OFFICIAL PROCEEDINGS
MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF
DECEMBER 7, 2012

(Published December 15, 2012, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
December 7, 2012 - 9:30 a.m.
Council President Johnson in the Chair.
Present - Council Members Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, President Johnson.
Lilligren moved adoption of the agenda. Seconded.
Adopted upon a voice vote.
Lilligren moved acceptance of the minutes of the regular meeting of November 16, 2012, the adjourned sessions held November 16, 2012 and November 28, 2012, and the Special Meeting of November 30, 2012. Seconded.
Adopted upon a voice vote.
Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.
Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:
INTERGOVERNMENTAL RELATIONS (276158)
2013 Minnesota Legislature Information.

COMMITTEE OF THE WHOLE (See Rep):
INTERGOVERNMENTAL RELATIONS (276159)
Federal Budget: Resolution supporting shifting federal funding priorities from military operations to meeting the needs of local communities.

COMMUNITY DEVELOPMENT:
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276160)
Upper Harbor Terminal: Report on terminating operations.
HEADING HOME HENNEPIN (276161)
Five Year Report re homelessness & housing issues in Mpls & Hennepin County.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276162)

Bond Issuance:

Augustana Chapel View Homes, Inc: Preliminary & final approval re refinance existing debt;

Commons @ Penn, LP (2201-21 Golden Valley Rd): Preliminary approval re mixed-use housing project;

City Lofts Place (730 Hennepin Ave): Rescind Resolution No. 2011R-390; Preliminary approval for apartment project;

Pillsbury Lofts (301 Main St): Final approval re housing project.

Land Sales:

2939 Morgan Ave N & 2930 Newton Ave N: To Twin Cities Habitat for Humanity, Inc.

2939 Newton Ave N: To Twin Cities Habitat for Humanity, Inc.

2013 Federal Low Income Housing Tax Credits: Preliminary reserve of credits for The Lonoke project, 1936 3rd Ave S.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276163)

2012 Housing Revenue Entitlement Bond Carryforward: Authorize carryforward.

HOME Monitoring Consulting Services Agreement: Accept proposal from Affordable Housing Connections.

Pillsbury A Mill Tunnel System Condition Study: Accept & appropriate grants from Minnesota Historical Society.

ELECTIONS:

CITY CLERK (276164)

2012 General Election Report.

ELECTIONS (See Rep):

CITY CLERK (276165)

2013 Municipal Election: Candidate filing dates.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

EMERGENCY MANAGEMENT (276166)

Chapter 128.40 Annual Report: Receive and file annual report on the transport of Spent Nuclear Material through the City.

HEALTH AND FAMILY SUPPORT (276167)

Public Health Emergency Preparedness Annual Report: Receive and file annual report.

Recommendations on recreational fires: Receive and file report from Citizens Environmental Advisory Committee and the Public Health Advisory Committee on recreational fires.

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

EMERGENCY COMMUNICATIONS CENTER (ECC) (276168)

Shared/Hosted 9-1-1 Call Handling System Application Solution: Consider resolution encouraging the preparation and distribution of a Request for Proposal for an application solution for selected Twin City Metropolitan Area Public Safety Answering Points.

HEALTH AND FAMILY SUPPORT (276169)

Walden University Internship Agreement: Authorize 5-year agreement for students to serve internships in the Health Department beginning January 1, 2013.

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

FIRE DEPARTMENT (276170)

Firefighter Cadet Hiring List: Approve $250,000 one-time appropriation to compensate for costs incurred in creating a new hiring list to replace the current six-year old list.

FIRE DEPARTMENT (276171)

Minnesota Board of Firefighter Training and Education (MBFTE) Training & Education Training Reimbursement: Accept Minnesota Board of Firefighter Training and Education redistribution funding under the Round 5 training reimbursement program in the amount of $42,840 and under the FY 2013 special revenue fund in the amount of $80,600, both for training between July 1, 2012 and June 30, 2013.

REGULATORY SERVICES (276172)

Animal Care and Control Donations: Accept in-kind donations of dog and cat food and supplies from: Bill Lyons, Nancy Driver, MACC Volunteers, Martha Kooiman, Donna Francis, and PETCO Highland Park.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (276173)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (276174)

Rincon 38, 3801 Grand Ave S: Grant On-Sale Wine Class E with Strong Beer and Sidewalk Cafe Licenses.

Doubletree Suites by Hilton Hotel Minneapolis, 1101 LaSalle Ave: Grant On-Sale Liquor Class A with Sunday Sales License.

Naviya's Thai Brasserie, 2812 W 43rd St: Grant On-Sale Wine Class E with Strong Beer and Sidewalk Cafe Licenses.

Origami Uptown, 1352 Lagoon Ave: Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

LICENSES AND CONSUMER SERVICES (276178)

Skybird Taxi, 2501 2nd St N: Approve License Settlement Conference recommendations relating to Taxi Service Company License.

Checker Cab, 2501 2nd St N: Approve License Settlement Conference recommendations relating to Taxi Service Company License.

REGULATORY SERVICES (276175)

Rental Dwelling License at 2512 E 38th St: Revoke license held by Eric Bronson.

REGULATORY SERVICES (276176)

Rental Dwelling License at 2926 12th Ave S: Approve reinstatement of license to be held by Red Rooster Capital, LLC - Revis Stephenson.

Rental Dwelling License at 3205 23rd Ave S: Approve reinstatement of license to be held by Lung Thi Tran.

REGULATORY SERVICES (276177)

Rental Dwelling License at 3639 Colfax Ave N: Revoke license held by Century LandGroup, LLC - Charles Miller.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276179)

Mattress Collection and Recycling Program: Update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276180)

Traffic Signal Retiming in South Minneapolis: Contract amendment with Kimley-Hornand Associates, Inc.

Traffic Signal Retiming in Central Business District: Contract amendment with Alliant Engineering, Inc.

Metropolitan Council Municipal Infiltration/Inflow Grant Program: Application. Cedar Lake Trail Phase III: Contract amendment with Veit Company, Inc.

Sealcoating Materials: Contract amendment with Martin Marietta Materials, Inc.

Southwest Corridor Light Rail Transit Project: Draft Environmental Impact Statement (DEIS) Comments.

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

PUBLIC WORKS AND ENGINEERING (276181)

Bids: a) OP 7703, Low bid of New Look Contracting, Inc. for hauling and disposal of fill and asphalt millings; b) OP 7706, Low bid of National Power Rodding Corporation for storm drain inspection;
c) OP 7710, Low bids of Custom Products and Services for Special Service District snow clearing and ice control; d) OP 7711, Single bid of Minnesota Supply Company for electric forklift; e) OP 7712, low bid of Veit and Company, Inc. for Blue Water Partnership Pond Dredging Project; f) OP 7714, Single bid of Checkpoint Welding and Fabrication, Inc. for welding and fabrication services; and g) OP 7720, Low bid of Concrete Idea, Inc. for cement work for 2013.

PUBLIC WORKS AND ENGINEERING (276182)

Department of Transportation Recertification Training: Contract with Hennepin Technical College.

Fridley Water Softening Plant: Contract with Miller Dunwiddie Architecture.

Pacific Ave N Solid Waste & Recycling Facility: Contract with Kodet Architectural Group, Ltd.

Traffic Signal Retiming: a) Contract with Short Elliott Hendrickson, Inc; and b) Agency agreement with State.

TACTICS Central Traffic Signal Control System: Contract with Brown Traffic Products, Inc.

Glenwood Avenue Bike Lane Project: a) Agreement with Mn/DOT; and b) Appropriation increase.

Nicollet Hotel Block: Grant agreement with Metropolitan Council for purchase of Gateway Facility.

Partnership for a Healthier America Play Streets Award: Accept grant.

WAYS AND MEANS BUDGET:

REGULATORY SERVICES (276183)

Regulatory Services Reorganization Workgroup Update: Receive and file.

YOUTH COODINATING BOARD (276184)

Youth Coordinating Board 2013 Budget: Presentation of budget request.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276185)

Legal Settlements: Authorize settlement of Jennifer and James Serakos vs. City of Minneapolis (25,000) and Carl Eller v. City of Minneapolis et al (2,000).

Travel Expenses Gift Acceptances: Accept the following donations of travel expenses for Susan Segal, City Attorney, from the Women's Foundation of Minnesota and the Association for Prosecuting Attorneys, for two conferences.

COMMUNICATIONS (276186)

Utility Billing Insert - January 2013: Approve insert providing information about the services people receive for their utility bill, encouraging sign up for electronic bills, and listing the ways to pay utility bills.

CONVENTION CENTER and PROCUREMENT (276187)

Bid: OP No 7717: accept single bid of Ace Janitorial Supply Company, Inc., in the amount of $72,200 to furnish and deliver an escalator cleaning machine for the Convention Center.

Ungerboeck Systems Inc. Contract Amendment: Authorize amendments to Contract C99-13987 for Web Hosting and module changes for the Event Business Management System to extend the contract to December 31, 2015, with the option of two one year extensions, include web-hosting services, new modules and implementation services and remove unused modules, and increase the contract amount by $144,020.

EXECUTIVE COMMITTEE (276188)

New Appointed Classification - Police Commander: Approve proposed appointed classification and passage of salary ordinance.

FINANCE AND PROPERTY SERVICES DEPARTMENT (276189)

CLIC Reappointments: Approve council reappointments to CLIC and receive and file Mayoral reappointments, all for term to run January 1, 2013 through December 31, 2014.

HUMAN RESOURCES (276190)

Application Fee for Firefighter Class: Authorize collection of firefighter cadet when Human Resources begins accepting applications in late January 2013, and approve differentiated fee structure.

HUMAN RESOURCES (276191)

Minnesota Deferred Compensation Plan Roth Contribution Option: Amend Resolution 2012R-279 to authorize a Roth option.

Minneflex Plan and HRA Plan Amendments: Authorize amendments to the City of Minneapolis Minneflex Plan and the City of Minneapolis Health Reimbursement Arrangement Plan to comply with federal health care reform legislation and to make certain clarifying changes.

INFORMATION TECHNOLOGY (276192)

IBM Intelligent Operations Platform Contract: Authorize execution of three-year contract with IBM for IOP software and implementation services, in an amount not to exceed $2,871,640.

INFORMATION TECHNOLOGY (276193)

SwiftReach Networks Contract Extension: Authorize extension of contract C-25455 with SwiftReach Networks, Inc., by 16 months, through June 30, 2014 for high speed community notification services.

Deccan International Contract: Authorize three-year contract, with two one-year options to extend, to provide support for the LiveMUM application for the city's Computer Aided Dispatch system, with a contract amount not to exceed $95,000 for the initial three year period.

Cassidian Communications, Inc. Contract Amendment: Authorize amendment to contract C-22985 for the 911 telephone system to extend the term by three years, increase the amount by $400,000, and include two one-year options to extend.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276194)

Auto Repair Roof Sign, 331 Ulysses St NE: Grant appeal from the decision of the Planning Commission which denied an application for a Certificate of Nonconforming Use for a roof sign and an amendment to an existing Conditional Use Permit for major automobile repair to remove a condition relating to the removal of the roof sign for the property in the I1 Light Industrial District.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276195)

City of Minneapolis, Block bounded by 4th St N, 6th St N, Lowry Ave N, and 31st Ave N:Approve vacating part of the L-shaped public alley to incorporate the alley into a larger redevelopment of the site, subject to the retention of an easement for Xcel Energy over the entire described area to be vacated.

The Station on 4th, 2635 4th St SE: Approve rezoning the property at 2635 4th St SE from the I1 Light Industrial District with the ILOD Industrial Living Overlay District to the R6 Multiple-family Residence District, retaining the UA University Area and PO Pedestrian Oriented Overlay Districts, to allow for a planned unit development with 194 dwelling units.

Film, Video and Audio Production Uses: Approve Ordinance correcting language adopted September 21, 2012 to reflect the Planning Commission's recommendations regarding establishing an exception to the minimum window requirement for film, video and audio production uses.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276196)

Minneapolis Public Schools, 1310 21st Ave N, 1311 22nd Ave N, 1313 22nd Ave N, 1315 22nd Ave N, 2105 Girard Ave N, 2115 1/2 Girard Ave N, 2121 Girard Ave N, 2125 Girard Ave N, 2131 Girard Ave N, 2135 Girard Ave N, and 2137 Girard Ave N: Deny appeal from the decision of the Planning Commission which denied all land use applications associated with a new 150 space surface parking lot.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276197)

Mill and Main Phase II, 413 and 425 Main St SE (St. Anthony Falls Historic District): Grant appeal filed from the decision of the Heritage Preservation Commission relating to a condition placed on the approval of the Certificate of Appropriateness to allow a new 190-unit apartment building.

UNFINISHED BUSINESS (See Rep):

MAYOR (276198)

Mayoral Veto: Letter explaining veto action re: legal settlement of Riley B Housley III v. City of Minneapolis, (See Report dated 11/16/2012).

FILED:

CITY CLERK (276199)

Administrative Citations issued to Ahmed Eshmawy: Verbatim Transcript relating to Administrative Citation Hearing held July 30, 2012.

PUBLIC WORKS AND ENGINEERING (276200)

Letter of appeal and public comments re "Bumpy" sculpture at 2829 E Lake of the Isles Pkwy.

The following reports were signed by Mayor Rybak on December 12, 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 report:

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from December 6, 2012, relating to a resolution supporting shifting federal funding priorities from military operations to meeting the needs of local communities. Seconded.

Adopted by unanimous consent.

Absent - Reich.

Comm of the Whole/IGR - Your Committee recommends passage of the accompanying resolution supporting shifting federal funding priorities from military operations to meeting the needs of local communities.

Lilligren moved to substitute the following resolution for the above-described resolution. Seconded.

Adopted by unanimous consent.

Absent - Reich.

The report, as amended, was adopted.

Absent - Reich.

RESOLUTION 2012R-621
By Gordon, Colvin Roy, Glidden, Goodman, Hodges, Hofstede, Johnson, Lilligren, Samuels, Schiff, Reich, Quincy and Tuthill

Supporting Shifting Federal Funding Priorities from Military Operations to Meeting the Needs of Local Communities.

Whereas, in 2011 Minnesota government was shut down over disputes as to how to address a $5 billion two-year budget shortfall; and

Whereas, Minnesota taxpayer spending for war far exceeds the state's budget deficits with Minnesotans having been committed to spend more than $39.8 billion to fund the Iraq and Afghan wars since 2001, with most of these costs having been added to the national debt; and

Whereas, the taxpayers of Minneapolis have been committed to pay more than $2.3 billion in debt for our share of Iraq and Afghanistan war costs, including $205.8 million in 2012 alone; and

Whereas, Minneapolis has struggled to maintain core services like public safety and infrastructure despite drastic cuts to Local Government Aid from the State of Minnesota and to Community Development Block Grants by the federal government; and

Whereas, from 2008 through 2011, the State of Minnesota certified that Minneapolis would receive more than $70 million more in Local Government Aid than the State actually provided, resulting in painful service cuts and property taxes hikes; and

Whereas, the City of Minneapolis has experienced a cut of over 30% in the federal government's Community Development Block Grants funding since 2002, from $16.8 million to $10.7 million annually; and

Whereas, in addition to these costly wars, Minnesota taxpayers are spending more than $16 billion in 2012 for our share of the base Pentagon budget, a budget that increased from $290.5 billion to $526 billion between 2000 and 2011; and

Whereas, in 2012, 59 cents of every dollar of federal discretionary spending is funding military purposes; and

Whereas, the budget for veterans is separate from the military budget we seek to cut, and our nation has a responsibility to provide veterans with quality medical and health care services and other supportive programs, including opportunities for training, education and meaningful jobs; and

Whereas, our nation desperately needs to better balance its approach to national security to include the economic, social, and environmental needs of our communities, state, and nation; and

Whereas, Congressman Keith Ellison has introduced House Resolution 733 which would express the sense of the House of Representatives that any deal on taxes and spending should "significantly reduce defense spending to focus the United States Armed Forces on combating 21st century risks" and "promote economic growth and expand economic opportunity by including strong levels of job creating Federal investments in areas such as infrastructure and education, and by promoting private investment";

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

That the City of Minneapolis calls on the Minnesota Congressional Delegation to support shifting federal funding priorities from military operations to meeting the essential needs of our local communities.

Adopted.

Absent - Reich.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of Augustana Chapel View Homes, Inc, to refinance 2004 existing bond debt associated with senior housing facilities at 1510 11 Ave S and 1425 10th Ave S and financing acquisition and installation of improvements to owned/managed properties at 1510 11th Ave S, 1020 E 17th St and 1509 10th Ave S, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to $7 Million in Bank Qualified Bank Direct Tax-exempt 501(c)(3) Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2012, for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted.

Approved by Mayor Rybak 12/7/2012.

(Published 12/11/2012)

Resolution 2012R-622, giving preliminary and final approval to and authorizing the financing of a project on behalf of Augustana Chapel View Homes, Inc. (facilities at 1510 11 Ave S, 1425 10th Ave S, 1020 E 17th St and 1509 10th Ave S), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, 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-622
By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Augustana Chapel View Homes, Inc. (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed $7,000,000 (the "Bond") to (i) refund revenue bonds previously issued by the City in 2004 with respect to the Company's senior housing facility known as 1510 Apartments located at 1510 11th Avenue South in the City and the Company's senior housing facility known as Park Center North located at 1425 Tenth Avenue South in the City, and (ii) the acquisition and installation of approximately $1,200,000 of elevator improvements for certain senior housing facilities on the Company's Minneapolis campus, including the 1510 Apartments facility described above as well as the senior housing facility known as Park Center Apartments located at 1020 East 17th Street and 1509 Tenth Avenue South; and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota nonprofit corporation; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an interest rate expected to not exceed 5.00% per annum, shall have a final maturity date not later than January 1, 2033, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed $7,000,000 for the purpose of financing the Project.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted.

Approved by Mayor Rybak 12/7/2012.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 2939 Morgan Ave N and 2930 Newton Ave N to Twin Cities Habitat for Humanity, Inc for $2,729 for each property, subject to the following conditions:

a) Land sale closing must occur no later than 4/15/2013; and

b) Payment of holding costs of $300 per month (or portion thereof) if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted.

Resolution 2012R-623, authorizing sale of land Vacant Housing Recycling Program Disposition Parcels VH-456 at 2939 Morgan Ave N and VH-475 at 2930 Newton Ave N, 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-623
By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcels VH-456 at 2939 Morgan Ave N and VH-475 at 2930 Newton Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels VH-456 and VH-475, in the Jordan neighborhood, from Twin Cities Habitat for Humanity, Inc., hereinafter known as the Redeveloper, the Parcels VH-456 and VH-475, being

the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of VH-456; 2939 Morgan Avenue North: Lot 5, Block 2, Supplement to Forest Park Addition to Minneapolis;

LEGAL DESCRIPTION of VH-475; 2930 Newton Avenue North: Lot 8, Block 2, Supplement to Forest Park Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of $2,729 each, for Parcels VH-456 and VH-475 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use values reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use values for the Parcels; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on November 16, 2012, a public hearing on the proposed sale was duly held on November 27, 2012, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of $2,729 each for Parcels VH-456 and VH-475.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must no later than April 15, 2013 and 2) payment of holding costs of $300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development (CPED) Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

Adopted.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2939 Newton Ave N to Twin Cities Habitat for Humanity, Inc for $2,729, subject to the following conditions:

a) Land sale closing must occur no later than 4/15/2013; and

b) Payment of holding costs of $300 per month (or portion thereof) if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted.

Resolution 2012R-624, authorizing sale of land Vacant Housing Recycling Program Disposition Parcel VH-476 at 2939 Newton Ave N, 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-624
By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel VH-476 at 2939 Newton Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-476, in the Jordan neighborhood, from Twin Cities Habitat for Humanity, Inc., hereinafter known as the Redeveloper, the Parcel VH-476, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of VH-476; 2939 Newton Avenue North: Lot 5, Block 3, Supplement to Forest Park Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of $2,729, for Parcel VH-476 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on November 16, 2012, a public hearing on the proposed sale was duly held on November 27, 2012, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of $2,729 for Parcel VH-476.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur no later than April 15, 2013 and 2) payment of holding costs of $300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

Adopted.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of Building Blocks for the Commons @ Penn Avenue mixed-use housing project in the vicinity of 2201-21 Golden Valley Rd, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to $5 Million in Tax-exempt Multi-family Housing Entitlement Revenue Bonds for said project.

Adopted.

Resolution 2012R-625, giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development located in the City of Minneapolis (vicinity of 2201-21 Golden Valley Rd), 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-625
By Goodman

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development located in the City of Minneapolis.

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

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

Whereas, Commons @ Penn, LP, a Minnesota limited partnership (the "Borrower"), the General Partner of which is Commons @ Penn, LLC, A Minnesota limited liability company, the sole member of which is Building Block Non-Profit, Inc., a Minnesota nonprofit corporation, has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of tax-exempt multifamily housing revenue bonds in an aggregate principal amount of approximately $5,000,000 (the "Bonds") for the purpose of loaning the proceeds thereof to the Borrower, or its affiliate or assign, to finance the acquisition and construction of an approximately 45-unit rental housing development and facilities functionally related and subordinate thereto, located at 1823 Penn Avenue North and 2201-2221 Golden Valley Road in the City (the "Project"), to be owned by the Borrower; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds; and

Whereas, the public hearing was preceded by the publication of a notice of public hearing in a newspaper of general circulation in the City at least fifteen (15) days prior to the public hearing before the Community Development Committee; and

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

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

Whereas, the United States Department of the Treasury has promulgated final regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such bonds. Those regulations, Treasury Regulations, Section 1.150-2 (the "Regulations"), require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the

later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures of the Project and the costs of issuing the Bonds; and

Whereas, the City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Bonds after the date of payment of a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act; and

Whereas, based on representations by the Borrower, no expenditures with respect to the Project have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution other than: (i) expenditures to be paid or reimbursed from sources other than the Bonds; (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations; or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations); and

Whereas, based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis, or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof; and

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

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

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

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in an aggregate principal amount of approximately $5,000,000 is hereby preliminarily approved.

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

Be It Further Resolved that this resolution shall constitute an official intent to reimburse original expenditures with respect to the Project paid on or after the date sixty (60) days prior to the date of adoption of this resolution.

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

Adopted.

Comm Dev – Your Committee, having under consideration the City Place Lofts project at 730 Hennepin Ave, now recommends:

a) Passage of the accompanying resolution rescinding Resolution No. 2011R-390 entitled, "Authorizing the issuance of bonds in a principal amount not to exceed $5,500,000, in the form of Multifamily Housing Revenue Bonds (City Place Lofts Project), Series 2011, and approving and authorizing the execution of various documents in connection therewith," passed 8/5/2011;

b) That the following City Council actions be rescinded:

- 6/17/2011: Approval of a loan of up to $945,000 in 2010 Supplemental Affordable Housing Trust Funds to City Place Developer LLC to assist with the development;
- 2/15/2011: Authorizing CPED to accept and appropriate a $212,600 Metropolitan Council Tax Base Revitalization Account grant and a $100,000 Hennepin County Environmental Response Fund grant; and
- 10/12/2010: Authorizing application to the Metropolitan Council's Tax Base Revitalization Account Program and the Hennepin County Environmental Response Fund for environmental remediation and/or investigation assistance.

c) Passage of a new resolution giving preliminary approval to the issuance of up to $11 Million of Tax-exempt Multi-family Housing Revenue Entitlement Bonds for said project;

d) That the proper City officers be authorized to execute necessary funding agreements with City Place Housing Limited Partnership.

Adopted.

Resolution 2012R-626, rescinding Resolution No. 2011R-390 entitled, "Authorizing the issuance of bonds in a principal amount not to exceed $5,500,000, in the form of Multifamily Housing Revenue Bonds (City Place Lofts Project at 730 Hennepin Ave), Series 2011, and approving and authorizing the execution of various documents in connection therewith," passed August 5, 2011, 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-626
By Goodman

Rescinding Resolution No. 2011R-390 entitled, "Authorizing the issuance of bonds in a principal amount not to exceed $5,500,000, in the form of Multifamily Housing Revenue Bonds (City Place Lofts Project), Series 2011, and approving and authorizing the execution of various documents in connection therewith," passed August 5, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be and is hereby rescinded, as follows:

~~Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C, as amended (the "Act"), a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and~~

~~Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which plan was adopted pursuant to the Act on July 13, 1984; and~~

~~Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and~~

~~Whereas, there has been proposed a program (the "Program") for the issuance of bonds to finance the acquisition and rehabilitation by City Place Housing Limited Partnership, a Minnesota limited partnership (the "Developer"), of a 45-unit multifamily rental housing development located at 730 Hennepin Avenue in the City (the "Project"); and~~

~~Whereas, the City on June 21, 2011 did conduct a public hearing on the Program; and~~

~~Whereas, by Resolution 2011R-332 adopted July 1, 2011, and published on July 9 2011, the City gave its preliminary approval to the issuance of the bonds to finance the Program; and~~

~~Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and~~

~~Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and~~

~~Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and~~

~~Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan; and~~

~~Whereas, the program is to be financed from the proceeds of bonds, in an aggregate amount not to exceed $5,500,000, in the form of Multifamily Housing Revenue Bonds (City Place Lofts Project), Series 2011 (the "Bonds"), to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security and payment of the Bonds (except as may otherwise be set forth in the Indenture hereinafter referred to); and~~

~~Whereas, the Bond proceeds will be used by the City to fund a loan (the "Loan") to the Developer to finance the acquisition and rehabilitation of the Project; and~~

~~Whereas, the Bonds will be issued under a Trust Indenture, dated as of August 1, 2011 (the "Indenture"), and the proceeds of the Bonds will be loaned to the Developer pursuant to a Loan Agreement, dated as of August 1, 2011 (the "Loan Agreement"), between the City and the Developer, and the Bonds will be secured by a pledge of all rights derived by the Developer from the Loan Agreement (except certain retained rights of the City), and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project; and~~

~~Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:~~

~~a) The Indenture to be made and entered into between the City and the trustee named therein (the "Trustee"), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements with respect thereto;~~

~~b) The Loan Agreement to be made and entered into between the City and the Developer, providing for the loan of the proceeds of the Bonds to the Developer, and for the repayment of such loan;~~

~~c) The Tax Compliance Agreement between the City, the Trustee and the Developer (the "Tax Compliance Agreement");~~

~~d) The Land Use Restriction Agreement between the City, the Trustee and the Developer (the "Land Use Restriction Agreement");~~

~~e) The Bond Purchase Agreement relating to the Bonds between Piper Jaffray & Co. (the "Underwriter"), the City and the Developer (the "Bond Purchase Agreement"); and~~

~~f) The Assignment of Mortgage, Security Agreement, Fixture Financing Statement and Assignment of Leases and Rents, from the City to the Trustee (the "Assignment of Mortgage").~~

~~The agreements described and referred to in paragraphs a through f above shall hereinafter sometimes be referred to collectively as the "Agreements";~~

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

~~That it is hereby found, determined and declared that:~~

~~a. The preservation of the quality of life in the City is dependent upon the maintenance, provision and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.~~

~~b. The development and implementation of the Program, and the issuance and sale of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act.~~

~~c. The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.~~

~~d. It is desirable that the Bonds be issued by the City in one or more series, in an aggregate principal amount not to exceed $5,500,000, on the terms set forth in the Resolution, the Indenture, the Loan Agreement, the Land Use Restriction Agreement and the Bonds.~~

~~e. The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on all Bonds issued under the Resolution, and payments are required to be made for such expenses of, among other things, administration of the Program as will be necessary to protect the interests of the City and the Trustee.~~

~~f. Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project.~~

~~Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Finance Officer upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.~~

~~Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Finance Officer, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.~~

~~Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, which issuance is approved, substantially in the forms and upon the terms set forth in the Agreements and the Bonds, the terms of which are for this purpose incorporated in this Resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Bonds), bear interest and be payable at the rates, all determined as set forth in the Agreements and the Bonds, to be approved, executed and delivered by the officers of the City authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery; provided that such rates shall result in an average coupon rate not greater than 6.50% per annum with respect to the Bonds.~~

~~Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.~~

~~Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.~~

~~Be It Further Resolved that the sale of said Bonds to the Underwriter is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Agreements and the Bonds. The Finance Officer of the City is hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Agreements and to deliver them to the Trustee together with a certified copy of this Resolution, and the other documents required by the Agreements.~~

~~Be It Further Resolved that the Finance Officer and other officers of the City are authorized and directed to prepare and furnish when the Bonds are issued, certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. The Finance Officer and said officers are further authorized to execute such additional documents as shall be determined by the Finance Officer to be necessary and desirable to provide for the issuance of the Bonds.~~

~~Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this Resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this Resolution or of the aforementioned documents shall be~~

~~exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.~~

~~No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.~~

~~No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project, the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Agreements. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds, or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.~~

~~Be It Further Resolved that except as herein otherwise expressly provided, nothing in this Resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this Resolution, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this Resolution.~~

~~Be It Further Resolved that in case any one or more provisions of this Resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, or of the aforementioned documents, or of the Bonds, but this Resolution, the aforementioned documents, the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.~~

~~Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this Resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this Resolution, and precedent to issuance of the Bonds, and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.~~

~~Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this Resolution.~~

~~Be It Further Resolved that the City hereby allocates up to $5,500,000 of its 2011 (or carryover) entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the Bonds, the actual amount of such allocation to be in the aggregate principal amount of Bonds issued.~~

~~Be It Further Resolved that this Resolution shall take effect upon publication.~~

Adopted.

Resolution 2012R-627, giving preliminary approval to the issuance of multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and renovation of an existing building into a multifamily housing facility for the

benefit of City Place Housing Limited Partnership (730 Hennepin Ave), or an affiliate, 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-627
By Goodman

Giving preliminary approval to the issuance of multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and renovation of an existing building into a multifamily housing facility for the benefit of City Place Housing Limited Partnership, or an affiliate.

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

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

Whereas, representatives of City Place Housing Limited Partnership, a Minnesota limited partnership, or an affiliated entity (the "Developer"), has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of multifamily housing revenue bonds in the aggregate principal amount of up to $11,000,000 (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and renovation of an existing building by the Developer into an approximately 55-unit multifamily housing facility for rental to low or moderate income persons, located at 730 Hennepin Avenue in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds after at least 15 days published notice thereof and after submission (prior to publication of the notice) of the Program to the Metropolitan Council for review and comment; and

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

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the City, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefor;

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

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

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in a principal amount of up to $11,000,000 is preliminarily approved.

Be It Further Resolved that the City hereby reserves $11,000,000 of its housing revenue bond entitlement authority for the financing of the Project.

Be It Further Resolved that the Developer may make certain preliminary capital expenditures with respect to the Project prior to the issuance of the Bonds, and that the City hereby declares its intent to reimburse such expenditures from the proceeds of the Bonds in accordance with Section 1.150-2 of the Treasury Regulations.

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

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

Adopted.

Comm Dev - Your Committee recommends approval of the preliminarily reserve of Year 2013 Federal Low Income Housing Tax Credits totaling $30,391 for The Lonoke project at 1936 3rd Ave S.

Adopted.

Comm Dev - Your Committee, having under consideration the issuance of revenue bonds on behalf of Minneapolis Leased Housing Associates IV, Limited Partnership, for the Pillsbury Lofts project at 301 Main St, now recommends passage of the accompanying resolution giving final approval to the issuance of up to $35 Million in Tax-exempt Multi-family Housing Entitlement Revenue Bonds for said project.

Your Committee further recommends approval of the Hennepin County Housing and Redevelopment Authority issuance of up to $55 Million of Housing Revenue Entitlement Bonds for said project.

Adopted.

Resolution 2012R-628, authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Notes (Minneapolis Leased Housing Associates IV, Limited Partnership Project-Pillsbury Lofts, 301 Main St); Approving the form of and authorizing the execution and delivery of the notes, and related documents; Providing for the security, rights, and remedies with respect to the notes; and Granting approval for certain other actions with respect thereto, 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-628
By Goodman

AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF MULTIFAMILY HOUSING REVENUE NOTES (MINNEAPOLIS LEASED HOUSING ASSOCIATES IV, LIMITED PARTNERSHIP PROJECT-PILLSBURY LOFTS, 301 MAIN ST); APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTES, AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE NOTES; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO.

Resolved by The City Council of The City of Minneapolis:

1. STATUTORY AUTHORIZATION. The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to carry out the public purposes described in the Housing Act by issuing revenue bonds or other revenue obligations to finance multifamily housing developments located within the City. In the issuance of the City's revenue bonds and other revenue obligations and in the making of loans to finance multifamily housing developments, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended.

2. THE BORROWER AND THE PROJECT. Minneapolis Leased Housing Associates IV, Limited Partnership, a Minnesota limited partnership (the "Borrower"), has requested the participation of the City in the financing of the acquisition and rehabilitation of an approximately 251-unit multifamily rental housing development and facilities functionally related and subordinate thereto, located at 301 Main Street Southeast in the City to be owned by the Borrower (the "Project").

3. THE HOUSING PROGRAM. A Program for a Multifamily Housing Development (the "Housing Program") with respect to the Project and the proposed issuance of revenue obligations to finance the Housing Program and the Project was prepared pursuant to the requirements of Section 462C.03, subdivision 1a, of the Housing Act, and is on file with the City. The Housing Program was submitted to the Metropolitan Council for its review and comments in accordance with the requirements of the Housing Act.

4. PUBLIC HEARING AND PRELIMINARY RESOLUTION. The Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on May 1, 2012, with respect to the Housing Program and the proposed issuance of revenue obligations to finance the Project. The public hearing was conducted at least fifteen (15) days after the publication in a newspaper of general circulation in the City of a notice of such public hearing. At a meeting held on June 15, 2012, the City Council of the City adopted Resolution 2012R-334 which approved and adopted the Housing Program and granted preliminary approval to the issuance of revenue obligations of the City in a principal amount of approximately $75,000,000 to finance the Project.

5. PARTICIPATION BY THE HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY. Subsequent to the adoption of Resolution 2012R-334 by the Council of the City, the staff of the Hennepin County Housing and Redevelopment Authority (the "Hennepin County HRA") agreed to request that the Board of Commissioners of the Hennepin County HRA consider the issuance of up to $55,000,000 of revenue obligations to finance a portion of the costs of the Project. In light of the proposed issuance of such revenue obligations by the Hennepin County HRA, the Borrower has proposed that the City reduce the principal amount of the revenue obligations to be issued by the City to a maximum principal amount of $30,000,000.

6. THE NOTES. The Borrower has requested that the City issue revenue obligations of the City in one or more series and in an aggregate principal amount not to exceed $30,000,000 for the benefit of the Borrower. The revenue obligations are proposed to be designated as Multifamily Housing Revenue Notes (Minneapolis Leased Housing Associates IV, Limited Partnership Project) (the "Notes"). The Borrower has requested that the City loan the proceeds derived from the sale of the Notes to the Borrower pursuant to the terms of one or more Loan Agreements, to be dated on or after December 1, 2012 (the "Loan Agreements"), between the City and the Borrower. The Borrower proposes to apply the proceeds of one or more loans made pursuant to the terms of the Loan Agreements (the "Loans") to the payment of a portion of the costs of the acquisition and rehabilitation of the Project and related costs.

7. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Notes is authorized by the Housing Act and is consistent with the purposes of the Housing Act and that the issuance of the Notes, and the other actions of the City under the Loan Agreements and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Notes for the financing of the Project and related costs, the City's purpose is, and the effect thereof will be, to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Housing Act. The Notes will be issued pursuant to this resolution and the Notes and the interest on the Notes: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreements; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreements; and (v) shall not constitute general or moral obligations of the City.

8. ISSUANCE OF THE NOTES. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Notes in one or more series in the maximum aggregate principal amount not to exceed $30,000,000. The Notes shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, shall be secured and payable from such sources and on such terms, and shall have such other terms, details, and provisions as are prescribed in the Notes, in the forms now on file with the City, with the amendments referenced herein. The City hereby authorizes the Notes to be issued as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The Notes shall be special, limited obligations of the City payable solely from the revenues, assets, and other security provided by the Borrower and related parties pursuant to the terms of the Loan Agreements and other documents delivered by the Borrower and related parties to secure the timely payment of the principal of and interest on the Notes. The Council of the City hereby authorizes and directs the Finance Officer to execute the Notes and hereby provides that the Notes shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Notes and the City as set forth therein.

All of the provisions of the Notes, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The forms of the Notes now on file with the City are hereby approved, with such necessary and appropriate variations, omissions, and insertions as the Finance Officer of the City, in his discretion, shall determine (including changes to the aggregate principal amount of each of the Notes (subject to an aggregate principal amount not to exceed $30,000,000), the stated maturities of the Notes, the interest rates on the Notes, the terms of the security and the sources of payment for the Notes, and the terms of redemption of the Notes). The execution of the Notes with the manual or facsimile signature of the Finance Officer and the delivery of the Notes by the City shall be conclusive evidence of such determination.

9. THE LOAN AGREEMENTS. The Finance Officer is hereby authorized and directed to execute and deliver the Loan Agreements. The loan repayments to be made by the Borrower under the Loan Agreements are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the Notes when due. All of the provisions of the Loan Agreements, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreements shall be substantially in the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. In the discretion of the Finance Officer, with the approval of the City Attorney and Kennedy & Graven, Chartered, as bond counsel to the City ("Bond Counsel"), a separate loan agreement may be prepared for each of the Notes in order to more conveniently and expeditiously provide for the separate security and sources of payment for each of the Notes. Each such loan agreement shall be substantially in the form of the Loan Agreements now on file with the City with such amendments as the Finance Officer, in his discretion, shall determine, and the execution of each loan agreement by the Finance Officer shall be conclusive evidence of such determinations.

10. THE ASSIGNMENTS. Except for certain reserved rights, the interests of the City in the Loan Agreements will be assigned to the owner or owners of the Notes (individually a "Lender" or collectively, the "Lenders") pursuant to the terms of one or more Assignment of Loan Agreement, dated on or after December 1, 2012 (the "Assignments"), between the City, the Borrower, and the Lender. The Assignments shall be substantially in the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Assignments, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. In the discretion of the Finance Officer, with the approval of the City Attorney and Bond Counsel, if separate Loan Agreements are prepared and executed with respect to one or more of the Notes in accordance with the terms of Section 9 hereof, a separate Assignment may be prepared for each of such Loan Agreements in order to more conveniently and expeditiously provide for the assignment of the interests of the City in such Loan Agreements to each Lender for each of the Notes. Each such Assignment shall be substantially in the form of the Assignments now on file with the City with such amendments as the Finance Officer, in his discretion, shall determine, and the execution of each Assignment by the Finance Officer shall be conclusive evidence of such determinations.

11. SECURITY. The City hereby approves the execution by the Borrower and delivery to the Lender of: (i) one or more mortgage documents granting first, parity, and subordinate mortgage liens on the Project to the City to be assigned by the City to the Lenders; (ii) one or more collateral assignments of the contracts between the Borrower and the architect and contractor with respect to the Project; (iii) one or more environmental indemnity agreements; and (iv) other security documents that are intended to secure timely payment of the Loans and the Notes. The City hereby approves the execution and delivery by one or more guarantors to the Lender of one or more guaranty agreements pursuant to which the obligations of the Borrower under the Loan Agreements are guaranteed by such guarantors. The City hereby approves one or more disbursing agreements, between the Borrower, the Lenders, and a disbursing

agent to be selected by the Borrower and the Lenders, to provide for the disbursement of the proceeds of the Notes and the Loans. All such security documents shall be substantially in the forms agreed to by the Borrower, the Lenders, the disbursing agent, and the guarantors.

12. THE REGULATORY AGREEMENTS. To ensure continuing compliance with certain rental and occupancy restrictions imposed by the Housing Act and Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"), and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver one or more Regulatory Agreements, dated on or after December 1, 2012 (the "Regulatory Agreements"), between the Borrower and the Lenders. The Regulatory Agreements shall be substantially in the forms now on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Regulatory Agreements, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

13. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Notes, including one or more assignments of mortgage, dated on or after December 1, 2012, from the City to the Lenders, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to each of the Notes that constitutes or is elected to be treated as a separate issue, a certificate as to arbitrage and rebate, and similar documents, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Notes. The City hereby authorizes Bond Counsel to prepare, execute, and deliver its approving legal opinions with respect to the Notes.

14. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of an official statement or other disclosure document relating to the offer and sale of the Notes (the "Disclosure Documents"), and will make no independent investigation with respect to the information contained in the Disclosure Documents, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. As a condition to the execution and delivery of the Notes, the Finance Officer may require the receipt from each Lender of an investment letter containing such terms, covenants, representations, and warranties as the Finance Officer, with the advice of the City Attorney and Bond Counsel, shall deem necessary or appropriate from each Lender.

15. SUBSEQUENT AMENDMENTS. On any date subsequent to the date of issuance of the Notes, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

16. LIMITATIONS OF LIABILITY. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Notes shall be personally liable on the Notes or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Notes, or in any other document relating to the Notes, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreements, which are to be applied to the payment of the Notes, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Notes issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any

provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, and Lenders from time to time of the Notes issued under the provisions of this resolution.

17. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Notes issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Notes, but this resolution, the aforementioned documents, and the Notes shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

18. VALIDITY OF THE NOTES. The Notes, when executed and delivered, shall contain a recital that they are issued pursuant to the Housing Act, and such recital shall be conclusive evidence of the validity of the Notes and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Notes, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

19. ADDITIONAL ACTIONS. The officers of the City, the City Attorney, Bond Counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Notes, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Notes, the aforementioned documents, and this resolution.

20. DESIGNATION AS PROGRAM BONDS. The Notes are hereby designated “Program Bonds” and are determined to be within the “Housing Program” and the “Program,” all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

21. FEES AND INDEMNIFICATION. The Borrower has agreed to pay the administrative fees of the City in accordance with the policy and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower. It is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney’s fees and expenses incurred by the City) arising with respect to the Project or the Notes, as provided for and agreed to by and between the Borrower and the City in the Loan Agreements.

22. 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.

Adopted.

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

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the carryforward of $49,405,645 of 2012 Tax-Exempt Multi-family Housing Entitlement Revenue Bonds for multifamily housing programs.

Adopted.

Resolution 2012R-629, authorizing carryforward of unused private activity bond volume cap, 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-629
By Goodman and Hodges

Authorizing carryforward of unused private activity bond volume cap.

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation of private activity bond volume cap for 2012 under Minnesota Statutes, Chapter 474A.03, subd. 2a is $49,405,645; and

Whereas, the City does not expect to issue any private activity bonds allocable to its 2012 entitlement allocation on or prior to December 31, 2012; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused entitlement allocation; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carryforward for qualified carryforward purposes its 2012 entitlement allocation remaining unused on December 31, 2012;

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

That the City hereby elects to carryforward its entire 2012 entitlement allocation remaining unused on December 31, 2012, for qualified residential rental bonds.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of 2012 entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2013. The Director is further authorized to notify the Minnesota Department of Finance of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the HOME Monitoring Consulting Services proposal from Affordable Housing Connections and that the proper City officers be authorized to negotiate and execute a consulting services standard agreement with an annual cost not to exceed $118,500 for 2013; $134,600 for 2014; and $139,408 for 2015, with the option to renew the contract annually for up to two additional years solely at the City's discretion.

Adopted.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Pillsbury A Mill Tunnel System Condition Study, now recommends that the proper City officers be authorized to accept a $250,000 Minnesota Historical and Cultural Heritage Grant awarded by Minnesota Historical Society and up to a $35,000 Grant from the Minnesota Historical Society (as fiscal agent for the St. Anthony Falls Heritage Board) for said study, and to execute two grant agreements with the Minnesota Historical Society (one of which will be in its role as fiscal agent for the St. Anthony Falls Heritage Board), a subrecipient agreement with Dominium Development & Acquisition, LLC (or an affiliated limited partnership created for this project), and any disbursement and/or related agreements for this grant.

Your Committee further recommends passage of the accompanying resolution increasing the CPED appropriation to reflect the receipt of said grant funds in the amount of $285,000.

Adopted.

RESOLUTION 2012R-630
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 Grants Other Fund (01600-8900320) $285,000 and increasing the revenue source (01600-8900900-321513) by $285,000.
Adopted.

The ELECTIONS Committee submitted the following report:
Elections - Your Committee recommends approval of the following candidate filing dates for the 2013 Municipal Election, pursuant to Chapter 2, Sections 4 and 5 of the Minneapolis City Charter:
Candidate Filing: July 30-August 13, 2013
1st Campaign Finance Filing: September 3, 2013
2nd Campaign Finance Filing: October 29, 2013
(General Election: November 5, 2013)
Colvin Roy moved that the report be postponed. Seconded.
Adopted upon a voice vote.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:
PSC&H – Your Committee recommends the proper City officers be authorized to execute an agreement with Walden University to allow students to serve internships in the Health Department for the period not to exceed January 1, 2013 through December 31, 2017. Further, authorizing entering into subsequent agreements with individual programs of Walden University related to specific internships during this five-year period, and authorization for the Commissioner of Health to approve programmatic adjustments to agreements as needed.
Adopted.

PSC&H – Your Committee, having under consideration the potential for a Request for Proposal for a shared/hosted 9-1-1 call handling system application solution for selected Twin City metropolitan area public safety answering points, now recommends passage of the accompanying resolution encouraging the preparation and distribution of the RFP.
Adopted.

Resolution 2012R-631, Encouraging the Preparation and Distribution of a Request for Proposal For a Shared/Hosted 9-1-1 Call Handling System Application Solution For Selected Twin City Metropolitan Area Public Safety Answering Points, 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-631
By Reich

Encouraging the Preparation and Distribution of a Request for Proposal For a Shared/Hosted 9-1-1 Call Handling System Application Solution For Selected Twin City Metropolitan Area Public Safety Answering Points.

Whereas the Metropolitan Emergency Services Board (MESB) was established in the State of Minnesota to facilitate the planning and coordinate the delivery of emergency communications services including E9-1-1 and emerging services such as next generation (NG)9-1-1; and

Whereas the MESB membership spans the nine County metropolitan area of Minneapolis/St. Paul; and

Whereas the MESB staff has been evaluating and planning suitable NG9-1-1 network strategies in cooperation with the Division of Emergency Communication Networks (DECN) of the state Department of Public Safety; and

Whereas the MESB staff, in concert with metropolitan public safety answering point (PSAP) representatives, have determined that 9 of 22 metropolitan area PSAPs will require equipment and/or significant software upgrades to their existing 9-1-1 call processing equipment in the near future and at approximately similar time frames; and

Whereas the MESB staff invited representatives of the nine affected PSAPs needing equipment/software upgrades to form a study committee to identify local needs and provide input on potential call answering solutions for a shared/hosted 9-1-1 call processing environment; and

Whereas the MESB staff commissioned preparation of a "Request for Information" (RFI) intended to determine budgetary costs and potential architectures for a shared/hosted 9-1-1 call handling system application solution that could be networked and utilized amongst the PSAPs needing equipment and/or software upgrades; and

Whereas the RFI was distributed to 25 vendors and seven proposal responses were received; and

Whereas vendor responses to the RFI identified that a shared/hosted 9-1-1 call handling system application solution is technically feasible, offers opportunities to contain aggregate costs, enhances PSAP telephone call processing interoperability, and improves inter-PSAP backup processes; and

Whereas the PSAP study committee has considered preliminary information resulting from the RFI and maintains there is merit in soliciting firm pricing and specific technical designs to address the common and individual needs of the nine affected PSAPs; and

Whereas an open and competitive procurement process is desirable for a shared/hosted 9-1-1 call handling system application solution serving multiple PSAPs; and

Whereas the MESB staff have suggested that the MESB may help facilitate local procurement of suitable hosted/shared 9-1-1 call handling system application solution technologies and services via the publication of a formal Request for Proposals (RFP); and

Whereas all of the nine PSAPs have immediate needs to begin their local call answering replacement options; and

Whereas the Study Committee will evaluate the vendors' proposals on technical merit, best overall cost, value, and other factors which it identifies during the RFP preparation process;

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

That the City Council endorses the Metropolitan Emergency Services Board plan to solicit firm pricing and technical designs for suitable shared/hosted 9-1-1 call handling system application solutions capable of serving our PSAP and agencies needs and transmits this confirmation to the MESB with a request that that organization facilitate the RFP process and report results of the RFP process back to the City of Minneapolis.

Adopted.

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

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to accept reimbursement funding from the Minnesota Board of Firefighter Training and Education (MBFTE) under the Round 5 training reimbursement program in the amount of $42,840 and under the Fiscal Year 2013 special revenue fund in the amount $80,600 for MBFTE approved training conducted between July 1, 2012 and June 30, 2013. Further, passage of the accompanying resolution appropriating $123,440 to the Fire Department.

Adopted.

RESOLUTION 2012R-632
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 $123,440 and increasing the revenue source (01600-2800700-321513) by $123,440.
Adopted.

PSC&H & W&M/Budget - Your Committee, having under consideration an increase to the Minneapolis Fire Department 2012 general fund appropriation by $250,000 in one-time funding to compensate for costs incurred during the creation of a new cadet hiring list replacing the current list, now recommends the increase be approved. Further, passage of the accompanying resolution appropriating $250,000 to the Fire Department.
Adopted.

RESOLUTION 2012R-633
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 General Fund (00100-2800400) by $250,000 and decreasing the contingency fund (00100-1750100) by $250,000.
Adopted.

PSC&H & W&M/Budget – Your Committee recommends passage of the accompanying resolution approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care and Control.
Adopted.

Resolution 2012R-634, approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care & Control, 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-634
By Samuels

Approving donations of dog and cat supplies 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:

Bill Lyons	XL dog kennel, food bowls
Nancy Driver	Video tapes and books on dog behavior

MACC Volunteers	Grooming supplies, puppy formula, 3 boxes Zuke's mini treats, 1 box Kong Stuff'n, 3 packets Zuke's cat treats
Martha Kooiman	Blankets, toys, treat and misc supplies
Donna Francis	4 large boxes of dog treats
PETCO Highland Park	dog and cat flea medication, misc supplies

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.

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

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

a) Doubletree Suites by Hilton Minneapolis, 1101 LaSalle Ave (New Proprietor)

b) Naviya's Thai Brasserie, 2812 W 43rd St (New Proprietor to include Sidewalk Cafe License)

c) Rincon 38, 3801 Grand Ave S (New Business).

Adopted.

Resolution 2012R-635, granting Licenses to Doubletree Suites by Hilton Minneapolis, 1101 LaSalle Ave; Naviya's Thai Brasserie, 2812 W 43rd St; and Rincon 38, 3801 Grand Ave S, 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-635
By Glidden

Granting Liquor Licenses.

Resolved by The City Council of The City of Minneapolis:

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

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

Sage Restaurant Manager LLC, dba Doubletree Suites by Hilton Minneapolis, 1101 LaSalle Ave (New Proprietor)

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

KB Restaurant Inc, dba Naviya's Thai Brasserie, 2812 43rd Ave S (New Proprietor)

Lo Borrega Negra Inc, dba Rincon 38, 3801 Grand Ave S (New Business)

Sidewalk Cafe, to expire April 1, 2013

KB Restaurant Inc, dba Naviya's, 2812 W 43rd St (New Proprietor).

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Origami Uptown, 1352 Lagoon Ave, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Adopted.

Resolution 2012R-636, granting the application of Origami Uptown, 1352 Lagoon Ave, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, 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-636
By Glidden

Granting the application of Origami Uptown, 1352 Lagoon Ave, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Kotobuki USA Inc, dba Origami Uptown, 1352 Lagoon Ave, for an On-Sale Liquor Class E with Sunday Sales License (New Business) to expire January 1, 2014, subject to the following conditions:

1. Food and beverage service on the outdoor patio area shall cease at 12:00 a.m. Sunday through Tuesday. All patrons must vacate the outdoor patio by 12:30 a.m. Food and beverage service on the outdoor patio area shall cease at 2:00 a.m. Wednesday through Saturday. All patrons shall be off the premises by 2:30 a.m.
2. Origami staff shall proactively monitor and control excessively loud patrons who may be disturbing nearby residents.
3. External patio speakers shall be turned off by 12:00 a.m. Sunday through Tuesday and by 1:00 a.m. Wednesday through Saturday.
4. The outdoor patio area shall be enclosed by fencing or other barriers and all patrons must enter the outdoor area through the existing restaurant doors.
5. Patron seating in the outdoor patio area will not exceed 40 as specified in Origami's business plan. The maximum outdoor capacity is 40 per Metropolitan Council Service Availability Charge (SAC) calculations.
6. All windows and doors must be closed by 10:00 p.m. daily.
7. Origami shall manage the outdoor noise and sound levels in accordance with City of Minneapolis Ordinance 389.60 relating to noise.
8. Origami shall maintain a security plan and exit strategy and employ a manager, an assistant manager, or supervisor level employee at all times the business is open to the public.
9. Origami shall post educational signs regarding excess noise and its impact on livability in the neighborhood.
10. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Skybird Taxi, 2501 2nd St N.

Adopted.

Resolution 2012R-637, approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Skybird Taxi, 2501 2nd St N, 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-637
By Glidden

Approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Skybird Taxi, 2501 2nd St N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on July 31, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee has violated numerous sections of the Minneapolis Code of Ordinances related to the safe and legal operation of a licensed taxicab; and the licensee's fleet of taxicabs has one of the lowest passing rates for vehicle inspections in the City of Minneapolis and a high percentage of those vehicles are found to be unfit for public use;

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

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

1. Effective upon the date of the signing of this agreement, Skybird Taxi shall not add any new taxicab vehicles to its fleet which are over six model years in age. This shall include any vehicles classified as "fuel efficient" by the City. All taxi vehicles added by Skybird Taxi classified as "wheelchair accessible" by the City shall not be more than eight model years old. This provision shall not apply to any taxi vehicles currently in service under Skybird Taxi's fleet upon the signing of this agreement.

2. From September 1, 2012 to October 1, 2012, all Skybird Taxi vehicles inspected by the City of Minneapolis Public Works Department shall have an aggregate percentage "out of service" rate of no higher than 33% on the first inspection. If this rate is higher than 33%, all subsequent re-inspections performed by the City of Minneapolis Public Works Department on all licensed Skybird Taxi vehicles starting on October 2, 2012 shall be charged a fee of $50 per re-inspection. This fee shall apply only to vehicles that receive an "out of service" designation upon the completion of their initial full inspection. This requirement shall be in effect until October 1, 2013.

3. Skybird Taxi agrees to be in full compliance with Minneapolis Code of Ordinance 341.185 by installing and maintaining electronic credit card processing capability in all of the taxicabs operating under its fleet. This work shall be completed no later than November 15, 2012.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Checker Cab, 2501 2nd St N.

Adopted.

Resolution 2012R-638, approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Checker Cab, 2501 2nd St N, 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-638
By Glidden

Approving License Settlement Conference recommendations relating to the Taxi Service Company License held by Checker Cab, 2501 2nd St N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on July 31, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee has violated numerous sections of the

Minneapolis Code of Ordinances related to the safe and legal operation of a licensed taxicab; and the licensee's fleet of taxicabs has one of the lowest passing rates for vehicle inspections in the City of Minneapolis and a high percentage of those vehicles are found to be unfit for public use;

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

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

1. Effective upon the date of the signing of this agreement, Checker Cab Company shall not add any new taxicab vehicles to its fleet which are over six model years in age. This shall include any vehicles classified as "fuel efficient" by the City. All taxi vehicles added by Checker Cab classified as "wheelchair accessible" by the City shall not be more than eight model years old. This provision shall not apply to any taxi vehicles currently in service under Checker Cab's fleet upon the signing of this agreement. This requirement shall be in effect until October 1, 2013.

2. From October 1, 2012 to November 1, 2012, all Checker Cab vehicles inspected by the City of Minneapolis Public Works Department shall have an aggregate percentage "out of service" rate of no higher than 33% on the first inspection. If this rate is higher than 33%, all subsequent re-inspections performed by the City of Minneapolis Public Works Department on all licensed Checker Cab vehicles starting on November 2, 2012 shall be charged a fee of $50 per re-inspection. This fee shall apply only to vehicles that receive an "out of service" designation upon the completion of their initial full inspection. This requirement shall be in effect until October 1, 2013.

3. Checker Cab Company agrees to be in full compliance with Minneapolis Code of Ordinance 341.185 by installing and maintaining electronic credit card processing capability in all of the taxicabs operating under its fleet. This work shall be completed no later than November 15, 2012.

4. Checker Cab has requested administrative appeal hearings on all aforementioned outstanding citations. Check Cab will pay all due fines after exhausting all appeals.

5. Effective upon the date of the signing of this agreement, Checker Cab agrees to submit State of Minnesota inspection reports on all taxicab vehicles currently designated as "wheelchair accessible" to ensure that these vehicles are capable of transporting wheelchair passengers.

Adopted.

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

Adopted.

Resolution 2012R-639, 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-639
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 276173):

On-Sale Liquor, to expire January 1, 2014
Haskells Inc, dba Haskell's, 81 S 9th St
On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2013
Minnesota Sportservice, LLC, dba Target Field, 353 5th St N (New Corporate Officer)
Minneapolis Sportservice, LLC, dba Target Center, 600 1st Ave N (New Corporate Officer)
Off-Sale Beer, to expire April 1, 2013
P & R Group Inc, dba Tesoro EZ Stop, 3800 Bloomington Ave (New Proprietor).
Adopted.

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

Resolution 2012R-640, 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-640
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 December 7, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276173):
Asphalt Shingles & Roofing Manufacturer; Bed & Breakfast Facility; Christmas Tree; Institutional Food Service; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Motor Vehicle Repair Garage; Towing Class A; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Sign Hanger; Solicitor - Individual; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer Establishment; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Combined Trades; Wrecker of Buildings Class A; Wrecker of Buildings Class B; Tobacco Dealer.
Adopted.

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

Resolution 2012R-641, 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-641
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 276173):
Gambling Class B
Minneapolis Fraternal Order of Eagles, dba Minneapolis Aerie 34 FOE, 2507 E 25th St
Gambling Exempt
Greg Marzolf Jr Foundation, dba Greg Marzolf Jr Foundation, 2152 Upper St. Dennis Rd, St. Paul (Raffle January 24, 2012, 1 Twins Way).
Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 2926 12th Ave S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license to be held by Red Rooster Capital, LLC – Revis Stephenson.

Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 3205 23rd Ave S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license to be held by Lung Thi Tran.

Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Eric Bronson for the property located at 2512 E 38th St; 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, subdivision (8) 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-2012-40 which are hereby made a part of this report by reference.

Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Century Land Group, LLC – Charles Miller for the property located at 3639 Colfax Ave N; 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, subdivision (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-2012-41 which are hereby made a part of this report by reference.

Adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the retiming of traffic signals located in South Minneapolis, now recommends that the proper City officers be authorized to amend the termination date of Professional Service Contract C-31093 with Kimley-Horn and Associates, Inc., from January 31, 2013 to May 31, 2014, to coincide with the installation of the new central traffic signal control system.

Adopted.

T&PW - Your Committee, having under consideration the retiming of traffic signals located in the Central Business District, now recommends that the proper City officers be authorized to amend the termination date of Professional Service Contract C-28912 with Alliant Engineering, Inc., from December 31, 2012 to November 30, 2013, to coincide with the installation of the new central traffic signal control system.

Adopted.

T&PW - Your Committee, having under consideration the Metropolitan Council Municipal Infiltration/Inflow Grant Program, now recommends that the proper City officers be authorized to apply for grant funding and negotiate a grant agreement with the Metropolitan Council Environmental Services' Municipal Infiltration/Inflow Grant Program to fund CIPP (cured-in-place pipe) lining and repairs of existing sewers.

Adopted.

T&PW - Your Committee, having under consideration the Cedar Lake Trail Phase III Project, now recommends that the proper City officers be authorized to amend contract No C-27957 (Contract Amendment No 2 - S.P. 141-090-22) with Veit Company, Inc., by increasing the contract amount by $6,877.35, for a revised contract total of $4,093,725.33, to allow for the payment of additional work performed as part of the federal project and to close the contract.

Adopted.

T&PW - Your Committee recommends that the proper City officers be authorized to amend Contract No C-35555 (OP 7576) with Martin Marietta Materials, Inc., increasing the contract by $6,500, for a revised contract total of $155,750, to cover the cost of additional Class A aggregate needed to complete 2012 sealcoating activities.

Adopted.

T&PW - Your Committee, having under consideration the Southwest Corridor Light Rail Transit Project, now recommends the approval of comments on the Draft Environmental Impact Statement relating to the project as set forth in the document entitled "Attachment #2 – SW LRT DEIS, City of Minneapolis Comments", on file in the Office of the City Clerk, and that the proper City officers be authorized to submit said comments to Hennepin County.

Adopted.

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

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a one-year contract with Hennepin Technical College, in a not-to-exceed amount of $5,000, for Department of Transportation (DOT) Technician Recertification Training for Public Works technicians in Fleet Services and Solid Waste and Recycling to perform DOT annual inspections for City of Minneapolis vehicles. The contract includes an option to renew for one additional year.

Adopted.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a professional service agreement with Miller Dunwiddie Architecture, in an amount not to exceed $75,000, for architectural and engineering services required to complete a Facility Improvement Assessment for the Administrative Offices at the Fridley Water Softening Plant to identify code issues (including ADA), deferred maintenance, and systems and building deficiencies in order to bring the facility to current standards. The source of funding for the project is Fund 07400/Department 6900740/Project Number 690W12023, and no additional appropriation is required.

Adopted.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a professional service agreement with Kodet Architectural Group, Ltd., in an amount not-to-exceed $75,000, for architectural and engineering services required to complete a Facility Improvement Assessment for the Solid Waste and Recycling Facility (2710 Pacific Ave N) to identify code issues (including ADA), deferred maintenance, and systems and building deficiencies in order to bring the facility to current standards. The source of funding for the project is Fund 07700/Department 6640700-619015-6642710, and no additional appropriation is required.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the retiming of traffic signals in North, Northeast and Southeast Minneapolis, now recommends:

a) That the proper City officers be authorized to enter into a contract with Short Elliott Hendrickson, Inc. in the amount of $554,080 to retime the traffic signals;

b) That the proper City officers be authorized to execute an agency agreement with the State of Minnesota Department of Transportation allowing for the State to act as the City's agent in accepting federal funds; and

c) Passage of the accompanying resolution appointing the Commissioner of Transportation as the City's agent in accepting federal aid funds for eligible transportation-related projects.

Adopted.

Resolution 2012R-642, appointing the Commissioner of Transportation as the City's agent in accepting federal aid funds for eligible transportation-related 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-642
By Colvin Roy and Hodges

RESOLUTION FOR AGENCY AGREEMENT

Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept federal aid funds for eligible transportation-related projects.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statute Section 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept, as its agent, federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No 97383", a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a three-year contract with Brown Traffic Products, Inc., in an amount not to exceed $56,000, for support and maintenance of TACTICS Traffic Signal Control System software.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Non-Motorized Transportation Pilot Program (NTP) Glenwood Avenue Bike Lane Project, now recommends:

a) That the proper City officers be authorized to enter into an agreement with the Minnesota Department of Transportation (Mn/DOT) for the Glenwood Avenue Bike Lane Project (Project No G39015MGLE);

b) Passage of the accompanying resolution increasing the appropriation and revenue source for the project by $120,000; and

c) Passage of the accompanying resolution appointing the Commissioner of Transportation as agent of the City to accept grants for the Non-Motorized Transportation Pilot Program.

Adopted.

Resolution 2012R-643, amending The 2012 Capital Improvement Appropriation Resolution to appropriate $120,000 to the Department of Public Works, 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-643
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 PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (01300-9010943) by $120,000 and increasing the revenue source (01300-9010943 - Source 321012) by $120,000 (Project Number G39015MGLE).

Adopted.

Resolution 2012R-644, appointing the Commissioner of Transportation as agent of the City to accept grants for the Non-Motorized Transportation Pilot 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-644
By Colvin Roy and Hodges

RESOLUTION FOR AGENCY AGREEMENT

Appointing the Commissioner of Transportation as agent of the City of Minneapolis and entering into an agreement to accept grants for the Non-Motorized Transportation Pilot Program.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statute Section 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept, as its agent, federal aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in “Minnesota Department of Transportation Agency Agreement No 02194”.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Hotel block, now recommends that the proper City officers be authorized to execute a Grant Agreement awarding $3,420,573.54 to the Metropolitan Council for the purchase of the Gateway Facility and an Assignment and Assumption Agreement transferring all federal property interests currently in the Nicollet Hotel Block to the Metropolitan Council Gateway Facility. The source of funds is 7500-685 NTER.
No additional appropriation is required.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Partnership for a Healthier America Play Streets Award, now recommends:

T&PW - a) That the proper City officers be authorized to accept grant funds, in the amount of $50,000, from Partnership for a Healthier America;

b) Passage of the accompanying resolution declaring the City of Minneapolis a co-sponsor of four Open Streets events in 2013 and committing in-kind services, up to $50,000, to support 2013 Open Streets activities;

c) That the proper City officers be authorized to negotiate and execute an appropriate agreement, as needed, with Partnership for a Healthier America; and

d) That the proper City officers be authorized to negotiate and execute of an agreement as needed with a contractor to provide event management services.

Further, staff is directed to develop a policy regarding the City's commitment of in-kind resources for permitted Large Block events, Parades, and Races and to return to the Transportation & Public Works Committee no later than February 2013 with recommendations.

W&M/Budget – that the request to accept grant funds and declare the City of Minneapolis a co-sponsor of four Open Streets events in 2013 and committing in-kind services be sent forward without recommendation.

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

Adopted by unanimous consent.

The report, as amended, was adopted.

Resolution 2012R-645, declaring the City of Minneapolis a co-sponsor of four Open Streets events in 2013 and committing in-kind services, up to $50,000, to support 2013 Open Streets activities, 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-645
By Colvin Roy

Declaring the City of Minneapolis a co-sponsor of four Open Streets events in 2013.

Whereas, Open Streets events have temporarily opened a street up for families to walk, bike, skateboard, dance and more by closing the street to motorized traffic on a Saturday or Sunday, all at no charge to participants; and

Whereas, Minneapolis has held three very successful Open Streets events: on Lyndale Avenue South in June of 2011 and 2012 and Lowry Avenue North in September of 2012; and

Whereas, in 2011 an estimated 5,000 people attended the inaugural event on Lyndale Avenue and in 2012 estimated attendance increased to 10,000 people; and

Whereas, in August the City of Minneapolis, in a letter signed by Mayor Rybak, Council President Johnson, Council Vice President Lilligren, and Council Member Gordon, applied for a $50,000 grant from the Partnership for a Healthier America (PHA) to organize four Open Streets events in 2013; and

Whereas, the PHA has chosen Minneapolis as one of ten cities in the US to receive the grant, which covers the costs of organizing Open Streets events but does not cover related public infrastructure such as barricades, traffic direction, and signage; and

Whereas, public infrastructure costs have been the largest costs borne by Open Streets events to date; and

Whereas, in the application to the PHA, Minneapolis proposed to organize four Open Streets events in 2013 on corridors in the northeast and southeast quadrants of Minneapolis in addition to the existing Lyndale Ave S and Lowry Ave N routes; and

Whereas, Open Streets events make progress on many City goals, including A Safe Place to Call Home, Jobs & Economic Vitality, Livable Communities, Healthy Lives, Many People, One Minneapolis, Eco-Focused, and A City that Works; and

Whereas, Open Streets events also help achieve multiple adopted City policy goals in areas including health (obesity reduction), environment (air quality improvement), economic development (strengthening commercial corridors), transportation (non-motorized modal shift) and culture and place making; and

Whereas, many other major cities in the US sponsor Open Streets-style events, and the most successful and sustainable events are collaborations between local government and nonprofit partners; and

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

That the City of Minneapolis hereby declares that four Open Streets events in 2013, one per quadrant of the city, are officially sponsored City events.

Be It Further Resolved that it hereby authorizes the Department of Public Works and Police Department to provide in-kind services for four Open Streets events in 2013, in an amount up to $50,000. These in-kind services are to include traffic direction, barricades, garbage and recycling service, and traffic detour and parking signage.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP #7703 from New Look Contracting, Inc., for an estimated annual expenditure of $850,000.00, for the hauling and disposal of fill and asphalt millings for the Transportation Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP #7706 from National Power Rodding Corporation, for an estimated annual expenditure of $2,377,034.75, to furnish and deliver all materials, equipment, labor, and incidentals necessary for the CCTV Storm Drain Program for 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 in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bids submitted to the Public Works Department on OP #7710 from Custom Products and Services, for an estimated annual expenditure of $187,468.00, to furnish and deliver snow clearing and ice control as follows:

Central Avenue Special Service District	$26,743.00
Dinkytown Special Service District	$26,750.00
Lyndale Lake Special Service District	$20,600.00
Nicollet Avenue South Special Service District	$19,000.00
Stadium Village Special Service District	$24,500.00
Uptown Special Service District	$69,875.00.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the single bid submitted to the Public Works Department on OP #7711 from Minnesota Supply Company, in the amount of $80,189.78, to furnish and deliver an 8,000 lb, 80 Volt Electric Forklift to the Solid Waste and Recycling Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP #7712 from Veit and Company, Inc.,
in the amount of $302,045.00, for the construction of the Blue Water Partnership Pond Dredging Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

Approved by Mayor Rybak 12/7/2012.

(Published 12/11/2012)

T&PW & W&M/Budget - Your Committee recommends acceptance of the single bid submitted to the Public Works Department on OP #7714 from Checkpoint Welding and Fabrication, Inc., for an estimated annual expenditure of $60,000.00, to furnish and deliver welding and fabrication services for the Minneapolis Public Works Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP #7720 from Concrete Idea, Inc., for an estimated annual expenditure of $2,844,750.00, to furnish and deliver all labor, materials, equipment and incidentals necessary to complete the construction of sidewalks, curb and gutter, alleys and drive approaches in 2013 for the Public Works Paving Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

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

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted.

Resolution 2012R-646, authorizing settlement of *Jennifer and James Serakos v. City of Minneapolis* and *Eller, Carl v. City of Minneapolis*, *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-646
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) *Jennifer and James Serakos v. City of Minneapolis,* by payment of $25,000 to Jennifer Serakos and her attorney, Meshbesher & Spence, from the Internal Service Self Insurance Fund (06900-1500100-145937);

b) *Eller, Carl v. City of Minneapolis*, *et al.* by payment of $2,000 to the Plaintiff and his attorneys, Goins Law Office, from Internal Service Self Insurance Fund (06900-1501500-145400);

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

Adopted.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the non-monetary gifts of travel expenses for the participation of Susan Segal, City Attorney, in two conferences.

Adopted.

Resolution 2012R-647, accepting gift of travel expenses for the City Attorney's participation as part of a delegation attending the Shared Hope International Conference, 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-647
By Hodges

Accepting gift of travel expenses for the City Attorney's participation as part of a delegation attending the Shared Hope International Conference.

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
Women's Foundation of MN	Travel expenses to Washington, D.C.,

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

Whereas**,** all such donations have been contributed to assist the city in its next step in creating Minnesota's comprehensive, systematic response to girls being sex trafficked in our state, as allowed by law; and

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

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

That the donation described above is accepted and shall be used for the public purpose of preventing and eradicating sex trafficking in Minnesota.

Adopted.

Resolution 2012R-648, accepting gift of travel expenses for the City Attorney's participation in a Community Prosecution Multi-Site evaluation, 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-648
By Hodges

Accepting gift of travel expenses for the City Attorney's participation in a Community Prosecution Multi-Site evaluation.

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
Association of Prosecuting Attorneys	Travel expenses to Chicago, IL

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

Whereas**,** all such donations have been contributed to assist the city in developing an evaluation plan for this jurisdiction and to begin a dialogue with researchers giving them a better understanding of how Minneapolis' community prosecution program works, as allowed by law; and

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

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

That the donation described above is accepted and shall be used for the public purpose of developing an evaluation plan for Minneapolis' community prosecution program.

Adopted.

W&M/Budget - Your Committee recommends approval of the January 2013 utility billing insert on behalf of Finance-Utility Billing, providing information about the services people receive for their utility bill, encouraging people to sign up to get their bill electronically, and listing the ways they can pay their utility bill.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the single bid received by the Convention Center on OP No 7717 from Ace Janitorial Supply Company, Inc. in the amount of $72,200.00 to furnish and deliver an escalator cleaning machine for the Minneapolis Convention Center.

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

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute an amendment to Contract C99-13987 with Ungerboeck Systems Inc. for the Event Business Management System to: a) extend the term through December 31, 2015, with the option of two (2) one-year extensions; b) include web hosting services, new modules and implementation services, and remove unused modules; and c) increase the contract amount by $144,020.

Adopted.

W&M/Budget - Your Committee recommends passage of the accompanying resolution to amend Resolution 2012R-279, entitled "Eliminating the ING and ICMA deferred compensation plan options, transferring the assets of the participants' ING and ICMA accounts to the Minnesota Deferred Compensation Plan and offering only the Minnesota Deferred Compensation Plan", passed May 11, 2012, to add a defined Roth contribution option to the Minnesota Deferred Compensation Plan.

Adopted.

Resolution 2012R-649, amending Resolution 2012R-279, passed May 11, 2012, relating to the Minnesota Deferred Compensation Plan, to add a Roth Contribution option, 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-649
By Hodges

Amending Resolution 2012R-279, entitled "Eliminating the ING and ICMA deferred compensation plan options, transferring the assets of the participants' ING and ICMA accounts to the Minnesota Deferred Compensation Plan and offering only the Minnesota Deferred Compensation Plan", passed May 11, 2012.

Whereas, on May 11, 2012, the City Council of the City of Minneapolis passed Resolution 2012R-279 eliminating the ING and ICMA deferred compensation plan options and transferring the assets of the participants' ING and ICMA accounts to the MNDCP and thereafter only offering the MNDCP plan for employee's deferred compensation contributions; and

Whereas, Minnesota Statutes, section 352.965 authorized the MNDCP Board of Directors, if permitted by federal law, to enhance the MNDCP 457 Plan by offering a Roth 457 plan option; and

Whereas, MNDCP board of directors authorized the MNDCP executive director to establish and administer a Roth 457 plan and said Roth 457 plan option became available to MNDCP participants on January 1, 2012; and

Whereas, the MNDCP has informed the City's Benefits Manager that City MNDCP participants may begin participating in the MNDCP Roth option upon authorization of the City; and

Whereas, the upon authorization of the MNDCP Roth option by the City, a participating employee will be permitted to designate some or all of his/her MNDCP contribution as a designated Roth contribution; and

Whereas, the City Council wishes to permit employee participants of the MNDCP to designate some or all of their contributions as designated Roth contributions;

Now Therefore, Be It Resolved By The City Council Of The City Of Minneapolis:

That, effective January 1, 2013, the City hereby authorizes participation of city employees in the MNDCP Roth option so as to permit participants to designate some or all of their MNDCP contribution as designated Roth contributions.

Adopted.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis Minneflex Plan and Health Reimbursement Arrangement (HRA) Plan, now recommends amending said plans to comply with federal health care reform legislation and to make certain clarifying changes, as follows:

a) amending the Minnflex plan to:

- As required under the Patient Protection and Affordable Care Act:
  - Lower the annual limit on maximum annual reimbursements from the Minneflex medical reimbursement account from $5,000 to $2,500.
  - Provide for a two-stage process with regards to appeals of denied claims of benefits under the Minneflex medical reimbursement account and the Minneflex dependent care reimbursement account.
- Update the definition of independent boards and agencies.
- Update information on the insurance carriers and other third parties who provide insurance and administrative services under the plan; and

b) amending the HRA to:

- Provide that trustee fees may be paid by means other than from assessments to participants' accounts.
- Extend the time period for submission of benefit claims from 18 months after the date of the eligible expense was incurred to 18 months after the end of the plan year in which the expense was incurred.
- As required under the Patient Protection and Affordable Care Act, provide for a two-stage process with regards to appeals of denied claims of benefits under the HRA.

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute an amendment to Contract C-25455 with SwiftReach Networks, Inc., for high speed community notification services to extend the term by 16 months through June 30, 2014.

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute a three-year contract with Deccan International, with the option of two (2) one-year extensions; in an amount not to exceed $95,000 for the initial three-year period, to continue to provide support for the LiveMUM (Live Move-up Module) application for the City's Computer Aided Dispatch system.

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute an amendment to Contract C-22985 with Cassidian Communications, Inc. for the provision of emergency 911 telephone and telecommunications services, to: a) extend the term by three years, through February 9, 2016; b) increase the contract amount by $400,000 for a new contract total of $2,525,150; and c) include two one-year options to extend the contract.

Adopted.

W&M/Budget - Your Committee, having under consideration five (5) Council appointments to the Capital Long-Range Improvement Committee (CLIC), now recommends the following Council reappointments, for terms beginning January 1, 2013 and ending December 31, 2014:

Appointee	Council Ward #
Michael Vennewitz	1
Alexander Tsatsoulis	2
Ann Jaede	2
Anthony Hofstede	3
Jeffrey Strand	4
Dennis Wagner	5
Laura Jean	6
Cecil Smith	6
John Bernstein	7
Neal Baxter	8
Joshua Houdek	9
Steve Benson	10
Roger Worm	10
Willie Bridges	11
Daniel McConnell	12
Marty Demgen	12
Matt Perry	13
Rodger Ringham	13

Further, that the following Mayoral reappointments, for terms beginning January 1, 2013, and ending December 31, 2014, be received and filed:

Appointees	Council Ward #
Stephanie Kravetz	7
Raymond Schoch	4
Jamil Ford	5

Adopted.

W&M/Budget - Your Committee, having under consideration the referral without recommendation from the Executive Committee on the new appointed classification of Police Commander, (grade 14 with 655 points), now recommends: a) finding the proposed position meets the criteria in Section 20.1010, to establish appointed positions, b) approval of the proposed position, and c) passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted.

Ordinance 2012-Or-079 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the appointed position of Police Commander, 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-079
By Hodges
1st & 2nd Readings: 12/7/2012

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*.

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)
Effective: November 26, 2012

FLSA	OTC	CLASSIFICATION	PTS	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" years	Step D After 3 "C" years
E	1	Police Commander	655	14	A	$99,300	$104,526	$107,662	$109,752

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute a three-year contract with IBM for Intelligent Operations Platform (IOP) software and implementation services, in an amount not to exceed $2,871,640 for the term of the contract.
Adopted.

W&M/Budget - Your Committee recommends the Fire Department and Human Resources Department be authorized to accept an application fee from individuals who apply for the position of Firefighter Cadet. Further, that the application fee be set at $20.00 from individuals who are City of Minneapolis residents or a veteran, and $40.00 for all other applicants.
Adopted.

The ZONING & PLANNING Committee submitted the following reports:
Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of the City of Minneapolis, Department of Community Planning and Economic Development, to vacate part of the L-shaped public alley in the block bounded by 4th St N, 6th St N, Lowry Ave N, and 31st Ave N (#1605), to incorporate the alley into a larger redevelopment of the site, subject to the retention of an easement for Xcel Energy over the entire described area to be vacated, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.
Your Committee further recommends passage of the accompanying resolution vacating said alley.
Adopted.

Resolution 2012R-650, vacating part of a public alley on Lot 3 and Lot 4, Block 7, Morrison's Addition to North Minneapolis; the alley is located on the block bounded by 4th Street. North, 6th Street North, Lowry Avenue North, and 31st Avenue North (Vacation File No. 1605), 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-650
By Schiff

Vacating part of a public alley on Lot 3 and Lot 4, Block 7, Morrison's Addition to North Minneapolis. The alley is located on the block bounded by 4th Street. North, 6th Street North, Lowry Avenue North, and 31st Avenue North (Vacation File No. 1605).

Resolved by The City Council of The City of Minneapolis:

That part of the Alley on Lots numbered 3 and 4, Block 7, Morrison's Addition to North Minneapolis, being: All of the westerly 16.00' feet of Lot number 3, said Addition, AND, the westerly 16.00' feet of the north 42.00' feet, of Lot 4, Block 7, Morrison's Addition to North Minneapolis according to the recorded plat thereof, Hennepin County, Minnesota, is hereby vacated except that such vacation shall not affect the

existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforedescribed alley, which is described in regard to said corporations as follows, to wit:

As to Xcel Energy: An easement of the entire described area to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said utility easement upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Fountain Residential Partners (BZZ-5740) to rezone the property at 2635 4th St SE from the I1 Light Industrial with the ILOD Industrial Living Overlay District to the R6 Multiple-family Residence District, retaining the UA University Area and PO Pedestrian Oriented Overlay Districts, to allow for a planned unit development with 194 dwelling units and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted.

Ordinance 2012-Or-080 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 2635 4th St SE from the I1 Light Industrial with the ILOD Industrial Living Overlay District to the R6 Multiple-family Residence District, retaining the UA University Area and PO Pedestrian Oriented Overlay Districts, 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-080
By Schiff
1st & 2nd Readings: 12/7/2012

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

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

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

That part of Lot 1, Block 1, Parten Addition, according to the plat thereof, Hennepin County, Minnesota. Abstract and Torrens property per certificate of title no. 867061 (2635 4th St SE - Plate 22) to the R6 Multiple-family Residence District, retaining the UA, University Area and PO, Pedestrian Oriented Overlay Districts.

Adopted.

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*, establishing an exception to the minimum window requirement for film, video and audio production uses, and the City Council having adopted an ordinance September 21, 2012, now recommends that the following corrected ordinance that reflects the Planning Commission's recommendations be given its second reading for amendment and passage.

Adopted.

Ordinance 2012-Or-081 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to establish an exception to the minimum window requirement for film, video and audio production 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-081
By Schiff
Intro & 1st Reading: 6/15/2012
Ref to: Z&P
2nd Reading: 12/7/2012

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 by amending the following specific development standard in alphabetical sequence 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:

Film, video and audio production.

(1) Except in the I3 District, all activity shall be within a completely enclosed building with soundproofing, and sound shall not be audible outside the building.

(2) The zoning administrator may authorize a reduction to, or elimination of, the minimum window area requirement for film, video and audio production uses where it is determined that compliance with the window requirement would unreasonably interfere with the soundproofing needs of the business. In order to meet the intent of the ordinance, the zoning administrator may impose conditions to mitigate the impact of the reduced window area. To achieve this reduction, film, video and audio production uses are subject to the following:

a. Submission of a report prepared by an acoustical engineer detailing the need for additional soundproofing that is not attainable through the use of windows <u>or a separate interior structure and/or second internal envelope</u>. <u>All options, architectural and acoustic, shall have been explored with proof given.</u>

b. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length.

~~c. Exterior materials used to close any existing window openings shall be similar to and compatible with the existing materials of the building.~~

~~d~~ <u>c</u>. The applicant shall propose amenities or improvements that address any adverse effects of reducing the window requirement. Amenities or improvements may include, but are not limited to, additional landscaping and screening, murals, or other graffiti resistant treatments.

Adopted.

Z&P - Your Committee, having under consideration the appeal filed by M. A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools (MPS), from the decision of the Planning Commission denying the following all land use applications associated with a new 150 space surface parking lot at 1310 21st Ave N, 1311 22nd Ave N, 1313 22nd Ave N, 1315 22nd Ave N, 2105 Girard Ave N, 2115 1/2 Girard Ave N, 2121 Girard Ave N, 2125 Girard Ave N, 2131 Girard Ave N, 2135 Girard Ave N, and 2137 Girard Ave N:

a) Rezoning a portion of the site from the R4 Multiple Family District to the R5 Multiple Family District in order to unify the underlying zoning on the entire site;

b) Rezoning the entire site to add the Transitional Parking (TP) Overlay District;

c) An amendment to the Conditional Use Permit for a Planned Unit Development to add the Transitional Parking (TP) Overlay District.

d) An amendment to the Conditional Use Permit for a principal parking facility that includes a total of 150 surface parking stalls to add the Transitional Parking (TP) Overlay District;

e) A Variance of the TP Overlay District standards regarding the allowable width of surface parking lots to add the Transitional Parking (TP) Overlay District;

f) An amendment to the approved Site Plan to allow an additional 150 off-street parking spaces for the MPS Davis Center (new MPS District Headquarters Building) to add the Transitional Parking (TP) Overlay District;

g) Preliminary and final plat to consolidate the subject lots into a single lot to add the Transitional Parking (TP) Overlay District;

now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Samuels moved that the report be referred back to the Zoning & Planning Committee. Seconded.

The motion was withdrawn.

The report was adopted.

Z&P - Your Committee, having under consideration the appeal filed by Eric Galatz, on behalf of Metro Star LLC, from the decision of the Planning Commission denying an application for a Certificate of Nonconforming Use for a roof sign and an amendment to an existing Conditional Use Permit for major automobile repair to remove condition "3" relating to the removal of the roof sign for the property located at 331 Ulysses St NE in the I1 Light Industrial District, now recommends that said appeal be granted.

Further, that the City Attorney's Office be directed to draft Findings of Fact in support of the Committee's decision.

Schiff moved that the report be amended to include adoption of the findings as drafted by the City Attorney's Office. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Z&P - Your Committee, having under consideration the appeal filed by Kelly Doran, on behalf of Doran Development LLC and Doran Main II, LLC, from the decision of the Heritage Preservation Commission relating to the following condition that was placed on the approval of the Certificate of Appropriateness application for Mill and Main Phase II, a new 190-unit apartment building, to be located at 413 and 425 Main St SE:

5. The height of the building shall be one story lower on Envelope 4.;

now recommends that said appeal be granted.

Adopted.

MOTIONS

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

Adopted.

UNFINISHED BUSINESS

CONSIDERATION OF MAYOR'S VETO

Mayor Rybak returning with his veto of the report and accompanying resolution 2012R-615 of the Ways & Means/Budget Committee adopted by the Council 11/16/2012 relating to the settlement of legal matter *Riley B. Housley, III v. City of Minneapolis*, and stating his objections thereto:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Lilligren moved to divide the resolution so as to consider separately that portion relating to item "d". Seconded.

Adopted upon a voice vote.

Hodges moved that the separated portion of the resolution be approved. Seconded.

Adopted.

Vetoed 11/19/2012. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk

Resolution 2012R-615, authorizing settlement of legal matter *Riley B. Housley, III v. City of 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-615
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 *Riley B. Housley, III v. City of Minneapolis*, by payment of $63,000 to Riley B. Housley, III, and his attorney, R. Donald Hawkinson, from the Internal Service Self Insurance Fund (06900-1501500-145690).

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

Adopted.

Vetoed 11/19/2012. R.T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk

The question before the council being "Shall the report and resolution pass notwithstanding the objections of the Mayor?" there were -

Yeas, 0; Nays, 13.

The vote on the question being less than the two-thirds majority required by the charter to pass the report over the objections of the mayor, said veto was sustained.

NEW BUSINESS

Johnson gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code* (amending provisions regulating the operation of rental property).

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 9, Chapter 178 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Recreational Fires* (amending rules regulating recreational fires).

Hodges gave notice of intent to introduce at the next regular meeting of the City Council an ordinance establishing Title 421.10 of the Minneapolis Code of Ordinances relating to Calhoun Place Housing Improvement Area (within which housing improvements are to be made and financed in part from fees imposed within the area).

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (broadening the zoning districts in which blood/plasma collection facilities may be located):

a) Chapter 520 relating to *Introductory Provisions*;
b) Chapter 536 relating to *Specific Development Standards*;
c) Chapter 541 relating to *Off-Street Parking and Loading*;
d) Chapter 547 relating to *Office Residence Districts*;
e) Chapter 548 relating to *Commercial Districts*;
f) Chapter 549 relating to *Downtown Districts*; and
g) Chapter 550 relating to *Industrial Districts.*

Samuels gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl* (amending provisions relating to dangerous and potentially dangerous animals and amending provisions related to conducting midterm exam of animal):
a) Chapter 64 relating to *Dogs, Cats, Ferrets, and Rabbits;* and
b) Chapter 66 relating to *Rabies Control.*

Lilligren moved to adjourn to Wednesday, December 12, 2012, at 6:05 p.m. for the purpose of conducting a public hearing and adopting the 2013 budget, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of December 7, 2012. Seconded.
Adopted upon a voice vote.

Casey Joe Carl,
City Clerk

Unofficial Posting: 12/10/2012
Official Posting: 12/14/2012