

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

MARCH 22, 2002

(Published March 30, 2002,
in *Finance and Commerce*)

Council Chamber
250 South 5th Street
Minneapolis, Minnesota
March 22, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, President Ostrow.

Goodman moved acceptance of the minutes of the regular meeting of March 1, 2002.

Seconded.

Adopted upon a voice vote.

Colvin Roy 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) (267750)

People Serving People Project: Approve "Bank Qualified" tax-exempt equipment lease for furnishings and equipment at homeless shelter and transitional housing facility.

Many Rivers East Project Bond Issuance: Approve.

Lot Division: Approve subdivision of lot at 2612 13th Avenue S.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267751)

Living Wage Policy: Receive and File adjustment to City's living wage.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267752)

Many Rivers Tax Increment Financing Plan, Modification #6 to Franklin Avenue Redevelopment Plan and Modification #89 to Common Plan(s): Approve plans, and include report from Hennepin County Deputy Administrator reflecting County input.

Ivy Tower Project: Accept grant.

Village at St. Anthony Falls Project: Accept grant.

Stone Arch Apartment Project and West River Commons Project: Accept grants.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267753)

Minneapolis Tax Increment Policy: Approve and refer amended tax increment policy and MCDA Public Financial Assistance Fee Policy to MCDA Board of Commissioners.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (267754)

First Opportunity Program at Folwell Middle School: Execute Modification #2 to Juvenile Justice Title V Grant to increase grant by \$2,000 and extend performance period to December 31, 2002 to continue managing funding and monitoring program.

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

HEALTH AND FAMILY SUPPORT SERVICES (267755)

Multicultural Services: Execute contract with Minneapolis Community Development Agency to receive \$20,000 for interpreting services, training of MCDA staff on cultural issues, translation of MCDA materials, and assisting MCDA staff at resource fairs and other community events.

INTERGOVERNMENTAL RELATIONS (See Rep):

GREEN INSTITUTE (267756)

Preliminary Feasibility Study on biomass power generation, cogeneration, & distributed energy resources for Phillips Neighborhood Energy Cooperative.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (267757)

Top Diner (4350 Lyndale Av N): Grant application for Restaurant License, subject to conditions.

Baja Riverside (1501 S 6th St): Grant application for On-Sale Liquor Class B with Sunday Sales License; with attachment.

Licenses: Applications.

POLICE DEPARTMENT (267758)

Court Liaison Services: Execute contract with Hennepin County Attorney's Office to provide staff person to perform court liaison services between County Attorney's Office and Police Department.

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

POLICE DEPARTMENT (267759)

Chaplain Services: Execute contract with Greater Minnesota Association of Evangelicals for chaplain services during the period March 1, 2002 through February 28, 2003.

Hennepin County/Minneapolis Drug Task Force: Accept grant from Minnesota Department of Public Safety, Office of Drug Policy and Violence Prevention to receive federal and state funds; Execute contract with Hennepin County to share grant funds; and Reduce appropriation to represent City's matching funds reduction.

National Night Out Block Event Fees: Authorize overall waiver of block event fee for applications received by July 9th; reduce fees for applications received between July 10th and 23rd; and Deny applications received after July 23rd.

Old St. Anthony Police Substation: Authorize Police Department to open a substation in old St. Anthony; and receive rent free space from Matcom Property Management for space at 22A University Av NE.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (267760)

Digital Trunked 800 MHz Regional Radio System: Change order decreasing contract with Motorola, Inc.

Central Av NE Reconstruction Project: Establish parking and bus stop changes.
South Hennepin Special Service District Advisory Committee: Appointment of members.
SENIOR OMBUDSMAN (267761)
Deferment of Special Assessment: Application of Effie Clardy, 620 Penn Av N.

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

PUBLIC WORKS AND ENGINEERING (267762)

Central Av NE Reconstruction Project: Ordering the project to proceed, adopting special assessments, requesting the Board of Estimate and Taxation to issue and sell bonds and ordering the removal of areaways in conflict with the project.

Third Av S Reconstruction Project: Ordering the project to proceed, adopting special assessments, requesting the Board of Estimate and Taxation to issue and sell bonds and ordering the removal of areaways in conflict with the project.

PURCHASING (267763)

Bids:

OP #5803, bid of Hawkins Inc for Anhydrous ammonia;

OP #5817, low bid of NewMech Companies for replacement of Water Works Pump Station No.

14;

OP #5813, low bid of Viking Electric Co for street light wire.

WAYS AND MEANS BUDGET:

ATTORNEY (267764)

Report of Independent Investigator Joseph Duffy regarding the City's Regulatory Programs and Practices. * (No W&M Report but related Motion at Council Meeting of 3-22-02)

CONVENTION CENTER (267765)

Report on Overtime Costs.

Convention Center Expansion Project: Change Management Actions.

ELECTIONS DEPARTMENT (267766)

Report on Overtime Costs.

FINANCE DEPARTMENT (267767)

Assessment for Special Compensation Fund: Notification of payment to Minnesota Department of Labor and Industry.

2001 Preliminary Year-End Financial Report.

HUMAN RESOURCES (267768)

Labor Agreements: Notification of change in Council approval process.

TELECOMMUNICATIONS (267779)

I-Net Negotiations with Time Warner: Study Session presentation.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (267769)

Lawsuit Settlement: Claim of Darien D. Williams.

Reimbursement of Legal Fees: Payment to Frederic Bruno & Associates on behalf of Officers Brandy Steberg and Jason King.

CITY CLERK (267770)

2002 Minneapolis Board of Equalization: Establishment special review group and approve membership.

CONVENTION CENTER (267771)

Lease of Parking at Metrodome Stadium: Execute contract for event parking at 900 S 5th St as needed during Convention Center Expansion Project.

Convention Center Expansion Project: Change orders to contracts with Harris Mechanical, Kellington Construction, Premier Electric Corporation, Swanson & Youngdale, Grazzini Brothers & Co, Marcy Construction Co, and Minuti-Ogle.

COORDINATOR (267772)

Empowerment Zone Governance Board: Appointment of Arlene El-Amin.

The Sixth World Symposium on Choral Music: Contract for City participation in event.

Enterprise Zone Loan Fee: Accept payment from Bassett Creek Partners, LP.

New Central Library Project: Issue RFP for insurance broker services.

FINANCE DEPARTMENT (267773)

Utility Bill Insert: Place insert in April billing with information on Inspections Department business hours and web site.

Capital Long-Range Improvements Committee (CLIC) Process: Approve 2002 schedule, submission deadline, guidelines for process, forms and process; Confirm City Council and mayoral appointments.

Workers Compensation Claim Settlement: Claim of James LaBatte.

2001 Year-End Financial Actions: Supplemental appropriations and requests for reappropriations.

GRANTS AND SPECIAL PROJECTS (267774)

Winchell Trail Projects (West River Road): Execute agreement with Department of Natural Resources for grant funds through the National Recreational Trail Program for trail improvement projects, with match of Longfellow NRP funds.

National Park Service Grants: Submit two applications seeking grant funds for playground improvements at Harrison Park and Hall School Park.

HUMAN RESOURCES (267775)

Labor Agreement with Minnesota Teamsters Local #320 (Convention Center Unit): Executive summary of collective bargaining agreement; authorize execution of 36-month agreement and implementation of terms and conditions of the agreement.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (267776)

GIS Institutionalization Project (GIS 2000): Extend contract with ESRI Corporation.

Extraordinary Salary Step Offers: Authorize up to Step 7 for twenty positions being filled as part of ITS conversion project from contractors.

Master Contracts and Scopes: Authorize increase in not to exceed limit of master contracts and individual contract scopes.

PARK BOARD (267777)

Year 2002 Capital Improvement Projects and Sale of Net Debt Bonds: Identify capital projects for 2002 and request bonding amendment.

POLICE DEPARTMENT (267778)

Salary Step Increase: Authorize Step D for Lucy Gerold, Police Inspector.

PLANNING COMMISSION:

WALKER ART CENTER (267780)

Permission to vacate air rights on Hennepin Av, vicinity of 725 Vineland Pl.

FILED:

MAYOR (267781)

Mayoral Absence: Informing Acting City Council President Benson of absence from City.

XCEL ENERGY (267782)

Utilities: Authorize placement of utility pole.

REPORTS OF STANDING COMMITTEES

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

Comm Dev - Your Committee, having under consideration a request for the Hennepin County Housing and Redevelopment Authority to consider approving the issuance of a "Bank Qualified" tax-exempt equipment lease to People Serving People, Inc. (PSP, Inc.), a nonprofit corporation, in an amount up to \$500,000, to provide funds for equipment and furniture for PSP's homeless shelter and transitional housing facility located at 251 Portland Avenue South, and having held a public hearing thereon, now recommends passage of the accompanying Resolution approving the financing of the project for PSP, Inc.

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

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

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

(Published March 26, 2002)

Resolution 2002R-062, approving the financing of the project for People Serving People, Inc. (PSP, Inc.), was passed March 22, 2002 by the City Council and approved March 22, 2002 by the Acting Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-062

By Goodman

Resolution approving the financing of the project for People Serving People, Inc. (PSP, Inc.).

Whereas, the Hennepin County Housing and Redevelopment Authority proposes to issue a "Bank Qualified" tax-exempt equipment lease in an amount up to \$500,000, to PSP, Inc., a Minnesota nonprofit corporation (the "Borrower"), for the acquisition and installation of fixtures, furnishings and equipment to be located at the Borrower's homeless shelter facility located at 251 Portland Avenue South in Minneapolis, Minnesota (the "Project"); and

Whereas, Minnesota Statutes, Section 383B.77, Subd 3, requires that this City Council must approve a project undertaken by the Hennepin County Housing and Redevelopment Authority before such a project may be undertaken within this City; and

Whereas, in accordance with Minnesota Statutes, Section 469.005, Subd 3, the City Council held a public hearing on March 21, 2002, for all interested persons to comment on the Project proposal and this approval; and

Whereas, the Project is subject to the approval of this City Council; and

Whereas, it is deemed in the best interest of this community to approve the Hennepin County Housing and Redevelopment Authority's implementation of the Project as an approved project;

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

That pursuant to Minnesota Statutes, Section 383B.77, Subd 3, and the public hearing requirements of Minnesota Statutes, Section 469.005, Subd 3, the City Council approves the Project and approves of the Project assistance to be provided by the Hennepin County Housing and Redevelopment Authority to facilitate the acquisition and installation of fixtures, furnishings and equipment by Borrower, subject to the following requirements:

a) That this City retains its jurisdiction over all issues of local concern relating to zoning, land usage, building code requirements and compliance with all applicable City codes and ordinances;

b) That repayment of the financing obligations owed the Hennepin County Housing and Redevelopment Authority by the Borrower will be made solely from revenues derived from the Project; and

c) That the full faith and credit of this City will not be pledged in any fashion as a source of repayment of said financing obligation owed the Hennepin County Housing and Redevelopment Authority by the Borrower.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 22, 2002. P. Ostrow, Acting Mayor.
Attest: S. Griffin, Asst City Clerk.

Comm Dev - Your Committee, having under consideration the division of a lot located at 2612 - 13th Avenue South, as set forth in Petn No 267750, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels.

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

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

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

Yeas - Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Schiff.

Absent - Johnson Lee.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-063, approving the subdivision of a lot at 2612 - 13th Avenue South, was passed March 22, 2002 by the City Council and approved March 28, 2002 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 2002R-063

By Goodman

Approving the subdivision of a lot at 2612 - 13th Avenue South

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 2612 - 13th Avenue South and legally described as Lot 4, Block 17, Torrance, Tousley and McNairs Subdivision of Blocks 17, 18, 19 and 20 of Brackett and Boveys Addition to Minneapolis be subdivided as follows:

Parcel A: The North 22.5 feet of Lot 4, Block 17, Torrance, Tousley and McNairs Subdivision of Blocks 17, 18, 19 and 20 of Brackett and Boveys Addition to Minneapolis; and

Parcel B: All of Lot 4 except the north 22.5 feet, Block 17, Torrance, Tousley and McNairs Subdivision of Blocks 17, 18, 19 and 20 of Brackett and Boveys Addition to Minneapolis; and

Whereas, the subdivided parcels listed above will be combined with the adjacent properties legally described below:

2610 - 13th Avenue South – Lot 3, Block 17, Torrance, Tousley and McNairs Subdivision of Blocks 17, 18, 19 and 20 of Brackett and Boveys Addition to Minneapolis; and

2618 - 13th Avenue South – The North 9/10 of Lot 5, Block 17, Torrance, Tousley and McNairs Subdivision of Blocks 17, 18, 19 and 20 of Brackett and Boveys Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes, Section 462.358, and Land Subdivision Regulations, adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof a public hearing on the sale was duly held in a meeting of the Community Development Committee of the City Council on March 21, 2001, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:
That the division of the above-described property be approved and the requirement of a subdivision plat be waived.
Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds of the subdivided parcels.
Adopted. Yeas, 11; Nays, 1 as follows:
Yeas - Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Ostrow.
Nays - Schiff.
Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Comm Dev - Your Committee recommends passage of the accompanying resolution relating to the City of Minneapolis, Minnesota Multifamily Housing Revenue Bond (Many Rivers Apartments Project) Series 2002, authorizing the issuance thereof, pursuant to Minnesota Statutes, Chapter 462C (granting final approval of up to \$4,250,000 in tax-exempt Multifamily Housing Development Bonds for the Many Rivers East Housing Project).

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

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

Adopted. Yeas, 12; Nays none.
Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-064, authorizing the issuance of Multifamily Housing Revenue Bond Series 2002 for Many Rivers Apartments Project, was passed March 22, 2002 by the City Council and approved March 28, 2002 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 2002R-064
By Goodman

Relating to the City of Minneapolis, Minnesota Multifamily Housing Revenue Bond (Many Rivers Apartments Project) Series 2002, authorizing the issuance thereof, pursuant to Minnesota Statutes, Chapter 462C.

Be It Resolved by The City Council of The City of Minneapolis, Minnesota (the "City"), as follows:
Section 1. **Definitions.**

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

"**Act**" means **Minnesota Statutes**, Chapter 462C, as amended;

"**Agreement**" means the Loan Agreement to be entered into among the City and the Borrower relating to the Bond;

"**Assignment**" means the Assignment of Mortgage from the City to the Holder relating to the Bonds;

"**Bond**" means the Multifamily Housing Revenue Bond (Many Rivers Apartments Project), Series 2002 to be issued by the City pursuant to this resolution in the principal amount of up to \$4,250,000;

"Bond Documents" means the Agreement, the Regulatory Agreement, the Pledge Agreement, the Assignment and the Bond;

"Borrower" means Many Rivers Limited Partnership, a Minnesota limited partnership, its successors and assigns;

"Holder" means U.S. Bank National Association, as holder of the Bond, and its successors and assigns;

"Pledge Agreement" means the Pledge Agreement to be entered into among the City and the Holder relating to the Agreement and the Bond;

"Project" means the multifamily housing development to be financed with the proceeds of the Bond, as further defined in the Agreement;

"Regulatory Agreement" means the Regulatory Agreement to be entered into among the City, the Holder and the Borrower relating to the Project;

"Resolution" means this resolution of the City.

Section 2. **Findings.**

2.01. It is hereby found and declared that:

(a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;

(b) the purpose of the Project is and the effect thereof is to promote the provision of decent, sanitary and safe housing accommodations for low and moderate income persons;

(c) the financing of the Project, the issuance and sale of the Bond, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bond Documents and of all other acts and things required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;

(d) it is desirable that the Bond be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Holder as security for the payment of the principal of, premium, if any, and interest on the Bond;

(e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bond when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Agreement;

(f) under the provisions of the Act, the Bond is not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bond shall ever have the right to compel any exercise of the taxing power of the City to pay the Bond or the interest thereon nor to enforce payment thereof against any property of the City; the Bond, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project;

(g) the execution and delivery of the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage, lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding;

(h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner questioning the right and power of the City to execute and deliver the Bond or otherwise questioning the validity of the Bond or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bond or the right of the City to loan the proceeds of the Bond to the Borrower;

(i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding; and

(j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bond in accordance with the Act.

Section 3. Authorization and Sale.

3.01. **Authorization.** The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to finance the acquisition, construction and installation of facilities constituting a "multifamily housing development" as defined in the Act, and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.

3.02. **Approval of Documents.** Pursuant to the foregoing, there have been prepared copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Community Development Agency:

- (a) the Agreement;
- (b) the Pledge Agreement;
- (c) the Bond;
- (d) the Regulatory Agreement;
- (e) the Assignment; and
- (f) the Program for a Multifamily Housing Development.

The forms of the documents listed above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

Section 4. Authorizations.

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Mayor (or Deputy Mayor), the City Clerk (or Assistant City Clerk) and the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City, and the foregoing persons and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

Section 5. The Bond.

5.01. **Form and Authorized Amount.** The Bond shall be issued substantially in the form described above with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bond are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The initial interest rate on the Bond (until the Tender Date as defined in the Bond) shall not exceed an annual rate of 7.50%.

5.02. **Execution.** The Bond shall be executed on behalf of the City by the persons described in Section 4.01 hereof. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.

5.03. **Delivery and Use of Proceeds.** Prior to delivery of the Bond, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the holder the Bond together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

Section 6. Limitations of the City's Obligations.

6.01. Notwithstanding anything contained in the Bond Documents, the Bond, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary

liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project, and no Holder of the Bond shall ever have the right to compel any exercise of the taxing power of the City to pay the Bond or the interest thereon or to enforce payment thereof against any property of the City other than its interest in the Project. The agreement of the City to perform the covenants and other provisions contained in this Resolution or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

Section 7. City Representative.

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Bond Documents.

Section 8. Governmental Program.

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

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

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

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution adopting the Many Rivers Tax Increment Finance Plan, Modification No. 6 to the Franklin Avenue Redevelopment Plan, and Modification No. 89 to the Common Plans.

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

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

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-065, adopting the Many Rivers East Tax Increment Finance Plan, Modification No. 6 to the Franklin Avenue Redevelopment Plan and Modification No. 89 to the Common Plans, was passed March 22, 2002 by the City Council and approved March 28, 2002 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 2002R-065
By Goodman and Johnson

Adopting the Many Rivers East Tax Increment Finance Plan, Modification No. 6 to the Franklin Avenue Redevelopment Plan, and Modification No. 89 to the Common Plans.

Resolved by The City Council of The City of Minneapolis:

Section 1. **Recitals.**

1.01. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis

Code of Ordinances, Chapter 422, as amended (the "Agency Laws") the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, redevelopment projects, and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 through 469.134, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; and Laws of Minnesota 1980, Chapter 595, as amended; (collectively, the "Laws").

1.02. That By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis (the "City") has approved the creation by the Agency of the Common Development and Redevelopment Project ("the Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plans (the "Common Plans") relating thereto, all pursuant to the Laws.

1.03. That by Resolution duly adopted on June 12, 1981, and by subsequent resolutions, the City adopted the Franklin Avenue Redevelopment Plan and tax increment financing districts located within the Franklin Avenue Redevelopment Project Area.

1.04. The Agency has prepared, and this Council has investigated the facts with respect to a proposed Many Rivers East TIF Plan, Modification No 6 to the Franklin Avenue Redevelopment Plan, and Modification No 89 to the Common Plans (collectively, the "Plans"), describing more precisely the "Project Area", the parcels to be included in the boundary of the TIF District, the three parcels to be excluded from the existing TIF District and Common Project boundary, the activities to be undertaken, and eligible expenditures, all pursuant to the Laws.

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

1.06. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect removal of parcels from an existing TIF district, creation of a new TIF district, a budget for eligible expenditures, and project activities.

Section 2. Findings for the Adoption of the Plans.

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

2.02. The Council further finds, determines and declares that the Plans conform to the general plan for the redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk in the form of a petition.

2.03. The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought. The proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary. It is the position of the Agency and the City that the private redevelopment of the property included in the TIF District could not occur without public participation and financial assistance. This conclusion is based upon the following factors: The project will eliminate inconsistent uses and blighted and vacant parcels, result in the provision of needed affordable housing units, provide needed parking, assist in the revitalization of the Franklin Avenue Commercial Corridor, and provide and encourage development that includes improvements to the existing transit options. Rental revenue from the project, generally set near the top of local market prices, is not sufficient to fully amortize the cost of acquisition, demolition and construction. Virtually all of the local, regional and state agencies are already making a financial contribution to this project. There is no alternative source for the tax increment revenue or for replacement capital.

Many Rivers is designed in accordance with a Master Plan for the surrounding neighborhood, which calls for medium density mixed-use development along the East Franklin commercial corridor. A one-level, below-grade parking garage is essential to the development. Use of a four story building maximizes economies of scale during construction and for long-term property management; the resulting density makes it very problematic to provide surface parking. For both commercial and residential tenants, underground parking substantially increases personal security as well as comfort. Almost 20% of the units are fully handicapped accessible, which increases the need for sheltered parking. This parking is also more environmentally friendly than surface lots, allowing more green space for water recharge and eliminating use of corrosive ice-melting chemicals.

Further, there is not adequate available land on the east site to meet the parking requirements of the project. The need for the tax increment district is inherent in the financial structure of the development, which utilizes the automatic 4% Low Income Housing Tax Credits rather than the very limited 9% credits. The tax increment is required to increase revenue to a level sufficient to amortize at least 50.1% of the project cost, as required by the IRS. No substitute form of funding would work in this situation.

2.04. The TIF Act requires that a potential TIF district must pass a market value test in order to make a finding that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by this TIF Plan. Because it is the opinion of the City of Minneapolis that the proposed redevelopment project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City finds and projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained on page 15 of the TIF plan. The public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this Plan results in a series of calculations and figures that clearly pass the market value test.

2.05. The Council further finds, determines and declares that the area to be included in the Project Area and TIF District is a blighted area, contains vacant, unimproved and unused property, an asphalt-paved lot currently used as a parking lot, a masonry building constructed in 1961 with approximately 4700 square feet of commercial and retail building area that is in Marginal Condition, and that does not currently meet the Uniform Building Code, the MN State Energy Code, Accessibility Codes, the Minneapolis Code of Ordinances, nor the MN State Fire Code for new construction, and a wood framed 2-story residential duplex dwelling constructed in 1900, in Poor Condition, that does not meet the Uniform Building Code, the MN State Energy Code, or the Minneapolis Code of Ordinances, and a wood framed 2-story residential triplex dwelling, constructed in 1900 in Poor Condition, Zoned R4, and that the building does not meet the Uniform Building Code, the MN State Energy Code, or the Minneapolis Code of Ordinances.

Further, the evaluation and site analysis included an interior inspection of the residential and commercial properties and it is found that the conditions therein do not meet the livability standards required for safe, sanitary, human occupancy, and all buildings, commercial and residential, were found to be substandard under statutory criteria, Minnesota Statutes Section 469.174, Subdivision 10 (a). More than 50% of the three freestanding buildings were found structurally substandard due to a combination of building code defects. Therefore, the area qualifies as blighted under Minnesota Statutes due to these findings.

2.06. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are consistent with the undertaking of a redevelopment project and Redevelopment TIF District, all pursuant to and in accordance with the Laws.

2.07. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

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

3.01. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans.

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

Adopted. Yeas, 12; Nays none.
Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends approval of the amended version of the Minneapolis Tax Increment Policy, dated February 21, 2002, to be effective April 1, 2002, as more fully set forth in Petn No 267753 on file in the Office of the City Clerk.

Your Committee further recommends that said amended version of the Minneapolis Tax Increment Policy, dated February 21, 2002, and the Minneapolis Community Development Agency (MCDA) Public Financial Assistance Fee Policy, dated February 21, 2002, be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays none.
Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to amend the 2002 MCDA Appropriation Resolution, increasing Fund SMN0 (State Grants and Loan Program) by \$721,758, to provide for MCDA acceptance of a Metropolitan Council Livable Communities Tax Base Revitalization Account Grant from the Metropolitan Council for the Ivy Tower Project.

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

Adopted. Yeas, 12; Nays none.
Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

**RESOLUTION 2002R-066
By Goodman and Johnson**

Amending The 2002 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 SMN0 by \$721,758 from projected fund balance, and increasing the MCDA revenue budget SMN0 (3215-13 Other Minnesota Grantor Agencies) by \$721,758.

Adopted. Yeas, 12; Nays none.
Absent - Johnson Lee.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of a Livable Communities Tax Base Revitalization Account Grant from the Metropolitan Council, in the amount of \$201,500, for pollution investigation and remediation activities for the Village of St. Anthony Falls Project site.

Your Committee further recommends passage of the accompanying Resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing Fund SMN0 (State Grants and Loan Program) by \$201,500.

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

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-067
By Goodman and Johnson

Amending The 2002 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 SMN0 by \$201,500 from projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-13 Other Minnesota Grantor Agencies) by \$201,500.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration a recommendation for acceptance of the following grants, for the amounts indicated:

a) Stone Arch Apartment Project - Minnesota Department of Trade and Economic Development Contamination Cleanup Grant, in the amount of \$562,500; Metropolitan Council Livable Communities Tax Base Revitalization Grant, in the amount of \$97,500; and Hennepin County Environmental Response Grant, in the amount of \$90,000; and

b) West River Commons (formerly East Gateway) Project - Hennepin County Environmental Response Grant, in the amount of \$228,000; and

Further, having under consideration passage of the accompanying Resolution amending the Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing Fund SMN0 (State Grants and Loan Program) by a total of \$978,000; and

Further, having under consideration a recommendation that this action be transmitted to the Board of Commissioners of the MCDA; now recommends:

Comm Dev - that the report be approved.

W&M/Budget - that the report be sent forward without recommendation.

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

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 10; Nays, 3 as follows:

Yeas - Lilligren, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby, Johnson Lee, Niziolek.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-068
By Goodman and Johnson

Amending The 2002 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 SMNO by \$978,000 from projected fund balance, and increasing the MCDA revenue budget in Fund SMNO (3215-04 Minnesota State Grants) by \$562,500; (3215-13 Other Minnesota Grantor Agencies) by \$97,500; and (3220-02 County Grants) by \$318,000.

Adopted. Yeas, 10; Nays, 3 as follows:

Yeas - Lilligren, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby, Johnson Lee, Niziolek.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

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

H&HS – Your Committee, having under consideration the First Opportunity Program at Folwell Middle School, a juvenile delinquency program that serves youth ages 11 to 15 who live in the Phillips neighborhood and the surrounding community, now recommends that the proper City Officers be authorized to execute Modification #2 to Juvenile Justice Title V Grant #90729 to increase the grant amount by \$2,000, for a total grant allocation of \$102,000, and to extend the performance period to December 31, 2002, to enable the Employment & Training Program to continue working with RESOURCE Inc to manage funding and monitor the program at Folwell Middle School.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

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

H&HS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute a contract with the Minneapolis Community Development Agency (MCDA) to receive \$20,000 to provide services through the Office of Multicultural Services during the period September 15, 2001 through September 15, 2002; said services to include interpreting, training of MCDA staff on cultural issues, translation of MCDA materials, and assisting MCDA staff at resource fairs and other community events.

Your Committee further recommends passage of the accompanying Resolution appropriating \$20,000 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-069
By Johnson Lee and Johnson

Amending The 2002 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 Health & Family Support Agency in the Grants - Other Fund (060-860-8608) by \$20,000 and increasing the Revenue Source (060-860-8608 – Source 3825) by \$20,000.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

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

IGR - Your Committee recommends passage of the accompanying resolution supporting Federal funding for a Biomass Power Plant and Neighborhood Energy Cooperation in the Phillips neighborhood.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-070, supporting Federal funding for Biomass Power Plant and Neighborhood Energy Cooperative in the Phillips neighborhood was passed March 22, 2002 by the City Council and approved March 28, 2002 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 2002R-070
By Benson, Schiff, Zimmermann, Goodman

Supporting Federal funding for Biomass Power Plant and Neighborhood Energy Cooperative in the Phillips neighborhood.

Whereas, the South Side Transfer Station in Phillips, owned by the City of Minneapolis and an under-utilized asset of the City, is the preferred site for a biomass, combined heat and power generating facility; and

Whereas, the Green Institute has identified a higher and better use for the transfer station as a biomass, combined heat and power generating facility; and

Whereas, the Green Institute is also organizing a neighborhood-based energy cooperative in Phillips in order to aggregate demand, coordinate demand management and create a more effective vehicle for delivering energy products and services such as conservation and low-income energy assistance; and

Whereas, the development of a biomass power plant and neighborhood energy cooperative has secured the support of the Minnesota Department of Commerce, Hennepin County, National Rural Electric Cooperative Association, Great River Energy and residents of the Phillips neighborhood; and

Whereas, the project has requested and received support for federal funding assistance from Congressman Martin Sabo, Senator Paul Wellstone and Senator Mark Dayton;

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

That Minneapolis supports the efforts of the Green Institute and its project partners to secure a \$2 million appropriation as part of federal energy legislation to fund feasibility analysis and pre-development costs for the biomass energy facility at the South Transfer Station site and development of an energy cooperative in the Phillips neighborhood. Support for this appropriation does not require a direct financial commitment by the City.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

IGR - Your Committee recommends passage of the accompanying resolution supporting "Green Engine" development that reduces aircraft noise by thirty to forty decibels.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-071, supporting "Green Engine" development that reduces aircraft noise by thirty to forty decibels was passed March 22, 2002 by the City Council and approved March 28, 2002 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 2002R-071
By Benson, Colvin Roy, Goodman, Ostrow, Zerby, Lane

Supporting "Green Engine" development that reduces aircraft noise by thirty to forty decibels.

Whereas, the Federal Aviation Administration has predicted the number of aviation passengers to increase to over one billion per year by the end of the decade; and

Whereas, many industry stakeholders are calling for the expansion of airports to increase national aviation capacity; and

Whereas, an investment today in the development of a vastly quieter aircraft will pay dividends in the form of decreased local opposition to new airport projects while improving the quality of life for airport neighbors; and

Whereas, Congressman James Oberstar, Ranking Member of the House Transportation Committee, has called for an "Apollo-like investment" by the United States and Europe to develop a new jet "green engine" within ten years that is thirty to forty decibels quieter than current jet engine levels; and

Whereas, Minnesota Congressman Martin Olav Sabo secured \$20 million in the current fiscal year for NASA/FAA research of quiet aircraft technology, and was named "Legislator of the Year" by the National Organization to Insure a Sound-controlled Environment (NOISE) because of these efforts;

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

That the City of Minneapolis gratefully acknowledges the efforts and dedication of Congressmen Oberstar and Sabo.

Be It Further Resolved that the City of Minneapolis hereby calls on Congress to support the development of a "green engine" that reduces aircraft noise by thirty to forty decibels.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

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

PS&RS - Your Committee, having under consideration the application of MDCA, dba Ecopolitan, 2409 Lyndale Av S, for an On-Sale Wine Class E License (new business) to expire April 1, 2003, 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.
Declining to Vote - Benson.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Laila's Ethnic Foods Inc, dba Da Afghan Express, 1319 4th St SE, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2002, 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.

Declining to Vote - Benson.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

(Published March 26, 2002)

PS&RS - Your Committee, having under consideration the application of Jesses Concepts Inc, dba Baja Riverside, 1501 S 6th St, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from JD & Associates Inc) to expire October 1, 2002, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

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

Yeas - Lilligren, Johnson Lee, Niziolek, Goodman, Lane, Biernat, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby, Johnson.

Declining to Vote - Benson.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of LaPinata Inc, dba Top Diner, 4350 Lyndale Av N, for a Restaurant License (new proprietor) to expire April 1, 2003, now recommends that said license be granted, subject to the following conditions, as more fully set forth in Petn No 267757 on file in the Office of the City Clerk and made a part of this report by reference:

- a. the licensee shall complete certified food manager training prior to April 1, 2002;
- b. the licensee shall submit plans for the complete remodeling of Top Diner that must be approved by Minneapolis Environmental Health prior to construction beginning on July 1, 2002;
- c. the licensee must complete all remodeling by October 1, 2002;
- d. by April 8, 2002, the licensee shall have the old hand sink removed and an NSF approved hand sink installed in the kitchen area;
- e. by April 8, 2002, the licensee shall have the missing and cracked VCT floor tiles in the back storage area removed and replaced;
- f. by April 8, 2002, the licensee shall have removed the board under the casters of the Artic Air reach-in unit near the hand sink;
- g. by April 8, 2002, the licensee shall have the sink cabinet in the men's bathroom repaired;
- h. by April 8, 2002, the licensee shall have the floors completely cleaned throughout;
- i. no sooner than March 25, 2002, a reinspection will be conducted. Previous violations that are structural in nature, such as repairing the floors, walls, ceilings throughout, and replacing the front area counters are noted on the inspection but will not be required to be complete as they will be removed and replaced during remodeling;
- j. if the complete remodeling does not take place, the licensee understands that an upgrade to the Top Diner will be required by October 1, 2002 or the business will remain closed until the upgrade is done;
- k. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.
Declining to Vote - Benson.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

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

On-Sale Liquor Class A with Sunday Sales, to expire March 12, 2002

International Catering, dba Atrium Cafe, 275 Market St (temporary expansion of premises, March 12, 2002, 5:30 p.m. to 10:00 p.m., N.A.R.I.);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2003

Apple American Ltd Partnership of Minnesota, dba Applebee's Neighborhood Grill & Bar, 3200 W Lake St (new corporate officer);

On-Sale Liquor Class B with Sunday Sales, to expire April 27, 2002

Campus Partners Inc, dba Sallys Saloon, 712 Washington Av SE (temporary expansion of premises with outdoor entertainment, April 27, 2002, 3:00 p.m. to 10:00 p.m.);

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

Green Mill Enterprises Inc, dba Green Mill Too, 2626 Hennepin Av (change in manager);

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2003

B B & D Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S (new manager);

Temporary On-Sale Liquor

American Diabetes Association, dba American Diabetes Association, 715 Florida Av S, Suite 307, Golden Valley (March 8, 2002, 5:00 p.m. to 10:00 p.m. at International Market Square, 275 Market St; Licensed Facilitator: Atrium Catering);

Temporary On-Sale Beer

Church of the Ascension, dba St. Patrick's Day Celebration, 1723 Bryant Av N (March 9, 2002, 5:00 p.m. to 10:00 p.m.).

Adopted. Yeas, 12; Nays none.
Declining to Vote - Benson.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of March 22, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267757):

Building Contractor Class B; Car Wash; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Concrete Block Manufacturer; Dry Cleaner - Flammable; Dry Cleaner - Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Drywall Contractor; Caterers; Confectionery; Farm Produce Permit Non-profit; Grocery; Indoor Food Cart; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning, Ventilating Class A; Lodging House; Lodging House with Boarding; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Pet Shop; Plumber; Refrigeration Systems Installer; Exhibition Operator Class A; Sign Hanger; Taxicab Limited; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Tobacco Dealer; Combined Trades; and Tree Servicing.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

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

Gambling-Lawful Class B

Minnesota/USA Wrestling Inc, dba Minnesota/USA Wrestling Inc, 3327 Hennepin Av (Site: Grumpy's Bar, 2200 4th St NE);

National Multiple Sclerosis Society - Minnesota; dba National Multiple Sclerosis Society - Minnesota, 200 12th Av S (Site: Bar 19, 19 W 15th St);

Baseline Club, dba Baseline Club, 25 University Av SE (Site: Waldos Bar, 4601 Lyndale Av N);

Minneapolis Jaycees Foundation, dba Minneapolis Jaycees Foundation, 2020 1st Av S (Site: Popeyes, 3601 E Lake St);

Gambling Lawful Exempt

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle April 16, 2002, Church basement);

Lupus Foundation of Minnesota, dba Lupus Foundation of Minnesota, 275 Market St (Raffle May 4, 2002 at Hilton Minneapolis, 1001 Marquette Av);

Metropolitan Boys Choir, dba Metropolitan Boys Choir, PO Box 19348 (Raffle May 12, 2002 at Orchestra Hall, 1111 Nicollet Mall);

Women's Cancer Resource Center, dba Women's Cancer Resource Center, 4604 Chicago Av (Raffle May 19, 2002 at Quest Club, 110 N 5th St).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #05240 held by Christopher A. Wallace, 601 Ridgewood #104, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating the Taxicab Ordinance, Section 341.340, by driving a taxicab after his provisional taxicab license had expired, and has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$300 in the form of a money order to the City of Minneapolis Finance Department.

b. that the licensee pay the remainder of the taxicab application fee of \$58 to the City of Minneapolis, and by accepting the terms of said TAC Agreement shall be granted a permanent taxicab driver's license.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #03956 held by Abdirizak Abdullahi Siad, 2500 Bryant Av S #3, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating the Taxicab Ordinance, Sections 341.210 and 341.250 (i) by idling his taxicab in a meter spot within the vicinity of an approved taxicab stand, and for refusing to obey and comply with a lawful order of a traffic control officer, and has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$50 to the City of Minneapolis Finance Department.

b. that said Taxicab License held by Abdirizak Abdullahi Siad be suspended for two days.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #05487 held by Paul H. Hulslander, 3435 6th St N, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating the Taxicab Ordinance, Section 341.340 by driving a taxicab after his provisional taxicab license had expired, and has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

- a. that the licensee pay an administrative fine of \$300 to the City of Minneapolis Finance Department; said fine to be paid in three increments.
- b. that the licensee pay the remainder of the taxicab application fee of \$58 to the City of Minneapolis, and by accepting the terms of said TAC Agreement shall be granted a permanent taxicab driver's license.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee, to whom was referred an Ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, granting subpoena power to the Civilian Police Review Authority, now recommends that said Ordinance be given its second reading for amendment and passage with summary publication.

Lost. Yeas, 6; Nays, 7 as follows:
Yeas - Zerby, Johnson Lee, Niziolek, Biernat, Zimmermann, Schiff.
Nays - Lilligren, Benson, Goodman, Lane, Johnson, Colvin Roy, Ostrow.
Lost March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Johnson moved to direct the City Coordinator to meet with the Director of the Civilian Police Review Authority and clarify what the action of the Council was with regard to how future complaints will be handled. Seconded.

Adopted upon a voice vote.

Zerby moved that it be the sentiment of the City Council that in the ongoing redesign of the Civilian Police Review Authority that the question of subpoena power be considered and in no way be foreclosed by the previous action taken. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, to whom was referred the subject matter of an Ordinance amending the Minneapolis Code of Ordinances to license clothing stores, now recommends that said subject matter be returned to author.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Hennepin County Attorney's Office to provide an existing Police Department staff

person, to be housed in the County Attorney's Office, to perform court liaison services during the period January 1 through December 31, 2002. Further, the Police Department shall provide a personal computer and authorized Police Department software, and the County Attorney's Office shall provide phone and fax service and basic office supplies and back-up support.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET

Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Greater Minnesota Association of Evangelicals, in the amount of \$416.67 per month, or an amount not to exceed \$5,000 per year, to provide Chaplain services to the Police Department during the period March 1, 2002 through February 28, 2003.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the Police Department's participation in the Hennepin County/Minneapolis Drug Task Force which was formed to combat sales and production of drugs, now recommends that the proper City Officers be authorized to accept a grant award from the Minnesota Department of Public Safety, Office of Drug Policy and Prevention, to reflect the receipt of \$300,000 in federal funds and \$18,356 in State funds for the Task Force. Further, that the proper City Officers be authorized to execute a contract with Hennepin County in order to share the grant funds. Matching funds for said grant will be provided by both the Hennepin County Sheriff's Department (\$40,000) and the City of Minneapolis (\$60,000).

Your Committee further recommends passage of the accompanying Resolution decreasing the appropriation for the Interfund Transfer Agency by \$10,927 to reflect a reduction in the amount required for the match as a result of receiving a lesser grant amount; the City's matching fund amount in the Police Special Revenue Fund was originally budgeted at \$70,927.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-072

By Biernat and Johnson

Amending The 2002 General 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 for the Interfund Transfer Agency in the Police Special Revenue Fund (210-127-030T) by \$10,927.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the block event fees for National Night Out, to be held on August 6, 2002, now recommends:

a. that the block event fee be waived for applications received by the close of business on Tuesday, July 9, 2002;

- b. that a \$15 fee be charged for applications received between July 10 and July 23, 2002; and
- c. that applications received after the close of business on July 23rd be denied.

Adopted. Yeas, 10; Nays, 3 as follows:

Yeas - Zerby, Johnson Lee, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Ostrow.

Nays - Lilligren, Zimmermann, Schiff.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to open a Police Substation in Old St. Anthony as part of the Community Oriented Policing Program that encourages the police to work closer with citizens. Further, that the proper City Officers be authorized to accept the donation of office space by Matcom Property Management, Inc, which will provide rent free space for the Substation at 22A University Av NE during the period April 1, 2002 through May 31, 2003.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

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

T&PW - Your Committee, having under consideration the 800 MHz Regional Radio System Project, now recommends that the proper City officers be authorized to execute Change Order #4 to Contract #14248 with Motorola, Inc., decreasing the contract by \$5,480, for a new contract total of \$5,384,540.50.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW - Your Committee, having under consideration the Central Av NE Reconstruction Project (27th Av NE to 37th Av NE) and having been informed of parking restrictions and bus stop changes that are called for in the approved layout for the project, now recommends passage of the accompanying ordinances establishing said parking and bus stop changes.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

ORDINANCE 2002-Or-021

By Colvin Roy

1st & 2nd Readings: 3/22/2002

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

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

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding thereto the following No Parking Zones:

No. 6802 - Wly side of Central Av NE betw the limits of 27th Av NE and 37th Av NE (No Parking Anytime);

No. 6803 - Ely side of Central Av NE starting at the SEly corner of 37th Av NE and thence extending 375 feet Sly (No Parking Anytime).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

ORDINANCE 2002-Or-022
By Colvin Roy
1st & 2nd Readings: 3/22/2002

Repealing a portion of Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

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

Section 1. That the following No Parking Zones contained in Section 478.590 of the above-entitled ordinance be repealed:

Bus stops on the Ely side of Central Av NE:

- a) Remove bus stop near side 36th Av NE;
- b) Remove bus stop mid-block between 36th Av NE and 37th Av NE;
- c) Remove bus stop located on the near side 37th Av NE (to be relocated in Columbia Heights midblock between 37th Av NE and 38th Av NE).

All bus stops on the Wly side of Central Av NE will be removed and replaced with new bus stop pullouts located as follows:

- a) Mid-block between 27th Av NE and 28th Av NE;
- b) Far side 29th Av NE;
- c) Far side 30th Av NE;
- d) Far side 31st Av NE;
- e) Mid-block between St. Anthony Parkway and 31st Av NE;
- f) Far side 33rd Av NE;
- g) Far side 35th Av NE;
- h) Near side Columbia Parkway.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW - Your Committee recommends approval of the appointment of the following individuals to the South Hennepin Special Service District Advisory Committee, each for a two-year term expiring on December 31, 2003:

David Comb	2512 Hennepin Av S	Ward 7	Minneapolis Uptown Antiques;
Sonya Hayden	2516 Hennepin Av S	Ward 7	Pandora's Cup
Jim Jurmu	10911 Highway 55	Ward 10	Wuollet Bakery
John Oliva	2204 Hennepin Av S	Ward 7	Specs Optical
Lars Peterssen	2748 Hennepin Av S	Ward 7	Domain Architecture & Design
Joan Rohlf	7400 Edinborough Way	Ward 10	Property Owner
Mel Soderholm	2325 Hennepin Av S	Ward 10	Stereoland
Michael Trebnick	2516 Hennepin Av S	Ward 7	Pandora's Cup
Rick Zuckman	2640 Hennepin Av S	Ward 7	First Tech

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW - Your Committee, having received an application for deferment of a special assessment for replacement of a water line submitted by Effie Clardy, 620 Penn Av N (PID 21-029-24-23-0079) in the amount of \$3,600, now recommends that said application be approved as provided for in Minnesota Statutes, Sections 435.193 to 435.195.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

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

T&PW & W&M/Budget – Your Committee, having under consideration the Central Av NE Street Reconstruction Project (27th Av NE to 37th Av NE) and having held a public hearing to consider special assessments for said project, now recommends passage and summary publication of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the Central Av NE Street Reconstruction Project, Special Improvement of Existing Street Number 2977;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$430,100 for the project, to be reimbursed by special assessment.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-073, ordering the work to proceed and adopting the special assessments for the Central Av NE Street Reconstruction Project, was passed March 22, 2002 by the City Council and approved March 28, 2002, 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 2002R-073
By Colvin Roy and Johnson

Central Av NE Street Reconstruction Project
Special Improvement of Existing Street Number 2977

Ordering the work to proceed and adopting the special assessments for the Central Avenue NE Street Reconstruction Project.

Whereas, a public hearing was held on March 7, 2002 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2002R-020, passed February 1, 2002 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2002R-020, passed February 1, 2002.

Be It Further Resolved that the proposed special assessments in the total amount of \$430,186.06 as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2003 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the

assessment bonds are sold for with collection of the special assessments on the 2003 real estate tax statements.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-074, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$430,100 for the Central Av NE Street Reconstruction Project, was passed March 22, 2002 by the City Council and approved March 28, 2002, 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 2002R-074
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$430,100 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Central Av NE Street Reconstruction Project, Special Improvement of Existing Street Number 2977, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Central Av NE Street Reconstruction Project, now recommends passage and summary publication of the accompanying Resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with said project.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-075, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict the Central Av NE Street Reconstruction Project, was passed March 22, 2002 by the City Council and approved March 28, 2002, 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 2002R-075
By Colvin Roy and Johnson

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Central Av NE area.

Whereas, the City of Minneapolis has scheduled the reconstruction improvements during 2002 in the Central Av NE area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 7, 2002 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street r/w adjoining the properties along Central Av NE (both sides) from 27th Av NE to 37th Av NE.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Third Av S Street Construction Project (Washington Av to 12th St S), and having held a public hearing to consider special assessments for said project, now recommends passage and summary publication of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments for the Third Av S Street Reconstruction Project, Special Improvement of Existing Street Number 6538; and

b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$346,725 for the project, to be reimbursed by special assessment.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

(Published March 26, 2002)

Resolution 2002R-076, ordering the work to proceed and adopting the special assessments for the Third Av S Street Reconstruction Project, was passed March 22, 2002 by the City Council and approved March 22, 2002, by the Acting 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 2002R-076
By Colvin Roy and Johnson

Third Av S Street Reconstruction Project,
Special Improvement of Existing Street Number 6538

Ordering the work to proceed and adopting the special assessments for the Third Av S Street Reconstruction Project.

Whereas, a public hearing was held on March 7, 2002, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2002R-021, passed February 1, 2002 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2002R-021, passed February 1, 2002.

Be It Further Resolved that the proposed special assessments in the total amount of \$346,722.48 as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2003 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2003 real estate tax statements.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-077, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$346,725 for the Third Av S Street Reconstruction Project, was passed March 22, 2002 by the City Council and approved March 22, 2002, by the Acting 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 2002R-077
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$346,725 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Third Av S Street Reconstruction Project, Special Improvement of Existing Street Number 6538, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Third Av S Street Reconstruction Project, now recommends passage and summary publication of the accompanying Resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with said project.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

(Published March 26, 2002)

Resolution 2002R-078, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict the Third Av S Street Reconstruction Project, was passed March 22, 2002 by the City Council and approved March 22, 2002, by the Acting 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 2002R-078
Colvin Roy and Johnson**

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Third Av S area.

Whereas, the City of Minneapolis has scheduled the reconstruction improvements during 2002 in the Third Av S area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said reconstruction; and

Whereas, a public hearing was held on March 7, 2002 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street r/w adjoining the properties along Third Av S (both sides) from Washington Av to 12th St S.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Joseph Selvaggio Initiative (JSI) Street Lighting Project (26th St E to 28th St E from Portland Av S to Chicago Av S - Special Improvement of Existing Street No 2223), now recommends passage and summary publication of the accompanying Resolution:

a) Ordering the project work to proceed; and

b) Increasing the project appropriation by \$250,000 as funding for the project, to be reimbursed by Abbott Northwestern Hospital (\$235,000) and a Metropolitan Livable Communities Act Grant (\$15,000).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-079, ordering the work to proceed for the Joseph Selvaggio Initiative (JSI) Street Lighting Project (26th St E to 28th St E from Portland Av S to Chicago Av S), was passed March 22, 2002 by the City Council and approved March 28, 2002, 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 2002R-079
By Colvin Roy and Johnson

Joseph Selvaggio Initiative (JSI) Street Lighting Project
Special Improvement of Existing Street No. 2223

Ordering the work to proceed for the Joseph Selvaggio Initiative (JSI) Street Lighting Project.

Whereas a public hearing was held on March 7, 2002, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2002R-022, passed February 7, 2002 to consider the proposed project and to consider all written and oral objections and statements regarding the proposed improvements;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2002R-022, passed February 7, 2002.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-080
By Colvin Roy and Johnson

Amending the 2002 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 Street Lighting Capital Agency in the Permanent Improvement Projects Fund (4100-943-9432) by \$250,000 for the Joseph Selvaggio Initiative (JSI) Street Lighting Project, to be reimbursed by Abbott Northwestern Hospital in the amount of \$235,000 (4100-943-9432 - Source 3720) and a Metropolitan Livable Communities Act Grant in the amount of \$15,000 (4100-943-9432 - Source 3755).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

T&PW & W&M/Budget – Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on March 7, 2002 to consider the establishment of Street Lighting District Number 1275 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No. 1275 (streets to receive lighting are as designated in the Joseph Selvaggio Initiative (JSI) Street Lighting Project, Special Improvement of Existing Street No. 2223) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on February 1, 2002 be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1275 not be considered for final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

(Republished May 25, 2002)

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 267763):

a) OP #5803, bid submitted by Hawkins, Inc. for an estimated expenditure of \$60,000 to furnish and deliver anhydrous ammonia for the Water Works;

b) OP #5817, low bid of NewMech Companies in the amount of \$167,700 to furnish and deliver all labor, materials, equipment and incidents necessary for replacement of Water Works Pump Station No. 14; and

c) OP #5813, low bid meeting specifications of Viking Electric Company in the amount of \$54,852.60 to furnish and deliver street light wire for the Public Works Traffic Stores Division.

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

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

(Published March 26, 2002)

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

W&M/Budget - Your Committee recommends approval of the settlement of the claim of Darien D. Williams by payment in the amount of \$12,500, payable to Darien D. Williams and his attorney, Marshall Tanick, and, further, that the City Attorney be authorized to execute any documents necessary to effectuate said settlement and the release of claims. The settlement is payable from the Self-Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends approval of the request of Officers Brandy Steberg and Jason King for reimbursement of attorneys' fees to Frederic Bruno & Associates in the amount of \$5,180.14, payable from the Self-Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends approval of the appointment of Arlene El-Amin to the Empowerment Zone (EZ) Governance Board as a resident representative. The term of the appointment shall be three-years for the period of March 22, 2002 through March 21, 2005.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with The Sixth World Symposium on Choral Music in the amount of \$150,000. The funding is provided to support the triennial event that is a gathering of internationally prominent choral specialists, composers, scholars and choirs to be held in the Twin Cities on August 3 through August 10, 2002. The contract is payable from the current City Coordinator budget (0100-840-8450).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.
Approved March 22, 2002. P. Ostrow, Acting Mayor.
Attest: S. Griffin, Asst City Clerk.
(Published March 26, 2002)

W&M/Budget - Your Committee, having under consideration the Minneapolis Empowerment Zone (EZ) and a loan of federal EZ funds in the amount of \$980,000 to Bassett Creek Partners, LP, now recommends:

- a) That the proper City officers be authorized to accept a loan fee payment of \$9,800 from Bassett Creek Partners, LP as required by the terms of the loan;
- b) Passage of the accompanying resolution increasing the City Coordinator Agency by \$9,800 to reflect the receipt of said loan fee.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-081
By Johnson

Amending The 2002 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 City Coordinator Agency in the Grants - Federal Fund (0300-840-8460) by \$9,800 and increasing the revenue source (0300-840-8460 - Source 3680) by \$9,800.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends that the proper City officers be authorized to issue a Request for Proposals for insurance broker services for the project.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 22, 2002. P. Ostrow, Acting Mayor.
Attest: S. Griffin, Asst City Clerk.
(Published March 26, 2002)

W&M/Budget - Your Committee recommends authorization for the proper City officers to place an insert into the April 2002 utility bill mailing from the Inspections Department informing residents of that department's extended business hours during the construction season and information on their web site.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a full, final and complete settlement of the workers compensation claim of James D. Labatte by payment in the amount of \$241,700, payable from the Self-Insurance Fund (6900-145-1451).

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Capital Long-Range Improvements Committee (CLIC) and a report that provides recommendations for 2002 CLIC activities and the capital budget process for years 2003 through 2007 (Petn No 267773), now recommends:

- a) Approval of the 2002 CLIC Schedule and establishment of a deadline of noon on April 7, 2002 for submission of capital budget requests;
- b) Approval of the CLIC 2002 Capital Guidelines to be used in evaluating capital projects proposed for the 2003-2007 program;
- c) Approval of the 2003-2007 Capital Budget Request Form, Instructions and Process;
- d) Appointment/confirmation of the following individuals as City Council appointees to serve on CLIC for the term of February 1, 2002 through January 31, 2003:

Ward	Representatives
1	Douglas Davis, Ginger DeRosier
2	Vacant. Rick Stackley
3	Greg Baumgartner, Peter Vince Morey
4	Jeffrey Strand, Michael J O'Donnell
5	Michael Paul Weber, Dr. N. Judge King
6	Valerie Martinez, Laverne Turner
7	Bengt Sohlen, Richard K. Anderson
8	Kristin Batson, Rebecca Polston
9	Cara Letofsky, Charles Vanek
10	Gary Thaden, William Gilbreath
11	Thomas Streitz, Cheryl Hayne
12	Jan Pearson, Alana Petersen
13	Robert Gustafson, Thomas Alagna

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend Contract #015132 with the Metropolitan Sports Facilities Commission by extending the contract termination date to December 31, 2002. The contract is in place to provide event parking at the Metrodome Stadium parking lot at 900 S 5th St as needed during construction activities related to the Convention Center Expansion Project. The rate for parking shall be \$7 per vehicle per day, for a total compensation not to exceed \$5,000, payable from the Convention Center Operations Fund (0760).

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

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

- a) Change Order #15 to Contract #15236 with Harris Mechanical, increasing said contract by \$130,172, for a new contract total of \$17,738,480;

- b) Change Order #15 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$189,110, for a new contract total of \$19,228,761;
- c) Change Order #7 to Contract #15224 with Premier Electrical Corporation, increasing said contract by \$172,569, for a new contract total of \$15,947,969;
- d) Change Order #9 to Contract #15277 with Swanson & Youngdale, Inc., increasing said contract by \$23,083, for a new contract total of \$981,928;
- e) Change Order #3 to Contract #15261 with Grazzini Brothers & Company, increasing said contract by \$99,726, for a new contract total of \$323,383;
- f) Change Order #1 to Contract #16755 with Marcy Construction Company, increasing said contract by \$14,788, for a new contract total of \$199,688;
- g) Change Order #9 to Contract #15235 with Minuti Ogle Co. Inc., increasing said contract by \$171,459, for a new contract total of \$10,538,797.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 22, 2002. P. Ostrow, Acting Mayor.

Attest: S. Griffin, Asst City Clerk.

(Published March 26, 2002)

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Police Chief to grant Lucy Gerold an extraordinary salary step increase to Step D for her position as Police Inspector, effective March 18, 2002.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration a labor agreement proposed with Minnesota Teamsters Local #320 (Convention Center Unit), now recommends approval of the executive summary of the collective bargaining agreement, effective for the period of January 1, 2001 through December 31, 2003, between the City and Local #320 (Petn No267775), and that the proper City officers be authorized to prepare and execute a collective bargaining agreement consistent with the terms of the executive summary.

Your Committee further recommends that the Director of Human Resources be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Geographic Information System (GIS) Institutionalization Project (GIS 2000) to develop custom solutions to support specific department business processes, now recommends that the proper City officers be authorized to extend the termination date of the City's contract with ESRI Corporation (#16220) from December 31, 2001 to December 31, 2002, to continue their support to the project. Funding for services are included in the Information and Technology Services Division current budget.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends that the Chief Information Officer be authorized to offer starting salaries up to Step 7, with the approval of the Director of Human Resources, for the twenty new positions in the Information and Technology Services Division that are being added in an effort to convert contracting operations to full time employees.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration grant funding available through the Minnesota Department of Natural Resources (DNR) through the National Recreation Trail Program and having been informed that the Minneapolis Park and Recreation Board (MPRB) is interested in securing grant funds to be used for access improvements and enhancements to the Winchell Trail (West River Road), now recommends:

a) That the proper City officers (Grants & Special Projects Office) be authorized to enter into and execute two DNR pass-through National Recreation Trail Program grant agreements on behalf of the MPRB, each grant to be in the amount of \$50,000 with matching funds for each offered through the Longfellow Neighborhood Revitalization Program (NRP);

b) That the proper City officers be authorized to develop and execute a Memorandum of Understanding with the MPRB to hold the City harmless and accept responsibility for compliance related grant requirements, management and implementation of the two Winchell Trail projects, with receipt of the grant funds being contingent upon said agreement;

c) Passage of the accompanying resolution increasing the revenue for the Non-Departmental Agency by \$100,000 to reflect the receipt of grant funds and providing for the transfer of the grant funds to the MPRB;

d) That the 2002 Park Board Operating Budget be amended to reflect the addition of the grant funds.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

RESOLUTION 2002R-082

By Johnson

Amending The 2002 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 revenue budget for the Non-Departmental Agency in the Grants - Other Fund (0600-123-1232 - Revenue Source 3215) by \$100,000;

b) Increasing the appropriation for the Interfund Transfer Agency in the Grants - Other Fund (0600-127-1270-195T) by \$100,000 to provide for transfer to the Minneapolis Park and Recreation Board.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit two grant applications to the U. S. Department of the Interior's National Park Service seeking funds for playground improvement projects proposed by the Minneapolis Park and Recreation Board (MPRB) at Harrison Park (503 Irving Av N) and Hall School Park (15th and Aldrich Av N). The application shall request funding of \$250,000 for each project with match funding to be considered in the 2003 budget process.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Minneapolis Park and Recreation Board (MPRB) 2002 Capital Improvement Program Net Debt Bond program and having been informed by the MPRB that their allocation of \$1,920,000 shall be used for the Lyndale Farmstead, Willard Park and Northeast Water Park projects, now recommends:

a) Passage of the accompanying resolutions amending Resolutions 2001R-507 (the capital improvement program) and Resolution 2001R-510 (the capital bonding resolution) to reflect amendments requested to the Park Board capital program and that the Board of Estimate and Taxation is requested to issue and sell bonds in the amount of \$1,920,000 for the Park and Recreation Board and designating the projects for which the proceeds shall be used.

b) That the individual dollar amount of each MPRB project not be included in the official bond sale request so that the City/Park Board will be put in a better position to spend the bond proceeds within the arbitrage time requirement.

Johnson moved that the report be referred back to the Ways & Means/Budget Committee.

Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee recommends passage and summary publication of the resolution establishing the 2002 Special Board of Review for the Board of Equalization and providing for the procedure to be allowed by said Board and fixing the compensation.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Resolution 2002R-083, establishing the 2002 Special Board of Review for the Board of Equalization, was passed March 22, 2002 by the City Council and approved March 28, 2002 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 2002R-083

By Johnson

Establishing the Special Board of Review for the Board of Equalization and providing for the procedure to be allowed by said Board and fixing the compensation.

Whereas, Minnesota Statutes 1975, Section 274.01 (Subdivision 2), authorizes any city, including cities whose charters provide for a board of equalization to appoint a special board of review to which it may delegate all powers and duties specified in said Section 274.01, subdivision 1; and

Whereas, the City Council pursuant to said law has passed an ordinance creating a special board of review to which the City Council has delegated all of the powers and duties specified in said Section 274.01, Subdivision 1, and has provided in said ordinance that the City Council shall by resolution provide for the number of persons to be appointed, the persons to be appointed, the amount of compensation to be paid, and the term of office;

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

That three (3) or more persons be appointed to the Special Board of Review; that the Board be composed of one or more committees of at least three (3) persons in each committee; that the Board shall hold its first meeting on April 22, 2002, at the call of the City Clerk pursuant to Minnesota Statutes 1975, Section 274.01, Subdivision 1; that the board shall hold hearings of complaints of persons feeling aggrieved by an assessment; that the committees of the Board shall include at least one appraiser, one Realtor or other person familiar with property valuations in the City of Minneapolis and one freeholder of the City of Minneapolis; that the Board shall complete its

hearings on May 10, 2002, and after these hearings the board shall fix the assessment to each property considered; that the City Clerk shall return the assessment rolls on May 17, 2002, to the City Council, who may confirm the same or return the same to the board for further revisions, to be again reported to the City Council; that the board shall adjourn after it has completed its function for 2002 and that each member shall be paid \$75 for each half-day he or she served as a member of the board.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee recommends that the following persons be appointed/reappointed to the 2002 Special Board of Review for the Board of Equalization to serve as a three-member board, on a rotating basis, for the period of April 22, 2002 through May 10, 2002, and to be paid \$75 per half-day served on said Board, payable from the City Clerk Agency (0100-260-2611):

Appraisers:

John Pappas, 4845 James Av S;
Larry Tucker, 1349 Washburn Av N.

Residents:

Jim Robb, 5221 Xerxes Av S;
John Cole, 512 Lyn Park Circle N;
Jim Litecky, 3931 Upton Av N.

Realtors:

Ted Risk, 3628 Johnson St NE;
Patricia Werner, 1101 Mt Curve;
Rita Swatosh, 4333 Upton Av N.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having reviewed the 2001 Preliminary Year-End Financial Report and having received the recommendations of the Finance Department as to departmental supplemental appropriation adjustments and reappropriation requests, now recommends passage and summary publication of the accompanying resolutions providing for those adjustments.

Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Resolutions 2002R-084 and 2002R-085 providing for department supplemental appropriation adjustments and reappropriations for Year 2002, were passed March 22, 2002 by the City Council and approved March 28, 2002 by the Mayor. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-084

By Johnson

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:

2001 Year End Supplemental Appropriations

Agency	Appropriation	Revenue	Description/Fund-Agency
GENERAL FUND			
Attorney	\$204,302	\$-	The block grant for the Attorney's office was reduced during 2001 by the Police department. 0100-140
Non-Departmental	\$(743,788)	\$-	Year end appropriation decrease to cover other supplemental appropriations. Originally reserved for fuel and wage reserve costs 0100-123
Transfers	\$1,315,892	\$-	Transfer to Intergovernmental Services fund for ITS budget adjustment. 0100-127
Contingency	\$(257,746)	\$-	Year end appropriation decrease to cover other supplemental appropriations. 0100-175
City Council	\$(29,042)	\$-	Reduction to cover part of City Clerk/Elections over spending. 0100-240
City Clerk	\$80,963	\$-	Council Office Remodeling 0100-260
Elections and Registrations	\$59,700	\$-	Unanticipated election overtime and related expenses. 0100-264
Mayor	\$20,216	\$-	Vacation and sick leave payout of approximately \$40,000 for departing employees. Without these expenditures, the department would have had approximately \$20,000 of savings. 0100-375
Police	\$76,390	\$-	Fuel costs over budget by \$81,000; reserved in contingency. 0100-400
Public Works - Field Services	\$2,356,111	\$1,460,000	Increased snow and ice costs, increased costs related to bridge and street maintenance revenue 0100-607
Public Works - Transportation	\$213,000	\$-	Back pay settlement 0100-685
Total Public Works	\$2,569,111	\$1,460,000	

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Licenses	\$105,821	\$-	Remodeling/construction 4th floor Public Service Center 0100-835
Communications	\$75,300	\$75,300	Clean City-related expenses offset by revenue 0100-842
ITS	\$50,000	\$50,000	Additional Minneapolis Telecommunications Network revenue and expense as a result of Time Warner payment 0100-880
Total City Coordinator	\$231,121	\$125,300	
Total: General Fund	\$3,527,119	\$1,585,300	
PERMANENT IMPROVEMENT PROJECTS			
Finance	\$(10,000)	\$-	Shift between funds to cover payroll charges. 4100-820
Public Works - Paving - Capital	\$200,000	\$200,000	2001 reimbursable paving 4100-937
Total: Permanent Improvement	\$190,000	\$200,000	
PROPERTY SERVICES			
Public Works -Property Services	\$1,985,000	\$2,210,000	Equipment rental, furniture expenses, personnel moves, facility management 6200-680
Finance	\$(10,000)	\$-	Shift between funds to cover payroll charges. 6200-820
Total: Property Services	\$1,975,000	\$2,210,000	
PUBLIC WORKS STORES			
Finance	\$(5,000)	\$-	Shift between funds to cover payroll charges. 6300-820
Total: Public Works Stores	\$(5,000)	\$-	
INTERGOVERNMENTAL SERVICES			
Transfers	\$-	\$1,315,862	Transfer from General fund for ITS budget adjustment. 6400-127

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ITS	\$1,859,774	\$543,912	Hardware/software purchase commitment, property services' bill, telephone and increase based on revenue increase 6400-880
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Total: Intergovernmental Services	\$1,859,774	\$1,859,774	
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SELF INSURANCE

Health & Welfare	\$3,850,000	\$300,000	Sick leave payout and higher health insurance provider payment 6900-129
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Attorney	\$148,632	\$-	Higher litigation/investigation expenses 6900-140
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Liability	\$61,000	\$-	Liability settlements 6900-150
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Total: Self Insurance	\$4,059,632	\$300,000	
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SEWER RENTAL

Finance	\$25,000	\$-	Shift of payroll charges between funds (offset by reductions in permanent improvement, property services and public works stores funds) 7300-820
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Total: Sewer Rental	\$25,000	\$-	
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MUNICIPAL PARKING

Transfers	\$44,000	\$-	Technical adjustment for ITS workout plan 7500-127
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Total: Municipal Parking	\$44,000	\$-	
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SOLID WASTE AND RECYCLING

Public Works - Solid Waste	\$163,000	\$-	Backpay settlement 7700-664
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Total: Solid Waste & Recycling	\$163,000	\$-	
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Total All Funds	\$11,838,525	\$6,155,074	
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Expense Net Revenue	\$5,683,451		
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Adopted. Yeas, 13; Nays none.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

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

RESOLUTION 2002R-085

By Johnson

Amending The 2002 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:

Requests for reappropriation of 2001 funds to 2002

Agency Name	Appropriation	Description	Coding String
General Fund			
Civil Rights	\$7,000	One-time contracts related to Heritage Park/Near North and publications	0100-300
City Coordinator	\$24,000	Citizen Survey - Marketline Research contract - work completed in 2002	0100-840
ITS - Media Services	\$45,000	One time request related to I-Net consulting contract and equipment for taping of Council meetings	0100-880
Planning	\$21,000	One-time contracts related to site plan reviews and other research	0100-380
Total General Fund Reappropriation requested in this action	\$97,000		

In the General Fund, two reappropriation requests have already been approved by previous Council Actions. These are not part of the current action (For Information Only)

Finance	\$700,000	Reappropriation of savings to cover GASB 34 Costs	0100-820
Health and Family Support	\$41,000	Approved in March 2001, Health and Family Support was authorized in Council Action 2001R-078 to carry over the unspent balance of the Women Venture Contract.	0100-860
Grand Total General Fund Reappropriation	\$838,000		

Convention Center Fund

Convention Center	\$261,000	One time contracts related to safety equipment, room dividers and mechanical equipment.	0760-MCC
Total Convention Center Total Reappropriation (all funds)	\$261,000		
	\$1,099,000		

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration master contracts that the Information and Technology Services (ITS) Division holds with several vendors from the State's Master Contract list and a request to increase the not-to-exceed limit of \$750,000 and not-to-exceed scope limit of \$200,000 based on project needs and for greater efficiency, now recommends that the proper City officers be authorized to execute the following contract amendments:

a) Increase the authorized limits of current ITS Master Contracts:

Amend C-16399, SafeNet Consulting, Inc. to a new limit of \$2,500,000.

Amend C-17038, BitSolutions, LLC to a new limit of \$2,500,000.

b) Increase the authorized limits of the current ITS Master Contract Scopes:

Amend C-1703801, BitSolutions, LLC scope for Ray Zabilla to a new limit of \$500,000.

Amend C-1703802, BitSolutions, LLC scope for Tim Zabilla to a new limit of \$400,000.

Amend C-1699601, Cerzan scope for staff to maintain network security and firewall to a new limit of \$500,000.

Amend C-1639704, Hollstadt & Associates, Inc. scope for Mark Schneider to a new limit of \$10,000.

Amend C-1639705, Hollstadt & Associates, Inc. scope for David Roth to a new limit of \$600,000.

Amend C-1639715, Hollstadt & Associates, Inc. scope for Garth Miles to a new limit of \$500,000.

Amend C-1639719, Hollstadt & Associates, Inc. scope for Randy Eidem to a new limit of \$300,000.

Amend C-1639720, Hollstadt & Associates, Inc. scope for Stacy Hermanson to a new limit of \$400,000.

Amend C-1639722, Hollstadt & Associates, Inc. scope for Richard Newman to a new limit of \$400,000.

Amend C-1639730, Hollstadt & Associates, Inc. scope for Thomas Shaughnessy to a new limit of \$600,000.

Amend C-1639735, Hollstadt & Associates, Inc. scope for Mark Schneider to a new limit of \$550,000.

Amend C-1639819, Labyrinth Consulting, Inc. scope for Duwayne Joarnt to a new limit of \$500,000.

Amend C-1639814, Labyrinth Consulting, Inc. scope for Cindy Imgrund to a new limit of \$500,000.

Amend C-1652104, Management System Solutions scope for John Spurrier to a new limit of \$300,000.

Amend C-1643801, On-Demand Group, Inc. scope for David Craig to a new limit of \$400,000.

Amend C-1643806, On-Demand Group, Inc. scope for Tom Hielsburg to a new limit of \$300,000.

Amend C-1643807, On-Demand Group Inc. scope for Robert Claycomb to a new limit of \$400,000.

Amend C-1643809, On-Demand Group, Inc. scope for Scott Young to a new limit of \$400,000.

Amend C-1686701, Third Wave Partnership, LLC scope for Marvin Bachmeier to a new limit of \$300,000.

Amend C-1686702, Third Wave Partnership, LLC scope for Chuck Pilon to a new limit of \$300,000.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Motions

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of April, 2002, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Biernat moved to rescind a report of the Public Safety & Regulatory Services Committee passed December 14, 2001, by the Council authorizing razing of the property located at 2939 Aldrich Avenue North, legally described as Lot 6, Block 2, Harmony Terrace Addition to Minneapolis (PID #09-029-24-41-0034). Seconded.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Zerby moved that the City Coordinator be directed to review the Report of the Independent Investigator, City of Minneapolis dated February 2002, consult with appropriate City departments and prepare recommendations for consideration by the City Council in the following areas:

1. Whether the City should create a constituent services office, including but not limited to whether the City should consider implementing a procedure for documenting formal requests for constituent service made directly by elected officials to regulatory departments.

2. Whether the City should further institutionalize formal ethics training for all City employees which includes training on the basic structure of City government and the powers and roles of various branches and officials; business ethics, such as the acceptance of gifts and gratuities, the use of public property for personal purposes and the like; and training and guidance for employees concerning how to respond to inquiries or requests from constituents and elected officials.

3. Whether the City should require broader financial disclosure by City officials to include more extensive economic disclosures by officials and candidates for office including disclosure of the receipt of loans or gifts.

4. Whether the City should prohibit the use of Special Council Permits, except where explicitly authorized by ordinance which provide for specific criteria and procedures for such issuance.

Zerby further moved that the Coordinator recommend changes in the policies, procedures or ordinances relating to the City's regulatory functions that the Coordinator deems necessary in light of his review of the Report of the Independent Investigator.

Zerby further moved the Coordinator report his recommendations by May 3, 2002. Seconded.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Ostrow introduced the subject matter of an ordinance amending Title 20, Chapter 551, Article IV of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts; IL Industrial Living Overlay District*, which was given its first reading and referred to the Zoning & Planning Committee (To allow "*Theater, indoor, provided live performances only*" as a permitted use within the Industrial Overlay District).

Schiff introduced the subject matter of an Ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 259.240 relating to control of shopping carts).

Zimmermann introduced the subject matter of Ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, which was given its first reading and referred to the Zoning & Planning Committee (To allow a free store beginning in the C2 commercial district).

Resolution

Zimmermann and Goodman offered a Resolution honoring the Stevens Square - Loring Heights Neighborhood Block Patrol.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

(Not Published. See Resolution 2002R-086 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**Resolution 2002R-086
By Zimmermann and Goodman**

Honoring the Stevens Square – Loring Heights Neighborhood Block Patrol.

Whereas, the Stevens Square - Loring Heights Neighborhood Block Patrol is celebrating 10 years of volunteer service to the community; and

Whereas, the Stevens Square - Loring Heights Neighborhood Block Patrol is one of the longest consistent walking citizens' patrols in Minneapolis; and

Whereas, neighborhood volunteers patrol the streets of Stevens Square - Loring Heights observing activity in the neighborhood; and

Whereas, neighbors and partners have logged thousands of volunteer hours since the program's inception; and

Whereas, the Block Patrol empowers its volunteers to take leadership roles in the community; and

Whereas, Block Patrol volunteers act as extra sets of eyes and ears for the Minneapolis Police Department; and

Whereas, the Block Patrol organizes residents as a preventive force to deter criminal and disruptive behavior; and

Whereas, the Block Patrol has become a model for other citizens' patrols across the city;

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

That we express our gratitude and thanks to the Stevens Square – Loring Heights Block Patrol for the outstanding service to the citizens of the City of Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Unfinished Business

Mayor League Baseball: Sent forward without recommendation Resolution in support of a private-public partnership to preserve major league baseball in Minneapolis; Authorize summary publication (Postponed 3/1/2002, IGR)

Major League Baseball: Recommend support the desire to retain Minnesota Twins in Minnesota and Minneapolis and support the idea of community ownership. (Postponed 3/1/2002, IGR)

Johnson moved that the above two reports continue to be postponed. Seconded.
Adopted upon a voice vote.

New Business

A moment of silence was observed in remembrance of Richard Clark Little for his many contributions to the City of Minneapolis and for the good will projects he was involved in.

Ostrow moved to adjourn the City Council meeting to Room 315 City Hall following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following lawsuits:

- a) Austin Richmond, et al. vs. City of Minneapolis, et al., Hennepin County District Court File #00-013455
- b) Fletcher and Teamah vs. Tom Thumb and City of Minneapolis, U.S. District Court File #99-1680
- c) Loven , et al. vs. City of Minneapolis, Minneapolis Appellate Courts File #C5-00-1925
- d) Annette Bodem vs. City of Minneapolis, Hennepin County District Court File #00-14767
- e) John Doe vs. City of Minneapolis, in Minnesota Courts of Appeals

Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

March 22, 2002 – 11:40 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, President Ostrow.

Also present - Jay Heffern, City Attorney; Michael Norton, Deputy City Attorney; Jim Moore, Tim Skarda, Carol Bachun, Assistant City Attorneys; Greg Hestness, Deputy Chief; Ann Eilbracht, Director, Human Resources; Sue Dufloth, Human Resources; Steve Ristuben, Assistant City Clerk; Jan Hrcir, City Clerk's office.

Jay Heffern, City Attorney, stated that the meeting may be closed for the purpose of receiving confidential information on the following lawsuits that are currently in active litigation:

- a) Austin Richmond, et al. vs. City of Minneapolis, et al., Hennepin County District Court File #00-013455
- b) Fletcher and Teamah vs. Tom Thumb and City of Minneapolis, U.S. District Court File #99-1680
- c) Loven , et al. vs. City of Minneapolis, Minneapolis Appellate Courts File #C5-00-1925
- d) Annette Bodem vs. City of Minneapolis, Hennepin County District Court File #00-14767
- e) John Doe vs. City of Minneapolis, in Minnesota Courts of Appeals

Lilligren moved that the meeting be closed for the purpose of consideration of the above lawsuits. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:40 a.m.

Jim Moore, Assistant City Attorney, summarized the *Loven, et al. vs. City of Minneapolis*. lawsuit from 11:40 to 11:49 a.m.

Jim Moore summarized the *Austin Richmond, et al. vs. City of Minneapolis, et al.* lawsuit from 11:50 a.m. to 12:05 p.m.

Jim Moore summarized the *Annette Bodem vs. City of Minneapolis* lawsuit from 12:06 to 12:12 p.m.

Jim Moore summarized the *Fletcher and Teamah vs. Tom Thumb and City of Minneapolis* lawsuit from 12:12 TO 12:44 p.m.

Carol Bachun, Assistant City Attorney summarized the *John Doe vs. City of Minneapolis* from 12:44 to 1:19 p.m.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Lane moved that the meeting be opened for the purpose of taking action on the lawsuits.

Seconded.

Adopted upon a voice vote.

Zimmermann moved that the City Attorney be authorized to settle the lawsuit entitled *Austin Richmond, et al. vs. City of Minneapolis, et al.*, Hennepin County District Court File No. 00-013455, in accordance with the agreement reached at the pretrial settlement conference held February 20, 2002, and pursuant to the discussion and direction given at the closed Council session of March 22, 2002, in the amount of \$12,000. Said payment shall be made to Kim Austin Richmond and her attorneys, Stapleton, Nolan, MacGregor & Thompson, and is payable from Fund/Org 690 150 1500 4000. The City Attorney's office is authorized to execute any documents necessary to finalize this settlement. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Ostrow.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Zimmermann moved that the City Attorney be authorized to settle the lawsuit entitled *Bodem vs. City of Minneapolis*, Hennepin County District Court File No. 0014767, and pursuant to the discussion and direction given at the closed Council session of March 22, 2002, in the amount of \$7,606. Said payment shall be made to Annette Bodem and her attorney, James Carson Whedbee Bock and is payable from Fund/Org 690 150 1500 4000. The City Attorney's office is authorized to execute any documents necessary to finalize this settlement. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Biernat, Ostrow.

Passed March 22, 2002.

Approved March 28, 2002. R.T. Rybak, Mayor.

Attest: S. Griffin, Asst City Clerk.

Niziolek moved that the Finance Officer be authorized to pay no fault benefits to the parties in the litigation, *Loven, et al. vs. City of Minneapolis, et al.*, Minnesota Supreme Court File No. C5-00-1925, in accordance with Code of Ordinances Chapter 16, Article XIII, and the decision of the Minnesota Supreme Court in the above-referenced case. Said payments shall be made to: Kari Loven and her attorneys, Schwebel, Goetz & Sieben, in the amount of \$56,849.91; Jean Lanz and her attorneys, Schwebel, Goetz & Sieben, in the amount of \$29,971.69; and Kelsey Loven and her attorneys, Schwebel, Goetz & Sieben, in the amount of \$29,897.72. Seconded.

Adopted. Yeas, 10; Nays none.

MARCH 22, 2002

Declining to Vote - Colvin Roy.
Absent - Biernat, Ostrow.
Passed March 22, 2002.
Approved March 28, 2002. R.T. Rybak, Mayor.
Attest: S. Griffin, Asst City Clerk.

Lilligren moved that the meeting be adjourned. Seconded.
Adopted. Yeas, 12; Nays none.
Absent - Ostrow.

Adjourned.

Susanne Griffin,
Asst City Clerk.

Created: 3/22/2002
Modified: 3/29/2002
Corrected: 5/30/2002