

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## EMERGENCY SPECIAL MEETING CALLED BY THE MAYOR, HELD

**MARCH 28, 2000**

(Published March 30, 2000 in Finance and Commerce)

Room 317 City Hall  
Minneapolis, Minnesota  
March 28, 2000 - 1:08 p.m.

The Council met pursuant to the following call from the Mayor:

The Honorable Jackie Cherryhomes, President  
Minneapolis City Council and  
Honorable Members of the City Council  
Room 307, City Hall  
350 South 5<sup>th</sup> Street  
Minneapolis, MN 55415

Dear Council President Cherryhomes and Council Members:

Pursuant to Section 2 of Chapter IV of the Minneapolis City Charter, I am requesting that you call an emergency special meeting of the Minneapolis City Council to be held on Tuesday, March 28, 2000 at 1:00 p.m. in the City Council Chambers, Room 317 City Hall for the purposes of approving a motion to settle litigation entitled *American Iron and Supply, et al. v. City of Minneapolis, et al.* and passing a resolution authorizing the Board of Estimate and Taxation to sell City bonds in the amount of \$8,750,000, the proceeds of which are to be used for payment of the judgment against the City in the above litigation.

Sincerely,  
Sharon Sayles Belton, Mayor

President Cherryhomes in the Chair.

Present - Colvin Roy, McDonald, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.  
Absent - Herron, Goodman.

### PETITIONS AND COMMUNICATIONS

**FILED:**  
MAYOR (265735)

Emergency Special City Council Meeting: Reconsideration of American Iron & Supply, et al. vs City of Minneapolis, et al, lawsuit Council action of March 24, 2000.

Campbell moved a declaration of an emergency special meeting based on the timeline the City of Minneapolis has to settle the lawsuit entitled *American Iron and Supply Company, et al., v. City of Minneapolis, et al.* Seconded.

Adopted upon a voice vote.

Campbell moved to reconsider Resolution No. 2000R-138 entitled "Authorization to the City Attorney to settle the lawsuit entitled *American Iron and Supply Company, et al., v. City of Minneapolis, et al.* and request that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$8,750,000 for certain purposes other than the purchase of public utilities," passed March 24, 2000, by changing the title to read, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$8,750,000 for certain purposes other than the purchase of public utilities" and by deleting the first "Resolved" paragraph which reads, "1. The City Attorney is directed to settle this Litigation in accordance with the terms and conditions of the proposed settlement agreement and release, a copy is on file in the office of the City Clerk as shown in Petition No 265730.1." Seconded.

Niland raised a point of order on consideration of Campbell's motion.

The Chair requested a City Attorney opinion regarding the validity of Resolution 2000R-138.

Jay Heffern, City Attorney, declared if it is the view of the City Council that the previous action relating to Resolution 2000R-138, which has been passed, approved and signed by the Council President, Mayor and the City Clerk is not effective, notwithstanding all those approvals, then the body could conclude that there is nothing from the body.

The Chair declared, for the record, that there was nothing before the body to reconsider.

(City Clerk Note: The City Council action of March 24, 2000 adopting Resolution 2000R-138 was declared by the Chair to not be before the body.)

Campbell moved that the City Attorney is directed to settle the lawsuit entitled *American Iron & Supply Company, et al. v. City of Minneapolis, et al.*, Court File No. CT92-001458, in accordance with the terms and conditions of the proposed Settlement Agreement and Release, a copy of which is on file in the office of the City Clerk, as shown in Petition No. 265730.1, and that the City Finance Officer is directed to pay the settlement amount from the Self Insurance Fund. Further, the Finance Officer is directed to return to the Ways & Means/Budget Committee within two cycles with options for repayment of the settlement amount to the Self Insurance Fund either by making an internal loan or by using proceeds from a bond sale. Seconded.

Adopted. Yeas, 6; Nays, 5 as follows:

Yeas - Colvin Roy, McDonald, Lane, Thurber, Campbell, Cherryhomes.

Nays - Mead, Johnson, Ostrow, Biernat, Niland.

Absent - Herron, Goodman.

Passed March 28, 2000.

Approved March 28, 2000. S. Sayles Belton, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The meeting was adjourned at 1:19 p.m.

STEVE RISTUBEN, Assistant City Clerk.