

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

MAY 17, 2002

(Published May 25, 2002,
in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 17, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Goodman moved acceptance of the minutes of the regular meeting held May 3, 2002. Seconded. Adopted upon a voice vote.

Goodman 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) (267902)

University Gateway Project (200 Oak Street SE): Issue tax-exempt revenue bonds for facility and surrounding grounds.

Low Income Housing Tax Credit Manual and Qualified Allocation Plan: Approve and issue Request for Proposals.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267903)

North Washington Industrial Park: Modification #14 to Redevelopment Plan and Modification #90 to Common Plan.

CDBG Housing Funds: Approve reallocation.

Year 2002 HOME Program: Approve budget allocation and contract with MCDA.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (267904)

Local Plan for Workforce Investment Act: Authorize Mayor Rybak to sign Program Year 2002 update for period July 1, 2002 to June 30, 2003.

Local Service Unit Plan Update for Minnesota Family Investment Program: Authorize Mayor Rybak to sign plan update for period July 1, 2001 through June 30, 2003.

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

HEALTH AND FAMILY SUPPORT SERVICES (267905)

Welfare-to-Work Services: Execute Amendment to Hennepin County/City of Minneapolis Welfare-to-Work Joint Powers Agreement to add \$50,000 for welfare-to-work services.

LICENSES AND CONSUMER SERVICES (267906)

Healthy Homes Research and Demonstration Grant: Authorize submit grant application to United States Department of Housing and Urban Development seeking up to \$500,000 to address respiratory issues concerning indoor air and home health issues.

INTERGOVERNMENTAL RELATIONS:

COUNCIL MEMBER ZIMMERMANN (267907)

Wild Rice: Resolution opposing the genetic manipulation of & issuance patents for wild rice, w/ Attachments.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267908)

Mississippi National River & Recreation Area Grant Program: Resolution supporting federal funding for National Park Service for grant program.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (267909)

Mounted Patrol: Update report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (267910)

Chapter 249 Property at 1111 17th Av N: Approve settlement of litigation entitled Inter Savings Bank v. City of Minneapolis; rescind Council's order to demolish the property, subject to property being rehabilitated within six months of issuance of building permit.

LICENSES AND CONSUMER SERVICES (267911)

License Fee Corrections: Approve housekeeping changes to previous license fee amendments.

Rite Way Hand Car Wash & Detailing (1525 W Broadway): Grant Provisional Car Wash License, subject to conditions.

Licenses: Applications.

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

REGULATORY SERVICES (267912)

Mississippi Watershed Management Organization: Accept grant award of \$200,000 for staffing services from Environmental Management Division; and Approve appropriation.

POLICE DEPARTMENT (267913)

Metro Gang Strike Force: Execute amendment to Grant Agreement with State of Minnesota to reflect withdrawal of two officers from Strike Force; and Approve decrease in appropriation.

Auto Track Services: Execute contract with Choice Point Public Records for investigators to have unlimited access to information from national databases to locate and identify suspects in crimes.

POLICE DEPARTMENT (267914)

Police Department Investigator Services: Execute contract with Hennepin County Attorney's Office to provide investigator services to Hennepin County, with County paying salary, fringe benefits, mileage, parking and other expenses.

Racial Profiling/Cameras in Squad Cars: Accept grant award of \$460,000 from Minnesota Department of Public Safety for purchase of 100 cameras and computer programming an electronic system for collection of race data on traffic stops and suspicious vehicles; and Approve appropriation.

2002 International Association of Chiefs of Police Conference: Authorize Police Department to request assistance from other law enforcement agencies to provide security during conference, October 4-9, 2002.

TAXES (BOARD OF EQUALIZATION) (See Rep):

CITY CLERK (267915)

2002 Minneapolis Board of Equalization: Approval of assessment rolls.

TRANSPORTATION AND PUBLIC WORKS:

CITY CLERK (267917)

Critical Parking Area: Application for designation of area on 46th and Drew Av S.

PUBLIC WORKS AND ENGINEERING (267916)

Heritage Park/Near Northside Redevelopment: Update on contract with Ames Construction.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

COUNCIL MEMBER OSTROW (267918)

Crystal Lake Water Quality Task Force: Appointment of Council Member Barbara Johnson as City representative.

PUBLIC WORKS AND ENGINEERING (267920)

Hennepin Theatre District Streetscape and Lighting Projects: Approve project and assessments; Approve areaway abandonment and removal.

Lyndale Neighborhood Residential Lighting Project: Designate project location and improvements.

Downtown Transportation Management Organization Executive Committee: Accept resignation of John Hanson and appoint Jean Krause of Reliant Energy/Minnegasco to fill vacant position.

Minneapolis Storm Water Management Program and Annual Report: Approve for 2002.

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

PUBLIC WORKS AND ENGINEERING (267919)

3rd Av S Project: Amend 2002 Capital Improvement budget by eliminating the 3rd Av S Neighborhood Roadway and Streetscape Project and transferring funds to the 3rd Av S Downtown Roadway Project for greening.

PURCHASING (267921)

Bids: OP# 5863, low bid of Macpherson-Towne Company to complete the Washburn Park Water Tower restoration; OP# 5851, low bid of Standard Sidewalk for sidewalk removal and replacement.

WAYS AND MEANS BUDGET:

CONVENTION CENTER (267922)

Convention Center Expansion Project: Change Management Actions.

COORDINATOR (267923)

Greater Minneapolis Convention & Visitors Association Quarterly Performance Report for the 1st Quarter of 2002.

FINANCE DEPARTMENT (267924)

Financial Status Report as of First Quarter of 2002.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (267925)

Legal Settlements: Claims of Mohamed Abdi, Maurice Ellringer, Joseph Curtis and Al Lemont Henderson.

CONVENTION CENTER (267926)

Convention Center Expansion Project: Change orders increasing contracts with Minuti-Ogle, Swanson & Youngdale and Kellington Construction.

COORDINATOR (267927)

Empowerment Zone Funding: Authorize acceptance of \$3 million from the US Department of Housing and Urban Development.

Affordable Housing Grant Contract: Contract with T.R.I.A.D. Group to receive funds for a pilot program in the area of affordable housing.

Empowerment Zone Governance Board: Concur with Mayor's appointment of Jonathan Palmer.

Nicollet-Lake Redevelopment: Approve loan to Sherman Associates for predevelopment costs.

Redesign of the Office of Cultural Affairs: Restructuring recommendations regarding the Minneapolis Arts Commission, relocation of staff and staffing levels.

FINANCE DEPARTMENT (267928)

Utility Bill Insert: Approve request of the Inspections Department to include in June billing an insert encouraging clean city efforts and anti-graffiti measures.

Workers' Compensation Settlement: Approval final settlement of the claim of Tim Yang.

Convention Center Debt: Refinancing plan.

HUMAN RESOURCES (267929)

Correction to Salary Ordinance for Minneapolis Building and Construction Trades Council employees.

PLANNING COMMISSION/DEPARTMENT (267930)

Critical Area Plan: Authorize staff to apply for loan through the Metropolitan Council for consultant services to complete plan.

Marcy-Holmes Neighborhood Master Plan: Authorize execution of contract with Dahlgren Shardlow and Uban for assistance in preparing plan; Authorize acceptance of NRP funds.

PURCHASING (267931)

Bid for Copier, Fax, Printer and Scanning Machines: OP#5849, accept low bid meeting specifications of Metro Sales, Inc.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (267932)

1st Av N, 706 (Central Community Housing Trust) replace billboard;

5th Av S, 1925 (Fairway Outdoor Advertising) relocate billboard from 2001 Portland Av S.

MAYOR (267933)

Planning Commission: Appointment of Michael Krause & reappointment of Judith Martin.

PLANNING COMMISSION/DEPARTMENT (267934)

Appeals:

Rich Janssen, for Wendy's International: 1251 Industrial Blvd;

Steve Jevning, for Kingfield Neighborhood Association: 4429 Nicollet Ave S.

Vacations:

World Mission Prayer League: Application to vacate Clifton Ave dead-end at Clifton & I-94 frontage road.

Marcia Cartwright, for HOPE Community: Application to vacate alley between Portland & Oakland Aves S, south of Franklin Ave E & north of 22nd St E.

Rezoning:

Marcia Cartwright, for HOPE Community: 613 Franklin Ave.

Jason Geschwind, for Gesco Construction: 2845-16th Ave S.

Zoning Code Text Amendment:

Indoor Theaters: Ordinance amending Title 20, Chapter 551 to allow indoor theaters, provided live performance only, as permitted use in the Industrial Living Overlay District.

PLANNING COMMISSION:

CALHOUN PARK COMPANIES (267935)

Permission to vacate alley between Emerson & Fremont Aves S, Lake St W.

MUIRHEAD, DOUGLAS & FAYE KNOWLES (267936)

Permission to vacate Antoinette Avenue behind 1017 Thomas Av S.

PUBLIC HOUSING AUTHORITY, MINNEAPOLIS (267937)

Permission to vacate 7th Street SE from Cedar Av SE to property at 636 Cedar Av S; 17th Av from 7th St to Cedar Av.

FILED:

CITY CLERK/SPECIAL PERMITS (267938)

4th St S & Nicollet Mall, Ritz Parking Lot (GLBT Pride/Twin Cities) block party;

17th St N, 88 (St Mary's Basilica) tents for block party;

24th St E, 912 (Karl Bowman) sign;

32nd St E, 2610 (Twin Cities Sign Images Inc) sign;

34th Av S, 4450 (Nokomis Shoe Shop) sidewalk sale;

50th St W from France Av to Ewing; France Av from 49th to 51st St (50th & France Assoc) Edina Art Fair;

Chicago Av S, 3744 (Lawrence Sign) sign;

Franklin Av E, 5 (Lawrence Sign) sign;

Lake St E, 2600 (Payless Shoe Source) tent;

Mississippi River west bank north of the Broadway Bridge (Twin Cities River Rats) water ski show;

Nicollet Av S, 3453 (Lawrence Sign) sign;

Vineland Pl, 725 (Walker Art Center) concert with live music;

Washington Av N between 10th Av N & 7th Av N (Mick Sterling) Festival of the Heart & Soul Inc.

XCEL ENERGY (267939)

Utilities: Install five spans of single phase primary between existing poles.

**REPORTS OF
STANDING COMMITTEES**

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

Comm Dev - Your Committee, having under consideration the University Gateway Project located at 200 Oak Street SE, and having conducted a public hearing on May 6, 2002, notice of which was published in Finance and Commerce on April 20, 2002, now recommends passage and summary publication of the accompanying Resolution authorizing issuance and sale of Variable Rate Demand Revenue Bonds (granting preliminary and final approval to issue up to \$8,000,000) to finance additional improvements to an office building and adjacent site located on the Minneapolis campus of the University of Minnesota.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 20, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2002)

Resolution 2002R-163, authorizing issuance and sale of Variable Rate Demand Revenue Bonds (granting preliminary and final approval to issue up to \$8,000,000) to finance additional improvements to an office building and adjacent site located on the Minneapolis campus of the University of Minnesota, was passed May 17, 2002 by the City Council and approved May 20, 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-163

By Goodman

Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, findings, covenants, and directions relating to the Variable Rate Demand Revenue Bonds (University Gateway Project), Series 2002, under Minnesota Statutes, Sections 469.152-469.165, as amended, to be issued to finance additional improvements to an office building and adjacent site located on the Minneapolis campus of the University of Minnesota.

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

Section 1. Background

1.01. **Statutory Authorization.** The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Sections 469.152-469.165, as amended (the "Act"), to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a "project," defined in the Act as any properties, real or personal, used or useful in connection with a revenue producing enterprise, for the public purposes expressed in the Act.

1.02. **The Corporation and the Facility.** The University of Minnesota Foundation (the "University Foundation"), the University of Minnesota Alumni Association (the "Alumni Association"), and the Minnesota Medical Foundation (the "Medical Foundation") jointly established the University Gateway Corporation, a Minnesota nonprofit corporation (the "Corporation") in 1997, and received a determination from the Internal Revenue Service that the Corporation is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code. The Corporation was formed for the purpose of developing a six-story office building and related improvements (the "Facility") to be located on the Minneapolis campus of the University of Minnesota.

1.03. **The Series 1997 Bonds.** The costs of the construction and development of the Facility were financed by the City through the issuance of its: (i) Revenue Bonds (University Gateway Project), Series 1997-A (the "Series 1997-A Bonds"), in the original aggregate principal amount of \$25,000,000; and (ii) Variable Rate Demand Revenue Bonds (University Gateway Project), Series 1997-B (the "Series 1997-B Bonds"), in the original aggregate principal amount of \$15,000,000 (the Series 1997-A Bonds and the Series 1997-B Bonds are hereinafter referred to collectively as the "Series 1997 Bonds"). The Series 1997 Bonds were issued pursuant to Resolution No. 97R-358, adopted by the City Council of the City and approved by the Mayor of the City on November 21, 1997, and pursuant to an Indenture of Trust, dated as of December 1, 1997 (the "Indenture"), between the City and a predecessor to U.S. Bank National Association, as trustee (the "Trustee"). The proceeds derived from the sale of the Series 1997 Bonds were loaned to the Corporation pursuant to the terms of a Loan Agreement, dated as of December 1, 1997 (the "Loan Agreement"), between the City and the Corporation. The Corporation applied the proceeds of the loan to the development and construction of the Facility.

1.04. **Security for the Series 1997 Bonds.** The obligations of the Corporation pursuant to the terms of the Loan Agreement were secured by a Mortgage and Security Agreement, dated as of December 1, 1997 (the "Mortgage"), between the Corporation, as mortgagor, and the City, as mortgagee, and an Assignment of Leases and Rents, dated as of December 1, 1997 (the "Assignment of Leases and Rents"), between the Corporation, as assignor, and the City, as assignee. The interests of the City in the Mortgage and the Assignment of Leases and Rents were assigned to the Trustee and University of Minnesota Foundation, a Minnesota nonprofit corporation (the "Guarantor") pursuant to the terms of an Assignment of Mortgage and Security Agreement, dated as of December 1, 1997 (the "Assignment of Mortgage"). The Series 1997 Bonds were also secured by a Guaranty Agreement, dated as of December 1, 1997 (the "Guaranty"), executed by the Guarantor for the benefit of the Trustee and a predecessor to Wells Fargo Bank, National Association, a national banking association (the "Bank").

1.05. **The Facility.** The development and construction of the Facility has been completed. The Facility, designated the McNamara Alumni Center — University of Minnesota Gateway, contains approximately 230,000 square feet of interior space and houses the offices for the University Foundation, the Alumni Association, and the Medical Foundation. The Facility serves as an alumni/visitor center for the University of Minnesota and a portion of the office space of the Facility is leased to the University of Minnesota. The Facility is owned and operated by the Corporation.

1.06. **The Project.** The Corporation has undertaken additional enhancements to the Facility and is constructing a plaza adjacent to the Facility to be donated to the University of Minnesota (collectively, the "Project"). The Corporation has proposed to the City that the City assist the Corporation in the financing or refinancing of the costs of the Project through the issuance of additional bonds pursuant to the terms of the Indenture and, pursuant to an amendment to the Loan Agreement, through a loan of the proceeds of the additional bonds to the Corporation.

1.07. **The Series 2002 Bonds.** The Corporation has requested that the City issue its Variable Rate Demand Revenue Bonds (University Gateway Project), Series 2002 (the "Series 2002 Bonds" or the "Bonds"), in an original aggregate principal amount not to exceed \$8,000,000. The Series 2002 Bonds are to be issued as parity obligations with the Series 1997 Bonds pursuant to the terms and conditions of a First Supplement to Indenture of Trust, to be dated on or after June 1, 2002 (the "First Supplemental Indenture"), between the City and the Trustee. The Series 2002 Bonds are proposed to be sold pursuant to the terms of a Bond Purchase Agreement (the "Purchase Agreement") between the City, the Corporation, and RBC Dain Rauscher and Wells Fargo Brokerage Services, LLC. (the "Underwriters"). The proceeds derived from the sale of the Series 2002 Bonds will be loaned to the Corporation under the terms of a First Amendment to Loan Agreement, to be dated on or after June 1, 2002 (the "Amendment to Loan Agreement"), between the City and the Corporation. The Corporation will direct the application of the proceeds of the loan made pursuant to the Amendment to Loan Agreement (the "Loan") to pay or reimburse the costs of the Project. The repayment of the Loan and the payment of the principal and purchase price of, premium, if any, and interest on the Bonds are to be secured by a First Supplement to Mortgage and Security Agreement, to be dated on or after June 1, 2002 (the "Supplemental Mortgage"), between the Corporation and the Trustee and Guarantor, and a First Amendment to Assignment of Leases and Rents, to be dated on or after June 1, 2002 (the "Amendment to Assignment"), between the Corporation and the Trustee and Guarantor. The loan repayments required to be made by the Corporation under the terms of the Amendment to Loan Agreement, will be assigned to the Trustee under the terms of the First Supplemental Indenture. The payment of the principal of, premium, if any, and interest on the Series 2002 Bonds will also be secured under the terms of a First Amendment to Guaranty Agreement, to be dated on or after June 1, 2002 (the "Amendment to Guaranty"), to be executed by the Guarantor and delivered to the Trustee, for the benefit of the owners of the Series 2002 Bonds, and the Bank.

1.08. **Liquidity for the Series 2002 Bonds.** The Series 1997-B Bonds were issued as variable-rate obligations each of which is required to be purchased from the holder upon seven days notice. In order to ensure the holders that the Series 1997 Bonds are purchased upon demand of the holders, the Bank, the Corporation, and the Guarantor entered into a Standby Bond Purchase Agreement, dated as of December 1, 1997 (the "Standby Purchase Agreement"). Under the terms of the Standby Purchase Agreement, the Bank is obligated, under certain conditions, to purchase any Series 1997 Bond which cannot be remarketed prior to the purchase date. The Series 2002 Bonds are also proposed to be issued as variable-rate obligations each of which is required to be purchased from the holder upon seven days notice. In order to ensure that the Series 2002 Bonds will be purchased upon demand of the holders, the Corporation and the Guarantor will enter into a First Amendment to Standby Bond Purchase Agreement, dated on or after June 1, 2002 (the "Amendment to Standby Purchase Agreement"), with the Bank. Under the terms of the Amendment to Standby Purchase Agreement, the Bank will be obligated, under certain conditions, to purchase any Series 2002 Bond which cannot be remarketed prior to the purchase date. The remarketing of Series 2002 Bonds that are required to be purchased will be undertaken pursuant to the provisions of a First Amendment to Remarketing Agreement, dated on or after June 1, 2002 (the "Amendment to Remarketing Agreement"), between the City, the Trustee, the Corporation, and the Underwriters.

1.09. **Documents.** Forms of the following documents have been submitted to the City and are now on file with the City: (i) the Amendment to Loan Agreement; (ii) the First Supplemental Indenture; (iii) the Supplemental Mortgage; (iv) the Amendment to Assignment; (v) the Amendment to Guaranty; (vi) the Purchase Agreement; (vii) the Amendment to Standby Purchase Agreement; and (viii) the Amendment to Remarketing Agreement.

Section 2. Issuance of Bonds

2.01. **Findings.** The City Council hereby finds, determines, and declares that:

(a) The issuance and sale of the Series 2002 Bonds, the execution and delivery by the City of the Amendment to Loan Agreement, the First Supplemental Indenture, the Purchase Agreement, and the Amendment to Remarketing Agreement, and the performance of all covenants and agreements of the City contained in the Amendment to Loan Agreement, the First Supplemental Indenture, the Purchase Agreement, and the Amendment to Remarketing Agreement are undertaken pursuant to the Act.

(b) The Project furthers the purposes stated in Section 469.152 of the Act and constitutes a "project," as defined in Section 469.153, subdivision 2(b), of the Act.

(c) The loan repayments to be made by the Corporation under the Amendment to Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of the principal of, premium, if any, and interest on the Series 2002 Bonds issued under the First Supplemental Indenture when due, and the Amendment to Loan Agreement and the First Supplemental Indenture also provide that the Corporation is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the term of the Amendment to Loan Agreement and the First Supplemental Indenture.

(d) As provided in the Amendment to Loan Agreement and the First Supplemental Indenture, the Series 2002 Bonds shall not be payable from or charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of any Series 2002 Bonds shall ever have the right to compel any exercise by the City of its taxing powers to pay any of the Series 2002 Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Amendment to Loan Agreement, assigned to the Trustee under the First Supplemental Indenture. The Series 2002 Bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, except the interests of the City in the Amendment to Loan Agreement. The Series 2002 Bonds shall recite that the Series 2002 Bonds are issued pursuant to the Act, and that the Series 2002 Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Series 2002 Bonds shall not constitute a general or moral obligation of the City or a debt of the City within the meaning of any constitutional or statutory limitation.

2.02. Sale of the Series 2002 Bonds. The City hereby authorizes the issuance of the Series 2002 Bonds, in the principal amount, in the form, and upon the terms and conditions set forth in the First Supplemental Indenture. The aggregate principal amount of the Series 2002 Bonds, the principal amount of Series 2002 Bonds, the method for determining the interest rates on the Series 2002 Bonds, the maturity date of the Series 2002 Bonds, the date of the documents referenced in this resolution and the Series 2002 Bonds, and the terms of redemption of the Series 2002 Bonds may be established or modified with the approval of the City. The execution and delivery of the Series 2002 Bonds shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The Series 2002 Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997. The offer of the Underwriters to purchase the Series 2002 Bonds as provided in the Purchase Agreement at the price established under the terms of the Purchase Agreement plus accrued interest to the date of delivery at the interest rate or rates specified in the First Supplemental Indenture is hereby accepted. The Mayor, City Clerk, and Finance Officer are authorized and directed to prepare and execute the Series 2002 Bonds, by manual or facsimile signatures, as prescribed in the First Supplemental Indenture and the Series 2002 Bonds shall be delivered to the Trustee for authentication and delivery to the Underwriters. The Finance Officer is hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, to provide for the registration of the Series 2002 Bonds in book-entry form.

2.03. Approval of Documents. The Amendment to Loan Agreement, the First Supplemental Indenture, the Supplemental Mortgage, the Amendment to Assignment, the Amendment to Guaranty, the Purchase Agreement, the Amendment to Standby Purchase Agreement, and the Amendment to Remarketing Agreement are hereby approved in substantially the forms on file with the City on the date hereof. The terms of the Amendment to Loan Agreement, the First Supplemental Indenture, the Supplemental Mortgage, the Amendment to Assignment, the Amendment to Guaranty, the Purchase Agreement, the Amendment to Standby Purchase Agreement, and the Amendment to Remarketing Agreement may be modified with the approval of the City. The Mayor, City Clerk, and Finance Officer are authorized and directed to execute and deliver the Amendment to Loan Agreement, the First Supplemental Indenture, the Purchase Agreement, and the Amendment to Remarketing Agreement (the "City Documents"). The execution and delivery of the City Documents shall be conclusive evidence that the City has approved the terms of the City Documents as established or modified. Copies of all City

Documents and all other documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and the Amendment to Loan Agreement and the First Supplemental Indenture.

2.04. **Disclosure Documents.** The City consents to the distribution of an Official Statement prepared by the Underwriters with respect to the issuance of the Series 2002 Bonds. The Official Statement shall recite that the City has not participated in the preparation of the Official Statement nor made any independent investigation of the information contained in the Official Statement, and the City takes no responsibility for the sufficiency, accuracy or completeness of such information. The City hereby approves the execution and delivery of a Continuing Disclosure Agreement or a First Amendment to Continuing Disclosure Agreement, to be dated on or after June 1, 2002 (the "Continuing Disclosure Agreement"), between the Corporation, the Guarantor and the Trustee, pursuant to which the Corporation and the Guarantor agree to meet certain continuing disclosure obligations imposed by Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"). The Corporation, the Guarantor, and the Trustee shall acknowledge in the Continuing Disclosure Agreement that the City has undertaken no responsibilities with respect to any reports, notices, or disclosures required under the Continuing Disclosure Agreement or the Rule.

2.05. **Certifications of the City.** The Mayor, City Clerk, Finance Officer, and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to bond counsel, the Underwriters, and the Trustee certified copies of all proceedings and records of the City relating to the issuance of the Series 2002 Bonds including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriters, the Trustee, or other persons or entities in conjunction with the issuance of the Series 2002 Bonds. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver one or more financing statements, an arbitrage and rebate certificate, a receipt for the proceeds derived from the sale of the Series 2002 Bonds, an order to the Trustee as to the application of the proceeds of the Series 2002 Bonds, a general certificate of the City, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038.

Section 3. Miscellaneous

Section 3.01. **Agreements Binding.** All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer or employee of the City executing the Series 2002 Bonds, shall be liable personally on the Series 2002 Bonds or be subject to any personal liability or accountability by reason of the issuance of the Series 2002 Bonds.

3.02. **Rights Conferred.** Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the First Supplemental Indenture and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

3.03. **Validity.** If for any reason the Mayor, City Clerk, Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, City Clerk, Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant

to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to execute such certificates, instruments, or other written documents.

3.04. **Effective Date.** This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 20, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends approval of the Low Income Housing Tax Credit Manual and the Qualified Allocation Plan, as more fully set forth in Petn No 267902 on file in the Office of the City Clerk.

Your Committee further recommends that the proper City officers be authorized to issue a Request for Proposals seeking recommendations for financing low-income housing.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the North Washington Industrial Park Project, and having held a public hearing thereon, now recommends passage and summary publication of the accompanying Resolution adopting Modification No 14 to the North Washington Redevelopment Plan and Modification No 90 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan in order to designate parcels for acquisition.

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

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-164, adopting Modification #14 to the North Washington Industrial Park Redevelopment Plan, and Modification #90 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan in order to designate parcels for acquisition, was passed May 17, 2002 by the City Council and approved May 23, 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-164
By Goodman and Johnson

Adopting Modification No 14 to the North Washington Industrial Park Redevelopment Plan, and Modification No 90 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan in order to designate parcels for acquisition.

Resolved By The City Council of The City of Minneapolis:

Section 1. Recitals

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

1.2. By Resolution duly adopted on August 31, 1973 and subsequent resolutions, the City approved the creation of the North Washington Industrial Park Redevelopment Project and the adoption of the North Washington Industrial Park Redevelopment Plan and Tax Increment Finance (TIF) Plan, as modified. The North Washington Industrial Park Redevelopment Project and TIF District are included within the Common Project Area.

1.3. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis has approved the creation by the Minneapolis Community Development Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.4. It has been proposed that the Agency modify the North Washington Industrial Park Redevelopment and TIF Plans and the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan to designate parcels for acquisition, all pursuant to and in accordance with the Project Laws.

1.5. The Agency has prepared, and this Council has investigated the facts with respect to a proposed Modification No 14 to the North Washington Industrial Park Redevelopment and TIF Plan, and Modification No 90 to the Common Plan (together, the "Plans"), describing more precisely the designation of parcels that may be acquired, pursuant to and in accordance with the Project Laws.

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

Section 2. Findings for the Adoption of the Plans

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

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

2.3. The Council further finds, determines and declares that the actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.4. 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 Modification No 14 to the North Washington Industrial Park Redevelopment Plan and Modification No 90 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan.

2.5. The Council further finds, determines and declares that the acquisition of real property is necessary to eliminate one or more of the conditions found to exist when the Plans were created and is necessary to carry out a redevelopment project, and the parcels being designated would be assembled with adjacent parcels to continue job creation activities currently underway in the NWIP Jobs Park.

Section 3. Approval of the Plans

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

Section 4. Implementation of the Plans

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

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Year 2002 HOME Program, now recommends the following:

1) that the Year 2002 HOME Program budget allocation be approved, as more fully set forth in Petn No 267903, encompassing the Year 2002 HOME Program funds, in the amount of \$4,099,000, the HOME Program income received to date (from payments on multi-family amortizing loans and resale proceeds from several Home Ownership Works single family properties), in the amount of \$351,241.85, and the additional Year 1996 HOME Program funds, in the amount of \$3,000;

2) that the City of Minneapolis be authorized to retain \$15,000 of Year 2002 HOME Program funds for associated administrative costs;

3) that the proper City officers be authorized to execute Amendment #11 to Contract #8179 with the Minneapolis Community Development Agency (MCDA), increasing said contract by \$4,438,241.85, for a new contract total of \$37,202,241.85 to enable the MCDA to expend HOME Program funds and to implement the HOME Program; and

4) passage of the accompanying Resolution, amending the 2002 MCDA Resolution by increasing Fund FGO0 (Other Federal Grants) by \$4,438,241.85; and

5) that this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute said contract amendment.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-165
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 the appropriation in Fund FGO0 by \$4,438,241.85 from the projected fund balance, and increasing the MCDA revenue budget in Fund FGO0 (3825-Transfer within Special Revenue Funds) by \$4,438,241.85.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration reallocation of Community Development Block Grant (CDBG) housing funds (Fund FBG), now recommends approval to reallocate \$500,000 from Rehab Support Program funds (Reporting Category 2207), which has an unspent fund balance of approximately \$650,000, plus forthcoming CDBG Year 28 funding of \$390,000 to the Multifamily Rental and Cooperative Program (Reporting Category 2209), which has a critical need for additional funding for production and stabilization of affordable rental housing.

Your Committee further recommends approval to reallocate \$200,000 from Rehab Support Program funds to the Vacant Housing Recycling Program (Reporting Category 2208), which has absorbed extraordinary site assembly costs for several large development projects.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

H&HS - Your Committee recommends that Mayor R. T. Rybak be authorized to sign the Program Year 2002 update to the Local Plan for the Workforce Investment Act (WIA) for the period July 1, 2002 to June 30, 2003; which describes the operation of the WIA Program for adults and dislocated workers.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends that Mayor R. T. Rybak be authorized to sign the Local Service Unit Plan Update for the Minnesota Family Investment Program (MFIP) covering the delivery of MFIP employment services for the period July 1, 2001 through June 30, 2003.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute Amendment #1 to Contract #016928 with Hennepin County increasing the amount by \$50,000, for a new total contract amount of \$761,000, to provide services under the Welfare-to-Work Joint Powers Agreement during the period July 1, 2001 through June 30, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a grant application to the United States Department of Housing and Urban Development seeking up to \$500,000 in funding for a Healthy Homes Demonstration and Research Project which will address respiratory issues concerning indoor air and home health issues.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

IGR - Your Committee, having under consideration appointments of elected officials representing the City of Minneapolis on the I-35W Solutions Alliance, now recommends that Council Members Scott Benson and Robert Lilligren be appointed as the elected official representatives.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

IGR - Your Committee, having under consideration a report of the Minneapolis Community Development Agency (MCDA) providing background information on some ways in which Minneapolis is working with other communities and levels of government to revitalize the Mississippi River, now recommends passage and summary publication of the accompanying resolution supporting full funding to the National Park Service for the Mississippi National River and Recreation Area grant program.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 2002R-166, supporting full federal funding to the National Park Service for the Mississippi National River and Recreation Area grant program was passed May 17, 2002 by the City Council and approved May 23, 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-166
By Benson

Supporting full federal funding to the National Park Service for the Mississippi National River and Recreation Area grant program.

Whereas, in 1988 Congress found that "The Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, natural, economic and scientific resource" and designated the Mississippi River through the Twin Cities metropolitan area as the "Mississippi National River and Recreation Area" (MNRRA); and

Whereas, the MNRRA is administered as a unit of the National Park Service (NPS); and

Whereas, a Comprehensive Management Plan (CMP) has been completed and approved for the MNRRA corridor; and

Whereas, a grant program was authorized by Congress and included as an important component in the MNRRA CMP; and

Whereas, the proposed MNRRA grant program is intended to encourage local communities to voluntarily comply with the visions, goals and objectives of the MNRRA CMP through the provision of matching grants to assist projects that achieve MNRRA objectives; and

Whereas, the MNRRA grant program was operated for a limited time on a modest pilot basis and demonstrated the value of the grant program in leveraging non-federal funds to achieve MNRRA objectives, but has never been fully funded as an on-going grant program; and

Whereas, The City of Minneapolis and its various sister agencies and boards have been actively pursuing revitalization of the Mississippi River in Minneapolis for many years and expect to continue their efforts for the foreseeable future; and

Whereas, the availability of sufficient funds and tools to complete Riverfront revitalization is an on-going challenge;

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

That the City Council supports the provision of full federal funding (\$900,000 per year) for the MNRRA grant program in the NPS operational budget as a tool to encourage local communities to comply with the MNRRA CMP and leverage non-federal funds to achieve that purpose.

Adopted. Yeas, 12; Nays none.

Absent - Schiff.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

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

PS&RS - Your Committee, having under consideration the application of Vann Bernard & Marvin Rodgers, dba Rite Way Hand Car Wash & Detailing, 1525 W Broadway, for a Provisional Car Wash License to expire September 1, 2002, now recommends that said license be granted, subject to the following conditions:

- a. normal hours of operation will be 9:00 a.m. to 7:00 p.m. with some occasional late nights where work will not continue beyond 10:00 p.m.
- b. all cleaning and detailing will occur inside the business with the bay doors closed.
- c. the licensee will post "No Trespassing" signs on the building by May 17, 2002. Staff will ask loiterers to leave the property. If the people do not comply, staff will immediately call 911.
- d. the licensee will call Officer Judy Perry by May 17, 2002 to schedule a formal security survey, to be completed May 31, 2002. Crime Prevention Through Environmental Design (CPTED) standards will also be explained.
- e. the licensee agrees to keep all lights properly functioning and to add lights if recommended by Officer Perry.
- f. the licensee will take down the boards covering the windows on the lobby side. All windows will be free of signs and other items that block the view in and out.
- g. the licensee will ask customers to turn down stereos when waiting for a car wash.
- h. no car repairs, body modifications or painting will be done until the licensee has been approved for a Motor Vehicle Repair Garage license.
- i. the licensee agrees to pick up trash and litter at least twice per day so that the area within 100 feet of their property line is free of litter and debris.
- j. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, 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 January 1, 2003

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St;

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

Ukrainian American Community Center Inc, dba Ukrainian American Community Center, 301 Main St NE;

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

D'Amico Cucina Inc, dba D'Amico Cucina, 100 6th St N;

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

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

Tay-Mac Inc, dba Whiskey Junction, 901 Cedar Av;

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

La Bodega Tapas Bar LLC, dba La Bodega Tapas Bar, 3005 Lyndale Av S;

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

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 800 Washington Av SE (new manager);

Temporary On-Sale Liquor

A Festival of the Heart & Soul Inc, dba Festival of the Heart & Soul, 701 3rd St N #105 (May 18 & 19, 2002, Washington Av between 10th Av N & 7th Av N next to Bunkers Music Bar & Grill);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2003

Anderson Restaurant Corporation, dba Dulono's Pizza, 607 W Lake St;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2003

Falafel King Inc, dba Falafel King, 701 W Lake St (new business);

Alma Tierra Inc, dba Alma, 528 University Av SE;

Lucky Dragon Riverside Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Av;

Off-Sale Beer, to expire April 1, 2003

Rahn William T, dba Oak Grove Grocery, 218 Oak Grove St;

Bakri Eddie I, dba Twins Stop N Go, 641 Broadway St NE;

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

Williams Stephen & Robert, dba Bobby & Steve's Autoworld II, 1221 Washington Av S;

F and H Mpls Inc, dba Al's Market, 2820 E 42nd St;

On-Sale Beer Class E, to expire April 1, 2003

Haza Charter Inc, dba 19 Bar, 19 W 15th St;

W J Associates Inc, dba Joe's Tavern, 109 E 26th St;

John-Fred Co Inc, dba Sunrise Inn, 4563 34th Av S;

Temporary On-Sale Beer

American Legion Post 129, 217 Meadowood Ln, Vadnais Heights (May 11, 2002, 7:00 p.m. to 10:30 p.m. at St. Mary's Greek Orthodox Church, 3450 Irving Av S);

Church of St. Hedwig, 129 29th Av NE (Church Festival June 2, 2002, Noon to 6:00 p.m.).

Adopted. Yeas, 11; Nays none.

Declining to Vote - Biernat, Benson.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses, including provisional licenses, as per list on file and of record in the Office of the City Clerk under date of May 17, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267911):

Building Contractor Class B; Cement Finishing Contractor; Contractor/Masonry Contractor Class B; Dry Cleaning & Laundry Pickup Station; Laundry; Food Distributor; Grocery; Food Manufacturer; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasoline Filling Station; Motor Scooter Leasing; Motor Vehicle Repair Garage; Pawnbroker Class A; Plasterer; Plumber; Secondhand Goods Class B; Swimming Pool - Public; Taxicab Vehicle; Combined Trades; and Tree Servicing.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Biernat, Benson.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

Gambling-Lawful Class B

Aliveness Project Minneapolis, dba Aliveness Project, 730 E 38th St (Site: Five Corners Bar, 501 Cedar Av);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4028 28th Av S (Site: Ricky's Loft, 5359 Minnehaha Av S);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Minneapolis Eagle, 515 Washington Av S);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Saloon, 830 Hennepin Av);

Aliveness Project Minneapolis, dba Aliveness Project Minneapolis, 730 E 38th St (Site: Brass Rail, 422 Hennepin Av);

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (Site: Nokomis Lanes, 4040 Bloomington Av);

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (Site: 331 Club, 331 13th Av NE);

Gambling Lawful Exempt

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle July 27, 2002 at 1400 Park Av);

Open Arms of Minnesota, dba Open Arms of Minnesota, 1414 E Franklin Av (Raffle November 2, 2002 at Park House, 2120 Park Av).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #04853 held by Guuled Shire-Abdulahi, 3018 30th Av S #7, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating Section 341.250(q) of the Minneapolis Taxicab Ordinance by denying service to a customer while on duty, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends that the licensee pay an administrative fine of \$100 to the City of Minneapolis, in accordance with the Findings on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Grocery, Food Manufacturer and Meat Market Licenses held by Franklin Market Inc, dba Franklin Market, 1517-19 E Franklin Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for failure to meet the Minnesota Food and Beverage Code and Minneapolis Ordinances on several occasions; failure to regularly remove trash and debris from the business property and public right of ways; failure to obtain the necessary permits and required inspections prior to constructing a food storage area and failure to get approval from Environmental Health for storing food in the basement storage room prior to using it for food storage; failure to complete site plan improvements; and failure to have operating surveillance cameras in the grocery store, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee agrees to comply with all plumbing orders by May 2, 2002. The licensee's contractor will contact the Plumbing Inspector prior to abating the orders and make appointments as necessary.

b. the licensee must file a new site plan review by May 10, 2002. All improvements must be completed by June 30, 2002.

c. the licensee must replace the surveillance camera with an approved camera within 60 days. The camera must be set up with a clear image of all persons at both checkout areas.

d. the business property and public areas within 100 feet shall be maintained free of trash and debris. Regular cleanup, defined as a minimum of twice per day, must be completed consistently to resolve the trash accumulation issues.

e. sidewalks must be shoveled within four hours of a snow event.

f. Building Inspections must inspect the food storage area and the structure of the basement. Any violation order(s) written by Building Inspections shall be delivered to the owner of the property and must be complied with by the date specified in the order.

g. a contract must be maintained at all times with a professional pest control company. A copy of the contract must be presented upon request of inspectors.

h. the licensee must attend the Food Manager certification class on May 8, 2002. Failure to attend the class may result in closure of the business.

i. the Environmental Health Division on April 15, 2002 will present a two-hour food handler's class. The employees in charge of the deli operation will attend a food handler's class on preparing foods and temperatures requirements held on April 10, 2002 by Environmental Health.

j. the licensee will continue to maintain temperature and hand washing logs. These logs shall be made available to the Environmental Health Division.

k. Omar Gurase, the President of Franklin Market, or another certified food manager agrees to be on the business premises between 8:00 a.m. and 3:00 p.m. each day for a period of one year.

l. the licensee agrees to pay an administrative fine in the amount of \$1,500, with \$750 to be stayed for a period of one year provided that at any given environmental health inspection no more than three critical violations are cited. The administrative fine may be paid in \$100 installment payments beginning May 8, 2002 and due on the 8th of each month.

m. the licensee agrees to pay an administrative fine of \$100 for any critical violations cited by the Environmental Health Division for a period of one year.

n. if more than six critical violations should occur in less than one year, the City will take action to revoke all food licenses for Franklin Market.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, to whom was referred Ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, correcting license fee amounts that were passed by the Council April 5, 2002, now recommends that the following Ordinances be given their second reading for amendment and passage with summary publication:

- a. Chapter 267 relating to *Amusements*;
- b. Chapter 287 relating to *Filling Stations and Bulk Oil Plants*;
- c. Chapter 297A relating to *Bed and Breakfast Facilities*;
- d. Chapter 313 relating to *Motor Vehicle Dealers*;
- e. Chapter 320 relating to *Vehicle Immobilization Service*;
- f. Chapter 350 relating to *Recycling Activities and Salvage Yards*.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 2002-Or-036, 2002-Or-037, 2002-Or-038, 2002-Or-039, 2002-Or-040 and 2002-Or-041 amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, amending Chapters 267, 287, 297A, 313, 320 and 350 to correct license fee amounts that were passed by the Council April 5, 2002, are summarized below:

- a. *Amusements*: \$832 for a Class A license; and \$416 for a Class C license.
- b. *Filling Stations and Bulk Oil Plants*: \$357 for a Class B license; and \$485 for bulk oil plants containing gasoline, fuel oil or other flammable liquids.
- c. *Bed and Breakfast Facilities*: \$100 for a new business surcharge.
- d. *Motor Vehicle Dealers*: \$330 for brokering license; and \$178 for a wholesaling license.
- e. *Vehicle Immobilization Service*: \$297 for the annual license fee.
- f. *Recycling Activities and Salvage Yards*: \$270 additional yard fee.

Said ordinances were passed May 17, 2002 by the City Council and approved May 23, 2002 by the Mayor. A complete copy of these ordinances are available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-036

By Biernat

Intro & 1st Reading: 5/3/2002

Ref to: PS&RS

2nd Reading: 5/17/2002

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

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

Section 1. That Section 267.860 of the above-entitled ordinance be amended to read as follows:

267.860. License fee. The annual license fee for a Class A license to operate such a place shall be ~~eight hundred sixteen dollars (\$816.00)~~ eight hundred thirty-two dollars (\$832.00). The annual fee for a Class B license shall be seventy-two dollars (\$72.00). The annual fee for a Class C license shall be ~~four hundred and eight dollars (\$408.00)~~ four hundred sixteen dollars (\$416.00).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-037

By Biernat

Intro & 1st Reading: 5/3/2002

Ref to: PS&RS

2nd Reading: 5/17/2002

Amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants.

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

Section 1. That Section 287.50 of the above-entitled ordinance be amended to read as follows:

287.50. License fees. Annual license fee for a Class A license shall be two hundred twenty-five dollars (\$225.00). The annual license fee for a Class B license shall be ~~three hundred fifty dollars (\$350.00)~~ three hundred fifty-seven dollars (\$357.00). The annual license for a Class C license shall be four hundred seventy-five dollars (\$475.00). The annual license fee for bulk oil plants containing gasoline, fuel oil or other flammable liquids shall be ~~four hundred seventy-five dollars (\$475.00)~~ four hundred eighty-five dollars (\$485.00).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-038

By Biernat

Intro & 1st Reading: 5/3/2002

Ref to: PS&RS

2nd Reading: 5/17/2002

Amending Title 13, Chapter 297A of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Bed and Breakfast Facilities.

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

Section 1. That Section 297A.30 of the above-entitled ordinance be amended to read as follows:

297A.30. License fee. The fee for operating a bed and breakfast facility shall be one hundred fourteen dollars (\$114.00). Any person applying for a bed and breakfast license for the first time shall pay in addition to the regular license fee ~~an initial investigation fee of fifty-seven dollars (\$57.00)~~ a new business surcharge of one hundred dollars (\$100.00).

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-039
By Biernat
Intro & 1st Reading: 5/3/2002
Ref to: PS&RS
2nd Reading: 5/17/2002

Amending Title 13, Chapter 313 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Dealers.

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

Section 1. That Section 313.40 of the above-entitled ordinance be amended to read as follows:

313.40. License fees. The annual license fee for the first place of business operated by a licensee under this chapter shall be:

New and used motor vehicles . . .	\$268.00
Used motor vehicles only . . .	306.00
Brokering . . .	306.00 <u>330.00</u>
Wholesaling . . .	465.00 <u>178.00</u>
Auctioning . . .	138.00
Motorcycles, motor scooters and motorbikes only . . .	138.00

The annual license fee for each place of business after the first one shall be one hundred fifty dollars (\$150.00).

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-040
By Biernat
Intro & 1st Reading: 5/3/2002
Ref to: PS&RS
2nd Reading: 5/17/2002

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

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

Section 1. That Section 320.30 of the above-entitled ordinance be amended to read as follows:

320.30. License fee; expiration and renewal. The annual license fee shall be ~~two hundred seventy-five dollars (\$275.00)~~ two hundred ninety-seven dollars (\$297.00) to be paid when the application is filed. All licenses shall expire on September first of each year subject to renewal year to year thereafter.

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-041
By Biernat
Intro & 1st Reading: 5/3/2002
Ref to: PS&RS
2nd Reading: 5/17/2002

Amending Title 13, Chapter 350 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Recycling Activities and Salvage Yards.

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

Section 1. That Section 350.40 of the above-entitled ordinance be amended to read as follows:

350.40. Fee expiration; address of operation; additional yards; new business surcharge.

The annual license fee for a recycling or salvage yard license shall be seven hundred dollars (\$700.00). If a licensee has more than one (1) address of operation, each address must be licensed separately, unless the properties are contiguous or connected. However, the property of all recycling or salvage yards which were licensed on June 30, 1998, or for which there was a pending application on that date, subsequently approved for license, shall continue to be considered as one yard, provided that the property continues to be operated by the same licensee. If a licensee has more than one yard, the fee for each additional yard shall be ~~two hundred fifty dollars (\$250.00)~~ two hundred seventy dollars (\$270.00). There shall be a surcharge of five hundred dollars (\$500.00) for all new applications for recycling or salvage yard license or for license for new additional yards accepted after June 30, 1998. Licenses under this section shall expire on July first of each year.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends passage with summary publication of the accompanying Resolution establishing the "Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties".

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-167, establishing the "Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties" was passed May 17, 2002 by the City Council and approved May 23, 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-167
By Biernat

Establishing the "Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties".

Whereas, promoting the availability of affordable housing has been identified as a priority for Hennepin County and the City of Minneapolis; and

Whereas, among the strategies available to address this objective is preservation of existing affordable housing stock, including vacant, boarded and tax forfeit buildings; and

Whereas, the largest number of such buildings in Hennepin County are located in the City of Minneapolis; and

Whereas, several City and County departments play a role in addressing preservation of vacant, boarded and tax forfeit buildings; and

Whereas, current City and County staff efforts to work cooperatively to preserve such buildings will be enhanced through establishment of a formalized structure and creation of a specific charge from policy makers to guide their work;

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

That the "Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties" be established.

Be It Further Resolved that the membership of the collaborative staff team consist of the Executive Director of the MCDA, the Director of Inspections for the City of Minneapolis, the Minneapolis Planning Director, the Director of the NRP, the Director of Hennepin County Taxpayer Services, and the Director of Hennepin County Housing, Community Works and Transit.

Be It Further Resolved that the staff team be charged with meeting on a regular basis to establish and monitor plans for all vacant and boarded buildings within the control of the City of Minneapolis (including the MCDA) and Hennepin County.

Be It Further Resolved that the staff team report on a regular basis to the City Council and Mayor of Minneapolis and the Board of Commissioners of Hennepin County.

Be It Further Resolved that the staff team also pursue the following tasks:

1. Maintain an accurate inventory of all vacant and boarded buildings in the City of Minneapolis;
2. Identify potential barriers to productive reuse of vacant and boarded buildings (e.g., zoning restrictions, building code requirements, contamination);
3. Devise strategies to prevent at-risk buildings from being boarded and to quickly return privately owned structures to productive reuse, drawing on private development interest where possible;
4. Develop criteria for public acquisition of privately owned, non-delinquent abandoned or boarded structures; and
5. Work to further streamline the tax forfeiture process by aligning City and County systems.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the lawsuit entitled *Inter Savings Bank v. City of Minneapolis*, now recommends the following:

a. approval of a settlement of the above-entitled litigation on its terms as recommended by the City Attorney;

b. that the proper City Officers be authorized to execute all documents necessary to effectuate settlement of this matter consistent with the terms set forth in Petn No 267910 on file in the Office of the City Clerk;

c. that report passed December 14, 2001 ordering the razing of the property at 1111 17th Av N be rescinded, subject to dismissal of the appeal;

d. that the building located at 1111 17th Av N be rehabilitated pursuant to the rehabilitation plan previously submitted, and code compliance standards, within six months of issuance of the first building permit.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Biernat, Colvin Roy.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$200,000 from the Mississippi Watershed Management Organization as payment for staffing services and staff support from the Environmental Health Division.

Your Committee further recommends passage of the accompanying Resolution appropriating \$200,000 to the Licenses & Consumer Services Agency to reflect receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-168

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 increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8396) by \$200,000 and increasing the Revenue Source (060-835-8396 - Source 3720) by \$200,000.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the provision of Police Department Investigator services to Hennepin County, now recommends that the proper City Officers be authorized to execute a contract with the Hennepin County Attorney's Office to receive \$67,200 from Hennepin County as payment for the investigator's salary, fringe benefits, mileage, parking and other expenses.

Your Committee further recommends that the proper City Officers be authorized to execute a contract amendment for approximately \$21,400 to cover the investigator salary and expenses for 2002. Said contract and amendment shall operate through the Police Department Agency (010-400-C101 - Revenue Source 3455).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the purchase of in-squad cameras for the Police Department, now recommends that the proper City Officers be authorized to accept \$460,000 from the Minnesota Department of Public Safety, Office of Drug Policy and Violence Prevention, to provide \$60,000 for computer programming an electronic system within the Computer Aided Dispatch System for the collection of race data on traffic stops and suspicious vehicles; and \$400,000 for the purchase of 100 cameras for squad cars. Said funds to become available as follows: 25% in March 2002; 50% in July 2002; and the last 25% in January 2003.

Your Committee further recommends passage of the accompanying Resolution increasing the Police Department Agency by \$460,000 to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-169

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 increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-4005) by \$460,000 and increasing the Revenue Source (060-400-4005 - Source 3215) by \$460,000.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the provision of security for the 109th International Association of Chiefs of Police Convention to be held October 4 - 9, 2002 in Minneapolis, now recommends that the Police Department be authorized to request the assistance of other law enforcement agencies to provide security, including but not limited to standing post, roving post, checking credentials/identification and general assistance in the performance of law enforcement duties as authorized under Minnesota Statutes Section 609.06.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having received \$249,600 from the State of Minnesota to provide Minneapolis police officers to the Metro Gang Strike Force, now recommends that the proper City Officers be authorized to execute an amendment to the Grant Agreement with the State of Minnesota to decrease the grant amount by \$41,600 to reflect the withdrawal of two Minneapolis police officers from the Strike Force. Said grant continues to fund overtime and vehicles for six Minneapolis police officers serving on the Strike Force.

Your Committee further recommends passage of the accompanying Resolution reducing the Police Department Agency by \$41,600 to reflect the reduction in grant funding.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-170

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 Police Department Agency in the Grants - Other Fund (060-400-C007) by \$41,600 and decreasing the Revenue Source (060-400-C007 - Source 3215) by \$41,600.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a contract with Choice Point Public Records, in the amount of \$20,000, to provide unlimited Auto Track services to the Police Department by providing investigators with the ability to access information from national databases to locate and identify suspects in crimes, known associates, and associated addresses, phone numbers and vehicles.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

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

Pursuant to the provisions of an ordinance passed May 30, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review, and a resolution passed on March 22, 2002, providing for the procedure to be followed by said Board, and one committee report passed on March 22, 2002, appointing members to the Special Board of Review, the City Clerk submits the report of the Special Board of Review which met on Monday, April 22, 2002, in the City of Lakes Building in the City of Minneapolis. The Board was duly sworn and after being so sworn entered upon the discharge of duties imposed by law on such Board.

The Board continued to meet to and including Friday, May 10, 2002. The Board equalized the assessments of the various assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota, and recommended approval of the Assessor's rolls containing the assessment of real estate and personal property in the various districts of the City of Minneapolis, as so revised, amended, equalized and granted by the Board.

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

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

T&PW - Your Committee, having under consideration the Hennepin Theatre District Streetscape Revitalization Project (Hennepin Av between 5th St and 10th St excluding Block E), now recommends passage and summary publication of the accompanying Resolution ordering the work to proceed and adopting the special assessments for the Hennepin Theater District Streetscape Revitalization Project, Special Improvement of Existing Street No 2221.

Goodman moved to amend the report to direct the appropriate City staff to report back in six months with a plan to make Hennepin Av a one-way street. Seconded.

Benson moved a substitute motion to amend the report by referring the matter of changing Hennepin Av to a one-way street to the Transportation & Public Works Committee and to direct appropriate City staff to report to that Committee in two months with a recommendation as to whether or not Hennepin Av should be a two-way street. Seconded.

The motion to substitute was adopted upon a voice vote.

Benson's motion to amend the report was adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Lane.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-171, ordering the work to proceed and adopting special assessments for the Hennepin Theater District Streetscape and Street Lighting Projects, was passed May 17, 2002 by the City Council and approved May 23, 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-171
By Colvin Roy**

**Hennepin Theater District Streetscape Revitalization Project
Special Improvement of Existing Street No. 2221**

Ordering the work to proceed and adopting the special assessments for the Hennepin Theater District Streetscape and Street Lighting Projects.

Whereas, a public hearing was held on May 9, 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-102 passed April 5, 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 Resolution 2002R-102 passed April 5, 2002.

Be It Further Resolved that the proposed special assessments for the Hennepin Theater District Streetscape Project in the total amount of \$2,795,819 as on file in the Office of the City Clerk are hereby 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 fifteen (15) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 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 the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2004 real estate tax statements.

Be It Further Resolved that the proposed special assessments for the Hennepin Theater District Street Lighting Project in the total amount of \$706,009 as on file in the Office of the City Clerk are hereby 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 be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 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 the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2004 real estate tax statements.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the street lighting districts, a public hearing was held on May 9, 2002 to consider the establishment of Street Lighting District No 1290 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1290 (streets to receive lighting are as designated in the Hennepin Theater District Streetscape Renovation and Street Lighting Project, Special Improvement of Existing Street No 2221) as delineated in a report of the Transportation and Public Works Committee passed by the City Council April 5, 2002 be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No. 1290 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 May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee 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 the paving and streetscape projects in the Hennepin Theater District Streetscape Renovation and Street Lighting Project area.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-172, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the paving and streetscape projects in the Hennepin Theater District Streetscape Renovation and Street Lighting Project area, was passed May 17, 2002 by the City Council and approved May 23, 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-172

By Colvin Roy

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the streetscape renovation and street lighting projects in the Hennepin Theater District area.

Whereas, the City of Minneapolis has scheduled the streetscape renovation and street lighting improvements during 2002 and 2003 in the Hennepin Theater District area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said streetscape renovation and street lighting installation; and

Whereas, a public hearing was held on May 9, 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 Hennepin Av (both sides) from 5th St to 10th St.

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Lyndale Neighborhood Residential Lighting Project (in the area bounded by Lake St, Stevens Av, 36th St and Lyndale Av S), now recommends passage and summary publication of the accompanying Resolution designating the location, streets and improvements proposed to be made in the Lyndale Neighborhood Area Street Lighting Project, Special Improvement of Existing Street No. 2238.

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Resolution No. 2002R-173, designating the location, streets and improvements proposed to be made in the Lyndale Neighborhood Area Street Lighting Project (Special Improvement of Existing Street No. 2238), was passed May 17, 2002 by the City Council and approved May 23, 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-173
By Colvin Roy

Lyndale Neighborhood Area Street Lighting Project
Special Improvement of Existing Street No. 2238

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental street lights together with all necessary appurtenances and work related thereto:

- 31st St from approximately the west ROW line of Lyndale Av S to Stevens Av S;
- 32nd St from approximately the west ROW line of Lyndale Av S to Stevens Av S;
- 33rd St from approximately the west ROW line of Lyndale Av S to Stevens Av S;
- 34th St from approximately the west ROW line of Lyndale Av S to Stevens Av S;
- 35th St from approximately the west ROW line of Lyndale Av S to Stevens Av S;
- 36th St from approximately the west ROW line of Lyndale Av S to Stevens Av S;
- Garfield Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St;
- Harriet Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St;
- Grand Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St;
- Pleasant Av S from approximately the south ROW line of Lake St to the south ROW line of 36th

St;

- Pillsbury Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St;
- Blaisdell Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St;
- Nicollet Av from approximately the south ROW line of 32nd St to the south ROW line of 36th St;
- 1st Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St;
- Stevens Av S from approximately the south ROW line of Lake St to the south ROW line of 36th St.

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having received a cost estimate of \$3,220,000 for street lighting improvements and the list of benefited properties for the Lyndale Neighborhood Street Lighting Project, Special Improvement of Existing Street No. 2238, as designated by Resolution 2002R-173, passed May 17, 2002, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$3,220,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on June 13, 2002, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District 1292 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Lyndale Neighborhood Area (streets to receive lighting are as designated in the Lyndale Neighborhood Area Street Lighting Project, Special Improvement of Existing Street No. 2238).

A summary of the facts relative to this assessment is as follows:

Number of assessable parcels in said district	1500
Total assessable frontage in feet	75000
Annual cost per foot	\$0.35

Your Committee recommends that if there should be an increase in the cost of street lighting in the future that the increased cost be reflected in the assessment.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on June 13, 2002, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to be considered the establishment of said proposed Street Lighting District No. 1292.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Downtown Minneapolis Transportation Management Organization (TMO) Executive Committee, now recommends:

a) That the City accepts the resignation of John Hanson of Reliant Energy/Minnegasco due to his retirement and expresses to Mr. Hanson the appreciation of the City for his nine years of hard work dedicated to the TMO and to improving transportation in the city and the region; and

b) Approval of the appointment of Jean Krause, Vice President of Human Resources at Reliant Energy/Minnegasco to fill the vacancy on the TMO Executive Committee, for the remainder of the term of John Hanson through June 8, 2004.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage and summary publication of the accompanying resolution approving the 2002 Minneapolis Storm Water Management Program and Annual Report, as amended, pursuant to the City of Minneapolis National Pollutant Discharge Elimination System (NPDES) Permit #MN0061018, Chapter 2, Section 14.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-174, approving the 2002 Minneapolis Storm Water Management Program and Annual Report (as contained in Petn No 267920 on file in the Office of the City Clerk), pursuant to the requirements of the City of Minneapolis National Pollutant Discharge Elimination System (NPDES) Permit, was passed May 17, 2002 by the City Council and approved May 23, 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-174

By Colvin Roy

Adopting the Minneapolis 2002 Storm Water Management Program and Annual Report.

Whereas, the City of Minneapolis is committed to improving the water quality in the lakes, wetlands, and streams; and

Whereas, on December 1, 2000, Minneapolis was issued National Pollutant Discharge Elimination System Permit #MN0061018 (Permit); and

Whereas, as required under the Permit, a 2002 Storm Water Management Program and Annual Report (Report) was submitted to the Minnesota Pollution Control Agency and public hearing was conducted; and

Whereas, comments were received from one interested party; and

Whereas, based on these comments, City staff have drafted a written response and amended the Report;

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

That the Minneapolis City Council hereby adopts the 2002 Storm Water Management Program and Annual Report .

Be It Further Resolved that the City staff response to the public comments received on the document are also incorporated into the Report.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends concurrence with the Council President's recommendation to appoint Council Member Barbara Johnson as the City representative to the Crystal Lake Water Quality Task Force.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids, all in accordance with City specifications and as further outlined in Petn No 267921:

a) OP #5863, low bid of Macpherson-Towne Company in the amount of \$228,059 to complete the Washburn Park Water Tower;

b) OP #5851, low bid of Standard Sidewalk for an estimated expenditure of \$290,398 to furnish and deliver all labor, materials, equipment and incidents for removing and replacement of sidewalks.

Your Committee further recommends that the proper City officers be authorized to execute contracts as appropriate for said project/services.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 20, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2002)

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the accompanying resolution amending the 2002 Capital Improvement Budget (Resolution 2001R-507) by:

a) Reconsideration of landscaping in conjunction with the Downtown 3^d Av S Paving Project requiring the re-appropriation of \$300,000 in Municipal State Aid (MSA) funds from the 3^d Av S Neighborhood Roadway Project (T21c) to the 3^d Av S Downtown Roadway Project (T21a), both a part of the 2002 Capital Improvement Resolution (2001R-507 - 4100-937-9372); and

b) Eliminating the 3^d Av S Avenue of the Arts Neighborhood Roadway and Streetscape Projects (T21b and T21c) and the associated funding from said Resolution 2001R-507.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution No. 2002R-175, amending the 2002 Capital Improvement Resolution by eliminating the 3rd Av S Neighborhood Roadway Project and reappropriating a portion of the funding for landscaping in conjunction with the 3rd Av S Downtown Roadway Project, was passed May 17, 2002 by the City Council and approved May 23, 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-175
By Colvin Roy and Johnson

Amending The Capital Improvement Resolution of 2002.

Resolved by The City Council of The City of Minneapolis:

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

a) By decreasing the following capital project appropriations in the Permanent Improvement Projects Fund (4100):

4100-932-9372 - 3rd Av S Avenue of the Arts Neighborhood Streetscape (T21b) appropriation amount of \$1,323,000 and funding source of assessment bonds;

4100-937-9372 - 3rd Av S Avenue of the Arts Neighborhood Roadway (T21c), appropriation amount of \$753,000 and funding source of MSA;

4100-937-9372 - 3rd Av S Avenue of the Arts Neighborhood Roadway (T21c), appropriation amount of \$91,000 and funding source of assessment bonds;

Total Fund 4100 Project Appropriation Closeouts, \$2,167,000;

b) By redesignating the proposed 2002 project balances to the following projects as indicated:
From 4100-932-9372 - 3rd Av S Avenue of the Arts Neighborhood Roadway (T21c) the amount of \$300,000;

To 4100-937-9372 - 3rd Av S Avenue of the Arts Downtown Roadway (T21a) the amount of \$300,000;

Total Fund 4100 Project Appropriation Redesignations, \$300,000;

c) By creating and increasing the following project appropriations by the amounts indicated:

4100-937-9372 - 3rd Av S Avenue of the Arts Downtown Roadway (T21a) the amount of \$300,000 and a funding source of MSA;

Total Fund 4100 Project Appropriation Increases, \$300,000.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

W&M/Budget - Your Committee, having under consideration a recommendation from the City Attorney for settlement in the matter of Mohamed Abdi v. City of Minneapolis et al., now recommends that the proper City officers be authorized to make a payment of \$4,000 to Mohamed Abdi and his attorney, Robert V. Jones, Esq., payable from the Self Insurance Fund (6900-150-1500-4000).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a recommendation from the City Attorney for settlement of the lawsuit filed by Maurice Ellringer (Hennepin County District Court File No. PI 00-14495), now recommends approval of a settlement by payment in the amount of \$1,500 to Maurice Ellringer and his attorney, Albert Goins, Sr., payable from the Self Insurance Fund (6900-150-1500-4000).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate the settlement and release of said claims.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a recommendation from the City Attorney for settlement of the claim for attorney's fees and costs by Joseph Curtis (Federal District Court File No. 00-784), now recommends that the proper City officers be authorized to make a payment of \$40,992.04 to Joseph Curtis and his attorney, Robert Bennett, payable from the Self Insurance Fund (6900-150-1500-4000).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate the settlement and release of said claims.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a recommendation from the City Attorney for settlement of the lawsuit filed by Al Lemont Henderson (United States District Court File No. 02-CV-405-DSD/JMM), now recommends approval of a settlement by payment in the amount of \$18,153.57 to Al Lemont Henderson and his attorney, Robert Bennett, payable from the Self Insurance Fund (6900-150-1500-4000).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate the settlement and release of said claims.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract to provide Minneapolis Empowerment Zone funds in the amount of \$17,520 to T.R.I.A.D. Group to be used for a pilot program to involve local groups in providing affordable housing.

Your Committee further recommends authorization to modify the City's grant form based on requirements of the model and as further outlined in Petn No. 267927.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept funding in the amount of \$3 million from the U.S. Department of Housing and Urban Development to be received as additional FY2002 funding made available by Congress for the Minneapolis Empowerment Zone.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration goals for the area of Nicollet Av and Lake St and having been informed that the Minneapolis Empowerment Zone (EZ) Governance Board has approved funding for predevelopment plans in that area, now recommends concurrence with the EZ Board recommendation to authorize a loan and execute a contract with Sherman Associates, Inc. to receive EZ funding in the amount of \$150,000 for predevelopment costs for Nicollet-Lake.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends concurrence with the Mayor's appointment of Jonathan Palmer to the Minneapolis Empowerment Zone Governance Board for a term of three years, commencing on June 20, 2002 and ending on June 19, 2005.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval of the request of the Inspections Department for authorization to place an insert in the June 2002 utility bills to inform citizens about keeping Minneapolis clean and regarding reporting and removal of graffiti.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a full, final and complete Workers' Compensation claim settlement with Tim Yang for \$120,000. The settlement is payable from the Self Insurance Fund (6900-145-1451).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends acceptance of low bid meeting specifications received on OP #5849 (Petn No 267931) submitted by Metro Sales, Inc. for an annual estimated expenditure of \$250,000, to furnish and deliver multifunctional digital machines (copier/fax/printer/scan machines) to various City departments and boards as directed by the Office of the City Clerk and all in accordance with City specifications.

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

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a state requirement that local governments prepare Critical Area Plans for lands in the metropolitan Mississippi River corridor, now recommends that the proper City officers be authorized to apply for a loan from the Metropolitan Council in the amount of \$8,800 that would be used for consultant services to complete Minneapolis' Critical Area Plan.

Your Committee further recommends passage of the accompanying Resolution increasing the Planning Department appropriation to recognize said funding.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-176

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 Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$8,800 and increasing the revenue source (0600-380-3820 - Source 3755-04) by \$8,800.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having been informed that the Marcy Holmes Neighborhood has completed a request for proposals (RFP) process for assistance in developing a master plan as called for in their Neighborhood Revitalization Program (NRP) action plan and is now requesting that the Planning Department execute a contract with the selected vendor, now recommends that the proper City officers be authorized to enter into a contract with Dahlgren Shardlow and Uban in the amount of \$70,000 to provide professional services in the preparation of the Marcy Holmes Neighborhood master plan. Execution of said contract shall be contingent upon the Permanent Review Committee's acceptance of the RFP process used by the neighborhood.

Your Committee further recommends that the Planning Department be authorized to accept \$70,000 from the Minneapolis Community Development Agency (MCDA), as Marcy Holmes NRP funds for the contract and passage of the accompanying resolution increasing the Planning Department appropriation to reflect the receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-177

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 Planning Department Agency in the Grants - Other Fund (0600-380-3820) by \$70,000 and increasing the revenue source (0600-380-3920 - Source 3840) by \$70,000.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having been informed that salary rates for Minneapolis Building and Construction Trades employees that were established in November of 2001 are not correct due to inclusion of an incorrect effective date, now recommends passage and summary publication of the accompanying Salary Ordinance providing for the necessary corrections.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance No. 2002-Or-042, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, correcting salary rates for Minneapolis Building and Construction Trades Council employees, was passed May 17, 2002 by the City Council and approved May 23, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

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

ORDINANCE 2002-Or-042

By Johnson

1st & 2nd Readings: 5/17/2002

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

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

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective May 1, and June 4, 2001, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective May 1, 2001:

BUILDING TRADES (CBT) Effective May 1, 2001

Group I (Permanent):

FLSA	OTC	CODE	CLASSIFICATION	P	Hourly Rate	1st 120 Days Rate
N	2	01400C	Bricklayer Provided that when working on a swing stage, a Bricklayer shall receive an additional 55 cents per hour.	H	26.32	32.90
N	2	01510C	Carpenter Provided that when a Carpenter is working with material that has been treated with toxic carbolineum or toxic creosote, he/she shall be paid an additional 25 cents per hour.	H	25.72	32.22
N	2	07350C	Painter Provided that when a Painter is working on overhead window-jacks, safety belts, structural steel, epoxy, commercial sandblasting, all 2-component paints, bridge work (except for guard rails and inside railings), swing stages (not including scaffolding), and spray painting, he/she shall receive an additional 75 cents per hour. Provided further that painters when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m. shall receive an additional 18.75% premium.	H	25.82	32.33
N	2	05940C	Lacquer and Varnish Machine Operator Provided that when a Lacquer and Varnish Machine Operator is spray painting, he/she shall receive an additional 75 cents per hour. Provided further that Painters, when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m., shall receive an additional 18.75% premium.	H	25.82	32.33

FLSA	OTC	CODE	CLASSIFICATION	P	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step
N	2	07780C	Pipefitter	H	29.29	36.33				
N	2	07770C	Pipefitter/ Instrumentation	H	29.29	36.33				
N	2	08030C	Plumber	H	28.77	35.74				
N	2	08010C	Plumber/Welder	H	28.77	35.74				
N	2	09190C	Sheet Metal Worker	H	28.89	35.88				

Group I (Permanent):

FLSA	OTC	CODE	CLASSIFICATION	P	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step
N	2	04530C	Foreman, Bricklayer	H	27.41	27.68	27.96	28.25	28.53	28.82
N	2	04560C	Foreman, Carpenter	H	26.12	26.39	26.65	26.92	27.20	27.47
N	2	04760C	Foreman, Painter	H	25.51	25.76	26.02	26.29	26.55	26.82
N	2	05010C	Foreman, Painter-Traffic	H	25.51	25.76	26.02	26.29	26.55	26.82
N	2	04830C	Foreman, Pipefitter	H	29.99	30.30	30.60	30.91	31.22	31.54
N	2	04832C	Foreman, Pipefitter/ Instrumentation	H	29.99	30.30	30.60	30.91	31.22	31.54
N	2	04840C	Foreman, Plumber	H	29.79	30.09	30.39	30.70	31.01	31.32
N	2	04860C	Foreman, Plumber/ Welder	H	29.79	30.09	30.39	30.70	31.01	31.32

N	2	04850C	Foreman, Plumber Master in charge	H	30.74	31.05	31.36	31.68	32.00	32.32
N	2	04940C	Foreman, Sheet Metal Worker	H	29.38	29.67	29.97	30.28	30.58	30.89

Section 2. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective June 4, 2001:

**BUILDING TRADES (CBT) Effective June 4, 2001
Group I (Permanent Employees Continued):**

FLSA	OTC	CODE	CLASSIFICATION	P	Hourly Rate	1st 120 Days Rate					
N	2	05760C	Iron Worker	H	29.22	36.25					
FLSA	OTC	CODE	CLASSIFICATION	P	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	
N	2	04680C	Foreman, Iron Worker	H	29.69	29.99	30.29	30.60	30.91	31.22	

Section 3. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective May 1, 2001:

**CBT - Effective May 1, 2001
Group II (Temporary):**

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON- TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91100	Bricklayer (temporary)	H	24.69	2.68	8.09	37.04
Provided that when working on a swing stage, he/she shall receive an additional 55 cents per hour.								
N	2	C91850	Painter (temporary)	H	24.50	1.00	9.44	36.75
Provided that when a Painter is working on overhead window-jacks, safety belts, structural steel, epoxy, commercial sandblasting, all 2-component paints, bridge work (except for guard rails and inside railings), swing stages (not including scaffolding), and spray painting, he/she shall receive an additional 75 cents per hour. Provided further that painters when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m. shall receive an additional 18.75% premium.								
N	2	C91860	Foreman, Painter (temporary)	H	25.50	1.00	9.44	38.25
N	2	C91860	Foreman, Painter-Traffic (temporary)	H	25.50	1.00	9.44	38.25
N	2	C91900	Pipefitter (temporary)	H	26.86	2.91	9.46	
N	2	C91950	Pipefitter/Instrumentation (temporary)	H	26.86	2.91	9.46	
N	2	C91110	Foreman, Bricklayer (temporary)	H	27.19	2.68	8.09	40.79
N	2	C91960	Foreman, Pipefitter (temporary)	H	29.11	2.91	9.46	
N	2	C91955	Foreman, Pipefitter /Instrumentation (temp)	H	29.11	2.91	9.46	
N	2	C92000	Plumber, Plumber/Welder (temporary)	H	24.65	4.30	9.66	
N	2	C92060	Foreman, Plumber, Plumber/Welder (temp)	H	27.20	4.30	9.66	
N	2	C92070	Foreman, Plumber Master in charge (temp)	H	28.20	4.30	9.66	
N	2	C92150	Sheet Metal Worker (temporary)	H	26.16	2.10	10.56	39.24
N	2	C92160	Foreman, Sheet Metal Worker (temp)	H	28.16	2.10	10.56	42.24

CBT - Effective May 1, 2001

Group II (Temporary) continued:

OVERTIME RATES:

N	2	C91900	Pipefitter (temporary)	H	40.29	4.37	14.19
N	2	C91950	Pipefitter/Instrumentation (temporary)	H	40.29	4.37	14.19
N	2	C91960	Foreman, Pipefitter (temporary)	H	43.67	4.37	14.19
N	2	C91955	Foreman, Pipefitter/Instrumentation (temp)	H	43.67	4.37	14.19
N	2	C92000	Plumber, Plumber/Welder (temporary)	H	36.98	6.45	14.49
N	2	C92060	Foreman, Plumber, Plumber/Welder (temp)	H	40.80	6.45	14.49
N	2	C92070	Foreman, Plumber Master in charge (temp)	H	42.30	6.45	14.49

Section 4. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective June 4, 2001:

CBT - Effective June 4, 2001 - WITH BACKPAY PROVISION (SEE BELOW)

Group II (Temporary):

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91150	Carpenter (temporary)	H	25.24	1.82	7.63	37.86

Provided that when a Carpenter is working with material that has been treated with toxic carbolineum or toxic creosote, he/she shall be paid an additional 25 cents per hour.

N	2	C91160	Foreman, Carpenter (temporary)	H	26.99	1.82	7.63	40.49
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BACKPAY PROVISION: Provided that all carpenters, including foremen, shall be paid \$1.85/hour backpay for all hours worked between May 1, 2001, and June 4, 2001.

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER TIME RATE
N	2	C91830	Iron Worker (temporary)	H	25.80	2.65	10.79	42.68
N	2	C91835	Foreman, Iron Worker (temporary)	H	27.80	2.65	10.79	41.70

Provided that new temporary trades personnel, and temporary trades personnel currently on the city payroll not vested in PERA, shall be included in the program to send benefit funds to the Building Trades Trust Funds.

CBT - Effective May 1, 2001

Group II (Temporary) continued:

Apprentice

Provided that Temporary-Apprentice employees shall be paid at a percentage of the prevailing (outside) Journeyman wage rate as provided by the Apprentice Committees for the trade, as follows:

		Hourly Wage Rates					
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
		1st	2nd	3rd	4th	5th	6th
		1000	1000	1000	1000	1000	1000
		hours	hours	hours	hours	hours	hours
Bricklayer	Hourly/Vac. (Taxable)	12.35/2.68	13.58/2.68	16.05/2.68	18.52/2.68	20.99/2.68	23.46/2.68
	Non-taxable Fringe	8.09	8.09	8.09	8.09	8.09	8.09

MAY 17, 2002

Sheet Metal

Worker Started Hourly/Vac

After 5/1/99	(Taxable)	13.52/1.18	14.65/1.18	15.78/1.18	16.91/1.18	18.04/1.18	19.17/1.18
	Non-taxable Fringe	10.56	10.56	10.56	10.56	10.56	10.56

		Step 7 7th 1000 hours	Step 8 8th 1000 hours	Step 9 8000+ hours			
		20.02/1.18 10.56	21.15/1.18 10.56	24.25/1.18 10.56	First Year	Second Year	Third Year
Plumber	Hourly/Vac. (Taxable)	11.09/1.65	13.56/1.65	16.02/1.65	18.49/1.65	20.95/1.65	
	Non-taxable Fringe	6.45	6.45	7.45	8.95	8.95	
		First Year	Second Year	Third Year	Fourth Year	Fifth Year	
Pipefitter	Hourly/Vac (Taxable)	13.97/2.91	17.13/2.91	19.49/2.91	22.25/2.91	25.02/2.91	
	Non-taxable Fringe	7.41	7.41	7.41	7.41	7.41	

		Step 1 1st 1000 hours	Step 2 2nd 1000 hours	Step 3 3rd 1000 hours	Step 4 4th 1000 hours	Step 5 5th 1000 hours	Step 6 6th 1000 hours	Step 7 7th 1000 hours
Painter Started After 5/1/98	Hourly/ Vac (Taxable)	12.25/.81	13.48/1.34	14.70/1.37	17.15/1.43	19.60/1.49	22.05/1.55	24.50/1.61
	Non-taxable Fringe	7.89	7.89	7.89	7.89	7.89	7.89	9.44

		Step 1 0 - 2000 hours	Step 2 2001-4000 hours	Step 3 4001-5000 hours	Step 4 5001-6000 hours	Step 5 6000+ hours
Painter Started After 6/1/01	Hourly/Vac. (Taxable)	14.70/1.37	17.15/1.43	19.60/1.49	22.05/1.55	24.50/1.61
	Non-taxable Fringe	7.10	7.10	7.10	7.10	9.44

CBT - Effective June 4, 2001

Group II (Temporary) continued:

Apprentice

Provided that Temporary-Apprentice employees shall be paid at a percentage of the prevailing (outside) Journeyman wage rate as provided by the Apprentice Committees for the trade, as follows:

		Hourly Wage Rates						
		Step 1 1st 1000 hours	Step 2 2nd 1000 hours	Step 3 3rd 1000 hours	Step 4 4th 1000 hours	Step 5 5th 1000 hours	Step 6 6th 1000 hours	Step 7 7th 1000 hours
Carpenter	Hourly/Vac. (Taxable)	11.48/.64	14.00/.64	15.27/.64	16.53/.64	17.79/.64	19.05/.64	20.31/.64
	Non-taxable Fringe	3.43	3.43	3.43	3.43	3.43	4.43	4.43

		Hourly Wage Rates					
		1st-6 months	2nd-6th months	3rd-6th months	4th-6 months	5th-6 months	6th-6 months
Iron Worker	Hourly/Vac. (Taxable)	17.27/2.65	18.69/2.65	20.11/2.65	21.53/2.65	22.96/2.65	24.38/2.65
	Non-taxable Fringe	10.79	10.79	10.79	10.79	10.79	10.79

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, 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 #10 to Contract #15235 with Minuti-Ogle, Inc., increasing said contract by \$65,467, for a new contract total of \$10,604,264;
- b) Change Order #10 to Contract #15277 with Swanson & Youngdale, Inc., increasing said contract by \$35,747, for a new contract total of \$1,061,350; and
- c) Change Order #17 to Contract #15156 with Kellington Construction, Inc. increasing said contract by \$139,119, for a new contract total of \$19,475,279.

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 20, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published May 22, 2002)

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends that the proper City officers be authorized to execute a contract with Sally Westby & Associates to provide project management and public participation services. Said contract shall be executed for the duration of the project in an amount not to exceed \$61,000 per year for four years, for a total contract value not to exceed \$244,000, payable from the project budget (4400-908-9080). Authorization is contingent upon review of the contract by the City's Permanent Review Committee.

Adopted. Yeas, 12; Nays, 1 as follows:
Yeas - Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Ostrow.
Nays - Johnson Lee.
Passed May 17, 2002.
Approved May 20, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published May 22, 2002)

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends that the proper City officers be authorized to execute a contract with Anne Q. Ulseth for public relations services. Said contract shall be executed for the duration of the project in an amount not to exceed \$41,000 per year for four years, for a total contract value not to exceed \$164,000, payable from the project budget (4400-908-9080). Authorization is contingent upon review of the contract by the City's Permanent Review Committee.

Adopted. Yeas, 12; Nays, 1 as follows:
Yeas - Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Ostrow.
Nays - Johnson Lee.
Passed May 17, 2002.
Approved May 20, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published May 22, 2002)

W&M/Budget - Your Committee, having under consideration a report from the City Coordinator with recommendations for the redesign of the Office of Cultural Affairs, now recommends approval of the following:

Minneapolis Arts Commission

- The Arts Commission is directed to develop annual work plans based on priorities identified by the Council, the Community, and the Mayor;
- The Arts Commission is directed to work with City staff, the City Council, the Mayor, and the community to develop a long-range cultural plan for the City;
- The City Council will develop a reporting link between itself and the Arts Commission through the Community Development Committee.

Location

- Arts staff will be relocated to the Planning Department;
- The remaining Office of Cultural Affairs appropriation shall be transferred from Coordinator's Administration budget (0100-840-8401) to the Planning Department (0100-380-3820). For year 2003, the amount is approximately \$75,000, which includes \$58,000 for personnel and \$17,000 for non-personnel. For year 2002, the balance will be prorated based on the personnel and non-personnel expenses accrued during the 5 months staff was housed in the City Coordinator's Office;
- Upon relocation to the Planning Department, arts staff will immediately convene a working group composed of City staff, Arts Commission members and community stakeholders to develop a strategic plan to determine the goals, outcomes, and staffing for integrating the arts into planning and economic development.

Authorized Staffing

- Public Arts Administrator - The position is transferred to the Planning Department with and will maintain the position's current workload;
- Film & Video Coordinator – The position is transferred to the Planning Department to work with the Greater Minneapolis Convention and Visitors Association (GMCVA) to promote and market the film and video industry in Minneapolis.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Goodman, Lane, Biernat, Johnson, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Ostorw.

Nays - Colvin Roy.

Passed May 17, 2002.

Approved May 20, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 22, 2002)

W&M/Budget - Your Committee, having under consideration a refinancing plan for debt related to the Convention Center as presented by the City Finance Officer (Petn No 267928), now recommends passage and summary publication of the accompanying resolutions requesting the Board of Estimate and Taxation to issue and sell bonds to accomplish said refinancing.

Your Committee further recommends that the Finance Officer be authorized to make the necessary appropriation adjustments to accomplish the plan.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-178 and Resolution 2002R-179, requesting the Board of Estimate and Taxation to issue and sell bonds to accomplish the refinancing of debt associated with the Minneapolis Convention Center, was passed May 17, 2002 by the City Council and approved May 23, 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-178

By Johnson

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$31,000,000 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 in the amount of \$31,000,000, the proceeds of which are to be used to refund the outstanding bonds of the 1992 Sales Tax Refunding issue.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

RESOLUTION 2002R-179

By Johnson

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$155,000,000 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 in the amount of \$155,000,000, the proceeds of which are to be used for the purpose of converting a majority of the existing Convention Center variable rate bonds to fixed rate bonds.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

Z&P - Your Committee, having under consideration the appeal filed by Rick Janssen, on behalf of Wendy's International, from the decision of the Planning Commission relating to conditions of approval of a site plan review (BZZ-568) which required a monument sign in lieu of a freestanding sign for a fast food restaurant at 1251 Industrial Blvd (I1 zoning district), and having conducted a public hearing thereon, now recommends that said appeal be denied, and that the findings prepared by the Planning Department be adopted.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal filed by Steve Jevning, for Kingfield Neighborhood Association, from the decision of the Planning Commission approving the site plan review, conditional use permit and variance applications submitted by Swervo Development for a 29-unit apartment building at 4429 Nicollet Ave S (BZZ-498), and having conducted a public hearing thereon, now recommends that said appeal be granted in part, to add a condition on the variance that 20 percent

of the units be affordable at 50 percent of the Metropolitan Median Income, and that the findings prepared by the Planning Department be adopted.

Niziolek moved that the report be referred back to the Zoning and Planning Committee. Seconded. Adopted upon a voice vote.

Z&P - Your Committee recommends concurrence with the Mayor in his recommendations for appointments to the Minneapolis Planning Commission, for two year terms of office, to expire January 31, 2004:

- a) Michael Krause, 433 S 7th St, Minneapolis (Ward 7) (replacing Theodore Tucker); and
- b) Judith Martin, 14 Grove St, Minneapolis (Ward 5) (reappointment).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of World Mission Prayer League (#1366) to vacate the Clifton Ave dead-end at Clifton and I-94 frontage road to permit an outdoor meditation area for the World Mission Prayer League campus, now concurs in the recommendation of the Planning Commission to grant said vacation, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating the dead-end.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-180, vacating the stub portion of Clifton Avenue was passed May 17, 2002 by the City Council and approved May 23, 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-180

By Schiff

Vacating the stub portion of Clifton Avenue.

Resolved by The City Council of The City of Minneapolis:

That all that part of the stub portion of Clifton Avenue as described below is hereby vacated:

PARCEL 1: That part of Clifton Avenue, originally dedicated as Prospect Street in the plat of Hillside, Minneapolis, Minn, according to the recorded plat thereof, Hennepin County, Minnesota, and now to be vacated, which lies northerly and northwesterly of the northerly right-of-way line of interstate Highway No. 94 and which lies easterly of the westerly line of Lot 10, Block 2, said Hillside, Minneapolis, Minn, (also being the east line of Lot A, Auditor's Subdivision No. 61, Hennepin County, Minnesota) and its southerly extension;

PARCEL 2: That part of the northerly half of Clifton Avenue adjoining Lots A and B, Auditor's Subdivision No. 61, Hennepin County, Minnesota, and now to be vacated, which lies westerly of the southerly extension of the easterly line of Lot A, and easterly of an arc, having a radius of 82.50 feet, drawn southerly from a point on the southerly line of said Lot B. The location of the radius point of said arc is described as follows:

Commencing at the southwesterly corner of said Lot B; thence southeasterly a distance of 35.00 feet along the southwesterly line of said Lot B; thence southwesterly at a right angle to said southwesterly line of Lot B a distance of 66.50 feet to said radius point;

PARCEL 3: That part of the southerly half of Clifton Avenue adjacent to Lots A and B, Auditor's Subdivision No. 61, Hennepin County, Minnesota, and now to be vacated, which lies westerly of the southerly extension of the easterly line of said Lot A, and easterly of an arc, having a radius of 82.50 feet, drawn southerly from a point on the southerly line of said Lot B. The location of the radius point of said arc is described as follows:

Commencing at the southwesterly corner of said Lot B; thence southeasterly a distance of 35.00 feet along the southwesterly line of said Lot B; thence southwesterly at a right angle to said southwesterly line of Lot B a distance of 66.50 feet to said radius point;

PARCEL 4: That part of Lot W, J.S. Johnson's Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northwesterly of the northerly right-of-way line of Interstate Highway No. 94, southerly of the southerly right-of-way line of Clifton Avenue and easterly of an arc, having a radius of 82.50 feet, drawn southerly from a point on the southerly line of Lot B, Auditor's Subdivision No. 61, Hennepin County, Minnesota, to said northerly right-of-way line of Interstate Highway No. 94. The location of the radius point of said arc is described as follows:

Commencing at the southwesterly corner of said Lot B; thence southeasterly a distance of 35.00 feet along the southwesterly line of said Lot B; thence southwesterly at a right angle to said southwesterly line of Lot B a distance of 66.50 feet to said radius point.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the recommendations of the Planning Commission for approval of the applications of Marcia Cartwright, for HOPE Community, Inc, to rezone property at 613 E Franklin Ave (BZZ-573) and vacate an alley between Portland and Oakland Ave S to allow a multi-phase Planned Unit Development (PUD) (proposed Children's Village Center), now recommends:

a) Passage and summary publication of the accompanying ordinance to rezone property at 613 E Franklin Ave from C1 and R4 to the OR2 District to allow Phase I of the PUD, and that the related findings prepared by the Planning Department be adopted; and

b) Passage and summary publication of the accompanying resolution granting the application to vacate the alley between Portland and Oakland Ave S, south of Franklin Ave east and north of 22nd St E in Block 1, Lowry's Addition, subject to retention of easement rights by Xcel Energy, Qwest and Time Warner Cable, and that the findings prepared by the Planning Department be adopted.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-043, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 613 E Franklin Ave to the OR2 District, was passed May 17, 2002 by the City Council and approved May 23, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-043

By Schiff

1st & 2nd Readings: 5/17/2002

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

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

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

A. That part of 613 E Franklin Ave (Plate 20) to the OR2 District, legally described as follows:

Parcel 1: All that part of Lots 1 and 2, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, described as follows: Commencing on the North line of said Lot 1, 17 feet East from the Northwest corner of said Lot 1, at the intersection of the South line of Franklin Avenue and the East line of Portland Avenue as now opened and occupied by the City of Minneapolis; thence East on the North line of said Lot 1, 33 feet; thence South at right angles to the South line of said Lot 2; thence West at right angles 33 feet along said South line; thence North at right angles to the point of beginning; according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 2: The West 33 feet of the East 85 feet of Lots 1 and 2, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, except the South 10 feet thereof taken for alley, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 3: That part of Lots 1 and 2, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS described as follows: Beginning at a point on the North boundary line of said Block distant 33 feet East of Portland Avenue as now laid out and widened; thence East 33 feet; thence at a right angle South 100 feet; thence at a right angle West 33 feet; thence North to the point of beginning, EXCEPT that part lying within that part of the West 33 feet of the East 85 feet of Lots 1 and 2, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, which lies North of the South 10 feet thereof, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 4: The East 52 feet of Lots 1 and 2; That part of Lots 15 and 16 lying West of the East 98 feet thereof, Block 1, "LOWRYS ADDITION TO MINNEAPOLIS", according to the recorded plat thereof, and situate in Hennepin County, Minnesota. Being registered land as is evidenced by Certificate of Title No. 847385;

Parcel 5: The West 38 feet of the East 98 feet except the South 10 feet taken for alley of Lots 15 and 16, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 6: The East 60 feet, except the South 10 feet taken for alley of Lots 15 and 16, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 7: The South 10 feet of the West 38 feet of the East 98 feet of Lots 15 and 16, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 8: The South 10 feet of the East 60 feet of Lots 15 and 16, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 9: Lot 14, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota;

Parcel 10: That part of Lots 1 and 2, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the west 17.00 feet of said Lots 1 and 2, and lying westerly of a line described as commencing on the North line of said Lot 1, distant 17 feet East from the Northwest corner of said Lot 1, at the intersection of the South line of Franklin Avenue and the East line of Portland Avenue as now opened and occupied by the City of Minneapolis; thence East on the North line of said Lot 1, a distance of 33 feet; thence South at right angles to the South line of said Lot 2; thence West at right angles a distance of 33 feet along said South line to the point of beginning of the line to be described; thence North at right angles to the point of commencement;

Parcel 11: That part of the south 10.00 feet of the west 33.00 feet of the east 85.00 feet of Lot 2, Block 1, LOWRY'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of a line described as commencing at a point on the North boundary line of said Block 1 distant 33 feet East of Portland Avenue as now laid out and widened; thence East 33 feet to the point of beginning of the line to be described; thence at a right angle South 100 feet to the south line of said Lot 2 and said line there terminating.

Adopted. Yeas, 13; Nays none.
Passed May 17, 2002.
Approved May 23, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 2002R-181, vacating the alley between Portland Avenue South and Oakland Avenue South, south of Franklin Avenue East and north of 22nd Street East was passed May 17, 2002 by the City Council and approved May 23, 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-181

By Schiff

Vacating the alley between Portland Avenue South and Oakland Avenue South, south of Franklin Avenue East and north of 22nd Street East.

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley between Portland Avenue South and Oakland Avenue South, south of Franklin Avenue East and north of 22nd Street East in Block 1, Lowry's Addition is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, Qwest and Time Warner Cable, their successors and assigns, to enter upon that portion of the aforescribed public alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: All of the to-be vacated alley;

As to Qwest: All of the to-be vacated alley;

As to Time Warner Cable: All of the to-be vacated alley;

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

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of Jason Geschwind, for Gesco Construction, to rezone property at 2845 - 16th Ave S from R2B to the I1 District to permit a contractor's office in the existing building, now recommends that said application be approved, notwithstanding the recommendation of the Planning Commission, in accordance with the Findings of Fact prepared by the City Attorney's Office on file in the office of the City Clerk and made a part of this report by reference.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-044, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2845 - 16th Ave S to the I1 District, was passed May 17, 2002 by the City Council and approved May 23, 2002 by the Mayor. A complete copy of the ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-044
By Schiff
1st & 2nd Readings: 5/17/2002

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

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

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

A. That part of the west 113 46/100 feet and that part of east 10 feet lying north of south 30 feet thereof, Lot 6, Block 1 of Allan & Andersons Addition (2845 - 16th Ave S - Plate 26) to the I1 District.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, to allow indoor theaters, provided live performance only, as a permitted use in the Industrial Living Overlay District, now concurs in the recommendation of the Planning Commission that said ordinance be given its second reading for amendment and passage, and that the related findings prepared by the Planning Department be adopted.

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

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-045 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, amending Section 551.360 to allow indoor theaters, provided live performance only, in the Industrial Living Overlay District was passed May 17, 2002 by the City Council and approved May 23, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-045
By Ostrow and Schiff
Intro & 1st Reading: 3/22/2002
Ref to: Z&P
2nd Reading: 5/17/2002

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

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

Section 1. That Section 551.360 of the above-entitled ordinance be amended to read as follows:

551.360. Permitted uses. (a) *Uses.* In addition to the uses permitted in the primary zoning district, the following uses shall be permitted in the IL Overlay District, provided such uses shall be located in buildings existing on the effective date of this ordinance:

- (1) General retail sales and services uses.
- (2) Antiques and collectibles.
- (3) Banks and financial institutions.
- (4) Bookstore, new or used.
- (5) Grocery store.
- (6) Laundry, self service.
- (7) ~~Video stores up to four thousand (4,000) square feet.~~
- (7) Theater, indoor, provided live performance only.
- (8) Video stores up to four thousand (4,000) square feet.

(b) *Maximum floor area.* The gross floor area for the uses permitted in sections (a)(1) through (a)(~~6~~) (7) above shall be unlimited, provided the use complies with the floor area ratio requirements of the primary zoning district and provided alterations made to the exterior of the building shall maintain the architectural integrity and character of the building and surrounding area.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee recommends denying the application of Fairway Outdoor Advertising, for HOPE Community, Inc, for a special permit to relocate a sign from the southeast corner of Portland and Franklin Aves S (2001 Portland Ave S) to a same size, single-faced sign on a pole located on 5th Ave S at the freeway (1925 - 5th Ave S) (2002-059).

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Central Community Housing Trust for a special permit to replace the existing roof-mounted billboard at 706 - 1st Ave N with a wall-mounted advertisement sign of equal square footage on the 13.7 foot-wide façade of the building on the corner of 1st and Glenwood Aves N to permit construction of 39 additional units of affordable housing above the existing building, now recommends that said application be forwarded without recommendation (#2002-058).

Schiff moved to amend the report to delete the language, "forwarded without recommendation," and to insert in lieu thereof, the word, "approved." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 7; Nays, 6 as follows:

Yeas - Goodman, Johnson, Colvin Roy, Zimmermann, Schiff, Lilligren, Johnson Lee.

Nays - Lane, Biernat, Zerby, Niziolek, Benson, Ostrow.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, 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 June, 2002, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for appellant Jeanne Whitehill for a residential block event to be held May 19, 2002, between the hours of 12 noon and 5:30 p.m. on Xerxes Avenue South between 42nd & 43rd Street West. Seconded.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved that the City Council authorize the City Clerk to apply to the Minnesota Board of Government Innovation and Cooperation for a waiver from the requirements of Minnesota Statutes, Section 331A.02. Seconded.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Johnson introduced the subject matter of an Ordinance amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending section relating to grocery and convenience store uses in the C1 zoning district).

Lilligren moved to refer the subject matter of a staff direction to develop a Midtown Greenway Zoning Overlay District to the Zoning & Planning Committee with a request to report back to Committee with a draft report on or before September 17, 2002. Seconded.

Adopted upon a voice vote.

Biernat introduced the subject matter of an Ordinance amending Title 21, Chapter 576 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along West Broadway Avenue, which was given its first reading and referred to the Zoning & Planning Committee (Amending to extend the moratorium six months).

Biernat moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Sheila Henderson for the Northeast Regional Catholic School for a residential block event to be held May 21, 2002, between the hours of 5:00 and 7:00 p.m. at 1630 4th Street Northeast. Seconded.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolutions

Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a Resolution honoring Jim Campbell for his service and exemplary leadership as Chairman and CEO of Wells Fargo Bank in enhancing the quality of life in Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-182 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-182

**By Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman,
Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane**

**Honoring Jim Campbell for his service and exemplary leadership as Chairman and CEO
of Wells Fargo Bank in enhancing the quality of life in Minneapolis.**

Whereas, Jim Campbell, Chairman and CEO, Wells Fargo Bank Minnesota, Minnesota's largest financial services company, will retire after 38 years of service; and

Whereas, Jim Campbell, a Minnesota native and University of Minnesota graduate, with his tireless commitment to customers and to the community exemplifies corporate citizenship; and

Whereas, Jim Campbell, has lent his expertise and energy to help improve the quality of life and economic vitality of the City and its neighborhoods by promoting transit, housing, arts, professional sports and jobs; and

Whereas, Jim Campbell has provided outstanding leadership on Wells Fargo's purchase and revitalization of the old Honeywell Campus that will employ 2500 people by 2003; and

Whereas, Jim Campbell has served as a dedicated Board member on many groups serving the residents of Minneapolis including the United Way, Minneapolis Institute of Arts, New Ballpark Inc., Phillips Partnership, Midtown Community Works, University of Minnesota Foundation, Abbott Northwestern Hospital, Emma B Howe Memorial Foundation, Children's Home Society and many more;

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

That Jim Campbell is to be commended for his corporate leadership, effectiveness and tireless public service.

Be it Further Resolved that the residents of the City of Minneapolis wish Jim Campbell and his family all the happiness, peace and prosperity the world can offer as he ends his exemplary career as Chairman and CEO of Wells Fargo Bank.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Goodman, Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a Resolution honoring Rodney Leibold for his service and exemplary leadership in his role as Project Manager for the Minneapolis Convention Center Expansion Project.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-183 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-183

**By Goodman, Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann,
Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane**

**Honoring Rodney Leibold for his service and exemplary leadership in his role as Project
Manager for the Minneapolis Convention Center Expansion Project.**

Whereas, In September 1998, Rodney Leibold began in his role as Project Manager for the Minneapolis Convention Center Expansion; and

Whereas, on April 1, 2002, the Minneapolis Convention Center opened a 780,00 square foot expansion to the current facility; and

Whereas, Rodney Leibold has been an instrumental part of this project serving honorably as the Project Manager, providing leadership to the large team of professionals tasked with this project, and lending his expertise to the myriad of challenges presented by a project of this magnitude; and

Whereas, Rodney Leibold willingly made the tough decisions required to bring the expansion project in on time; and

Whereas, Rodney Leibold consistently weighed the functional needs of the users with the desire to create a lasting piece of architectural significance; and

Whereas, Rodney Leibold, met the challenges of a substantial flood of the new convention center three weeks before the scheduled opening head on, and mustered the skills of the many contractors associated with the project to successfully allow the AFL-CIO Union Industries Show to move-in on time as the first show in the new space; and

Whereas, his commitment to the convention center project was vital to the delivery of an additional 200,000 square foot of exhibit space, 33 meeting rooms, and a one of a kind 3,400 seat auditorium, that will allow Minneapolis to maintain a competitive edge in luring local, regional, national, and international events in to the City of Minneapolis;

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

That we commend Rodney Leibold for his service to the City of Minneapolis by his leadership and dedication to the Convention Center Expansion Project.

Be It Further Resolved that we wish Rodney Leibold and his family all the happiness, peace and prosperity the world can offer and wish him the best of luck with all future endeavors.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Goodman, Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a Resolution honoring Jane Lerdall for her many years of service to the City of Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-184 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-184

By Goodman, Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane

Honoring Jane Lerdall for her many years of service to the City of Minneapolis.

Whereas, Jane Lerdall has served the City of Minneapolis for over 21 years through her employment with the Minneapolis Community Development Agency; and

Whereas, Jane has served the City and the Agency as a project coordinator and financial analyst in the Economic Development Division of the Agency; and

Whereas, Jane was a dedicated member of AFCSME Local 3419 serving as president, vice-president, contract negotiating team member and delegate to several AFCSME functions; and

Whereas, Jane's knowledge, skills and dedication to her profession contributed to the successful planning and implementation of a multitude of commercial development projects that provided enormous benefits to the residents, neighborhoods and business community of Minneapolis for generations to come, including noteworthy examples:

- Provided financial and management oversight of the operations of the Historic State and Orpheum Theatres, which bring over 500,000 people a year to the Hennepin Avenue Theater District.
- Served as Project Coordinator for the Downtown Interdistrict School Project, which brought together the Minneapolis Public Schools, eight suburban school districts, the University of St. Thomas, the State of Minnesota, and the City of Minneapolis to create a unique and nationally acclaimed education center in downtown Minneapolis.
- Worked with Community Groups along Lake Street to analyze corridor needs and plan for future improvements, analyzed early proposals for the Sears complex, & managed the financing of many commercial renovation projects in neighborhoods throughout the City.
- Provided financial analyst services to the Minneapolis Economic Development Company (MEDC) in underwriting, reviewing and approving SBA 504 loan applications for a wide range of projects and businesses.

Whereas, Jane has made these contributions to the City of Minneapolis while also demonstrating exceptional dedication to her family and her fellow workers; and

Whereas, Jane's knowledge, experience and contributions have earned her the respect and friendship of the community and her peers; and

Whereas, the MCDA wishes to formally recognize the achievements of Jane and her dedicated service to the Agency and City;

Now, Therefore be it Resolved by the City Council of the City of Minneapolis:

That we commend Jane Lerdall for her service to the City of Minneapolis and thank her for her many contributions to the quality of life within the City.

Be It Further Resolved that we wish Jane much happiness, good health and personal fulfillment in the years to come knowing she will go on to fabulous new challenges and successes.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Biernat offered a Resolution honoring the House of Faith Nursery School.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-185 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-185

By Biernat

Honoring House of Faith Nursery School.

Whereas, House of Faith Nursery School has been providing educational services to the Northeast community for 35 years; and

Whereas, House of Faith Nursery School has a dedicated and excellent staff who have made the program phenomenal: Carolyn Woods has been the Director of House of Faith for 25 years; Ingrid Eggert has been a teacher for 18 years, and Shirley Sederberg has been a teacher for 14 years; and

Whereas, the mission of the House of Faith Nursery School is to provide a quality preschool education for children that is affordable and accessible; and it provides an opportunity for personal and family involvement, plus serves as an extension of the community outreach effort of the sponsoring organizations; and

Whereas, the House of Faith Nursery School is accredited by the National Academy of Early Childhood Programs; and

Whereas, the House of Faith Nursery School program is based on the philosophy that each child is unique and develops their potential at a different pace, and it provides an environment where each child is encouraged to develop and realize their own potential socially, emotionally, intellectually, and physically; and

Whereas, the House of Faith Nursery School has enhanced each child's self-esteem, so that each child will realize their self-worth, and thus be motivated through positive school experiences to learn and explore; thereby, enhancing their potential growth and development period; and

Whereas, the House of Faith Nursery School's daily activities provide an opportunity for large and small muscle development, school readiness skills, creative and dramatic play activities and multi-cultural enrichment periods; and

Whereas, by providing a nurturing environment and assessing the needs of the "whole" child, House of Faith Nursery School realizes that an environment which provides a balance between self-directed and teacher initiated is essential; and

Whereas, its educational methods incorporate a variety of early childhood philosophies including those of Maria Montessori, Erickson, Piaget, and the active learning premise of High Scope; and it develops "webs" which are child sensitive; and

Whereas, the Board of Directors are primarily responsible for obtaining funding for this inner-city program; and

Whereas, the church sponsors such as Presbyterian House of Faith and Presbyterian Church of the Way support this mission to families of Northeast through dollars, commitment of board members, contribution of toys and affirmation of the work House of Faith Nursery School does;

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

That we express our sincerest gratitude for the many years of dedicated service that the House of Faith Nursery School has given thousands of children in our community. Truly you have made a profound and remarkable difference through the past decades.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Biernat offered a Resolution honoring Bottineau Early Education Center.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-186 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-186

By Biernat

Honoring Bottineau Early Education Center.

Whereas, the Bottineau Early Education Center, a Minneapolis Public School serving children in High 5 through Grade 2, has served the Northeast community for the past 11 years since the fall of 1991, at 229 13th Avenue Northeast; and

Whereas, fifty percent of the original staff in place in 1991 have remained with the program this entire 11-year period; and

Whereas, the mission statement of Bottineau Early Education Center is to provide a child-centered integrated curriculum in a safe and friendly environment using developmentally appropriate curriculum, authentic assessment and a strong family/school partnership to promote success for all students; and

Whereas, the philosophy of Bottineau Early Education Center is that children learn best when they are actively involved in their learning through experiencing hands-on exploration of diverse material, and children's play is respected for its value as an appropriate learning medium; and

Whereas, the Bottineau Early Education Center addresses the needs of the whole child: personal/social, physical, cognitive, and aesthetic/creative; and

Whereas, the Bottineau Early Education Center has been effective in its community outreach by partnering with many organizations, including:

- The intergenerational programs with Catholic Eldercare Inc. and the Northeast Senior Resource Center, Inc. to bring seniors and youth together in learning activities.
- Field trips and transportation funded by the Northeast Lions Club so children can experience their local and metro communities.
- Regular visits to the Pierre Bottineau Community Library to increase children's literary experience.
- Support from the Sheridan Neighborhood Organization for program awareness.
- Support from the Graco Company to help preserve Bottineau's program.
- Teaching internships with Concordia College students.
- Grant from Cargill's School's First Program to increase reading prowess and family involvement.
- Grant from Veritas Corporation to assist children and their families learn English; and

Whereas, the Bottineau Early Education Center staff has provided an excellent foundation for the education of our children of Northeast Minneapolis; and

Whereas, the Bottineau Early Education Center will terminate its lease as of June 12, 2002, and move to Pillsbury School as an independent school within that school;

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

That we gratefully express our gratitude for the years of service by all the dedicated staff of Bottineau Early Education Center, who have made this program a hallmark of excellence. Thank you for enriching our community and the lives of over 1,500 children during these past 11 years.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Biernat offered a Resolution honoring Glorine Dancik.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-187 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-187

By Biernat

Honoring Glorine Dancik.

Whereas, Glorine Dancik has provided daycare in the Columbia Park Neighborhood for over 25 years; and

Whereas, Glorine Dancik has received the Greater Minneapolis Day Care Association Award in recognition of her years of outstanding service to the families and children of Northeast Minneapolis; and

Whereas, Glorine Dancik has continuously provided a nurturing start for babies and a stimulating environment for preschoolers, educating them with her loving guidance and care; and

Whereas, Glorine Dancik has been an active member in the community, befriending all living creatures...neighbors, children and animals, and has been especially adept at welcoming new families into the neighborhood by introducing them to the community; and

Whereas, Glorine Dancik has volunteered to assist her neighbors whenever they need help—and most often before they can even ask; and

Whereas, Glorine Dancik has been an active member in the Patroness Society of DeLaSalle High School and an active member in her church; and

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

That we honor her for the important role she has played in the lives of hundreds of children in the Northeast community and commend her on her 25th Anniversary. We also honor her for being an exemplary role model in her neighborhood, church and school communities.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Johnson offered a Resolution honoring Father John Forliti for his 40th Anniversary as a priest.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-188 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-188

By Johnson

Honoring Father John Forliti for his 40th Anniversary as a priest.

Whereas, Father John Forliti is celebrating his 40th anniversary as a priest of the Archdiocese of St. Paul/Minneapolis; and

Whereas, Father Forliti's ministries through St. Olaf Catholic Church in downtown Minneapolis have included scholarship support for DeLaSalle High School, mentoring, dinners and computer labs for Exodus Hotel, (a transitional housing facility which is home to 92 men and women) and financial support for Risen Christ grade school; and

Whereas, Father Forliti initiated the "40 Mondays" service as a call to prayer and fasting for our city and nation, a program now in its 4th year; and

Whereas, Father Forliti's media outreach has been instructive and inspirational for many within our city and includes writings on the Common Good in print media and productions of "Generation Cross", an Emmy Award winning TV show featuring the lighter side of religion; and

Whereas, St. Olaf Church has been a site for many artistic performances featuring organ and vocal music as well as performances by the Andahazy Ballet; and

Whereas, Father Forliti (in spite of his St. Paul roots), has made Minneapolis a better place through his leadership and service;

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

That the City of Minneapolis congratulates Father John Forliti for his ministry and recommends he be named an honorary citizen of Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Johnson offered a Resolution commending the Minneapolis Police Chaplains Program.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-189 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-189

By Johnson

Commending the Minneapolis Police Chaplains Program.

Whereas, the Minneapolis Police Chaplains Program, created in 1972, has served the citizens of the City of Minneapolis for 30 years; and

Whereas, Police Chaplains have given of themselves to comfort those experiencing great tragedy, including the victims of crimes; and

Whereas, Police chaplains have consoled the families of slain and injured Minneapolis Police Officers during their years of service; and

Whereas, for 30 years, Police Chaplain Father Terrance Hayes has provided Minneapolis Police officers and their families with spiritual help and guidance in some of the most trying circumstances as well as the most joyous occasions of their lives; and

Whereas, Father Terrance Hayes, as a pastor in North Minneapolis with responsibility for an elementary school, devotes his free time to serve the citizens of Minneapolis by counseling, comforting and assisting victims of crime; and

Whereas, the Minneapolis Police Chaplains Program will continue to be an asset to our city, it's citizens and police employees;

That the Minneapolis Police Chaplains Program be recognized and commended for 30 years of service to the City of Minneapolis.

Be It Further Resolved that Police Chaplain, Father Terrance Hayes be congratulated and thanked for 30 years of service to the Minneapolis Police Department.

Be It Further Resolved that the Minneapolis City Council extends to the Minneapolis Police Chaplains Program the thanks of the citizens of the City of Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Schiff offered a Resolution proclaiming Friday, May 17, 2002, as Ellen DeGeneres Day in the City of Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-190 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-190

By Schiff

Honoring Ellen DeGeneres.

Whereas, Ellen DeGeneres began her career as an emcee at a local comedy club in her hometown of New Orleans, which led to national recognition in 1982 when her videotaped club performances won Showtime's "Funniest Person In America" award; and

Whereas, Ellen DeGeneres has earned numerous prestigious awards during her early career on the local comedy scene including being named Best Female Stand-Up at the 1991 American Comedy Awards; and

Whereas, Ellen DeGeneres' television career is considerable; she is best known for her starring role in "Ellen" which garnered record ratings and earned Emmy nominations each season in the Best Actress category, a 1997 Peabody Award and an Emmy for writing the critically acclaimed "Puppy Episode" when her character came out as a gay woman to a record 46 million viewers which landed her on the cover of Time Magazine; her show also earned her numerous accolades including The People's Choice Award in 1995, two Golden Globe nominations and two Screen Actors Guild nominations; and

Whereas, Ellen DeGeneres has served as host for several industry events including the 38th and 39th Annual Grammy Awards for which she earned an Emmy nomination, the 46th Annual Primetime Emmy Awards which received an American Comedy Award, and the VH1 Honors which garnered her a Cable Ace Award; and

Whereas, In July, 2000 Ellen DeGeneres returned to stand-up comedy embarking on a three month tour that culminated in her critically acclaimed and Emmy nominated special "The Beginning;" and

Whereas, Ellen DeGeneres exemplifies outstanding courage, enormous talent and unwavering concern for the rights of others in all of her professional endeavors; and

Whereas, Ellen DeGeneres is appearing this evening, Friday, May 17, 2002 at the Historic State Theatre in a sold out performance, and we wish to recognize Ellen DeGeneres and this event;

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

That Friday, May 17th, 2002, be proclaimed as Ellen DeGeneres Day in the City of Minneapolis.

Adopted. Yeas, 13; Nays none.

Passed May 17, 2002.

Approved May 23, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Unfinished Business

Major 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)

By unanimous consent, the above two reports continue to be postponed.

New Business

Colvin Roy introduced an Ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks*, which was given its first reading and referred to the Ways & Means/Budget Committee (Establishing the Hennepin Theatre District Special Service District).

Ostrow moved to adjourn to Thursday, May 23, 2002, at 10:30 a.m. in Room 315 City Hall for consideration of:

- a) The matter of condemnation by the Minneapolis Community Development Agency of certain lands in the City of Minneapolis for the Industry Square Project; Parcel 8-1/Blexrud, Parcels 8-2&3/Rio Bravo
 - b) A lawsuit entitled *Swierczek, Anthony & Slatoski, Jr., Thomas vs. City of Minneapolis, et. al.*
- Seconded.

Adopted. Yeas, 13; Nays none.

Adjourned.

Merry Keefe,
City Clerk.

Created: 5/20/2002
Modified: 5/24/2002; 5/28/2002; 6/5/2002