. to Midnight seven days a week to expire May 1, 2013, and having held a public hearing thereon, now recommends that an Extended Hours License be granted to operate Sunday through Thursday from 5:00 a.m. until 11:00 p.m. and Friday and Saturday from 5:00 a.m. until Midnight, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Your Committee further recommends that the City Attorney's Office be directed to draft findings in support of the Committee's decision.

Glidden moved that the report be amended to include adoption of the findings as drafted by the City Attorney. Seconded.

Adopted by unanimous consent.

Absent – Goodman.

The report, as amended, was adopted.

Absent – Goodman.

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

Adopted.

Absent – Goodman.

Resolution 2012R-418, 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.

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

**RESOLUTION 2012R-418
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 275877):

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2013

Secure Entertainment LLC, dba The Lounge, 411 2nd Ave N (downgrade from Class A)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2013

OJS LLC, dba Loring Kitchen and Bar, 1359 Willow St

Temporary On-Sale Liquor

St. Mary's Greek Orthodox Church, dba St. Mary's Greek Orthodox Church, 3450 Irving Ave S (temporary On-Sale Liquor September 8 & 9, 2012, 10 p.m. and 9 p.m., St. Mary's Greek Orthodox Church)

Liquor Catering Services, to expire August 1, 2013

Modern Cafe Inc, dba Modern Cafe, 337 13th Ave NE

Complete Beverage Service, dba Darby O'Ragens, 401 3rd St N

Prom Catering, dba Prom Catering, 3300 Central Ave NE

Off-Sale Beer, to expire April 1, 2013

El Burrito Mercado Global Market LLC, dba El Burrito Mercado, 920 E Lake St #118, 119

Aldi Inc, dba Aldi Foods #67, 1311 E Franklin Ave

Aldi Inc, dba Aldi Foods #72, 2100 E Lake St #101

Temporary On-Sale Beer

Uptown Association, dba Uptown Association, 1406 W Lake St Lower Level C (August 3, 4 & 5, 2012, Uptown Art Fair)

Church of the Holy Name, dba Church of the Holy Name, 1112 E 37th St (October 14, 2012, 9:00 a.m. to 4:00 p.m., fundraiser).

Adopted.

Absent – Goodman.

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

Adopted.

Absent – Goodman.

Resolution 2012R-419, 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 2012R-419
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 August 3, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275877):

Dry Cleaner – Flammable; Caterers; Grocery; Food Market Distributor; Farm Produce Permits; Institutional Food Service; Food Manufacturer; Food Market Manufacturer; Drive In Food; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Plumber; Precious Metal Dealer; Recycling/Salvage Yard; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class A; Antique Dealer Class B; Antique Mall Operator Class B; Solicitor - Individual; Solid Waste Hauler; Tattooist/Body Piercer Establishment; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tree Servicing; Tobacco Dealer.

Adopted.

Absent – Goodman.

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

Adopted.

Absent – Goodman.

Resolution 2012R-420, 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 2012R-420
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 275877):

Gambling Exempt

Church of St. Anne, dba Church of St. Anne, 2627 Queen Ave N (Raffle August 19, 2012, Church parking lot)

Our Lady of Peace Church, dba Our Lady of Peace Church, 5426 12th Ave S (Bingo and Raffle September 22 & 23, 2012, Our Lady of Peace)

Cancer Legal Line, dba Cancer Legal Line, 366 Jackson St #400, St. Paul (Raffle September 27, 2012, Van Dusen Mansion)

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Ave S (Raffle, Bingo and Pulltabs October 14, 2012, Risen Christ School)

Feed My Starving Children, dba Feed My Starving Children, 401 93rd Ave NW, Coon Rapids (Raffle November 9, 2012, Minneapolis Convention Center)

Prime Timers Minneapolis – St. Paul, dba All God's Children MCC, 1730 New Brighton Blvd #162 (Bingo December 1, 2012, All God's Children MCC).

Adopted.

Absent – Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Ave NE.

Adopted.

Absent – Goodman.

Resolution 2012R-421, approving License Settlement Conference recommendations relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Ave 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 2012R-421
By Glidden**

Approving License Settlement Conference recommendations relating to the Grocery, Meat Market and Tobacco Licenses held by Highland Market, 2600 Central Ave NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on May 18, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated Section 259.250 (1) of the Minneapolis Code of Ordinances, as follows:

- a) the alleged illegal possession of EBT cards and forgery and attempted use of a credit card by Jabrell Ibrahim Hassan, employee and son of the owner of Highland Market; and
- b) the high amount of complaints from residents and police calls for service due to excessive loitering and illegal activities occurring in the vicinity of the business;

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

That the business licenses held by Highland Market be henceforth maintained subject to the following set of operating conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
2. The business has agreed to terminate the employment of Jibrell Ibrahim Hassan, son of Hassan Jibrell, owner, Highland Market. Additionally, the business has agreed to trespass Jibrell Ibrahim Hassan and not allow him on the business property.
3. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags. The business will also agree not to supply matches to non-tobacco customers.
4. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
5. In addition to the requirement specified in Minneapolis Ordinance 543.350, all windows will be free of signs and other items that block the view in and out.
6. Owner shall comply with the Surveillance Camera Ordinance, Minneapolis Ordinance 259.230. Additionally, the business will install two exterior cameras.
7. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
8. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.
9. The business agrees to have two employees on duty from 2:30 p.m. to 8:30 p.m. so the interior and exterior can be closely monitored.

Adopted.

Absent – Goodman.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration Metro Transit's Alternatives Analysis study to review possible modes and alignments for transit improvements on the Midtown Corridor, now recommends the appointment of Council Members Robert Lilligren and Gary Schiff to the Midtown Corridor Policy Advisory Committee to provide overall policy guidance on the Alternatives Analysis Study.

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends that the proper City officers be authorized to execute Residential Recycling Grant Agreement No A120121 with Hennepin County, for the term January 1, 2012 through December 31, 2015, for annual SCORE (Select Committee on Recycling and Environment) funds to be used to assist in the operation of the Minneapolis Recycling Program.

Adopted.

Absent - Goodman.

T&PW - Your Committee, having under consideration the 14th Ave N Cul de Sac Project No 9895, now recommends that the proper City officers be authorized to amend Contract No C-33066 with Urban Companies, LLC, increasing the contract by \$32,290, for a revised contract total of \$214,197.50, to allow for additional work not included in the original scope of the project. No additional appropriation required.

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends that the proper City officers be authorized to amend an existing air rights easement agreement with Metropolitan Council to re-establish right-of-way for the eastern bridge approaches of the Sabo Bridge, as set forth in Petn No 275882.

Adopted.

Absent - Goodman.

T&PW - Your Committee, having under consideration a request from residents to be added to Critical Parking Area No 21, as set forth in Petn No 275882, the Department of Public Works having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Critical Parking Area # 21 to add the following locations:

- 3000 block of Knox Ave S, to be signed "No Parking, Except by Permit, 9 am to 10 pm, Mon - Sun"
- 3100 block of Girard Ave S, to be signed "No Parking, Except by Permit, 9 am to 2 am, Mon - Sun"

Your Committee further recommends the installation of metered parking on the 1300 block of 31st St W and allowing residential properties of said block to be included in Critical Parking Area # 21.

Tuthill moved to amend the report by substituting the following for the final paragraph of the report:

"Your Committee further recommends the installation of metered parking on the north side of the 1300 block of 31st St W and including the south side of said block in Critical Parking Area # 21 by adding the following location to the ordinance:

No 3720 - South side of the 1300 block of 31st St W, between Girard Ave S and Fremont Ave S, (Critical Parking Area # 21) (No Parking, Except by Permit, 9 am to 2 am, Mon - Sun)." Seconded.

Adopted upon a voice vote.

Absent - Goodman.

The report, as amended, was adopted.

Absent - Goodman.

Ordinance 2012-Or-052 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.730 to add the 3000 block of Knox Ave S and the 3100 block of Girard Ave S to Critical Parking Area # 21, 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 2012-Or-052
By Colvin Roy
Intro, 1st & 2nd Readings: 8/3/2012

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

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended by amending Critical Parking Area No 21 by adding thereto the following locations:

No 3718 - Both sides of Knox Ave S between Lake St W and 31st St W (Critical Parking Area # 21) (No Parking, Except by Permit, 9 am to 10 pm, Mon - Sun); and

No 3719 - Both sides of Girard Ave S between 31st St W and 32nd St W (Critical Parking Area # 21) (No Parking, Except by Permit, 9 am to 2 am, Mon - Sun).

No 3720 - South side of the 1300 block of 31st St W, between Girard Ave S and Fremont Ave S, (Critical Parking Area # 21) (No Parking, Except by Permit, 9 am to 2 am, Mon - Sun).

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the 48th and Chicago Avenue Special Service District Advisory Board, for terms to expire July 1, 2014:

- William Senkyr (Wards 8, 11)
- Harvey McLain (Wards 8, 11) (*Reappointment*)
- Patrick Nau (Wards 8, 11) (*Reappointment*)
- Richard Pitheon (Wards 8, 11) (*Reappointment*)
- Joyce Tesarek (Wards 8, 11) (*Reappointment*)

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Bloomington-Lake Special Service District Advisory Board, for terms to expire July 1, 2014:

- Julie Ingebretsen (Wards 8, 9) (*Reappointment*)
- Ted Muller (Wards 8, 9) (*Reappointment*)
- Becky George (Wards 8, 9) (*Reappointment*)

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Central Avenue Special Service District Advisory Board, for terms to expire July 1, 2014:

- Joe Hatch-Surisook (Ward 1)
- Sharon Barker (Ward 1) (*Reappointment*)
- Katherine Bakke (Ward 1) (*Reappointment*)

- Amy Fields (Ward 1) *(Reappointment)*
- James Higgins (Ward 1) *(Reappointment)*
- Christine Levens (Ward 1) *(Reappointment)*
- Lynda MacDonald (Ward 1) *(Reappointment)*
- Scott McCleary (Ward 1) *(Reappointment)*
- Colleen Olsen (Ward 1) *(Reappointment)*

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Chicago-Lake Special Service District Advisory Board, for terms to expire July 1, 2014:

- Dave Burrill (Wards 6, 8, 9) *(Reappointment)*
- David Johnson, Jr. (Wards 6, 8, 9) *(Reappointment)*

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Dinkytown Special Service District Advisory Board, for terms to expire July 1, 2014:

- Greg Pillsbury (Wards 2, 3)
- Brad Nelson (Wards 2, 3)
- Laurel Bauer (Wards 2, 3) *(Reappointment)*
- Irv Herskovitz (Wards 2, 3) *(Reappointment)*
- Skott Johnson (Wards 2, 3) *(Reappointment)*
- James Sander (Wards 2, 3) *(Reappointment)*
- Frank Vescio (Wards 2, 3) *(Reappointment)*

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the East Lake Special Service District Advisory Board, for terms to expire July 1, 2014:

- Scott Cramer (Wards 2, 9, 12) *(Reappointment)*
- Steve Krause (Wards 2, 9, 12) *(Reappointment)*
- Alan Puder (Wards 2, 9, 12) *(Reappointment)*
- Tom Frattallone (Wards 2, 9, 12) *(Reappointment)*

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Linden Hills Special Service District Advisory Board, for terms to expire July 1, 2014:

- Kordie Reinhold (Ward 13)
- Bob Bayers (Ward 13) *(Reappointment)*
- Mark Dwyer (Ward 13) *(Reappointment)*
- Donald Hawkinson (Ward 13) *(Reappointment)*
- Peter Hinke (Ward 13) *(Reappointment)*
- Jon Swenson (Ward 13) *(Reappointment)*

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Lyndale-Lake Special Service District Advisory Board, for terms to expire July 1, 2014:

- Linda McHale (Wards 6, 10)
- Denise Arambadjis (Wards 6, 10) (*Reappointment*)
- Linda Ashland (Wards 6, 10) (*Reappointment*)
- John Meegan (Wards 6, 10) (*Reappointment*)
- Cole Rogers (Wards 6, 10) (*Reappointment*)

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Nicollet Avenue Special Service District Advisory Board, for terms to expire July 1, 2014:

- Lucy Brown-Minn (Wards 6, 7)
- Joanne Christ (Wards 6, 7) (*Reappointment*)
- Tammy Wong (Wards 6, 7) (*Reappointment*)

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the South Hennepin Avenue Special Service District Advisory Board, for terms to expire July 1, 2014:

- Thomas Delaney (Wards 7, 10) (*Reappointment*)
- Tom Fletcher (Wards 7, 10) (*Reappointment*)
- John Oliva (Wards 7, 10) (*Reappointment*)
- Rick Zuckman (Wards 7, 10) (*Reappointment*)

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Stadium Village Special Service District Advisory Board, for terms to expire July 1, 2014:

- Duane Rohrbaugh (Ward 2)
- Nancy Rose-Pribyl (Ward 2) (*Reappointment*)

Adopted.

Absent - Goodman.

T&PW - Your Committee recommends approval of the following appointments to the Uptown Special Service District Advisory Board, for terms to expire July 1, 2014:

- Ross Fefercorn (Ward 10) (*Reappointment*)
- Michael Finn (Ward 10) (*Reappointment*)
- Bill Frothinger (Ward 10) (*Reappointment*)
- Jacqueline Knight (Ward 10) (*Reappointment*)
- Robert Sorenson (Ward 10) (*Reappointment*)

Adopted.

Absent - Goodman.

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

T&PW & W&M/Budget - Your Committee, having under consideration the Minnesota Department of Transportation (Mn/DOT) Metro Municipal Agreement Program providing funding to construction projects developed and administered by local agencies and providing a benefit to both the local community and the trunk highway system, now recommends:

a) Authorizing the proper City officers to submit an application to Mn/DOT for the improvement of six traffic signals through the Metro Municipal Agreement Program; and

b) Passage of the accompanying resolution requesting funding from Mn/DOT and if funding is provided, committing local funds to complete the project, as set forth in Petn No 275883.

Adopted.

Absent - Goodman.

Resolution 2012R-422, requesting funding from the Minnesota Department of Transportation through the Metro Municipal Agreement Program, 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 2012R-422
By Colvin Roy and Hodges**

RESOLUTION FOR MUNICIPAL AGREEMENT PROGRAM PARTICIPATION

Requesting funding from the Minnesota Department of Transportation through the Metro Municipal Agreement Program.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to submit a request to the Minnesota Department of Transportation (Mn/DOT) through the Metro Municipal Agreement Program for FY2014 funding for the improvement of six traffic signals on trunk highways.

Be It Further Resolved that if funding is provided, the City of Minneapolis will provide the required local share to complete the project.

Adopted.

Absent - Goodman.

T&PW & W&M/Budget - Your Committee, having under consideration the implementation of the Single-Sort Recycling Collection Program, now recommends passage of the accompanying resolution increasing the appropriation in the Recycling Fund by \$1,800,000 from the available balance in the Solid Waste-Enterprise Fund for the purchase of 30,000 recycling carts.

Adopted.

Absent - Goodman.

**RESOLUTION 2012R-423
By Colvin Roy and Hodges**

Amending The 2012 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Recycling Fund (07700-6640300) by \$1,800,000 from the available balance in the Solid Waste-Enterprise Fund (07700).

Adopted.

Absent - Goodman.

T&PW & W&M/Budget - Your Committee, having under consideration an agreement between the Metropolitan Sports Facilities Commission (MSFC) and the City of Minneapolis for the sharing of Metrodome parking revenue with the MSFC, the terms of which agreement have expired, now recommends that the proper City officers be authorized to terminate said agreement (Petn No 275883).

Adopted.

Absent – Goodman.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7648 from AAA Striping Service Company, for an estimated annual expenditure of \$100,000.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the installation of pavement markings for the Traffic and Parking Services Division.

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

Adopted.

Absent - Goodman.

T&PW & W&M/Budget - Your Committee recommends acceptance of the only bid submitted to the Public Works Department on OP No 7653 from Cellular Concrete, Inc., for an estimated annual expenditure of \$120,000.00, to furnish and deliver pre-formed foam cellular concrete to the Surface Water and Sewers Division.

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

Adopted.

Absent - Goodman.

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. Yeas, 11; Nays, 1 as follows:

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

Nays – Johnson.

Absent - Goodman.

Resolution 2012R-424, authorizing settlements of *Grady Bergstrom v. City of Minneapolis* and *Kenya Montgomery v. Timothy Devick, et al*, 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 2012R-424
By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) *Grady Bergstrom v. City of Minneapolis*, by payment of \$4,322 to Grady Bergstrom from the Internal Service Self Insurance Fund (06900-1500100-145685); and

b) *Kenya Montgomery v. Timothy Devick, et al*, by payment of \$40,000 to Kenya Montgomery and \$34,414.50 to his attorneys, Gaskins Bennett Birrell Schupp LLP, from the Internal Service Self Insurance Fund (06900-1500100-145400).

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

Adopted. Yeas, 11; Nays, 1 as follows:

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

Nays – Johnson.

Absent - Goodman.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the non-monetary gift of the production of an independent report by Andrew Luger that examines the work of the Youth Violence Prevention initiative from January 2008 to the present.

Adopted.

Absent - Goodman.

Resolution 2012R-425, accepting donated report examining the work of the Youth Violence Prevention Initiative, 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 2012R-425
By Hodges**

Accepting donated report examining the work of the Youth Violence Prevention Initiative.

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:

Name of Donor

Gift

Andrew M. Luger

A report detailing the work with national experts in both the criminal justice and public health spheres to determine best practices for addressing youth violence in large urban populations; Provide recommendations to the city's law enforcement and public health officials for youth violence prevention efforts of the future.
It is expected that this Report will be completed and submitted by October 1, 2012.

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

Whereas, all such donations have been contributed to assist the city in preventing youth violence, 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 Minneapolis:

That the donations described above are accepted and shall be used for the public purposes of advancing the City Goal of A Safe Place to Call Home.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee, having under consideration a list of 7 unpaid invoices totaling \$207,683.68 , now recommends pursuant to the City of Minneapolis Write Off Policy and Minnesota Statute §541.05 regarding the statute of limitations for collections that the proper City officers be authorized to consider the identified invoices to be uncollectible and written off as bad debt.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee, having under consideration the existing contract (C-35496) with Century Fence Company, now recommends that the proper City officers be authorized to execute Amendment No. 1 to the contract in the amount of \$3,264.20, increasing the contract amount to \$58,251.20, for the Emergency Operations Training Facility Perimeter Fence at 25 37th Ave NE, Fridley, Minnesota; no additional appropriation required.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee, having under consideration several City of Minneapolis General Obligation fixed rate bond series, now having interest rates above the current market and therefore presenting an opportunity to capture debt service savings through refunding, now recommends passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue General Obligation Refunding Bonds in compliance with applicable Minnesota Statutes.

Adopted.

Absent - Goodman.

Resolution 2012R-426, requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation Refunding Bonds to refund up to \$81,365,000 of certain currently outstanding General Obligation Bonds of the City of Minneapolis as described below for certain purposes other than the purchase of public utilities, 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 2012R-426

By Hodges

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation Refunding Bonds to refund up to \$81,365,000 of certain currently outstanding General Obligation Bonds of the City of Minneapolis as described below for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis General Obligation Refunding Bonds for the purpose of one or more possible refunding of the following obligations of the City of Minneapolis:

(1) The October 2002 \$ 25,000,000 General Obligation Parking Assessment Bonds, Series 2002 with \$ 22,060,000 outstanding and callable on December 1, 2012 having maturity dates and coupon rates as follows:

2013	\$ 590,000	at 4.50%,
2014	\$ 700,000	at 4.50%,
2015	\$ 810,000	at 4.50%,
2016	\$ 940,000	at 5.00%,
2017	\$ 1,075,000	at 5.00%,
2018	\$ 1,220,000	at 5.00%,
2019	\$ 1,370,000	at 5.00%,
2020	\$ 1,550,000	at 5.00%,
2021	\$ 1,725,000	at 5.00%,
2022	\$ 1,935,000	at 5.00%,
2023	\$ 2,165,000	at 5.00%,
2024	\$ 2,405,000	at 5.00%,
2025	\$ 2,650,000	at 5.125%, and
2026	\$ 2,925,000	at 5.125%

These bonds financed the Vineland Place Parking Ramp attached to the Walker Art Center.

(2) The November 2002 \$ 9,500,000 General Obligation Library Referendum Bonds, Series 2002 with \$ 6,500,000 outstanding and callable on December 1, 2012 having maturity dates and coupon rates as follows:

2013	\$ 500,000	at 4.00%,
2014	\$ 500,000	at 4.00%,
2015	\$ 500,000	at 4.20%,
2016	\$ 500,000	at 4.30%,
2017	\$ 500,000	at 4.375%,
2018	\$ 500,000	at 4.50%,
2019	\$ 500,000	at 4.50%,
2020	\$ 500 000	at 4.60%,
2021	\$ 500,000	at 5.00%,
2022	\$ 500,000	at 5.00%,
2023	\$ 500,000	at 5.00%,
2024	\$ 500,000	at 5.00%, and
2025	\$ 500,000	at 5.00%

(3) The June 2004 \$ 40,970,000 General Obligation Various Purpose Bonds, Series 2004 with \$ 1,500,000 outstanding and callable on December 1, 2012 having maturity dates and coupon rates as follows:

2013	\$ 350,000	at 5.00%,
2014	\$ 350,000	at 5.00%,
2015	\$ 160,000	at 5.00%,
2016	\$ 160,000	at 5.00%,
2017	\$ 160,000	at 5.00%,
2018	\$ 160,000	at 5.00%, and
2019	\$ 160,000	at 5.00%

These outstanding bonds were for equipment purchases such as fire trucks and construction equipment.

(4) The November 2004 \$ 28,000,000 General Obligation Library Referendum Bonds, Series 2004 with \$ 22,600,000 outstanding and callable on December 1, 2012 having maturity dates and coupon rates as follows:

2013	\$ 1,100,000	at 4.50%,
2014	\$ 1,000,000	at 4.50%,
2015	\$ 1,000,000	at 4.50%,
2016	\$ 1,000,000	at 4.50%,
2017	\$ 1,000,000	at 5.00%,
2018	\$ 1,200,000	at 5.00%,
2019	\$ 1,300,000	at 5.00%,
2020	\$ 2,200 000	at 5.00%,
2021	\$ 2,300,000	at 5.00%,
2022	\$ 2,300,000	at 5.00%,
2023	\$ 2,600,000	at 5.00%,
2024	\$ 2,800,000	at 5.00%, and
2025	\$ 2,800,000	at 5.00%

(5) The November 2004 \$ 9,740,000 General Obligation Improvement Bonds, Series 2004 with \$ 4,600,000 outstanding and callable on December 1, 2012 having maturity dates and coupon rates as follows:

2013	\$ 595,000 at 3.75%,
2014	\$ 580,000 at 3.75%,
2015	\$ 425,000 at 4.00%,
2016	\$ 425,000 at 4.00%,
2017	\$ 425,000 at 4.00%,
2018	\$ 425,000 at 4.00%,
2019	\$ 425,000 at 4.00%,
2020	\$ 260,000 at 4.125%,
2021	\$ 260,000 at 4.25%,
2022	\$ 260,000 at 4.25%,
2023	\$ 260,000 at 4.375%, and
2024	\$ 260,000 at 4.375%

These bonds were for special assessment projects.

(6) The June 2005 \$ 29,915,000 General Obligation Library Referendum Bonds, Series 2005 with \$20,725,000 outstanding and callable on December 1, 2013 having maturity dates and coupon rates as follows:

2014	\$ 1,150,000 at 4.00%,
2015	\$ 1,150,000 at 4.00%,
2016	\$ 1,150,000 at 4.00%,
2017	\$ 1,150,000 at 4.00%,
2018	\$ 1,425,000 at 4.00%,
2019	\$ 1,325,000 at 4.00%,
2020	\$ 2,125,000 at 4.25%,
2021	\$ 2,025,000 at 4.25%,
2022	\$ 2,000,000 at 4.25%,
2023	\$ 2,225,000 at 4.25%,
2024	\$ 2,500,000 at 4.375%, and
2025	\$ 2,500,000 at 4.375

(7) The June 2005 \$ 37,240,000 General Obligation Various Purpose Bonds, Series 2005 with \$ 1,380,000 outstanding and callable on December 1, 2013 having maturity dates and coupon rates as follows:

2014	\$ 265,000 at 4.00%,
2015	\$ 265,000 at 4.00%,
2016	\$ 185,000 at 4.00%,
2017	\$ 185,000 at 4.00%,
2018	\$ 185,000 at 4.00%,
2019	\$ 185,000 at 4.00%, and
2020	\$ 110,000 at 4.00%

These outstanding bonds were for equipment purchases such as fire trucks and construction equipment.

(8) The November 2005 \$ 4,610,000 General Obligation Improvement Bonds, Series 2005 with \$ 2,000,000 outstanding and callable on December 1, 2013 having maturity dates and coupon rates as follows:

2014	\$ 250,000 at 4.00%,
2015	\$ 250,000 at 4.00%,
2016	\$ 150,000 at 4.00%,
2017	\$ 150,000 at 4.125%,
2018	\$ 150,000 at 4.25%,
2019	\$ 150,000 at 4.25%,

2020 \$ 150,000 at 4.25%,
2021 \$ 150,000 at 4.375%,
2022 \$ 150,000 at 4.375%,
2023 \$ 150,000 at 4.50%,
2024 \$ 150,000 at 4.50%, and
2025 \$ 150,000 at 4.50%

These bonds were for special assessment projects.

The Finance Officer shall report the bond sale results of each series of general obligation refunding bonds to the Ways & Means/Budget Committee after the completion of the issuance of each refunding.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the Finance Officer to issue and award General Obligation Tax Increment Refunding Bonds for Heritage Park General Obligation TIF Bonds in compliance with applicable Minnesota Statutes.

Adopted.

Absent - Goodman.

Resolution 2012R-427, authorizing the sale and issuance of General Obligation Tax Increment Refunding Bonds (Heritage Park); establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations, 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 2012R-427
By Hodges

Authorizing the sale and issuance of General Obligation Tax Increment Refunding Bonds (Heritage Park); establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations.

Resolved By The City Council of The City of Minneapolis:

Section 1. Background.

1.01. The Project. The Minnesota Legislature enacted special legislation designated as Laws of Minnesota 1997, Chapter 231, Article 10, Sections 17-20 (the "Special Law"), relating to the establishment of a transition housing tax increment financing district in an area of the City of Minneapolis (the "City") that is the subject of a federal consent decree in an action entitled *Hollman v. Cisneros*. By Resolution No. 99R-261, the City Council of the City approved the Near Northside Community Redevelopment Plan with respect to the land described in the Special Law (the "Heritage Park Project"). The Heritage Park Project is generally bounded by I-94 on the east, Glenwood Avenue North on the west, and 7th Street North on the north. The Heritage Park Project is expected to eventually result in the development of approximately 900 new housing units replacing the former Sumner, Olson, Glenwood, and Lyndale family public housing developments that were demolished.

1.02. Tax Increment Financing District. Pursuant to Resolution No. 2001R-251 adopted by the City Council of the City on June 22, 2001, and approved by the Mayor of the City on June 28, 2001, the Hollman Housing Transition Tax Increment Financing District (the "Hollman District") was established and the Hollman Housing Transition Tax Increment Financing Plan (the "Plan") was approved pursuant to the terms of the Special Law and applicable provisions of Minnesota Statutes, Section 469.174-469.179, as amended (the "Tax Increment Act"). The Hollman District was later renamed the Heritage Park Housing

Transition Tax Increment Finance District (the "TIF District"). It was anticipated that tax increment financing would provide a portion of the public assistance needed for the overall redevelopment of the Heritage Park Project and the TIF District. Specifically, tax increment financing assistance would be provided through the City's issuance of general obligation tax increment bonds in one or more series.

1.03. Prior Bonds. On July 10, 2003, the City issued its General Obligation Tax Increment Bonds, Series 2003B (Heritage Park) (the "Prior Bonds") in the aggregate principal amount of \$6,900,000, and applied the proceeds derived from the sale of the Prior Bonds to the following purposes: (i) payment of the costs of public infrastructure and other redevelopment costs of the TIF District; (ii) funding interest on the Prior Bonds; and (iii) payment of the costs of issuing the Prior Bonds. The debt service on the Prior Bonds was expected to be paid entirely from net tax increment revenues derived from the TIF District. The Prior Bonds are general obligation bonds of the City and, as a result, payment of the principal of, premium, if any, and interest on the Prior Bonds is secured by the full faith and credit of the City and, to the extent necessary for this purpose, the City will levy taxes on all taxable property in the City without limitation as to rate or amount to pay the principal of, premium, if any, and interest on the Prior Bonds when due.

1.04. Current Status. In recent years the planned development of the Heritage Park Project has not been fully realized, property values have fallen, and cash surpluses have been depleted. It is currently projected that annual debt service on the Prior Bonds will exceed tax increment collections. The City has determined to resolve this problem by, first, the prepayment and redemption of a portion of the Prior Bonds with available tax increment revenues derived from at least one other tax increment financing district in the City. Second, to take advantage of lower interest rates currently prevailing the City proposes to refund the remaining principal of the Prior Bonds with a new series of tax increment refunding bonds.

1.05. Authority to Issue Refunding Bonds and Refund Prior Bonds. Pursuant to the terms of Minnesota Statutes, Chapter 475, as amended (the "Municipal Debt Act") and, in particular, Section 475.67 of the Municipal Debt Act, the City is authorized to issue general obligation refunding bonds to redeem and prepay the Prior Bonds. Pursuant to the terms of Sections 475.67, subdivision 3(d), and 475.58, subdivision 1(3), of the Municipal Debt Act, upon a pledge of tax increment revenues in the required amount, no election is required for the issuance of the portion of the general obligation refunding bonds to be applied to the refunding of the Prior Bonds. The City is authorized to pledge and apply the tax increment revenues derived from the TIF District to the payment of the general obligation refunding bonds under Section 469.178 of the Tax Increment Act and the terms of the Municipal Debt Act.

1.06. Definitions. Unless the context otherwise requires, the terms defined in Sections 1.01-1.05 of this Resolution (as defined below) and in this Section 1.06 shall, for all purposes of this Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Bonds" means the same as such term is defined in Section 2 hereof.

"Code" means the Internal Revenue Code of 1986, as amended, and any Treasury Regulations promulgated thereunder.

"Common Project" means the Common Project Area and the tax increment financing districts located in the Common Project Area, established pursuant to the Common Development and Redevelopment Plan approved by the City and adopted by the MCDA and the Common Project Tax Increment Financing Plan, and the public improvements and facilities undertaken within the Common Project Area as more fully described in the Common Development and Redevelopment Plan.

"Letter of Representations" means the Blanket Letter of Representations from the City to the Depository Trust Company, New York, New York.

"Registered owner" or "owner" means the person in whose name a Bond is registered.

“Resolution” means this resolution authorizing the issuance of obligations, as this resolution may be amended or supplemented from time to time.

Section 2. Issuance Of Refunding Bonds. There is hereby authorized to be issued by the City its general obligation refunding bonds (the “Bonds”) in order to provide money to redeem and prepay the Prior Bonds that are outstanding as of the date of issuance the Bonds. The Bonds shall be issued in the principal amount of \$3,000,000 (subject to adjustment as hereinafter provided in this Resolution).

Section 3. Terms And Form Of Bonds.

3.01. Bond Terms. The Bonds are authorized to be issued in accordance with the terms of this Resolution. The Bonds shall be designated “General Obligation Tax Increment Refunding Bonds (Heritage Park)” to which shall be added a series designation (“Series 2012” if the Bonds are issued in calendar year 2012 and “Series 2013” if the Bonds are issued in calendar 2013). The Bonds may be issued in more than one series as the Finance Officer may determine. If issued in more than one series, the Finance Officer shall assign an additional series designation in order to distinguish each series from each other series. Any series of Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be dated the date on which such Bonds are issued or on such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Finance Officer may determine. The Bonds shall be issued in the original aggregate principal amount of \$3,000,000, or such lesser amount or greater amount as the Finance Officer shall determine to be necessary and appropriate to redeem and prepay the Prior Bonds, to permit the Bonds to be issued with an original issue discount or an original issue premium, and to pay any portion or all of the costs of issuing the Bonds as the Finance Officer deems to be appropriate. The Bonds shall bear interest at the rates per annum approved by the Finance Officer in connection with the sale thereof but with a true interest cost not to exceed five percent (5.00%) per annum. Interest on the Bonds shall be payable semiannually on such months of each year and on the day of such months as determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve (12) thirty-day months. The principal of the Bonds shall mature on such dates and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Municipal Debt Act (determined, if necessary, by combining such maturities with those of other obligations of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined into one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer. The authorization to issue the Bonds is effective without any additional action by the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer.

The Finance Officer, in his discretion, shall establish a date on and after which designated maturities of the Bonds shall be subject to redemption and prior payment in whole or in part at the option of the City. The redemption price of the Bonds shall be at such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the finance plan pursuant to which the Bonds are to be issued. The Finance Officer may establish a maturity schedule for the Bonds that includes a combination of serial Bonds and term Bonds, as long as Bonds within a single mandatory redemption are not split among term dates. Term Bonds shall be subject to mandatory sinking fund redemption on such dates and in such amounts as shall be determined by the Finance Officer.

Thirty (30) days prior to any redemption date, notice of any such redemption shall be given by mail to the banks (if any) where the Bonds are payable and to the registered owners, in accordance with the terms of the Municipal Debt Act. In the event of a partial redemption by lot of the Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000

for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal. The method of selecting Bonds for optional redemption may be altered in such manner as the Finance Officer shall determine to be necessary and appropriate in the interests of the City and the owners of the Bonds.

3.02. Method of Payment; Bond Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as the initial paying agent (the "Paying Agent"), or at the designated office or offices of such other successor Paying Agent as the City may hereafter designate upon sixty (60) days mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of a minimum principal amount of Bonds (such minimum being no less than \$100,000) shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify or as the Finance Officer may designate.

3.03. Bond Form. The Bonds shall be in substantially the form set forth in EXHIBIT A attached hereto, with necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest, and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine:

3.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Finance Officer, in Minneapolis, Minnesota, as the initial bond registrar (the "Bond Registrar"), an office or agency for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations, and of a like aggregate principal amount, interest rate, and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar at the option of the registered owner thereof, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee, or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

3.05. Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange, or substitution.

3.06. Bonds Mutilated, Destroyed, Stolen, or Lost. In case any Bond shall become mutilated or be destroyed, stolen, or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen, or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen, or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen, or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

3.07. Owners. As to any Bond, the City, the Paying Agent, and the Bond Registrar, and their respective successors, each in its discretion, may deem and treat the person in whose name such Bond for the time being shall be registered as the absolute owner thereof for all purposes and neither the City, the Paying Agent, the Bond Registrar, nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

3.08. Use of Securities Depository: Book-Entry Only System. The provisions of this Section 3.08 shall take precedence over the provisions of Sections 3.01, 3.02, and 3.04 through 3.07 hereof to the extent they are inconsistent with this Section 3.08.

(a) The Finance Officer is authorized to designate The Depository Trust Company ("DTC") to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of DTC or its nominee, the City, the Paying Agent, and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of, premium, if any, or interest on the Bonds. The Bond Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal, premium, and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section 3.08 is in effect, no person other than DTC (or its agents) shall receive an authenticated Bond.

(c) Upon receipt by the City and the Bond Registrar of written notice from DTC or any other securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer, and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners registering ownership, transferring, or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer, and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representations is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section 3.08 is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer, and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

Section 4. Sale, Execution, And Delivery Of Bonds And Related Documents.

4.01. Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer under Section 475.60, subdivision 1, of the Municipal Debt Act, and each series of Bonds shall be sold at the prices determined by the Finance Officer acting in accordance with the requirements of the Municipal Debt Act, including Sections 475.56 and 475.60 thereof and, in such regard, the Finance Officer shall determine the amount of the Bonds authorized to be issued for purposes of the Municipal Debt Act. The Finance Officer is hereby authorized, in his discretion, to retain the services of one or more financial advisors to assist in the structuring, negotiation, sale, and issuance of the Bonds and to assist the Finance Officer with related matters. The Bonds shall bear interest at the rates specified by the purchaser or purchasers and approved by the Finance Officer. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants or directions as the Finance Officer may deem necessary and expedient, including but not limited to, approval of an Official Statement and of a Continuing Disclosure Certificate. Any original issue premium, unused discount, and unused issuance costs shall be applied to any one or more of the following purposes: (i) deposit in the Debt Service Account and apply to the payment of the principal of and interest on the Bonds; (ii) reduce the principal amount of the Bonds; or (iii) direct to such other purposes as determined to be appropriate by the Finance Officer.

4.02. Execution and Delivery. The Bonds shall be executed by the manual or facsimile signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Bond. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of each Bond. When the Bonds have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Bonds shall be delivered to the purchaser or purchasers in accordance with the terms of the sale upon payment of the purchase price, and the Finance Officer shall take such actions to provide for the redemption and prepayment of the Prior Bonds as are deemed appropriate by the Finance Officer. The purchasers of the Bonds shall not be bound to see to the authorized application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the provisions of the Municipal Debt Act.

4.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds and any appropriate addendums to such Official Statement (collectively, the "Official Statement") to be prepared and delivered to such potential purchasers of the Bonds as the Finance Officer deems appropriate, and the use thereof by the purchaser or purchasers is approved.

4.04. Certificates. The Finance Officer is authorized and directed to furnish to the purchaser or purchasers of the Bonds at the closing, if the Finance Officer finds the same to be accurate: (i) a certificate that, to the knowledge of the Finance Officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Finance Officer shall also execute and deliver to the purchaser or purchasers of the Bonds a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds. If the Bonds are issued as tax-exempt obligations (within the meaning of Section 150(a)(6) of the Code), the Finance Officer shall also execute and deliver an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Code and shall deliver the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

Section 5. Refunding Prior Bonds; Application Of Proceeds Of Bonds.

5.01. Redemption and Prepayment of Prior Bonds. All of the Prior Bonds that are outstanding on the date of issuance of the Bonds are hereby authorized to be called for redemption and prepayment on a date selected by the Finance Officer, but in no event more than ninety (90) days after the date of issuance of the Bonds.

5.02. Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (i) any accrued interest shall be deposited in the Debt Service Account; (ii) to the extent that the Finance Officer determines to make such deposits, the original issue premium, unused discount, and unused costs of issuance shall be deposited in the Debt Service Account; (iii) an amount, if any, determined by the Finance Officer to pay interest on the Bonds shall be set aside and applied to such purpose; (iv) an amount sufficient to refund the Prior Bonds shall be applied to such purpose; and (v) an amount, if any, determined by the Finance Officer to pay the costs of issuing the Bonds shall be set aside and applied to such purpose. Any remaining proceeds of the Bonds shall be applied to purposes of the City as determined and designated by the Finance Officer. Arrangements with the paying agent for the deposit of money sufficient to redeem and prepay the Prior Bonds shall be made on such terms and conditions as are deemed necessary or appropriate by the Finance Officer.

Section 6. Covenants Of The City.

6.01. Debt Service Account. Upon the issuance of the Bonds, the Finance Officer shall establish a separate Debt Service Account for payment of principal of, premium, if any, and interest on the Bonds. Subject to the qualifications set forth herein, the City hereby pledges to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of Section 5.02 of this Resolution; (ii) tax increment revenues derived from the TIF District as are deemed appropriate and necessary to pay the principal of, premium, if any, and interest on the Bonds when due; provided that such use of such tax increment revenues is subordinate to any prior obligations of the City to which such tax increment revenues have been pledged (if such pledge does not recognize or permit parity claims or parity uses of such tax increment revenues); and provided, further, that such use of such tax increment revenues is on a parity with any prior or future obligations of the City to which such tax increment revenues have been pledged; (iii) to the extent deemed appropriate by the Finance Officer, tax increment revenues derived from the Common Project; and (iv) earnings derived from the investment of the foregoing. The City may pledge or apply the tax increment revenues derived from the TIF District to existing or future obligations of the City on a parity or priority basis with the Bonds. The foregoing pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the Debt Service Account for the Bonds shall be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. The City hereby finds and determines that tax increment revenues pledged to the Bonds will comprise not less than twenty percent (20%) of the cost of the facilities refinanced with the proceeds of such Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

6.02. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that the Revenues and other revenues to be applied to the payment of the Bonds under Section 6.01 will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City, without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of Revenues and other revenues to be applied to the payment of the

Bonds in the following year, together with available amounts on deposit in the Debt Service Account and other dedicated funds, are insufficient to pay the principal of and interest on the Bonds in such subsequent year and at least five percent (5%) in excess thereof.

6.03. Private Activity Bond Covenant. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "private activity bonds," within the meaning of Section 141 of the Code. The City shall take all such action as may be required under the Code to ensure that interest on each of the Bonds is not and does not become includable in gross income for federal income tax purposes.

6.04. Arbitrage Covenant. The City covenants and agrees with the owners of the Bonds that the investments of the "gross proceeds" of each the Bonds, including the investment of any revenues pledged to the Bonds which are considered "gross proceeds" under Section 148 of the Code and the applicable Treasury Regulations promulgated thereunder, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Bonds shall not be deemed to be "arbitrage bonds" within the meaning of Section 148 of the Code and applicable Treasury Regulations promulgated thereunder. On the basis of existing facts, estimates, and circumstances, including the foregoing findings and covenants, the City Council hereby certifies that it is not expected that the proceeds of the Bonds (or any separate series of Bonds) will be used in such manner as to cause the Bonds (or any separate series of Bonds) to be "arbitrage bonds" under Section 148 of the Code and applicable Treasury Regulations promulgated thereunder. The Finance Officer shall furnish an arbitrage certificate to the original purchasers based on the foregoing certification at the time of delivery of the Bonds (or any separate series of Bonds) to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes, and the Finance Officer may make any election permitted under Section 148 of the Code, or under any other provision of the Code, on behalf of the City.

Section 7. Miscellaneous Matters Relating To Bonds.

7.01. Registration. The Finance Officer is hereby authorized and directed to obtain a certified copy of this Resolution and to cause the same to be filed with the Director of the Taxpayer Services Department of Hennepin County, exercising the powers of the County Auditor under Section 475.63 of the Municipal Debt Act, and to obtain a certificate as to registration of the Bonds.

7.02. Certification. The City Clerk, the Finance Officer, and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchaser or purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

Section 8. Miscellaneous Matters Relating To Bonds.

8.01. Enforceability of Bonds. All agreements, covenants, and obligations of the City contained in this Resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this Resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

8.02. Rights Conferred. Nothing in this Resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Bonds and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision of this Resolution.

8.03. Persons Authorized to Execute Documents. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If, for any reason, the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by an assistant to such officer, by a person acting on behalf of such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

8.04. Amendments. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated by this Resolution is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel, or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Bonds (if the Bonds are then tax-exempt obligations); and (f) such amendments do not materially prejudice the interests of the owners of the Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.

8.05. Effective Date. 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.

AUGUST 3, 2012

EXHIBIT A

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

No. R-_____ \$_____

CITY OF MINNEAPOLIS
GENERAL OBLIGATION TAX INCREMENT REFUNDING BOND
SERIES _____
(HERITAGE PARK)

_____ Interest Rate _____ Maturity _____ Date of Original Issue _____ CUSIP _____

Registered Owner: _____

Principal Amount: _____ DOLLARS

The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from _____, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on _____ 1 and _____ 1 of each year, commencing _____, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve (12) thirty-day months. Principal and the redemption price are payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty (60) day notice to the respective registered owners at their registered addresses. At the written request of the registered owner thereof, payment of at least \$_____ in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month preceding each interest payment date (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is one of a series of Bonds all of like date and tenor except for number, interest rate, denomination, date of maturity, and redemption privilege, and is issued pursuant to a resolution adopted by the City Council of the City on _____, 2012, for the purpose of providing money to refund the outstanding principal amount of certain general obligation bonds of the City pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota,

including Minnesota Statutes, Chapter 475, as amended, and Minnesota Statutes, Sections 469.174 to 469.1799, as amended (collectively, the "Act").

Subject to the qualifications set forth herein, the City pledged to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account (as established by the terms of the hereinafter defined Resolution) in accordance with the terms of the resolution authorizing the issuance of the Bonds (the "Resolution"); (ii) tax increment revenues derived from the TIF District (as defined in the Resolution) as are deemed appropriate and necessary to pay the principal of, premium, if any, and interest on the Bonds when due; provided that such use of such tax increment revenues is subordinate to any prior obligations of the City to which such tax increment revenues have been pledged (if such pledge does not recognize or permit parity claims or parity uses of such tax increment revenues); and provided, further, that such use of such tax increment revenues is on a parity with any prior or future obligations of the City to which such tax increment revenues have been pledged; (iii) to the extent deemed appropriate by the Finance Officer, tax increment revenues derived from the Common Project (as defined in the Resolution); and (iv) earnings derived from the investment of the foregoing. The pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the debt service account for the Bonds will be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. The City has found and determined that tax increment revenues pledged to the Bonds will comprise not less than twenty percent (20%) of the cost of the facilities refinanced with the proceeds of such Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

The full faith and credit of the City has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds and the City Council is obligated to levy ad valorem taxes on all taxable property in the City, without limitation as to rate or amount, if necessary to pay the principal of and interest on the Bonds when due.

Reference is hereby made to the Act and to the Resolution for a description of the Revenues and any other revenues that are expected to pay the debt service on the Bonds of this series. Reference is hereby made to the Act and to the Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the security for the Bonds and interest thereon.

All Bonds maturing on or after _____, are subject to redemption at the option of the City, in whole or in part in such order as the City may determine, on _____, and any date thereafter at a redemption price equal to par plus accrued interest to the redemption date [plus the redemption premium set forth in the following table].

[Redemption Premium Table, if applicable]

Thirty (30) day notice of prior redemption will be given by mail to registered owners in the manner provided by applicable provisions of the Act.

[The Bonds maturing on _____, are subject to mandatory sinking fund redemption on _____ of the following years in the following principal amounts:

[Mandatory Sinking Fund Redemption Schedule, if applicable]

The Bonds maturing on _____ are hereinafter referred to collectively as the "Term Bonds." The principal amounts of the Term Bonds subject to mandatory sinking fund redemption on any date may be reduced through earlier optional redemptions, with any partial redemptions of the Term Bonds credited against future mandatory sinking fund redemptions of such Term Bonds in such order as the City shall determine.]

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity, and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issued only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in regular and due time, form, and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the manual or facsimile signature of its Finance Officer and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: _____

CITY OF MINNEAPOLIS

(SEAL)

By _____
Finance Officer

AUGUST 3, 2012

Bond Registrar's Registration and Authentication Certificate

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

Finance Officer, as Bond Registrar

(The remainder of this page is intentionally left blank.)

AUGUST 3, 2012

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto_____

(Please Print or Typewrite Name and Address of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Please Insert Social Security Number or
Other Identifying Number of Assignee.

Notice: The signature to this assignment must
correspond with the name as it appears on the face
of this Bond in every particular, without alteration or
any change whatever.

Signature Guaranteed:

Signatures must be guaranteed by a national
bank or trust company, or by a brokerage firm
which is a member of a major stock exchange.

MN475-024 (JU)
407377v.2

Adopted.
Absent – Goodman.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Master Agreement for Legal Services between the City of Minneapolis and Kennedy & Graven (C-27545), so that the total compensation is increased by an additional \$150,000 for a total amount not to exceed \$750,000.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to further amend the Master Agreement for Legal Services between the City of Minneapolis and Lockridge Grindal Nauen, P.L.L.P. (C-27566), so that the total compensation and reimbursable expenses may be increased by an additional \$150,000 for a total amount of \$1,350,000 for the term of the Master Agreement.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee recommends adoption of the Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds as presented in Petn. No 275893.

Adopted.

Absent - Goodman.

W&M/Budget - Your Committee recommends authorizing the proper City officers to negotiate and execute master agreements with the 27 recommended firms set forth in Petn. No 275889 within the Specialty Consulting group of the Convention Center and Target Center Consulting Pool for variable fees limited to a contractual maximum of \$2,500,000 per contract over three years.

Glidden moved to amend the report to direct staff to re-open the RFP to those WMBE firms that Civil Rights qualified for the services being sought, and to commit to accepting applicants from qualified WMBE firms into the consultant pool through a future Council Action with the goal of reaching the 25% goal of participation by WMBE firms. Seconded.

Adopted upon a voice vote.

Absent - Goodman.

The report, as amended, was adopted.

Absent - Goodman.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, extending the length of time for which a decision from the Zoning Administrator or Planning Director or zoning approval granted by the City Planning Commission, Board of Adjustment, or City Council are valid, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Absent – Goodman.

Ordinance 2012-Or-053 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Section 525.40 to extend the length of time for which a decision from the Zoning Administrator or Planning Director or zoning approval granted by the City Planning Commission, Board of Adjustment, or City Council are valid, 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 2012-Or-053
By Schiff
Intro & 1st Reading: 5/25/2012
Ref to: Z&P
2nd Reading: 8/3/2012

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

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

Section 1. That Section 525.40 of the above-entitled ordinance be amended to read as follows:

525.40. Period of decision. ~~(a) In general.~~ No decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, except zoning amendments, shall be valid for a period longer than ~~one (1)~~ two (2) years from the date of such decision unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a one-year extension to this time limit.

~~(b) Additional extension.~~ ~~Due to substantial and unforeseen changes in the residential marketplace, the zoning administrator may further extend the period of decision and compliance deadline an additional two (2) years for developments with five (5) or more dwelling units approved by the city planning commission or city council from June 1, 2005, to December 31, 2006. Prior to approval of such extension, a site maintenance and improvement plan shall be submitted for development that has begun (including abandonment or demolition of existing structures, site alteration, and/or commencement of new construction) but has not proceeded on a continuous basis toward completion. The zoning administrator may impose conditions and completion deadlines on any such plan as deemed reasonable and necessary to protect the public interest and to ensure that the construction site does not negatively affect nearby properties. The zoning administrator may revoke the extension based on failure to comply with such deadlines. The plan shall include, but shall not be limited to, the following:~~

- ~~(1) Right-of-way access and maintenance plan.~~
- ~~(2) Stormwater management and erosion control plans addressing the temporary condition.~~
- ~~(3) Temporary groundcover and/or landscaping.~~
- ~~(4) Site security plan.~~
- ~~(5) Fences and walls.~~
- ~~(6) Signs.~~
- ~~(7) Equipment storage.~~

Adopted.

Absent – Goodman.

Z&P – Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, eliminating all spacing requirements related to secondhand goods uses, now recommends that the following ordinances be given their second reading for amendment and passage:

- a) Chapter 536 relating to *Specific Development Standards*; and
- b) Chapter 537 relating to *Accessory Uses and Structures*.

Your Committee further recommends that the subject matter of the following ordinances amending the *Zoning Code* be returned to author:

- c) Chapter 520 relating to *Introductory Provisions*;
- d) Chapter 548 relating to *Commercial Districts*;
- e) Chapter 549 relating to *Downtown Districts*.

Adopted.

Absent – Goodman.

Ordinance 2012-Or-054 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to eliminate all spacing requirements related to secondhand goods uses, 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 2012-Or-054
By Glidden
Intro & 1st Reading: 8/9/2011
Ref to: Z&P
2nd Reading: 8/3/2012

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.

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

Section 1. That Section 536.20 of the above-entitled ordinance be amended to read as follows:

536.20. Specific development standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Currency exchange.

- (1) The use shall be located at least one thousand (1,000) feet from all existing currency exchanges, ~~secondhand goods stores~~, pawnshops and missions.
- (2) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
- (3) The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
- (4) For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.
- (5) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- (6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Mission.

- (1) The use shall be located at least one thousand (1,000) feet from all existing missions, ~~secondhand goods stores~~, currency exchanges and pawnshops.
- (2) The use shall conspicuously post legible signs at the public entrance(s) advising patrons of the hours of operation of the facility and its meal service, if applicable.
- (3) A waiting area for clients shall be provided which shall be available to clients one (1) hour prior to the posted opening of the use and shall include toilet facilities.
- (4) Trash receptacles shall be located at the public entrance(s), and the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5) An appointment or set hours for the acceptance of donated merchandise shall be required.
- (6) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

Pawnshop.

- (1) The use shall be located at least one thousand (1,000) feet from all existing pawnshops, currency exchanges, and missions ~~and secondhand goods stores~~.
- (2) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
- (3) The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
- (4) For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level.
- (5) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- (6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (7) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

Secondhand goods store.

- ~~(1) The use shall be located at least one thousand (1,000) feet from all existing secondhand goods stores, currency exchanges, missions and pawnshops.~~
- ~~(2)~~(1) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.

- ~~(3)~~(2) The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
- ~~(4)~~(3) For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level.
- ~~(5)~~(4) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- ~~(6)~~(5) The premises of, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- ~~(7)~~(6) All receipt, sorting and processing of goods shall occur within a completely enclosed building.
- ~~(8)~~(7) An appointment or set hours for the acceptance of donated goods shall be required.

Adopted.

Absent – Goodman.

Ordinance 2012-Or-055 amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, amending Section 537.110 to eliminate all spacing requirements related to secondhand goods uses, 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 2012-Or-055
By Glidden
Intro & 1st Reading: 8/9/2011
Ref to: Z&P
2nd Reading: 8/3/2012

Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.

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

Section 1. That Section 537.110 of the above-entitled ordinance be amended to read as follows:

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Donation collection bin: Donation collection bins shall be allowed in all zoning districts accessory to a commercial use, a religious institution place of assembly, or an educational facility, subject to administrative review and approval by the zoning administrator, and subject to the following:

- (1) The donation collection bin shall be fully owned and operated by a non-profit entity and all revenues from the sale of collections from the use must be returned to support the non-profit entity. Hosting property owners or managers shall not receive compensation for hosting the use. A non-profit entity shall mean those partnerships, joint ventures, corporations and associations that:

- a. Are established for a purpose not involving pecuniary gain to the members, partners or shareholders thereof;
 - b. Pay no dividends or other pecuniary remuneration, directly or indirectly, to the members, partners or shareholders thereof; and
 - c. In the case of private, nonprofit corporations, are established under and pursuant to Minnesota Statutes, Chapter 317A, and are in compliance with all the provisions thereof. In no event shall a limited dividend entity be deemed a non-profit entity.
- (2) In the residence and OR1 districts, donation collection bins shall be located on a religious institution place of assembly, or an educational facility site of not less than twenty thousand (20,000) square feet.
 - (3) Not more than one (1) bin shall be located on a zoning lot.
 - (4) Items collected shall be limited to nonfood items that can be placed in the collection bin through the opening and shall not be left outside of the bin.
 - (5) Bins shall be no more than six (6) feet in height, five (5) feet wide and ~~four (4)~~ four (4) feet deep, shall be installed on a hard, level surface and shall be locked or otherwise secured and maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. The opening shall not exceed ten (10) square feet in area.
 - (6) Bins shall be clearly marked to identify the specific items and materials requested to be left for donation and shall contain the following contact information in two (2) inch type visible from the front of each bin: the name, address, email, and phone number where the owner or operator may be reached. The bin shall also display a notice stating that no items or materials shall be left outside of the bin.
 - (7) Bins shall be monitored daily and serviced and emptied as needed by the owner or operator, or the property owner, to prevent overflow of materials onto surrounding areas. All receipt, sorting and processing of goods collected shall occur within a completely enclosed building.
 - (8) The bin shall be located no closer than twenty (20) feet from an adjacent permitted or conditional residential use.
 - (9) The bin shall not be located in any required yards and shall not interfere with on-site circulation, landscaping, required off-street parking, accessible parking areas, walkways and any other requirements that may have been imposed as part of the site plan approval for the premises.
 - (10) The use shall be located at least one thousand (1,000) feet from all existing donation collection bins ~~and secondhand goods stores~~ unless it is located on the same zoning lot as the non-profit entity it serves.
 - (11) The premises of, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing any litter found thereon.

Adopted.

Absent – Goodman.

Z&P – Your Committee, to whom was referred an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, allowing unattended automated dispensing of gasoline or other engine fuel, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the subject matter of the following ordinances amending the *Zoning Code* be returned to author:

- a) Chapter 520 relating to *Introductory Provisions*;
- b) Chapter 525 relating to *Administration and Enforcement*;
- c) Chapter 537 relating to *Accessory Uses and Structures*.

Adopted.

Absent – Goodman.

Ordinance 2012-Or-056 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to allow unattended, automated dispensing of gasoline or other engine fuel, 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 2012-Or-056
By Schiff
Intro & 1st Reading: 10/7/2011
Ref to: Z&P
2nd Reading: 8/3/2012

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.

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

Section 1. That the following specified development standard in Section 536.20 of the above-entitled ordinance be amended to read as follows:

536.20. Specific development standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Automobile convenience facility.

- (1) The sale or repair of vehicles shall be prohibited.
- (2) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor_tight fittings to preclude the escape of gas vapors from the fill pipes.
- (3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.
- (4) The total light output used for illuminating service area canopies shall not exceed forty (40) initial bare-lamp lumens per square foot of canopy.

- (5) The premises of, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (6) ~~Unattended~~ Facilities that provide for unattended, automated dispensing of gasoline or other engine fuel shall ~~be prohibited~~ provide lighting on site that maintains a minimum acceptable level of security at all times, while not creating glare or excessive lighting of the site and come into compliance with the lighting standards in Section 535.590.
- (7) The use and all operations associated with the use shall comply with all applicable provisions of the Minnesota State Fire Code.

Adopted.
Absent – Goodman.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of September, 2012, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.
Absent – Goodman.

RESOLUTIONS

Resolution 2012R-428, honoring Community Gardening Day in Minneapolis, 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 2012R-428

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

Honoring Community Gardening Day in Minneapolis.

Whereas, there are more than 194 community gardens in Minneapolis, in all 13 wards, providing opportunities to more than four thousand five hundred community gardeners; and

Whereas, there are 110 food production gardens in Minneapolis; and

Whereas, there are almost forty acres of community garden space in Minneapolis, or more than four square feet of community garden space per resident; and

Whereas, community gardens add beauty to urban neighborhoods and provide much needed green space in high density areas; and

Whereas, community gardens build community by crossing cultural and socio-economic divides by providing cross-cultural and intergenerational opportunities for neighbors to meet and work together; and

Whereas, Minneapolis' community gardens reflect the cultural and ethnic diversity of the city, including gardeners who speak English, Spanish, Hmong, Somali, and Korean; and

Whereas, community gardens reduce the urban heat island effect and filter rainwater, helping to keep our rivers, lakes, and groundwater clean; and

Whereas, community gardens provide access to nutritionally rich and culturally appropriate foods that may otherwise be unavailable to inner-city residents; and

Whereas, community gardens provide horticultural therapy and exercise, helping to draw people out of their homes and get active; and

Whereas, community gardens combat inactivity, unhealthy eating habits and social isolation, thereby reducing risk of diabetes and obesity; and

Whereas, community gardens educate neighbors about land stewardship, providing an informal classroom for children and adults to learn skills caring for the natural environment; and

Whereas, community gardens enhance crime prevention efforts and improve property values; and

Whereas, community gardens provide a more livable environment in Minneapolis and present a positive local image to a community's residents and visitors; and

Whereas, the City of Minneapolis is proud to support community gardening by providing compost via Public Works' Solid Waste and Recycling Department and by providing access to water through the Public Works' Water Treatment and Distribution Services Division; and

Whereas, the Minneapolis Department of Health and Family Support continues to support the Local Food Resource Hubs Network to link residents, gardeners and entrepreneurs with the seeds, seedlings, tools, education and connections needed to build food growing, preservation, distribution and composting skills; and

Whereas, Community Garden Day will take place in the Twin Cities Metro area on August 11th, giving residents an opportunity to learn about community gardening and visit gardens in their area;

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

That the City of Minneapolis recognizes the role community gardens play in making our city more livable, attractive, resilient and healthy.

Be It Further Resolved that the City Council of the City of Minneapolis declares August 11th, 2012 as Community Garden Day in the City of Minneapolis.

Adopted.

Absent – Goodman.

UNFINISHED BUSINESS

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Abdulaziz Sheikh for the property located at 2431 Chicago Ave, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Housing Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (11) of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk as FOF-2012-27 which are hereby made a part of this report by reference.

Lilligren moved that the report be referred back to the Regulatory, Energy & Environment Committee. Seconded.

Adopted upon a voice vote.

Absent – Goodman.

Pursuant to notice, Glidden moved to introduce the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending provisions related to adverse license action and authorizing the placement of conditions and restrictions on licenses). Seconded.

Adopted upon a voice vote.

Absent – Goodman.

Pursuant to notice, Glidden moved to introduce the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending provisions related to adverse license action and authorizing the placement of conditions and restrictions on licenses and permits). Seconded.

Adopted upon a voice vote.

Absent – Goodman.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, for first reading and referral to the Zoning & Planning Committee (amending the development standards for supportive housing). Seconded.

Adopted upon a voice vote.

Absent – Goodman.

NEW BUSINESS

Glidden moved concurrence with the determination of the Director of Housing Inspection Services that the property located at 2321 Fillmore St NE 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 as other procedures, set forth in Chapter 249, may be implemented immediately. Seconded.

Adopted.

Absent – Goodman.

Glidden moved to authorize proper City officers to execute a contract with TicketWorks to sell tickets for the September 24th, 2012 One Minneapolis One Read event at the Minneapolis Convention Center Auditorium. Seconded.

Adopted.

Absent – Goodman.

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, allowing outdoor flea markets as a regulated use, as follows:

- a) Chapter 520 relating to *Introductory Provisions*;
- b) Chapter 535 relating to *Regulations of General Applicability*;
- c) Chapter 536 relating to *Specific Development Standards*;
- d) Chapter 537 relating to *Accessory Uses and Structures*;
- e) Chapter 541 relating to *Off-Street Parking and Loading*;
- f) Chapter 543 relating to *On-Premise Signs*;
- g) Chapter 546 relating to *Residence Districts*;
- h) Chapter 547 relating to *Office Residence Districts*;
- i) Chapter 548 relating to *Commercial Districts*;
- j) Chapter 549 relating to *Downtown Districts*;
- k) Chapter 550 relating to *Industrial Districts*; and
- l) Chapter 551 relating to *Overlay Districts*.

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Secondhand Dealers*, (amending provisions to allow for the licensing and regulation of flea markets).

AUGUST 3, 2012

Goodman moved to introduce the subject matter of an ordinance amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation: Heritage Preservation Regulations*, for first reading and referral to the Zoning & Planning Committee (clarifying the appeal process from the Heritage Preservation Commission to the City Council). Seconded.

Adopted by unanimous consent.

Absent – Goodman.

Samuels moved to authorize the Minneapolis Fire Department to apply for the Federal Staffing for Adequate Fire and Emergency Response (SAFER) Veterans Hiring Program Grant for 2012. Seconded.

Adopted.

Absent – Goodman.

Approved by Mayor Rybak 8/3/2012.

(Published 8/7/2012)

Lilligren moved to adjourn to Wednesday, August 15, 2012, at 12:00 p.m. in the Council Chamber to receive Mayor Rybak's 2013 budget address. Seconded.

Adopted upon a voice vote.

Absent – Goodman.

Casey Joe Carl,
City Clerk

Unofficial Posting: 8/7/2012
Official Posting: 8/13/2012