

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

### FEBRUARY 6, 1998

(Published February 14, 1998,  
in Finance and Commerce)

Council Chamber  
Minneapolis, Minnesota

February 6, 1998 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Colvin Roy, Herron, Mead, Minn, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, President Cherryhomes.

Campbell moved approval of the minutes of the regular meeting of January 23 and the adjourned closed session held January 28, 1998. 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 (263462)

Alcenat, Phito; Antonuccio, Caroline J; Berglund, Alexander L sub State Farm Ins Co; Bobnick, Mark A; Borgers, Connie; Brooks, Jesse L (2); Carlisle, James D, Tonya Baugh & Melissa Ervine Laird & Atty Nancy K Olkon; Cimbura, Elias A; Conway, Jane F; Cragun, Louise/Diagnostic Imaging Associates; Cragun, Louise/St. Joseph's Medical Center; Cragun, Louise/St. Joseph's Medical Center (2); Gupta, Anne; Dgebuadze, Alexander A; Ellringer, Maurice & Donna & Atty Frederick J Goetz; Fraley, Geraldine R/Hennepin County Medical Ctr; Gardner, Zlager; Hain, Robert C Jr;

Hannay's Inc; Hennen, Laurie; Howard, Viola May; Iverson, Irene; Jones, Alan R; Kahnert, Barbara L; Karow, Maren E; Kaufman, Kenneth; Klein, Eugene; Knopke, Stephanie Anne; Lee, Kou; Lore, Dawn C; Marcaccini, Deryk Guido Paul; Pemberton, Martin; Pope, Gregory (2); Rickmyer, Peter; Robertson, Rochelle L; Sands, Mary H; Sazo, Hipolito; Scheller, Greg; Scroggins, Sherrita; Shanke, Joel David; Taylor, James D; Todd Mittelstadt & Atty Paul T Eidsness; Trinh, Baonga; Tuey, Michelle; Walsh, Betty Jean; Wei, Min; Wirtz, Ronald A.

##### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (263463)

Jones-Harrison Nursing Home/Health Care Facility (3700 Cedar Lake Av): Final approval to issue \$6,500,000 Tax-exempt Refunding Bonds for Series 1991 Bonds & Issuance of up to \$3,500,000 of new Tax-exempt Revenue Bonds. Exchange Charities, Inc (1011 Washington Av S): Final approval to issue \$670,000 Tax-Exempt Industrial Development Revenue Bonds. Capital Acquisition Loan Fund: Approval of final phase of program & appropriate \$250,000.

PLANNING COMMISSION/DEPARTMENT  
(263464)

Nokomis East Neighborhood Assn:  
Authorization to solicit Request for Proposals for Nokomis East Streetscape Design.

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

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (263465)

Modifications: West Side Milling District:  
Modification No. 53 to Common Development & Redevelopment & Common Tax Increment

Financing Plan (TIF), Modification Nos. 9 & 10 to Industry Square Redevelopment & West Side Milling District Tax Increment Financing Plan & Hazardous Substance Subdistrict Plan, w/Attachments; Rosacker Nursery Site: Modification No. 54 to Common Development & Redevelopment & Common TIF Plan, Modification No. 1 to Rosacker Nursery Site TIF Plan, w/Attachments.

**INTERGOVERNMENTAL RELATIONS:**

MINNEAPOLIS EMPLOYEES  
RETIREMENT FUND (263466)

Proposed legislation: MERF: Request support increased survivor benefits package. Finance Dept: Recommend support.

**INTERGOVERNMENTAL RELATIONS**

**(See Rep):**

COMMUNICATIONS (263467)

Proposed Legislation: Request support bill exempting from sales tax the creative services that go into making television commercials.

LIAISON/FEDERAL, LOCAL AND STATE  
(263468)

Proposed legislation: Clarifying responsibility for compensating innocent third parties whose property is damaged by law enforcement officers (HF 2535). Creating a fund for local economic redevelopment (SF 2409). Appropriating money for grants for gang prevention and intervention (SF 2419). Dedicating sales tax on motor vehicles to transportation improvement fund (SF 2614).

**PUBLIC SAFETY AND REGULATORY**

**SERVICES:**

FIRE DEPARTMENT (263469)

Fire/Arson Investigation Unit: Final report issued by TriData Corporation in review of how Minneapolis conducts fire/arson investigations; and Recommendations for improvement and efficiency in conducting investigations.

**PUBLIC SAFETY AND REGULATORY**

**SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT  
SERVICES (263470)

1998 Immunization Action Plan: Execute contract with Hennepin County for implementation of plan during period 1/1/98 through 3/31/99 to improve immunization status of children in Minneapolis.

INSPECTIONS / BOARD OF ADJUSTMENT  
(263471)

Rental Dwelling License for Robert Knox, 2620 Emerson Av N: Approve reinstatement of license for property. Raze Buildings: Authorize remove and raze 2101 5th Av S; 2319 10th Av S; 2742 14th Av S.

LICENSES AND CONSUMER SERVICES

(263472)

Licenses: Applications. Tax Delinquency for Curly's Cafe & Restaurant, 1540-42 E Lake St: Revoke Restaurant License and discontinue business within City until receiving tax clearance certificate.

LICENSES AND CONSUMER SERVICES

(263473)

West Lynx, Inc, dba Wolfie's Gentlemen's Club, 23 Sixth St N: Call-In Hearing Transcript. (See PS&RS rep of 12/30/97)

**PUBLIC SAFETY AND REGULATORY**

**SERVICES and WAYS & MEANS/BUDGET**

**(See Rep):**

FIRE DEPARTMENT (263474)

Federal Emergency Management Agency/ State and Local Assistance Program: Award grant to Office of Emergency Preparedness for fiscal year 10/1/96 through 9/30/97.

LICENSES AND CONSUMER SERVICES

(263475)

Multi-jurisdictional Taxicab Study: Submit grant application to Minnesota Department of Administration, in conjunction with Cities of St Paul, St Louis Park and Bloomington and Metropolitan Council and Metropolitan Airports Commission, to study regulation of taxicabs and service in metropolitan area.

POLICE DEPARTMENT (263476)

Bomb Disposal Services: Execute Joint Powers Agreement with State of Minnesota to provide Bomb Squad services to communities throughout State, effective until 6/30/99.

PURCHASING (263477)

Bid: OP #4780, accept only bid of North Central Instruments for comparison microscope for Police Department.

**TRANSPORTATION AND PUBLIC WORKS**

**(See Rep):**

PUBLIC WORKS AND ENGINEERING  
(263478)

Grade Crossing Improvements at E 27th St & 27th Av S: Authorize submission of variance

request to MnDOT and enter hold harmless agreement so the City can be reimbursed for improvements.

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

**(See Rep):**

**PUBLIC WORKS AND ENGINEERING  
(263479)**

Traffic Signal at 5th St SE & 17th Av SE: Approve installation of permanent signal to be funded by the University of Minnesota. East Calhoun Neighborhood Traffic Management Plan: Approve supplemental agreement to contract with SRF Consulting Group to provide for NRP plan modifications recommended by neighborhood. Residential Paving Program Supplemental Appropriation: Receive funds from City of Brooklyn Center for street construction costs at Xerxes Av N & 53rd Av N.

**WATER DEPARTMENT (263480)**

Relocation of Water Facilities (Hiawatha Av from E 24th St to Lake St): Authorize execution of agreement with MnDOT to provide for relocation of water mains. Deer Herd Management Plan for Fridley Water Plant Area: Authorize hold harmless agreement with the City of Fridley to allow for implementation of herd reduction plan.

**WAYS AND MEANS BUDGET:**

**MAYOR (263481)**

Mayor's Contingency Fund Report: Receive & File.

**PURCHASING (263482)**

Staff Purchasing Letters: Receive & File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (263483)**

Settlements: Approve payment to Conrad Roberts & his attorney; Kevin Shawn Gordon & his attorney; Terrence Lundeby & his attorney; John Arvid Sjogren & his attorney. Workers Compensation Settlement: Claim of Kenneth Wadnizak. Neighborhood Restorative Justice Program: Authorize add 1.0 Community Mediator position & 1.0 Legal Assistant position for Criminal Division of City Attorney's Office.

**COORDINATOR (263484)**

Convention Center Completion Project: Contract w/Minneapolis Convention Center Design Group. Minneapolis Trolley Project:

Accept funds from Minnegasco & negotiate w/Federal Transit Administration. Additional 1997-1999 Minnesota Weed & Seed Program Funds: Accept grant for Northside Weed & Seed site. Additional 1997-1999 Minnesota Weed & Seed Program Funds: Accept grant for Central Weed & Seed site.

**FINANCE DEPARTMENT (263485)**

Overtime/Compensatory Time: Authorize accrue above-established limit for Utility Billing Customer Information System Implementation Group.

**HEALTH AND FAMILY SUPPORT  
SERVICES (263486)**

Health Care Services: Contract w/Fremont Community Health Services, Inc; & Fund Availability Notices to Greater Metropolitan Day Care Association & Early Childhood Education.

**HUMAN RESOURCES (263487)**

Pay Equity Report: Authorize submit to State.

**NEIGHBORHOOD SERVICES  
DEPARTMENT (263488)**

Fund Availability Notices: Issue to Loring Nicollet Bethlehem Community Centers, Inc; & Minnesota Department of Economic Security. Dislocated Worker Program: Modify Grant #7101700 & modify Minnesota Department of Economic Security Fund Availability Notices.

**PUBLIC WORKS AND ENGINEERING  
(263489)**

Impound Towing Contracts: Increase contract w/Shorty's Heavy Duty Wrecker Service, Inc.

**ZONING AND PLANNING:**

**PLANNING COMMISSION/DEPARTMENT  
(263490)**

Work Plan.

**ZONING AND PLANNING (See Rep):**

**CITY CLERK/SPECIAL PERMITS (263491)**

Irving & Fifth Avs N (Donald Beilinski/Special School District No 1) building permit for construction of new Harrison School pending vacation.

**PLANNING COMMISSION/DEPARTMENT  
(263492)**

Rezoning: Martha Head, Dairy Queen franchisee: 4740 Minnehaha Av from B2S-1 and R2B to the B3S-3 District, w/comments of

Longfellow Community Council; Powderhorn Park Neighborhood Association: 3129 Chicago Av from R2B to the B1-1 District.

Zoning Code Text Amendment: Ordn amending Title 20, Section 540.1970, further defining public safety facility as a conditional use in the B4C District.

Vacation: Wm Kamman application to vacate Linden Av in block bounded by 11th & 12th Sts & Hawthorne & Chestnut Avs to clear title of warehouse in right-of-way of a "paper" street.

**MOTIONS (See Rep):**

ATTORNEY (263493)

Workers' Compensation: Pmts to City employees.

**FILED:**

CITY CLERK / SPECIAL PERMITS (263494)

29th Av S, 3412 (Steve Lanier) waive full basement requirement; Hennepin Av, 900 (Michele Adair) tent; Portland Av S, 3942 (Ned Abul-Hajj) waive full basement requirement; West Broadway, 900 (Attracta Sign) sign.

FINANCE DEPARTMENT (263495)

Investment Management System & Reconciliation Report thru December 31, 1997.

FINANCE DEPARTMENT (263496)

Schedule of Self-supporting Revenue Bonds & Schedule of General Obligation Bonded Debt for 12/31/97 & 1/31/98.

MAYOR (263497)

Letter appointing Terrell Towers to the Minneapolis Private Industry/Workforce Council (MPI/WC).

MINNESOTA STATE OFFICES (263498)

Management & Compliance report for year ended 12/31/96.

MINNESOTA STATE OFFICES (263499)

Copy of the Management & Compliance Report for the Mpls Youth Coordinating Board, 12/31/96.

Copy of the Annual Financial Report for the Mpls Youth Coordinating Board, 12/31/96.

NORTHERN STATES POWER (NSP) (263500)

Utilities: Authorize place poles at various locations.

**REPORTS OF  
STANDING COMMITTEES**

**The COMMUNITY DEVELOPMENT**

Committee submitted the following reports:

**Comm Dev** – Your Committee, having under consideration the refunding of up to \$6,500,000 in Tax-Exempt Refunding Bonds issued in 1991 and the issuance of up to an additional \$3,500,000 of new Tax-Exempt Revenue Bonds, at an interest rate not to exceed 6.75 percent, for construction and updating of the Jones-Harrison Residence, a non-profit corporation providing care for the elderly at 3700 Cedar Lake Av, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting final approval of the issuance and sale of up to \$10,000,000 Health Care Facilities Revenue Bonds for said project.

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

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution No. 98R-022, providing for the issuance and sale of up to \$10,000,000 Health Care Facilities Revenue Bonds (Jones-Harrison Residence Project, 3700 Cedar Lake Av), Series 1998 and authorizing execution and delivery of various documents, was passed February 6, 1998 by the City Council and approved February 12, 1998 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 98R-022  
By Niland**

**Providing for the issuance and sale of up to \$10,000,000 Health Care Facilities Revenue Bonds (Jones-Harrison Residence Project), Series 1998 and authorizing execution and delivery of various documents.**

Resolved by The City Council of The City of Minneapolis:

1. **Authority.** This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165 and Chapter 462C, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing and refinancing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act. The housing program and application to the Commissioner of Trade and Economic Development are hereby approved. The application to the Commissioner of Trade and Economic Development shall be submitted to the Commissioner in substantially the form on file.

2. **Authorization of Bonds.** The City hereby determines that it is necessary and expedient to authorize, and the City does hereby authorize, the issuance and sale of the City's Health Care Facilities Revenue Bonds (Jones-Harrison Residence Project), Series 1998 (the "Series 1998 Bond" or the "Bonds") pursuant to the Act to provide money to be loaned to Jones-Harrison Residence, a Minnesota nonprofit corporation (the "Borrower") in the aggregate principal amount of up to Ten Million Dollars (\$10,000,000) to refund the City's outstanding Health Care Facilities Revenue Bonds (Jones-Harrison Residence Project), Series 1991 (the "Series 1991 Bonds") and to finance costs of constructing an aquatic, wellness and rehabilitation center, retrofitting portions of the nursing home facilities and renovating or providing additional assisted living units (the "Project") to be owned and operated by the Borrower.

3. **Documents Presented.** Forms of the following documents relating to the Bonds and the Project have been prepared or reviewed by Faegre & Benson LLP as bond counsel, and submitted to the City and are now on file in the office of the City Clerk:

(a) Loan Agreement (the "Loan Agreement") dated as of February 1, 1998, between the City and the Borrower, whereby the City agrees to make a loan of the proceeds of the Bonds to the Borrower to refund the Series 1991 Bonds and finance the Project and the Borrower agrees to pay amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds;

(b) Trust Indenture (the "Trust Indenture") dated as of February 1, 1998, between the City and First Trust National Association (the "Trustee"), as Trustee, pledging the revenues to be derived from the Loan Agreement as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(c) Combination Mortgage, Security Agreement, and Fixture Financing Statement (the "Mortgage"), dated as of February 1, 1998, between the Borrower, as Mortgagor, and the City, as Mortgagee, by which the Mortgagors grant a mortgage lien on and security interest in the Project facilities, as further security for the payment of the Bonds and the performance of the Borrower's obligations under the Loan Agreement (this document not to be executed by the City);

(d) Assignment of Mortgage (the "Mortgage Assignment") dated as of February 1, 1998 whereby the City assigns its interest in the Mortgage to the Trustee.

(e) Assignment of Rents and Leases (the "Assignment"), dated as of February 1, 1998, from the Borrower to the Trustee, by which the Borrower assigns the rents and leases of the Project facilities to secure the payment of the Bonds and the performance of the Borrower's obligations under the Loan Agreement (this document not to be executed by the City);

(f) Bond Purchase Agreement (the "Bond Purchase Agreement") among the City, the Borrower and Dougherty Summit Securities LLC (the "Underwriter"); and

(g) Preliminary Official Statement (the "Preliminary Official Statement"), from which an Official Statement pertaining to the Bonds will be generated (this document and the Official Statement not to be executed by the City).

4. **Findings.** It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act.

(b) The City held a public hearing on January 23, 1998 relating to the Project, and in the opinion of bond counsel, based on representations of the Borrower, the Series 1998 Bonds will be qualified Section 501(c)(3) bonds within the meaning of Section 145 of the Code the interest on which will be exempt from Federal income tax.

(c) The representations of the City in Section 2.01 of the Indenture are true and correct.

(d) The Loan agreement provides for payments by the Borrower to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of and interest on the Bonds when due. The Loan Agreement obligates the Borrower to provide for the operation and maintenance of the Project Facilities, including adequate insurance, taxes and special assessments. The Loan Agreement further provides for the payment of fees to the City as set forth therein.

(e) The Borrower has approved and requested the City to accept the proposal of the Underwriter to purchase the Bonds on the terms set forth herein and in the Bond Purchase Agreement, and the proposal appears feasible and reasonable.

(f) The Bonds are, and are hereby designated to be, program bonds as defined in Resolution No. 88R-021 of the City Council adopted January 29, 1988.

(g) Under the provisions of Section 469.162 of the Act and as provided in the Loan Agreement and Trust Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no holders of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall never constitute an indebtedness of the City, within the meaning of any constitutional, statutory or charter limitation and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and each Bond issued under the Trust Indenture shall recite that the Bond, including interest thereon, shall not constitute nor give rise to a charge against the general credit or taxing powers of the City and does not grant to the owner or holder of any Bond the right to have the City levy taxes or appropriate any funds for the payment of principal thereof or the interest or premium, if

any, thereon and the Bond is not a general obligation of the city or individual officers or agents thereof.

**5. Approval and Execution of Documents.** The forms of Indenture, Loan Agreement, Bond Purchase Agreement and Mortgage Assignment referred to in paragraph 3 are approved and upon approval of the Project by the Commissioner of Trade and Economic Development shall be executed in the name and on behalf of the City by the Mayor and attested by the Clerk and Finance Officer or the officers authorized to act on behalf of the foregoing officers, in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof. The Bonds shall be executed as provided by the Indenture. Such approval is conditioned on the average interest rate on the Bonds not exceeding 6.75% per annum.

**6. Certifications.** The officers of the City are authorized and directed to prepare and furnish to Faegre & Benson LLP, bond counsel, to the Borrower, to the Underwriter and to counsel for the Borrower and the Underwriter, certified copies of all proceedings and records of the City relating to the Project and the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the trust of all statements contained therein.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee recommends that the proper City officers be authorized to solicit Request for Proposals for the Nokomis East Streetscape Design, as part of the Nokomis East Neighborhood Association's Neighborhood Revitalization Program First Step Action Plan.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee recommends passage of the accompanying resolution amending Resolution No. 97R-307, entitled “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”, to reflect receipt of written comments of the City Planning Commission.

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

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-023**

**By Niland**

**Amending Resolution No 97R-307 entitled “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”, passed September 26, 1997.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recital**

1.01. That the Minneapolis City Council (the “Council”) and the Minneapolis Community Development Agency (the “Agency”) approved by resolutions number 97R-307 and 97-1707M respectively, 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 (the “Plans”) which provided for the expansion of the Common Plan and the creation of a new tax increment financing district; as well as the removal of a portion of the project area from the Model City Urban Renewal Project Boundary; 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.

1.02. That the Council approved the resolution 97R-307 on September 26, 1997 and deleted the section now known as 2.01 hereof until such time as the City Planning Commission issued its written comments on the proposed Plans.

**Section 2. Finding**

2.01. The Council finds, determines and declares that Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued on October 8, 1997, are incorporated herein by reference, and are on file in the office of the City Clerk as Petition No. 263147.

**Section 3. Approval**

3.01. Based upon the finding set forth in Section 2 hereof, the amended resolution and Petition No. 263147 presented to the Council on this date, are hereby approved and shall be placed on file in the office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes,  
President of Council.

Approved February 12, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration the matter of issuing up to \$670,000 Tax-Exempt Industrial Development Revenue Bonds to finance the acquisition and rehabilitation of 1011 Washington Av S for Exchange Charities, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting final approval of the issuance and sale of \$625,000 Industrial Development Revenue Note, Series 1998 and authorizing the execution of documents relating thereto.

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

Niland moved to amend the report by substituting the figure “\$625,000” with “\$640,000” and substituting the word “Bonds” for “Note.” Seconded.

Adopted upon a voice vote.

Niland further moved to substitute a new resolution for the above-mentioned resolution. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 9, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published February 11, 1998)

Resolution No. 98R-024, authorizing the issuance of Industrial Development Revenue Bonds to finance the project of Exchange Charities, Inc., 1011 Washington Av S, pursuant to Minnesota Statutes, Sections 469.152 through 469.165, and authorizing the execution of various documents in connection therewith, was passed February 6, 1998 by the City Council and approved February 9, 1998 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 98R-024**  
**By Niland**

**Authorizing the issuance of Industrial Development Revenue Bonds to finance the project of Exchange Charities, Inc., pursuant to Minnesota Statutes, Sections 469.152 through 469.165, and authorizing the execution of various documents in connection therewith.**

Whereas, the City Council of the City of Minneapolis (the "Issuer") acting through the Minneapolis Community Development Agency (the "MCDA") previously received from Exchange Charities, Inc., a Minnesota nonprofit corporation, (hereinafter referred to as the "Company"), a request that the Issuer assist in financing the acquisition and renovation of a 50,396 square foot office facility (the "Project"), pursuant to Chapter 469 of the Minnesota Statutes through the issuance by the Issuer of its \$640,000 Industrial Development Revenue Bonds (Exchange Charities, Inc. Project); and

Whereas, pursuant to notice published in advance as required by state and federal law, a public hearing was held on December 15, 1997 before the Issuer on the proposal of the Company to finance the Project by the issuance of Bonds by the Issuer, at which hearing all those who desired to speak were heard, and in connection with which written comments were taken in advance; and

Whereas, the Issuer gave preliminary approval to the issuance of the Bonds on December 15, 1997 by adopting a preliminary resolution (the "Preliminary Resolution") on such date, following such public hearing and authorized the MCDA to proceed with processing all matters relating to issuance of Bonds to finance the Project;

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

1. The Issuer has received a proposal from the Company that the Issuer undertake to finance the Project through the issuance by the Issuer of its \$640,000 Industrial Development Revenue Bonds, Series 1998 (Exchange Charities, Inc. Project) (the "Bonds").

2. It is proposed that, pursuant to a Loan Agreement dated as of February 1, 1998, between the Issuer as Lender and the Company as Borrower (the "Loan Agreement"), the Issuer loan the proceeds of the Bonds to the Company to pay for the cost of acquiring and renovating the Project and to pay certain costs incurred in issuing the Bonds. The loan repayments (the "Basic Payments") to be made by the Company under the Loan Agreement are fixed so as to produce revenues sufficient to pay the principal of, premium, if any, interest on, and the purchase price of the Bonds when due. It is further proposed that the Issuer assign its rights to the Basic Payments and certain other rights under the Loan Agreement to Norwest Bank Minnesota, National Association, in Minneapolis, Minnesota (the "Trustee") as security for payment of the Bonds under an Indenture of Trust dated as of February 1, 1998 (the "Indenture") between the Issuer and the Trustee. Pursuant to the Indenture, the Company will grant a first mortgage and security interest in the Project and the premises on which the Project is located to the Issuer pursuant to a Mortgage, Security Agreement and Fixture Financing Statement and Assignment of Leases and Rents dated as of February 1, 1998 (the "Mortgage") which

Mortgage interest shall be assigned by the Issuer to the Trustee, for the benefit of the Bondholders.

The Bonds will be purchased from the Issuer pursuant to a Bond Purchase Agreement dated on February 1, 1998 (the "Bond Purchase Agreement") by and between the Company, the Issuer and Miller & Schroeder Financial, Inc. (the "Purchaser").

3. The findings of the Issuer made in the Preliminary Resolution with respect to the Project and the Bonds are hereby ratified, affirmed and approved.

4. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the Issuer for this purpose. The Bonds and interest thereon shall not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory limitation and shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers and neither the full faith and credit nor the taxing powers of the Issuer is pledged for the payment of the Bonds or interest thereon.

5. Forms of the following documents have been submitted to the Issuer for review and/or approval:

- (a) The Loan Agreement.
- (b) The Indenture.
- (c) The Bond Purchase Agreement.
- (d) The Mortgage.

6. It is hereby found, determined and declared that:

- (a) the Project described in the Loan Agreement and Indenture referred to above constitutes a Project authorized by the Act;
- (b) the Project is located within the jurisdictional limits of the Issuer;
- (c) the issuance and sale of the Bonds, the execution and delivery by the Issuer of the Loan Agreement and the Indenture, and the performance of all covenants and agreements of the Issuer contained in the Loan Agreement, Indenture and the Mortgage, and of all other acts and things required under the constitution and laws of the State of Minnesota to make the Loan Agreement, Indenture and Bonds valid and binding obligations

of the Issuer in accordance with their terms, are authorized by the Act;

- (d) it is desirable that the Company be authorized, in accordance with the provisions of the Act and subject to the terms and conditions set forth in the Loan Agreement, which terms and conditions the Issuer determines to be necessary, desirable and proper, to complete the financing of the Project;
- (e) it is desirable that the Bonds be issued by the Issuer upon the terms set forth in the Indenture;
- (f) the Basic Payments under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of any required principal of, premium, if any, and interest on the Bonds issued under the Indenture when due, and the Loan Agreement, Indenture and Mortgage also provide that the Company is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement and Indenture;
- (g) under the provisions of the Act, and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from or charged upon any funds other than the revenues pledged to the payment thereof; neither the MCDA nor the Issuer is subject to any liability thereon; no holder of any Bonds shall ever have the right to compel any exercise by the MCDA or the Issuer of its taxing powers to pay any of the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the MCDA or the Issuer except the interests of the Issuer in the Loan Agreement which have been assigned to the Trustee under the Indenture; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the MCDA or the Issuer

except the interests of the Issuer in the Loan Agreement which have been assigned to the Trustee under the Indenture; the Bonds shall recite that the Bonds are issued without moral obligation on the part of the State or its political subdivisions, and that the Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Bonds shall not constitute a debt of the MCDA or the Issuer within the meaning of any constitutional or statutory limitation; and

- (h) a public hearing on the Project was duly held by the Issuer on December 15, 1997.

7. Subject to the approval of the City Attorney and appropriate MCDA staff, and the provisions of paragraph 9 hereof, the forms of the Loan Agreement, the Indenture, the Mortgage and the Bond Purchase Agreement and exhibits thereto are approved substantially in the forms submitted and on file in the office of the City Clerk, with such subsequent changes as may be approved by the City Attorney and the MCDA staff. The Loan Agreement, the Indenture, the Mortgage and the Bond Purchase Agreement, in substantially the forms submitted, are directed to be executed in the name and on behalf of the Issuer by the Mayor and the City Manager and attested to by its Clerk. Any other documents and certificates necessary to the transaction herein described shall be executed by the appropriate Issuer officers. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in said Loan Agreement and Indenture.

8. Subject to approval of final forms of the Loan Agreement, the Indenture, the Mortgage and the Bond Purchase Agreement by the City Attorney and Issuer staff, the Issuer shall proceed forthwith to issue its Bonds, in the form and maturities and upon the terms set forth in the Indenture. The offer of the Purchaser to purchase the Bonds at par at an interest rate not to exceed 8.00% per annum is hereby accepted. The Mayor, Manager and Clerk and other officers of the Issuer are authorized and directed to prepare and execute the Bonds as prescribed in the Indenture and to deliver the Bonds to the Trustee for authentication and delivery to the Purchaser.

9. The Mayor, Manager and Clerk and other officers of the Issuer are authorized and directed to prepare and furnish to the Purchaser certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements contained therein.

10. The approval hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate, such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City Attorney, appropriate Issuer staff and the Issuer officials authorized herein to execute said documents prior to their execution, and includes approval of such related instruments as may be required to be executed in connection with the various documents referred to above; and said City Attorney, Issuer officials and Issuer staff are hereby authorized to approve said changes and related instruments on behalf of the Issuer. The execution of any instrument by the appropriate officer or officers of the Issuer herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Mayor, Manager or Clerk, any of the documents authorized by this resolution to be executed by them may be executed by the Acting Mayor, Acting Manager or Acting Clerk, respectively, or by any other duly designated acting official.

11. It is understood and agreed that the Company shall indemnify the MCDA and the Issuer against all liabilities, losses, damages, costs and expenses (including attorney's fees and expenses incurred by the MCDA and the Issuer) arising with respect to the Project or the Bonds, as provided for and agreed to by and between the Company and the Issuer in the Loan Agreement.

12. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program"

and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988.

Adopted by the Issuer on February 1, 1998.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 9, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration the pilot phase of the Capital Acquisition Loan Fund (CAL), a program designed to provide small commercial acquisition financing to promote community development, which will involve a partnership between the Minneapolis Community Development Agency (MCDA) and the Community Reinvestment Fund (CRF), a non-profit organization that provides a secondary market for community development loans, now recommends –

a) Approval of the CAL Program Plan for the pilot phase, to be funded at a level of \$250,000 in 1998, as set forth in Petition No. 263463;

b) Passage of the accompanying resolution increasing the FNA (Neighborhood Development Account) Fund appropriation by \$250,000 from available fund balance;

c) That this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-025**

**By Niland**

**Amending The 1998 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 FNA (Neighborhood Development Account) by \$250,000 from available fund balance.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev & W&M/Budget** – Your Committee, having under consideration Modification No 53 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, Modification No. 9 to the Industry Square Redevelopment Plan, and Modification No. 10 to the Industry Square Redevelopment Plan, dated December 26, 1997, all related to the West Side Milling District Tax Increment Finance Plan, as set forth in Petn No 263465, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the West Side Milling District Tax Increment Finance and Hazardous Substance Subdistrict Plan and adopting said Modifications.

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

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-026**  
**By Niland and Campbell**

**Adopting Modification No 9 to the Industry Square Redevelopment Plan in order to remove parcels from the existing Industry Square Tax Increment Financing district; adopting Modification No 10 to the Industry Square Redevelopment Plan, Modification No 53 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, and the West Side Milling District Tax Increment Finance and Hazardous Substance Subdistrict Plan in order to designate property that may be acquired, authorize public redevelopment activities and expenditures to assist the West Milling District Project, and establish a new redevelopment tax increment financing district and hazardous substance subdistrict.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals.**

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended; and the Minneapolis Code of Ordinances, Chapter 422, as amended (the "Agency Laws"); the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, 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; and Laws of Minnesota 1971, Chapter 677 (the "Project Laws").

1.2. By Resolution duly adopted on August 31, 1973 and subsequent resolutions, the City approved the creation of the Industry Square Redevelopment Project and the adoption of the Industry Square Redevelopment Plan, as modified. The Industry Square Redevelopment Project is included within the Common Project Area.

1.3. 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.

1.4. It has been proposed that the Agency modify the Industry Square Redevelopment Plan to remove four parcels from the existing Industry Square Tax Increment Financing District and further modify the Industry Square Redevelopment Plan and the Common Plans to authorize public redevelopment activity to assist the West Side Milling District Project, and provide the legal authority for the creation of a new redevelopment tax increment financing

district and hazardous substance subdistrict, and to reflect the identification of additional property that may be acquired and increased project costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

1.5. The Agency has prepared, and this Council has investigated the facts with respect to a proposed Modification No 9 and 10 to the Industry Square Redevelopment Plan, Modification No 53 to the Common Plan, and the West Side Milling District Tax Increment Finance Plan and Hazardous Substance Subdistrict Plan (together, the "Plans"), 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, authorization to establish a new tax increment financing district and hazardous substance subdistrict for this project, and modification of the Industry Square Redevelopment Project and Common Plans to authorize public redevelopment activities and expenditures necessary to assist this project. Anticipated public redevelopment activities include site acquisition, pollution remediation, rehabilitation of historic buildings, public improvements and administrative costs 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.

1.6. 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.

**Section 2. Findings for the Adoption of the Plans.**

2.1. 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 vacant, obsolete, blighted, and deteriorating substandard structures requiring substantial renovation or clearance, and exhibiting deficiencies in other categories, facilitates clean up of a polluted site, and redevelops the area by combining the construction of new housing units and rehabilitation or stabilization of historic structures on the property lying within the boundaries of the TIF District.

2.2. The Council further finds, determines and declares that Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued on February 2, 1998, are incorporated herein by reference, and are on file in the office of the City Clerk as Petition No. 263465.

2.3. 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, pollution cleanup, and site preparation, and historic rehabilitation for the existing blighted properties and the impact of these costs upon the feasibility of new private development or rehabilitation. Therefore, additional public subsidy is necessary 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.

2.4. The Council further finds, determines and declares that the property to be included in the TIF District and Hazardous Substance

Subdistrict consists of property that qualifies for inclusion in a redevelopment district and is blighted and that 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.

2.5. The Council further finds, determines and declares that redevelopment of the property included in the West Side Milling District Hazardous Substance Subdistrict would not reasonably be expected to occur solely through private investment and tax increment otherwise available, that therefore the creation of the hazardous substance subdistrict is deemed necessary.

2.6. The Council further finds, determines and declares that the West Side Milling District Hazardous Substance Subdistrict contains four tax parcels, at least two of which, on the basis of extensive environmental testing and analysis, consultations with the appropriate State and local governmental Agencies empowered to regulate pollution remediation and the disposal of hazardous substances, the preparation of preliminary pollution remediation plans, and redevelopment contract negotiations that include the implementation of these remedial actions, are hereby designated hazardous substance sites; that these parcels are designated for inclusion in the hazardous substance subdistrict prior to the approval of the development action response plan on the basis of the reasonable expectation of the municipality; that the hazardous substance subdistrict will not be certified until the development action response plan has been approved; and that the reasons and supporting facts for these determinations are retained and available from the Agency.

2.7. The Council further finds, determines and declares that the other two parcels included in the West Side Milling District Hazardous Substance Subdistrict, which may or may not be hazardous substance sites, are contiguous to the designated hazardous substance sites, and are expected to be developed, rehabilitated, stabilized, acquired for development purposes,

or remediated together with the designated hazardous substance sites as specified in the Plans.

2.8. The Council further finds, determines and declares that the West Side Milling District Hazardous Substance Subdistrict is not larger than, and the period of time during which increments are elected to be received will not be longer than, that which is necessary to provide for the additional costs to be incurred due to the remediation of the designated hazardous substance sites.

2.9. 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.

2.10. 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 and Hazardous Substance Subdistrict.

2.11. 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 any fiscal disparity contribution required of the City for development occurring within this District and Hazardous Substance Subdistrict be taken from outside this District. The principal development activities anticipated to occur within the District and Subdistrict pursuant to this plan are residential and public cultural facilities, and any commercial property development or rehabilitation will be incidental, additional or subsequent to these uses.

2.12. 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 Nos 9 and 10 to the Industry Square Redevelopment Plan, Modification No 53 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, and the West Side Milling District Tax Increment Finance and Hazardous Substance Subdistrict Plan.

**Section 3. Approval of the Plans.**

3.1. 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.**

4.1. The officers and staff of the City and the Agency, and the City's 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, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration Modification No. 54 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan and Modification No. 1 to the Rosacker Nursery Site Tax Increment Finance Plan, as set forth in Petn No 263465, and having conducted a public hearing thereon, 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.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-027**

**By Niland and Campbell**

**Adopting Modification No 54 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, and Modification No 1 to the Rosacker Nursery Site Tax Increment Finance Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals.**

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended (the "Agency Laws") the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, 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; and Laws of Minnesota 1971, Chapter 677 (the "Project Laws").

1.2. 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.

1.3. By Resolution duly adopted on June 27, 1997 the City approved Modification No 49 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, including the creation of the Rosacker Nursery Site Tax Increment Finance District. The Rosacker Nursery Site is included within the Common Project Area.

1.4. It has been proposed that the Agency modify the Common Plan and the Rosacker Nursery Site Tax Increment Finance Plan to conform with action taken by the MCDA and City Council with regard to internal financing of upfront public costs of the Rosacker Nursery Site Project all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended.

1.5. The Agency has prepared, and this Council has investigated the facts with respect to a proposed Modification No 54 to the Common Plan, and Modification No 1 to the Rosacker Nursery Site Tax Increment Finance Plan (together, the "Plans"), describing more precisely a revision to the description of financing, necessary to assist this project, 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.

1.6. 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 group 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.

1.7. 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 the modification to the existing tax increment finance plan, and the specification of the project costs to be undertaken within and without the Common Project Area.

**Section 2. Findings for the Adoption of the Plans.**

2.1. 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 an obsolete and deteriorating greenhouse complex, and other aging and blighted buildings and replaces them with 32 owner-occupied townhouse dwelling units and a small neighborhood retail center on the property lying within the boundaries of the TIF District.

2.2. The Council further finds, determines and declares that Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the

Planning Commission with respect to the Plans were issued on February 2, 1998, are incorporated herein by reference, and are on file in the office of the City Clerk as Petition No. 263465.

2.3. The Council further finds, determines and declares that the private redevelopment of the property included in the TIF District would not reasonably be expected to occur solely through private investment and tax increment otherwise available within the reasonably foreseeable future based upon the high costs of site preparation for the existing blighted commercial property, including demolition, soil correction and asbestos and other pollution abatement, and the impact of these costs upon the feasibility of new private, residential, owner-occupied townhouse development and neighborhood commercial development; that the estimated costs of preparing the site, demolishing the existing buildings and improving the public infrastructure are higher than what the market for such owner-occupied townhomes and related commercial development will bear based upon the developer's residential and commercial real estate marketing efforts to date and the Agency's estimate of the market value of developable land; it could not be redeveloped to the predominantly residential reuse that has been proposed; 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.

2.4. The Council further finds, determines and declares that the property 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 included in the TIF District; and that the reasons and supporting facts for these determinations are retained and available from the Agency.

2.5. 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.

2.6. 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.

2.7. 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.

2.8. 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 54 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan, and Modification No 1 to the Rosacker Nursery Site Tax Increment Finance Plan.

**Section 3. Approval of the Plans.**

3.1. 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.**

4.1. The officers and staff of the City and the Agency, and the City's 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, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** – Your Committee, having under consideration proposed legislation which would provide a benefit increase and an automatic cost-of-living provision for 116 survivors of Minneapolis Employees Retirement Fund members who died while still actively employed and with less than 20 years of service, now recommends that the City endorse the legislation and assign it an E priority. (Petn No 263466)

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee, having under consideration an initiative at the Legislature to exempt from the sales tax the creative services that go into the making of a television commercial, now recommends that the City endorse the initiative and assign it an E priority. (Petn No 263467)

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee, having under consideration a bill clarifying responsibility for compensating innocent third parties whose property is damaged by law enforcement officers for a public use, and establishing state processes for paying just compensation to innocent third parties and for reimbursing local governments (HF 2535), now recommends that the City endorse the initiative and assign it an E priority. (Petn No 263468)

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee, having under consideration a bill relating to economic development, creating a redevelopment account in the general fund to support improvements necessary to industrial development or

community rebuilding in previously developed areas (HF 2409), now recommends that the City endorse the bill and assign it an E priority. (Petn No 263468)

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** – Your Committee, having under consideration a bill appropriating money for grants for gang prevention and intervention (SF 2419), now recommends that the City endorse the bill and assign it an E priority. (Petn No 263468)

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk

**IGR** – Your Committee, having under consideration a bill relating to transportation, dedicating proceeds of sales tax on motor vehicles to newly created transportation improvement fund, increasing motor fuels tax and proposing constitutional amendment to dedicate vehicle sales tax proceeds to the transportation improvement fund (SF 2614), now recommends that the City endorse the bill and assign it an A priority. (Petn No 263468)

Niland moved that the report be referred back to the Intergovernmental Relations Committee. Seconded.

Lost upon a voice vote.

The report was adopted.

Yeas, 11; Nays, 2 as follows:

Yeas – Colvin Roy, Herron, Minn, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Goodman, Cherryhomes.

Nays – Mead, Niland.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

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

**Off-Sale Liquor, to expire July 1, 1998:**

City Spirits Inc, 1244 Hennepin Av, death of licensee-estate in probate, new shares, officers & manager;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 1999**

Al Di Sal Inc, dba Lounge, 411 2nd Av N, internal transfer of shares;

T H S Hotel Operations Inc, dba Crowne Plaza Northstar Hotel, 618 2nd Av S, new corporate officer;

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

International Catering Inc, dba Atrium Catering, 275 Market St, internal transfer of shares;

**Off-Sale Beer, to expire April 1, 1998**

A&V Corporation, dba Santana Food Market, 1510 W Broadway, new proprietor;

Obeid Inc, dba Wally's Foods, 1840 Penn Av N, new business;

**Temporary On-Sale Beer**

Church of The Holy Cross, 1621 University Av NE, for Annual Sauerkraut Supper on February 24, 1998 from 4-10 p.m.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, 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 February 6, 1998, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 263472):

Bill Posting & Sign Painting plus Hanger; Building Contractor Class A; Building Contractor Class B; Contractor/Masonry Class B; Check Cashing Facilities; Concrete Block Manufacturer; Courtesy Bench; Dry Cleaner – Flammable; Dry Cleaner – Nonflammable; Dry Cleaning Pickup Station; Laundry; Dry-Wall Contractor; Special Late Night Entertainment; Caterers; Grocery; Food Manufacturer; Restaurant; Seasonal Short Term Food Establishment; Vending Machines; Gas Fitter Class A; Gasoline Filling Station; Heating/Air Conditioning/Ventilation Installer Class A; Hotel; Motor Vehicle Repair Garage; Motor Vehicle Servicing Class B (Towing); Commercial Parking Lot Class A; Pawnbroker Class A; Peddler – Special Religious; Pet Shop; Plumber;

Refrigeration Installer; Multiple Second-Hand Goods Dealer; Sign Hanger; Skating Rink – Roller & Ice; Solid Waste Hauler; Steam & Hot Water Systems Installer; Taxicab Vehicle; Theater-Zone III; Tobacco Dealers; Tradesman-Combination; and Tree Servicing.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, 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**

Vincent L Giant Valley American Legion, 3751 Minnehaha Av;

**Gambling-Lawful Class B**

Sexual Violence Center, 2100 Pillsbury Av, at Gay Nineties Theater Cafe & Bar, 408 Hennepin Av;

South Hockey Club, 3011 E Lake St, at Market BBQ, 1414 Nicollet;

Edison Youth Hockey Association, 2107 Central Av NE, at Laura's 1029 Bar, 1029 Marshall St NE;

Edison Youth Hockey Association, 2107 Central Av NE, at Arone's, 500 Central Av SE;

Edison Youth Hockey Association, 2107 Central Av NE, at Sully's Pub, 2519 Central Av NE;

South Hockey Club, 3011 E Lake St, at Hexagon, 2600 27th Av S;

South Hockey Club, 3011 E Lake St, at 617 Saloon, 617 Central Av NE;

Animal Humane Society of Hennepin County, 845 Meadow Ln N, Golden Valley, at Five Corners Saloon, 501 Cedar Av;

Animal Humane Society of Hennepin County, 845 Meadow Ln N, Golden Valley, at King of Clubs, 957 Central Av NE;

South Hockey Club, 3240 36th Av S, at Mortimer's, 2001 Lyndale Av S;

South Hockey Club, 3240 36th Av S, at Poodle Club, 3001 E Lake St;

**Gambling Lawful Exempt**

Minnesota Kappa Sigma Corporation, 1125 SE 5th St, for raffle on February 20, 1998;

Metropolitan Boys Choir, PO Box 19348, for raffle on May 2, 1998 at Boys Choir Office, 4842 Nicollet Av.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS**— Your Committee, having under consideration the Lodging with Boarding License held by Minnesota Beta Corporation for the Phi Beta Psi Fraternity building located at 1609 University Av SE, and having received Findings of Fact, Conclusions and Recommendations arising from ongoing discussions between Minnesota Beta Corporation and the City of Minneapolis, and that the fraternity has agreed to stipulate that the Findings are true and correct, now recommends adoption of the Recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS**— Your Committee, having under consideration the On-Sale 3.2% Beer Class E License held by Thunstrom Enterprises, Inc, dba El Meson, 3450 Lyndale Av S, and having received notification that the licensee has agreed to forgo a Technical Advisory Committee (TAC) hearing thereon and to stipulate that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the Recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS**— Your Committee, having under consideration the Restaurant license held by Curly's Cafe & Restaurant Inc, dba Curly's Cafe, 1540-42 E Lake St, and having received notification from the State of Minnesota Department of Revenue that Curly's has an outstanding tax liability, now recommends that said license be revoked and the licensee

immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS**— Your Committee recommends that the proper City Officers be authorized to execute a contract with Hennepin County, in the amount of \$102,700, to implement the 1998 Immunization Action Plan for the period January 1, 1998 through March 31, 1999 to improve the immunization status of children in Minneapolis, payable from Health (030-440-4413).

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS**— Your Committee, having under consideration the Rental Dwelling License of Robert Knox for the property located at 2620 Emerson Av N, and having received a management plan for the property (Petn No 263471) and verification that said property is now in compliance with rental licensing standards, now recommends approval of the reinstatement of said Rental Dwelling License.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS**— Your Committee, having under consideration properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehabilitation of the properties is not feasible, and having received 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, now recommends that the proper City Officers be authorized to raze the following properties:

- a. 2101 5th Av S, Lot 18, Block 1, Stevens Addition to Minneapolis;
- b. 2319 10th Av S, The North 1/2 of Lot 10, Block 2, Wright & Fiskes Addition to Minneapolis;

c. 2742 14th Av S, The East 75.92 feet of Lot 5, Block 9, Wrights Addition.  
Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, 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 accept a grant from the Federal Emergency Management Agency/State and Local Assistance Program (FEMA/SLA), in the amount of \$34,000, to be awarded to the City's Office of Emergency Preparedness for its fiscal year October 1, 1996 through September 30, 1997, to be deposited in the Fire Department Agency (030-280-2880). Further, that the City match the FEMA grant funds by allocating \$34,000 of Emergency Preparedness personnel costs to the Health Department Agency (030-280-2880).

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the State of Minnesota to provide bomb disposal services by the Minneapolis Police Department's Bomb Squad to communities throughout the State of Minnesota, and that the State shall assume liability for the Bomb Disposal Unit employees when operating outside of their geographical jurisdiction. Said agreement shall be effective until June 30, 1999, and provide reimbursement of \$150 per hour for services rendered, to be deposited into the Police Agency (010-400-C005).

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends acceptance of the only bid received on OP #4780 (Petn No 263477) submitted by North Central Instruments, in the amount of \$47,820, for furnishing and delivering a comparison microscope to the Police Department, all in accordance with City specifications.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to submit a grant application to the Minnesota Department of Administration, in conjunction with the Cities of St. Paul, St. Louis Park and Bloomington along with the Metropolitan Council and Metropolitan Airports Commission, seeking \$50,000 to fund a Multi-Jurisdictional Taxicab Study which will specifically detail areas of potential improvement in taxicab service and regulation in the metropolitan area. (Petn No 263475)

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

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

**T&PW** – Your Committee, having under consideration railroad grade crossing improvements which were completed in the area of 27th Street on 27th Avenue South in 1991 and the need to apply for state reimbursement for a portion of the project cost, now recommends:

a) Passage of the accompanying resolution directing the City Engineer to proceed with a variance request from the State-Aid rules for the construction of Grade Crossing Improvements near 27th Street East on 27th Avenue South (SAP 141-410-02);

b) Passage of the accompanying resolution which holds harmless the State of Minnesota from actions that may arise from granting of a variance from a State-Aid Rule to permit a municipality to use a portion of its State-Aid funds for a trunk highway project (Grade

Crossing Improvements near 27th St E on 27th Av S) with plans approved "after" the contract has been awarded.

**RESOLUTION 98R-028**

**By Mead**

**Holding harmless the State of Minnesota from actions that may arise from the reconstruction of Grade Crossing Improvements near 27th St E on 27th Av S (SAP 141-410-02).**

Whereas, the City Engineer has requested a variance from Minnesota Rules, Chapter 8820.1500 for the reconstruction of Grade Crossing Improvements near 27th St E on 27th Av S (SAP 141-410-02);

Whereas, the Commissioner 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 Council's 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 Grade Crossing Improvements near 27th St E on 27th Av S (SAP 141-410-02) in any other manner than as in accordance with Minnesota Rule 8820.1500 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, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-029**

**By Mead**

**Directing the City Engineer to proceed with a variance request from State Aid**

**Rules to the Commissioner of Transportation for the construction of Grade Crossing Improvements near 27th St E on 27th Av S (SAP 141-410-02).**

Whereas, The City of Minneapolis and the Minnesota Department of Transportation (MnDOT) and the Soo Line Railroad have entered into a Cooperative Construction Agreement for the construction of Grade Crossing Improvements near 27th St E on 27th Av S (SAP 141-410-02);

Whereas, MnDOT State-Aid Rule requires Municipal State-Aid (MSA) plan approval before the construction contract is awarded; and

Whereas, MSA plan approval was not received prior to construction contract award; and

Whereas, State Aid Rules provide that a political subdivision may request a variance from the Rules;

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

That the City Engineer be directed to submit to the Commissioner of Transportation a formal request for a variance from the Minnesota Department of Transportation, State Aid-Rule to permit a municipality to use a portion of its State-Aid Funds for a Trunk Highway project with plans approved "after" the contract has been awarded.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

Committees submitted the following reports:

**T&PW & W&M/Budget** – Your Committee, having under consideration the Public Works Department Deer Herd Management Plan for the Minneapolis Water Works Fridley Plant Area calling for a bow-hunting herd reduction harvest which would require an ordinance variance from the City of Fridley, now recommends that the proper City officers be authorized to enter into an indemnification agreement with the City of Fridley holding them harmless from any claims resulting from said harvest. (Petn No 263480)

Adopted. Yeas, 12; Nays, 1 as follows:  
Yeas – Colvin Roy, Herron, Mead, Minn, McDonald, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.  
Nays – Goodman.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having received a request from the University of Minnesota for permanent installation of a traffic signal at the intersection of 5th St SE and 17th Av SE, now recommends that a signal be installed at an estimated cost of \$38,000 to be reimbursed by the University of Minnesota.

Your Committee further recommends passage of the accompanying resolution appropriating \$38,000 to the PW – Transportation Capital Agency to provide funds for said traffic signal.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-030  
By Mead and Campbell**

**Amending The 1998 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 \$38,000 for installation of a traffic signal at 5th St SE and 17th Av SE, to be reimbursed by the University of Minnesota.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998. J. Cherryhomes, President of Council.  
Approved February 12, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration a request of the East Calhoun neighborhood to delete traffic circles

and speed bumps from their Neighborhood Revitalization Program (NRP) traffic management plan, now recommends that the proper City officers be authorized to execute Supplemental Agreement #1 to Contract #10936 with SRF Consulting Group, Inc. providing for said changes at an additional cost of \$1,000.

Your Committee further recommends passage of the accompanying resolution appropriating \$1,000 to the PW – Transportation Capital Agency and providing neighborhood NRP funds for said contract amendment.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998.  
Approved February 12, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-031  
By Mead and Campbell**

**Amending The 1998 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 Improvements Projects Fund (410-943-9464) by \$1,000 and increasing the revenue source (410-943-9464 – Source 3845) by \$1,000 for amendments to the East Calhoun NRP traffic management plan.

Adopted. Yeas, 13; Nays none.  
Passed February 6, 1998. J. Cherryhomes, President of Council.  
Approved February 12, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the need to relocate certain watermains and hydrants for the Hiawatha Avenue Improvement Project, now recommends that the proper City officers be authorized to execute Agreement #77108 with the Minnesota Department of Transportation (MnDOT) providing for the City Water Department to relocate certain water facilities between E 24th St and E Lake St in Hiawatha Avenue. The cost of said work is estimated at \$234,681, payable from the Water Works-Capital Improvement Distribution System

Reimburseable Account, and to be reimbursed by MnDOT.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration reimbursement received from the City of Brooklyn Center for their portion of street construction and engineering on Xerxes Av N and 53rd Av N within the Shingle Creek West Paving Project, now recommends passage of the accompanying resolution appropriating \$158,800 to the PW – Streets & Malls Capital Agency for the Brooklyn Center portion of said project.

**RESOLUTION 98R-032**  
**By Mead and Campbell**

**Amending The 1998 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 Fund (410-937-9372) by \$158,800 and increasing the revenue source (410-937-9372 – Source 3225) by \$158,000 for the Brooklyn Center portion of the Xerxes Av N and 53rd Av N paving project.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**W&M/Budget** – Your Committee, having under consideration the Minneapolis Convention Center Completion Project, now recommends that the proper City officers be authorized to execute a contract with the Convention Center Design Group to provide basic services, in the amount of \$5,750,000 and to provide architectural and engineering services for the

design of the Convention Center expansion, for a total amount (including basic services) not to exceed \$9,150,000, payable from Permanent Improvement Projects Fund – Convention Center Site Agency (410-975-9751).

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

a) Conrad Roberts and Eileen Shields, his attorney, \$37,500 (690-150-1500-4000);

b) Kevin Shawn Gordon and Fred Reiter, his attorney, \$19,500 (690-150-1500-4000);

c) Terrence Lundebly and Paul Applebaum, his attorney, \$262,000 (690-150-1500-4000);

d) John Arvid Sjogren and Robert Bennett, his attorney, \$15,000 (690-150-1500-4000).

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a recommendation from the City Attorney's Office relating to the workers' compensation claims of Kenneth Wadnizak, now recommends that said claims against the City be settled in accordance with the terms set out in a letter dated January 28, 1998 from J. David Abramson to Council Member Campbell (Petn No 263483), said claims to be settled in an amount not to exceed \$55,000, to be payable from FY98 (690-145-1451-01-6070).

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration the 1997 Bureau of Justice Block Grant and a funding inclusion for the Neighborhood Restorative Justice Program, in the amount of \$71,534, now recommends approval for the Criminal Division of the Office of the City Attorney to add 1.0 Full Time Equivalent (FTE) Community Mediator position and 1.0 FTE

Legal Assistant position, to provide administration for said program, payable from the Federal Grants Fund – Police Department Agency (030-400-P604), with no additional funding required.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of funds from Minnegasco, in the amount of \$36,000, as deferred revenue until certain capital improvements to Minneapolis trolleys are completed.

Your Committee further recommends that the proper City officers be authorized to complete negotiations with the Federal Transit Administration on a budget amendment to Contract #MN-03-0041 to fund 80% of the proposed capital expenditures.

Your Committee further recommends passage of the accompanying Resolution increasing the Non-Departmental Agency by \$36,000.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-033**

**By Campbell**

**Amending The 1998 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 Non-Departmental Agency in the Grants – Other Fund (060-123-1230) by \$36,000 and increasing the Non-Departmental Agency revenue estimate in the Grants – Other Fund (060-123-1230-Source 3720) by \$36,000.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of additional 1997-1999 Minnesota Weed and Seed funding from the Minnesota Department of Public Safety and the Minnesota Attorney General's Office for the Northside Weed and Seed site, in the amount of \$25,000.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #1 to Contract #11967 with the State of Minnesota to provide said funds.

Your Committee further recommends passage of the accompanying resolution increasing the Non-Departmental Agency Appropriation by \$25,000.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-034**

**By Campbell**

**Amending The 1998 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 Non-Departmental Agency in the Grants – Other Fund (060-123-1230) by \$25,000 and increasing the Non-Departmental Agency revenue estimate in the Grants – Other Fund (060-123-1230-Source 3215) by \$25,000.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of additional 1997-1999 Minnesota Weed and Seed funding from the Minnesota Department of Public Safety for the Central Weed and Seed site, in the amount of \$50,000.

Your Committee further recommends that the proper City officers be authorized to execute a grant agreement with the State to provide said funds.

Your Committee further recommends passage of the accompanying resolution increasing the Non-Departmental Agency Appropriation by \$50,000.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-035  
By Campbell**

**Amending The 1998 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 Non-Departmental Agency in the Grants – Other Fund (060-123-1230) by \$50,000 and increasing the Non-Departmental Agency revenue estimate in the Grants – Other Fund (060-123-1230-Source 3215) by \$50,000.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval for the Utility Billing Customer Information System (UB CIS) Implementation Work Group to accrue compensatory time beyond the established limit of 100 hours and/or to be paid overtime for work relating to the UB CIS Project, as more fully set forth in Petn No 263485 on file in the Office of the City Clerk.

Your Committee further recommends that said authorization shall apply only to employees in titles or classifications eligible to earn compensatory time or overtime under their terms of employment and/or union contract and shall apply also to those employees who may earn compensatory time, but are not normally paid overtime without special authorization, said authorization to be granted only for the duration of the capital project for the implementation of the UB CIS.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration the 1998 Summer Youth Employment and Training Program, now recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FANs) to Loring Nicollet Bethlehem Community Centers (LNBCC), Inc, to provide summer educational services, in the amount of \$57,500:

<b>Fund</b>	<b>Agency</b>	<b>Master Contract #</b>	<b>Fan #</b>	<b>Period</b>	<b>Amount</b>
060-860-8600	LNBCC, Inc	10008	92-4	2/1/98-9/30/98	\$26,250
030-860-8600	LNBCC, Inc	10008	93-2	2/1/98-9/30/98	\$26,250
040-860-8600	LNBCC, Inc	10008	32-4	2/1/98-9/30/98	\$ 5,000

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** –Your Committee, having under consideration the 1998 Summer Youth Employment and Training Program, now recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FANs) to Minnesota Department of Economic Security (MDES), Minneapolis Workforce Center, to coordinate job opportunities and to provide classroom space for the educational component, in the amount of \$75,000:

<b>Fund</b>	<b>Agency</b>	<b>Master Contract #</b>	<b>Fan #</b>	<b>Period</b>	<b>Amount</b>
060-860-8600	MDES	10014	92-3	2/1/98-9/30/98	\$31,500
030-860-8600	MDES	10014	93-1	2/1/98-9/30/98	\$31,500
040-860-8600	MDES	10014	32-1	2/1/98-9/30/98	\$12,000

Adopted. Yeas, 13; Nays none.  
 Passed February 6, 1998.  
 Approved February 12, 1998. S. Sayles Belton, Mayor.  
 Attest: M. Keefe, City Clerk.

**W&M/Budget** –Your Committee, having under consideration charitable gambling funds from 1996 and 1997, in the amount of \$61,708, which were to be used to improve the quality of life for Minneapolis residents, now recommends reappropriation and transfer of said funds to the Neighborhood Services Agency, as provided for in Ordinance No. 87-Or-006 and Minnesota Statutes, Chapter 349.213.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #18 to Contract #7404 with Fremont Community Health Services to provide health care services for the period from January 1, 1998 through December 31, 1998, in the amount of \$15,427.

Your Committee further recommends that the proper City officers be authorized to issue Fund Availability Notices (FANs) to Greater Minneapolis Day Care Association (GMDCA) and Parents in Community Action (PICA), Inc:

<b>Fund</b>	<b>Agency</b>	<b>Master Contract #</b>	<b>Purpose</b>	<b>Period</b>	<b>Amount</b>	<b>Fan #</b>
060-860-8605	GMDCA	10017	Day Care	1/1/98-12/31/98	\$15,427	09-3
060-860-8605	PICA, Inc	10020	Early Childhood Education	1/1/98-12/31/98	\$15,427	09-3

Your Committee further recommends passage of the accompanying resolution increasing the Neighborhood Services Appropriation by \$61,708.

Adopted. Yeas, 13; Nays none.  
 Passed February 6, 1998.  
 Approved February 12, 1998. S. Sayles Belton, Mayor.  
 Attest: M. Keefe, City Clerk.  
 (Republished February 24, 1998 & August 8, 1998)

**RESOLUTION 98R-036  
 By Campbell**

**Amending The 1998 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 transfer in the Interfund Transfers Agency in the Police Special Revenue Fund (210-127-1270-9030) by \$61,708; and

b) increasing the Appropriation for the Neighborhood Services Agency in the Grants – Other Fund (060-860-8605) by \$61,708 and increasing the Interfund Transfers Agency revenue estimate in the Grants – Other Fund (060-127-1270-Source 3825) by \$61,708.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to modify Grant #7101700 to increase the amount by \$69,000, for a new total of \$450,547.

Your Committee further recommends that the proper City officers be authorized to modify the following Minnesota Department of Economic Security (MDES) Fund Availability Notices (FANs):

<b>Fund</b>	<b>Agency</b>	<b>Master Contract #</b>	<b>Purpose</b>	<b>Period</b>	<b>Amount</b>	<b>Fan #</b>	<b>Increase/Decrease</b>
030-860-8600	MDES	10014	Federal Formula Placement and Referral Services	7/1/97-6/30/98	\$205,528	40-1a	+\$48,000
060-860-8600	MDES	10014	State Formula Placement and Referral Services	7/1/97-6/30/98	\$215,671	41-1a	(\$48,000)

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval to submit to the State of Minnesota, Department of Employee Relations, the Pay Equity Report for the City of Minneapolis for the period ending December 31, 1997.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a supplement to Contract #10845 with Shorty's Heavy Duty Wrecker Service, Inc, to increase the original contract amount by \$750,000 due to the large number of tows performed by said contractor, for a new contract total of \$1,177,500, payable from Municipal Parking Fund – Public Works Transportation Agency – Impound Lot (750-685-6898).

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 9, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published February 11, 1998)

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

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission to grant the petition of Martha Head (P-1026) to rezone property at 4740 Minnehaha Av from the B2S-1 and R2B Districts to the B3S-3 District to replace the existing limited-menu Dairy Queen with a new full-menu Dairy Queen with drive-through service, and further, that the accompanying amendment to the Zoning Ordinance be passed (63739).

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished March 14, 1998)

**ORDINANCE 98-Or-004**  
**By McDonald**  
**1st & 2nd Readings: 2/6/98**

**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 Lots 32 to 35, incl., Block 6, Crosby Investment Co's First Addition to Mpls (4740 Minnehaha Av – Plate 34) to the B3S-3 District.

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, to whom was referred an ordinance amending Title 20, Chapter 540 of the Minneapolis Code of Ordinances relating to **Zoning Code: Business Districts**, further defining public safety facilities as a conditional use in the B4C District, now recommends that said ordinance be given its second reading for amendment and passage.

**ORDINANCE 98-Or-005**  
**By McDonald**  
**Intro & 1st Reading: 11/7/97**  
**Ref to: Z&P**  
**2nd Reading: 2/6/98**

**Amending Title 20, Chapter 540 of the Minneapolis Code of Ordinances relating to Zoning Code: Business Districts.**

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

Section 1. That Section 540.1970 (2) of the above-entitled ordinance be amended to read as follows:

**540.1970. Conditional uses.** Any use allowed as a conditional use in the B4S Districts shall be allowed in the B4C Districts subject to the provisions of Chapter 525, unless permitted in section 540.1940, and in addition:

(2) Public safety facility or similar pre-trial detention facility operated by the city or county for the purpose of processing, holding or detaining persons under the jurisdiction of the criminal justice system who are awaiting disposition of a criminal matter, subject to the following conditions:

a. Location. The facility shall be limited to a single block located in the area designated "Government district" in the city's comprehensive plan.

b. Design. In order to determine whether the facility meets the design standards of this ordinance, a site plan including building elevations, vehicular and pedestrian access, landscaping and similar matters, shall be submitted which shall comply with the following requirements:

1. Building height and scale. In order to protect the image and form of the downtown skyline and the prominence of city hall, the height and scale of the facility shall be related to the scale of surrounding development, but shall be no higher than the bottom of the face of the clock on the city hall clock tower (elevation one thousand fifty-six (1,056) feet).

2. Street level uses. In order to promote a street level environment that contributes to downtown's vitality and security, where practical, the facility's street level frontage shall contain office, commercial, or lobby space.

3. Building facade. Where practical, the exterior walls of the facility at the street and skyway levels shall include windows of non-reflective glass providing views into office, commercial and lobby areas. Where windows are not practical, an alternative facade treatment that substantially achieves the objective of this standard may be approved, such as wall enhancements or architectural features including false windows that create visual interest.

4. Vehicle access and circulation. Access and circulation shall be designed to promote a safe street level environment and minimize conflicts with pedestrian traffic. Curb cuts for service entrances, prisoner entrances, truck loading and parking areas shall be minimized. All truck loading and parking areas shall be located within or below the building.

5. Building encroachments. In order to minimize shadowing of public sidewalks and to avoid blocking views along the street, the facility shall not encroach into or over any public sidewalk or street except for approved skyways connecting to adjacent properties.

6. Street trees. Street trees at least four (4) inches caliper in size and spaced approximately twenty-five (25) feet on center shall be provided along the perimeter of the facility. Alternative street tree placement may be approved to allow a site plan of exceptional design that will enhance the area or that is more consistent with the design of the facility.

7. Skyway connection. The facility shall include an extension of the skyway system connecting adjacent properties to the north and south. Skyways shall conform to approved standards for skyway design and hours of operation.

8. Historic assets. The facility shall be compatible with any nearby historic buildings with respect to building placement, architectural design and exterior materials.

c. Off-street parking, transit access and loading. Off-street parking, transit access and loading shall be provided as approved by the city planning commission. Off-street parking shall not be less than one (1) parking space for each two (2) employees assigned to the detention area during peak staffing hours, including shift changes. Appropriate transit on-loading and off-loading shall be determined by the city planning commission. Transit access and passenger loading facilities shall be incorporated in site plans where feasible or practical to do so. In determining the number of off-street parking and loading spaces required, the city planning commission shall consider, but not be limited to, the unique design and nature of the facility and the population served, the availability of other nearby parking facilities and the availability of alternative forms of transportation.

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the petition of William Kamman (Vac #1213) to vacate Linden Avenue in the block bounded by 11th and 12th Streets N and

Hawthorne and Chestnut Avenues, to help clear title to a building located in the right-of-way easement, finds that said Avenue is no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted by passage of the accompanying resolution.

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-037**

**By McDonald**

**Vacating Linden Avenue in the block bounded by 11th and 12th Streets North and Hawthorne and Chestnut Avenues.**

Resolved by The City Council of The City of Minneapolis:

That all that part of Linden Avenue as described in Book 414 of Miscellaneous Records, page 166 in the office of the County Recorder lying within Lots 7 and 8, Block 5, Harmon's Addition to Minneapolis, which lies southeasterly of Line 1 and its extensions described below:

Line 1. Commencing at the most northerly corner of Lot 10, Block 5, Harmon's Addition to Minneapolis; thence run southwesterly on an azimuth of 239 degrees 33 minutes 48 seconds for 163.85 feet to a point on the northwesterly line of said Lot 8 which is the point of beginning of Line 1 to be described; thence run southwesterly 118.46 feet on a non-tangential curve, concave to the northwest having a radius of 843.44 feet, a delta angle of 08 degrees 02 minutes 50 seconds and a chord azimuth of 27 degrees 13 minutes 03 seconds to an intersection with the west line of said Lot 7 and there terminating, is hereby vacated.

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the petition of Powderhorn Residents Group (P-1020) to rezone property at

3129 Chicago Avenue from the R2B to the B3S-2 District, now recommends concurrence in the recommendation of the Planning Commission to deny the petition and to grant in lieu thereof a rezoning of the property to the B1-1 District to permit a duplex and to waive the 88 square feet needed to meet minimum lot size requirement of 5,000 square feet; and further, that the accompanying amendment to the Zoning Ordinance be passed (63740).

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-006**

**By McDonald**

**1st & 2nd Readings: 2/6/98**

**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 23, Block 3, Erastus Byer's Addition to Minneapolis (3129 Chicago Avenue South – Plate 26) to the B1-1 District.

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998. J. Cherryhomes, President of Council.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the application of Donald J Bielinski for a special permit to issue a building permit for construction of the new Harrison School, now recommends approval of an amended permit allowing temporary usage of the City's inner boulevard for Irving Avenue and Fifth Avenue North at the main entry to the new school through December 31, 1998, notwithstanding the Zoning Code, and further recommends that staff be directed to work with

the applicant to finalize the vacation process for that location pursuant to the City's normal procedures by December 31, 1998. (#1998-001)

Adopted. Yeas, 13; Nays, none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**MOTIONS**

Ostrow, Chair of the Claims Committee, moved concurrence in the reports received from the City Attorney (Petn No 263493) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved that Council Member Steve Minn be reappointed as the City Council representative on the I-35W Solutions Alliance and the Clean Water Partnership. Seconded.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Mead moved to direct the proper City officers to enter into interim leases for the Greyhound Terminal Redevelopment Project. Seconded.

Adopted. Yeas, 13; Nays none.

Passed February 6, 1998.

Approved February 12, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Niland moved to refer the subject matter of a selective purchasing resolution regarding Burma to the Intergovernmental Relations Committee. Seconded.

Adopted upon a voice vote.

Campbell moved that when this Council adjourns, it adjourns to Thursday, February 12, 1998, at 5:00 p.m. at the Sheridan Global Arts and Communications School to hear the Mayor's State of the City Address, and that

such meeting be and is hereby declared to be an adjourned session of the regular meeting of February 6, 1998. Seconded.

Adopted upon a voice vote.

Adjourned.

MERRY KEEFE,  
City Clerk  
98-1149