

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

SEPTEMBER 26, 1997

(Published October 4, 1997,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
September 26, 1997 9:30 a.m.
President Cherryhomes in the Chair.
Present - Council Members Rainville,
Dziedzic, Campbell, Biernat, Niland, McDonald,
Minn, Mead, Scott, Schulstad, Herron, President
Cherryhomes.

Absent - Thurber.

Campbell moved approval of the minutes of
the regular meeting of September 12, 1997.
Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

CITY CLERK (263103)

Brasson, Steven & Atty Cortlen G Cloutier;
Building Owners & Managers Institute; Burr,
Janice M; Caauwe, Nathan; Dudish-Poulsen,
Jason; Everett's Food; Fadden, Esther R
/Orthopedic Medicine & Surgery; Freeman, John;
Fulcrum Financial Group Inc & Atty David
Hoiland; Hulme, Dale; Jennings, Lester & Atty
Cortlen G Cloutier; Jensen, Bruce/Hennepin
County Medical Center; Johnson, Mindy; Johnson,
Robert C; Johnson, Terry; Karsikas, Julie R;
Kelley, Robert Wayne; LaBarre, Steven Roland;
Manning, Lamar M & Atty Cortlen G Cloutier;
Minnegasco; Pope, Marita Annette (2); Probasco,
Natalie J; Richfield Evangelical Luth Church/sub

Church Mutual; Shaughnessy, Lisa; Shellenbarger,
Julibell; Smith, Lawrence N; Taylor, James;
Wedel, Judith Ann; Ziegler, Theresa & Atty
Christine D Zonneveld;

CLAIMS (See Rep):

PUBLIC WORKS AND ENGINEERING
(263104)

Flood Claims: Findings that sanitary sewer
system backed for claims submitted by Tanya
Stromberg-Bartlett, and Paul Scranton.

COMMUNITY DEVELOPMENT (See Rep):

COORDINATOR—GRANTS AND SPECIAL
PROJECTS (263105)

Livable Communities Act (Metropolitan
Council): Pass resl electing to participate in Local
Hsg Incentives Account Program for 1998, Accept
Affordable & Life Cycle Hsg Opportunities
(ALHOA) Grant, Approp funds reflecting receipt
of grant funds & transfer to MCDA's Rehab
Support Prog.

COMMUNITY DEVELOPMENT and

TRANSPORTATION & PUBLIC WORKS
and W&M/BUDGET (See Rep):

COORDINATOR—GRANTS AND SPECIAL
PROJECTS (263106)

Steel Prep Co (454 NE Coolidge St): Grants
& Special Projs: Request \$98,000 loan of CDBG
funds to build lift station to connect w/City sewer.
Steel Prep Co: Supporting correspondence
w/attachs.

Finance Dept: Recm fund from Sewer Rental,
meet Engineering design standards.

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

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (263107)

Lyn Park, Phase IV (612 Plymouth Av N):
Approp funds to reimburse GMMHC for costs
incurred on the development.

B. W. Development (2640 Minnehaha Av),
Pearson's Saloon & Norma Jean's Night Club
(26th Av & 26th St): Approp funds for soil
correction escrow, reimburse River Terminal for
sand fill, & demolition costs; MILES projects funded
to 9/4/97 & allocation balance.

Chas M Winslow (Winslow Printing, 1225 N 7th
St): Pass resl giving final approval to issue
refunding bonds.

INTERGOVERNMENTAL RELATIONS:

LIAISON/FEDERAL, LOCAL AND STATE
(263108)

Federal Issues: Update.

Legislative Deadlines: Schedule.

Demonstration Proj on I-394: Info re High
Occupancy Vehicles (HOV) Lanes.

Property Tax Study Proj: Rep re Property Taxes
Payable in 1997.

PUBLIC SAFETY AND REGULATORY

SERVICES:

POLICE DEPARTMENT (263109)

Off-Duty Employment: Info re officers working
at estabs w/primary income from alcohol.

PUBLIC SAFETY AND REGULATORY

SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES
(263110)

1998-1999 Comm Health Servs Prog Plan
Update: Apprv, Submit; & Auth Comsnr of Health
to administer plans & apprv revisions.

Physician Servs re School-Based Clinics:
Agrmt w/Hennepin Faculty Associates.

INSPECTIONS DEPARTMENT (263111)

Raze Bldgs: Apprv demo of 1337 Newton Av N
& 942 Lowry Av NE.

LICENSES AND CONSUMER SERVICES
(263112)

Lics: Appls.

LICENSES AND CONSUMER SERVICES
(263113)

Tewelde Woldemichael & T. Abraham, dba
T & T Auto Repair: Conds of Motor Vehicle Repair
Garage Lic, 2319-1/2 Jackson St NE.

POLICE DEPARTMENT (263114)

Scrap Bicycle Parts: Agrmt w/People of
Phillips.

PUBLIC SAFETY AND REGULATORY

**SERVICES and TRANSPORTATION &
PUBLIC WORKS (See Rep):**

FIRE DEPARTMENT (263115)

Reconstruction of apparatus doors at Fire
Station #8: Apprv & defer projs for Fire Station
#12.

PUBLIC SAFETY AND REGULATORY

**SERVICES and WAYS & MEANS/
BUDGET (See Rep):**

LICENSES AND CONSUMER SERVICES
(263116)

Lead-Based Paint Hazard Reduction Proj:
Agrmt w/MCDA for block grant funds.

Grant for Control of Lead-Based Paint
Hazards: Estab positions to administer funds.

POLICE DEPARTMENT (263117)

DRUG FIRE Program Grant: Proceed
w/grant process.

Comm Oriented Policing Grant: Accept grant
funds & execute agrmts.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING

(263118)

Traffic Restrictions: Quarterly report for stop
signs, parking/turn restrictions, zones, street lights,
etc.

TRANSPORTATION AND PUBLIC WORKS

(See Rep):

PUBLIC WORKS AND ENGINEERING

(263119)

Sidewalk Repair and Construction (during
1995/96 construction season): Adopt & levy
assessments & assessment roll, w/objections.

State-Aid Project (4th St S from 4th to 5th
Avs S): Hold harmless State of MN from granting
variance to permit reconstruction w/parking lane
width of 8 feet, rather than 10 feet, as required by
rules.

Lost Quit Claim Deed (2700 W 44th St): Auth
execution of replacement deed to convey excess
street car r/w.

Disposal of Leaves: Execute contr w/SKB
Environmental to accept leaves collected during
fall sweep for transfer from 5th & Malcolm to
another site for processing.

SPRINT PCS GRAND PRIX OF
MINNESOTA (263120)

Grand Prix Future Events: Apprv
modifications to permit to change date of event to

weekend before July 4th holiday; and Extend permit three years through Year 2001, w/option to extend addnl three years through Year 2004.

**TRANSPORTATION AND PUBLIC WORKS
and WAYS & MEANS/BUDGET**

(See Rep):

PUBLIC WORKS AND ENGINEERING

(263121)

Alley Retaining Wall Replacement (15th & Bloomington from 36th to 37th Sts E): Order City Engineer to proceed w/work; adopt special assessments; Request approp for City's share of project.

Alley Paving (Mt View Av, Thomas Av S, Cedar Lake Rd S & Upton Av S): Designation, cost estimate, petitions from benefited props, assessment procedure & order work to proceed; waive public hearing & appeal process; and Estab capital approp.

Traffic Signal Control System Modification (Central Av at 37th Av NE): Execute agrmt w/City of Columbia Heights to install new controller and cabinet; and Apprv approp of half of project costs, to be reimbursed by Columbia Heights.

LED Indications: Apply for interest free loan through NSP Minneapolis Energy Plan to replace 6600 red incandescent traffic signals; Direct staff to prepare plan for replacement and Estab accounting method for project transactions.

PURCHASING (263122)

Bids: Accept OP #4632, only bid of J.W.M. Environmental for cured-in-place rehabilitation system for Sewer Construction; OP #4701, low bid of Veit and Co for project site improvements for 40 Million Gallon Hilltop Reservoir; OP #4696, only bid of Crane Carrier Co for four low entry tilt cab & chassis recycling vehicles.

WAYS AND MEANS BUDGET:

ATTORNEY (263123)

Federal Reserve Bank Public Plaza Agrmt: Notification of City Atty's intent to enter agrmt re control of bank plaza area.

COORDINATOR (263124)

Lease Back of Cable Channels: Notification to Paragon Cable has withdrawn request for addnl channels.

ESTIMATE AND TAXATION (263125)

Info rep on action taken by Bd to fix the maximum property tax levy to be collected in 1998.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (263126)

Waiver of Subrogation Interest: Waiver request re settlement proceeds in case of David Loeffler.

Conflict of Interest Waiver: Request of Leonard, Street & Deinard re representation of Canadian Pacific Railway in Shoreham Yard matter.

Settlements: Claims of Kenneth A. Larson, Louis Williams, Tony Adams & Raymond Witzman.

Innovative Criminal Justice Grants: Submit grant concept papers seeking grant for 5th Precinct proj & victim/offender resource awareness prog.

CONVENTION CENTER (263127)

Employee/Management Servs: Incr contr w/John Conbere & Assoc to provide addnl facilitating servs.

FINANCE DEPARTMENT (263128)

Capital & NRP Project Adjustments: Policy re projs which will exceed appropriated budgets.

Convention Ctr Completion Proj: Issue & sell Convention Center Revenue Bonds for land acquisition.

FIRE DEPARTMENT (263129)

Hazardous Materials Training: Contr w/Henn Technical College to train Fire Dept employees.

HUMAN RESOURCES (263130)

Health Insurance Renewals: Auth three-year contr w/HealthPartners, one year contr with Medica & continue contract for retired employees plan.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT

(263131)

Upper Mississippi River Master Plan for North and Northeast Mpls: Request for Proposals document.

ZONING AND PLANNING (See Rep):

ATTORNEY (263132)

Rezoning Petition: Hennepin County: Auth City's consent, as property owner within 100', on petn to rezone Augsburg site for the new Public Safety Facility.

CITY CLERK/SPECIAL PERMITS

(263133)

Metrodome Plaza (Marc Rood) inflatable Goldy Gopher; Portland Av, 150 (Paul Kozlowski) signs.

HERITAGE PRESERVATION COMMISSION
(263134)

Patricia Freerks: Variance to allow up to three residential units in carriage house at rear of lot at 1818 LaSalle Av.

INSPECTIONS/BOARD OF ADJUSTMENT
(263135)

Exception Filed: Mohamud Dirir:
Off-street prkg variance at 3014-27th Av S & 3023 Minnehaha Av S.

PLANNING COMMISSION/DEPARTMENT
(263136)

Waiver Request: Hennepin Cty Medical Ctr:
Req waiver from moratorium on surface prkg lots in Downtown Surface Prkg Area Study for addnl lot at 619 Portland Av.

Zoning Bd of Adjustment: Appts of James Anderson & Craig Wilkins.

Vacation: Prior Investment Co: Alley in blk bounded by W 53rd & 54th Sts, Lyndale & Garfield Avs S.

East Hennepin Study Area: Staff rep & maps for rezoning of area.

Ryan Companies of MN: Final Alternative Urban Areawide Review for 800 & 900 blocks of Nicollet Mall.

PLANNING COMMISSION:

CENTRAL COMMUNITY HOUSING TRUST OF MINNEAPOLIS (263137)

Permsn to vacate 12th Av S betw 8th & 9th Sts S (E 15th St).

DAYTON HUDSON CORP (263138)

Permsn to vacate alley in the blk bounded by 10th & 11th Sts S, Nicollet Mall & LaSalle Av.

MINNEHAHA LAKE PARTNERS (263139)

Permsn to vacate east 1/2 of 27th Av S vic 29th St E.

RESOLUTIONS:

PUBLIC WORKS AND ENGINEERING
(263140)

Landscaping Partnership I-94 & Dowling Av Proj: Support Webber-Camden Neighborhood Organization and McKinley Community's appl for Community Roadside Landscape Partnership Program Grant to install plantings on MnDOT r/w at I-94 & Dowling Av.

FILED:

CITY CLERK/SPECIAL PERMITS
(263141)

50th St W, 3500 (Schad-Tracy Signs Inc) sign; Block E (Target Stores) tethered helium balloon; Colfax Av S, 3249 (Susan Hagler) move garage; Dean Pkwy, 2925 (Nordquist Sign) sign; Franklin Av E, 2424 (Northern Clay Center) tent; Kenwood Park (Jim Hallenberg) horse rides; Kenwood Park (Julie Gatehouse) horse & pony; Pleasant Av S, 3232 (William Bartruff) move house; Xerxes Av, 5008 & W 50th intersection (Chris Eilers) sidewalk sale.

FINANCE DEPARTMENT (263142)
Investment Management System & Reconciliation Report thru July 31, 1997.

**REPORTS OF
STANDING COMMITTEES**

The **CLAIMS** Committee submitted the following report:

VETOED BY THE MAYOR.

CLAIMS Your Committee recommends that the claims filed against the City by the following individuals be settled as follows:

690-150 Budget Rent-A-Car, \$1,329.36; Jeanene Chapman, \$3,162.05, and car rental expenses; U S West Communications, \$3,320.46; Carol Steffen, \$1,584.94;

Tanya Stromberg-Bartlett, authorize payment of two-thirds the cost of aggregate loss due to sewer back-up, minus any other financial assistance received and at a depreciated value, not to exceed the original claim amount;

Paul Scranton, authorize payment for damages caused by sewer back-up only, minus any other financial assistance received and at a depreciated value.

Your Committee further recommends approval of the following reimbursements to police officers and fire fighters for equipment or uniform losses in the line of duty:

Off. Michael Sullivan, \$95.90;
Wendy Johnson, \$499.00.

Herron moved to amend the report by authorizing payment of the following claim:
690-150 Ailabouni Abdalla, \$4,500. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Declining to Vote - Campbell.

Absent - Thurber.

Passed September 26, 1997.
Vetoed October 2, 1997. S. Sayles Belton,
Mayor.
Attest: S. Ristuben, Asst City Clerk.
(See Unfinished Business next meeting.)

The COMMUNITY DEVELOPMENT
Committee submitted the following report:
Comm Dev - Your Committee, having under
consideration the Local Housing Incentives
Account Program under the Metropolitan Livable
Communities Act (Petn No 263105), now
recommends:

1. Passage of the accompanying resolution
electing to continue the City's participation in the
Program for Calendar Year 1998;
2. Acceptance by the City of an Affordable &
Life Cycle Housing Opportunities Grant in the
amount of \$60,688 and passage of the
accompanying resolution amending the 1997
General Appropriation Resolution by increasing the
revenue estimate for the Non-Departmental Agency
in the Grants-Other Fund by \$60,688 and
increasing the appropriation in the Interfund
Transfers Agency in the Grants-Other Fund by
\$60,688;
3. Authorizing the proper City officers to enter
into a contractual agreement with the Minneapolis
Community Development Agency (MCDA)
providing that \$60,688 be used for the development
or maintenance/preservation of affordable and life
cycle housing in Minneapolis under the MCDA
Rehab Support Program; and
4. Passage of the accompanying resolution
amending the 1997 MCDA Appropriation
Resolution by increasing the State Grants Loans
Fund (SMN) by \$60,688 and increasing the related
revenue estimate.

Adopted. Yeas, 11; Nays, none.
Absent - Thurber, Minn.
Passed September 26, 1997.
Approved October 2, 1997. S. Sayles Belton,
Mayor.
Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-286
By Niland

**Electing to continue participation in the
Local Housing Incentives Account Program
under the Metropolitan Livable Communities
Act during calendar year 1998.**

Whereas, the Metropolitan Livable
Communities Act (Minnesota Statutes Section
473.25 to 473.254) establishes a Metropolitan
Livable Communities Fund which is intended to
address housing and other development issues
facing the metropolitan area defined by Minnesota
Statutes Section 473.121; and

Whereas, the Metropolitan Livable
Communities Fund, comprising the Tax Base
Revitalization Account, the Livable Communities
Demonstration account and the Local Housing
Incentive Account, is intended to provide certain
funding and other assistance to metropolitan area
municipalities; and

Whereas, a metropolitan area municipality is
not eligible to receive grants or loans under the
Metropolitan Livable Communities Fund or eligible
to receive certain polluted sites cleanup funding
from the Minnesota Department of Trade and
Economic Development unless the municipality is
participating in the Local Housing Incentives
Account Program under the Minnesota Statutes
Section 473.254; and

Whereas, the Metropolitan Livable
Communities Act requires the Metropolitan Council
to negotiate with each municipality to establish
affordable and life-cycle housing goals for that
municipality that are consistent with and promote
the policies of the Metropolitan Council as provided
in the adopted Metropolitan Development Guide; and

Whereas, each municipality must identify to
the Metropolitan Council the actions the
municipality plans to take to meet the established
housing goals through preparation of the Housing
Action Plan; and

Whereas, the Metropolitan Council adopted,
by resolution after a public hearing, negotiated
affordable and life-cycle housing goals for each
participating municipality; and

Whereas, a metropolitan area municipality
which elects to participate in the Local Housing
Incentives Account Program must do so by
November 15 of each year; and

Whereas, for calendar year 1998, a
metropolitan area municipality that participated in
the Local Housing Incentive Account Program
during the calendar year 1997, can continue to
participate under Minnesota Statutes Section
473.254 if (a) the municipality elects to participate
in the Local Housing Incentives Account Program
by November 15, 1997; and (b) the Metropolitan
Council and the municipality have successfully

negotiated affordable and life-cycle housing goals for the municipality:

Now, Therefore, Be It Resolved that the City of Minneapolis hereby elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act during the calendar year 1998.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-287

By Niland

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) By increasing the revenue estimate for the Non-Departmental Agency in the Grants-Other Fund (060-123-1230-Source 3225) by \$60,688; and

b) By increasing the appropriation for the Interfund Transfers Agency in the Grants-Other Fund (060-127-1270-9030) by \$60,688.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-288

By Niland

Amending The 1997 Minneapolis Community Development Agency 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 Fund SMN-State Grants Loans by \$60,688 and increasing the Fund SMN revenue (3855-01 transfer from enterprise funds) estimate by \$60,688.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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 increasing the Neighborhood Housing Fund (SNH) appropriation by \$39,762 from available fund balance to reimburse the Greater Minneapolis Metropolitan Housing Corporation for development related costs to complete construction of new houses in Lyn Park Phase IV. (Petn No 263107)

RESOLUTION 97R-289

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency 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 Fund SNH-Neighborhood Housing by \$39,762 from available fund balance.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution giving final approval to the issuance of up to \$1,255,000 of Tax Exempt Minneapolis Community Development Agency (MCDA), limited tax supported development refunding revenue bonds, Common Bond Fund, Series 1997, on behalf of Charles M. Winslow (Winslow Printing, 1225 N 7th St), to be issued through the Minneapolis Common Bond Fund, and designating the bonds as bonds entitled to the security provided by Ordinance No 87-Or-084, Tax Reserve and Pledge Ordinance. (Petn No 263107)

Your Committee further recommends, pursuant to MCDA Resolution No 87-171M adopted by the Board of Commissioners of the MCDA on July 16, 1987, that these Common Fund Bonds be designated, if and when issued, as bonds entitled to the security provided by Ordinance No 87-Or-084.

Your Committee further recommends summary publication of the above-described resolution.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 97R-290, entitled Giving final approval to and authorizing the issuance of tax-exempt revenue refunding bonds of the Minneapolis Community Development Agency to refinance a project on behalf of Charles M. Winslow, an individual, and Winslow Printing Co., a Minnesota corporation, and designating the bonds under Minneapolis Code of Ordinances, Title 16, Chapter 424, as amended, was passed September 26, 1997 by the City Council and approved October 2, 1997 by the Mayor. It gives approval to issue up to \$1,255,000 of bonds, designates the bonds as entitled to the benefit of the pledge, agreements and provisions of Minneapolis Code of Ordinances, Chapter 424, and authorizes the City Finance Officer to execute and deliver certificates as may be necessary. The full text of the 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 97R-290
By Niland and Campbell

Giving final approval to and authorizing the issuance of tax-exempt revenue refunding bonds of the Minneapolis Community Development Agency to refinance a project on behalf of Charles M. Winslow, an individual, and Winslow Printing Co., a Minnesota corporation, and designating the bonds under Minneapolis

Code of Ordinances, Title 16, Chapter 424, as amended.

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 bonds for the purpose of providing financing and refinancing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-production enterprise, whether or not operated for profit; and

Whereas, by Resolution No. 82-512, as amended, of the Agency, the Agency established a common bond fund and authorized the issuance from time to time by the Agency of bonds to be secured by such common bond fund (the Common Fund Bonds); and

Whereas, under the terms of Minneapolis Code of Ordinances, Title 16, Chapter 422, as amended (Chapter 422), adopted pursuant to Chapter 595, the City Council of the City authorized the Agency to issue Common Fund Bonds; and

Whereas, by Supplemental Bond Resolution and Indenture, Resolution No. 86-73M, the Agency issued its \$1,900,000 Economic Development Revenue Bonds, Common Bond Fund Series 1986-2 (the Prior Bonds), the proceeds of which were applied to pay the costs of a Facility located in the City and owned and operated by Charles M. Winslow, an individual resident of the State of Minnesota (the Tenant) and leased by the Tenant to Winslow Printing Co., a Minnesota corporation; and

Whereas, it has been proposed by the Tenant that the Agency issue one or more series of its Common Fund Bonds, consisting of tax-exempt bonds in the aggregate principal amount of not to exceed \$1,225,000 (the Bonds) for the purpose of refunding and repaying the outstanding principal balance of the Prior Bonds; and

Whereas, the City Council has been advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City of Minneapolis at least fourteen (14) days prior to consideration hereof; and

Whereas, the Agency, by resolution expected to be adopted on the date hereof, a form of which has been made available to the City Council, will give final approval to the refunding of the Prior Bonds and the issuance of the Bonds in accordance with the Act; and

Whereas, the Bonds shall bear interest at an average weighted interest rate not to exceed seven percent (7.0%) per annum, shall have a maximum maturity not later than December 1, 2006, and shall have such other terms as required or permitted by the Agency's resolution, which terms are incorporated herein by reference; and

Whereas, pursuant to Minneapolis Code of Ordinances, Chapter 424, as amended (Chapter 424), the City may from time to time designate a series of Common Fund Bonds to be secured by the limited pledge of tax revenues authorized by Chapter 424;

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

That the City Council hereby gives final approval to the refunding of the Prior Bonds to refinance the Facility and the issuance by the Agency of its Bonds pursuant to the Act for the purpose of refunding the Prior Bonds in the aggregate sum of not greater than \$1,255,000.

Be It Further Resolved that the City Council hereby designated the Bonds under Chapter 424 as bonds which are and shall be entitled to the benefit of the pledge, agreements and provisions of Chapter 424.

Be It Further Resolved that the Finance Office of the City shall execute and deliver such certificates as may be necessary on the date of delivery of the Bonds, in order to acknowledge the application of Chapter 424 to such Bonds and the designation of such Bonds thereunder.

Be It Further Resolved that this approval of the City Council is hereby given as required by Chapter 422, as amended.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: J. Ristuben, Asst City Clerk.

Comm Dev & W&M Budget - Your Committee, having under consideration expenses of \$50,000 to increase the soil correction escrow for the B.W. Development site at 2640 Minnehaha Av, \$42,000 to reimburse River Terminal for sand

fill at the B.W. Development site, and an \$85,000 contribution toward demolition costs for Norma Jeans Night Club and Pearsons Saloon at 26th Av and 26th St, now recommends passage of the accompanying resolution:

(a) increasing the Seward South Fund (CBH) appropriation by \$177,000; and

(b) increasing the Tax Increment Admin Fund (CAD) appropriation by \$4,050 from current projected fund balance. (Petn No 263107)

RESOLUTION 97R-291

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a. increasing the appropriation in Fund CBH-Seward South by \$177,000 from current projected fund balance and increasing the Fund CBH revenue estimate by \$15,000 from current projected fund balance; and

b. increasing the appropriation in Fund CAD Tax Increment Admin by \$4,050 from current projected fund balance.

Adopted. Yeas, 11; Nays, none.

Absent - Thurber, Minn.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration the request of Steel Prep Company, 454 NE Coolidge St, for a \$98,000 loan from CDBG funds to construct a lift station to connect the property to the City's sewer system, on condition that the loan will become forgivable if Steel Prep creates 10 new jobs for low and moderate income City residents (Petn No 263106), now recommends:

Comm Dev - approval without specifying funding source.

T&PW - approval without specifying funding source.

W&M/Budget - sends forward without recommendation.

Niland moved that the following report be substituted for the above report. Seconded.

Adopted by unanimous consent.

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration the request of Steel Prep Company, 454 NE Coolidge St, for a loan of up to \$98,000 to construct a lift station improvement to connect the property to the Citys sewer system (Petrn No 263106), now recommends approval of said request with the following conditions: (1) that the loan will become forgivable if Steel Prep creates 10 new jobs for low and moderate income City residents, (2) that the improvement meets all Engineering Design standards as outlined in a letter from Jodi Polzin to James Shear dated August 17, 1997 before any funds are released, and (3) that a contract between Engineering Design and Steel Prep be executed to reflect this action.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Public Works Engineering Design Agency in the Sewer Rental Fund by \$98,000.

The substitute report was adopted.

Yeas, 11; Nays, none.

Declining to Vote - Scott.

Absent - Thurber.

Passed September 26, 1997.

NOT APPROVED BY THE MAYOR.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-292

By Campbell

Amending The 1997 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 Public Works Engineering Design Agency in the Sewer Rental Fund (730-600-6063) by \$98,000.

Adopted. Yeas, 11; Nays, none.

Declining to Vote - Scott.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

NOT APPROVED BY THE MAYOR.

Attest: S. Ristuben, Asst City Clerk.

**CITY OF MINNEAPOLIS
CERTIFICATION**

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.
CITY OF MINNEAPOLIS)

I, STEVEN J. RISTUBEN, Assistant City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Community Development, Transportation & Public Works and Ways & Means/Budget Committees relating to Steel Prep Company, as acted upon by the City Council of Minneapolis, Minnesota, and designated as Not Approved by the Mayor, for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 3rd day of October, 1997.
STEVEN J. RISTUBEN,
Assistant City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an Ordinance amending Title 4 of the Minneapolis Code of Ordinances relating to **Animals and Fowl**, by adding a new Chapter 78 relating to **Enacting Moratoria on Licensed Establishments and Trades**, amending Titles 4, 10, 11, 13 and 14, in that it allows the City to enact moratoria on licensed establishments and trades regulated by the City, pursuant to Titles 4, 10, 11, 13 and 14, and having held a public hearing thereon, now recommends that said Ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described Ordinance.

Biernat moved that the report be postponed. Seconded.

Adopted upon a voice vote.

PS&RS- Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire October 1, 1998

D T B Corporation, dba Greenway Liquor, 105-113 W Grant St;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1998

Fine Line Music Ventures, Inc, dba Fine Line Music Cafe, 318-322 1st Av N;

Wild Entertainment, Ltd, dba Ground Zero, 15 NE 4th St, temporary expansion of premises, 9/6/97, 6PM-3AM;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 1997

Campus Partners, Inc, dba Sallys, 712 Washington Av SE, temporary expansion and outdoor entertainment, 9/26/97, 6PM-10PM;

On-Sale Liquor Class C-1, with Sunday Sales, to expire July 1, 1998

Minnesota Bar, Inc, dba Minnesota Bar, 1501 S 6th St, change in ownership from Scotties, Mdewakanton, Inc;

On-Sale Liquor Class C-1, with Sunday Sales, to expire October 1, 1998

N S R Corporation, dba Nikkis Cafe & Bar, 107 3rd Av N;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 1998

Loon Cafe, Inc, dba Loon Cafe, 500 1st Av N;

Lai Wong, Inc, dba Red Dragon, 2116 Lyndale Av S;

Chez, Inc, dba Tracys Saloon, 2205-2207 E Franklin Av;

Schooner, Inc, 2901 27th Av S, 1st floor;

Stand Up Franks, Inc, dba Stand Up Franks, 2027 N 2nd St, 1st floor;

Goodfellows, LLP, dba Goodfellows, 40 S 7th St;

Temporary On-Sale Liquor, to expire October 1, 1998

Minnesota Opera, 620 N 1st St, Licensed Facilitator: Campiello, Inc, 10/18/97, 6PM-Midnight;

Off-Sale Beer, to expire April 1, 1998

Isam Rajai Albarghouthy, dba Grand Av Food Market, 2801 Grand Av, change from partnership;

Rans, Inc, dba Handy Stop, 700 Lowry Av NE;

Santana Brothers, Inc, dba Santana Foods, 1510 W Broadway;

Chicago Av Food and Deli, Inc, 2500 Chicago Av;

Diamond Lake 1994, LLC, dba Cub Foods, 5937 Nicollet Av;

On-Sale Beer Class E, to expire April 1, 1998

North Office, Inc, dba North Office Bar and Grill, 2203 44th Av N, new shareholder/partner and corporate officer; and

Temporary On-Sale Beer

Church of Our Lady of Peace, 5425 11th Av S, community festival, 9/27/97, Noon-Midnight and 9/28/97, Noon to 5PM.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS- Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of September 26, 1997, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 263112):

Building Contractor Class A; Building Contractor Class B; Contractor/Masonry Class A; Contractor/Masonry Class B; Special Late Night Entertainment; Fire Extinguisher Class B; Caterers; Confectionery; Food Distributor; Farm Produce Permit; Grocery; Food Manufacturer; Restaurant Drive-In; Restaurant; Short-Term Food Permit; Sidewalk Cafe Permit; Fuel Dealer; Fuel Dealer-Cash & Carry Only; Bulk Gas & Oil Storage; Gasoline Filling Station; Motor Vehicle Dealer Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Motor Vehicle Used-Parts Dealer; Commercial Parking Lot Class A; Recycling/Salvage Yard; Second-Hand Goods Dealer; Multiple Second-Hand Goods Dealer; Solid Waste Hauler; Steam & Hot Water Systems Installer; Taxicab Service Company; Taxicab Vehicle; Theater-Zone I; Theater-Zone II; Tobacco Dealers; Tradesman-Combination; Tree Servicing; and Wrecker of Buildings Class B.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class A

Star Spangled Banner Post 1149, VFW, 3018 17th Av S, site: Star Spangled Banner, 3018 17th Av S;

Gambling-Lawful Class B

Washburn Amateur Hockey Association, 4805 Pleasant Av, site: North Office, 2204 44th Av N;
Minneapolis Riverview Lions, 2520 26th Av S, B Js Liquor Lounge, 229 W Broadway;
Roosevelt Booster Club, Inc, 4537 31st Av S, site: Chesire Inn, 5359 Minnehaha Av;
Roosevelt Booster Club, Inc, 4029 28th Av S, site: Goal Line, Inc, 1508 E Hennepin;
Roosevelt Booster Club, Inc, 13669 43rd St NE, St. Michael, site: Sun Saloon & Restaurant, 1528 University Av NE;
Roosevelt Booster Club, Inc, 4029 28th Av S, site: Tooties, 2706 Lowry Av N;
Roosevelt Booster Club, Inc, 4029 28th Av S, site: Cedar Inn, 4155 Cedar Av; and
Roosevelt Booster Club, Inc, 4029 28th Av S, site: Schooner Tavern, 2901 27th Av S.

Gambling Lawful Exempt

Jungle Theater, 709 W Lake St, raffle, 12/7/97;
Vesterheim Norwegian American Museum, 502 W Water St, Decorah, Iowa, for raffle at Marriott City Center, 4/18/98;
Childrens Heartlink, 5075 Arcadia Av, raffle at Minneapolis Hilton, 1001 Marquette, 11/22/97;
Church of St. Austin, 4050 Upton Av N, raffle, 10/10/97;
University of Minnesota M Club, 4500 Park Glen Rd #280, St. Louis Park, raffle at Hubert H. Humphrey Metrodome, 11/8/97;
Church of St. Boniface, 629 NE 2nd St, for raffle, pulltabs, 11/15/97;
Church of St. Philip, 2507 Bryant Av N, for bingo & pulltabs, 11/10/97;
Church of St. Philip, 2507 Bryant Av N, for raffle & pulltabs, 11/2/97;
Our Lady of Victory Catholic Church, 5155 Emerson Av N, for bingo, raffle, pulltabs at Parish Hall, 5140 Fremont Av N, 11/23/97; and
Our Lady of Victory Catholic Church, 5155 Emerson Av N, for raffle & pulltabs at Parish Hall, 5140 Fremont Av N, 10/26/97;

Make A Wish Foundation of Minnesota, 5201 E River Road, #309, raffle at 651 Nicollet Mall, 11/20/97; and

Church of the Holy Name, 3637 11th Av S, for bingo, raffle & pulltabs, 11/23/97.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Gopher Hole, Inc, dba Gopher Hole, 412-1/2 SE 14th Av, for an On-Sale Wine Class B with Strong Beer License to expire April 1, 1998 and a change of ownership from Lower Landing, Inc, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved September 26, 1997. J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published September 30, 1997).

PS&RS - Your Committee recommends granting the application of Max Checking, Inc, 3207 Penn Av N, for a Check Cashing Facilities License, to expire December 31, 1998, in accordance with Minnesota Statute 53A.04.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the Motor Vehicle Repair Garage License held by Tewelde Woldemichael and T. Abraham, 2319-1/2 Jackson St NE, now recommends approval of the following list of conditions which said licensees have agreed to abide by and comply with, understanding that violations of said conditions will be just cause to revoke, suspend or deny renewal of said license:

1) All motor vehicle repair and service is to be done inside the building, in accordance with Minneapolis Ordinance 540.1050(3). No customer or employee vehicles will be parked on the street

or alley. No tow trucks will be parked on the street or alley.

2) No customer or employee vehicles will be parked in any reserved parking areas across the alley. The building is to be posted to notify all customers not to park in any reserved parking lot. The building must be posted by September 30, 1997.

3) Operating and business hours shall not exceed 9PM on weekdays and 10PM on weekends (Friday and Saturday).

4) All work is to be performed by appointment only with no cars waiting outside the doors.

5) Noise is to be kept at a minimum. Doors to the business will be closed anytime a complaint is received by the neighborhood or a City employee.

6) The licensees will not allow loitering or congregating in the building or on the premises and will take all necessary steps, including posting signs, to ensure this.

7) The licensees will respond to all neighborhood complaints and concerns within 7 days.

8) All refuse, including parts and tires, will be stored inside the building, in accordance with Minneapolis Ordinance 317.100.

9) The alley will be policed for litter and trash daily.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS- Your Committee, having under consideration Grocery, Tobacco, and Food Manufacturer Licenses held by Tom Thumb Food Store #278, 4751 Nicollet Av S, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the TAC Recommendations, 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.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS- Your Committee recommends approval of the 1998-1999 Community Health Services (CHS) Plan Update and further recommends approval to submit said Plan Update to the Minnesota Department of Health (through Hennepin County) for the CHS Act Subsidy, in the amount of \$1,801,426 annually, for a 2-year total of \$3,602,852, payable from Federal Grants Fund Health Department Agency Assessment Policy and Assurance (030-440-4412).

Your Committee further recommends approval for the Commissioner of Health to administer the plan and funds and to approve revisions, in accordance with State rules.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin Faculty Associates to provide weekly physician services at School-Based Clinics, for the period from January 1, 1997 through December 31, 1997, in the amount of \$57,000, payable from the General Fund Health Department Agency School-Based Clinics (010-440-4422).

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends that the proper City officers be authorized to execute an agreement with the People of Phillips for the City to provide scrap bicycle parts to stimulate economic development in poor and disadvantaged areas by reworking the bicycle parts into salable bicycles, for the period from September 1, 1997 through December 31, 1998, at no cost to the City.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a) 1337 Newton Av N, Lot 3, Block 3, Plymouth Park Addition; and

b) 942 Lowry Av NE, Lot 13, P. C. Demings Revision in East.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

PS&RS & T&PW - Your Committee recommends approval to use \$113,500 from the 1995 and 1996 Building and Facility Improvement Capital Program (GM-1) for the reconstruction of apparatus doors at Fire Station #8, 2749 Blaisdell Av, deferring to a later date the building improvement projects originally planned for Fire Station #12, 5401 33rd Av S.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minneapolis Community Development Agency (MCDA) to provide Community Development Block Grant (CDBG) Funds, (as a match of funds required by the United States Department of

Housing and Urban Development), to be used for lead reduction contractor payments, for the period from January 1, 1998 through December 31, 2000, in accordance with the work plan of the Lead-Based Paint Hazard Reduction Project, in the amount of \$525,000, to be payable from MCDA Fund FBG.

Your Committee further recommends approval for the City to provide lead reduction activities, in accordance with said work plan, in the amount of \$1,225,000, payable from Federal Grants Fund Licenses & Consumer Services Agency (030-835-8392).

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee recommends approval for the Department of Regulatory Services and the Finance Department to add the following permanent, Full Time Equivalent (FTE) positions, to provide administration of the United States Department of Housing and Urban Development (HUD) Grant for Control of Lead-Based Paint Hazards, to be covered by funds appropriated to and payable from Federal Grants Fund Licenses & Consumer Services Agency (030-835-8390), with \$167,446, to be transferred to and payable from Federal Grants Fund Finance Department Agency (030-820-8230), positions to be contingent upon continued funding from grant sources:

Department of

Regulatory Services

1.0 FTE HUD Lead Grant Program Manager (City title and classification to be determined by Human Resources staff);

2.0 FTE HUD Lead Grant Project Coordinators (City titles and classifications to be determined by Human Resources staff);

1.0 FTE Program Assistant (MIS/Data);

1.0 FTE Secretary (General Office);

3.0 FTE Sanitarian I (Lead Technician);

1.0 FTE Residential Planning Aide II

(Relocation Counselor, Safe Houses);

2.0 FTE Administrative Aides; and

Finance Department

1.0 FTE Accountant.

Your Committee further recommends passage

of the accompanying Resolution transferring funds from the Licenses & Consumer Services Agency Appropriation to the Finance Department Agency Appropriation, in the amount of \$167,446.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-293
By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) increasing the appropriation for the Finance Department Agency in the Federal Grants Fund (030-820-8230) by \$167,446; and

b) decreasing the appropriation for the Licenses & Consumer Services Agency in the Federal Grants Fund (030-835-8390) by \$167,446.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget- Your Committee, having under consideration the Community-Oriented Policing (COPS) Grant from the Minnesota Department of Public Safety, now recommends acceptance of said grant funds, in the amount of \$125,000, and further recommends that the proper City officers be authorized to execute required grant agreements.

Your Committee further recommends passage of the accompanying Resolution increasing the Police Department Agency by \$125,000.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-294
By Biernat and Campbell
Amending The 1997 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 Police Department Agency in the Grants Other Fund (060-400-4030) by \$125,000 and increasing the Police Department Agency revenue estimate in the Grants Other Fund (060-400-4030-Source 3215) by \$125,000.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget- Your Committee recommends approval to proceed with the application process for the DRUGFIRE Program Grant to enable the Police Department to hire 1.0 Full Time Equivalent (FTE) Police Support Technician to operate the new DRUGFIRE computerized ballistic imaging comparison system which will collect, analyze and compare cartridge casings (much the same as fingerprints are collected and compared), with the understanding that the grant amount of \$75,000 would provide salary and expenses for approximately 1 year and 9 months.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

T&PW- Your Committee recommends passage of the accompanying Resolution abandoning and annulling the special assessment improvement proceedings for the 1997 Non-Residential Paving Program, Special Improvement of Existing Street No 2967.

RESOLUTION 97R-295
By Dziedzic
1997 NON-RESIDENTIAL
PAVING PROGRAM
SPECIAL IMPROVEMENT
OF EXISTING
STREET NO 2967 (4TH ST S)

Abandoning and annulling the special assessment improvement proceedings.

Whereas, a public hearing was held on September 18, 1997 pursuant to notice published in Finance and Commerce newspaper on August 28, 1997 to consider the proposed 1997 Non-Residential Paving Program as designated in Resolution 97R-252 passed August 22, 1997; and

Whereas, the City Engineer has recommended that the 4th St S paving location work be delayed to a future year;

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

That the special assessment improvement proceedings for the 1997 Non-Residential Paving Program, Special Improvement of Existing Street No 2967, be and hereby are abandoned and annulled.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 263119.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 97R-296, adopting the assessments, levying the assessments and adopting the

assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 263119, was passed September 26, 1997 by the City Council and approved October 2, 1997 by the Mayor. 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 97R-296
By Dziedzic

Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 263119.

Whereas, a public hearing was held on September 18, 1997 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessment for 2610 Irving Av N (PID 09-029-24-34-0189) be reduced by \$60.24, from \$256.12 to \$195.88.

That the following proposed assessments be postponed, to be considered at a public hearing on October 2, 1997 before the T&PW Meeting:

- a. 2844 16th Av S (\$352.44)
- b. 2928 17th Av S (\$237.60)
- c. 1019 22nd Av N (\$432.83)
- d. 3801-07 Bloomington Av (\$295.09)
- e. 3011 Fremont Av N (\$165.64)
- f. 4600 Longfellow Av (\$121.44)

That the proposed assessments against the affected properties on the list dated September 3, 1997 set forth in Petn No 263119 in the total amount of \$343,432.94 and as shown on the proposed assessment rolls on file in the Office of the City Clerk be and hereby is revised to \$341,767.66 and are adopted and levied as revised herein.

Be It Further Resolved that assessments of more than \$75 be collected in five (5) successive equal annual principal installments beginning on

the 1998 real estate tax statements with interest charged at the rate of 5%.

Be It Further Resolved that assessments of \$75 or less be collected in one (1) installment on the 1998 real estate tax statements with interest charged at the rate of 5%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are revised to \$341,767.66 and adopted as revised herein and that the City Clerk is hereby directed to transmit certified copies of said revised assessment rolls to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW- Your Committee, to whom was referred an ordinance amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to **Building Code: Projections and Encroachments**, exempting areaways appurtenant to City property from the restrictions of Chapter 95 pertaining to encroachments and projections, now recommends that said ordinance be given its second reading for amendment and passage.

ORDINANCE 97-Or-079

By Dziedzic

Intro: 8/22/97

Ref to: T&PW

1st Reading: 9/18/97

2nd Reading: 9/26/97

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

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

Section 1. That Section 95.90 of the above-entitled ordinance be amended by adding thereto a new subdivision (g) to read as follows:

95.90. Areaways.

(g) Areaways appurtenant to City property exempt. Areaways that are constructed as an extension of, or adjunct to a building or structure which is constructed and owned by the City of Minneapolis, shall be exempt from the provisions of subdivision (b) of section 95.90 and the other

provisions of this chapter 95 pertaining to encroachments and projections.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW- Your Committee recommends passage of the accompanying Resolution holding harmless the State of Minnesota from actions that may arise from granting a variance to permit reconstruction of Municipal State-Aid (MSA) 341 (4th St S) between 4th and 5th Avs S with a parking lane width of 2.4 meters (8 ft) rather than the 3 meters (10 ft) as required by the Rules.

RESOLUTION 97R-297

By Dziedzic

Holding harmless the State of Minnesota from actions that may arise from the reconstruction of Municipal State-Aid (MSA) 341 (4th St S) from 4th to 5th Avs S at less than MSA Standards.

Whereas, the City Engineer has requested a variance from Minnesota Rules, Chapter 8820.9936 for the reconstruction of 4th St S between 4th and 5th Avs S in accordance with Resolution 97R-154 adopted by the Minneapolis City Council on June 6, 1997; and

Whereas, the Comsnr of Transportation did grant said variance with the condition that the City adopt a Resolution concerning legal responsibilities as a result of this granting of said variance at the City Councils request;

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

That it indemnifies, saves and holds harmless the State of Minnesota and all its agents and employees of and from any and all claims, demands, actions, or causes of actions of any nature or character arising out of or by reason of, in any manner the reconstruction of Municipal State-Aid (MSA) 341 (4th St S) between 4th and 5th Avs S in any other manner than as in accordance with Minnesota Rule 8820.9936 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever

character arising as a result of the granting of this variance.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee recommends passage of the accompanying Resolution authorizing the proper City Officers to execute a replacement Quit Claim Deed to convey the excess street car r/w adjacent to the rear of 2700 W 44th St.

RESOLUTION 97R-298

By Dziedzic

Approving the execution of a Replacement Quit Claim Deed for Excess Streetcar R/W adjacent to 2700 W 44th St

Whereas, the City of Minneapolis issued to Robert E. Stuki and Paul Klodt d/b/a The Lake Harriet Company, a partnership on October 6, 1967 for excess street car r/w; and

Whereas, the said Deed was never recorded against the title to the property and has been lost;

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

That the proper City Officers be authorized to execute a new Quit Claim Deed in favor of the current owner Stanley R. Kagin, to convey the excess street car r/w adjacent to the rear of 2700 W 44th St, aka all that part of the former right-of-way of the Minneapolis and St. Paul Suburban RR Co. in Government Lot 1, Section 8, Township 28, Range 24, lying Sly of a line distant 8 ft Sly from, measured at right angles to and parallel with the centerline of said former right-of-way and between the extensions across it of the Wly line of Lot 16 and the Ely line of Lot 12, Blk 8, First Division of Remington Park, according to the map of said section and the plat of said addition on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

Subject to an easement over, under and across the Ely 10 ft of the above described portion of said former right-of-way, for the construction, reconstruction, operation, maintenance and repair of public sewers.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee recommends that the proper City Officers be authorized to execute a contract with SKB Environmental, in the amount of \$14,000, to accept leaves collected during the City's Fall Sweep, which will be deposited at their site located at 5th & Malcolm for transfer to another site for processing.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having received a request from Sprint PCS Grand Prix of Minnesota for modifications to its permit, approved September 29, 1995, to hold an auto race in Downtown Minneapolis during the Fourth of July weekend, with proceeds of the race benefiting the Cancer Kids fund, now recommends that the following modifications be granted:

a. that the event date be changed for 1998 and future years from the Fourth of July holiday weekend to the Saturday and Sunday prior to the holiday weekend;

b. that the permit be extended for an additional three years beyond 1998 through the year 2001, with the option to extend for an additional three years through the year 2004, provided that a report evaluating the event, including attendance figures, be submitted to the T&PW Committee during the month of September each year.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET

Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution ordering the work to proceed and

adopting the special assessments for the replacement of a portion of an alley retaining wall in the block betw 15th and Bloomington Avs S from 36th to 37th Sts E, Special Improvement of Existing Street No 2971.

Your Committee, having received a request to provide funds for the Citys portion of the project, in the amount of \$43,651.49, now recommends that the appropriation of funds be deferred for consideration at the Third Quarter Budget Review.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles
Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 97R-299, ordering the work to proceed and adopting the special assessments for the replacement of a portion of an alley retaining wall in the block betw 15th and Bloomington Avs S from 36th to 37th Sts E, Special Improvement of Existing Street No 2971, was passed September 26, 1997 by the City Council and approved October 2, 1997 by the Mayor. 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 97R-299
By Dzedzic and Campbell

SPECIAL IMPROVEMENT
OF EXISTING STREET NO 2971

Ordering the work to proceed and adopting the special assessments for the replacement of a portion of an alley retaining wall in the block betw 15th and Bloomington Avs S from 36th to 37th Sts E.

Whereas, a public hearing was held on September 18, 1997 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed alley improvements as designated in Resolution 97R-256 passed August 22, 1997, to consider the proposed special assessments as on file in the Office of the City Clerk and to consider all written and oral

objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 97R-256 passed August 22, 1997.

Be It Further Resolved that the proposed special assessments in the total amount of \$14,550.51 as on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at five (5) and that interest be charged at the same rate as assessment bonds are sold for in 1998 with collection of the special assessments to begin on the 1999 real estate tax statements.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes,
President of Council.

Approved October 2, 1997. S. Sayles
Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget -Your Committee recommends passage of the accompanying Resolutions:

- a. designating the improvement of and ordering the work to proceed for the Nly-SWly alley in the block bounded by Mt View Av, Thomas Av S, Cedar Lake Rd S and Upton Av S, Special Improvement of Existing Street No 2936.
- b. appropriating \$35,700 to the PW - Streets & Malls - Capital Agency to provide funds for the alley work, to be reimbursed from special assessments levied against the benefited properties.

Your Committee further recommends summary publication of the above-described Resolutions.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved September 26, 1997.

J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published September 30, 1997).

Resolution 97R-300, designating the improvement of and ordering the work to proceed for the Nly-SWly alley in the block bounded by

Mt View Av, Thomas Av S, Cedar Lake Rd S and Upton Av S, Special Improvement of Existing Street No 2936 and Resolution 97R-301, amending the 1997 Capital Improvement Appropriation Resolution, were passed September 26, 1997 by the City Council and approved September 26, 1997 by the Mayor. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

(Published September 30, 1997).

The following is the complete text of the unpublished summarized resolution

**RESOLUTION 97R-300
By Dziedzic and Campbell**

**SPECIAL IMPROVEMENT OF
EXISTING STREET NO 2936**

Designating the improvement of and ordering the work to proceed for the Nly-SWly alley in the block bounded by Mt View Av, Thomas Av S, Cedar Lake Rd S and Upton Av S.

Resolved by The City Council of The City of Minneapolis:

That the following existing alley within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by paving with asphaltic concrete including other alley paving related improvements and work as needed:

Nly-SWly alley in the block bounded by Mt View Av, Thomas Av S, Cedar Lake Rd S and Upton Av S.

Be It Further Resolved that the cost estimate of \$35,632.77 for the alley improvements be received.

Be It Further Resolved that the petitions submitted by the owners of the benefited properties be received, and that petitioners hereby waive their right to a project approval public hearing, a special assessment public hearing and to appeal the special assessment to District Court for the alley paving project.

Be It Further Resolved that the amount to be specially assessed against the benefited properties as described in the aforementioned petitions is \$35,632.77. However, said special assessments could be reduced if Neighborhood Revitalization Program (NRP) funds become available for the alley project.

Be It Further Resolved that the City Engineer is hereby ordered to proceed and do the work.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved September 26, 1997.

J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

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

**RESOLUTION 97R-301
By Dziedzic and Campbell**

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Streets & Malls - Capital Agency in the Permanent Improvement Projects Fund (410-937-9372) by \$35,700 for alley paving in the block bounded by Mt View Av, Thomas Av S, Cedar Lake Rd S and Upton Av S, Special Improvement of Existing Street No 2936, to be reimbursed from special assessments levied against the benefited properties.

Be It Further Resolved that revenue source (410-937-9372 - Source 3650) be increased by \$35,700.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved September 26, 1997.

J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 263122):

a) OP #4632, only bid submitted by J. W. M. Environmental, Inc., in the amount of \$269,989, for furnishing and delivering a cured-in-place sewer reconstruction rehabilitation system to Public Works Sewer Maintenance, 1911 E 26th St.

b) OP #4696, only bid of Crane Carrier Company, in the amount of \$268,260, for furnishing and delivering four low entry tilt cab

and chassis recycling vehicles to Public Works Solid Waste/Recycling, including Alternate No 1, extended warranty for four engines and transmissions. Vendor offers to furnish up to four additional units at stated prices within one year of contract signature date at the sole option of the City of Minneapolis.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles
Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #4701 (Petn No 263122) submitted by Veit and Company, Inc., for an estimated expenditure of \$4,275,222, for furnishing and delivering all labor, materials, equipment and incidentals necessary to accomplish project site improvements for the new 40 Million Gallon Hilltop Reservoir.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project, all in accordance with specifications prepared by STS Consultants, Ltd.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved September 26, 1997.

J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published September 30, 1997)

T&PW & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an agreement with the City of Columbia Heights to install a new traffic signal controller and cabinet at the intersection of Central Av and 37th Av NE, which will permit emergency vehicles from Columbia Heights to preempt said traffic signal. The project cost is estimated at \$17,700, with 50% being paid for by the Cities of Minneapolis and Columbia Heights, and the City's share of \$8,850 to be payable from PW - Transportation - Capital (410-943-9440).

Your Committee further recommends passage of the accompanying Resolution appropriating \$8,850 to the PW - Transportation - Capital Agency to provide funds for said project, which

will be reimbursed through a billing to Columbia Heights.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles
Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-302
By Dziedzic and Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation - Capital Agency in the Permanent Improvement Projects Fund (410-943-9440) by \$8,850, for traffic signal control system modifications at the intersection of Central Av & 37th Av NE, to be reimbursed by the City of Columbia Heights.

Be It Further Resolved that the revenue source (410-943-9440 Source 3225) be increased by \$8,850.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes,
President of Council.

Approved October 2, 1997. S. Sayles
Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee, having received a request from the City Engineer for the City to participate in NSPs incentive program promoting the upgrading of electrical facilities in order to save energy, now recommends approval for the proper City officers to apply for an interest free loan through the NSP Minneapolis Energy Plan to be used to fund the replacement of 6600 red incandescent traffic signals in the City with long life, energy efficient LED (light emitting diode) indications. The loan shall be paid back through energy savings, as set forth in the payback plan proposed by the Public Works Department (Petn No 263121).

Your Committee further recommends that staff be directed to prepare a plan for appropriate replacement and authorize the Finance Officer to

establish an appropriate accounting method for project transactions.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

W&M/Budget - Your Committee

recommends that the City Attorney be authorized to submit grant concept papers seeking Innovative Criminal Justice Grant consideration through the Minnesota Department of Children, Family and Learning and Office of Drug Policy and Violence Prevention, for the following two projects:

a) The Minneapolis City Attorney Community Liaison Program, a demonstration project which would place an Assistant City Attorney at the 5th Police Precinct to improve communication between the court system and police officers and citizens, with funding requested in the amount of \$129,920;

b) A program to identify victim and offender resources through a partnership among the City Attorneys Office, CCP/SAFE, the Minnesota Citizens Council on Crime and Justice, Stevens Square Community Organization, Hawthorne Area Community Council, Phillips Wheatly Community Center, People of Phillips and Walker Community United Methodist Church, with funding requested in the amount of \$24,572.

Adopted. Yeas, 13; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the lawsuits filed against the City by the following individuals be settled as follows:

150-690 Louis Williams and Peter W. Riley, his attorney, \$5,500; Tony Adams and

Martin T. Montilino, his attorney, \$12,500; and Raymond Witzman and Martin T. Montilino, his attorney, \$3,500

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee

recommends that the Workers Compensation claims of Kenneth A. Larson against the City be settled in accordance with the recommendation of the City Attorney (as set forth in Petn No 263126) in an amount not exceeding \$44,525.22, payable from the Self Insurance Fund (690-145-1451-01-2800)

Adopted. Yeas, 12, Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee

recommends that the City waive its subrogation interest in the proceeds of the settlement between Betty R. Coleman and David Loeffler stemming from an automobile accident of May 15, 1997, subject to the following conditions:

a) Staff shall obtain consent for the waiver from the Workers Compensation Reinsurance Association; and

b) Counsel for David Loeffler in his recovery from Betty R. Coleman shall waive their claim for attorney fees resulting from the settlement with Betty R. Coleman.

The proper City officers are authorized to execute the necessary releases when satisfactory proof has been submitted regarding said conditions.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee

recommends that the City waive the conflict of interest and consent to Leonard, Street and Deinards representation of the Soo Line Railroad, doing business as the Canadian Pacific Railway, in the litigation against the City involving the Shoreham Yards facility, and that the City Attorney be authorized to execute all appropriate documentation of said consent.

Adopted. Yeas, 8; Nays none.

Declining to Vote - Biernat, McDonald, Minn, Mead.

Absent - Thurber.

Passed September 26, 1997.

NOT APPROVED BY THE MAYOR.

Attest: S. Ristuben, Asst City Clerk.

CITY OF MINNEAPOLIS
CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.
CITY OF MINNEAPOLIS)

I, STEVEN J. RISTUBEN, Assistant City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Ways & Means/Budget Committees relating to Canadian Pacific Railway in Shoreham Yards representation, as acted upon by the City Council of Minneapolis, Minnesota, and designated as Not Approved by the Mayor, for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 3rd day of October, 1997.

STEVEN J. RISTUBEN,
Assistant City Clerk.

Campbell moved that the Council resolve itself into a Committee of the Whole. Seconded.

Adopted upon a voice vote.

The Committee of the Whole convened at 10:55 a.m.

Vice President Biernat assumed the Chair.

Campbell moved that the Committee of the Whole rise and report its findings to the Council relating to the issuance and sale of Convention Center Revenue Bonds. Seconded.

Adopted upon a voice vote.

The Council reconvened at 11:08 a.m.

President Cherryhomes resumed the Chair.

Present - Council Members Rainville, Dziedzic, Campbell, Biernat, Niland, McDonald, Minn, Mead, Scott, Schulstad, Herron, President Cherryhomes.

Absent - Council Member Thurber.

W&M/Budget- Your Committee recommends passage of the accompanying resolution providing for the issuance and sale of

Convention Center Revenue Bonds in the amount of \$25,150,000.

RESOLUTION 97R-303
By Campbell

Relating to and providing for the issuance and sale of Convention Center Revenue Bonds of the City of Minneapolis in the amount of \$25,150,000.

Resolved by The City Council of The City of Minneapolis:

1. Pursuant to Chapter 396, Minnesota Laws of 1986, as amended (the Act), it is hereby determined to be necessary and expedient to proceed with the issuance and sale of \$25,150,000 Convention Center Revenue Bonds, Series 1997 (the Bonds) as variable rate bonds for the purpose of acquiring land for completion of the Convention Center.

2. This Council hereby approves the issuance of the Bonds in two series, consisting of \$12,575,000 Convention Center Revenue Bonds, Series 1997A (the Series 1997A Bonds) and \$12,575,000 Convention Center Revenue Bonds, Series 1997B (the Series 1997B Bonds) in accordance with the documents described below.

3. There has been presented to this Council forms of the following documents for the Bonds:

a) Trust Indenture dated as of October 1, 1997 (the Indenture), proposed to be made and entered between the City and Norwest Bank Minnesota, National Association, as Trustee, setting forth the form and terms of the Bonds and pledging certain tax revenues of the City to the payment of principal of and interest thereon.

b) Letter of Credit and Reimbursement Agreement dated as of October 1, 1997 (the Credit Agreement) between the City and Norwest Bank Minnesota, National Association (the Bank), whereby the Bank agrees to provide funds to pay principal and interest on the Bonds and to purchase Bonds which may be tendered pursuant to the terms of the Bonds and the Indenture.

c) Remarketing Agreement (the Remarketing Agreement) between the City and US Bancorp Investments and Norwest Investment Services, Inc. (together the Remarketing Agents) whereby the Remarketing Agents agree to perform certain services relating to the establishment of the variable interest rates on the Bonds and to use their best efforts to remarket Bonds tendered pursuant to the terms thereof and the Indenture.

d) Private Placement Agreement (the Placement Agreement) between the City and the Remarketing Agents setting forth the terms and conditions of the issuance of the Bonds.

e) Pledge Agreement dated as of October 1, 1997 between the City and the Bank, securing the City's reimbursement obligation to the Bank under the Credit Agreement.

f) Private Placement Memorandum proposed to be distributed in connection with the placement of the Bonds.

4. The Trust Indenture, Credit Agreement, Remarketing Agreement, Pledge Agreement and Placement Agreement are hereby approved and the same shall be executed by the Mayor, countersigned by the Finance Officer and attested by the City Clerk in substantially the form on file, with such changes therein not inconsistent with law as the officers executing the same may approve, which approval shall be conclusively evidenced by the execution thereof. The form of Placement Memorandum is approved and may be distributed in connection with the placement of the Bonds with such changes as the Finance Officer shall approve.

5. The Bonds shall be executed as provided in the Indenture.

6. The proceeds of the Bonds, except any capitalized interest required to be deposited in the Bond Fund under the Trust Indenture, shall be applied to the acquisition of land and other purposes of completion of the Convention Center.

7. The Finance Officer is hereby authorized and directed to certify a copy of this Resolution and to cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the County Auditor under Section 475.63, Minnesota Statutes, and to obtain a certificate as to the registration of the bonds.

8. The City shall comply with the arbitrage provisions of Section 148 of the Internal Revenue Code of 1986, including the rebate requirements of Section 148(f), to the extent necessary to prevent interest on the Bonds becoming subject to federal income taxation. The Finance Officer is hereby authorized to make on behalf of the City any authorized elections under said Section 148(f) in connection with the Bonds as deemed appropriate.

9. The City Clerk and the Finance Officer, and other officers and employees of the City, are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to the facts as shown by the books and records of the City, and

the right and authority of the City to issue the Bonds, and all such certified copies and certification shall be deemed representations of fact on the part of the City.

10. The issuance of the Bonds is subject to approval of the Board of Estimate and Taxation as required by the Act.

Adopted. Yeas, 9; Nays, 2 as follows:

Yeas - Rainville, Dziedzic, Campbell, Biernat, McDonald, Minn, Scott, Herron, Cherryhomes.

Nays - Mead, Schulstad.

Declining to Vote - Niland.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration renewal of HMO group insurance contracts and the results of a Request for Proposals (RFP) issued for said services, now recommends:

a) Authorization to renew the contract for the HealthPartners Classic and HealthPartners Choice Plans (for active and retired employees under age 65) for the years 1998, 1999 and 2000, with the understanding that childrens preventative dental services will no longer be included, that 1998 rates will increase by 6.5 percent, that 1999 rates will increase by no more than 9.9 percent and that 2000 rates will increase by no more than 10 percent;

b) Authorization to renew the contract for the Medica Choice Classic plan (for active and retired employees under age 65) for the year 1998 with the understanding that rates will increase by 9.9 percent for that year;

c) Authorization to renew the contract for the HMO Plus Medicare Seniors Plans for retired City employees and their spouses, made available through HealthPartners and Medica at no cost to the City.

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

Yeas - Rainville, Dziedzic, Campbell, Biernat, McDonald, Minn, Mead, Scott, Schulstad, Herron, Cherryhomes.

Nays - Niland.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration approval of a policy regarding capital and Neighborhood Revitalization Program (NRP) projects which will exceed their budgets and are requesting additional funding, now recommends:

a) Capital projects that have been approved as part of the prior year(s) budget that will exceed budgetary appropriations (at the project and category level) without having significantly changed the scope of the project will be referred to the City Council and Mayor for review. The City Council and Mayor may approve an additional appropriation as a future commitment to the following year capital program on the basis that it is more important to complete an approved project than to begin a new project. Staff will review options in the capital close out process to reallocate resources to meet project budget overages. Interim financing will be a temporary reallocation of a capital appropriation until permanent funding becomes available; and

b) Regarding NRP projects, the City contribution to a project will be a fixed dollar amount which will not be increased when final project costs exceed the commitment level made by the City. Project budgets which exceed their appropriation for NRP related projects will be referred back to the neighborhood for a review of possible reallocation within the current neighborhood plan.

Campbell moved to amend the report by inserting in paragraph "a" the language "by greater than 10%" following the words "exceed budgetary appropriations". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend Contract #11307 with John Conbere & Associates, Inc. to include an additional scope of services. The additional services will be facilitation of meetings with Convention Center Housekeeping Department employees, at an additional cost of \$7,000, payable from Convention Center Operations (076-865).

Adopted. Yeas, 12; Nays none.
Absent - Thurber.
Passed September 26, 1997.
Approved October 2, 1997. S. Sayles Belton, Mayor.
Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin Technical College to provide all Hazardous Materials Training for the Minneapolis Fire Department, at an estimated cost of \$37,250, payable from the Fire Department (010-280-2820-6050).

Adopted. Yeas, 12; Nays none.
Absent - Thurber.
Passed September 26, 1997.
Approved October 2, 1997. S. Sayles Belton, Mayor.
Attest: S. Ristuben, Asst City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Hennepin County Medical Center for a waiver from Interim Ordinance 96-Or-070, providing for a moratorium on the establishment or expansion of surface parking lots in the Downtown Surface Parking Study Area (passed 7/12/96), to allow demolition of a single story dilapidated building for the addition of spaces to an existing parking lot at 619 Portland Av S, now recommends that said waiver be granted, subject to the condition that the final site plan is approved by the Planning Department.

Adopted. Yeas, 10; Nays none.
Absent - Rainville, Thurber, Biernat.
Passed September 26, 1997.
Approved October 2, 1997. S. Sayles Belton, Mayor.
Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the appeal filed by Mohamud Dirir (V-4203) from the decision of the Board of Adjustment denying his application for variation to reduce the required off-street parking from 24 spaces to 8 spaces (existing nonconforming rights for their portion of the building) to permit a 76 seat coffee shop at 3014 27th Av S and 3023 Minnehaha Av, now recommends approval of the modified plan for a 26 seat restaurant with 8 people in the pool hall, for a total of 34 persons,

and that a revised variation from 10 required off-street parking spaces to 4 be granted.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee recommends approval of the following appointments to the Zoning Board of Adjustment:

a) James Anderson, 2637 - 35th Av S, Minneapolis, MN 55406 (Ward 2), to fill the unexpired term of John Revere, which expires 12/31/99;

b) Craig Wilkins, 2020 Pillsbury Av S, #202, Minneapolis, MN 55404 (Ward 6), to fill the unexpired term of Stacie Kvilvang, which expires 12/31/98.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the petition of Prior Investment Company (#1179) to vacate the alley in the block bounded by Lyndale Av S, W 53rd St, Garfield Av S and W 54th St to allow a parking lot and access to the lot, now finds that said alley is no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, subject to retention of easement rights by Northern States Power Company and Paragon Cable, by passage of the accompanying resolution.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-304

By Scott

Vacating alley in block bounded by Lyndale Avenue South, West 53rd Street, Garfield Avenue South and West 54th Street.

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley dedicated in the plat of Anchor Addition is hereby vacated except that such vacation shall not affect the existing easement right and authority of Northern States Power (NSP) and Paragon Cable, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to NSP and Paragon Cable, all of the to-be-vacated alley, 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 alley 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. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the proposed rezoning of an area known as East Hennepin, bounded generally by the Mississippi River, Central Av, Burlington Northern Railroad tracks on 2nd Av NE, proceeding east from the Mississippi River to a point where the tracks and Central Av intersect in the East Hennepin Study Area, finds that adequate notice was given and a public hearing conducted by the Planning Commission which resulted in a full presentation of the rezoning issues and debate thereon.

Your Committee concurs with the Planning Commission with respect to the planning process, the public good that will result from the proposed rezoning of the area, and the impracticality of obtaining consent of two-thirds of the property owners in the study area, pursuant to Minnesota Statutes 462.357, Subd. 5, and recommends passage of the accompanying resolution finding the same.

Therefore, your Committee recommends that the East Hennepin Study Area be rezoned, as shown on the maps set forth in Petn No. 263136, by passage of the accompanying amendment to the Minneapolis Code of Ordinances.

Your Committee further recommends that the proper City Officers be directed to amend the Comprehensive Plan and forward said amendments to the Metropolitan Council for their review.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-305

By Scott

Finding the obtaining of written consents of two-thirds of the property owners impractical in the case of the East Hennepin Zoning Study.

Whereas, the City Council did adopt a new comprehensive plan for the City of Minneapolis on December 23, 1982, known as the Plan for the 1980s; and

Whereas, in many instances this resulted in the current zoning being inconsistent with or not promoting the implementation of the Comprehensive Plan; and

Whereas, the City Council directed the City Planning Department to undertake a comprehensive study of the East Hennepin Area bounded by the Mississippi River, Central Avenue, Burlington Northern Railroad Tracks on Second Avenue NE, proceeding East from the Mississippi River to a point where the tracks and Central Avenue intersect in the East Hennepin Study Area; and

Whereas, Minnesota Statutes 462.357, Subdivision 5, requires in the case of a study of not less than 40 acres that the Planning Commission shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of written consent of the owners of real estate affected by a rezoning within the study area impractical; and

Whereas, the City Planning Commission has considered the practicality of obtaining written consent of owners of affected real estate and has found that the study of the East Hennepin Area comprises approximately 70 acres containing approximately 150 descriptions of real estate, many of which are held in undivided interest and

names and addresses of persons authorized to sign is indeterminate;

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

That in consideration of the above facts, the City of Minneapolis finds that obtaining the consent of two-thirds of the owners of descriptions of real estate situated in the East Hennepin Study Area is impractical.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

ORDINANCE 97-Or-080

By Scott

1st & 2nd Readings: 9/26/97

Amending Title 20, Chapter 536 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 536.20 of the above-entitled ordinance be amended by changing the zoning districts in Plate 14 (area bounded on the northwest by the Burlington Northern Railroad tracks, the northeast by 2nd Street NE, the southeast by First Avenue NE and to the southwest by the Mississippi River - East Hennepin Zoning Study, Area 1) as shown on said Plate. (Plate 14 on file in the office of the City Planning Department, to be published later).

Section 2. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning districts in Plate 14 (area in general bounded on the northeast by First Avenue NE to 2nd Street Avenue NE, to the northeast by 2nd Street NE to Bank Street, continuing southward to Central Avenue NE, on the southeast by Central Avenue NE, and to the southwest by the Mississippi River - East Hennepin Zoning Study, Area 2) as shown on said Plate. (Plate 14 on file in the office of the City Planning Department, to be published later).

Section 3. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning districts in Plate 14 (area in general bounded by the Burlington Northern Railroad

tracks to the northeast to 6th Street NE, to the northeast by 6th Street NE to First Avenue NE, to the southeast by First Avenue NE to University Avenue NE, and to the Southwest by University Avenue NE to the Burlington Northern Railroad tracks East Hennepin Zoning Study, Area 3) as shown on said Plate. (Plate 14 on file in the office of the City Planning Department, to be published later).

Section 4. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning districts in Plate 14 (area in general bounded by the Burlington Northern railroad to the northwest to University Avenue NE, to the northeast by University Avenue NE to First Avenue NE, continuing northerly on First Avenue NE to the intersection of First Avenue NE and Central Avenue NE, to the southeast by Central Avenue NE to a point approximately one thirds past the intersection of University Avenue NE and Central Avenue NE, continuing northwesterly through the block to Bank Street, continuing south along Bank Street to 2nd Street NE, on 2nd Street NE to the Burlington Northern Railroad East Hennepin Zoning Study, Area 4) as shown on said Plate. (Plate 14 on file in the office of the City Planning Department, to be published later).

Section 5. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning districts in Plate 15 (area bounded by Burlington Northern on the northwest to the intersection of the railroad and Central Avenue NE, to the southeast by Central Avenue NE, continuing on the south on First Avenue NE to 6th Street NE, to the southeast by 6th Street NE to the railroad tracks East Hennepin Zoning Study, Area 5) as shown on said Plate. (Plate 15 on file in the office of the City Planning Department, to be published later).

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Portions republished October 18, 1997).

Z&P Your Committee recommends concurrence in the recommendation of the Heritage Preservation Commission approving the application of Patricia Freerks for a variance from the Zoning Code which does not allow more than one

residential unit on a zoning lot, to allow up to three residential units in the carriage house at the rear of the lot at 1818 LaSalle Av.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the environmental review process for the 800 and 900 blocks of Nicollet Mall, a proposal for a 34-story office tower to be located on the eastern half of the block between 8th and 9th Sts which includes a total of 919,000 gross square feet of office and retail uses and a 323-stall parking facility (800 block) and a proposal for a 14-story office tower containing 633,500 gross square feet which will sit above a two-story Target store containing 145,000 gross square feet of retail space (900 block), each proposed by Ryan Companies of Minnesota, now recommends adoption of the Final Alternative Urban Areawide Review as revised, as contained in Petn No 263136.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved September 26, 1997.

J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published September 30, 1997).

Z&P - Your Committee recommends granting the following applications for special permits, notwithstanding the Zoning Code

a) Marc Rood: Appl to place an inflatable Goldy Gopher at the Metrodome Plaza before University of Minnesota football games from 9/13/97 to 11/16/97 (#1997-186);

b) Paul Kozlowski: Appl to install three 26-6 X 6 illuminated Hyatt signs 50 above grade at 150 Portland Av, prior to approval of conditional use permit by the Planning Commission (#1997-179).

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P -Your Committee, having under consideration the petition of Hennepin County requesting that the City of Minneapolis, as the owner of certain parcels on or within 100 feet of 401-11 4th St S and 400-22 5th St S, commonly known as the Augsburg site, consent to the commencement of a process to rezone the Augsburg site from B4-1 and B4C-2 to the B4C-2 District to permit construction of the Hennepin County Public Safety Facility, now recommends that the proper City Officers be authorized to sign said petition requesting an amendment of the Zoning Code of the City of Minneapolis.

Adopted. Yeas, 10; Nays none.

Absent - Rainville, Thurber, Biernat.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

MOTIONS

Biernat moved that the Council resolved itself into a Committee of the Whole to meet on Friday, November 7, 1997, at 9:15 a.m. for the 1997 Nicollet Mall assessment public hearing. Seconded.

Adopted upon a voice vote.

Minn moved to refer the subject matter of location and placement of garbage carts and recycling bins in public right-of-way to the Transportation and Public Works Committee. Seconded.

Adopted upon a voice vote.

Minn moved to refer the subject matter of charitable gambling proceeds for non-profit hockey associations to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Herron moved to rescind a Council action passed August 8, 1997, authorizing the razing of the property located at 3430 1st Avenue South, Lot 3, Block 0, Jennisons Addition. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Rainville, Thurber.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk

Niland moved to grant the application of Rainbow Chinese Restaurant for a special permit,

notwithstanding the Zoning Code, to obtain building permits and licenses to open a restaurant serving liquor at 2737 Nicollet Av prior to site plan review approval by the Planning Commission (zoning approval granted on 7/24/95) (#1997-200). Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Passed September 26, 1997.

Approved September 26, 1997. J. Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published September 30, 1997).

Scott moved to introduce the subject matter concerning Housing Improvements Area (HIA) for referral to the Community Development Committee. Seconded.

Adopted upon a voice vote.

RESOLUTION

RESOLUTION 97R-306

By Rainville, Cherryhomes, Dziedzic, Campbell, Biernat, Niland, Scott, Herron, McDonald, Mead, Schulstad and Minn

Sponsoring the Webber-Camden Neighborhood Organization and McKinley Communitys application to the Minnesota Department of Transportation (MnDOT) for a Community Roadside Landscape Partnership Program Grant for the Landscaping Partnership I-94 & Dowling Avenue Project.

Whereas, the Webber-Camden Neighborhood Organization and the McKinley Community, in cooperation with the Camden Garden Club, has requested the City of Minneapolis partnership on a landscaping enhancement in the Webber-Camden and McKinley Neighborhoods; and

Whereas, the Webber-Camden Neighborhood Organization and the McKinley Community, in conjunction with the Camden Garden Club, is proposing to plant trees, shrubs, vines and flowers in the areas of the I-94 entrances and exits at Dowling Avenue, and has agreed to provide the necessary long-term maintenance, excluding grass cutting in the area;

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

That the City of Minneapolis will act as the sponsoring unit for the project identified as Landscaping Partnership I-94 & Dowling Avenue

Project to be conducted during the period September 1997 through May 1998 through MnDOT's Community Roadside Landscaping Partnership Program.

Be It Further Resolved that Dee Smithey is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project, on behalf of the City of Minneapolis.

Adopted. Yeas 12; Nays none.

Absent - Thurber.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

UNFINISHED BUSINESS

Comm Dev & W&M/Budget - Your Committee, having under consideration the Phillips Park Project (the Project), and having conducted a public hearing on (1) Modification No 17 to the Model City Urban Renewal Plan, which removes the 4 block area of the Project from the Model City Plan, and (2) Modification No 51 to the Common Development and Redevelopment Plan, which expands the Common Project Area and establishes a Tax Increment Plan to authorize public redevelopment activities in the Project, both dated July 30, 1997 and set forth in Petn No 263056, now recommends passage of the accompanying resolution adopting said Modifications.

Your Committee further recommends that this action be referred to the Board of Commissioners of the Minneapolis Community Development Agency.

Niland moved to amend the resolution by deleting Paragraph 2.02 and renumbering the remaining paragraphs in Section 2. Seconded.

Adopted upon a voice vote.

The report was adopted.

Yeas, 11; Nays none.

Absent - Thurber, Schulstad.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 97R-307

By Niland

Adopting Modification No 51 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan (Phillips Park Project), and Modification No 17 to the Model City Urban Renewal Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. **Recitals.**

1.01. That the Minneapolis Community Development Agency (the Agency) has the authority to propose and implement redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.02. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis has approved the creation by the Minneapolis Community Development Agency of the Common Development and Redevelopment Project (the Common Project Area) and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the Common Plans) relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.03. It has been proposed that the Agency modify the Common Plans to reflect new project activities and costs, the designation of property that may be acquired, the establishment of the Phillips Park Project Tax Increment Finance District, and modification of the Model City Urban Renewal Plan to change the boundary by deleting a portion of the project area; all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.04. The Agency has caused to be prepared, and this Council has investigated the facts with respect to a proposed Modification No 51 to the Common Development and Redevelopment Plan

and Common Tax Increment Finance Plan (Phillips Park Project) (together, the Plans), including an expansion to the Common Project and the creation of a new tax increment district, and a proposed Modification No 17 to the Model City Urban Renewal Plan, describing more precisely the activities to be undertaken, public costs, the designation of property that may be acquired, and the identification of a budget for expenditures, within the Common Project Area, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.05. The Agency has caused to be prepared, and this Council has investigated the facts with respect to a proposed Modification No 17 to the Model City Urban Renewal Plan, describing more precisely the property to be deleted from the Model City Project Area, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

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

1.07. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect new project activities and costs in the Common Project Area and the boundary change in the Model City Urban Renewal Project Area.

Section 2. Findings for the Adoption of the Plans.

2.01. The Council hereby finds, determines and declares that Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Common Project Area and TIF District by private enterprise as the proposed

development or redevelopment eliminates the blighting influences of obsolete, blighted, and deteriorating substandard structures requiring substantial renovation or clearance, and exhibiting deficiencies in other categories, and redevelops the area by combining the construction of new housing and renovation to produce approximately 45 units of single family, duplex, townhome, apartment, and condominium housing on the property lying within the boundaries of the TIF District.

2.02. The Council further finds, determines and declares that the proposed development or redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and the use of tax increment financing is deemed necessary, as the land in the project area would not be made available for redevelopment without the financial aid to be sought. Further, the private redevelopment of the property included in the TIF District could not occur without public participation and financial assistance, due to the high cost of property acquisition and site preparation, including relocation and demolition, for the existing blighted properties in that the impact of these costs upon the feasibility of new private development or rehabilitation, as well as extraordinary project costs that necessitate the use of a land write down in order to facilitate the recycling of this site for redevelopment, and because of the location of the project, and the impact of the adjacent neighborhood conditions on the fair market value of the new housing that will be developed, the initial sales price of the new units will not cover their cost of development. These findings are bolstered by the conclusions contained in the market study prepared by Maxfield Associates which determined that a substantial public subsidy is necessary to develop owner-occupied housing in the Phillips Park Project. Furthermore, no residential building permits have been applied for in the Phillips Park Project other than for low-moderate income housing developments assisted by the Agency, the Minnesota Housing Finance Agency and other local public agencies. Homeownership is necessary to stabilize this generally transient area. Therefore, an additional public subsidy is necessary to fill this gap in the development costs, and will be paid for with other public grants and funding sources; and the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result

from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the Plans.

2.03. The Council further finds, determines and declares that the property to be included in the TIF District consists of property that qualifies for inclusion in a redevelopment district and is blighted and the buildings are substandard, as defined in Minnesota Statutes, Section 469.002, Subdivision 11 and Section 469.174, Subdivision 10; that the tax increment financing district to be established meets the criteria of a Redevelopment District as defined therein, based upon detailed and documented parcel-by-parcel interior and external inspections of the properties to be included in the TIF District; and that the reasons and supporting facts for these determinations are retained and available from the Agency.

2.04. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and Sections 469.174 through 469.179, as amended.

2.05. The Council further finds, determines and declares that the municipality elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3 (a), and that it is the intent of the City and Agency that the entire fiscal disparity contribution required of the City for development occurring within this District be taken from outside this District.

2.06. The Council further finds, determines and declares that the municipality elects to make the qualifying local contribution to project costs required pursuant to Minnesota Statutes, Section 273.1399, thereby exempting the City from the State Aid Offset (LGA/HACA penalty) on the TIF District.

2.07. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve Modification No 51 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan (Phillips Park Project), and Modification No 17 to the Model City Urban Renewal Plan.

Section 3. Approval of the Plans.

3.01. Based upon the findings set forth in Section 2 hereof, the Plans presented to the

Council on this date, are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans.

4.01. The officers and staff of the City and the Agency, and the Citys and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Schulstad.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P- Your Committee recommends concurrence in the recommendation of the Planning Commission denying the petition of Patrick Mulroy (P-1019) to rezone property at 4321 and 4325 Nicollet Av S from B2S-2 to the B3S-2 District to permit a motor vehicle body shop and accessory parking lot, but in lieu thereof, granting a rezoning on Lot 17 (4325 Nicollet Av S) to the B3S-2 District and granting a rezoning on Lot 18 (4321 Nicollet Av S) to the B3SP-2 District, and that the accompanying amendment to the Zoning Ordinance be passed (63699).

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Schulstad.

Passed September 26, 1997.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

ORDINANCE 97-Or-081

By Scott

1st & 2nd Readings: 9/26/97

Amending Title 20, Chapter 536 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 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 17, Block 2, Edwin Phillips Addition to Minneapolis (4325 Nicollet Av S - Plate 31) to the B3S-2 District;

B. That part of Lot 18, Block 2, Edwin Phillips Addition to Minneapolis (4321 Nicollet Av S - Plate 31) to the B3SP-2 District.

Adopted. Yeas, 11; Nays none.

Absent - Thurber, Schulstad.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Passed September 26, 1997. J. Cherryhomes, President of Council.

Approved October 2, 1997. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Campbell moved that when this Council adjourns it adjourns to Wednesday, October 1, 1997, at 9:30 a.m. in Room 317 and that such meeting is hereby declared to be an adjourned session of the regular meeting of September 26, 1997. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.

Adjourned.

MERRY KEEFE,
City Clerk.
97-9255

NEW BUSINESS

a) Scott was granted unanimous consent to introduce an Ordinance repealing Chapter 581 of Title 21 relating to **Interim Ordinances: Providing for a moratorium on the establishment or expansion of residential, commercial and industrial uses in the area bounded by the Mississippi River, Central Avenue, Burlington Northern Railroad tracks on Second Avenue NE, proceeding East from the Mississippi River to a point where the tracks and Central Avenue intersect in the East Hennepin Study Area**, which was given its first reading.

b) Scott was granted unanimous consent that said ordinance be given its second reading for amendment and passage.

ORDINANCE 97-Or-082

By Scott

1st & 2nd Readings: 9/26/97

Repealing Chapter 581 of the Minneapolis Code of Ordinances relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of residential, commercial and industrial uses in the area bounded by the Mississippi River, Central Avenue, Burlington Northern Railroad tracks on Second Avenue NE, proceeding East from the Mississippi River to a point where the tracks and Central Avenue intersect in the East Hennepin Study Area.

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

Section 1. That Chapter 581 of the above-entitled ordinance be and is hereby repealed.

Adopted. Yeas, 12; Nays none.

Absent - Thurber.