

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**MAY 18, 2001**

(Published May 26, 2001,  
in *Finance and Commerce*)

15<sup>th</sup> Floor, U.S. Federal Courts Bldg.  
300 South 4<sup>th</sup> Street  
Minneapolis, Minnesota  
May 18, 2001 - 9:30 a.m.

Council President Cherryhomes in the Chair.

Present - Council Members Johnson, Thurber, Ostrow, Campbell, Niland, Goodman, Colvin Roy, McDonald, Mead, Lane, Herron, Council President Cherryhomes.

Absent-Biernat.

Campbell moved acceptance of the minutes of the regular meeting of May 4, 2001. 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

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (266927)

The Blake School (511 Kenwood Pkwy): Resolution granting preliminary & final approval to issue bonds for improvements to Northrop campus.

Mortgage Revenue Bond Program: Authorize appropriate documents to permit Trustees to use shorter reporting format for regular bond transaction reports.

Minnehaha Academy: Resolution granting final approval to issue bonds for improvements renovations at schools, 3107-47th Ave S & 4200 W River Pkwy.

### **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (266928)

Guthrie Theater Riverfront Project: Authorize redevelopment agreement & related documents with Guthrie Theater Foundation, establishment of non-job goals for the project (Also in W&M/Budget and Z&P).

### **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (SeeRep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (266929)

Near Northside Redevelopment Project: Public Infrastructure Financing Update & Finance Strategy for North-South Blvd in Bassett Creek Valley.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (266930)

Preliminary Planning Fund: Request appropriation increase to maintain balance for new projects for 2001.

Resource Center of the Americas (3019 Minnehaha Ave): Request appropriation increase to provide grant from MCDA's Commercial Corridor Program to acquire 3028-27th Ave S.

Year 2001 HOME Program: Approve 2001 HOME Program, request appropriation increases & related actions.

Flipping Project: Request appropriation increase to reflect MN Housing Finance Agency Community Revitalization Program Funds.

COORDINATOR (266931)

Metropolitan Council Livable Communities Demonstration Account Phase I Application endorsements: Authorize submittal of applications.

Overflow Shelter Operations: Award of Emergency Shelter Grant Funds to Catholic Charities & Simpson Housing Services.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (266932)

NRP Administrative Budget: Request appropriation increase to amend budget to implement residential demonstration project for private property concrete work.

NRP Administrative Budget: Approve rollover of funds from 2000 NRP Budget to satisfy remaining 2000 budget obligations.

Mpls Youth Coordinating Bd: Request appropriation increase to transfer funds to YCB.

Sheridan NRP Action Plan: Approve Modification #5.

CARAG NRP Action Plan: Approve Plan.

**HEALTH AND HUMAN SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (266933)

Construction Cluster Training Program: Issue Fund Availability Notice to Summit Academy OIC for training, placement and retention services to eligible Minneapolis residents in construction industry.

Public Health Advisory Committee: Approve appointment of Karl Sanders, representing Neighborhood Health Care Network/community clinics, to expire December 31, 2002.

**HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES**

**(See Rep):**

LICENSES AND CONSUMER SERVICES (266934)

Comprehensive Lead Plan Summary and Strategic Action Plan: Approve recommendations to make Minneapolis lead safe by 2010. \*(See H&HS Report)

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

HEALTH AND FAMILY SUPPORT SERVICES (266935)

Weed and Seed: Transfer \$1,048 from Police Department CODEFOR Intern Project to Health & Family Support for reallocation to other Weed & Seed activities.

Twin Cities Healthy Start Project: Issue Request for Proposals for Year III services.

Employment & Training, Health/Medical and Human/Social Services: Issue Request for Proposals to establish a list of "eligible providers" with whom Department of Health & Family Support will contract for services through development of five year master contracts.

**INTERGOVERNMENTAL RELATIONS:**

CHARTER COMMISSION (266936)

Redistricting: Letter of transmittal recommending affirmative vote of all members of Council, pursuant to Minn Stat 410.12, Subd 7, to amend City Charter, Chapter 1, Sections 3B and 3G, providing for redistricting of City wards in 2001.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (266937)

Omnibus Tax Bill: Impact of bill on development finance activities of City & NRP, tax increment finance & property tax class rate compression.

LIAISON/FEDERAL, LOCAL AND STATE (266938)

Metro Transit: Impact of proposed House funding on Metro area, Routes eliminated, Twin Cities Bus System State Funding.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

MAYOR (266939)

Handgun bill: Recommend oppose.

PLANNING COMMISSION/DEPARTMENT (266940)

Affordable housing & zoning changes: HF 1953 authorizing municipalities to require developers to include affordable housing and modifying requirements for adoption or amendment of zoning ordinances; Proposed amendment language relating to Subdivisions 2 and 5 of Minn Stat, Section 462.357, re 2/3 majority vote to pass zoning ordinance, & 2/3 consent petition process to rezone a particular property; Reasons for opposing amendments to Subdivision 2 and repeal of subdivision 5.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

EMERGENCY COMMUNICATIONS CENTER (ECC) (266941)

State of the Emergency Communications Center: Powerpoint presentation.

LICENSES AND CONSUMER SERVICES (266942)

Bridgestone Firestone (1107 Harmon Pl): Consider action with respect to Motor Vehicle Repair Garage License for failure to complete site plan review process.

Lord Bunyons (2130 W Broadway): Consider action with respect to Grocery License for failure to complete site plan review process.

New Market (1844 Central Av NE): Consider action with respect to Grocery License for failure to complete site plan review process.

Isles Market (2115 W 21st St): Consider action with respect to Grocery License for failure to complete site pan review process.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

INSPECTIONS DEPARTMENT (266943)

Rental License at 1093-95 27th Av SE: Approve reinstatement of license held by Douglas Doty.

LICENSES AND CONSUMER SERVICES (266944)

Bell Curve Staffing: Authorize hire three Animal Control Wardens beyond authorized staffing requirements.

Licenses: Applications.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

POLICE DEPARTMENT (266945)

Automated Pawn System: Negotiate and implement licensing and support agreements with political subdivisions, outside Minnesota, and other potential strategic partners; Authorize City Attorney to identify and provide legal services.

Sex Offender Notification Program: Amend grant agreement with Minnesota Department of Public Safety to extend grant to April 30, 2001 to permit time to expend full grant award.

**TAXES (BOARD OF EQUALIZATION) (See Rep):**

CITY CLERK (266946)

2001 Board of Equalization: Report of Special Board of Review.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (266947)

Award: Notification of receipt of American Public Works Association award for Royalston and Currie Maintenance Facilities.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (266948)

Towing Contract: Increase contract with Shorty's Towing.

Lease of City Right of Way at W 44th St between Abbott & Beard Av S: Lease with Alan and Jean Thiel for continued use of property at a public parking lot.

Lease of Space to Little Wagon Company at Haaf Ramp: Terminate previous lease and execute new 15-year lease.

Central Av NE Reconstruction Project (27th - 37th Av NE): Layout approval and acquisition of construction easements.

Royalston Av Bridge Project: Enter Agency Agreement with MnDOT for advance construction funding.

Hiawatha Av Construction Project (E 24th and E 31st St): Payment to Hennepin County Railroad Authority for removal of tracks and recover costs through Municipal State Aid.

Alley Resurfacing Project (3800 block between Washburn & Xerxes Av S): Receive cost estimate and set public hearing.

Facility Renovation Project at 19 N 4th St: Execute architectural/engineering design services agreement with Hammel, Green & Abrahamson.

SENIOR OMBUDSMAN (266949)

Deferment of Special Assessment: Request of Emelia Klempka, 438 Madison St NE.

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

PUBLIC WORKS AND ENGINEERING (266950)

Bryn Mawr Landscaping Agreement: Cooperative agreement with MnDOT for Phase II of landscaping project at I-394 and Penn Av.

Addition to Sidewalk Contract: Extend contract with Standard Sidewalk and provide additional funds for work requested at 1400 Washburn Av & 1600 2nd St N.

Nicollet Mall LRT Station Redesign: Execute project funding agreement with Metropolitan Council.

PURCHASING (266951)

Bid: OP 5629, low bid of Xcel Energy for low level lighting project in Field Regina area.

**WAYS AND MEANS BUDGET:**

CONVENTION CENTER (266952)

Convention Center Expansion Project: Receive & File change management actions.

Convention Center Expansion Project: Receive & File construction schedule & budget.

REGULATORY SERVICES (266953)

GMCVA Quarterly Performance Report: Receive & File 1st Quarter 2001 Report.

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

ATTORNEY (266954)

Settlements: Approve payment to Robleh Jama; ValiJo Sangster.

Workers' Compensation Settlement: Authorize payment to John R. Brodin.

CONVENTION CENTER (266955)

Convention Center Expansion Project: Change Orders with Harris Mechanical; Marcy Construction Company; Minuti-Ogle, Inc.

Bid for Convention Center Expansion Project: O.P. #5626, accept low bid of Marcy Construction.

COORDINATOR (266956)

Mona Moede Neighborhood Early Learning Center: Release funds for completion and contract with Youth Coordinating Board.

New Central Library Project: Approve scope, budget, schedule, manual, personnel request and grant agreement with State for Minnesota Planetarium.

FINANCE DEPARTMENT (266957)

Utility Billing Insert: Approve message relating to voter registration & candidate filings.

Accounting Services: Issue RFP for Finance Department.

HUMAN RESOURCES (266958)

Accrued Sick Leave Benefits: Ordinances relating to sick leave severance program.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (266959)

Telecommunications Initiatives: Approve appropriation increase.

Extraordinary Step Placement: Authorize starting Ed Bowen at Step 5 of Systems Integrator V salary schedule.

**PUBLIC WORKS AND ENGINEERING (266960)**

Extraordinary Step Placement: Authorize offering up to Step 7 for seven vacant Engineer I positions.

**PURCHASING (266961)**

Bid: OP #5641, accept low bid of Vera Construction, Inc.

**REGULATORY SERVICES (266962)**

Extraordinary Step Placement: Authorize offering Robert Servian Step 7 of the salary schedule for the position of Code Compliance Officer 1, Environmental Health Specialist.

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

**INSPECTIONS/BOARD OF ADJUSTMENT (266963)**

Rooney, Tim, 21 15th St N: Deny appeal of HFC, L.L.P. from decision granting variances to allow 3-unit condominium building; Staff report with findings & recommendation, maps, photos, comments of Citizens for a Loring Park Community, Roseville Properties Management Co, Faegre & Benson on behalf of James S Nordlie; Minutes.

Feicht-Wyrobek, Jane, 1815 Humboldt Av S: Board of Adjustment: Deny appeal of Sally Sweatt from decision granting garage height variance to allow second story addition; Staff report with findings, recommendation, maps, photos, survey, comments of Roberta Herman, Susan Albright, Jennifer Ryan Torgerson, Polly Franchot, Lon Rosenfeld, & George Ingebrand; Minutes.

Feicht-Wyrobek, Jane: Mathematical calculations of shadow impact on appellant's property; Letters of support from neighbors; Letter from Lakes Area Realty; Photos.

**PLANNING COMMISSION/DEPARTMENT (266964)**

Twin Cities Habitat for Humanity: Approve rezone 2826 Stevens Av S; Staff report with findings, maps, comments of Community Development Agency, Whittier Alliance, City Attorney, drawings, photos; Recommendation of Planning Commission with findings.

Mount Olivet Careview Home: Planning Comsn: Approve rezone 5522 Garfield Av notwithstanding recommendation of Planning commission; Staff report, maps; Council Member Doré Mead: Comments.

Community Development Agency: Approve rezone 1000, 1010 & 1028 2nd Av S between 2nd St S & Mississippi River & approve vacation of part of 10th Av S, to permit Guthrie Theater; Staff report with findings, maps, letter of City Attorney.

Hiawatha Lake Station Area Master Plan: Approve modified Plan with amendments & staff direction.

Planning Commission recommendations of April 30, 2001.

Wells Fargo Home Mortgage Campus Project: Recommend not order an Environmental Impact Statement & make Negative Declaration; Draft Findings of Fact & Record of Decision, Environmental Assessment Worksheet for Project.

**PLANNING COMMISSION/DEPARTMENT (266965)**

Zoning Code Amendment: Pass ordinance amending Title 20, Chapter 535 of Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability, re floor area for rooming units, entrance & window requirements for residential uses, rear yard requirements & permitted obstructions, fence height, & lighting; Staff report with findings.

Zoning Code Amendment: Pass ordinance amending Title 20, Chapter 551 of Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts, establishing NP North Phillips Overlay District, promoting home ownership & a variety of housing styles; Staff report with findings.

Excel Management, LLC: Approve vacation of Stinson Boulevard between Kennedy St & Burlington Northern & Santa Fe Railroad right-of-way; Staff report with findings, drawings, photos.

Plymouth 94 Properties, 260 Plymouth Av N: Approve vacation of part of 14th Av N and of alley bounded by 14th Av N, Washington Av N, Plymouth Av N & I-94; Staff report with findings, maps, drawings.

**PLANNING COMMISSION/DEPARTMENT (266966)**

Integroup Realty Trust, 2508 Delaware St SE (Melrose Apartments Project): Approve rezone and vacation of Huron-Essex Triangle; Staff report with findings, drawings, maps; Recommendation of Planning Commission.

**PLANNING COMMISSION:**

UNIVERSITY OF ST THOMAS (266967)

Permission to vacate alley that bisects St Thomas' property, 12th St S, LaSalle Av, Harmon Pl block.

**MOTIONS (See Rep):**

RISK MANAGEMENT (266968)

Workers Compensation: Payments to and on behalf of City employees.

**FILED:**

CITY CLERK/SPECIAL PERMITS (266969)

Mississippi River west bank north of Broadway Bridge (Twin Cities River Rats Water Ski Show Team) use city owned land; Nicollet Mall, 1111 (Minnesota Orchestral Assn) tent; Vineland Pl, 725 (Walker Art Center) tent.

MAYOR (266970)

House File 1953: Letter stating reason for not signing Council actions of May 4, 2001, from the IGR and Z&P Committees relating to zoning changes to facilitate affordable housing.

MINNESOTA STATE OFFICES (266971)

Audit report on MCDA's State & Orpheum Theatres for yr end 12-31-2000.

SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION (266972)

Letter & Audit Report for 12/31/2000.

Xcel Energy (266973)

Utilities: Authorize placement of poles at various locations.

**REPORTS OF  
STANDING COMMITTEES**

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

**Claims**- Your Committee, having under consideration a claim filed against the City by Lamont Gray, 527 Humboldt Av N, regarding vehicle damage, now recommends payment of \$500 to Mr. Gray.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having under consideration the matter of issuing bonds on behalf of The Blake School to finance improvements to their Northrop campus at 511 Kenwood Pkwy, which include new instrumental and vocal music suites, redesigned and restored classrooms, a new art gallery, enhanced student and public spaces, and infrastructure improvements, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the project and to the issuance of up to \$10 million in Tax-exempt Revenue Bonds for The Blake School, as set forth in Petn No 266927.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

Resolution 2001R-179, authorizing the issuance and sale of revenue bonds to provide funds for a project on behalf of The Blake School at 511 Kenwood Pkwy was passed May 18, 2001 by the City Council and approved May 18, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-179**  
**By Niland**

**Authorizing the issuance and sale of revenue bonds to provide funds for a project on behalf of The Blake School.**

Whereas, the City of Minneapolis, Minnesota (the "City") is, by the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Sections 469.152 to 469.165, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing costs of authorized projects and to enter into agreements necessary or convenient in the exercise of the powers granted by the Act; and

Whereas, The Blake School, a Minnesota nonprofit corporation (the "Corporation"), has proposed to this Council that the City issue and sell its City of Minneapolis Revenue Bonds, Series 2001 (The Blake School Project) (the "Bonds"), in an aggregate principal amount not to exceed \$10,000,000 pursuant to the Act and loan the proceeds thereof to the Corporation in order to finance costs incurred in the restoration and remodeling by the Corporation of its Northrop campus, located at 511 Kenwood Parkway, to include new instrumental and vocal music suites, a black box theater, enhanced spaces for studio arts and photography, a new art gallery, redesigned and restored classrooms featuring enhanced technology access, enhanced student and public spaces, and infrastructure improvements including new roofs, more safety features, air conditioning and improved access for the disabled (collectively, the "Project"); and

Whereas, as required by the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, the City Council of the City conducted a public hearing on Monday, May 7, 2001, on the proposal to undertake and finance the Project after publication in the official newspaper and a newspaper of general circulation in the City of a notice setting forth the time and place of hearing; stating the general nature of the Project and an estimate of the principal amount of bonds or other obligations to be issued to finance the Project; stating that a draft copy of the proposed Application to the Minnesota Department of Trade and Economic Development (the "Department"), together with all attachments and exhibits thereto, was available for public inspection at the offices of the City, at all times between the hours of 8:00 A.M. to 4:30 P.M. Monday to Friday, except legal holidays to and including the day of hearing; and

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

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

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

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

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

c. The Bond Purchase Agreement, to be dated as of the date of execution thereof (the "Bond Purchase Agreement"), by and among the City, the Corporation and U.S. Bancorp Piper Jaffray Inc. (the "Underwriter") providing for the purchase of the Bonds by the Underwriter; and

d. A Preliminary Official Statement (the "Preliminary Official Statement").

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

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

That it is hereby found, determined and declared that:

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

b. It is desirable that the Bonds in the principal amount not to exceed \$10,000,000 be issued by the City, on the terms set forth in the Indenture and the Bond Purchase Agreement.

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

d. Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from amounts derived from the Loan Agreement, including the revenues of the Project.

e. It is hereby found, determined and declared that the Project furthers the purposes set forth in the Act by promoting, attracting, encouraging and developing economically sound industry and commerce through governmental action.

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

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

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, in the aggregate principal amount not to exceed \$10,000,000, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the rates, all determined as set forth in the Indenture, provided that such rates shall result in an average coupon rate not greater than 7.00% per annum.

Be It Further Resolved that in accordance with the requirements of the Act, officers of the City are hereby authorized and directed to submit the proposal for the Project to the Department to request its approval thereof, and City officers, employees, and agents are hereby authorized to provide the Department with such information as it may require.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in connection with the proposed issuance of the Bonds are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Bonds to the Underwriter to be determined is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Bond Purchase Agreement. The Mayor, City Clerk and Finance Officer of the City are hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Indenture and to deliver them to the Trustee (which is herein designated as the authenticating agent under Minnesota Statutes, Section 475.55) for authentication and delivery to or as directed by the Underwriter, together with a certified copy of this resolution, and the other documents required by the Indenture.

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

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the Issuer consent to the distribution of the Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Issuer. The Mayor, City Clerk, Finance Officer and said officers further consent to the use by the Underwriter in connection with the sale of the Bonds of a final Official Statement, substantially in the form of the Preliminary Official Statement described above. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the Mayor, City Clerk, Finance Officer and said officers for use in connection with the offer and sale of the Bonds. The Mayor, City Clerk, Finance Officer and said officers have not participated in the preparation thereof, have not made any independent investigation of the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

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

No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project or the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability

thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

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

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

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

Be It Further Resolved that the 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, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration a report from the Minneapolis Community Development Agency (MCDA) requesting approval of an amendment to mortgage revenue bond program documents that are issued by the MCDA and the City of Minneapolis, through either the Minneapolis/St. Paul Housing Finance Board or the City, and at times jointly with the Housing and Redevelopment Authority for the City of St. Paul, in support of various home ownership programs, now recommends that the proper MCDA and/or City officers be authorized to execute documents that will permit mortgage revenue bond program trustees to begin using a shorter reporting format for regular bond transaction reports associated with outstanding and future bond issues, in conformance with industry standards and in compliance with current standards, as set forth in Petn No 266927.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration the matter of issuing bonds on behalf of Minnehaha Academy, a non-profit corporation that operates a preschool through 12<sup>th</sup> grade co-educational program on two campuses in Minneapolis and one in Bloomington, to finance the construction of a new auditorium, gymnasium, classrooms and various improvements and renovations at their North Campus at 3107 - 47<sup>th</sup> Ave S, and improvements to pedestrian traffic and vehicle traffic areas and various improvements and renovations at their South Campus, 4200 W River Pkwy, and the Council having granted preliminary approval to issue such bonds on February 2, 2001 subject to all zoning and planning issues being resolved prior to final approval, now recommends passage of the accompanying resolution granting final approval to issue up to \$10 million in Tax-exempt 501(c)(3) Variable Rate Demand Revenue Bonds for Minnehaha Academy Project, Series 2001, as set forth in Petn No 266927.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001; Republished June 16, 2001)

Resolution 2001R-180, authorizing the issuance and sale of Variable Rate Demand Revenue Bonds of the City and the Execution of Documents for the Minnehaha Academy Project at 3107-47<sup>th</sup> Ave S and 4200 W River Pkwy was passed May 18, 2001 by the City Council and approved May 18, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-180**

**By Niland**

**Authorizing the Issuance and Sale of Variable Rate Demand Revenue Bonds (Minnehaha Academy Project) of the City and the Execution of Documents.**

Whereas, this Council has received a proposal from Minnehaha Academy, a Minnesota nonprofit corporation ("the Borrower"), that the City of Minneapolis (the "City") finance all or a portion of the cost of a proposed project under Minnesota Statutes, Sections 469.152 through 469.165 (the "Act"), consisting of the construction of a new gymnasium building on the Borrower's north campus located at 3107 - 47<sup>th</sup> Avenue South in the City, as well as the improvement of various existing facilities located on the Borrower's north campus and on the Borrower's south campus located at 4200 West River Parkway in the City (collectively, the "Project"); and

Whereas, at a public hearing, duly noticed and held on January 22, 2001, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to undertake and finance the Project, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Project, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$10,000,000 aggregate principal amount of the City's Variable Rate Demand Revenue Bonds (Minnehaha Academy Project), in one or more series (the "Bonds"), to finance all or a portion of the cost of the Project is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, the Bonds will be issued by the City under the authority contained in the Act; and

Whereas, the proceeds of the Bonds will be loaned (the "Loan") by the City to the Borrower, in order to finance all or a portion of the cost of the Project and pay certain costs of issuance of the Bonds; and

Whereas, pursuant to a Loan Agreement (the "Loan Agreement"), to be entered into between the City and the Borrower, a copy of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City will lend the proceeds of the Bonds to the Borrower. The Borrower will unconditionally agree to repay the Loan made by the City under the Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by the Borrower of the fee of the City related to the Bonds and of administrative costs of the Trustee (as hereinafter defined), indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and the Borrower deem necessary or desirable for the sale of the Bonds. The City will grant a security interest in certain revenues and payments to be received by the City under the Loan Agreement to the Trustee; and

Whereas, pursuant to an Indenture of Trust (the "Indenture") to be entered into between the City and Firststar Bank, National Association, as Trustee (the "Trustee"), a copy of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City will assign and pledge all of its right, title and interest in the Loan Agreement (other than the right of the City to indemnification and payment of administrative fees and expenses), to the Trustee. In addition, the Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the City and the Borrower deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, the Bonds would be further secured by one or more letters of credit (collectively, the "Letter of Credit") to be issued by Firststar Bank, National Association (the "Credit Bank") to the Trustee for the account of the Borrower. As a condition to the issuance of the Letter of Credit, the Credit Bank will require the Borrower to enter into a reimbursement or similar agreement, requiring, among other things, the Borrower to reimburse the Credit Bank for draws paid under the Letter of Credit; and

Whereas, pursuant to a Remarketing Agreement (the "Remarketing Agreement"), proposed to be made and entered into between the Borrower and the Underwriter (hereinafter defined), as remarketing agent, the remarketing agent will agree to use its best efforts to remarket Bonds tendered for purchase by the owners thereof in accordance with the requirements of the Indenture; and

Whereas, the Bonds will be special, limited obligations of the City payable solely from Loan Payments (as defined in the Loan Agreement) payable by the Borrower under the Loan Agreement, certain funds held by the Trustee under the Indenture and draws on the Letter of Credit. The Bonds shall not be payable from or charged upon any funds of the City other than the revenues pledged to the payment thereof, nor shall the City be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City other than such revenues specifically pledged under the Indenture. The Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be offered and sold by U.S. Bancorp Piper Jaffray Inc. (the "Underwriter") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") between the City, the Borrower and the Underwriter, a copy of which has been presented to the Council and which has been reviewed to the extent deemed necessary; and

Whereas, a draft of an Official Statement relating to the Bonds (the "Official Statement"), has been presented to the Council at this meeting and has been reviewed to the extent deemed necessary. The Official Statement will be distributed by the Underwriter to potential purchasers of the Bonds;

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

That in order to provide for the financing of all or a portion of the costs of the Project, the City hereby authorizes the issuance of the Bonds as variable rate demand revenue bonds under the Act, in an aggregate principal amount not to exceed \$10,000,000. It is acknowledged that the purchase price of the Bonds, the principal amount of the Bonds, the maturity schedule of the Bonds and the interest rates

on the Bonds have not been determined as of this date and are not reflected in the forms of the Loan Agreement, the Indenture, the Bond Purchase Agreement or the Official Statement. The Mayor, the City Clerk and the City Finance Officer are hereby authorized to approve: (1) the purchase price of such Bonds; provided that the total compensation payable to the Underwriter in respect of the Bonds does not exceed 1.00% of the principal amount of the Bonds; (2) the principal amount of such Bonds; provided that the principal amount of the Bonds does not exceed \$10,000,000; (3) the maturity schedule of such Bonds; provided that such Bonds mature at any time or times in such amount or amounts no later than 30 years after the date of issue thereof; (4) the provisions for redemption of such Bonds; and (5) the interest rates on such Bonds; provided that the initial interest rate shall be a variable rate not to exceed six and one-half percent (6.50%) per annum. Such approval shall be conclusively evidenced by the execution of the Bond Purchase Agreement as provided herein.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor, the City Clerk and City Finance Officer. The Trustee is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any of the officers who shall have signed any of the Bonds shall cease to be such officers of the City before the Bonds so signed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed such Bonds had not ceased to be such officer or officers of the City.

Be It Further Resolved that the Indenture, the Loan Agreement and the Bond Purchase Agreement are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the forms, submitted to this meeting, and the Mayor, City Clerk and City Finance Officer are hereby authorized and directed to execute, acknowledge and deliver the Indenture, the Loan Agreement and the Bond Purchase Agreement on behalf of the City with such changes, insertions and omissions therein as are within the limitations as provided in the second preceding paragraph and do not change the substance of the Indenture, the Loan Agreement or the Bond Purchase Agreement and as may be approved by the Mayor, City Clerk and City Finance Officer, such approval to be evidenced conclusively by their execution of the Indenture, the Loan Agreement and the Bond Purchase Agreement.

Be It Further Resolved that the City hereby consents to the distribution by the Underwriter to potential purchasers of the Bonds of the Official Statement in substantially the form submitted to the Council at this meeting. The City has not and will not participate in the preparation of the Official Statement and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Indenture, the Loan Agreement or the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Bonds, the acting Mayor, Assistant City Clerk, Assistant Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreement, the Indenture and the Bond Purchase Agreement as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreement, the Indenture and the Bond Purchase Agreement.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution approving the classification of tax forfeited property at 247 Cedar Ave as non-conservation land for the purpose of conveyance to the Minneapolis Community Development Agency (MCDA), as set forth in Petn No 266927.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-181**

**By Niland**

**Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non conservation and the conveyance thereof.**

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

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

That the parcels located at 247 Cedar Ave S, PID # 25-029-24-23-0013 legally described as the South 20 feet including adjacent part of vacated street, Lot 6, Block 168 Town of Minneapolis, be designated as non-conservation land and sold to the Minneapolis Community Development Agency.

Be It Further Resolved that this matter be referred to the Minneapolis Community Development Agency for authorization to submit an application to the Commissioner of Revenue and the County of Hennepin for the purchase of the property at 247 Cedar Ave S, PID # 25-029-24-23-0013 located in a non-target area pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1 and Subd. 1a, as amended by Laws 1990. Chapter 604, Article 3, Section 37.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

**Comm Dev & T&PW** - Your Committee, having under consideration the Guthrie Theater Riverfront Project, bounded by 2<sup>nd</sup> St S & W River Pkwy, segments of 11<sup>th</sup> & Chicago Aves S, and having held a public hearing thereon, now recommends that the proper Minneapolis Community Development Agency (MCDA) and/or City officers be authorized to execute a redevelopment agreement and related documents with the Guthrie Theater Foundation, as set forth in Petn No 266928, subject to the terms outlined therein.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev, T&PW, W&M/Budget** - Your Committee, having under consideration a report from the Minneapolis Community Development Agency (MCDA) outlining a financing strategy for the new North-South Boulevard in Bassett Creek Valley (south of Glenwood Ave) in relation to the Near Northside Redevelopment Plan, and an update on progress in identifying funding sources to pay for public infrastructure costs for the entire project, as set forth in Petn No 266929, with recommendations to:

- a) Approve the financing strategy for the North-South Boulevard in Bassett Creek Valley;
- b) Authorize the proper MCDA and/or City officers to work with Trust for Public Land on an interim land acquisition strategy;
- c) Pass the accompanying resolution requesting assistance from the Trust for Public Land with acquisition of properties needed for the new North-South Boulevard;
- d) Direct staff to pursue the funding sources outlined in the report and in Table 2 contained therein, and others as appropriate;
- e) Direct staff to work to plan and design the North-South Boulevard with costs likely to be funded by Hennepin County to Fund 4100-970-9719, now recommends -

**Comm Dev** - Approval.

**T&PW** - Forwarding without recommendation, as amended to include that the finance plan is subject to the City's normal process.

**W&M/Budget** - Forwarding without recommendation.

Niland moved that the report be amended to approve the recommendation of the Community Development Committee with an amendment to include that the finance plan is subject to the City's normal process, and to delete the recommendations of the Transportation & Public Works and Ways & Means/Budget Committees. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 10; Nays, 2 as follows:

Yeas - Thurber, Campbell, Niland, Goodman, Colvin Roy, McDonald, Mead, Herron, Johnson, Cherryhomes.

Nays - Ostrow, Lane.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-182**

**By Niland**

**Requesting the Trust for Public Land to assist the City of Minneapolis with acquisition of properties needed for the new North-South boulevard in relation to the Near Northside and Bassett Creek Valley Redevelopment Plans.**

Whereas, the City Council adopted the Near Northside and Bassett Creek Valley Master Plans in March 2000; and

Whereas, a key element of both Plans is the North-South boulevard, linking these areas with neighborhoods in both North and South Minneapolis; and

Whereas, limited property acquisition is necessary along the route of the North-South boulevard; and

Whereas, while sources for acquisition of the properties have been identified, but funds have yet to be secured; and

Whereas, The Trust for Public Land (TPL) is a national non-profit organization that acquires lands and conveys those lands to public agencies for ownership and management; and

Whereas, TPL has provided this service for numerous governmental agencies throughout Minnesota, and is experienced at helping government agencies make these transactions in complex, high value real estate markets, while serving the needs and concerns of property owners; and

Whereas, TPL could acquire properties in Bassett Creek Valley on behalf of the City of Minneapolis and hold those properties until funding has been secured;

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

That the City requests the Trust for Public Land to assist the City with acquisition of properties needed for the new North-South boulevard.

Be It Further Resolved that City and MCDA staff are directed to work with TPL and to identify sources of funds that will be used to repay TPL for acquisition costs and its costs associated with this work.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Thurber, Campbell, Niland, Goodman, Colvin Roy, McDonald, Mead, Herron, Johnson, Cherryhomes.

Nays - Ostrow, Lane.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. 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 recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund CPP0 (Preliminary Planning) by \$95,000 for the Grain Belt Library, Franklin Avenue Light Rail Transit and West Broadway Commercial Corridor projects and to maintain an unallocated Preliminary Planning balance of \$183,436 for new projects that may arise in 2001 (Petn No 266930).

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2001R-183**

**By Niland and Campbell**

#### **Amending The 2001 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 CPP0 - Preliminary Planning by \$95,000 from current fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund CAZ0 (Common Project) by \$49,000, increasing the Fund CAZ0 revenue estimate by \$49,000, and increasing the appropriation in Fund CPQ0 (Neiman Marcus) by \$49,000, to provide a grant from the MCDA's Commercial Corridor Program to the Resource Center of the Americas to purchase the property at 3028 - 27<sup>th</sup> Ave S, to create green space and serve as an entryway to their building at 3019 Minnehaha Ave.

Your Committee further recommends waiving the 3% administrative fee for this project.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-184  
By Niland and Campbell**

**Amending The 2001 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 as follows:

a) Increasing the appropriation in Fund CAZ0 - Common Project by \$49,000 and increasing the Fund CAZ0 revenue estimate by \$49,000 (3845 - Transfer within Capital Project Funds); and

b) Increasing the appropriation in Fund CPQ0 - Neiman Marcus by \$49,000 from available fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration Year 2001 HOME Program, now recommends -

a) Approval of the Year 2001 HOME Program budget allocation as follows: Home Ownership Works Program, \$810,000; Multi-Family Rental Development, \$2,879,100; Administration costs for Minneapolis Community Development Agency (MCDA), \$394,900; Administration costs for the City of Minneapolis, \$15,000;

b) That the City of Minneapolis be authorized to retain \$15,000 for associated administrative costs;

c) That the proper MCDA and/or City officers be authorized to execute the Tenth Amendment to Contract #8179 between the City of Minneapolis and the MCDA to expend Department of Housing & Urban Development (HUD) HOME Investment Partnership Program funds and to implement the HUD HOME Program;

d) Passage of the accompanying resolution increasing the MCDA appropriation in Fund FGO0 (MCDA Federal) by \$767,326 and increasing the revenue budget in Fund FGO0 by \$4,099,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-185  
By Niland and Campbell**

**Amending The 2001 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 FGO0 - MCDA Federal by \$767,326 and increasing the Fund FGO0 revenue estimate by \$4,099,000 (3825 - Transfer within Special Revenue Funds).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund SMN0 (MCDA State Grants & Loans) by \$400,000 and increasing the Fund SMN0 revenue estimate by \$400,000 to reflect receipt of Minnesota Housing Finance Agency Community Revitalization Program funds to assist with a Flipping Project initiative, and that the proper MCDA and/or City officers be authorized to execute grant and sub-recipient agreements.

Your Committee further recommends approval of the reallocation of \$200,000 of Year 26 Community Development Block Grant Vacant Housing Recycling Funds (report category 2208) for the MCDA Flipping Project.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-186**

**By Niland and Campbell**

**Amending The 2001 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 SMN0 - MCDA State Grants & Loans by \$400,000 and increasing the Fund SMN0 revenue estimate by \$400,000 (3215-04 MN State Grants).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board, approving an increase of the FY 2001 NRP Administrative budget by \$300,000 to support implementation of a residential demonstration project for private property concrete work, as set forth in Petn No 266932, now recommends -

**Comm Dev** - That the following recommendations be forwarded without recommendation and that staff be directed to identify the funding source for the \$300,000 funding request:

a) Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$300,000;

b) That the proper City officers be authorized to execute any contracts or agreements needed to implement said request; and

c) That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA).

**W&M/Budget** - Approval of the following recommendations, with the understanding that NRP would serve as the initial provider of funds and would be reimbursed by transfer from the City, in accordance with the cash flow process for housing-related concrete projects, with the understanding that the City will collect related special assessments over a period of time not to exceed five years:

a) Passage of the accompanying resolution amending the 2001 MCDA appropriation, increasing the NRP Program Fund (CNR0) by \$300,000 and increasing the revenue estimate in Fund CNR0 by \$300,000;

b) Passage of the accompanying resolution amending the 2001 general appropriation resolution, increasing the Inter-fund Transfer Agency by \$300,000;

c) That the proper City officers be authorized to execute any contracts or agreements needed to implement said request; and

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

Niland moved to amend the report to approve the recommendation of the Ways & Means Budget Committee and to delete the recommendation of the Community Development Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-187**

**By Niland and Campbell**

**Amending The 2001 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 Fund CNR0 - NRP Program by \$300,000, and increasing Fund CNR0 Revenue Budget (3870 - transfer from the City's General Fund) by \$300,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-188**

**By Campbell**

**Amending The 2001 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 Inter-fund Transfer Agency in the General Fund (0100-127-1270-9075) by \$300,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving an amendment to the FY 2001 NRP Administrative Budget by rolling over \$144,587.76 of the FY 2000 Administrative Budget funds to meet remaining 2000 obligations, as set forth in Petn No 266932, now recommends -

a) Approval of the rollover of \$144,587.76 from the approved 2000 NRP Administrative Budget to satisfy remaining 2000 budget obligations;

b) Passage of the accompanying resolution increasing the 2001 NRP Program Fund (CNR0) by \$144,587.76 and request that the Minneapolis Community Development Agency (MCDA) immediately transfer \$144,587.76 to the NRP's City of Minneapolis Fund 2300; and

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-189**

**By Niland and Campbell**

**Amending The 2001 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 Fund CNR0 - NRP Program by \$144,587.76.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget**- Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the transfer of \$400,000 from NRP funds to the Minneapolis Youth Coordinating Board to support youth initiatives, now recommends -

a) Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$400,000;

b) That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said request; and

c) That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petn No 266932).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-190**

**By Niland and Campbell**

**Amending The 2001 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 Fund CNR0 - NRP Program by \$400,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving Modification #5 to the Sheridan Neighborhood Action Plan, which creates a new business improvement strategy and approves the reallocation of \$200,000 from the "Cop on Every Block" strategy to fund 1) the new business improvement strategy in the amount of \$100,000; and 2) the existing "Fix and Paint" strategy in the amount of \$100,000, now recommends:

- a) That Modification #5, and specifically those parts of the Plan Modification which fall under City jurisdiction, be approved;
- b) That the proper City officers be authorized to execute any contracts or agreements needed to implement activities set forth in the Plan; and
- c) That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petn No 266932).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the recommendation that the following organizations be endorsed to submit Phase I applications to the Metropolitan Council for the Livable Communities Demonstration Account funds, as more fully set forth in Petn No 266931:

- a) Minneapolis Community Development Agency (MCDA): \$500,000 for mixed-use development in the Historic Mills area and \$750,000 for the Franklin Avenue Light Rail Transit Station;
- b) Powderhorn Residents Group: \$600,000 for the Village in Phillips-One;
- c) Longfellow, EPIC: \$500,000 for mixed-use development at 2700 E Lake St;
- d) Midtown Phillips, EPIC and Powderhorn: \$500,000 for mixed-use redevelopment at Bloomington Ave & Lake St;
- e) Whittier, Lyndale and Central: \$1.5 million to construct the new K-Mart store and other mixed-use at Nicollet Ave and Lake St;
- f) Stevens Square: \$750,000 for mixed-use development at 18<sup>th</sup> St and Nicollet Ave;
- g) Central: \$500,000 for a hotel and mixed-use development at Lake St and Stevens Ave;
- h) Near Northside Redevelopment: \$1,500,000 for Phase 1 and 2 support;
- i) Hope Community, Central Community Housing Trust and Franklin Avenue Development: \$500,000 to construct Gateway Phase 1 of the Children's Village Center;
- j) Ventura Village: \$400,000 for the Carriage Houses projects and \$600,000 for the Many Rivers Housing Project, now recommends -

**Comm Dev** - Approval of recommendations "a through j."

**W&M/Budget** - Approval of recommendations "a through j."

Your Committee further recommends that the MCDA be endorsed to submit an additional Phase I application to the Metropolitan Council for the Livable Communities Demonstration Account funds seeking an additional \$300,000 for enhancements at various Light Rail Transit stations.

Niland moved that the report be amended by deleting the recommendation of the Community Development Committee and to approve the Ways & Means/Budget Committee recommendation with the addition of the following paragraph:

"Your Committee further recommends that a Phase I application be submitted for Phillips, seeking \$500,000 for American Indian Business Development Corporation's Franklin Circles and Ancient Traders Market Project."

Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

Yeas - Thurber, Ostrow, Campbell, Niland, Goodman, Colvin Roy, Mead, Lane, Herron, Johnson, Cherryhomes.

Nays - McDonald.

Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request to extend the operation of the Overflow Shelter operations after exhaustion of Hennepin County support, now recommends approval of the following actions:

a) That the proper City officers be authorized to award \$62,032 in 2000 Emergency Shelter Grant funds to support Overflow Shelter operations and to award contracts to Catholic Charities in the amount of \$38,632 and to Simpson Housing Services in the amount of \$23,400;

b) Passage of the accompanying resolution amending the 2001 Minneapolis Community Development Agency (MCDA) appropriation resolution by decreasing the MCDA appropriation in Fund FGO0 (MCDA Federal) by \$62,032;

c) Passage of the accompanying resolution amending the 2001 General Appropriation resolution by increasing the appropriation in the Interfund Transfer Agency by \$62,032 and increasing the Non-Departmental Agency by \$62,032.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-191**  
**By Niland and Campbell**

**Amending The 2001 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 decreasing the appropriation in Fund FGO0 - MCDA Federal by \$62,032.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-192**  
**By Niland and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the Interfund Transfer Agency in the Community Development Block Grant/Urban Development Action Grant (CDBG/UDAG) Fund (0400-127-1270-9030) by \$62,032; and

b) Increasing the Non-Departmental Agency (0400-123-1232) by \$62,032.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the CARAG Neighborhood Action Plan (the Plan), with total NRP expenditures not to exceed \$2,418,053 (including "Early Access" and "First Step" project allocations totaling \$714,250), as set forth in Petn No 266932, now recommends:

1. That said Plan, and specifically those parts of the Plan which fall under City jurisdiction, be approved;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$465,803;

3. That the Minneapolis Community Development Agency (MCDA) staff be directed to establish dedicated reserve funds for the Plan within Fund (CNR) and to assign \$1,238,000 to such reserve fund for future year expenditures on the approved Plan;

4. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the Plan; and

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-193**

**By Niland and Campbell**

**Amending The 2001 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 Fund CNR0 - NRP Program by \$465,803.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

**H&HS** - Your Committee, having under consideration the Construction Cluster Training Program, now recommends that the proper City Officers be authorized to issue Fund Availability Notice #D9-2, under Master Contract #10004, to Summit Academy OIC, in the amount of \$25,000, to provide training, placement and retention services to eligible Minneapolis residents in the construction industry under a performance based contract during the period May 1, 2001 through February 28, 2002, payable from Health & Family Support (040-860-8600).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends approval of the City Council appointment of Karl Sanders to the Public Health Advisory Committee representing the Neighborhood Health Care Network/ community clinics, for a term to expire December 31, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee, having under consideration the Comprehensive Lead Plan Summary and Strategic Action Plan to Address Childhood Lead Poisoning, now recommends approval of the following recommendations to make the City of Minneapolis lead safe by 2010:

a. increase the General Fund Lead Program appropriation by \$250,000 to fully meet operational costs and ensure program continuity when current federal funds are no longer available in 2003, and that staff be directed to include the alternative of Community Development Block Grant (CDBG) funding.

b. initiate federal, state and county lobbying efforts to generate additional resources from a renewed intergovernmental commitment to Childhood Lead Poisoning Prevention.

c. support bonding, tax incentives and/or other financial tools as vehicles to encourage extensive rehabilitation and abatement.

d. implement the recommendations of the Comprehensive Lead Plan report, including the development of a Lead Network, which will result in greater resources focused on lead control activities in the City.

e. that the matter be referred to the 2002 Priorities process.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution transferring \$1,048 in State Weed and Seed funds from the Police Department CODEFOR Intern Project to Health & Family Support for reallocation to other Weed and Seed activities.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-194**  
**By Herron and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a. decreasing the Police Department Agency in the Grants - Other Fund (060-400-P400) by \$1,048; and

b. increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8606) by \$1,048.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee, having under consideration the federally funded Twin Cities Healthy Start Project, now recommends that the proper City Officers be authorized to issue a Request for Proposals for Year III Healthy Start services.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals to establish a list of "eligible providers" with whom the Department of Health & Family Support will contract for services in the areas of employment & training, health/medical services, and human/social services through the development of five year master contracts.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

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

**IGR** - Your Committee, to whom was referred on May 4, 2001:

(a) the matter of the rationale for the Council's opposition to repeal Subdivision 5 of Minn Stat 2000, Section 462.357; and

(b) the matter of staff direction to convey the Council's sentiment if the repeal is considered by the Legislature, all relating to HF 1953/SF 1619 authorizing municipalities to require developers to include affordable housing and modifying the requirements for adoption or amendment of zoning ordinances; and your Committee having concluded that opposition to Subdivision 5, which currently requires the consent of 2/3 of neighboring property owners prior to passage of an ordinance rezoning a particular property by the governing body of a city of the first class, could not be considered separately from opposition to amending Subdivision 2 of Section 462.357, which subdivision currently requires a 2/3 vote by a governing body of a municipality to amend a zoning ordinance; now recommends that staff be directed to negotiate, based on the two lists of reasons for opposing amendment to subdivision 2 and opposing repeal of subdivision 5, as set forth in Petn No 266940.

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

Yeas - Thurber, Ostrow, Campbell, Goodman, Colvin Roy, McDonald, Mead, Lane, Herron, Johnson, Cherryhomes.

Nays - Niland.

Absent - Biernat.

Passed May 18, 2001.

Not Approved by the Mayor.

Attest: M. Keefe, City Clerk.

**CITY OF MINNEAPOLIS  
CERTIFICATION**

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

I, STEVEN J. RISTUBEN, Assistant City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Intergovernmental Relations Committee relating to HF 1953/SF 1619 and Minn Stat 2000, Section 462.357, Subdivisions 2 and 5, all relating to modifying the requirements for adoption or amendment of zoning ordinances to facilitate affordable housing, as acted upon by the City Council of Minneapolis, Minnesota, on May 18, 2001, and designated as "Not Approved by the Mayor", for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 25th day of May, 2001.

Steven J. Ristuben, Assistant City Clerk.

**IGR** - Your Committee recommends that the Council oppose the bill before the Legislature which would allow people to carry concealed handguns and make it more difficult for the City to deny permits for handguns. (Petn No 266939)

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee recommends passage of the accompanying resolution requesting the Legislature and Governor to not divide the City of Minneapolis among multiple Congressional Districts.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-195**

**By Cherryhomes, Thurber, Ostrow, Campbell, Johnson, Niland,  
Goodman, Herron, McDonald, Mead, Colvin Roy and Lane**

**Requesting the Legislature and Governor to not divide the City of Minneapolis among multiple Congressional Districts.**

Whereas, data from the 2000 Census enables the Minnesota Legislature to re-draw Congressional boundaries into eight districts with each district's population equal to 614,935 residents; and

Whereas, the City of Minneapolis, with a population determined by the 2000 Census to be 382,618 residents, is Minnesota's largest City and is the center of economic development and regional transportation for the West Metropolitan area; and

Whereas, the entire City of Minneapolis has been in the Fifth Congressional District and represented with its own voice in the United States Congress since 1962; and

Whereas, the City of Minneapolis desires continued representation in Congress with the boundaries entirely in the Fifth Congressional District; and

Whereas the City of Minneapolis opposes any efforts to join portions of Ramsey and Hennepin counties into a single Congressional District;

Now, Therefore, Be It Resolved, that the City of Minneapolis requests the State Legislature and the Governor to formulate a minimum change redistricting plan that does not divide the City of Minneapolis among multiple Congressional Districts.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**PS&RS** - Your Committee, having under consideration the application of Special Events Catering, dba Dry Dock Cafe, 401 3rd St N, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Off-Sale Liquor, to expire July 1, 2002**

Simply Elegant Inc, dba Bottle House of Minneapolis, 150 2nd Av S;  
KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Av (1st floor);  
E & M Franklin Nicollet, dba Franklin Nicollet Liquor Store, 2012 Nicollet Av (1st floor);

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2002**

Old Chicago of Colorado Inc, dba Old Chicago, 510 1st Av N #SF-508;

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2002**

Yendor Corp, dba Augies, 424 Hennepin Av;  
Minneapolis Society of Fine Arts, dba Artscape, 2400 3rd Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2002**

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S;  
Metropolitan Sports Facilities Commission, dba H H H Metrodome, 900 S 5th St;  
Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av;

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2001**

International Catering Inc, dba International Catering, 275 Market St (May 4, 2001, 6:30 p.m. to Midnight, American Diabetes Association);

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2002**

River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av;

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2002**

Jazzmines LLC, dba Jazzmines Restaurant, 123 3rd St N;

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2002**

Zuhrah Shrine Temple, 2540 Park Av;  
TGI Fridays of Minnesota Inc, dba TGI Fridays, 615 Hennepin Av;

**On-Sale Liquor Class B with Sunday Sales, to expire May 6, 2001**

JWM Investments Inc, dba Mayslacks, 1428 4th St NE (temporary expansion of premises with entertainment, May 5 & 6, 2001, 2:00 p.m. to 9:00 p.m., 8th Annual Chili Cook-off);

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2002**

Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av #301A;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2001**

Campiello Inc, dba Campiello, 1320 W Lake St;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2002**

Ginko Inc, dba Anthony's Wharf, 201 Main St SE;  
Cedar Point Inc, dba Palmer's Bar, 500 Cedar Av;

**Temporary On-Sale Liquor**

Minnesota Medical Foundation, 200 Oak St SE Suite 300 (University Children's Foundation Fundraiser May 18, 2001, 6:30 p.m. to 9:00 p.m., May 19, 2001, 6:00 p.m. to 10:00 p.m. at the Minneapolis Convention Center; Licensed Facilitator: Kelber Catering);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2001**

Natraj Enterprises LLC, dba Natraj India Kitchen, 1123 W Lake St (change in ownership from Shaanti Inc);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2002**

Park and Lee Inc, dba Dragon Court, 304 Oak St;  
Pane Vino Dolce Inc, dba Pane Vino Dolce, 819 W 50th St;  
Atrium Restaurant Group Corp, dba Arezzo, 5057 France Av S;

**Off-Sale Beer, to expire April 1, 2002**

Hiep Thanh Company, dba Hiep Thanh Oriental Grocery Store, 2534 Nicollet Av;  
Diamond Lake 1994 LLC, dba Cub Foods, 5937 Nicollet Av;

**On-Sale Beer Class E, to expire April 1, 2002**

Old China Buffet, dba Old China Buffet, 1015 W Lake St;  
Lam Daniel & Lam Cuong Hung, dba Shuang Cheng Restaurant, 1320 4th St SE;

**Temporary On-Sale Beer**

Church of St. Hedwig, 129 29th Av NE (June 3, 2001, Noon to 6:00 p.m.).  
Adopted. Yeas, 12; Nays none.

Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 18, 2001, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 266944):

Bowling Alley; Building Contractor Class B; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Concrete Masonry Contractor Class B; Dry Cleaner - Non-flammable; Laundry; Place of Entertainment; Caterers; Confectionery; Food Distributor; Farm Produce Permit Non-Profit; Grocery; Food Manufacturer; Drive-In Food Restricted; Restaurant; Food Shelf; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gas Fitter Class A; Motor Vehicle Repair Garage; Peddler - Foot; Pedicab; Plumber; Antique Dealer Class B; Steam & Hot Water Systems Installer; Swimming Pool - Public; Tattooing; Taxicab Vehicle; Tobacco Dealer; and Valet Parking.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. 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 Exempt**

Armatage Neighborhood Association, 2500 W 57th St (Raffle June 7, 2001 at Armatage Community School, 2501 W 56th St);

Church of All Saints, 435 4th St NE (Bingo, raffle, paddlewheel & pulltabs September 9, 2001).

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Restaurant and On-Sale Liquor Class E with Sunday Sales Licenses held by Rainbow Restaurant Properties Inc., dba Chino Latino, 2916 Hennepin Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for failure to report customer illnesses after receiving a complaint of an alleged food borne illness from persons eating raw oysters, and failure to maintain shellstock tags that resulted in additional customers becoming ill and increased investigation time on the part of City, State and Federal agencies, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall put into place a policy to call Environmental Health with customer complaints. Shellstock identification tags shall be maintained in an orderly system.

b. that the licensee pay an administrative penalty of \$1,000 to the City of Minneapolis by May 1, 2001.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Rental Dwelling License for the property located at 1093-95 27th Av SE, and having received an acceptable management plan for the property and the housing code violations having been corrected, in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Douglas Doty. (Petn No 266943)

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends that the Department of Regulatory Services, Animal Control Division, be authorized to utilize bell curve staffing to hire three Animal Control Wardens beyond the authorized full-time staffing requirements in order to accommodate employee turnover and to ensure quality public service during the summer months when service demand peaks.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. 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 negotiate and implement Automated Pawn System licensing and support agreements with political subdivisions, outside Minnesota, and other potential strategic partners. Further, that the City Attorney is authorized to identify and provide required legal services in support of said negotiations, including the drafting, reviewing and final concurrence of the agreements.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having received a \$150,000 grant award from the Minnesota Department of Public Safety in 1998 to develop a Sex Offender Notification Program to conduct community notification meetings upon the release of sex offenders into Minneapolis communities, now recommends that the proper City Officers be authorized to amend Grant Agreement #012902 with the Minnesota Department of Public Safety to extend the grant period from February 29, 2001 to April 30, 2001 to permit time to expend the full grant award.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**BOARD OF EQUALIZATION  
REPORT OF SPECIAL BOARD OF REVIEW**

Pursuant to the provisions of an ordinance passed May 30, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review, and a resolution passed on March 23, 2001, providing for the procedure to be followed by said

Board, and one committee report passed on March 23, 2001, appointing members to the Special Board of Review, the City Clerk submits the report of the Special Board of Review which met on Monday, April 23, 2001, in the City of Lakes Building in the City of Minneapolis. The Board was duly sworn and after being so sworn entered upon the discharge of duties imposed by law on such Board.

The Board continued to meet to and including Friday, May 11, 2001. The Board equalized the assessments of the various assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota, and recommended approval of the Assessor's rolls containing the assessment of real estate and personal property in the various districts of the City of Minneapolis, as so revised, amended, equalized and granted by the Board.

The Board recommended to the City Clerk that copies of the adjustments and corrections made to such assessment rolls be transmitted to the City Council for approval or correction and if approved, such assessment rolls as approved and/or corrected be transmitted to the City Assessor, County Board of Equalization and State Tax Commissioner with the request that they take such action within their powers as authorized by law to give full effect to the correction and adjustments recommended and made by the Board.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. 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 the City's contract with Shorty's Towing and having been informed that the number of tows performed and anticipated to be performed by Shorty's has increased, now recommends that Contract #C99-14655 with Shorty's Towing, Inc, established for the two-year period from October 1, 1999 through October 1, 2001, be increased by \$200,000, for a new total of \$600,000, to allow for reimbursement of tows provided by the contractor. The contract increase is payable from the Public Works - Transportation Agency (7500-685-6898).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having been informed that the Linden Hills neighborhood has investigated options for use of the City right-of-way (parking lot) located at W 44<sup>th</sup> Street and that they are recommending that the lot continue to be used to provide free public parking, now recommends that the proper City officers be authorized to execute a one-year lease agreement (renewable for up to ten years) with Alan C. and Jean W. Thiel to manage the City right-of-way located at W 44<sup>th</sup> St between Abbott and Beard Aves S for use as a public parking lot. The lease shall require rent of \$250 per month in the first year to be increased 3% annually.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having been informed that the City's lease agreement with the Little Wagon Company for space in the Jerry Haaf Memorial Ramp has been renegotiated, now recommends that the proper City officers be authorized to terminate the previous lease agreement (#3518) and execute a new 15-year lease agreement with Little Wagon Company, Inc. providing a base rent of \$9.40 per square foot and payment schedules for rent increases, development costs, and customer parking. The lease shall be effective as of July 1, 2001.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee recommends the approval of the layout, dated April 12, 2001, for reconstruction of Central Avenue NE from 27th Avenue NE to 37th Avenue NE and authorization for the acquisition of permanent and temporary easements for street improvements relative to the Central Avenue NE paving project.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee recommends passage of the accompanying Resolution authorizing the City to enter into an agency agreement with the Minnesota Department of Transportation for advance construction funding for the Royalston Avenue Bridge Project.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-196**

**By Mead**

**Requesting authorization for the City of Minneapolis to enter into an Agency Agreement with the Minnesota Department of Transportation for Advance Construction Funding for the Royalston Avenue Bridge Project.**

Whereas, the City of Minneapolis is proposing to reconstruct Royalston Avenue and replace temporary Bridge No. 99037 with new Bridge No. 27699 in 2001; and

Whereas, the Royalston Avenue Bridge Project is approved for Federal Bridge Replacement Funds in 2003; and

Whereas, the City of Minneapolis desires to proceed with the construction of the project in advance of the year it is programmed for the federal funds;

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

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

Be It Further Resolved that the Mayor and the City Clerk are hereby authorized and directed for and on behalf of the City of Minneapolis to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in Minnesota Department of Transportation Agency Agreement No. 81383, a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001. J. Cherryhomes, President of Council.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the construction of Hiawatha Avenue between E 24th Street and E 31st Street, now recommends the following:

1) That the City Engineer be authorized to make a payment of \$158,000 from the Public Works - Streets and Malls Capital Agency (4100-937-9372) to the Hennepin County Railroad Authority in connection with their removal of Soo Line Railroad tracks crossing Hiawatha Avenue at E 28th Street/ E 26th Street; and

2) That the City Engineer be directed to take the necessary steps to recover the costs from Municipal State Aid (MSA).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**T&PW** – Your Committee, having under consideration mill and overlay improvements planned for the alley in the 3800 block of Washburn-Xerxes Avs S, now recommends passage of the accompanying resolution designating the improvement of said alley.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-197**

**By Mead**

**Designating the improvement of a portion of the N-S alley in the block between Xerxes Av S and Washburn Av S from 38<sup>th</sup> St W to 39<sup>th</sup> St W.**

Resolved by The City Council of The City of Minneapolis:

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

N-S alley from 38<sup>th</sup> St W to 39<sup>th</sup> St W between Xerxes Av S and Washburn Av S.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having received a cost estimate of \$39,000 for alley resurfacing improvements and a list of benefit properties for the N-S alley in the block between Xerxes Av S and Washburn Av S from 38<sup>th</sup> St W to 39<sup>th</sup> St W, Special Improvement of Existing Alley No. FS 01#1, as designated by Resolution 2001R-197, passed May 18, 2001, now recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on June 28, 2001, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated alley resurfacing project.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having been informed that a request for proposals process has resulted in a staff recommendation for selection of an architectural firm to assist with planning renovations to the City's facility at 19 N 4<sup>th</sup> Street (to be the new Downtown Command Facility), now recommends that the proper City officers be authorized to negotiate and execute an architectural and engineering design services agreement for said facility renovation with Hammel, Green and Abrahamson, Inc. for a fee not to exceed \$235,000, payable from the Public Safety Initiative capital program.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the special assessment deferment application (Senior Citizen) submitted by Emelia Klempka to defer a water service line repair special assessment (Levy 01028, Project No 2001W) in the principal amount of \$4,394.50 for payable 2001 and subsequent years on the property at 438 Madison St NE, PID 14-029-24-43-0039, now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 to 435.195 and Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. 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 a collaborative effort of the City, the Bryn Mawr Neighborhood Association and the Minnesota Department of Transportation (MnDOT) to construct two planters on the north and south approach medians at Penn Av and Highway I-394, now recommends passage of the accompanying resolutions:

- 1) Directing the proper City officers to pursue a cooperative agreement with the MnDOT, the Bryn Mawr Neighborhood Association and the Minneapolis Public Works Department; and
- 2) Appropriating funding in the amount of \$18,799 for the project, to be reimbursed through the MnDOT Community Roadside Landscaping Partnership Program.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-198**

**By Mead & Campbell**

**Directing the proper City officers to pursue a cooperative agreement with the Minnesota Department of Transportation (MnDOT), the Bryn Mawr Neighborhood Association and the Minneapolis Department of Public Works.**

Whereas, MnDOT and the City have prepared plans for construction of two planters on the north and south approach medians at Penn Av and I-394; and

Whereas, Phase I of this project has been completed and the Bryn Mawr Neighborhood Association, MnDOT and the Minneapolis Department of Public Works wish to proceed with Phase II; and

Whereas, the cost of materials for this project is being reimbursed by MnDOT through the Community Roadside Landscaping Partnership Program and maintenance will be provided by neighborhood volunteers;

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

That the proper City officers be authorized to pursue a cooperative agreement with MnDOT for Phase II of the Bryn Mawr Neighborhood Landscape Project, designated by MnDOT as State Project #2789-969A (T.H. 394=010).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished June 16, 2001)

**RESOLUTION 2001R-199**

**By Mead & Campbell**

**Amending The 2001 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 (4100-943-9940) by \$18,799 and increasing the revenue source (4100-943-9440 - Source 3215) by \$18,799.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having been informed of a request of the Minneapolis Community Development Agency (MCDA) for sidewalk/concrete work within the public right of way adjacent to the Stremel development at 1400 Washington Av N and the DHL development at 1600 2<sup>nd</sup> St N, now recommends passage of the accompanying resolution increasing the Public Works - Streets and Malls Capital Agency by \$50,000, to be reimbursed by the MCDA.

Your Committee further recommends that the proper City officers be authorized to extend the contract with Standard Sidewalk, Inc. (District #1 contractor) by \$50,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-200**

**By Mead & Campbell**

**Amending The 2001 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 and Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9390) by \$50,000 and increasing the revenue source (4100-937-9390 - Source 3845) by \$50,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #5629 (Petn No 266952) submitted by Xcel Energy, Inc. in the amount of \$2,509,800 for installation of a low level lighting system in the Field Regina area, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project/service.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Nicollet Mall Light Rail Transit (LRT) Station redesign, now recommends the following:

**T&PW** - that the station design, as submitted by staff, be rejected and approval granted for a redesign for the station to be funded through the Hiawatha Project Office (HPO); further, that the appropriate staff of the Public Works Department and the Minneapolis Community Development Agency (MCDA) be directed to prioritize the funding for this project and to provide information on the City's Capital Improvement budget.

**W&M/Budget** - that the proper City officers be authorized to execute a Project Funding Agreement with the Metropolitan Council to develop the following conceptual architectural designs for the Nicollet Mall Light Rail Transit (LRT) Station:

- a) The architectural design, as directed by Council action of March 2, 2001; and
- b) The architectural design based on the track and platform configuration, as currently proposed by the Hiawatha Project Office (HPO).

Your Committee further recommends that staff be directed to work with HPO and Opus to achieve the desired designs.

Your Committee further recommends establishing the Nicollet Mall LRT Station Project in the Public Works - Transportation - Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440).

Your Committee further recommends passage of the accompanying resolution increasing the Public Works - Transportation - Capital Agency by \$45,000 to provide funds to implement the Project Funding Agreement.

Mead moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

Yeas - Thurber, Ostrow, Campbell, Niland, Goodman, Colvin Roy, McDonald, Mead, Herron, Johnson, Cherryhomes.

Nays - Lane.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

### **RESOLUTION 2001R-201**

**By Campbell**

#### **Amending The 2001 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) decreasing the Contingency Agency appropriation in the General Fund (0100-1750-175A) by \$45,000;

b) increasing the Inter-fund Transfer Agency appropriation in the General Fund (0100-127-1270-9045) by \$45,000;

c) increasing the Inter-fund Transfer Agency appropriation in the Permanent Improvement Projects Fund (4100-127-1270-3810) by \$45,000; and

d) increasing the appropriation for the Public Works - Transportation - Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$45,000.

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

Yeas - Thurber, Ostrow, Campbell, Niland, Goodman, Colvin Roy, McDonald, Mead, Herron, Johnson, Cherryhomes.

Nays - Lane.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**W&M/Budget** - Your Committee, to whom was referred the following ordinances amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, now recommends that said ordinances be given their second reading for amendment and passage:

a) Ordinance modifying the City's annual sick leave severance program and including the Executive Director of the Minneapolis Community Development Agency as an appointed employee entitled to severance pay; and

b) Ordinance changing the title of Article VI to read, *Severance Pay and Accrued Sick Leave Benefit*.

Your Committee further recommends that summary publication of the above-described ordinances be authorized.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-061, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, modifying the annual sick leave severance program and including the Executive Director of the Minneapolis Community Development Agency as an appointed employee entitled to severance pay, was passed May 18, 2001 by the City Council and approved May 24, 2001 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 ordinance.

**ORDINANCE 2001-Or-061**

**By Cherryhomes**

**Intro & 1st Reading: 4/20/2001**

**Ref to: W&M**

**2nd Reading: 5/18/2001**

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

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

Section 1. That Section 20.420 of the above-entitled ordinance be amended to read as follows:

**20.420. Definitions.** ~~When used in this article, the following terms shall mean:~~

~~Accrued sick leave: Sick leave credit earned pursuant to civil service commission rules in qualified service as defined, and which sick leave remains unused at the time of the retirement of the officer or employee or earned pursuant to a collective bargaining agreement.~~

~~Qualified service: Service in a position for which the salary is presently set by the current salary ordinance, or a similar position with a city agency participating in a similar severance program.~~

Section 2. That Section 20.430 of the above-entitled ordinance be amended to read as follows:

**20.430. Establishment of an accrued sick leave benefit plan.** ~~Officers and employees of the city who retire from a city positions under council jurisdiction in the qualified service, and who meet the requirements set out in this article section 20.440, shall be paid a severance pay allowance in the manner and amount set forth herein accrued sick leave in accordance with this plan. Pursuant to Minnesota Statutes Section 465.72, all full-time non-represented appointed employees, except for those employees in the council and mayor's offices, are eligible for the severance pay plan in section 20.455 of this Code.~~

Section 3. That Section 20.440 of the above-entitled ordinance be amended to read as follows:

**20.440. To whom payable.** (a) ~~Payment of severance pay~~ accrued sick leave benefits shall be made only to employees ~~and officers~~ who at the time of retirement have accrued sick leave credit of no less than sixty (60) days, and ~~who meet one of the following requirements:~~

(1) ~~have no less than twenty (20) years of qualified service as computed for retirement purposes,~~  
or

(2) ~~who~~ have reached sixty (60) years of age, or

(3) ~~who~~ are required to retire earlier because of either disability, or

(4) ~~having have~~ reached mandatory retirement age, or

(5) die prior to retirement.

(b) ~~When an employee having no less than sixty (60) days' accrued sick leave dies prior to retirement, the employee shall be deemed to have retired because of disability at the time of death and severance pay~~ accrued sick leave benefits shall be paid to the beneficiary or beneficiaries designated as provided by section 20.450 on his or her Minneapolis Group Life Insurance Policy; or if no beneficiary is designated, to the employee's estate.

Section 4. That Section 20.450 of the above-entitled ordinance be amended to read as follows:

**20.450. Amount and manner of payment.** (a) ~~The severance pay~~ accrued sick leave benefit for each employee ~~qualified hereunder~~ eligible pursuant to 20.440 shall be one-half of the daily rate of pay for the position held by the employee on the day of retirement, notwithstanding subsequent retroactive pay increases, for each day of accrued sick leave ~~subject to a minimum of sixty (60) days for employees not covered by a labor agreement. Provided further that labor agreements may provide for certain limitation unless the amount or manner of payment is different in the applicable collective bargaining agreement.~~

(b) ~~Such severance pay~~ accrued sick leave benefit shall be distributed at a monthly rate ~~equal to the total amount of severance obligation divided by sixty (60), or fifty dollars (\$50.00), whichever is greater, to be paid on the last payday for the city employees of each month, provided that the first of such payments shall begin in the calendar month next following termination of employment, but to each employee eligible under 20.440 and who retires after June 1, 2001, in a lump sum with all applicable federal and state taxes withdrawn not less more than thirty (30) days after the date of the employee's termination-retirement.~~

(c) ~~If the severance pay recipient dies prior to receiving the full amount of such benefit, the remaining payments shall be made in a lump sum to the beneficiary entitled to the proceeds of Minneapolis group life insurance policy or to first, the individual or individuals designated as beneficiary; and if no beneficiary is designated, second, to the last beneficiary designated on his/her Minneapolis Group Life Insurance Policy when retiring; and if no beneficiary was designated on the Minneapolis Group Life Insurance, third, to the employee's estate. The remaining unpaid accrued sick leave benefit of each individual who retired prior to June 1, 2001 shall be paid in a lump sum not more than thirty (30) days after the effective date of this ordinance. All applicable federal and state taxes shall be withdrawn on the balance of the remaining unpaid accrued sick leave benefit.~~

Section 5. That Section 20.455 of the above-entitled ordinance be amended to read as follows:

**20.455. Severance pay for appointed employees.** (a) Beginning January 1, 1999, ~~and each year thereafter~~, all full-time appointed employees who are not represented through a collective bargaining agreement with the city, including the Executive Director of the Minneapolis Community Development Agency, but excluding those appointees in the council's and mayor's offices, shall enter into an employment contract with the city. The ~~annual~~ employment contract shall set forth all the terms and conditions of employment, including, except for those employees who are appointed for a term, the condition of employment that the employee is "at will" and may be removed from ~~service the appointed position~~ by the appointing authority with or without cause. The employment ~~agreement contract~~ shall provide that if the employee is removed from the employee's position, other than for malfeasance, misfeasance or nonfeasance in office, the employee shall receive a lump sum payment equal to fifty (50) percent of the employee's annual salary. The payment of this severance pay is pursuant to Minnesota Statutes Section 465.72 and 465.722 and is conditioned upon the employee agreeing to release the city from any and all causes of action or claims the employee may have against the city and complying with all applicable notice, waiver and rescission provisions in federal and state law and is in addition to the payment of any eligible accrued sick leave benefit authorized by section 20.450. Severance payments under this section shall be paid within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Employees who elect to not execute a general release of causes of action or claims have no right to any severance payment under this section. In no event shall any severance payment exceed the amount allowed under Minnesota law.

(b) Those appointed employees that execute the release described in paragraph (a) and subsequently return to or accept another city position shall receive as severance pay an amount equal to the difference between the annual salary in the position from which the employee was terminated and the annual salary for the position into which the employee is reemployed up to the maximum allowed in paragraph (a).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-062, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, changing the title of Article VI to read, *Severance Pay and Accrued Sick Leave Benefit*, was passed May 18, 2001 by the City Council and approved May 24, 2001 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 ordinance.

**ORDINANCE 2001-Or-062**

**By Cherryhomes**

**Intro & 1st Reading: 4/20/2001**

**Ref to: W&M**

**2nd Reading: 5/18/2001**

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

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

Section 1. That the title of Article VI, Chapter 20 of the Minneapolis Code of Ordinances be amended to read as follows:

**ARTICLE VI. SEVERANCE PAY AND ACCRUED SICK LEAVE BENEFIT**

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration proposed telecommunication initiatives requiring funding to cover the costs relating to administration, consultants, and directives to the Telecommunications Work Team (including development of a coordinated telecommunication ordinance, development of a city-wide institutional voice, data, and video network, and other related regulatory and development activities), at a cost not to exceed \$180,000, and the proposed transfer of funds to Public Works for permit fees, pursuant to the current franchise agreement, in the amount of \$100,000, now recommends approval to provide said funding, for a total amount of \$280,000, with the understanding that Finance Department staff members have projected an unbudgeted surplus of \$300,000 in additional cable franchise revenues in 2001.

Your Committee further recommends passage of the accompanying resolutions:

- a) increasing the Information and Technology Services Agency appropriation by \$180,000; and
- b) increasing the Public Works - Engineering Design Agency appropriation by \$100,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-202**

**By Campbell**

**Amending The 2001 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 Information and Technology Services Agency in the General Fund (0100-880-8892-5070) by \$180,000, and increasing the Information and Technology Services Agency revenue estimate in the General Fund (0100-880-8892-5070-Source 3064) by \$180,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-203**

**By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works - Engineering Design Agency in the General Fund (0100-600-6040) by \$100,000, and increasing the Public Works - Engineering Design Agency revenue estimate in the General Fund (0100-600-6040-Source 3064) by \$100,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, as more fully set forth in Petn No 266956 on file in the Office of the City Clerk, now recommends the following:

- 1) Approve the New Central Library Project scope, budget and schedule, as recommended by the New Central Library Implementation Committee;

2) Approve the process for selecting an architect for said project and authorize issuance of a Request for Proposals (RFP) for architectural services, pending review by the Permanent Review Committee;

3) Authorize issuance of Request for Proposals for the independent testing laboratory and a surveyor, pending review by the Permanent Review Committee;

4) Approve the New Central Library Project Manual, establishing the City as the fiscal and contracting agent for the project and establishing the roles and responsibilities of City and Library Finance Departments, as described therein;

5) Approve hiring (for the duration of the New Central Library Project) the following six temporary Full Time Equivalent (FTE) positions: Project Director, Project Manager (up to Step 7), Assistant to Project Director, Assistant City Attorney II (up to Step 7), Accountant I (up to Step 7), and Office Support Specialist II (up to Step 7); and

6) Authorize acceptance of the \$1,000,000 State bonding bill grant providing funds for pre-design and design activities in conjunction with the Minnesota Planetarium, and authorize the proper City officers to execute the related grant agreement(s) with the State.

Your Committee further recommends passage of the accompanying resolutions:

a) amending the 2001 Capital Improvement Appropriation Resolution, increasing the Library Board - Capital Improvement Agency appropriation by \$1,000,000 for said pre-design and design activities in conjunction with the Minnesota Planetarium; and

b) amending the 2001 Capital Improvement Appropriation Resolution, increasing the Library Board - Capital Improvement Agency appropriation by \$1,760,200 to cover 2001 New Central Library Project costs, to be reimbursed by future bond proceeds.

Adopted. Yeas, 12; Nays none

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**RESOLUTION 2001R-204**

**By Campbell**

**Amending The 2001 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 Library Board - Capital Improvement Agency appropriation in the Permanent Improvement - Library Fund (4400-908-9080) by \$1,000,000, and increasing the Library Board - Capital Improvement Agency revenue estimate in the Permanent Improvement - Library Fund (4400-908-9080-Source 3215) by \$1,000,000 for pre-design and design activities in conjunction with the Minnesota Planetarium.

Adopted. Yeas, 12; Nays none

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001; Republished June 16, 2001)

**RESOLUTION 2001R-205**

**By Campbell**

**Amending The 2001 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 Library Board - Capital Improvement Agency appropriation in the Permanent Improvement - Library Fund (4400-908-9080) by \$1,760,200, to be reimbursed by future bond proceeds.

Adopted. Yeas, 12; Nays none

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**W&M/Budget** - Your Committee recommends that the following lawsuits filed against the City be settled and be payable from the Liability Agency in the Self-Insurance Fund, as indicated:

a) Payment to Robleh Jama and his attorney, B. J. Robichaud, in the amount of \$11,500, payable from 6900-150-1500-8500; and

b) Payment to ValiJo Sangster and his attorney, William A. Crandall, in the amount of \$12,000, payable from 6900-150-1500-4000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. 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 Workers' Compensation Settlement Agreement with John R. Brodin, providing for settlement, in the amount of \$100,000, to be payable from the Self-Insurance Fund, as follows:

a) \$99,900, from the Workers' Compensation Agency (6900-145-1451-4000); and

b) \$100, from the Liability Agency (6900-150-1500-4000).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute the following Change Orders for additional work required on the Convention Center Expansion Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #4 to Contract #15236 with Harris Mechanical, increasing said contract by \$185,647, for a new contract total of \$16,221,250;

b) Change Order #2 to Contract #15235 with Minuti-Ogle Company, Inc., increasing said contract by \$346,694, for a new contract total of \$9,686,533; and

c) Change Order #9 to Contract #13978 with Marcy Construction Company, increasing said contract by \$44,635, for a new contract total of \$4,928,295.13.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on O. P. #5626 (Petn No 266955), submitted by Marcy Construction Company, in the amount of \$184,900, for furnishing and delivering all material, labor, equipment and incidentals necessary to complete Bid Package #7 (Landscape and Hardscape) at the Convention Center Expansion Project, all in accordance with City plans, specifications and addenda.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted. Yeas, 12; Nays none

Absent - Biernat.  
Passed May 18, 2001.  
Approved May 18, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published May 22, 2001)

**W&M/Budget** - Your Committee, having under consideration a request to release funds, in the amount of \$122,500 (originally reserved as a bridge loan for Neighborhood Early Learning Centers, but never needed), now recommends approval to release said funds, for use in the completion of the Mona Moede Neighborhood Early Learning Center.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #1 to Contract #14335 with the Youth Coordinating Board, increasing said contract by \$122,500, for a new contract total of \$1,011,676.

Your Committee further recommends passage of the accompanying resolution increasing the Non-Departmental Agency appropriation by \$122,500.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-206  
By Campbell**

**Amending The 2001 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 Convention Center Related (Sales Tax) Fund (0760-123-1230-5130) by \$122,500.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001. J. Cherryhomes, President of Council.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of a request from the Elections Department to insert in the June, 2001 utility billings a message to educate the public on voter registration and candidate filings, with the understanding that Elections (as a City department) will not be charged an insertion fee.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to start Ed Bowen at Step 5 of the salary schedule for the position of Systems Integrator V, Information and Technology Services Business Applications and Customer Relations Division.

Adopted. Yeas, 12; Nays none.  
Absent - Biernat.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to start Robert Servian at Step 7 of the salary schedule for the position of Code Compliance Officer I, Environmental Health Specialist.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on O. P. #5641 (Petn No 266961) relating to private property concrete improvement, in the amount of \$100,000, submitted by Vera Construction, Inc., to provide residential concrete flat work and other related work for the Neighborhood Revitalization Program/Regulatory Services Department, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute the required contract for said services.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration seven vacant Engineer I positions, now recommends approval to offer potential employees up to Step 7 of the salary schedule for said positions.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP), in concurrence with the recommendation of the Permanent Review Committee, seeking a consultant to provide accounting services to assist the City in determining requirements for compliance with recent accounting standard changes made by the Governmental Accounting Standards Board.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Z & P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, deleting minimum gross floor area for rooming units, clarifying principal entrance and window requirements for residential uses, amending rear yard requirements, amending permitted obstructions in required yards, amending fence height regulations, and amending lighting regulations; now concurs in the recommendation of the Planning Commission that the related findings set forth in Petn No 266965 be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the ordinance be published in summary form.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or- 063, amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. The ordinance amends section 535.90 by deleting the minimum gross floor area requirement for rooming units and by clarifying principal entrance and window requirements for residential uses; amending section 535.280(d) by specifying when the rear yard requirement may be reduced for a detached accessory building; amending Table 535-1 by clarifying permitted yard obstructions related to handicap entrances, handicap ramps, stairs and landings; amending section 535.420 by clarifying when a fence may qualify for increased height and by specifying that vinyl coated chain link fence qualifies for increased height; and amending section 535.90(c) by clarifying, restructuring and renumbering the specific standards governing lighting and glare. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-063**

**By McDonald**

**Intro & 1st Reading: 3/2/2001**

**Ref to: Z&P**

**2nd Reading: 5/18/2001**

**Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.**

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

Section 1. That Section 535.90 of the above-entitled ordinance be amended to read as follows:

**535.90. Minimum size and width and principal entrance and windows requirements for residential uses.** (a) *Size and width.* The minimum gross floor area of a dwelling unit, except efficiency units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units ~~and rooming units~~ shall be three hundred fifty (350) square feet. Not less than eighty (80) percent of the habitable floor area of single or two family dwellings and multiple family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet.

(b) *Principal entrance and windows.* Not less than fifteen (15) percent of the first floor facade of single and two family dwellings and multiple family dwellings of three (3) and four (4) units that faces a public street shall be windows, and shall include at least one (1) principal entrance. The principal entrance may face a side lot line when part of a front vestibule or extended portion of the front facade, provided the entrance is located no further than eight (8) feet from the facade closest to the street. In the case of a corner lot, only the ~~front~~ facade facing the front lot line shall be subject to the requirements of this section.

Section 2. That Section 535.280(d) of the above-entitled ordinance be amended to read as follows:

(d) *Interior side yards and rear yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot line, in which case no reduction of the required rear yard is permitted.

Section 3. That the following portions of Table 535-1 of the above-entitled ordinance be amended to read as follows:

**Table 535-1 Permitted Obstructions in Required Yards**

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Handicap entrance landing not exceeding thirty-six (36) square feet in area and <del>less not more</del> than the height of the level of the first floor or four (4) feet above the average level of the adjoining <del>ground</del> <u>natural grade</u> whichever is less, <del>and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque, which is solely for access to a permitted building, or for access to a zoning lot from a street or alley, provided a setback of at least one (1) ft. from any property line is maintained,</del> and not including permanently roofed porches	P	P	P
Handicap ramp <u>not exceeding four (4) feet in width leading to an entrance landing and handrails not more than three (3) feet in height and not more than fifty (50) percent opaque</u>	P	P	P
Stairs <u>not exceeding four (4) feet in width, and entrance landings not exceeding sixteen (16) square feet in area and not <del>over</del> more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches</u>	P	P	P

Section 4. That Section 535.420 of the above-entitled ordinance be amended to read as follows:

**535.420. Fence height.** Fence height shall be limited by its location as specified below. Except as otherwise provided in sections (1) and (2) below, the maximum fence height may be increased by two (2) feet if the entire fence is constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque. For purposes of this provision, vinyl coated chain link shall qualify. In no case shall a fence exceed eight (8) feet in height, regardless of location.

- (1) *Front yard.* Fences located in the required front yard shall not exceed three (3) feet in height. The maximum fence height may be increased by one (1) foot if constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque.
- (2) *Corner side yard.* Fences located in the required corner side yard shall not exceed three (3) feet in height. The maximum fence height may be increased by one (1) foot if constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque. In addition, the maximum height may be increased to six (6) feet beginning at the point of intersection of the corner side wall and the rear wall of the principal structure to the rear lot line. For the purpose of this section, open decks and porches shall not be considered part of the principal structure.

IMAGE: Figure 535-1 Maximum Fence Height

- (3) *Interior side yard.* Fences located in the required interior side yard shall not exceed four (4) feet in height. The maximum height may be increased to six (6) feet if the adjoining property has maintained a minimum interior side yard of five (5) feet along the entire length of the side wall of the principal structure. In addition, the maximum height may be increased to six (6) feet between the rear wall of the principal structure on the adjoining property and the rear lot line.
- (4) *Rear yard.* Fences located in the required rear or side yard and extending along the rear lot line shall not exceed six (6) feet in height, except that a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the regulations for interior side yards.
- (5) *Along public streets.* Fences not located in required yards, but located within five (5) feet of a public street or public sidewalk, shall not exceed six (6) feet in height.

Section 5. That Section 535.590 of the above-entitled ordinance be amended to read as follows:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively ~~shielded and~~ arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source. ~~shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).~~
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use. ~~No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.~~
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) ~~Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.~~
- ~~(5)~~(4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- ~~(6)~~(5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

(c) *Exceptions.* The uses listed below shall be exempt from the provisions of this section as follows:

- (1) Publicly controlled or maintained street lighting and warning, emergency or traffic signals shall be exempt from the requirements of this section.
- (2) Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meet all of the requirements of this zoning ordinance shall be exempt from the requirements of sections (b)(1), (b)(2), and (b)(3) ~~and (b)(4)~~ between the hours of seven (7) a.m. and ten (10) p.m., because of their unique requirements for nighttime visibility and limited hours of operations.
- (3) ~~Neon signs, theater marquee lights and decorative lighting that otherwise meets all of the requirements of this zoning ordinance shall be exempt from the requirements of section (b)(2).~~

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z & P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, establishing the NP North Phillips Overlay District, now concurs in the recommendation of the Planning Commission that the related findings set forth in Petn No 266965 be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the ordinance be published in summary form.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-064, amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. The ordinance adds a new Article XIV, NP North Phillips Overlay District. Section 551.1020 of the new Article XIV states the purpose of the NP Overlay District; section 551.1030 establishes that the boundaries of the district shall be as shown on the official zoning map; section 551.1040 defines the term "accessory dwelling"; section 551.1050 defines the areas that are eligible to petition to request the addition of the NP Overlay District; section 551.1060 authorizes the establishment of an accessory dwelling as a conditional use in the NP Overlay District and establishes the standards for approval of an accessory dwelling. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-064**

**By Niland**

**Intro & 1st Reading: 1/19/2001**

**Ref to: Z&P**

**2nd Reading: 5/18/2001**

**Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.**

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

Section 1. That Chapter 551 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article XIV, including new Sections 551.1020-551.1060, to read as follows:

**ARTICLE XIV. NP NORTH PHILLIPS OVERLAY DISTRICT**

**551.1020. Purpose.** The NP North Phillips Overlay District is established to promote home ownership and to allow a variety of housing types, costs and arrangements that may not meet the regulations of the primary zoning district, including the limit of one principal residential structure per zoning lot.

**551.1030. Established boundaries.** The boundaries of the NP Overlay District shall be the areas shown on the official zoning map.

**551.1040. Definition.**

*Accessory dwelling.* A single-family dwelling that is detached from and subordinate to a principal residential structure on the same zoning lot, and that is located entirely above a parking garage with not less than two (2) accessory parking spaces.

**551.1050. Eligible areas outside of established boundaries.** The NP Overlay District shall be limited to locations within the area bounded by Interstate 35W, Interstate 94, East 24<sup>th</sup> Street, and Hiawatha Avenue where the primary zoning district allows two-family dwellings. Any person having a legal or equitable interest in property located within the eligible area outside of the established boundaries may file a petition to request the addition of the NP Overlay District classification in the manner provided for zoning amendments in Chapter 525, Administration and Enforcement.

**551.1060. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, the establishment of one (1) accessory dwelling on a single zoning lot, other than a cluster development or planned unit development, may be allowed in the NP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:

- (1) No accessory dwelling shall be constructed or established prior to the time of construction of the principal residential structure to which it is accessory. This section shall not prohibit a construction project in which both the principal residential structure and accessory dwelling are to be built simultaneously.
- (2) At least one (1) dwelling unit on the zoning lot shall be owner-occupied.
- (3) There shall be no more than three (3) dwelling units on a zoning lot.
- (4) The minimum lot area shall be that required by the primary zoning district or two thousand five hundred (2,500) square feet per dwelling unit, whichever is less.
- (5) There shall be no other accessory structures allowed on the zoning lot.
- (6) The parking spaces located below the accessory dwelling shall be accessible through the alley.
- (7) There shall be an unobstructed walkway leading from the public street to the accessory dwelling.
- (8) The minimum rear and interior side yard requirements for the accessory dwelling shall not be less than those specified by the primary zoning district for principal uses, except as otherwise authorized by the city planning commission.
- (9) The principal residential structure and the accessory dwelling shall be separated by not less than ten (10) feet and shall not be connected to each other by any structure.
- (10) The accessory dwelling shall be compatible in character with the principal residential structure on the zoning lot and with the surroundings, and shall comply with the following specific requirements:
  - a. The height of the accessory dwelling shall not exceed the height of the principal residential structure.
  - b. The roof of the accessory dwelling shall be similar in form and pitch to that of the principal residential structure.
  - c. The exterior building materials and appearance of the accessory dwelling shall be similar to that of the principal residential structure.
  - d. Exterior stairways leading to the accessory dwelling shall be prohibited.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Excel Management, LLC (Vac #1307) to vacate a portion of the westerly part of Stinson Blvd from Kennedy St NE to the railroad bridge to permit visitor parking and landscaping for part of the Stinson Technology Campus, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 266965 and to grant said vacation, subject to retention of easement rights by Xcel Energy, Reliant Energy and the City.

Your Committee further recommends passage of the accompanying resolution vacating the alley and summary publication of the resolution.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-207, entitled "Vacating a portion of the Westerly part of Stinson Boulevard from Kennedy Street Northeast to the Railroad Bridge. (Vac #1307)," was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-207**

**By McDonald**

**Vacating a portion of the Westerly part of Stinson Boulevard from Kennedy Street Northeast to the Railroad Bridge. (Vac #1307).**

Resolved by The City Council of The City of Minneapolis:

That all that part Stinson Boulevard described as follows: Beginning at the Northeast corner of Lot 32, Auditor's Subdivision No. 268; thence South 89 degrees 41 minutes 03 seconds East, assumed bearing along the Easterly extension of the North line of said Lot 32 a distance of 68.00 feet; thence South 0 degrees 12 minutes 18 seconds West parallel with the East line of said Lot 32 a distance of 410.50 feet; thence South 6 degrees 36 minutes 08 seconds West a distance of 410.09 feet to the Southeasterly extension of the Southwesterly line of said Lot 32; thence North 45 degrees 02 minutes 38 seconds West along said Southeasterly extension a distance of 30.00 feet to the most Southerly corner of said Lot 32; thence Northerly along the East line of said Lot 32 to said point of beginning, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, Reliant Energy and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: All of the to be vacated street;

As to Reliant Energy: That part of Stinson Boulevard proposed to be vacated which lies Easterly of a line lying 34.00 feet Easterly of and parallel with the East line Lot 32, Auditors Subdivision No. 268;

As to the City of Minneapolis: Subject to a water main easement over, under and through the West 30 feet;

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

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the applications of Plymouth 94 Properties (Vac #1344 and Vac #1345) to vacate 14th Av N west of Washington Av N, and the alley in the block bounded by 14th Av N, Washington Av N, Plymouth Av N and I-94, respectively, said vacated areas to be used as part of site for construction of a 35,000 sq ft industrial building, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 266965 and to grant said vacations, subject to retention of easement rights by Xcel Energy.

Your Committee further recommends passage of the accompanying resolutions vacating said street and alley, and summary publication of both.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-208, entitled "Vacating 14th Avenue North, West of Washington Avenue North. (Vac #1344)," was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-208**

**By McDonald**

**Vacating 14th Avenue North, West of Washington Avenue North. (Vac #1344).**

Resolved by The City Council of The City of Minneapolis:

That all that part of 14th Avenue North bounded to the North by the North line of the 14th Avenue North right of way line which is also the South line of Lot 1, Block 20, Bassett, Moore and Case's Addition. It is bounded to the East by a line running from the Southeast corner of Lot 1, Block 20, Bassett, Moore and Case's Addition to the Northeast corner of Lot 6, Block 13, Bassett, Moore and Case's. To the South it is bounded by the South right of way line of 14th Avenue North which is also the North line of Lot 6, Block 13, Bassett, Moore and Case's Addition. To the West it is bounded by a line running from the Northwest corner of Lot 6, Block 13, Bassett, Moore and Case's Addition to the Northeast corner of Lot 9, Block 11, Mendenhall's Subdivision of Blocks 11 and 13 in Case and Moore's Addition, thence by a line running North 89 degrees, 55 minutes, 40 seconds West a distance of 4 feet, thence North 3 degrees, 23 minutes, 14 seconds East a distance of 66.11 feet to the Southeast corner of Block 18, Case and Moore's Addition which is also the Southeast corner of Lot 1, Block 20, Bassett, Moore and Case's Addition, is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-209, entitled "Vacating an alley in the block bounded by 14th Avenue North, Washington Avenue North, Plymouth Avenue North and I-94. (Vac #1345)," was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-209**

**By McDonald**

**Vacating an alley in the block bounded by 14th Avenue North, Washington Avenue North, Plymouth Avenue North and I-94. (Vac #1345).**

Resolved by The City Council of The City of Minneapolis:

That all that part of an eight foot wide strip of land between the West property line of Lots 1, 2, 3, 4, 5 and 6, Block 13, Bassett, Moore and Case's Addition and the East property line of Lot 9 and 10,

Block 11, Mendenhalls Subdivision of Blocks 11 and 13 in Case and Moore's Addition. Said strip is bounded to the South by a line extending from the Southwest corner of Lot 1, Block 13, Bassett, Moore and Case's Addition to the Southeast corner of Lot 10, Block 11, Mendenhall's Subdivision of Blocks 11 and 13 in Case and Moore's Addition. Said strip is bounded to the North by a line extending from the northwest corner of Lot 6, Block 13, Bassett, Moore and Case's Addition to the Northeast corner of Lot 9, Block 11, Mendenhall's Subdivision of Blocks 11 and 13 in Case and Moore's Addition, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: All of the to be vacated alley.

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the application of Twin Cities Habitat for Humanity (P-63) to rezone property at 2826 Stevens Av S from the R5 to the R4 district to permit a single family dwelling, now concurs in the recommendation of the Planning Commission to approve the rezoning notwithstanding staff recommendation to deny, based upon finding 3 set forth in the staff report of April 30, 2001 and findings 1, 2, 4 and 5 set forth in the City Planning Commission report of April 30, 2001, both on file in Petn No 266964. (64307).

Your Committee further recommends passage of the accompanying amendment to the Zoning Code and summary publication of that amendment.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-065, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. The ordinance rezones the property at 2826 Stevens Av S to the R4 district. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-065**

**By McDonald**

**1st & 2nd Readings: 5/18/2001**

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

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

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

A. That part of Lot 7, Block 2, Stillman's Addition to Minneapolis (2826 Stevens Av S - Plate 25) to the R4 District.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration two applications of the Minneapolis Community Development Agency to permit the Guthrie Theater, as follows:

a. to rezone property at 1000, 1010 and 1028 2nd St S from the I1 to the C3A district (Z-35), and

b. to vacate that part of 10th Av S lying between 2nd St S and the Mississippi River (Vac #1353),

now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 266964 relating to both applications, to approve the rezoning application, and to approve the vacation application provided any requested easements are granted by the applicant.

Your Committee further recommends passage of the accompanying amendment to the Zoning Code and the accompanying vacation resolution, and summary publication of both. (64308).

Campbell moved that the report be divided and the matter of the rezoning application be acted upon separately. Seconded.

Adopted by unanimous consent.

Campbell moved that the report be amended to read as follows:

**Z&P** - Your Committee, having under consideration the application of the Minneapolis Community Development Agency to rezone property at 1000, 1010 and 1028 2nd St S from the I1 to the C3A district (Z-35) to permit the Guthrie Theater, now concurs in the recommendation of the Planning Commission to adopt the related findings set forth in Petn No 266964 and to approve the rezoning application.

Your Committee further recommends passage of the accompanying amendment to the Zoning Code and summary publication of the amendment. (64308)."

Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-066, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. The ordinance rezones the property at 1000, 1010 and 1028 2nd St S to the C3A zoning district. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-066**

**By McDonald**

**1st & 2nd Readings: 5/18/2001**

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

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

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

A. That part of Lots 1 and 2 and southwesterly 53 feet of Lots 9 and 10, Block 117, Town of Minneapolis, Lot 1, Block 1, Eleventh Avenue Addition, Outlot A, Eleventh Avenue Second Addition (1000, 1010 and 1028 2nd St S - Plate 14) to the C3A District.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of the Minneapolis Community Development Agency to vacate that part of 10th Av S lying between 2nd St S and the Mississippi River (Vac #1353) to permit the Guthrie Theater, now concurs in the recommendation of the Planning Commission to adopt the related findings set forth in Petn No 266964 and approve the vacation application provided any requested easements are granted by the applicant.

Your Committee further recommends passage of the accompanying vacation resolution, and summary publication of the resolution.

Campbell moved that the report be postponed. Seconded.

Adopted upon a voice vote.

**Z&P** - Your Committee, having under consideration the appeal of HFC, L.L.P. from the decision of the Board of Adjustment granting several variances with conditions to allow a 3-unit condominium building at 21 N 15th St (V-0324), and having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Planning Department staff and set forth in Petn No 266963 be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**Z&P** - Your Committee, having under consideration the appeal of Sally Sweatt from the decision of the Board of Adjustment granting a variance of garage height to allow a second story studio addition to the garage at 1815 Humboldt Av S (Z-22), and having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Planning Department staff and set forth in Petn No 266963 be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2001)

**Z&P** - Your Committee, having under consideration the application of Mount Olivet Careview Home (BZP50) to rezone property at 5522 Garfield Av S from R6 to the R1A district to permit the continued operation of an existing child day care facility, now recommends that the rezoning application be granted notwithstanding the Planning Commission recommendation to deny. Petn No 266964. (64309).

Your Committee further recommends passage of the accompanying amendment to the Zoning Code and summary publication of same.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-067, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, was passed May 18, 2001 by the City Council and approved May 24, 2001 by the Mayor. The ordinance rezones the property at 5522 Garfield Av S to the R1A zoning district. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-067**

**By McDonald**

**1st & 2nd Readings: 5/18/2001**

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

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

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

A. That part of the North 50 feet of the South 100 feet of the East 125.2 feet of Lot 126, Auditor's Subdivision No. 149, Hennepin County, Minnesota (5522 Garfield Av S - Plate 36) to the R1A District.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the Hiawatha Lake Station Area Master Plan, now concurs in the recommendation of the Planning Commission to approve the modified Hiawatha Lake Station Area Master Plan as set forth in staff report dated April 17, 2001, and the amendments to the Plan recommended by the Planning Commission as set forth in staff report dated April 30, 2001, both on file in Petn No 266964.

Your Committee further recommends that Planning Department staff be directed to establish an implementation strategy for City activities in the area, including amendment of the Minneapolis Plan as appropriate and coordinating with other City Departments as needed.

Your Committee further recommends adding to the implementation strategy a review of the 28th St issue and that the neighborhood community and the Greenway Coalition be included in that review; and further, to study creation of greenspace on Hiawatha Av; and further, to direct Public Works staff to continue to work with Bituminous Roadways.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Thurber, Ostrow, Campbell, Niland, Colvin Roy, Mead, Lane, Herron, Johnson, Cherryhomes.

Nays - Goodman, McDonald.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the environmental review process for the Wells Fargo Home Mortgage Campus Project in the area bounded by 26th St E, I-35W, 29th St E and 5th Av S, and having received the recommendation of the staff that the Environmental Assessment Worksheet is adequate, now recommends that the Council not order the development of an Environmental Impact Statement and therefore make a Negative Declaration, and that the Findings of Fact and Record of Decision set forth in Petn No 266964 be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.  
Passed May 18, 2001.  
Approved May 18, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published May 22, 2001)

**Z&P** - Your Committee, having under consideration the following two applications of Integroup Realty Trust to permit a student housing project with 278 units for a maximum occupancy of 924 students, 390 parking stalls and secure storage for 924 bicycles at 2508 Delaware St SE (the Melrose Apartments):

- a. to vacate the Huron/Essex Triangle on the southwest side of the project (Vac #1354); and
- b. to rezone property at 2508 Delaware St SE and the Huron-Essex Triangle from the I2/ILOD and the C2 districts to the R6 district to allow a floor area ratio of 3.0 (BZP-65);

now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 266966 relating to both the vacation and rezoning applications, and to approve the vacation and zoning applications.

Your Committee further recommends passage of the accompanying vacation resolution and accompanying amendment to the Zoning Code, and summary publication of both. (64310)

Adopted. Yeas, 12; Nays none.

Absent - Biernat.  
Passed May 18, 2001.  
Approved May 18, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published May 22, 2001)

Resolution 2001R-210, entitled "Vacating the Huron/Essex Triangle. (Vac #1354)," was passed May 18, 2001 by the City Council and approved May 18, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-210**  
**By McDonald**

**Vacating the Huron/Essex Triangle. (Vac #1354).**

Resolved by the City Council of the City of Minneapolis:

That all that part of Huron Boulevard formerly the C. M. and St. P. Railway (Spur to St. Anthony Mills) and Lot 1, Block 27, Regents Addition according to the recorded plat, which lies north and east of the following described line:

Beginning at the most southerly corner of the westerly line of Block 28, of said Regents Addition; thence North 60 degrees 30 minutes 39 seconds West on an assumed bearing along the prolongation of the southwesterly line of said Block 28, a distance of 28.40 feet; thence westerly along a tangential curve, concave to the south, radius 371.95 feet, Central angle 20 degrees 02 minutes 09 seconds, 130.07 feet; thence North 1 degree 39 minutes 33 seconds East 165.91 feet; thence northwesterly along a tangential curve, concave to the west, radius 368.94 feet, central angle 20 degrees 17 minutes 48 seconds, 130.70 feet to a point on the westerly line of said Block 28. The area of the property described above is 17,978 square feet or 0.4127 acres, is vacated except that such vacation shall not affect the existing easement right and authority of the Metropolitan Council of the Twin Cities, their successors and assigns, to enter upon that portion of the aforescribed Huron/Essex Triangle which is described in regard to each of said corporations as follows, to wit:

As to Metropolitan Council: An easement for storm tunnel purposes lying southwesterly of the following described line:

Commencing at the most southwesterly corner of the parcel being vacated, thence north 85 feet along the westerly line of said parcel to the point of beginning of the line to be described, thence southeasterly to a point 50 feet southeasterly of the point of commencement, and there terminating,

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 18, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-068, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, was passed May 18, 2001 by the City Council and approved May 18, 2001 by the Mayor. The ordinance rezones the property at 2508 Delaware St SE and the Huron-Essex Triangle to the R6 zoning district. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-068**  
**By McDonald**

**1st & 2nd Readings: 5/18/2001**

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

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

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

A. That part of Lots 1,2,3,4,10,11,12 and 13, Block 28 and Lots 5 and 9, said Block 28, except the northwesterly 5 feet thereof, all in Regents Addition, according to the recorded plat thereof (2508 Delaware St SE - Plate 22) to the R6 District.

B. That part of Huron Boulevard formerly the C. M. and St. P. Railway (Spur to St. Anthony Mills) and Lot 1, Block 27, Regents Addition according to the recorded plat, which lies north and east of the following described line; Beginning at the most southerly corner of the westerly line of Block 28, of said Regents Addition; thence North 60 degrees 30 minutes 39 seconds West on an assumed bearing along the prolongation of the southwesterly line of said Block 28, a distance of 28.40 feet; thence westerly along a tangential curve, concave to the south, radius 371.95 feet, Central angle 20 degrees 02 minutes 09 seconds, 130.07 feet; thence North 1 degree 39 minutes 33 seconds East 165.91 feet; thence northwesterly along a tangential curve, concave to the west, radius 368.94 feet, central angle 20 degrees 17 minutes 48 seconds, 130.70 feet to a point on the westerly of said Block 28 (the Huron-Essex Triangle - Plate 22) to the R6 district.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 18, 2001. 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 (Petr No 266968) 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, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of June, 2001, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Cherryhomes moved to waive the business district block event time of event (Weekdays-No earlier than 6 PM or later than 10:30 PM; Weekends-10 AM to 10:30 PM) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Victoria Barlow Keith and Ira Heilicher, for the 7<sup>th</sup> Annual Stone Arch Festival of the Arts, to be held June 15 at 2:00 p.m. through June 17, 2001, at 6:00 p.m., on West Island Avenue between Eastman and Wilder Avenues, subject to approval being granted by the Public Works and the Police departments to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Kathy Farstad for a residential block event to be held Friday, May 18, 2001, between the hours of 5:00 p.m. and 9:00 p.m. on Fremont Avenue between 49<sup>th</sup> & 50<sup>th</sup> Streets, having approval granted by the Public Works Department to grant said waiver, subject to the condition that the fee be paid. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Colvin Roy introduced the subject matter of an amendment to Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Providing for the City to grant additional temporary wine licenses as provided by Minnesota Statutes).

**Resolutions**

Johnson, Ostrow, Campbell, Biernat, Cherryhomes, Niland, Goodman, Herron, Thurber, McDonald, Mead, Colvin Roy and Lane offered a Resolution honoring the 2001 Patrick Henry Men's Basketball Team.

Adopted. Yeas, 12; Nays none.

Absent -Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Not Published. See Resolution 2001R-211 on file in the office of the City Clerk.)

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

**RESOLUTION 2001R-211**

**By Johnson, Ostrow, Campbell, Biernat, Cherryhomes, Niland, Goodman,  
Herron, Thurber, McDonald, Mead, Colvin Roy and Lane**

**Honoring the 2001 Patrick Henry Men's Basketball Team.**

Whereas, the Patrick Henry Patriots varsity men's basketball team compiled a 28-2 record and won it's second straight State Class AAA Championship in 2001; and

Whereas, this is the Patriots third consecutive Minneapolis City Conference championship; and

Whereas, this is the Patriots fourth consecutive year as Region 5AAA Champions; and

Whereas, the Patriots participated in the second highest scoring game in state history by scoring 144 points; and

Whereas, the Patriots have twelve honor students in their basketball program; and

Whereas, the Patriots finished as the #24 ranked team in the USA Today;

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

That the City Council congratulates the Patrick Henry Patriots varsity men's basketball team of the year 2001 for their outstanding performance at the 2001 Minnesota High School league championship games and for continuing their strong tradition of athletic performance, sportsmanship and academic accomplishments.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes, President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Goodman offered the following resolution.

**RESOLUTION 2001R-212**

**Declaring the Alive After Five Events Officially Designated Community Festivals.**

Whereas, the free-of-charge concerts known as Alive After Five presented on Peavey Plaza are attended by a wide variety of Downtown Minneapolis workers, residents and visitors to the City of Minneapolis; and

Whereas, income from the sale of alcoholic beverages at the events represents a significant source of fundraising by Downtown and Downtown Neighborhood non-profits; and

Whereas, the Alive After Five events are scheduled for June 4 through 8, June 11 through 15, June 18 through 22, and June 25 through 30, 2001; and

Whereas, Minnesota Statutes governing Temporary On-Sale Liquor licenses contain restrictions on the frequency of the use of such licenses; and

Whereas, officially designated community festivals are exempted from such restrictions;

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

That the Alive After Five event is hereby declared an official community festival.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed May 18, 2001. J. Cherryhomes. President of Council.

Approved May 24, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Unfinished Business**

Auto Care Inc (5000 34th Av S): Revoke Motor Vehicle Repair Garage License for failure to complete the site plan review process (Postponed 9/29/2000, PS&RS).

Colvin Roy moved to continue postponement. Seconded

Adopted upon a voice vote.

Campbell moved that the City Council recess to Room 259 Federal Courts Building immediately following the Minneapolis Community Development Agency Board of Commissioners meeting for the purpose of consideration of the following:

1. Consideration of litigation threatened by the family of Gardenia Turner

2. Authorization for the City Attorney to take all appropriate action, including litigation, against Neil and Soraya Scott, the owners of the property located at 800 5th Street SE, Minneapolis

3. JAS Apartment, Inc. vs. the City of Minneapolis

Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

The City Council recessed at 10:20 a.m.

The City Council reconvened at 10:35 a.m. in Room 259, Federal Courts Building.

President Cherryhomes in the Chair.

Present - Council Members Ostrow, Campbell, Niland, Goodman, Colvin Roy, McDonald, Mead, Lane, Herron, Johnson, Cherryhomes.

Absent - Thurber, Biernat.

Burt Osborne, Assistant City Attorney, summarized the discussion of the litigation threatened by the family of Gardenia Turner that was considered from 10:35 to 11:24 a.m.

Also present - Jay Heffern, City Attorney; Dana Banwar, Assistant City Attorney; William Dunning, Assistant City Attorney (In at 10:45) Rocco Forté, Fire Chief; Ulysses Seal, Assistant Fire Chief; Colleen Moriarty, Mayor's office (In at 10:46); Pat Kelly, Council Assistant; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's office.

William Dunning, Assistant City Attorney, summarized the JAS Apartment, Inc. vs. the City of Minneapolis lawsuit that was considered from 11:24 to 11:40 a.m.

Also present - Jay Heffern, City Attorney; Jodi Polzin, Public Works; Dana Banwar; Colleen Moriarty; Pat Kelly; Merry Keefe, Jan Hrcir.

Dana Banwar summarized the subject matter of authorization for the City Attorney to take all appropriate action, including litigation, against Neil and Soraya Scott, the owners of the property located at 800 5<sup>th</sup> Street SE, Minneapolis that was considered from 11:40 a.m. to 12:03 p.m.

Also present - Jay Heffern, Colleen Moriarty, Pat Kelly, Jan Hrcir.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Campbell moved that the meeting be opened for the purpose of taking action on the subject matter of Neil and Soraya Scott. Seconded.

Adopted upon a voice vote.

Campbell moved that the City Council authorize the City Attorney to take all appropriate action, including commencing litigation, against Neil and Soraya Scott, the owners of the property located at 800 5<sup>th</sup> Street S.E., Minneapolis, Minnesota. Seconded.

Adopted. Yeas, 10; Nays none.

**MAY 18, 2001**

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Absent - Thurber, Biernat, McDonald.  
Passed May 18, 2001.  
Approved May 24, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Campbell moved that the meeting be adjourned. Seconded.  
Adopted upon a voice vote.  
Adjourned.

MERRY KEEFE,  
City Clerk.

Created: 5/22/01; Modified 5/25/01; 6/21/01;  
7/30/01.