

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**MAY 2, 2003**

(Published May 10, 2003, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
May 2, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved acceptance of the minutes of the regular meeting held 4/18/03. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268732)

Brookfield Mediation: Receive & File informational report.

COORDINATOR (268733)

Focus Minneapolis Initiative: Receive & File status report.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268734)

Affordable Housing Initiative: 2002 Annual Evaluation.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268735)

Augustana Chapel View Homes, Inc (1007 E 14th St, Minneapolis and 615 Minnetonka Road, Hopkins): Preliminary & final approval to issue bonds up to \$1,600,000 for project.

Young Men's Christian Association (YMCA) of Minneapolis and YMCA of St. Paul (2125 E Hennepin Avenue): Preliminary & final approval to issue bonds up to \$1,400,000 for project.

Minnesota Transitions Charter School (2526 27th Avenue S & 2862 26th Avenue S): Preliminary approval to issue bonds up to \$1,550,000.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268736)

East Phillips Commons Project: Final approval to issue bonds up to \$2,950,000 for project.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268737)

U. S. Environmental Protection Agency Grant: Accept grant & execute agreements.

2003 HOME Program: Approve budget allocation(s).

Small Business Loan Programs: Appropriation adjustments to allocate funds to Business Finance Department.

GRANTS AND SPECIAL PROJECTS (268738)

Hennepin County Homeless Emergency Overflow Shelters: Provide funds to keep two overflow shelters open during warmer months, contingent upon additional funding from Family Housing Fund.

PLANNING COMMISSION/DEPARTMENT (268739)

Mosaic - Celebrating the Arts and Cultures of Minneapolis: Accept supporting funds from Minneapolis Foundation and General Mills.

**HEALTH AND HUMAN SERVICES:**

ATTORNEY (268739.1)

Predatory Lending: Policy Discussion Framework; with attachments.

CIVIL RIGHTS (268740)

Civil Rights Budget: Report on impact to community of budget cuts.

HEALTH AND FAMILY SUPPORT SERVICES (268741)

Health Care Access in Minneapolis: Report.

YOUTH COODINATING BOARD (268742)

School Readiness Initiative: Report.

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

HEALTH AND FAMILY SUPPORT SERVICES (268743)

H1B Grant: Execute Modification #1 to Grant Agreement with Hennepin County to increase funding to \$291,000 and extend performance to December 31, 2004 to upgrade healthcare professionals, including apprenticeships for youth at Roosevelt High School.

Public Health Laboratory: Execute five-year Affiliation Agreement with University of Minnesota to provide clinical internships for Medical Technology students enrolled at University.

MAYOR (268744)

Civil Rights Commission: Approve appointments of Maria Zavala; Jeffery Calhoun; and Sylvia B. Little.

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

HEALTH AND FAMILY SUPPORT SERVICES (268745)

Phillips Neighborhood Weed & Seed Public Housing Partnership: Approve transfer of \$80,000 from Health & Family Support to Police Department to fund one sergeant position within Central Investigations Division to work on suppression and containment of criminal activity within area of Little Earth Housing complex and two blocks surrounding area.

School Based Clinic Program: Accept \$20,000 from Medtronic Foundation to continue "Not Ready Now" Teen Pregnancy Prevention Program at Broadway School and to expand to South High School.

Healthy Learners Board: Approve appropriation of \$25,000 in grant funds received in December 2002 to fund a nurse to provide immunizations through New Family Center.

LICENSES AND CONSUMER SERVICES (268746)

Lead Safe Housing: Execute Lease Agreement with Leonard Babinski for use of unit at 900 34th Av N as lead-safe housing by families displaced during lead reduction activities.

**INTERGOVERNMENTAL RELATIONS:**

GRANTS AND SPECIAL PROJECTS (268747)

Metropolitan Council Livable Communities Demonstration Account Grants: Response to Star Tribune article clarifying misinformation contained therein.

HEALTH AND FAMILY SUPPORT SERVICES (268748)

Health Care Access in Minneapolis: Presentation on Mpls residents without health insurance.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COORDINATOR (268749)

Shingle Creek Watershd Management Commission: Amendment to Joint Powers Agreement.

INTERGOVERNMENTAL RELATIONS (268750)

Senate Transportation Funding & Policy Omnibus Bill.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

POLICE DEPARTMENT (268751)

Automated Pawn System: Update relating to Joint Powers Agreement with State of Minnesota.

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

FIRE DEPARTMENT (268752)

Metropolitan Medical Response System: Amend contract with Department of Veterans' Administration Medical Center (VAMC) to allow for a cache of pharmaceuticals for use by Response System to be transferred for storage from VAMC to North Memorial Medical Center; and Execute contract with North Memorial Medical Center to allow for cache of pharmaceuticals to be stored at Medical Center.

LICENSES AND CONSUMER SERVICES (268753)

FK Groceries (1848 Central Av NE): Grant Provisional Grocery and Tobacco Licenses, subject to conditions.

Licenses: Applications.

REGULATORY SERVICES (268754)

Prohibited Discharges to Sanitary or Combined Sewer: Ordinances pursuing an aggressive campaign of separating the City's sanitary sewer system from its stormwater drainage system to reduce the number of combined sewer overflows and to add an appeals process.

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

POLICE DEPARTMENT (268755)

Minnesota Gang Strike Force: Amend Grant Agreement with State of Minnesota to increase amount by \$54,600 to allow Police Department to fund overtime and vehicles for eight officers to serve on Strike Force; and Approve appropriation.

Minnesota Auto Theft Prevention Program Grant: Amend Grant Agreement with Minnesota Department of Public Safety to reflect decreased grant funding of \$35,016 from State; and Approve decreased appropriation.

REGULATORY SERVICES (268756)

Gasoline and Vehicle Maintenance for Regulatory Services' Fleet: Amend contract with Automotive Rentals Inc (ARI) to increase amount by \$65,000 and extend to August 30, 2003 to continue providing outsourced gasoline purchase and vehicle maintenance program; and Authorize staff to prepare specifications for accepting bids from providers of outsourced vehicle maintenance for Department's fleet and evaluate proposal from Public Works Equipment Services Division to provide similar vehicle maintenance services.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (268757)

Hiawatha Light Rail Transit - Proposed Realignment in Bloomington: Receive and filed.

National Pollutant Discharge Elimination System (NPDES) Permit #MN0061018: Public hearing set for 5/6/03 to receive comments related to the annual Stormwater Report.

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

EXCEL ENERGY (268760)

Xcel Energy/NSP: Installation of various poles and wires.

PUBLIC WORKS AND ENGINEERING (268758)

Nicollet Hotel Block Redevelopment/Downtown Bus Terminal: Issue RFP; Negotiate agreement with MCDA regarding responsibilities and agreement with Metro Council regarding lease, operation, and maintenance of the Terminal.

Sabri Properties: Deny appeal for block event application and special permit of September 13 & 14, 2003.

MnDOT State-Aid Variance: Resolution request variance for reconstruction of Richfield Road.

2nd St Commercial Paving Project Railroad Agreement: Resolution to enter into an Agreement with Minnesota Commercial Railroad Company for new railroad flashing light system.

American Indian Center (1530 E. Franklin Av): Amendment to Purchase Agreement reflecting new terms associated with building improvements.

Minneapolis Police First Precinct: Authorize Change Order #5 with Diversified Contracting Specialists Inc. dba Gen^Con.

PUBLIC WORKS AND ENGINEERING (268759)

Quarterly Submittal: Traffic Zones, Restrictions and Controls.

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

PUBLIC WORKS AND ENGINEERING (268761)

Dunwoody College of Technology: Sublease of land (Aldrich & Linden Av S & I-394) for \$1,500 per year plus a one-time fee of \$5,500 for City leasing expenses from 5/1/03 through 11/1/05.

Bid: Accept OP #6055, low bid of Rochon Corp for construction of Animal Care and Control Facility.

Bids: Resolution accepting bids: a) OP #6042, low bid of Killmer Company, Inc for Logan Park Pedestrian Lighting Project; b) OP #6050, low bid of AVR, Inc for ready mix concrete to various depts through 3/31/04; c) OP #6061, low bid of J. Fletcher Creamer & Sons, Inc for cleaning & lining of cast iron water mains through 12/31/03; and d) OP #6073, low bid of The Caulkers Company, Inc for window re-caulking at Public Service Center.

PUBLIC WORKS AND ENGINEERING (268762)

Nicollet Av S (46th St W to Minnehaha Parkway) St Reconstruction Proj: Ordering the proj to proceed, adopting special assmts, requesting the Bd of Est & Taxation to issue and sell bonds and ordering the removal of areaways in conflict with the proj.

University E St Renovation Proj: Ordering the proj to proceed, adopting special assmts, requesting the Bd of Est & Taxation to issue and sell bonds.

Animal Care & Control Facility (Reallocations of funds): Increasing approp in Capital Property Services Funds for the construction of pervious brick pavement parking lot.

Parking Meter Management Plan Update: Approval of Parking Meter Management Plan Update.

Composting Contract: Approval to enter into contract with City of Hutchinson for composting/disposal of fall-street collected leaves & seasonal yard wastes, 5/03 through 12/07.

Central Av NE Paving Proj. Execution of MnDOT Agreement with State of MN, Dept of Transportation; & increasing approp for PW Paving Construction Fund for \$3,790,000 from revenue source of State of MN.

Marcy-Holmes Neighborhood: Increasing approp for PW Paving Construction Fund by \$6,529 to be reimb by NRP for wrought iron fence (6<sup>th</sup> Av SE at Main St SE).

**WAYS AND MEANS BUDGET:**

CONVENTION CENTER (268763)

Police Officer Security at Convention Center: Plan to implement a system to bill convention clients for security provided by Minneapolis police officers.

FINANCE DEPARTMENT (268764)

Staff Purchasing Letters.

HUMAN RESOURCES (268765)

Hiring, Promotion and Reclassification Freeze: Monthly report.

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

ATTORNEY (268766)

Legal Settlements: Claims of Nakina Lowery, Shivsaywack Singh and Jesse Yang.

COORDINATOR (268767)

Empowerment Zone (EZ) Funds for W Broadway Façade Program: Amend contract with W Broadway Area Coalition to extend time of performance for use of funds.

Empowerment Zone (EZ) Funds for Commercial Corridor Development: Issue request for proposals for Lake St., Franklin Av, W Broadway and Central Av NE.

New Central Library Project Construction Change Order: Increase contract with F.M. Frattalone Excavating & Grading.

FINANCE DEPARTMENT (268768)

Donation: Accept funds donated by Ann Calvert to offset state budget cuts.

HUMAN RESOURCES (268769)

Reclassification of Senior Legal Typist Position: Approve reclassification of position and incumbent and approve new salary range.

Appointed and Non-Represented Employee Pay Increase: Approve overall two-percent wage increase for 2003. Hiring, Promotion and Reclassification Freeze: Amend policy to allow employees who have been placed in the Job Bank to be hired into vacant, budgeted positions.

REGULATORY SERVICES (268770)

Development Services One-Stop Shop: Appropriate funds for interim program including customer parking and consolidation of staff.

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

HERITAGE PRESERVATION COMMISSION (268771)

Historic Variance Applications: Mintahoe Hospitality Group Inc & Mpls Park & Recreation Board (re William Brothers Boiler Works, 40 Power St): Wall sign; Minnesota Historical Society (re Washburn A Mill, 706-08 - 1st Sts S): Roof sign.

PLANNING COMMISSION/DEPARTMENT (268772)

Vacation Applications:

Ray Harris, for Calhoun Square Limited Partnership: Section of Girard Ave S between W Lake & W 31st St;

David Crockett: Vacate "L"-shaped alley in vicinity of 1725-3rd Ave S & 1728 Clinton Ave S.

Rezoning Applications:

Master Civil & Construction Engineering: 3801-28th Ave S;

Sumner Field Phase II, LP: Property in former Rawlins Circle, Van White Memorial Blvd, 11th, 10th & Aldrich Aves N.

**FILED:**

CITY CLERK/SPECIAL PERMITS (268773)

5th St N, 601 (Suburban Lighting) signs;

34th Av S, 4950 (Nokomis Shoe Shop) sidewalk sale;

42nd & Bloomington (Bancroft Neighborhood Assn) ice cream social & arts & crafts fair;

61st St W, 230 @ Lyndale Av (Let's Get Graphic) sign;

Franklin Av W 2101 (Kenwood Community Center) mobile zoo;

Lake St E, 2700 (2700 East Lake Street LLC) sign;

Mississippi River west bank, north of Broadway Av bridge (Twin City River Rats) use city owned land for practice & shows;

Nicollet Mall between 3rd & 4th Sts S, Ritz Block (Marketing Minneapolis) Ribfest;

Nicollet Mall, 700 (Johmar Farms) baby bunnies;

Nicollet Mall & 11th, Peavey Plaza (Marketing Minneapolis) 3rd Annual Craft Brewer's Association Beer Tasting, also James Page 5K Run start & finish;

Plymouth Av N 2100 (Sign Solutions) sign;

University Av NE, 2300 (German Restaurant Inc) tents;

Washington Av SE, 615 (Signcrafters) sign.

MEYER, BILL (268774)

Clinton Avenue Condominium Project: Written opposition to application of David Crockett to vacate alley in block bounded by E 17th & 18th Sts and Clinton Av S & related conditional use permit & variances. (See Z&P report)

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*The following reports were signed by Mayor Rybak on 5/7/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** - Your Committee, having under consideration the City's Affordable Housing Initiative, and having held a public hearing on April 22, 2003 thereon, now recommends approval of the 2002 Annual Evaluation of the Affordable Housing Initiative for the City of Minneapolis; and further, that said evaluation be Received and Filed.

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

Adopted 5/2/03.

**Comm Dev** - Your Committee, having under consideration the accompanying Resolution giving preliminary and final approval to issue up to \$1,600,000 in tax-exempt 501(c)(3) Bank Qualified, Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2003, for Augustana Chapel View Homes, Inc., including a Joint Powers Agreement with the City of Hopkins, and having held a public hearing on April 22, 2003 thereon, now recommends passage of said Resolution.

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

Adopted 5/2/03.

Resolution 2003R-169, giving preliminary and final approval to issue up to \$1,600,000 in tax-exempt 501(c)(3) Bank Qualified, Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2003, for Augustana Chapel View Homes, Inc, including a Joint Powers Agreement with the City of Hopkins, was passed 5/2/03 by the City Council. 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 2003R-169**

**By Goodman**

**Giving preliminary and final approval to and authorizing a project on behalf of Augustana Chapel View Homes, Inc. (the "Company") and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of approximately \$1,600,000 (the "Bond") to finance energy and telephone system improvements to the Company's nursing care and senior housing facilities in the City, and to finance energy improvements to the Company's nursing care facility in the City of Hopkins (collectively, the "Project"); and

Whereas, the Agency and the City of Hopkins will enter into a Joint Powers Agreement to enable the financing by the Agency of the portion of the Project located in the City of Hopkins; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than December 1, 2013, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in the principal amount of approximately \$1,600,000 for the purpose of financing the Project.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution No. 88R-021 of the City adopted January 29, 1988, and as amended by Resolution No. 97R-402 of the City adopted December 12, 1997.

Adopted 5/2/03.

**Comm Dev** - Your Committee, having under consideration the Young Men's Christian Association (YMCA) of Minneapolis and YMCA of St. Paul Project, and having held a public hearing thereon, now recommends passage of the accompanying Resolution granting preliminary and final approval to issue up to \$1,400,000 in 501(c)(3) tax-exempt Revenue Bonds for said project.

Adopted 5/2/03.

Resolution 2003R-170, granting preliminary and final approval to issue up to \$1,400,000 in 501(c)(3) tax-exempt Revenue Bonds for the YMCA of Minneapolis and YMCA of St. Paul Project, was passed 5/2/03 by the City Council. 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 2003R-170**

**By Goodman**

**Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Revenue Note (YMCA Project), series 2003, to be issued by the City of Minneapolis under Minnesota Statutes, Sections 469.152 through 469.165, to finance the acquisition of corporate offices located in the City of Minneapolis, Minnesota for The Young Men's Christian Association of Metropolitan Minneapolis and YMCA of Greater St. Paul.**

Resolved by The City Council of The City of Minneapolis:

#### **Section 1. Background**

1.01. Statutory Authorization. The City of Minneapolis (the "Issuer") is authorized by Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), to issue revenue obligations 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, in part, as any properties, real or personal, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, to be owned by a contracting party (as defined in the Act).

1.02. The Series 2003 Note. The Young Men's Christian Association of Metropolitan Minneapolis, a Minnesota nonprofit corporation (the "Minneapolis YMCA") and YMCA of Greater Saint Paul, a Minnesota nonprofit corporation (the "St. Paul YMCA" and, collectively with the Minneapolis YMCA, the "Borrower"), has requested that the Issuer issue its Revenue Note (YMCA Project), Series 2003 (the "Note"), in the original aggregate principal amount not to exceed

\$1,400,000, and loan the proceeds derived from the sale of the Note to the Borrower pursuant to the terms of a Loan Agreement, to be dated on or after April 1, 2003 (the "Loan Agreement"), between the Issuer and the Borrower. The proceeds of the loan, together with the proceeds derived from a taxable conventional loan, will be applied to the acquisition of an office building located at 2125 East Hennepin Avenue in the City (the "Building"). The Note is proposed to be purchased by Wells Fargo Brokerage Services, LLC (the "Lender").

1.03. The Borrower and the Project. The Borrower is proposing to apply the proceeds of the Note to the costs of the acquisition of a portion of the Building (the "Project"). The proceeds of the Note may also be applied to related project costs and the costs of issuing the Note. The Project will be owned and operated by the Borrower. The Minneapolis YMCA and the St. Paul YMCA have represented to the Issuer that each 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.

1.04. Loan Repayments. The loan repayments to be made by the Borrower under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Note when due. The Issuer will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Lender pursuant to the terms of an Assignment of Loan Agreement, to be dated on or after April 1, 2003 (the "Assignment of Loan Agreement"), between the Issuer, the Borrower and the Lender.

1.05. Documents. Forms of the following documents have been submitted to the Minneapolis Community Development Agency (MCDA) and are now on file with the MCDA: (i) the Note; (ii) the Loan Agreement; and (iii) the Assignment of Loan Agreement.

1.06. Public Hearing. A notice of public hearing (the "Public Notice") was published in *Finance and Commerce*, the official newspaper and a newspaper of general circulation in the City of Minneapolis, with respect to: (i) the required public hearing under Section 147(f) of the Code; (ii) the required hearing under Section 469.154, subdivision 4, of the Act; and (iii) approval of the issuance of the Note. The Public Notice was published at least fifteen (15) days before a regularly-scheduled meeting of the Community Development Committee of the City Council of the Issuer conducted on April 22, 2003. On such date, the Community Development Committee of the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, with respect to the proposed issuance of the Note, and the location and nature of the Project.

**Section 2. Issuance of the Note**

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

(a) The issuance and sale of the Note, the execution and delivery by the Issuer of the Loan Agreement and the Assignment of Loan Agreement, and the performance of all covenants and agreements of the Issuer contained in the Loan Agreement and the Assignment of Loan 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 Borrower under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Note issued under this resolution when due, and the Loan Agreement also provides that the Borrower 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 Loan Agreement.

(d) As provided in the Loan Agreement, the Note shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the Issuer be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Note shall ever have the right to compel any exercise by the Issuer of its taxing powers to pay any of the Note or the interest or premium thereon, or to enforce payment thereof against any property of the Issuer except the interests of the Issuer in the Loan Agreement and the revenues and assets thereunder, which

will be assigned to the Lender under the Assignment of Loan Agreement. The Note shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the Issuer, except the interests of the Issuer in the Loan Agreement, and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Note shall recite that the Note is issued pursuant to the Act, and that the Note, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Note shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitations.

2.02. Issuance and Sale of the Note. The Issuer hereby authorizes the issuance of the Note, in the principal amount, in the form, and with the terms set forth in the form of the Note now on file with the Issuer. The aggregate principal amount of the Note, the interest rate of the Note, the terms for adjustment of the interest rate on the Note, the date of the documents referenced in this resolution and the Note, and the terms of redemption of the Note may be established or modified with the approval of the Issuer. The execution and delivery of the Note shall be conclusive evidence that the Issuer has approved such terms as subsequently established or modified. The offer of the Lender to purchase the Note at the price of par plus accrued interest, if any, to the date of delivery at the interest rate or rates specified in the Note, is hereby accepted. The Mayor, City Clerk and Finance Officer are authorized and directed to prepare and execute the Note and the Note shall be delivered to the Lender. 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 Note in book-entry form.

2.03. Approval of Documents. The Loan Agreement and the Assignment of Loan Agreement are hereby approved in substantially the forms on file with the Issuer on the date hereof. The terms of the Loan Agreement and the Assignment of Loan Agreement, may be established or modified with the approval of the Issuer. The execution and delivery of such documents shall be conclusive evidence that the Issuer has approved such terms as subsequently established or modified. The Mayor, City Clerk, and Finance Officer are authorized and directed to execute and deliver the Loan Agreement and the Assignment of Loan Agreement. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed, and recorded as provided herein and in the Loan Agreement.

2.04. Certifications of the Issuer. The Mayor, City Clerk, Finance Officer, and other officers, employees, and agents of the Issuer are hereby authorized and directed to prepare and furnish to bond counsel and the Lender certified copies of all proceedings and records of the Issuer relating to the issuance of the Note including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the Issuer, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Lender, or other persons or entities in conjunction with the issuance of the Note. 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 Note, an order as to the application of the proceeds of the Note, a general certificate of the Issuer, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. January 2002).

2.05. Security for the Note. The Issuer hereby authorizes the Borrower to provide such security for payment of its obligations under the Loan Agreement and for payment of the Note as is agreed upon by the Borrower and the Lender and the Issuer hereby approves the execution and delivery of such security.

2.06. DTED Application. As required by the terms of Section 469.154 of the Act, the employees, officers, and agents of the Issuer are hereby authorized and directed to submit an application to the Minnesota Department of Trade and Economic Development for approval of the Project and the issuance of the Note.

### **Section 3. Miscellaneous**

3.01. Agreements Binding. All agreements, covenants, and obligations of the Issuer contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the Issuer to the full extent authorized or permitted by law, and all such

agreements, covenants, and obligations shall be binding on the Issuer 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 Issuer in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Note, shall be liable personally on the Note or be subject to any personal liability or accountability by reason of the issuance of the Note.

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 Note, the Loan Agreement, the Assignment of Loan Agreement, 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, Finance Officer, City Clerk, or any other officers, employees, or agents of the Issuer authorized to execute certificates, instruments, or other written documents on behalf of the Issuer shall for any reason cease to be an officer, employee, or agent of the Issuer 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, Finance Officer, City Clerk, or any other officers, employees, or agents of the Issuer authorized to execute certificates, instruments, or other written documents on behalf of the Issuer 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 Issuer as in the opinion of the City Attorney is authorized to sign such document.

3.04. Reimbursement Resolution. The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the "Regulation"), governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the Issuer or a borrower from the Issuer for project expenditures paid prior to the date of issuance of such bonds. The Regulation requires that the Issuer adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the bonds. The Issuer expects that a portion of the costs of the Project will be paid by the Borrower prior to the date of issuance of the Note. The Issuer reasonably expects to reimburse the Borrower for such expenditures from the proceeds of the Note after the date of issuance of the Note. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Note, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Act.

3.05. Designation as "Program Bonds". The Note is hereby designated "Program Bonds" and is determined to be within the "Economic Development Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted August 12, 1997.

3.06. Effective Date. Be It Further Resolved that this resolution shall take effect upon publication.

Adopted 5/2/03.

**Comm Dev** - Your Committee, having under consideration the Minnesota Transitions Charter School Project, and having held a public hearing on April 22, 2003 thereon, now recommends passage of the accompanying Resolution giving preliminary approval to issue up to \$1,550,000 in taxable Qualified Zone Academy Revenue Bonds for said project.

Adopted 5/2/03.

Resolution 2003R-171, giving preliminary approval to issue up to \$1,550,000 in taxable Qualified

Zone Academy Revenue Bonds for the Minnesota Transitions Charter School Project, was passed 5/2/03 by the City Council. 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 2003R-171**

**By Goodman**

**Giving preliminary approval to a project on behalf of Minnesota Transitions Charter School and authorizing the issuance of industrial development revenue bonds of the City of Minneapolis therefor under Minnesota Statutes, Sections 469.152 through 469.165, as amended; referring the proposed project to the Minnesota Department of Trade and Economic Development for approval; and authorizing the preparation of necessary documents.**

Whereas, pursuant to Sections 469.152 through 469.165 of the Minnesota Statutes (the "Act"), as amended, the City of Minneapolis (the "City"), is authorized to issue industrial development revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise; and

Whereas, in enacting the Act the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the City and the need for more intensive development and use of land within the City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and requires the City to provide services to the community including schools available to the public; and

Whereas, Minnesota Transitions Charter School, a Minnesota nonprofit corporation and a charter school for grades K through 12 (the "Charter School") and Minnesota Technology Education Corporation, a Minnesota nonprofit corporation, or either of them (collectively, the "Borrower") have proposed that the City assist in financing the renovation and equipping of an existing building used by the Charter School at 2526 27<sup>th</sup> Avenue South, Minneapolis, to provide classrooms and recreational space and renovation and equipping of an existing building used by the Charter School at 2862 26<sup>th</sup> Avenue South, Minneapolis, to create a multipurpose room, sound/computer classroom and a sound studio and to install computer and other technological equipment and related facilities (the "Project"); and

Whereas, the Borrower has proposed that the City issue one or more series of its industrial development revenue bonds in the form of taxable qualified zone academy revenue bonds (the "Bonds") for the purpose of financing the Project, including certain incidental expenses thereto, in an approximate aggregate principal amount of \$1,550,000 and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Borrower pursuant to a revenue agreement wherein the Borrower will be obligated to renovate and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Borrower that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available

only on a limited basis and at such high costs and on such terms of borrowing that the economic

feasibility of constructing and operating the Project would be significantly impaired and could not be undertaken but for the availability of qualified zone academy revenue bond financing and the lower borrowing cost resulting therefor; and

Whereas, the proposed Project consists of real and personal properties to be used in a revenue-producing enterprise, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City and by providing additional educational facilities in the City. The Project will also provide additional employment opportunities for residents of the City, and stimulate the development and redevelopment of underutilized lands within the City; and

Whereas, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

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

That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act, in an approximate aggregate principal amount of \$1,550,000 to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Minnesota Department of Trade and Economic Development ("DTED") under the Act, and to the agreement of the City, the Borrower and the purchaser of the Bonds on the detailed terms and conditions on which the Project will be acquired and constructed and the Bonds will be issued, sold and secured. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted August 12, 1997.

Be It Further Resolved that in accordance with the Act, the Mayor, President, City Council, Finance Officer, City Clerk are hereby authorized and directed to submit the proposal for undertaking the Project to DTED requesting approval of the Project. The Mayor, President of this Council, Finance Officer, City Clerk and the City Attorney and other officers, employees and agents of the City are hereby authorized to provide DTED such preliminary information as may be required for this purpose. The City Attorney is also authorized in cooperation with Briggs and Morgan, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project, in order that, when and if the Project is approved by DTED, it may be carried forward expeditiously.

Be It Further Resolved that the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Borrower. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

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

Adopted 5/2/03.

**Comm Dev** - Your Committee recommends passage of the accompanying Resolution giving final approval to issue up to \$2,950,000 in tax exempt Multifamily Entitlement Rental Housing Revenue bonds for the East Phillips Commons Project.

Adopted 5/2/03.

Resolution 2003R-172, giving final approval to issue up to \$2,950,000 in tax-exempt Multifamily Entitlement Rental Housing Revenue Bonds for the East Phillips Commons Project, was passed 5/2/03 by the City Council. 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 2003R-172**  
**By Goodman**

**Authorizing the issuance of bonds, in a principal amount not to exceed \$2,950,000, with approximately \$2,600,000 in the form of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan - East Phillips Commons Project), Series 2003, and approximately \$350,000 in the form of a Multifamily Housing Revenue Note (East Phillips Commons Project), Subordinate Series 2003, and approving and authorizing the execution of various documents in connection therewith.**

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C, as amended (the "Act"), a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, there has been proposed a program (the "Program") for the issuance of bonds to finance the acquisition and construction by East Phillips Commons Limited Partnership, a Minnesota limited partnership (the "Developer"), of a 30-unit multifamily rental housing development to be located at 2901 Bloomington Avenue South, in the City (the "Project"); and

Whereas, the City on September 19, 2002 did conduct a public hearing on the Program; and

Whereas, by Resolution 2002R-327 adopted September 27, 2002, and published on October 5, 2002, the City gave its preliminary approval to the issuance of \$2,850,000 of the bonds to finance the Program; and

Whereas, the City desires to give its preliminary and final approval to the issuance of an additional \$100,000 of the bonds to finance the Program; and

Whereas, the City has reserved \$2,850,000 of its 2002 housing revenue bond entitlement authority for the bonds and desires to reserve \$100,000 of its 2003 housing revenue bond entitlement authority for the bonds; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

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

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan; and

Whereas, the program is to be financed from the proceeds of bonds, in an aggregate amount not to exceed \$2,950,000, with approximately \$2,600,000 being in the form of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – East Phillips Commons Project), Series 2003 (the "Bonds"), and approximately \$350,000 in the form of a Multifamily Housing Revenue Note

(East Phillips Commons Project), Subordinate Series 2003 (the "Note"), to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security and payment of the Bonds (except as may otherwise be set forth in the Indenture hereinafter referred to); and

Whereas, the Bond proceeds will be used by the City to fund a loan (the "Loan") to the Developer to finance the acquisition and construction of the Project; and

Whereas, the Bonds will be issued under an Indenture of Trust, dated as of May 1, 2003 (the "Indenture"), and the proceeds of the Bonds will be loaned to the Developer pursuant to a Financing Agreement, dated as of May 1, 2003 (the "Financing Agreement"), and the Bonds will be secured by a pledge of all rights and revenues derived by the City from the Financing Agreement (except certain retained rights of the City), and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project; and

Whereas, the Note will be issued, and the proceeds of the Note will be loaned to the Developer pursuant to a Note Agreement, dated as of May 1, 2003 (the "Note Agreement"), between the City and the Developer, and the Note, pursuant to an Assignment of Note Agreement, dated as of May 1, 2003 (the "Assignment of Note Agreement"), between the Developer, the City and the lender named in the Note Agreement (the Lender"), will be secured by a pledge of all rights derived by the Developer from the Note Agreement to the Lender, and said Note and the interest on said Note shall be payable solely from the revenues pledged therefor and the Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Project; and

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

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

b. The Financing Agreement to be made and entered into between the City, the Developer, the Trustee and the Lender, providing for the loan of the proceeds of the Bonds to the Developer, and for the repayment of such loan;

c. The Tax Regulatory Agreement, dated as of May 1, 2003 between the City, the Trustee and the Developer (the "Tax Regulatory Agreement");

d. The Regulatory Agreement, dated as of May 1, 2003 between the City, the Trustee and the Developer (the "Regulatory Agreement");

e. The Note;

f. The Note Agreement;

g. The Assignment of Note Agreement;

h. The Bond Purchase Agreement between U.S. Bancorp Piper Jaffray, Inc. (the "Underwriter"), the City and the Developer (the "Bond Purchase Agreement"); and

i. The Preliminary Official Statement.

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

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

That it is hereby found, determined and declared that:

a. The preservation of the quality of life in the City is dependent upon the maintenance, provision and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers

of housing units in the City are either unable to afford mortgage credit at present market rates of

interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.

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

c. The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City.

d. It is desirable that the Bonds and the Note be issued by the City, in an aggregate principal amount not to exceed \$2,950,000, on the terms set forth in the Indenture, the Bond Purchase Agreement and the Note Agreement.

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

f. Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds and the Note shall be retired solely from the revenues of the Project.

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

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

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the rates, all determined as set forth in the Indenture, provided that such rates shall result in an average coupon rate not greater than 6.25% per annum.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Note, which issuance is approved, substantially in the forms and upon the terms set forth in the Note Agreement and the Assignment of Note Agreement, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Note shall be dated as of the date and shall mature on the date, bear interest and be payable at the rate, all determined as set forth in the Note Agreement and the Assignment of Note Agreement, provided that such rates shall result in an average coupon rate not greater than 6.25% per annum if the Note bears interest at a fixed rate or an initial average coupon rate not greater than 10.00% per annum if the Note bears interest at a variable rate.

Be It Further Resolved that preliminary approval of the issuance of an additional \$100,000 in bonds is hereby approved, ratified and confirmed.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the Bonds and the Note are hereby designated "Program Bonds" and

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

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

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

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

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

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

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds or the Note

shall be liable personally on the Bonds or the Note or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds, the Note or in any other document related to the Bonds or the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project, the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture, or the proceeds of the Note which are to be applied to the payment of the Note, as provided therein and in the Note Agreement. Neither the Bonds nor the Note shall constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds and the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the Note, or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds and the Note shall recite in substance that the Bonds and the Note, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. Neither the Bonds nor the Note shall constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

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

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

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

Be It Further Resolved that the City hereby allocates up to \$2,850,000 of its 2002 entitlement authority and up to \$100,000 of its 2003 entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the Bonds and the Note, the actual amount of such allocation to be in the aggregate principal amount of Bonds and Note issued.

Be It Further Resolved that this Resolution shall take effect upon publication.  
Adopted 5/2/03.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted

the following reports:

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of the United States Environmental Protection Agency (EPA) Empowerment Zone Orphan Site Reinvestment Grant, in the amount of \$200,000.

Your Committee further recommends amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution by increasing the appropriation in Fund FEZO (Federal Empowerment Zone) by \$200,000.

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

Adopted 5/2/03.

**RESOLUTION 2003R-173**  
**By Goodman and Johnson**

**Amending The 2003 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 FEZO by \$200,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund FEZO (3210-14 Other Federal Funds) by \$200,000.

Adopted 5/2/03.

**Comm Dev & W&M/Budget** - Your Committee recommends approval of the Year 2003 HOME Program budget allocation, as more fully set forth in Petn No 268737 on file in the Office of the City Clerk.

Your Committee further recommends that the City retain \$15,000 of Year 2003 HOME Program funds for associated administrative costs.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #12 to Contract #8179 with the Minneapolis Community Development Agency (MCDA), increasing the contract amount by \$3,883,199, for implementation of the HOME Program and to enable expenditure of HOME Program funds.

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

Adopted 5/2/03.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration small business loan programs that provide financing to companies unable to find conventional financing at reasonable rates, now recommends approval of various appropriation amendments to consolidate all small business loan activities and to allocate revolving loan repayments (received through December 31, 2002) to the proper fund in the Business Finance Department.

Your Committee further recommends passage of the accompanying Resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution providing for said consolidation and allocation.

Adopted 5/2/03.

Resolution 2003R-174, consolidating all small business loan activities and allocating revolving loan repayments (received through December 31, 2002) to the proper fund in the Business Finance Department, was passed 5/2/03 by the City Council. 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 2003R-174**  
**By Goodman and Johnson**

**Amending The 2003 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:

- a) Increasing the appropriation in Fund SED0 (Small Business Finance) by \$978,557 in program income for the 2% Commercial Loan Program;
- b) Increasing the appropriation in Fund FNA0 (Development Account) by \$536,748 to transfer program income to Fund SED0;
- c) Increasing the appropriation in Fund SED0 by \$576,045 for Working Capital Default Reserve;
- d) Increasing the appropriation in Fund SED0 by \$840,198 in program income for the Business Development Fund Loan Program;
- e) Decreasing the appropriation in Fund FNA0 by \$1,500,000 to correct the 2003 appropriation for the 2% Commercial Loan Program;
- f) Increasing the appropriation in Fund SED0 by \$1,500,000 for the 2% Commercial Loan Program;
- g) Decreasing the revenue budget in Fund FNA0 by \$1,400,000 to correct the 2003 revenue budget for the 2% Commercial Loan Program;
- h) Increasing the revenue budget in Fund SED0 by \$1,400,000 for the 2% Commercial Loan Program; and
- i) Decreasing the revenue budget in Fund FNA0 by \$200,000 to correct the 2003 revenue budget for the Working Capital Default Reserve.

Adopted 5/2/03.

**Comm Dev & W&M/Budget** - Your Committee recommends acceptance of \$50,000 from the Minneapolis Foundation and \$25,000 from General Mills, as continued support for Mosaic: Celebrating the Arts and Cultures of Minneapolis, a city-wide celebration of the diversity and rich cultural heritage of Minneapolis, with events to be held during June and July, 2003.

Your Committee further recommends passage of the accompanying Resolution amending the General Appropriation Resolution, increasing the appropriation for the Planning Department Agency by a total of \$75,000.

Adopted 5/2/03.

**RESOLUTION 2003R-175**  
**By Goodman and Johnson**

**Amending The 2003 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 \$75,000, and increasing the Planning Department Agency revenue estimate in the Grants - Other Fund (0600-380-3820-Source 3720) by \$75,000 to support Mosaic: Celebrating the Arts and Cultures of Minneapolis.

Adopted 5/2/03.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request from Hennepin County for the City to provide \$154,000 from 2002 and 2003 Emergency Shelter Grant (ESG) funds for operation of two County overflow shelters (Salvation Army Harbor Light Center and

Simpson Housing Services' Community Emergency Services), for the period from April 15, 2003 through October 15, 2003, now recommends the following:

- a) That the City reaffirm its policy limiting the use of ESG funds to capital expenditures only;
- b) That the City support operation of the two County overflow shelters and agree to provide the requested \$154,000, contingent upon receipt of funds equal to that amount from the Family Housing Fund, with the understanding that those funds must be in addition to the funding amount initially identified as a grant for City projects; and
- c) That Hennepin County's policy of closing County overflow shelters from April 15 through October 15 each year be referred to the Intergovernmental Relations (IGR) Committee, with a recommendation that the IGR Committee convey to Hennepin County the City's concerns relative to closing County overflow shelters during the warmer months.

Your Committee further recommends that the proper City officers be authorized to execute appropriate agreements with the Salvation Army Harbor Light Center and Simpson Housing Services to implement this action.

Your Committee further recommends passage of the accompanying Resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to decrease Fund FGO0 (MCDA Federal Grants Other) by \$154,000 for transfer to the City.

Your Committee further recommends amending the General Appropriation Resolution to increase the appropriation in the Inter-fund Transfer Agency by \$154,000 and to increase the appropriation in the Non-Departmental Agency by \$154,000, subject to receipt of said Family Housing Fund grant.

Adopted 5/2/03.

**RESOLUTION 2003R-176**  
**By Goodman and Johnson**

**Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the appropriation in Fund FGO0 by \$154,000 from the projected fund balance, for transfer to the City.  
Adopted 5/2/03.

**RESOLUTION 2003R-177**  
**By Goodman and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) increasing the appropriation for the Inter-fund Transfer Agency in the Community Development Block Grant/Urban Development Action Grant (CDBG/UDAG) Fund (0400-127-1270-9030) by \$154,000; and
- b) increasing the appropriation in the Non-Departmental Agency in the CBDG/UDAG Fund (0400-123-1232) by \$154,000.

Adopted 5/2/03.

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

**H&HS** - Your Committee recommends passage of the accompanying Resolution approving appointments to the Minneapolis Civil Rights Commission.

Adopted 5/2/03.

Resolution 2003R-178, approving appointments to the Minneapolis Civil Rights Commission, was

passed 5/2/03 by the City Council. 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 2003R-178**  
**By Johnson Lee**

**Approving appointments to the Minneapolis Civil Rights Commission.**

Whereas, the Mayor has submitted his recommendations for appointments to the Minneapolis Civil Rights Commission; and

Whereas, the Health & Human Services Committee held a public hearing thereon, pursuant to Council Rule 19;

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

That the following persons be appointed to serve on the Commission:

Maria Zavala, 414 S 8th St (Ward 7), for a term to expire August 31, 2005

Jeffery Calhoun, 3128 Hennepin Av S (Ward 10), for a term to expire August 31, 2005

Sylvia B. Little, 1421 Yale Pl (Ward 7), for a term to expire August 31, 2004.

Adopted 5/2/03.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute Modification #1 to Grant Agreement #18459 with Hennepin County to increase H1B grant funding to \$291,000 and extend the performance period through December 31, 2004 to upgrade healthcare professionals as part of a metro-wide effort, to include apprenticeships for youth at Roosevelt High School.

Adopted 5/2/03.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute an Affiliation Agreement with the University of Minnesota, Division of Medical Technology, to provide clinical education experiences in the Public Health Laboratory for Medical Technology students enrolled at the University. Said agreement shall be for the period May 20, 2003 through May 19, 2008. No funds shall be paid by either party.

Adopted 5/2/03.

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

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution transferring \$80,000 in Federal Weed & Seed funds from the Department of Health & Family Support to the Police Department to fund a sergeant position within the Central Investigations Division for a one-year period, on behalf of the Phillips Neighborhood Weed and Seed Public Housing partnership, to work on suppression and containment of criminal activity within the target area of the Little Earth Housing complex and two blocks surrounding the area.

Adopted 5/2/03.

Resolution 2003R-179, transferring \$80,000 to the Police Department for the Phillips Neighborhood Weed and Seed Housing Partnership, was passed 5/2/03 by the City Council. 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 2003R-179**  
**By Johnson Lee and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$80,000;
- b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P301) by \$80,000.

Adopted 5/2/03.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$20,000 from the Medtronic Foundation to continue the "Not Ready Now" Teen Pregnancy Prevention Program at the Broadway School and to expand the program to South High School. Further, passage of the accompanying Resolution appropriating said grant funds to Health & Family Support.

Adopted 5/2/03.

Resolution 2003R-180, appropriating \$20,000 to the Department of Health & Family Support for the "Not Ready Now" Teen Pregnancy Prevention Program, was passed 5/2/03 by the City Council. 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 2003R-180**  
**By Johnson Lee and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8622) by \$20,000 and increasing the Revenue Source (060-860-8622 - Source 3720) by \$20,000.

Adopted 5/2/03.

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution appropriating \$25,000 in grant funds received in December 2002 from the Healthy Learners Board to fund a nurse to provide immunizations through the New Family Center.

Adopted 5/2/03.

Resolution 2003R-181, appropriating \$25,000 to the Department of Health & Family Support for immunizations through the New Family Center, was passed 5/2/03 by the City Council. 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 2003R-181**  
**By Johnson Lee and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$25,000 and increasing the Revenue Source (060-860-8621 - Source 3720) by \$25,000.  
Adopted 5/2/03.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a lease agreement with Leonard Babinski for the use of a rental dwelling unit at 900 34th Av N to be used as a safe house for families displaced during lead reduction activities at their dwelling units. Further, that the lease shall be in an amount not to exceed \$20,000, to be effective until July 31, 2003. The City shall have the option of extending the agreement on a month-to-month basis until July 31, 2004, payable from Licenses & Consumer Services (030-835-8393 and 060-835-8392).  
Adopted 5/2/03.

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

**IGR** - Your Committee recommends that the Council support the Senate's Transportation Funding and Policy Omnibus Bill, as set forth in Petn No 268750.

Your Committee further directs the City Attorney to investigate, together with Hennepin County, all possible legal steps to make it clear that the City of Minneapolis cannot and will not be paying for the operating costs of the Hiawatha Corridor light rail transit project.  
Adopted 5/2/03.

**IGR** - Your Committee recommends approval of the amendment to the Joint Powers Agreement for the Shingle Creek Watershed Management Commission, which would give the member cities the ability to control increases to the watershed budgets, as set forth in Petn No 268749.  
Adopted 5/2/03.

**IGR** - Your Committee recommends passage of the accompanying resolution supporting the completion of the 1996 Sound Insulation Program.  
Adopted 5/2/03.

Resolution 2003R-182, urging the Metropolitan Airports Commission to complete all eligible homes and multi-family residences in the 1996 Sound Insulation Program without further delay was passed 5/2/03 by the City Council. 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 2003R-182**  
**By Benson, Colvin Roy**

**Supporting the completion of the 1996 Sound Insulation Program.**

Whereas, in 1996, the Minnesota Legislature made the final decision to continue the development of Minneapolis/St. Paul International Airport (MSP) in its current location and directed the Metropolitan Airports Commission (MAC) to implement the MSP 2010 Long Term Comprehensive Plan; and

Whereas, with this decision, the Legislature also directed MAC to develop a noise mitigation plan which includes aggressive steps to mitigate aircraft noise and aid community stabilization for the affected communities; and

Whereas, on October 28, 1996 MAC approved the MSP Noise Mitigation Committee recommendation including completion of the residential sound insulation program for the area encompassed by the 1996 DNL 65 contour on the currently approved schedule; and

Whereas, the schedule contained within the Noise Mitigation Program was based on completion

of the 1996 program by 2000 and the current program including single and multi-family residences should have already been completed; and

Whereas, the MAC incorporated the Noise Mitigation Program into the Final Environmental Impact Statement on the Dual Track Airport Planning Process as a specific mitigation measure addressing airport noise and FAA incorporated the program as a condition of approval in their Record of Decision approving the current airport expansion; and

Whereas, recognizing the fallibility of a projected noise contour and that noise may be significantly annoying to the population beyond 65 DNL, MAC adopted the block intersect method in 1995 and FAA concurred; and

Whereas, no new noise exposure map or noise compatibility program has been developed and no public participation has occurred in development of a new program nor can it be reasonably guaranteed that FAA will approve a new noise exposure map in 2003; and

Whereas, the current sound insulation program is entirely user funded through passenger facility fees and airport improvement program funds neither of which are costs borne by Northwest Airlines and the MAC's bond rating remains higher than "A"; and

Whereas, Minneapolis City Goals include the reduction of negative environmental impacts of the Airport;

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

That the following comments are hereby adopted:

1. The City of Minneapolis relied upon the commitments made by the MAC through the environmental process when the City endorsed the construction of Runway 17/35, and views further deferment of the current sound insulation program as an abrogation of MAC's commitments to affected communities and residents.

2. The City of Minneapolis urges the MAC to complete all eligible homes and multi-family residences in the 1996 program without further delay under the same policies that have been in place throughout the program.

3. The City of Minneapolis further stipulates that a last and final offer to enter the current program should be made to deferred residents no later than August 1, 2003.

4. The City Clerk of the City of Minneapolis is directed to submit this resolution to the Metropolitan Airports Commission before its meeting on May 19, 2003.

Adopted 5/2/03.

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

**PS&RS** - Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances, to pursue an aggressive campaign of separating the City's sanitary sewer system from its stormwater drainage system to reduce the number of combined sewer overflows and to add an appeals process relating to the provisions governing prohibited discharges to sanitary or combined sewer, now recommends that said ordinances be given their second reading for amendment and passage:

a. Title 3 relating to *Air Pollution and Environmental Protection* by adding a new Chapter 56 entitled *Prohibited Discharges to Sanitary or Combined Sewer*,

b. Title 5, Chapter 87 relating to *Building Code: Administration and Enforcement*.

Adopted 5/2/03.

Ordinance 2003-Or-053 amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental* by adding a new Chapter 56 related to *Prohibited Discharges to Sanitary Sewer System*, summarized as follows, was passed 5/2/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

a. Section 56.10 relating to purpose.

b. Section 56.20 relating to definitions.

c. Section 56.30 relating to compliance with other codes and laws.

d. Section 56.40 relating to conflict - conflict, conflict in orders, conflict in permitted activity.

- e. Section 56.50 relating to violations - violations of this code, license revocation.
- f. Section 56.60 relating to authority to administer.
- g. Section 56.70 relating to prohibited connections – connections not permitted, exceptions for new parking ramps.
- h. Section 56.80 relating to previously allowed connections – existing conditions not permitted, exceptions for existing parking ramps.
- i. Section 56.90 relating to downspout placement.
- j. Section 56.100 relating to disconnection permit requirement – permit required, permit expiration.
- k. Section 56.110 relating to permit fee.
- l. Section 56.120 relating to requests for inspection.
- m. Section 56.130 relating to manner of disconnection.
- n. Section 56.140 relating to disconnection required – notification, failure to respond.
- o. Section 56.150 relating to time extension – time extension for compliance, time extension approval, conditions of time extension granted, time extension renewal, time extension disapproved.
- p. Section 56.160 relating to disclaimer.
- q. Section 56.170 relating to effective date.

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

**ORDINANCE 2003-Or-053**  
**By Colvin Roy**  
**Intro & 1st Reading: 2/14/03**  
**Ref to: PS&RS**  
**2nd Reading: 5/2/03**

**Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection by adding a new Chapter 56 relating to Prohibited Discharges to Sanitary or Combined Sewer.**

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 56 to read as follows:

**CHAPTER 56. PROHIBITED DISCHARGES TO SANITARY OR COMBINED SEWER**

**56.10. Purpose.** The City of Minneapolis has been pursuing an aggressive campaign of separating its sanitary sewer system from its stormwater drainage system to reduce the number of Combined Sewer Overflows (CSO). However, some rainleaders and other components, which handle stormwater, are still connected to the sanitary sewer system. During rain events, infiltration and inflow from buildings and parking lots with rainleaders and area drains connected to the sanitary sewer system, cause its capacity to be exceeded resulting in overflows to adjacent storm drains. This overflow ends up discharging sewage and stormwater into the Mississippi River. Rooftop drains (rainleaders) that are connected to the sanitary sewer system are one of the major causes of combined sewer overflows. Residential and commercial buildings, usually built before 1961, sometimes have pipes that lead underground directly into the sanitary sewer system, rather than through gutters to lawns or the stormwater drainage system. To protect the environment and prevent these overflows as well as preventing the possibility of sewage backing up into homes and businesses, rainleaders and other connections which deliver stormwater into the sanitary system rather than the stormwater drainage system or to pervious surfaces need to be disconnected. State and federal environmental mandates require us to work to eliminate combined sewer overflows. The City and Metropolitan Council have conducted studies that determined the main contributor to these overflows is rainleader connections. The purpose of this ordinance is to define regulations that will aid the City in limiting inflow of rainwater to the sanitary sewer system. The ordinance will help to minimize the overflow problem resulting from the lack of capacity of the sanitary system to handle large amounts of rainwater. Rainwater runoff will be more appropriately handled through

natural filtration and/or the stormwater drainage system. The net result will be a cleaner Mississippi River and a more efficient waste treatment system.

**56.20. Definitions.** For the purpose of this code, the following terms shall have the meaning indicated in this part. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except where it is necessary to define their meaning as used in this code to avoid misunderstanding. Certain provisions of this Code contain other definitions. In case of any conflict between such other definitions the definitions in section 56.20 shall apply to Chapter 56.

*Area Drain* is a receptacle designed to collect and convey surface or storm water to the drainage system.

*Clearwater* is any surface flow, runoff, and drainage that does not contain any hazardous substance or sewage. This includes but is not limited to NPDES permitted discharges, stormwater and water from foundation and footing drains and basement sump pumps.

*Combined Sewer* is a sewer that must handle flow of both sanitary wastewater and stormwater in a single pipeline.

*Combined Sewer Overflow (CSO)* occurs when excessive amounts of rainfall enter a sanitary sewer system. The result is a volume of rainwater and sanitary wastewater, which exceeds the system's capacity. Combined rainwater and sewage is forced to overflow into area streams and rivers through outfalls.

*Hazardous Substances* are material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Liquid waste* means the discharge from any fixture, appliance, or appurtenance that does not receive fecal matter.

*Owner*, for the purposes of this Chapter, shall mean the person who is listed as the contact person on the current rental licensing application on file with the City, if any, or if none, the person listed as owner by the City Assessor on the homestead record, or if none, the taxpayer as shown by the records of the City Assessor.

*Rainleader*, for the purposes of this Chapter, shall be defined as any conduit that conveys storm water from a rooftop to a point of discharge.

*Runoff* is precipitation and other surface drainage that is not infiltrated into or otherwise retained by the soil, concrete, asphalt, or other surface upon which it falls.

*Sanitary Sewer System* means pipelines, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conveying sewage or industrial waste or other wastes to a point of ultimate disposal.

*Separator* is a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter including but not limited to oil, grease and flammable wastes from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

*Sewage* means the water carried waste from residences, buildings, institutions or any mobile source, including the excrementitious or other discharge from bodies of humans beings or animals, together with such ground water infiltration and surface water as may be present.

*Stormwater* is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

**56.30. Compliance with other codes and laws.** Compliance with the provisions of this chapter does not release a person from any responsibility to comply with any other law or regulation, whether federal, state, or local.

**56.40. Conflict.** (a) *Conflict.* In the event that the provisions of this chapter shall conflict with any Minnesota statute or any federal statute, the Minnesota statute or federal statute shall govern to the extent of any direct conflict.

(b) *Conflict in orders.* In the event of a conflict between an order of the City and a valid order of a federal or state agency, the order of the federal or state agency shall govern to the extent of the conflict.

(c) *Conflict in permitted activity.* In the event that any conduct prohibited by this chapter is

affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter.

**56.50. Violations.** (a) *Violations of this Code.* Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a) and 1.40 of this Code of Ordinances.

(b) *License Revocation.* Any owner of land, buildings, or structures who possesses a City license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

**56.60. Authority to administer.** The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the Environmental Management section of the Department of Operations and Regulatory Services. The Minneapolis Watershed Management Authority, hereafter referred to as the "Authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

**56.70. Prohibited Connections.** (a) *Connections not permitted.* Rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises shall be not connected or reconnected with any sanitary sewer system.

(b) *Exceptions for new parking ramps.* Drains from an uncovered top deck of a new parking ramp shall not be connected to the sanitary sewer system. Ramp drains on all other floors shall be discharged to the sanitary sewer system via a separator.

**56.80. Previously Allowed Connections.** (a) *Existing Connections not permitted.* Rainwater pipes, rainleaders, area drains and other connections used for conveying stormwater and clearwater from any building, structure, ground or premises which were legally connected to the sanitary sewer system prior to 1961 or those which were connected later by City permission shall be disconnected from the sanitary sewer system pursuant to 56.140 of this code or by January 1, 2005, whichever occurs first.

(b) *Exceptions for existing parking ramps.* Drains from an uncovered top deck of an existing parking ramp shall not be connected to the sanitary sewer system. Ramp drains on all other floors shall be permitted to discharge as existing in so far as the discharge is not in conflict with state and federal requirements and other Minneapolis codes.

**56.90 Downspout Placement.** Except as provided herein, all rainleader downspouts shall be placed so that drainage is to the back and/or to the front of the property. Downspouts shall be allowed in the existing side yards where adjacent structures are separated by more than ten feet and where the downspout discharge point is no closer than ten feet from an adjoining structure. The owner is responsible for the arranging drainage in a manner that complies with the law. Rainwater from downspouts shall be drained so as not to cause flooding of or dampness in walls, ceilings or floors in any portion of the building or in any adjacent building, structure or property. Downspout placement shall not be prohibited so long as no conflicts exist with this section and section 56.40 of this code or any other applicable City Codes. For example, a building downspout shall not be prohibited from discharging to the building's property lot or common alleyway unless an applicable law, regulation or city code prohibits it.

**56.100. Disconnection Permit Requirement.** (a) *Permit Required.* No person shall perform a disconnection of any rainwater pipe, rainleader, area drain or other connections used for conveying stormwater and clearwater from any building, grounds or premises from the sanitary sewer system without first having obtained a disconnection permit from the Authority.

(b) *Permit Expiration.* Permits issued under Chapter 56 shall be valid for the period during which the proposed activity takes place or is scheduled to take place, which ever is shorter, but in no event shall a permit be valid for more than one (1) year.

**56.110. Permit Fee.** The fee for obtaining a permit shall be waived for permits acquired prior to January 1, 2007. On or after January 1, 2007, the permit fees shall be as follows:

- (1) Fifty dollars (\$50) for single-family and two-family residences.
- (2) One hundred dollars (\$100) for all other structures, buildings, property and/or disconnection work

occurring on the premises.

**56.120. Requests for inspection.** The contractor or permit holder shall file a request for inspection with the Authority before any work of the contractor or permit holder is covered up or concealed and shall file this request within forty-eight (48) hours after the completion of any work done by said contractor or permit holder.

**56.130. Manner of Disconnection.** The disconnection shall be accomplished by a complete and permanent method and performed in a competent manner. Any disconnection, plugging, capping, rerouting, altering, or modifying must be done in accordance with all applicable state rules and Minneapolis ordinances.

**56.140. Disconnection Required.** (a) *Notification.* For all Properties identified by the Authority as having rainwater pipes, rainleaders, area drains or other connections used for conveying stormwater and clearwater from any building, structure, ground or premises to any sanitary sewer system the Authority shall provide written notification to the owner informing the owner that they are required to disconnect from the sanitary sewer system as specified in the notice. As required by the official notification the property owner must obtain a rainleader disconnection permit and complete the disconnection prior to expiration of the permit, or request a time extension to the requirement of disconnection by the noted due date.

(b) *Failure to respond.* Failure to obtain a permit and disconnect or obtain a time extension pursuant to the terms of the official notification shall subject the property owner to penalties as provided by Sections 56.50, 1.30(a), and 1.40 of this Code.

**56.150 Time Extension.** (a) *Time extension for compliance.* An owner may request a time extension to comply with a notification to disconnect. A time extension for one, two or three years may be requested and renewed prior to expiration as provided for in 56.150 (d). A request for a time extension must be submitted on a form provided by the Authority with payment of a \$25 filing fee to cover review, administration and handling costs.

(b) *Time Extension Approval.* A request for a time extension will be approved only in those cases in which the facts presented to the Authority and City Engineer demonstrate to the reasonable satisfaction and professional judgement of the Authority and City Engineer that timely disconnection would not be safe, prudent, or feasible and that a delay in disconnection is consistent with plans for the area's public infrastructure. For example, a disconnection that when performed would pose an increased risk to public health, or a disconnection that when performed would contribute to localized flooding would not be safe, prudent, or feasible. A time extension shall not be for a period longer than the period necessary to reasonably plan for and achieve compliance consistent with plans for the area's public infrastructure and keeping in mind the City's overriding interest in limiting inflow of storm water into the City's sanitary sewer system consistent with the purposes set forth in Section 56.10.

(c) *Conditions of a Time Extension Granted.* Issuance of a time extension means that the Authority does not require disconnection at this time. The Authority and the City Engineer reserve the right to require minimization of the continued inflow, prohibit expansion of the inflow and impose other reasonable conditions based upon the facts in each case. The time extension may be reopened to require additional work if previously undisclosed or unknown information or changing regulatory requirements makes additional work necessary.

The fee for obtaining a time extension shall be waived for time extensions acquired prior to January 1, 2007. On or after January 1, 2007, the owner must at that time pay a fee for buildings or premises as calculated by the Authority based on the following formula: The current sewer utility rate multiplied by the square footage of the area contributing rainwater to the sanitary sewer system multiplied by the average annual rainfall in the Minneapolis/St. Paul area from 1990 to 2000 as determined by the National Weather Service (26 inches, 2.17 feet).

Sample Calculation: Current Sewer Rate in 2002 - \$3.16 per 100 ft<sup>3</sup> Average Rainfall - 2.17 ft

$$\left( \frac{\$3.16}{100 \text{ ft}^3} \right) (2000 \text{ ft}^2) (2.17 \text{ ft}) = \$137.14$$

(d) *Time Extension Renewal.* Prior to the expiration of an existing time extension, the owner may request an extension on a form provided by the Authority pursuant to section 56.150(a).

(e) *Time Extension Disapproved.* If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may appeal pursuant to the procedures provided in Sections 87.300 to 87.330 of this code or their successor provisions. If the time extension is denied, or approved on conditions the applicant finds unacceptable, the obligation to disconnect or comply with the conditions of the time extension shall be stayed pending the specified appeal period and during the pendency of any appeal of the decision pursuant to Sections 87.300 to 87.330 of this Code or their successor provisions. If there is no appeal or following the conclusion of the appeal procedures, the property owner shall disconnect or alternatively comply with any time extension granted on the conditions specified. Any failure to meet these obligations shall subject the property owner to penalties as provided by Sections 56.50, 1.30(a), and 1.40 of this code.

**56.160. Disclaimer.** The City in no way guarantees or implies that areas will be free from flooding or flood damages. The City does not assume a specific duty as to individual property owners to enforce this ordinance, but is enacting this ordinance as a general regulation. This ordinance is not intended for reliance by individual property owners. This chapter shall not create liability on the part of the City or its officers or employees for any flood damage that may result from the failure to comply with any portion of this chapter or any administrative decisions made pursuant thereto, whatever the cause.

**56.170. Effective Date.** This ordinance shall become effective on August 1, 2003.  
Adopted 5/2/03.

Ordinance 2003-Or-054 amending Title 5, Chapter 87 of the Minneapolis Code of Ordinances relating to *Building Code: Administration and Enforcement*, amending Sections 87.300 and 87.310 providing the authority for the Building Board of Appeals to hear appeals from decisions related to Chapter 56.150 of the Code of Ordinances regarding time extension requests that have not been approved, or have been approved upon conditions that the applicant finds objectionable, was passed 5/2/03 by the City Council. 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 2003-Or-054**  
**By Colvin Roy**  
**Intro & 1st Reading: 2/14/03**  
**Ref to: PS&RS**  
**2nd Reading: 5/2/03**

**Amending Title 5, Chapter 87 of the Minneapolis Code of Ordinances relating to Building Code: Administration and Enforcement.**

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

Section 1. That Section 87.300 of the above-entitled ordinance be amended to read as follows:

**87.300. Building code board of appeals created.** In order to provide a forum for determining the suitability of alternate materials and methods of construction, ~~and~~ to provide for the final interpretation of the provisions of the state building code which is established pursuant to Minnesota Statutes 16B.59—16B.73, and to perform such other duties as may be assigned to it by the city council, a building code board of appeals is hereby created. The board shall consist of five (5) members, all of whom are to be appointed by the city council, and who shall serve for a term of three (3) years. However, all members shall continue in office until their successors are appointed. Appointments shall be made after solicitation of nominees from the following groups:

- (1) One member shall be a registered engineer;
- (2) One member shall be a registered architect;
- (3) One member shall be a contractor who is a member of the Association of General Contractors;
- (4) One member shall be a member of the community at large who possesses applicable

experience and training;

(5) One member shall be a building official from a neighboring community.

The director of inspections or the director's designee will act as secretary to the board and serve in a nonvoting capacity. Board members shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed twelve (12) meetings per year. The board shall adopt its own rules for procedure which are not in conflict with applicable state statutes, and shall select officers as it deems necessary.

Section 2. That Section 87.310 of the above-entitled ordinance be amended to read as follows:

**87.310. Duties and responsibilities of the board.** The building code board of appeals shall hear and act upon all appeals as generally set forth in section 87.300 above. The board may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made by the director of inspections or the director's authorized representative in matters relative only to the suitability of alternate materials, methods of construction, and to the interpretation of the state building code. The board may not grant exceptions to the code or act on other unrelated appeals. The board shall hear appeals from rainleader disconnection time extension requests as specifically provided in section 56.160 of this Code.

Adopted 5/2/03.

**PS&RS** - Your Committee, having under consideration the application of J & A Restaurant Holdings LLC, dba Amsterdam Cafe & Wine Bar, 112 3rd St N, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire April 1, 2004 and a Sidewalk Cafe License (new business) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/2/03.

Declining to Vote - Benson.

**PS&RS** - Your Committee, having under consideration the application of Pepitos Mexican Foods Inc, dba Pepitos, 4820 Chicago Av, for a Sidewalk Cafe License (new business) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Colvin Roy, Goodman and Schiff, at their request, recorded as voting "no".

**PS&RS** - Your Committee, having under consideration the application of The Bulldog Restaurant Inc, dba The Bulldog Restaurant, 2549 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire January 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/2/03.

Declining to Vote - Benson.

Approved by Mayor Rybak 5/2/03. (Published 5/6/03)

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 5/2/03.

Declining to Vote - Benson.

Resolution 2003R-183, granting applications for Liquor, Wine and Beer Licenses, was passed 5/1/03 by the City Council. 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 2003R-183**

**By Niziolek**

**Granting applications for Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

**Off-Sale Liquor, to expire April 1, 2004**

D'Amico Catering Inc, dba D'Amico Catering at the Atrium, 275 Market St (change in ownership from International Catering Inc);

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004**

Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2004**

D'Amico Catering Inc, dba D'Amico Catering at the Atrium, 275 Market St, Suite C25 (change in ownership from International Catering Inc);

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2003**

Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av (change in corporate officer);

**On-Sale Liquor Class B with Sunday Sales, to expire May 3, 2003**

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of premises, April 25 & 26 and May 2 & 3, 2003, 5:00 p.m. to 11:00 p.m. in parking lot);

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2004**

Chiapas Enterprises Inc, dba Pancho Villa Restaurant, 2539 Nicollet Av (new business - change from On-Sale Wine Class C-2 with Strong Beer);

**Temporary On-Sale Liquor**

Minnesota Book & Literary Arts Building, dba Open Book, 1011 Washington Av S (April 12, 2003, 7:00 p.m. to Midnight at 1011 Washington Av S; Licensed Facilitator: D'Amico);

Bull Moose Charitable Foundation, dba Bull Moose Ball, 6210 Wayzata Blvd, Golden Valley (April 26, 2003, 8:00 p.m. to 1:00 a.m. at Riverplace Event Centre);

Blake School, dba Blake Classic, 110 Blake Rd, Hopkins (May 3, 2003, 6:00 p.m. to 11:00 p.m. at Blake School, 511 Kenwood Pkwy);

**Temporary On-Sale Wine**

De LaSalle High School, dba De LaSalle High School, 1 De LaSalle Dr (April 26, 2003, 7:00 p.m. to 9:00 p.m.; Licensed Facilitator: Cuzzy's Bar);

**Off-Sale Beer, to expire April 1, 2004**

W & F Inc, dba Wafana Food Market, 2326 Lyndale Av N;

F & H Mpls Inc, dba Flag Food, 2820 E 42nd St;

Dessouki Mohsen, dba Thom Thumb, 3319 E 54th St;

**Temporary On-Sale Beer**

Lake Superior Water Trail Association of Minnesota, dba Lake Superior Water Trail Association of Minnesota, 309 Cedar Av (April 24, 2003, 5:00 p.m. to 10:00 p.m.; April 25, 2003, 4:00 p.m. to 10:00 p.m.; April 26, 2003, 9:00 a.m. to 6:00 p.m.; and April 27, 2003, 11:00 a.m. to 5:00 p.m.);

St. Cyril Catholic Church, dba St. Cyril Catholic Church, 1301 2nd St NE (June 1, 2003, Noon to 6:00 p.m.);

Church of St. Bridgets, dba Church of St. Bridget, 3811 Emerson Av N (June 8, 2003, Noon to 5:00 p.m. at Church);

St. Cyril Catholic Church, dba St. Cyril Catholic Church, 1301 2nd St NE (August 17, 2003, Noon to 6:00 p.m.);

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (April 22, 2003, 6:00 p.m. to 8:30 p.m. at 6th Street between Hennepin & 1st Aves for Minnesota Timberwolves Pep Rally);

Church & School of the Annunciation, dba Church & School of the Annunciation, 509 W 54th St (May 31, 2003, 6:00 p.m. to Midnight).

Adopted 5/2/03.

Declining to Vote - Benson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 5/2/03.

Declining to Vote - Benson.

Resolution 2003R-184, granting applications for Business Licenses, was passed 5/1/03 by the City Council. 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 2003R-184**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That 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 2, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268753):

Bowling Alley; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Farm Produce Permit Non-Profit; Grocery; Indoor Food Cart; Food Manufacturer; Meat Market; Drive In Food Restricted; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Plumber; Residential Specialty Contractor; Secondhand Goods Class A; Steam & Hot Water Systems Installer; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Tree Servicing; and Valet Parking.

Adopted 5/2/03.

Declining to Vote - Benson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 5/2/03.

Resolution 2003R-185, granting applications for Gambling Licenses, was passed 5/1/03 by the City Council. 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 2003R-185**

**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Lawful Exempt**

North Memorial Community Foundation, dba North Memorial Community Foundation, 3300 Oakdale Av N, Robbinsdale (Raffle May 17, 2003 at Minneapolis Hilton & Towers, 1001 Marquette Av);

Sabathani Community Center, dba Sabathani Community Center, 310 E 38th St #200 (Raffle August 16, 2003).

Adopted 5/2/03.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to Grocery and Tobacco Licenses held by New Meat Market, 1844 Central Av NE, and FK Groceries, 1848 Central Av NE.

Adopted 5/2/03.

Resolution 2003R-186, approving Technical Advisory Committee recommendations relating to Grocery and Tobacco Licenses held by New Meat Market, 1844 Central Av NE and FK Groceries, 1848 Central Av NE, was passed 5/1/03 by the City Council. 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 2003R-186**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to Grocery and Tobacco Licenses held by New Meat Market, 1844 Central Av NE and FK Groceries, 1848 Central Av NE.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on April 21, 2003 with the licensee to discuss concerns with the operation of New Meat Market and FK Groceries; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations for operating a meat market without a license and operating a grocery and tobacco store without a license;

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

That the following TAC recommendations be adopted, 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. that the grocery license will be surrendered and be downgraded to a confectionery license at 1844 Central. Confectionery foods include gum, pop, chips and candy. All other food products will be removed by May 31, 2003.

b. that the licensee will change the name of the business at 1844 Central before May 31, 2003 and the changed name will be posted on the building and listed on the only remaining tobacco license.

c. that the licensee at 1848 Central may not repackage foods or sell/give away foods from unapproved sources such as homemade food products. The licensee at the store is limited to selling only prepackaged items that are from approved sources and that are properly labeled.

d. that if the licensee fails to meet any of the agreements, they will immediately surrender the tobacco license at 1844 Central and cease operation.

e. that if the licensee fails to meet any of the agreements, they will immediately surrender the grocery license at 1848 Central and cease operation.

f. the licensee will remove all freezers and meat cutting equipment at 1844 Central by May 31, 2003. The walk-in freezer will be disabled at 1844 Central by May 31, 2003.

- g. the licensee will sign conditions of license for the grocery business at 1848 Central.
  - h. Video rental and duplication is an approved business at 1844 Central.
- Adopted 5/2/03.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of FK Groceries, 1848 Central Av NE, for Provisional Grocery and Tobacco Licenses, subject to conditions.

Adopted 5/2/03.

Resolution 2003R-187, granting the application of FK Groceries, 1848 Central Av NE, for Provisional Grocery and Tobacco Licenses, subject to conditions, was passed 5/1/03 by the City Council. 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 2003R-187**  
**By Niziolek**

**Granting the application of FK Groceries, 1848 Central Av NE, for Provisional Grocery and Tobacco Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by FK Brothers Inc, dba FK Groceries, 1848 Central Av NE, for Provisional Grocery and Tobacco Licenses to expire April 1, 2004, subject to the following conditions:

- a. the licensee will comply with all Environmental Health orders.
  - b. there must be no repackaging of any food items. The licensee may only sell pre-packaged grocery items and some produce.
  - c. the business shall not exceed more than ten critical Health Code violations within 12 months of the license being granted.
  - d. no food will be allowed from unapproved sources (i.e. no home prepared foods) and all food must be properly labeled.
  - e. sweets shall be available only upon approval of flooring and conditions by Environmental Health.
  - f. no frozen meat or fish will be allowed.
  - g. no meat cutting equipment will be allowed.
  - h. the licensee will comply with all Zoning Site Plan requirements and will meet all deadlines established by Zoning.
  - i. normal business hours shall not exceed 6:00 a.m. to 11:00 p.m.
  - j. noise from the business and vehicles or stereos will be kept to a minimum.
  - k. the licensee shall clean the property of litter and trash daily, including the area within 100 feet of property lines.
  - l. the licensee will keep all windows free of signs and other items that block the view in and out.
  - m. no parking will be allowed in other businesses' private parking lot without a signed lease agreement.
  - n. the licensee agrees to remove all old or faded signs from the building exterior and to keep signs and banners hung straight with all corners fastened according to Crime Prevention Through Environmental Design (CPTED) standards.
  - o. the licensee will provide an adequate dumpster with a closeable lid which shall be emptied weekly.
  - p. the licensee will pay all fees and fines by their due dates.
- Adopted 5/2/03.

**PS&RS** - Your Committee recommends that the proper City Officers be authorized to amend Contract #017742 with the Department of Veterans' Administration Medical Center (VAMC) to allow for a cache of pharmaceuticals provided for use by the Metropolitan Medical Response System, to be transferred for storage from the VAMC to North Memorial Medical Center, based upon the mutual agreement of all parties.

Your Committee further recommends that the proper City Officers be authorized to execute a contract with North Memorial Medical Center (NMMC) to allow for the cache of pharmaceuticals provided for use by the Metropolitan Medical Response System to be stored at NMMC, based upon the mutual agreement of all parties.

Adopted 5/2/03.

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 increase the contract with Automotive Rentals, Inc (ARI) by \$65,000 and extend the performance period through August 30, 2003 to continue providing an outsourced gasoline purchase and vehicle maintenance program for the Department of Regulatory Services' fleet. Further, that Regulatory Services' staff be authorized to prepare specifications for accepting bids from providers of outsourced vehicle maintenance for the Department's fleet, and to evaluate a proposal from the Public Works Equipment Services Division to provide similar vehicle maintenance services.

Adopted 5/2/03.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to amend the Gang Strike Force Grant Agreement with the State of Minnesota to increase the award by \$54,600 to allow the Police Department to fund overtime and vehicles for eight Minneapolis officers to serve on the Metro Gang Strike Force through June 30, 2003. Further, passage of the accompanying Resolution appropriating the funds to the Police Department.

Adopted 5/2/03.

Resolution 2003R-188, appropriating \$54,600 to the Police Department for the Gang Strike Force Grant award, was passed 5/1/03 by the City Council. 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 2003R-188**  
**By Niziolek and Johnson**

**Amending The 2003 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-C007) by \$54,600 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$54,600.

Adopted 5/2/03.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to amend the Minnesota Auto Theft Prevention Program Grant Agreement with the Minnesota Department of Public Safety to reflect a \$35,016 decreased amount awarded by the State. Further, passage of the accompanying Resolution decreasing the appropriation to the Police Department.

Adopted 5/2/03.

Resolution 2003R-189, decreasing funding to the Police Department in the amount of \$35,016 to reflect a reduced grant award from the Minnesota Auto Theft Prevention Program, was passed 5/1/03 by the City Council. 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 2003R-189**  
**By Niziolek and Johnson**

**Amending The 2003 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 \$35,016 and decreasing the Revenue Source (060-400-C007 - Source 3215) by \$35,016.

Adopted 5/2/03.

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

**T&PW** - Your Committee, having under consideration the Nicollet Hotel Block Redevelopment/ Downtown Bus Terminal, now recommends the following:

- 1) MCDA be granted permission to issue an RFP for redevelopment;
- 2) City Engineer and MCDA Executive Director be authorized to negotiate an agreement regarding sharing of Project responsibilities and costs; and
- 3) City Engineer be authorized to negotiate an agreement with Metro Council regarding lease, operation, and maintenance of the Terminal.

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

Adopted 5/2/03.

**T&PW** - Your Committee, having under consideration the appeal filed by Sabri Properties for a block event application to close a street and application for special permit on Lake Street between 2nd Av S and 5th Av S for an event planned for 9/13/03 and 9/14/03, now recommends that said appeal be denied.

Adopted 5/2/03.

**T&PW** - Your Committee recommends passage of the accompanying Resolution directing the City Engineer to submit to the Commissioner of Transportation a formal request for a variance from MnDOT State-Aid Rule 8820.9936 to permit reconstruction of Richfield Road from W. 36th St to Sheridan Av S.

Adopted 5/2/03. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Benson, Goodman, Lane, Ostrow.

Nays - Niziolek.

Resolution 2003R-190, directing the City Engineer to proceed with a formal request for a variance from State Aid for a horizontal curve on Richfield Road at the intersection of W. 39<sup>th</sup> Street, was passed 5/2/03 by the City Council. 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.

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**RESOLUTION 2003R-190**

**By Colvin Roy**

**Directing the City Engineer to proceed with a formal request for a variance from State Aid for a horizontal curve on Richfield Road at the intersection of W. 39<sup>th</sup> Street.**

Whereas, the City wishes to reconstruct Richfield Road from W. 36<sup>th</sup> Street to Sheridan Avenue South.

Whereas, Minnesota Department of Transportation (MnDOT) State-Aid Rule 8820.9936 requires a minimum design speed of 30 mph; and one of the requirements of the State Variance process is to develop options.

Whereas, this project requires a variance from State Aid for a horizontal curve on Richfield Road at the intersection of W. 39<sup>th</sup> Street. Four different options have been explored, considering safety and cost. Of the four, option D is the preferred option, and this option delivers a design speed of 26 mph with a minimum private land purchase.

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

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

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for a variance from (MnDOT) State-Aid Rule 8820.9936 to permit reconstruction of Richfield Road from W. 36<sup>th</sup> Street to Sheridan Avenue South.

Adopted 5/2/03.

**T&PW** - Your Committee recommends passage of the accompanying Resolution authorizing the City to enter into an Agreement with the Minnesota Commercial Railway Company for installation of a new railroad flashing light system at 6th Av SE for the 2nd St Commercial Paving Project.

Adopted 5/2/03.

Resolution 2003R-191, requesting authorization for the City to enter into an Agreement with Minnesota Commercial Railway for installation of a new railroad flashing light system, was passed 5/2/03 by the City Council. 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 2003R-191**

**By Colvin Roy**

**Requesting authorization for the City of Minneapolis to enter into an Agreement with Minnesota Commercial Railway for installation of a new railroad flashing light system.**

Whereas, the City of Minneapolis Public Works Department 2001 Capital Improvement Appropriation included Second St Commercial and Sixth Av SE Paving Project; and

Whereas, Marcy-Holmes Neighborhood Association requested streetscape and bike lanes on Sixth Av SE; and

Whereas, the City of Minneapolis has prepared plans and specification for alterations for Sixth Av SE to accommodate streetscape and bike lanes; and

Whereas, in order to accommodate the realignment of the street and curb adjacent to Sixth Av SE it is necessary for Minnesota Commercial Railway Company to install a new railroad flashing light system:

Now, Therefore, Be it resolved by The City Council of The City of Minneapolis:

That authorization for The City of Minneapolis to enter into an Agreement with the Minnesota Commercial Railway Company for installation of a new railroad flashing light system be approved.

Adopted 5/2/03.

**T&PW** - Your Committee recommends approval of an amendment to the Purchase Agreement between the City and American Indian Center for the sale of 1530 E Franklin Av to reflect new terms associated with building improvements.

Adopted 5/2/03.

**T&PW** - Your Committee, having under consideration the Minneapolis Police First Precinct Project at 19 - 4th St N, now recommends approval of Change Order #5 to Contract #02-17764 with Diversified Contracting Specialists Inc. dba Gen^Con, increasing the amount by \$32,931 for a revised amount of \$2,031,765.23 for building modifications, lead paint removal, structural repairs, and numerous architectural modifications to accommodate existing building features, with no additional appropriation required.

Adopted 5/2/03.

Approved by Mayor Rybak 5/2/03.

(Published 5/7/03)

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the Nicollet Av S (46th Street West to Minnehaha Parkway) Street Reconstruction Project, and having held a public hearing thereon, now recommends passage of the accompanying Resolutions:

1) Ordering the work to proceed and adopting the special assessments for said project in the total amount of \$368,599.30;

2) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the total amount of \$368,600; and

3) Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that is in conflict with said project.

Adopted 5/2/03.

Resolution 2003R-192, ordering the work to proceed and adopting the special assessments for the Nicollet Avenue South Reconstruction Project, was passed 5/2/03 by the City Council. 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 2003R-192**  
**By Colvin Roy and Johnson**

**Nicollet Avenue South (46<sup>th</sup> Street West to Minnehaha Parkway) Reconstruction Project**  
**Special Improvement of Existing Street No. 6694**

**Ordering the work to proceed and adopting the special assessments for the Nicollet Avenue South Reconstruction Project.**

Whereas, a public hearing was held on April 22, 2003, 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 2003R-086, passed March 21, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-086, passed March 21, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$368,599.30 for the Nicollet Av S Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Nicollet Av S Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 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 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 5/2/03.

Resolution 2003R-193, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$368,600 for certain purposes other than the purchase of public utilities, was passed 5/2/03 by the City Council. 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 2003R-193**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$368,600 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Nicollet Avenue South (46<sup>th</sup> St W to Minnehaha Pkwy) Reconstruction Project, Special Improvement of Existing Street No. 6694, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/2/03.

Resolution 2003R-194, ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Nicollet Av S (46<sup>th</sup> St W to Minnehaha Pkwy) area, was passed 5/2/03 by the City Council. 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 2003R-194**  
**By Colvin Roy and Johnson**

**Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Nicollet Av S (46<sup>th</sup> St W to Minnehaha Pkwy) area.**

Whereas, the City of Minneapolis has scheduled the reconstruction improvements during 2003 in the Nicollet Av S area of Minneapolis; and

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

Whereas, a public hearing was held on April 22, 2003, 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 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 Nicollet Av S (both sides) from 46<sup>th</sup> St W to Minnehaha Pkwy.

Adopted 5/2/03.

**T&PW & W&M/Budget** - Your Committee having under consideration the University East Street Renovation Project and, having held a public hearing thereon, now recommends passage and summary publication of the accompanying Resolutions:

1) Ordering the work to proceed and adopting the special assessments for said project in the total amount of \$647,743.73; and

2) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the total amount of \$647,750.

Adopted 5/2/03.

Resolution 2003R-195, ordering the work to proceed and adopting the special assessments for the University East Street Renovation Project, was passed 5/2/03 by the City Council. 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 2003R-195**  
**By Colvin Roy and Johnson**

**UNIVERSITY EAST STREET RENOVATION PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 2986**

**Ordering the work to proceed and adopting the special assessments for the University East Street Renovation Project.**

Whereas, a public hearing was held on April 22, 2003, 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 2003R-085, passed March 21, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-085, passed March 21, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$647,743.73 for the University East Street Renovation Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the University East Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 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 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 5/2/03.

Resolution 2003R-196, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$647,750 for certain purposes other than the purchase of public utilities, was passed 5/2/03 by the City Council. 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 2003R-196**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$647,750 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the University East Street Renovation Project, Special Improvement of Existing Street No. 2986, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/2/03.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution transferring funds from the Sewer Fund to the Animal Shelter Project Fund, in the amount of \$38,500 for the construction of a pervious brick pavement parking lot.

Adopted 5/2/03. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.

Nays - Lane.

Resolution 2003R-197, amending the 2003 Capital Improvement Appropriation Resolution increasing the amount by \$38,500 for the construction of a pervious brick pavement parking lot, passed 5/2/03 by the City Council. 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 2003R-197**  
**By Colvin Roy and Johnson**

**Amending the 2003 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-923-9242) by \$38,500 and increasing revenue source (4100-923-9242 - Source 3850) by \$38,500.

Adopted 5/2/03. Yeas, 12; Nays, 1 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.

Nays - Lane.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Parking Meter Management Plan passed by Council on 12/13/02, now recommends approval of the Parking Meter Management Plan Update as set forth in Petn No 268762 on file in the Office of the City Clerk.

Your Committee further recommends staff reports back to Transportation and Public Works Committee after one year of operation with a cost benefit analysis.

Adopted 5/2/03. Yeas, 11; Nays, 2 as follows:

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

Nays - Johnson Lee, Niziolek.

**T&PW & W&M/Budget** - Your Committee recommends that proper City officers be authorized to enter into a contract with the City of Hutchinson for the composting/disposal of Fall Street-collected leaves, seasonal yard wastes, and bundled brush, for a period from May, 2003 through December, 2007 at a cost based on the rate of \$15.97 per ton.

**T&PW** - Approval of staff recommendation.

**W&M/Budget** - Forwarded without recommendation and approval of staff directions: a) to include language in the contract requiring that if the City of Hutchinson requests an amendment relative to costs, the contract will go to a request for proposals process; and b) that the City of Hutchinson be requested to work with NRG on the possibility of hiring employees currently working with City yard waste.

Colvin Roy moved that the report be postponed for one cycle with a direction to the proper City officers to negotiate an extension to the contract with NRG Processing Solutions for the period necessary due to the one cycle delay. Seconded.

Samuels moved a substitute motion that the report be postponed for two cycles with a direction to the proper City officers to negotiate an extension to the contract with NRG Processing Solutions for the period necessary due to a two cycle delay. Seconded.

Adopted 5/2/03. Yeas, 8; Nays, 5 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Zimmermann, Schiff, Benson, Goodman, Lane.

Benson moved a substitute motion that the contract with the City of Hutchinson be accepted with a one year opt out provision for the north transfer station. Seconded.

Zerby moved to direct staff to negotiate with the City of Hutchinson for a one year opt out provision. Seconded.

Adopted 5/2/03. Yeas, 7; Nays, 6 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Zimmermann, Schiff, Niziolek, Benson, Goodman, Lane.

Benson's motion to substitute lost upon a voice vote.

Samuel's motion to postpone two council cycles (to June 6, 2003), along with a direction to staff, was adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Zimmermann, Schiff, Benson, Goodman, Lane.

(Republished June 6, 2003)

**T&PW & W&M/Budget** - Your Committee, having under consideration the Central Av NE Paving Project, now recommends passage of the accompanying Resolution for the City to enter into MnDOT Agreement No. 83008 with the State of Minnesota, Department of Transportation for the following purposes:

- To provide for a lump sum payment of \$3,790,000 by the State to the City as the State's share of the costs of the construction to be performed upon, along and adjacent to Trunk Highway

No. 65 (Central Av NE) from 27th Av NE to 37th Av NE under State Project No. 2710-31 (T.H. 65 = 105); and

- To provide for transfer, from the State to the City, jurisdiction of portions of 7th St, 8th St S, 10th St and Olson Memorial Highway currently designated as Trunk Highway, No. 55, and portions of 4th Av S and 5th Av S currently designated as Trunk Highway No. 65, all within the corporate City limits.

Your Committee further recommends passage of a Resolution increasing the appropriation for the Central Av NE Paving Project in the amount of \$3,790,000 to reflect receipt of said funds.  
Adopted 5/2/03.

Resolution 2003R-198, approving the execution of Mn/DOT agreement No. 83008 for the construction along and adjacent to Trunk Highway No. 65 (Central Av NE) from 27th Av NE to 37th Av NE, and jurisdiction of portions of 7th Street, 8th St S, 10th St and Olson Memorial Highway, and a portions of 4th Av S and 5th Av S., was passed 5/2/03 by the City Council. 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 2003R-198**  
**By Colvin Roy & Johnson**

**Approving the Execution of Mn/DOT Agreement No. 83008.**

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: that the City of Minneapolis enter into Mn/DOT Agreement No. 83008 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for a lump sum payment of \$3,790,000 by the State to the City as the State's share of the costs of the construction to be performed upon, along and adjacent to Trunk Highway No. 65 (Central Av NE) from 27<sup>th</sup> Av NE to 37<sup>th</sup> Av NE (the north corporate City limits ) under State Project No. 2710-31 (T.H. 65=105); and

To provide for transfer, from the State to the City, jurisdiction of portions of 7<sup>th</sup> Str, 8<sup>th</sup> St S, 10<sup>th</sup> St and Olson Memorial Highway currently designated as Trunk Highway No. 55, and portions of 4<sup>th</sup> Av S and 5<sup>th</sup> Av S currently designated as Trunk Highway No. 65, all within the corporate City limits.  
Adopted 5/2/03.

Resolution 2003R-199, amending the 2003 Capital Improvement Appropriation in the amount of \$3,790,000, for the T24 Central Av NE (27th Av NE - 37th Av NE) from the revenue source of State of Minnesota, was passed 5/2/03 by the City Council. 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 2003R-199**  
**By Colvin Roy and Johnson**

**Amending the 2003 Capital Improvement Appropriation.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works Paving Construction Fund (4100-937-9372) T24 Central Av NE (27th Av NE - 37th Av NE) for \$3,790,000 from the revenue source of State of Minnesota.

Adopted 5/2/03.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution accepting and increasing the Capital Improvement Funds to install a wrought iron fence in place of an existing chain link fence located at 335 Main St SE.

Adopted 5/2/03.

Resolution 2003R-200, amending the 2003 Capital Improvement Appropriation in the amount of \$6,529, for installation of a wrought iron fence at 335 Main St SE, was passed 5/2/03 by the City Council. 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 2003R-200**  
**By Colvin Roy and Johnson**

**Amending The 2003 Capital Improvement Appropriation.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works Paving Construction Fund (4100-937-9372) by \$6,529 for wrought iron fence along 8<sup>th</sup> Avenue Southeast. Increasing the revenue (4100-937-9372 Source-3845) by \$6,529 to be reimbursed by NRP (4100-937-9372 Source-3845) by \$6,529.

Adopted 5/2/03.

**T&PW & W&M/Budget** - Your Committee recommends negotiation and execution of a sublease of approximately 37,500 square feet of land with Dunwoody College of Technology for \$1,500 per year plus a one time fee of \$5,500 for City leasing expenses which will commence 5/1/03 through 11/1/05, and have a one year option to renew.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #6055 (Petn No 268761) submitted by Rochon Corporation, in the amount of \$3,318,100, for construction of Animal Care and Control Facility, 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, contingent on approval of the Civil Rights Department.

Adopted 5/2/03.

Approved by Mayor Rybak 5/2/03. (Published 5/6/03)

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving bids submitted to Public Works Department all in accordance with City specifications.

Adopted 5/2/03.

Resolution 2003R-201, granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 5/2/03 by the City Council. 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 2003R-201**  
**By Colvin Roy and Johnson**

**Granting approval of the bids for projects and/or services for the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. (Petr. No 268761)

a) OP #6042, low bid by Killmer Electric Company, Inc. in the amount of \$237,000 for Logan Park Pedestrian Lighting Project, contingent on approval of the Civil Rights Department;

b) OP #6050, low bid by AVR, Inc. for an estimated expenditure of \$885,000 for ready mix concrete to various departments as needed through March 31, 2004;

c) OP #6061, low bid by J. Fletcher Creamer & Sons, Inc. for an estimated expenditure of \$830,000 for cleaning and lining of cast iron water mains through December 31, 2003, contingent on approval of the Civil Rights Department; and

d) OP #6073, low bid by The Caulkers Company, Inc in the amount of \$30,340 for window re-caulking for Public Works lands and buildings.

Adopted 5/2/03.

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

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving legal settlements, as recommended by the City Attorney.

Adopted 5/2/03.

Absent - Johnson Lee.

Resolution 2003R-202, approving legal settlements with Nakina Lowery, Shivsawack Singh and Jesse Yang, was passed 5/2/03 by the City Council. 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 2003R-202**

**By Johnson**

**Approving legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the recommendation of the City Attorney to settle the following legal matters be approved and payments authorized as indicated:

a) Nikina Lowery by payment of \$25,500 to Ms. Nakina and her attorney, Sonja Dunwald Peterson;

b) Shivsawack P. Singh, by payment of \$3,500 to Mr. Singh and his attorney, James P. Young;

c) Jesse Yang, by payment of \$13,604.82 to Mr. Yang and his attorney, Robert Bennett.

Be It Further Resolved that the payments shall be made from the Self Insurance Fund (6900) and the City Attorney is authorized to execute any documents necessary to effectuate the settlements.

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee recommends that the City's contract with the West Broadway Area Coalition regarding their receipt of Empowerment Zone (EZ) funds for the West Broadway Façade Program be amended by extending the time of performance to 12/31/2003; and that the U.S. Department of Housing and Urban Development (HUD) be informed of said change.

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee recommends that the Empowerment Zone (EZ) Office and the Minneapolis Community Development Agency (MCDA) be authorized to issue a joint Request for Proposals (RFP) seeking proposals for commercial development along the City's four priority corridors (Lake St, Franklin Av, W Broadway and Central Av NE).

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, recommends approval of Change Order #3 that increases Contract #018707 with F.M. Frattalone Excavating & Grading by \$194,843.50, within the existing project budget.

Adopted 5/2/03.

Absent - Johnson Lee.

Approved by Mayor Rybak 5/2/03.

(Published 5/6/03)

**W&M/Budget** - Your Committee recommends acceptance of \$150 from City resident Ann Calvert donated to help offset state funding cuts, to be allocated to the Fire Department (\$75) and Police Department (\$75), and passage of the accompanying resolution appropriating the donated funds.

Adopted 5/2/03.

Absent - Johnson Lee.

Resolution 2003R-203, appropriating funds donated to the Fire and Police Department to help offset state funding cuts, was passed 5/2/03 by the City Council. 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 2003R-203**

**By Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) By increasing the appropriation to the Police Department Agency in the General Fund (0100-400-4000) by \$75;

b) By increasing the appropriation to the Fire Department Agency in the General Fund (0100-280-4000) by \$75; and

c) Increasing the revenue source (0100-126 - Source 3720) by \$150.

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee recommends approval of the reclassification of the position of Legal Typist to Senior Legal Typist (completed prior to the reclassification freeze), that the incumbent to the position (Helen Peters) be reclassified with the position and passage of the accompanying Salary Ordinance setting the salary range for the reclassified position.

Adopted 5/2/03.

Absent - Johnson Lee.

Ordinance 2003-Or-055 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Senior Legal Typist, was passed 5/2/03 by the City Council. 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 2003-Or-055**

**By Johnson**

**1st & 2nd Readings: 5/2/03**

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

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

AFSCME LOCAL 9 (CAF)

Effective December 27, 2002\*

Job Code	OTC	FLSA Classification title	3-Month P rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
	N2	Senior Legal Typist	H 16.325	17.367	18.281	19.196	20.110	21.024	21.938	22.852

\*These rates are subject to any across-the-board increase included in the collective bargaining agreement effective January 1, 2003.

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution providing for pay increases for City non-represented and appointed employees.

Adopted 5/2/03.

Absent - Johnson Lee.

Resolution 2003R-204, providing for a two-percent overall pay increase in 2003 for non-represented and appointed City employees, was passed 5/2/03 by the City Council. 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 2003R-204  
By Johnson**

**Providing for a two-percent overall pay increase in 2003 for non-represented and appointed City employees**

Resolved by The City Council of The City of Minneapolis:

That City non-represented and appointed employees be granted an overall two-percent wage increase for 2003 to be distributed as follows:

- a) Non-represented and appointed employees who are entitled to a step increase shall be granted the specified increase on the proper date, based on the 2002 salary schedules;
- b) Non-represented and appointed employees who are not eligible for a step increase in 2003 shall receive a one-time lump sum payment of the percent remaining after step increases are granted and said amount shall not be added to the salary schedule for 2003 or beyond; the increase shall be retroactive to January 1, 2003.

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution amending Resolution 2003R-065 that established a City hiring, promotion and reclassification freeze, amending the resolution to allow employees who have been placed in the Job Bank Program to apply for, and be hired into, vacant positions currently funded in the City's budget for 2003.

Adopted 5/2/03.

Absent - Johnson Lee.

Resolution 2003R-205, amending the hiring, promotion and reclassification freeze to allow employees who have been placed in the Job Bank Program to apply for, and be hired into, vacant positions currently funded in the City's budget for 2003, was passed 5/2/03 by the City Council. 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 2003R-205**  
**By Johnson**

**Amending Resolution 2003R-065 entitled "Adopting City policy regarding the implementation of a hiring, promotion and reclassification freeze", passed March 13, 2003.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to allow employees who have been placed in the Job Bank Program to apply for, and be hired into, vacant positions currently funded in the City's budget for 2003 and maintain the existing freeze for all other applicants and positions.

Adopted 5/2/03.

Absent - Johnson Lee.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution appropriating \$130,000 to the Department of Regulatory Services to provide for implementation of the Development Services Interim One-Stop Shop, that will include customer parking and consolidation of staff. The appropriation will be funded from 2002 year-end budget savings of the Regulatory Services, Planning, Fire, Public Works, Human Resources and Health & Family Support Departments.

Adopted 5/2/03.

Absent - Johnson Lee.

Resolution 2003R-206, appropriating funds to the Department of Regulatory Services to provide for implementation of the Development Services Interim One-Stop Shop, that will include customer parking and consolidation of staff, was passed 5/2/03 by the City Council. 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 2003R-206**  
**By Johnson**

**Amending The 2003 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 to the Inspections Department Agency in the General Fund (0100-850-8510-5100-02) by \$130,000.

Adopted 5/2/03.

Absent - Johnson Lee.

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

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Ray Harris, for Calhoun Square Limited Partnership (#1405) to vacate the remaining 92 foot section of Girard Ave S between W Lake and 31<sup>st</sup> Sts for continued use as a fire lane and access route, subject to retention of easement rights, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying resolution vacating said avenue.

Niziolek moved to postpone and refer the matter to the Transportation & Public Works Committee, with a direction that Public Works Department staff look at how Girard Ave plays into circulation of Uptown and how we can go forward to ensure that into the future. Seconded.

Schiff moved to divide Niziolek's motion so as to consider separately that portion relating to the postponement. Seconded.

Adopted by unanimous consent.

Niziolek's motion to postpone lost. Yeas, 4; Nays, 9 as follows:

Yeas - Zerby, Lilligren, Johnson Lee, Niziolek.

Nays - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Benson, Goodman, Lane, Ostrow.

The report was adopted 5/2/03. Yeas, 11; Nays, 2 as follows:

Yeas - Samuels, Johnson, Colvin Roy, Zimmerman, Schiff, Zerby, Lilligren, Benson, Goodman, Lane, Ostrow.

Nays - Johnson Lee, Niziolek.

Resolution 2003R-207, vacating Girard Ave S between W Lake St and W 31<sup>st</sup> St, was passed 5/2/03 by the City Council. 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 2003R-207**

**By Schiff**

**Vacating Girard Avenue South between West Lake Street and West 31<sup>st</sup> Street.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the north 92 feet of Girard Avenue South, bounded on the north by a line from the northeast corner of Lot 1, Block 15, to the northwest corner of Lot 12, Block 12, and bounded on the south by a line from the southeast corner of Lot 2, Block 15, to the southwest corner of Lot 11, Block 12, all in Calhoun Park Addition, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Time Warner Cable, Xcel Energy, and CenterPoint Energy/Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporation(s) as follows, to wit:

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

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

As to CenterPoint Energy/Minnegasco: All of the to-be-vacated street;

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

The City of Minneapolis will retain a utility easement over, under and across the entire area to be vacated. Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted 5/2/03.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Master Civil & Construction Engineering (BZZ-1091) to rezone the property at 3801 - 28<sup>th</sup> Ave S from C1 to the C2 District to permit a three-story mixed use building with approximately 1,000 square feet of ground-level commercial area and 16 residential units on the second and third floors, and adopting the related findings prepared by the Planning Department.

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

Adopted 5/2/03.

Ordinance 2003-Or-056, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3801-28<sup>th</sup> Ave S to the C2 District, was passed 5/2/03 by the City Council. 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 2003-Or-056**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 5/2/03**

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

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

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

A. That part of Lots 29 and 30, Block 1, Subdivision of Altruria, Hennepin County, Minnesota (3801 - 28<sup>th</sup> Ave S - Plate 33) to the C2 District.

Adopted 5/2/03.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the petition of Sumner Field Phase II, L.P. (BZZ-1077) to rezone the property in former Rawlins Circle (property bounded by Van White Memorial Blvd, 11<sup>th</sup> Ave N, Aldrich Ave N and 10<sup>th</sup> Ave N) from R1A to the R4 District to permit a mixed-income planned residential development, and adopting the related findings prepared by the Planning Department.

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

Adopted 5/2/03.

Ordinance 2003-Or-057, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property bounded by Van White Memorial Blvd, 11<sup>th</sup> Ave N, Aldrich Ave N and 10<sup>th</sup> Ave N to the R4 District, was passed 5/2/03 by the City Council. 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 2003-Or-057**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 5/2/03**

**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 CITY OF MINNEAPOLIS HERITAGE PARK, Outlot B, that is currently zoned R1A (property bounded by Van White Memorial Blvd, 11<sup>th</sup> Ave N, Aldrich Ave N and 10<sup>th</sup> Ave N - Plate 13) to the R4 District.

Adopted 5/2/03.

**Z&P** – Your Committee concurs in the recommendation of the Heritage Preservation Commission approving the application of Mintahoe Hospitality Group Inc and the Minneapolis Park and Recreation Board for a historic variance for William Brothers Boiler Works, 40 Power St, to allow a 12' X 26' painted wall sign located 52' above grade, and adopting the related findings prepared by the HPC staff, subject to conditions: a) that the variance is valid only for the proposed sign; b) the sign cannot change in any way; and c) if the sign is removed or painted over, a new application for a historic variance shall be required.

Adopted 5/2/03.

**Z&P** – Your Committee concurs in the recommendation of the Heritage Preservation Commission approving the application of the Minnesota Historical Society for a historic variance for the Washburn A Mill, 706-08 - 1<sup>st</sup> St S, to allow a 14' X 15'-9" roof sign that reads, "Mill City Museum," and adopting the related findings prepared by the HPC staff, subject to conditions: a) the sign must comply with all conditions imposed by the HPC when it approved a Certificate of Appropriateness for the sign; b) the variance is valid only for the proposed sign and the sign cannot change in any way; and c) if the sign is removed, a new application for a historic variance shall be required.

Adopted 5/2/03.

**Z&P** - Your Committee, having under consideration the recommendation of the Planning Commission to approve the application of David Crockett (BZZ-971) to vacate the "L" shaped alley in the block bounded by E 17<sup>th</sup> and 18<sup>th</sup> Sts and Clinton Ave S for the Clinton Avenue Condominium project at 1725-3<sup>rd</sup> Ave S and 1728 Clinton Ave S, now forwards said application without recommendation.

Schiff moved to amend the report by deleting the language, "forwards said application without recommendation" and inserting in lieu thereof, "recommends approval of the revised application to vacate a portion of the air and subsurface rights of the south 50 feet of said alley.

Your Committee further recommends passage of the accompanying resolution partially vacating said alley." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/2/03.

Resolution 2003R-208, vacating a portion of the alley in Block 12, Jackson, Daniels & Whitney's Addition, bounded by E 17<sup>th</sup> St, E 18<sup>th</sup> St and Clinton Ave S, Minneapolis, MN, was passed 5/2/03 by the City Council. 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 2003R-208**

**By Schiff**

**Vacating a portion of the alley in Block 12, Jackson, Daniels & Whitney's Addition, bounded by East 17<sup>th</sup> Street, East 18<sup>th</sup> Street and Clinton Avenue South, Minneapolis, MN.**

Resolved by The City Council of The City of Minneapolis:

That part of the following described property located above an elevation of 871.5 feet above sea level according to the National Geodetic Vertical Datum 1929 Adjustment, and that part of the following described property located below an elevation of 857.5 feet above sea level according to the National Geodetic Vertical Datum 1929 Adjustment is hereby vacated: The South fifty feet (50') of that certain "L"-shaped alley located adjacent to Lots 1, 2, 3, 12, 13 and 14, Block 12, JACKSON, DANIELS & WHITNEY'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota.

Adopted 5/2/03.

#### MOTIONS

Goodman moved to waive the event starting time (Weekends-10AM to 10:30PM) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant C. Scott Winter for Walker Art Center for a business district block event to be held June 13 and 14, 2003, between the hours of 6:00 a.m on June 13 to 5:00 p.m. on June 14 on Vineland Place from Hennepin/Lyndale Avenue South to Bryant Avenue South, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted 5/2/03.

Johnson Lee moved to waive the 30-day filing time and starting time (Weekdays-No earlier than 6 PM) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Philip Disch for the Minneapolis Downtown Council for a business district block event held April 22, 2003, between the hours of 4:00 PM and 8:30 PM on 6<sup>th</sup> St N between Hennepin Avenue and 1<sup>st</sup> Avenue North, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted 5/2/03.

Zimmermann introduced the subject matter of an Ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to *General Provisions: Administrative, Enforcement and Hearing Process*, which was given its first reading and referred to the Transportation & Public Works Committee for a public hearing May 6, 2003 (authorizing Public Works to use Chapter 2 for code violations related to the use of public right of ways).

Lilligren introduced the subject matter of an Ordinance amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, which was given its first reading and referred to the Transportation and Public Works Committee (To provide flexibility relating to two applications for block events in the same location).

Ostrow introduced the subject matter of an Ordinance amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pawnbrokers*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Deleting outdated license options, conditions and processes; clarifying definitions & data reporting processes; setting penalty for failure to timely submit reportable transactions).

Johnson Lee moved to introduce the subject matter of an Ordinance amending Title 8 of the Minneapolis Code of Ordinances relating to *Consumer Protection*, for first reading and referral to the Health & Human Services Committee (Relating to predatory lending). Seconded.

Lost 5/2/03. Yeas, 6; Nays, 7 as follows:

Yeas - Samuels, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek.

Nays - Johnson, Colvin Roy, Schiff, Benson, Goodman, Lane, Ostrow.

Colvin Roy introduced the subject matter of an Ordinance amendment relating to site plan review, which was given its first reading and referred to the Zoning & Planning Committee (Establishing responsibility for compliance with the Ordinance).

Zerby moved to revoke the block event application of Samuel Aspnes, Block Event Permit Number 20, issued April 15, 2003, in accordance with Chapter 455 of the Minneapolis Code of Ordinances, for a fundraising event for the University of Minnesota Ski Team due to the University of Minnesota declining to be associated with this event. Seconded.

Adopted 5/2/03

### **RESOLUTIONS**

Johnson Lee offered a Resolution honoring the Patrick Henry High School Boys Basketball Team.

Johnson Lee moved that the resolution be postponed. Seconded.

Adopted upon a voice vote.

Johnson offered a Resolution endorsing the Minnesota Family Housing Fund's "Don't Borrow Trouble" Campaign.

Adopted 5/2/03.

(Not published. See Resolution 2003R-209 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

### **RESOLUTION 2003R-209**

**By Johnson**

#### **Endorsing the Minnesota Family Housing Fund's "Don't Borrow Trouble" Campaign.**

Whereas, the Federal Homeowner Equity Protection Act was strengthened last year to provide greater federal regulation, oversight and disclosures on high cost home loans; and

Whereas, other federal laws regulate lenders and provide additional consumer protections like Federal Truth in Lending Act, Real Estate Settlement Practices Act, Equal Credit Opportunity Act and more; and

Whereas, the Minnesota Legislature in 1998 enacted lender standards of conduct and last year enacted limits on fees on certain loans and added new oral and written disclosures on all loans with prepayment penalties; and

Whereas, these laws combined with fraud laws are a powerful set of tools to stop abusive or misleading "predatory" lenders from doing business in Minnesota; and

Whereas, consumers can be protected not just by strong laws but with strong education programs as well; and

Whereas, the Minneapolis-St. Paul Housing Fund with support from area lenders has launched a consumer education campaign "Don't Borrow Trouble";

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

That the Council endorse the Minnesota Housing Fund's "Don't Borrow Trouble" Campaign and their commitment to protecting the City's consumers and use our Neighborhood Revitalization Program (NRP) Home Loan Programs as an opportunity to distribute materials for the campaign. The City will also allow an insert in the utility bill to publicize the campaign.

Adopted 5/2/03.

### **UNFINISHED BUSINESS**

CPED Organizational Structure: **Comm Dev** - Regulatory Services be relocated to and report to CPED; CPED report to the City Council and Mayor; Minneapolis Employment and Training Program (METP) be relocated from the Health Dept to CPED and report to CPED Director;

**W&M/Budget** - Regulatory Services to remain a separate department and report to City Coordinator; CPED report directly to the City Coordinator; METP be relocated from the Health Department to CPED. (Postponed 3/21/03, CD)

Goodman moved to continue postponement. Seconded.

Adopted. Yeas, 8; Nays 5, as follows:

Yeas - Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Benson, Goodman, Lane.

Nays - Samuels, Zimmermann, Johnson Lee, Niziolek, Ostrow.

West Broadway Zoning Study: Passage of Ordinance approving modifications to zoning maps & tables for properties within the area along W Broadway Ave from City limits on the west to the intersection of W Broadway and Girard Aves on the east, extending 150 feet on each side of the centerline of W Broadway, and including the area bounded by a 1/4 mile radius around the intersection of W Broadway and Penn Aves. (Postponed 4/4/03, Z&P)

By unanimous consent, the above report continued to be postponed.

The Minneapolis Plan: Approve amendments to Plan re designation of West Broadway as a commercial corridor, making corrections to North Sector Land Use Policy map and to commercial corridors and community corridors tables in Plan. (Postponed 4/4/03, Z&P)

By unanimous consent, the above report continued to be postponed.

Family Housing Fund (McKnight) Minneapolis/St. Paul Board of Directors: Concur with Mayoral appointment of Gloria Perez Jordan for a term to expire in February, 2006. (Postponed 4/18/03, CD)

**Comm Dev** - Your Committee recommends concurrence with the Mayoral appointment of Gloria Perez Jordan, Executive Director of the Jeremiah Program, 1510 Laurel Avenue, to serve on the Family Housing Fund (McKnight) Minneapolis/St. Paul Board of Directors as a representative of the financial community or other business enterprise, for a three-year term commencing February 13, 2003 and expiring at the annual Board of Directors meeting to be held in February, 2006.

Adopted 5/2/03.

By unanimous consent, the meeting was adjourned to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Metal-Matic, Inc vs. City of Minneapolis* lawsuit, Hennepin County District Court, File No. CT-02-001176.

Room 315 City Hall

Minneapolis, Minnesota

May 2, 2003 - 12:37 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann (In at 12:46), Schiff (In at 12:50), Zerby (In at 12:45), Lilligren, Niziolek, Benson, Ostrow.

Absent - Johnson Lee.

Also present - Michael Norton, Deputy City Attorney; Jim Moore, Assistant City Attorney; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's Office.

Michael Norton stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Metal-Matic, Inc. vs. City of Minneapolis*, Hennepin County District Court, File No. CT -02-001176 lawsuit.

Lilligren moved that the meeting be closed for the purpose of consideration of the above lawsuit pursuant to the City Attorney's statement. Seconded.

Adopted upon a voice vote.

The meeting was closed at 12:38 p.m.

Jim Moore summarized the subject matter of the *Metal-Matic, Inc. vs. City of Minneapolis* lawsuit.

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

Lilligren moved that the meeting be opened for the purpose of taking an action relating to the above lawsuit. Seconded.

Adopted upon a voice vote.

Lilligren moved that the City Attorney's office be authorized to execute a settlement agreement in the matter of *Metal-Matic Inc. vs. City of Minneapolis*, Hennepin County District Court File No. CT 02-001176. Metal-Matic shall agree to dismiss the lawsuit in exchange for the City's acknowledgment that Metal-Matic will be able to continue its operations in all respects as they lawfully existed prior to the land use approvals and the construction of the Stone Arch Apartments. The settlement agreement shall acknowledge that Metal-Matic operates 24 hours per day, 7 days per week and shall provide that the City will designate truck loading zones in defined areas adjacent to the Metal-Matic facility, eliminate bike paths along 2nd Street S.E. in front of the facility and allow Metal-Matic to continue its current storage method of fuel, equipment and other materials used in Metal-Matic's operations. Seconded.

Adopted 5/2/03.

Absent - Johnson Lee.

By unanimous consent, the meeting was adjourned at 12:39 p.m.

Merry Keefe, City Clerk.

Created: 5/05/2003;  
Modified: 5/08/2003;  
Corrected: 5/21/2003;  
6/02/2003;  
8/21/2003