

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF APRIL 16, 2004

(Published April 24, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
April 16, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved acceptance of the minutes of the special meeting held March 18 and the regular meeting held April 2, 2004. 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 PLANNING & ECONOMIC DEVELOPMENT (269535)

Affordable Housing Initiative for the City of Minneapolis: Annual evaluation for 2003.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269536)

2% Revolving Loan Fund Program: Guidelines changes for loan fund and Commercial Corridor/ Commercial Nodes Program and delegate authority to execute lender agreements to CPED Executive Director.

Environmental Remediation Grant Applications: Authorize submission of applications to Metropolitan Council, Hennepin County and the Minnesota Department of Employment and Economic Development.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269537)

Minnesota Transitions Charter School Project (2526 27th Av S): Grant preliminary and final approval to issue up to \$1,500,000 in 501c(3) Bank Qualified Bank Direct Tax-exempt MCDA Revenue Bonds.

Fairview Health Services Project: Grant preliminary and final approval to issue up to \$75,000,000 in Taxable and Tax-exempt 501c(3) Refunding Revenue Bonds.

Minnesota Orchestral Association Project: Grant preliminary and final approval to issue up to \$1,700,000 in Tax-exempt 501c(3) MCDA Revenue Bonds.

Land Sale of City-owned "Parcel E" Liner Property: Authorize sale of land and execution of redevelopment contract with David Bernard Builders and Developers.

Real Estate Transaction Policies: Amendments to policies on leases, disposition, and acquisition, revision of Procedure Manual for Professional Services Procurement & Real Estate Transaction, revision of Space and Asset Management Procedure Manual, amendments to Minneapolis Code of Ordinances to incorporate CPED functions into the City's real estate policies.

MAYOR (269538)

Appointments to the Minneapolis Public Housing Authority Board: Recommend appointment/reappointment of Cornell Moore and Chandra Clark.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269539)

2004 Transit Oriented Development Applications to Hennepin County: Authorize submission of applications with directions on future prioritization of projects.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269540)

Many Rivers West Project (E Franklin Av & 14th Av S): Approve Tax Increment Financing Plan, Modification to Franklin Av Redevelopment Plan and Modification No. 98 to the Common Plans, redevelopment contract, final approval to issue up to \$2,900,500 in Multifamily Housing Development Bonds, issuance of a Tax Increment Financing Note.

Pollution Remediation Grants: Accept grants from the Metropolitan Council Tax Base Revitalization Account for PPL Headquarters Project and Antiques Minnesota Project.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269541)

Small and Underutilized Business Program: Direction to grant staff a 30-day extension to complete analyzing good faith efforts by contractors.

HEALTH AND FAMILY SUPPORT SERVICES (269542)

Twin Cities Healthy Start Project: Presentation.

HEALTH AND HUMAN SERVICES (See Rep):

COUNCIL MEMBER SAMUELS (269543)

Flag of the Vietnamese American Community: Resolution recognizing the Official Flag of the Vietnamese American Community; with attachment.

HEALTH AND HUMAN SERVICES and PS&RS and W&M/Budget (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269544)

Phillips Weed & Seed/Project Safe Neighborhoods: Authorize transfer \$160,000 from Health & Family Support to Police Department to fund salary of one Sergeant within Central Investigations for suppression and containment of criminal activity within Little Earth Housing complex and surrounding area.

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

HEALTH AND FAMILY SUPPORT SERVICES (269545)

Child Lead Safety Grant: Authorize submit grant application to United States Conference of Mayors seeking up to \$300,000 to address child lead safety in Minneapolis neighborhoods.

INTERGOVERNMENTAL RELATIONS:

CIVILIAN POLICE REVIEW AUTHORITY (269546)

False Reporting Against Police Officer: Request to add to the City's 2004 Legislative Agenda opposition to legislation that would provide criminal penalties for filing a false report against a police officer.

EXECUTIVE COMMITTEE (269547)

Certification Procedure/Rule of Three: Request to add to City's 2004 Legislative Agenda support for a bill to modify the certification procedure for vacant positions in the classified service in the City of Mpls.

PUBLIC SAFETY AND REGULATORY SERVICES:

REGULATORY SERVICES (269547.1)

Business Plan for Operations and Regulatory Services.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (269548)

Chapter 249 Property at 3306 Columbus Av S: Approve demolition.

LICENSES AND CONSUMER SERVICES (269549)

Casey Bar & Grill (3510 Nicollet Av): Grant On-Sale Wine Class C-2 with Strong Beer License, subject to conditions.

O'Brien's Decoy Pub & Smokehouse (815 Hennepin Av): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Licenses: Applications.

GUMINGA, FRANCES AND KOURI, RANDY (269550)

Mill City Cafe (2205 California St NE): Comments relating to application submitted by Mill City Cafe for On-Sale Liquor Class C-1 with Sunday Sales License.

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

FIRE DEPARTMENT (269551)

Structural Collapse Rescue Firefighting Training: Accept low bid received from Spec Rescue International to provide training for firefighters from Minneapolis Fire Department and surrounding Fire Departments; and Execute contract.

Minneapolis Project Heartbeat: Resolution recognizing "Minneapolis Project Heartbeat" to make the City Heart Safe" and proclaiming April 2004 to be "Minneapolis Project Heartbeat Month"; Execute one-year agreement with Cardiac Science Inc to endorse their Automatic External Defibrillators and that Fire Department provide Cardiac Science literature during commercial building inspections; Accept 32 new Cardiac Science defibrillators in exchange for 32 old Fire Department defibrillators, to be placed in appropriate City owned buildings; and Authorize Year 2004 revenues be deposited in Fire Department General Fund; and Approve appropriation.

POLICE DEPARTMENT (269552)

Minnesota Auto Theft Prevention Program: Accept grant award of \$150,000 and execute grant agreement with Minnesota Department of Public Safety to expand program for prosecuting auto thieves; and Approve appropriation.

Joint Terrorism Task Force: Accept up to \$64,316.88 and execute agreement with Federal Bureau of Investigation, Counterterrorism Division, to reimburse overtime expenses for up to six police officers who participate full-time on Task Force; and Approve appropriation.

REGULATORY SERVICES (269553)

Rainleader Disconnect Program: Execute agreement with Mississippi Watershed Management Organization where City will receive funds not to exceed \$16,000 to provide education and materials for homeowners to properly disconnect their rainleaders from the sanitary sewer; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269554)

2004 Minneapolis Stormwater Management Program and Annual Report: Set public hearing for 4/20/04 to receive public comment.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269555)

Block Event Ordinance: Ordinance amending Title 17, Chapter 455 of Code of Ordn relating to Streets and Sidewalks: Block Events, modification to filing and permit approval process, and language.

Police Department Third Precinct Expansion: Change order with Stahl Construction Company increasing contract due to unforeseen conditions and changes, no additional appropriation.

Excess Right of Way: Authorize to negotiate, execute and annually renew a lease with the University of Minnesota for parking stalls.

Bassett Creek Valley portion of new Van White Memorial Boulevard (4th Av N to Dunwoody Blvd): Authorize issuance of a RFP for design and engineering plans.

Minnehaha Creek Watershed District Partnership: Resolution supporting formation of a Minnehaha Creek Partnership.

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

PUBLIC WORKS AND ENGINEERING (269556)

Como N Renovation: a) Ordering City Engineer to proceed and do the work and adopting the special assessments; b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds.

Downtown Transportation Management Organization (TMO): a) Authorize agreement with the Metropolitan Council to provide federal grant funding for Transportation Demand Management (TDM) projects in effect for the period of 1/1/03 through 12/31/04; b) Authorize an agreement with TMO to provide federal grant funding in effect for the period of 1/1/03 through 12/31/04; and c) Passage of appropriation Resolution.

Columbia Heights Water Supply Contract: Authorize 30-year contract retroactive to 1/1/04 for the sale of water.

2004 Federal Aid Projects: Resolution authorizing execution of agreements with MnDOT to allow construction of Richfield Road, Chicago Av Bridge and Loring Bike Bridge prior to appropriation of Federal Funds.

Storm Drain Tunnel Assessment Condition Project Contract: Authorize increase in contract with Bonestroo, Rosene, Anderlik and Associates.

Van White Memorial Boulevard: a) Authorize execution of an agreement with Hennepin County; and
b) Resolution increasing the approp for Heritage Park infrastructure work.

WAYS AND MEANS BUDGET (See Rep):

ASSESSOR (269557)

City Assessor: Department Business Plan.

ATTORNEY (269558)

Award of Damages: Payment to Kick's Liquor Store.

Reimbursement of Legal Fees: Payment to Douglas R. Peterson for services to Council Member Lisa Goodman.

Retention of Outside Counsel: Master Legal Services Agreement with Jardine, Logan & O'Brien to represent Charles Storlie in the lawsuit of Duy Ngo.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269559)

Empowerment Zone (EZ) Funds: Accept additional grant funds from the U.S. Department of Housing and Urban Development.

COORDINATOR (269560)

New Central Library Project: Contracts for public art services with Beverly Pepper, Ben Rubin, and Lita Albuquerque.

New Central Library Project: Accept low bid of E.R. Berwald Roofing, Inc. for roofing services.

Payment of Lodging Tax to Convention Association: Payment of balance of 2003 proceeds of the 1% City lodging tax increase to the Greater Minneapolis Convention and Visitors Association.

FINANCE DEPARTMENT (269561)

2003 Supplemental Appropriation Adjustments: Technical amendments to provide funds to departments with spending commitments.

HUMAN RESOURCES (269562)

Labor Settlements: 2004 Wage Re-opener with AFSCME Local #9 (Attorneys' Unit), Machinists Lodge #77 and Laborers Local #363.

Bumping and Leave Rights for Unclassified Positions: Authorize the Director of Human Resources to determine bumping and leave rights for all unclassified positions that are created under Chapter 20 of the Code of Ordinances.

Reinstatement of Guest Services Manager Position: Reclassification of one Director, Business Information Systems position to new position of Guest Services Manager at the Convention Center.

Labor Relations Coordinator Position: Reclassify Human Resources Senior Consultant position.

ZONING AND PLANNING:

ARTS COMMISSION (269563)

2004 Arts Commission Work Plan.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (269564)

HPC: Appointment of Ellen Herman.

PARK BOARD (269565)

Mpls Tree Advisory Commission: Appointment of Lorrie Stromme, with Gay Noble as alternate.

PLANNING COMMISSION/DEPARTMENT (269566)

Zonings:

Lip to Lip, Inc (321 Lincoln St NE & 983 E Hennepin Ave);
1010 Park Ave, LLC (609 S 10th St);
Nelson Molina (3200-15th Ave S);
Michael Lander (4251 Vincent Ave S);
Speedway SuperAmerica LLC (4306, 4308, 4320 E Lake St).

Vacations:

Speedway SuperAmerica LLC (4306, 4308, 4320 E Lake St) (see Rezoning).

FILED:

CITY CLERK/SPECIAL PERMITS (269567)

Cedar Av S, 3333 (Amtech Lighting) sign;
University Avenue NE, 2300 (Gasthof Zur Gemutlichkeit) tent.

COUNCIL MEMBER ZIMMERMANN (269568)

Bobby & Steve's Autoworld Lawsuit: Letters from constituents.

Michael Lander Rezoning (4251 Vincent Ave S): Letter from constituents.

MINNESOTA STATE OFFICES-MN DEPT OF HEALTH (269569)

Quarterly Haloacetic Acids (HAA5) and Trihalomethane (THM) Results, Minneapolis Municipal Water Supply, Hennepin County, PWSID 1270024.

FAEGRE & BENSON (269570)

Letter re: E-mail Requesting Advice On Construction Project On Brewery Flats.

GOLDLEAF FINANCIAL, LTD (269571)

City's Residential Recycling Program: Ltr from Jack Anderson, Vice President of Goldleaf, relating to bonding for Eureka Recycling. (See T&PW Report of 4/2/04).

MESSERLI & KRAMER (269572)

Daddy Rocks (315 1st Av): Request that if license is granted, or any other adult entertainment venues with Class A on-sale liquor licenses, that the same conditions as those applied to Rick's Cabaret and the Seville relating to dancers being employees as opposed to independent contractors be included.

Liquor Licenses Conditions: Comments re removing conditions from liquor licenses that dancers be employees versus independent contractors.

PANNING, JOAN (269573)

Como North Renovation: Letter requesting deferment of assessment. (See T&PW report).

The following reports were signed by Mayor Rybak on 4/19/04, 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 held a public hearing to consider issuance of revenue bonds for a project of the Minnesota Technology Education Corporation to purchase/refinance and make improvements to the building at 2526 27th Av S to be used as a Kindergarten through Grade 12 charter school (Minnesota Transitions Charter School Project), now recommends passage of the accompanying resolution giving preliminary and final approval to issue up to \$1,500,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2004 for said project.

Your Committee further recommends that this matter be forwarded to the Minneapolis Community Development Agency Board of Commissioners.
Adopted 4/16/04.

Resolution 2004R-143, giving preliminary and final approval to issue up to \$1,500,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2004 for the Minnesota Transitions Charter School Project, was passed 4/16/04 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 2004R-143
By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of Minnesota Technology Education Corporation (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefore.

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 obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of approximately \$1,500,000 (the "Bond") to finance the acquisition and renovation of a building to be used as a K-12 charter school, and located at 2526 27th Avenue South in the City (the "Project"); and

Whereas, the Project will be owned by the Company and leased to Minnesota Transitions Charter School, a Minnesota nonprofit corporation;

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 initial interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than December 1, 2024, 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 \$1,500,000 for the purpose of financing the Project;

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 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 4/16/04.

Comm Dev - Your Committee, having under consideration a request from Fairview Health Services for taxable and tax-exempt refunding revenue bond refinancing for their facilities at 2450 Riverside Av, 420 Delaware St SE, 2020 Minnehaha Av, Fairview Southdale Hospital in Edina and Fairview Ridges Hospital in Burnsville and, having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$75,000,000 in Taxable and Tax-exempt 501(c)(3) Refunding Revenue Bonds for said refinancing project.

Adopted 4/16/04.

Resolution 2004R-144, giving preliminary and final approval to the issuance of up to \$75,000,000 in Taxable and Tax-exempt 501(c)(3) Refunding Revenue Bonds for Fairview Health Services, was passed

4/16/04 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 2004R-144
By Goodman

Authorizing The Issuance And Sale Of Revenue Bonds Of The City On Behalf Of Fairview Health Services And The Execution Of Documents.

Whereas, this Council has received a proposal from Fairview Health Services, a Minnesota nonprofit corporation (the "Corporation") that the City of Minneapolis (the "City") issue its revenue bonds (the "Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act"), in one or more series, for the purposes of (a) refunding all or a portion of the City's outstanding Health Care System Revenue Bonds (Fairview Hospital and Healthcare Services), Series 1993A (the "Series 1993A Bonds"); (b) refunding all or a portion of the Corporation's Series 1993B Taxable Notes (the "Corporation Notes") issued by the Corporation for the purpose of refunding outstanding bonds issued by the City of Burnsville, Minnesota ("Burnsville") under the Act to refund bonds issued by Burnsville under the Act for the construction and equipping of Fairview Ridges Hospital located at 201 Nicollet Boulevard, Burnsville, Minnesota; (c) if required in connection with the issuance and sale of the Bonds, to fund a deposit to the debt service reserve fund securing the Bonds, and (d) paying certain costs of issuance of the Bonds; and

Whereas, at a public hearing, duly noticed and held on April 6, 2004, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to refund the Series 1993A Bonds and the Corporation Notes, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to refund the Series 1993A Bonds and the Corporation Notes, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$75,000,000 aggregate principal amount of the Bonds in one or more series under the authority contained in the Act to refund the Series 1993A Bonds and Corporation Notes (the Series 1993A Bonds and Corporation Notes are hereinafter together referred to as the "Refunded Indebtedness") would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act by providing the City and surrounding area, is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, the proceeds of the Bonds will be lent (the "Loan") by the City to Fairview, in order to refund the Refunded Indebtedness, to fund a debt service reserve fund for the Bonds if required in connection with the issuance and sale of the Bonds and to pay certain costs of issuance of the Bonds; and

Whereas, pursuant to one or more Loan Agreements (whether one or more, the "Loan Agreement"), to be entered into between the City and Fairview, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, Fairview will issue to the City its Note or Notes (whether one or more, the "Notes"). The Notes will be issued under the Master Trust Indenture (the "Master Indenture"), dated as of November 1, 1985, between Fairview, as successor to Carondelet Community Hospitals, Inc. and U.S. Bank National Association, formerly known as First Trust National Association, as trustee (the "Master Trustee"), as supplemented and amended by a Supplemental Indenture No. 10 ("Supplemental Indenture No. 10") to be entered into between Fairview and the Master Trustee. Under the Notes Fairview will unconditionally agree to repay the Loan made by the City under the Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by Fairview of administrative costs of the Bond Trustee (as hereinafter defined), the administrative fee of the City, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and Fairview deem necessary or desirable for the sale of the Bonds; and

Whereas, pursuant to one or more Indenture of Trusts (whether one or more, the "Bond Indenture") to be entered into between the City and Wells Fargo Bank Minnesota, National Association, as Trustee (the "Bond Trustee"), a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City assigns and pledges all of its right, title and interest in the Loan Agreement (other than the right of the City for indemnification and administrative expenses), the Notes, the Master Indenture and the Supplemental Indenture to the Bond Trustee. In addition, the Bond Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the City and Fairview deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, pursuant to the terms of one or more Escrow Agreements (whether one or more, the "Escrow Agreement"), to be entered into between the City, Fairview, the Bond Trustee and an escrow agent (the "Escrow Agent"), the form of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, a portion of the proceeds of the Bonds will be deposited with the Escrow Agent and applied, with other available funds of Fairview and any funds held by the trustee of the Series 1993A Bonds, and the Corporation Notes, for the purpose of defeasing the Refunded Indebtedness; and

Whereas, the Bonds will be special limited obligations of the City payable solely from amounts payable by Fairview under the Notes, other than to the extent payable from the proceeds of the Bonds. The Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City except the Notes. The Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be purchased from the City by Citigroup Global Markets Inc. and RBC Dain Rauscher Inc. (collectively, the "Underwriter") pursuant to one or more Purchase Contracts (whether one or more, the "Bond Purchase Agreement") between the City, Fairview and the Underwriter, a copy of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary; and

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

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

In order to provide for the refunding of the Refunded Bonds, the City hereby authorizes the issuance of the Bonds as revenue bonds under the Act in one or more series, in the aggregate principal amount of up to \$75,000,000 (exclusive of any portion representing original issue discount). The Mayor, the City Clerk and the City Finance Officer are hereby authorized to approve the purchase price of the Bonds, provided that the purchase price equals or exceeds 98% of the principal amount of the Bonds less any portion of such principal amount which represents original issue discount; the aggregate principal amount of the Bonds, provided that such principal amount is not in excess of \$75,000,000 (exclusive of any portion representing original issue discount); the maturity schedule of the Bonds, provided that the Bonds mature at any time or times in such amount or amounts not exceeding 30 years from the date of issuance thereof; the provisions for prepayment and redemption of the Bonds prior to their stated maturity; and the initial interest rates for any series of Bonds, provided that no initial interest rate exceeds 5.00% per annum. Such approval shall be conclusively evidenced by the execution of the Bond Purchase Agreement as provided herein. The issuance of the Bonds is subject to the approval by the Minnesota Department of Employment and Economic Development as required by the Act.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor, the City Clerk and City Finance Officer, and its corporate seal (which may be in facsimile) shall be thereunto affixed, imprinted or engraved. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. The Bond Trustee is hereby

designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any of the officers who shall have signed or sealed any of the Bonds shall cease to be such officers of the City before the Bonds so signed and sealed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or officers of the City.

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

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

Be It Further Resolved that the Bond Purchase Agreement is hereby made a part of this Resolution as fully as though set forth in full herein and is hereby approved in the form submitted to this meeting and, upon the determination of the terms of the Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement by Fairview and the Underwriter, the Mayor, City Clerk and City Finance Officer are hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the Mayor, City Clerk and City Finance Officer, such approval to be evidenced conclusively by their execution of the Bond Purchase Agreement.

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

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

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

Be It Further Resolved that the bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 4/16/04.

Comm Dev - Your Committee, having under consideration a request from the Minnesota Orchestral Association for revenue bond refinancing for the Orchestra Hall facility at 1111 Nicollet Mall and, having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,700,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Refunding Revenue Bonds, Series 2004, for the Minnesota Orchestral Association Project.

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

Adopted 4/16/04.

Resolution 2004R-145, giving preliminary and final approval to the issuance of up to \$1,700,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Refunding Revenue Bonds, Series 2004, for the Minnesota Orchestral Association Project, was passed 4/16/04 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 2004R-145

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of The Minnesota Orchestral Association (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 obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of approximately \$1,700,000 (the "Bond") to refinance (through the refunding of obligations previously issued by the City) certain improvements to the Company's orchestra performance facility known as Orchestra Hall and located at 1111 Nicollet Mall in the City (the "Project"); 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 a variable rate with an initial interest rate not to exceed two and one-half percent (2.50%) per annum, shall have a final maturity date not later than December 1, 2019, 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 \$1,700,000 for the purpose of refinancing the Project.

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 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 4/16/04.

Comm Dev - Your Committee, having under consideration the preparation of applications to receive funding through various environmental remediation programs now recommends that the proper City officers be authorized to:

a) Apply to the Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program for funding for the following projects (in priority order):

Midtown Exchange, \$750,000;
River Run Apartments, \$150,000;
Hiawatha Business Center, \$208,000;
Minnesota Innovation Center \$195,000;

b) Apply to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for environmental remediation for the following projects (in priority order):

River Run Apartments, \$150,000
Hiawatha Business Center, \$1,200,000;
Minnesota Innovation Center, \$1,125,000;

c) Apply to the Hennepin County Environmental Response Fund for the following projects (in priority order):

Midtown Exchange, \$250,000;
River Run Apartments, \$100,000;
TC Habitat - Stinson, \$150,000;
Hiawatha Business Center, \$192,000;
Phillips Biomass Plant (investigation only), \$35,000;
Minnesota Innovation Center, \$180,000.

Your Committee further recommends passage of the accompanying resolutions authorizing said applications to the Metropolitan Council, Minnesota Department of Employment and Economic Development and Hennepin County.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

Resolutions 2004R-146, 2004R-147 and 2004R-148 authorizing the submission of grant requests to the Metropolitan Council, the Minnesota Department of Employment and Economic Development and Hennepin County for environmental remediation funds, were passed 4/16/04 by the City Council. A complete copy of each 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 2004R-146

By Goodman

Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects.

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: Midtown Exchange, River Run Apartments, Hiawatha Business Center and Minnesota Innovation Center; and,

Whereas, the City intends to act as the legal sponsor for one or more of the above-referenced projects, which are more completely described in the Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on May 1, 2004; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Executive Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the

Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

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

RESOLUTION 2004R-147

By Goodman

Authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the contamination clean up applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on May 1, 2004: River Run Apartments Hiawatha Business Center and Minnesota Innovation Center; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Executive Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Clean Up Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

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

RESOLUTION 2004R-148

By Goodman

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications to be submitted to Hennepin County on May 1, 2004: Midtown Exchange, River Run Apartments, TC Habitat — Stinson, Hiawatha Business Center, Minnesota Innovation Center and Phillips Biomass Plant (investigation only); and,

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

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

That the City Council authorizes the Executive Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

Comm Dev - Your Committee, having under consideration the "Parcel E" property acquired by the City as part of the Guthrie Theater project and a portion of the property that will be made available for development known as the "Parcel E Liner", now recommends:

a) Passage of the accompanying resolution approving the sale of the Parcel E Liner property and authorizing execution of a redevelopment agreement; and

b) That the proper City officers be authorized to execute a redevelopment contract with David Bernard Builders and Developers (a division of Rottlund Company, Inc.) for the Parcel E Liner, in accordance with the terms set forth in Petn No 269537, and authorizing related implementation actions, including execution of a deed and easements.

It is further recommended that the net land proceeds be transferred, upon completion of the Guthrie District Parking Facility, to Fund CPP (Preliminary Planning Fund) administered by the Community Planning and Economic Development (CPED) Department, to the extent that such a transfer is consistent with the City's covenant with bondholders to maintain the tax-exemption for interest on the bonds. Funds transferred shall be the gross land proceeds, net of: a) the prorated City cost to acquire the land (including related acquisition and disposition expenses); b) any payments made from the geotechnical escrow account; c) any cost overruns in the construction of the parking facility and related public improvement package (i.e., new Ninth Avenue and streetscape along Second Street and Ninth); and d) the cost of the basic public improvement package if the Guthrie elects to take over the parking facility and bonds supported by the parking revenue are thus not available as the public improvement funding source.

Goodman moved to amend the report by deleting the final paragraph and inserting in lieu thereof the following language:

"It is further recommended that the land sale proceeds after transaction costs be applied in the following manner: 1) to defease outstanding bonds equal in amount to the prorata portion of the City's cost to acquire the Liner parcel, 2) to reimburse Fund CPP for approximately \$80,000 in costs incurred by CPED through 2003 for staff and other costs related to Parcel E, and 3) to reimburse Fund CPP for CPED staff and other costs related to the Parcel E Liner that are incurred from the beginning of 2004 to completion of the Liner development. All remaining land proceeds will be allocated following future policy discussions about the use of additional revenues that are generated by a City department's entrepreneurial efforts." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/16/04.

Resolution 2004R-149, approving the sale of the Parcel E Liner property and authorizing execution of a redevelopment contract, was passed 4/16/04 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 2004R-149

By Goodman

Authorizing execution of a Redevelopment Agreement and related documents and other necessary actions for sale of the Parcel E Liner property.

Whereas, the City owns property on the block bounded by Washington Avenue South, Second Street South, vacated Chicago Avenue South and vacated Ninth Avenue South, including said vacated streets; and

Whereas, the City plans to build a public parking facility on a portion of the above-described property; and

Whereas, an L-shaped parcel around the parking parcel (the Liner Parcel) has been reserved for private development on two sides of the parking facility; and

Whereas, the City Engineer has determined that the Liner Parcel is not needed for City purposes; and

Whereas, the Rottlund Company, Inc. has offered to enter into a Redevelopment Agreement with the City, agreeing to pay the City \$1,371,000 for the Liner Parcel; and

Whereas, the City Assessor has determined this transaction price to be reasonable and has reported this to the City Council; and

Whereas, the Planning Commission reviewed the sale on November 3, 2003, for conformance with the Comprehensive Plan and a public hearing, notice of which was published in a newspaper of general circulation in Hennepin County at least ten days in advance of the hearing, was held at a Community Development Committee meeting on April 6, 2004, all in accordance with the Minneapolis Code of Ordinances, Section 14.120;

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

That the proper City officers be authorized to execute a Redevelopment Agreement and related documents and to take other necessary actions for sale of the land preliminarily legally described as:

That part of the following described parcel that is above 790 feet above sea level:

Lot 2, Block One, Mill Quarter Addition:

According to the recorded plat thereof and situated in Hennepin County, Minnesota.

And more fully described in Petn No 269537 on file in the Office of the City Clerk.

Adopted 4/16/04.

Comm Dev - Your Committee, having under consideration changes to City real estate transaction policies and procedures to recognize the inclusion of development activities conducted by the Community Planning and Economic Development (CPED) Department and to allow for the future transfer of CPED real estate assets (as fully described in Petn No 269537 on file in the Office of the City Clerk, now recommends:

a) Approval of the recommended real estate transaction policies on leases, disposition and acquisition to be effective on June 4, 2004;

b) Approval of revisions to the Procedure Manual for Professional Services Procurement & Real Estate Transactions to remove sections on real estate transactions, effective June 4, 2004;

c) Approval of revisions to the Space and Asset Management Procedure Manual to remove sections on real estate transactions, to be effective June 4, 2004;

d) That the CPED, Finance and Public Works Departments be directed to develop and approve procedures in compliance with said policies;

e) That the Director of the CPED Department be directed to return to the City Council by June 2004 to formally request the transfer of Minneapolis Community Development Agency (MCDA) assets to the City.

Your Committee, to whom was referred ordinances amending Title 2, Chapter 14 relating to *Administration: In General* and Chapter 22 relating to *Administration: City Engineer*, allowing for the incorporation of CPED functions into the City's real estate transaction policies and procedures, now recommends that said ordinances be given a second reading for amendment and passage.

Adopted 4/16/04.

Ordinances 2004-Or-033 and 2004-Or-034, amending Title 2, Chapter 14 relating to *Administration: In General* and Chapter 22 relating to *Administration: City Engineer* allowing for the incorporation of CPED functions into the City's real estate transaction policies and procedures, were passed 4/16/04 by the City Council. A complete copy of each 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 2004-Or-033
By Goodman and Colvin Roy
Intro & 1st Reading 3/19/04
Ref to: Comm Dev
2nd Reading: 4/16/04

Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to Administration: In General.

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

Section 1. That Section 14.40 of the above-entitled ordinance be and is hereby repealed.

14.40. Responsibility to city for city property. The person having the care or use of such public property, and the person's sureties if there are any, shall be held liable to the city for any and all such property as is not satisfactorily and properly accounted for, either by the return of the same, or by showing its expenditure on behalf of the city, division or ward, or its loss without the fault of such person.

Section 2. That Section 14.50 of the above-entitled ordinance be and is hereby repealed.

14.50. Recovery by city on liability for city property. All liability of any person having the use or care of public property may be recovered from such person and the person's sureties, if there are any, by civil action; and if any such person shall fail or refuse to furnish and file written receipts and accounts as aforesaid, such shall be deemed a violation of this Code.

Section 3. That Section 14.120 of the above-entitled ordinance be amended to read as follows:

14.120. Sale of city lands and buildings used for municipal operations. In the event any of the ~~if~~ lands and buildings owned by the city for any municipal operation or service, ~~except those acquired for redevelopment, become useless or are~~ no longer needed for such purpose, they shall be disposed of by sale, if resalable, upon advertisement for bids or at private sale as the city council shall deem to be in the best interest of the city ~~sold, if possible.~~ The city engineer shall determine whether the real estate is needed for municipal operations.

The sale shall be for an adequate consideration and upon such other terms and conditions as the city council may prescribe. Notice of the proposed sale ~~of any such property~~ shall be published in a newspaper of general circulation in Hennepin County at least ten (10) days before the public hearing date, fixed for hearing thereon, describing the property to be sold and stating that the terms and conditions of the sale are available for public inspection at the office of the city clerk. At the time and place specified in the notice, a hearing shall be held to determine the advisability of the sale.

Prior to any sale, the proposed sale of such property shall be referred to the city engineer and the city planning commission for their review and recommendations. The valuation of such property ~~the real estate~~ as determined by the city assessor ~~or by an independent appraisal~~ shall be reported to the city council, prior to approval of the sale. Any funds realized by ~~said sale~~ shall be credited to ~~such project account within the permanent improvement fund as the city council may direct.~~ reimburse holding costs and selling expenses with the remainder deposited into the appropriate permanent improvement fund or operating expenses fund related to the public lands or buildings being sold, except to the extent that other city ordinances, grant requirements, or state or federal laws require a different method for allocating the revenue from sales. This section shall not apply to city-owned real estate acquired, held or sold for development purposes.

Section 4. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.125 to read as follows:

14.125. Fund designations for certain types of real estate dispositions. When city-owned real estate formerly held for municipal operations is disposed of for development purposes or city-owned real estate formerly held as development property is transferred for use in municipal operations, the city council shall determine the fund allocations of net sale proceeds or interfund transfers at the time of the disposition or use approval.

Section 5. That Section 14.130 of the above-entitled ordinance be and is hereby repealed.

14.130. Leasing of private property. Taxes must be paid. The city shall not, as lessee, execute

any lease or contract for lease of any privately owned real property or interest therein for public use by the city or any of the boards or departments thereof, nor shall the city finance officer countersign or the city clerk attest any such lease or contract until the lessor presents receipts showing that all of the real estate taxes, including installments of special assessments due thereon, have been paid.

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.130 to read as follows:

14.130. Sale of development property. The director of the department of community planning and economic development shall be responsible for the disposition of city-owned real estate acquired or held for development purposes. Disposition of development property must comply with applicable state and federal laws and such policies as may be adopted from time to time by the city council.

Adopted 4/16/04.

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

ORDINANCE 2004-Or-034
By Goodman and Colvin Roy
Intro & 1st Reading 3/19/04
Ref to: Comm Dev
2nd Reading: 4/16/04

Amending Title 2, Chapter 22 of the Minneapolis Code of Ordinances relating to Administration: City Engineer.

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

Section 1. That Section 22.70 of the above-entitled ordinance be amended to read as follows:

22.70. Control of equipment and public buildings. The city engineer shall have full charge of and be held responsible for all construction and maintenance equipment (except that as to the police and fire department maintenance equipment the city engineer shall exercise only such control and furnish such service as the city council shall specially direct); ~~and also of all lands and buildings owned or leased by the city and maintained or operated by the departments of the city under the jurisdiction of the city council.~~

Section 2. That Section 22.140 of the above-entitled ordinances be amended to read as follows:

22.140. Care Control of lands and buildings used for municipal operations. The city engineer shall control all public lands and buildings owned or leased by the city for municipal operations under the jurisdiction of the city council. The city engineer shall take such measures as the city engineer deems necessary for the proper care, maintenance and protection of city public lands and buildings; and to purchase such additional or replacement lands and buildings as in the judgment of the city engineer may be necessary. Such land and building purchases shall have proper ~~The city engineer shall also purchase or sell public lands and buildings subject to the approval of the city council. All leases of public property must involve adequate consideration to reimburse the city for property expenses. The section shall not apply to purchases, sales or leases for development purposes.~~

Section 3. That Section 22.150 of the above-entitled ordinance be and is hereby repealed.

22.150. Rental of lands and buildings. The city engineer shall not permit the use of any of the lands and buildings under the control of the city engineer by any department or board of the city or other person or persons except upon a rental basis per month or year as the city engineer may determine. Such rental basis shall be determined and calculated to be sufficient to provide the necessary cost of operation, repairing, maintaining and depreciating of said lands and buildings. The city engineer shall make vacant unused city property available to residents of the city for gardening, recreational or related uses through the issuance of short-term permits upon payment of a fee of five dollars (\$5.00) to cover the cost of issuing such permits. Such permits shall be revocable at any time upon written notice from the engineer.

Section 4. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 22.150 to read as follows:

22.150. Control of development property. The director of the department of community planning and economic development shall acquire, manage, maintain and control all real property acquired or held by the city for development purposes.

Section 5. That Section 22.160 of the Minneapolis Code of Ordinances be and is hereby repealed.

22.160. Lands and buildings fund. The city finance officer shall maintain a separate fund to be known as "lands and buildings fund." This fund shall be subdivided into the permanent improvement subdivision and the current expense subdivision. Into the permanent improvement subdivision shall be placed all moneys received from the sale of real estate and fire insurance, as reimbursement for fire losses on permanent improvements. This subdivision shall be used to buy new property, to make major repairs due to fire losses, and for the construction of new buildings. Into the current expense subdivision shall be placed all moneys received from rentals and for operation and maintenance work done for other departments. This subdivision shall be used to make all minor repairs properly chargeable to current expense, to maintain and operate all structures, and as a general working fund for the department operation and maintenance, properly chargeable to current expense.

Section 6. That Section 22.170 of the above-entitled ordinance be amended to read as follows:

22.170. Lands and buildings rent to be credited to fund. Lease revenue. Rental charges for Lease revenue from the use of public lands and buildings shall be collected from the various departments or boards of the city or from construction projects, as the case may be, and said money when so collected shall be credited to the lands and buildings fund: credited to the appropriate permanent improvement fund or to the operating expenses fund related to the public lands or buildings being leased. This section shall not apply to leases on development property.

Section 7. That Section 22.180 of the above-entitled ordinance be and is hereby repealed.

22.180. Sale of lands and buildings. Upon any of the lands and buildings becoming useless, and upon recommendation of the city engineer, they shall be disposed of by sale, if salable, in accordance with section 14.120.

Section 8. That Section 22.190 of the above-entitled ordinance be and is hereby repealed.

22.190. Purchase of lands and buildings. Additional new lands and buildings found to be necessary to be used for the purposes herein specified must be paid for from any cash balance in the lands and buildings fund not otherwise encumbered. If, however, there shall not be sufficient unencumbered cash balance in said fund to purchase new lands and buildings, the city council may authorize additional money to be placed in said fund to be used for such purpose.

Section 9. That Section 22.200 of the above-entitled ordinance be and is hereby repealed.

22.200. Accounting procedures. The city finance officer shall maintain the necessary accounting procedures for the purpose of disclosing the expense and income of all equipment as well as lands and buildings under the direction and control of the city engineer. For the purpose of accounting, all heads of departments of the city directing or controlling equipment or lands and buildings as herein mentioned shall furnish the city finance officer such information as the finance officer may require and on such forms as the finance officer may designate, deemed necessary for full and complete accounting purposes as herein indicated:

Adopted 4/16/04.

Comm Dev - Your Committee, having under consideration the 2% Revolving Loan Fund Program and a recommendation to amend the fund guidelines to bring them into compliance with City process and procedures as the program transitions from the Minneapolis Community Development Agency (MCDA) to the City, now recommends:

- a) Approval of the guidelines changes to the 2% Revolving Loan Fund Program, as included in Exhibit A in Petn No 269536;
- b) Approval of the Program Guidelines for 2% Revolving Loan Fund Commercial Corridor/Commercial Nodes Program, as included in Exhibit B in Petn No 269536
- c) Passage of the accompanying resolution delegating authority to the Executive Director of the Community Planning and Economic Development (CPED) Department to execute Lender Agreements for the 2% Loan Programs, as permitted by the City Charter.

Adopted 4/16/04.

RESOLUTION 2004R-150

By Goodman

Delegating authority to make and execute Lender Agreements consistent with 2% Revolving Loan Fund Program Guidelines and Commercial Corridor Nodes 2% Revolving Loan Fund Program Guidelines.

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

If the City Charter allows, authority is delegated by the City Council to the Director of the Department of Community Planning and Economic Development (CPED) or his designee, to make and execute Lender Agreements not to exceed the City Council authorized appropriation for the 2% Revolving Loan Fund Program and the Commercial Corridor Nodes 2% Revolving Loan Fund Program respectively and for a maximum term of ten (10) years.

Adopted 4/16/04.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Mayor to appoint/reappoint the following individuals to the Minneapolis Public Housing Authority Board:

- a) Cornell Moore, Mayoral appointee (reappointment) for a term to expire on December 31, 2006;
- b) Chandra Clark, Mayoral High-rise Resident appointee for a term to expire on December 31, 2006.

Johnson Lee moved to divide the report so as to consider separately that portion relating to the appointment of Chandra Clark. Seconded.

Adopted upon a voice vote.

Johnson Lee moved adoption of the balance of the report. Seconded.

The report, as amended, was adopted 4/16/04.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Mayor to appoint Chandra Clark, Mayoral High-rise Resident appointee for a term to expire on December 31, 2006.

Adopted 4/16/04.

Declining to Vote - Lilligren, Johnson Lee, Niziolek.

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

Comm Dev & T&PW - Your Committee, having under consideration 2004 Transit Oriented Development (TOD) funding that will be available through Hennepin County, now recommends:

a) That the proper City officers be authorized to submit grant applications for projects within Minneapolis to Hennepin County for TOD funding for the following projects:

- Cedar Lake Midtown Revival;
- Cedar Riverside Light Rail Transit Station TOD Neighborhood Improvement Project;
- Colin Powell Youth Leadership Center;
- Hi-Lake TOD Project;
- Lindquist Apartments;
- Lowell School Site;
- Midtown Exchange;
- Nicollet Commons Condominiums;
- St. Anthony Mill Apartments, Phase 2;
- Agape Housing and Child Development Center;
- Karamu West;
- Franklin-Portland Gateway Project;

b) That the proper City staff be authorized to review and rank the City's 2004 TOD Application materials based on criteria set by Hennepin County and current adopted City priorities;

c) That the proper City staff be directed to return to the Community Development and Transportation & Public Works Committee for endorsement of the prioritized 2004 TOD projects within Minneapolis and

to forward the City's TOD recommendations to the Hennepin County Review Committee for final consideration no later than the end of April 2004.

Adopted 4/16/04.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the Many Rivers West Project at East Franklin Av and 14th Av S, now recommends:

a) Passage of the accompanying resolution adopting the Many Rivers West Tax Increment Finance Plan, Modification No. 7 to the Franklin Avenue Redevelopment Plan and Modification No. 98 to the Common Plans;

b) Approval of the proposed redevelopment contract business terms for the project (as included in Petn No 269540);

c) Passage of the accompanying resolution granting final approval to the issuance of up to \$2,900,500 in tax-exempt Multifamily Housing Development Bonds;

d) Passage of the accompanying resolution authorizing the issuance of a Limited Revenue, Pay-As-You-Go Tax Increment Financing Note to Many Rivers West Limited Partnership in a principal amount not to exceed \$337,000; and

e) That the proper City officers be authorized to execute a redevelopment contract with the Many Rivers West Limited Partnership, with the American Indian Housing Corporation as its general partner, based on the terms contained in Petn No 269540 and all other documents related to said approved actions.

Adopted 4/16/04.

Resolutions 2004R-151, 2004R-152, and 2004R-153, adopting the Many Rivers West Tax Increment Finance Plan, Modification No. 7 to the Franklin Avenue Redevelopment Plan and Modification No. 98 to the Common Plans, granting final approval to the issuance of up to \$2,900,500 in tax-exempt Multifamily Housing Development Bonds, and authorizing the issuance of a Limited Revenue, Pay-As-You-Go Tax Increment Financing Note to Many Rivers West Limited Partnership in a principal amount not to exceed \$337,000, were passed 4/16/04 by the City Council. A complete copy of each 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 2004R-151
By Goodman and Johnson

Adopting the Many Rivers West Tax Increment Finance (TIF) Plan, Modification No 7 to the Franklin Avenue Redevelopment Plan, and Modification No 98 to the Common Development and Redevelopment and Common TIF Plans (the "Common Plans").

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2 That By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City has approved the creation of the Common Development and Redevelopment Project ("the

Common Project Area”) and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plans, (the “Common Plans”) relating thereto, all pursuant to the Laws.

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

1.4 That by Resolution duly adopted on March 22, 2002, the City adopted Modification No 6 to the Franklin Avenue Redevelopment Plan, Modification No 89 to the Common Plans, and the Many Rivers East TIF Plan, which plans described the parcels to be included in the TIF district, parcels excluded from the existing TIF district and Common Project boundary, the activities to be undertaken, and eligible expenditures, all pursuant to the Laws.

1.5 It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new Many Rivers West TIF Plan, a proposed Modification No 7 to the Franklin Avenue Redevelopment Plan, and a proposed Modification No 98 to the Common Plans (“collectively, the Plans”). The Plans create a new TIF district, and modify the existing Franklin Avenue Redevelopment Plan and Common Plans to describe parcels excluded from the existing TIF district and Common Project boundary in order to accommodate the activities and financing related to the proposed project, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the proposed TIF district, designate property that is excluded from TIF No 27, identify a budget for expenditures, reflect project activities and costs, and establish a housing TIF District; all pursuant to and in accordance with the Project Laws.

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

1.7 The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect exclusion of parcels from an existing TIF district, project activities and costs in the Project Area and TIF District.

Section 2. Findings for the Adoption of the Plans

2.1 The Council hereby finds, determines and declares that on July 31, 1998, the Council adopted by Resolution 98R-281 an Affordable Housing Policy for the City of Minneapolis documenting the growing shortage of decent, safe and affordable housing for low and moderate income families and individuals in the City. The Many Rivers West project will include 26 rental housing units and approximately 5,500 square feet of commercial space. It is proposed that 21 of the units be affordable at 60% or below of the Metropolitan Median Income (MMI). As a result, 100% of the units will be affordable to low or moderate income households, and the project meets all three income requirements for a housing TIF district. It is therefore found that the establishment of the Many Rivers West TIF district is fully justified to facilitate public development activities and expenditures to alleviate the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.2 The Council further finds, determines and declares that low income housing is defined as housing affordable to families with incomes below 80 percent of the Metropolitan Median family income, and further, that moderate income housing is defined as housing affordable to families with incomes between 80 percent and 120 percent of the Metropolitan area median family income; and further, moderate income is defined for this purpose in terms of the income levels for which the market does not provide housing without public assistance. In addition, 469.002, Subdivision 18, defines moderate income persons as “persons and their families whose income is not adequate to cause private enterprise to provide without governmental assistance a substantial supply of decent, safe, and sanitary housing at rents or prices within their financial means”.

2.3 The Council further finds, determines and declares that the Many Rivers West TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11. The proposed district is located within the Franklin Avenue Redevelopment Project, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.4 The Council further finds, determines and declares that the fair market value of the low and moderate income housing project constitutes 82 percent of the total valuation of the improvements constructed in the Many Rivers West housing TIF District, pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.5 The Council further finds, determines and declares that the property to be included in the Project Area consists of 7 parcels including streets and alleys. Construction Management Specialist staff conducted inspections of the proposed TIF district. The site analysis found several unimproved vacant lots, two properties whose structures did not meet the Uniform Building Code and Minnesota Energy Code, the 1400 E. Franklin Avenue building is vacant, and is in poor condition, and there is a vacant, two story wood framed duplex with asbestos siding, presently boarded and in poor condition. The remaining 5 parcels are all vacant parcels, containing no structures. These parcels are poorly maintained with debris, old portions of fencing and piles of dirt on lots. Both buildings were found to be substandard under statutory criteria defining blight, and it was concluded that the buildings are structurally substandard and the area meets the requirement for blighted properties to a degree requiring substantial renovation or clearance, and exhibit deficiencies in other categories such as lacking essential utilities, heat, light, ventilation, domestic water, facilities, fire protection and unknown factor such as asbestos and lead containing materials, basic energy conservation code requirements, and cannot be altered to an appropriate reuse.

2.6 The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise, as the proposed redevelopment removes blight and blighting influences, and provides affordable rental housing opportunities for low and moderate income households. Adoption of the Plans is essential in order to finance a portion of the public redevelopment activities necessary to subsidize the extraordinary cost of providing affordable housing at this site. The project will relieve the current shortage of decent, safe, and sanitary housing for persons of moderate or low income and their families in Minneapolis; enhance the city's tax base; serve as an impetus for the provision of needed community redevelopment; places new housing on a transportation corridor; and strengthens the City's commitment to policies of housing growth by increasing the supply of affordable housing to those households with few or constrained housing choices.

2.7 The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

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

2.9 The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City of Minneapolis that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan on page 14. As shown there, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City of Minneapolis that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.10 The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Many Rivers West TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.11 The Council finds additional public benefits will include blight remediation, tax base enhancement, economic integration, and increased neighborhood livability. The creation of this TIF district is in the public interest because it will facilitate the development of a mixed-income housing project which will provide needed rental housing for low and moderate income households.

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

2.13 The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are consistent with the undertaking of a redevelopment project area and housing TIF district, all pursuant to and in accordance with the Laws.

Section 3. Approval of the Plans; Creation of TIF District

3.1 Based upon the findings set forth in Section 2, the Many Rivers West TIF Plan, Modification No 7 to the Franklin Avenue Redevelopment Plan, and Modification No 98 to the Common Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

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

Adopted 4/16/04.

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

RESOLUTION 2004R-152
By Goodman and Johnson

Relating to the City of Minneapolis, Minnesota Multifamily Housing Revenue Bond (Many Rivers West Project) Series 2003; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C.

Resolved by The City Council of the City of Minneapolis, Minnesota (the "City"), as follows:

Section 1. Definitions.

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

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

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

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

"Bond" means the Multifamily Housing Revenue Bond (Many Rivers West Project), Series 2003 to be issued by the City pursuant to this resolution in the principal amount of up to \$2,900,500;

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

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

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

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

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

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

"Resolution" means this resolution of the City.

Section 2. Findings.

2.01. It is hereby found and declared that:

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

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

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

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

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

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

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

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

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

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

Section 3. Authorization and Sale.

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

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

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

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

Section 4. Authorizations.

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

Section 5. The Bond.

5.01. Form and Authorized Amount. The Bond shall be issued substantially in the form described above with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bond are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The initial interest rate on the Bond (until the Tender Date as defined in the Bond) shall not exceed an annual rate of 7.00%.

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

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

Section 6. Limitations of the City's Obligations.

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

Section 7. City Representative.

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

Section 8. Governmental Program.

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

Adopted 4/16/04.

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

**RESOLUTION 2004R-153
By Goodman and Johnson**

Authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$337,000 in connection with the Many Rivers West Housing Project within the Franklin Avenue Redevelopment Project Area.

Whereas, the City of Minneapolis (the "City"), a Minnesota municipal corporation, acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Section 31 and Minneapolis Code of Ordinances, Title 16, Chapter 415, as amended, has certain powers, including without limitation the powers contained in Minnesota Statutes, Sections 469.001 to 469.047 (the "HRA Act"), and Minnesota Statutes, Sections 469.174 to 469.179 (the "Tax Increment Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted areas of the City and the development of housing for persons of low and moderate incomes, and in this connection the City is engaged in carrying out a redevelopment project known as the Many Rivers West Redevelopment Project (the "Project"); and

Whereas, pursuant to the HRA Act and the Tax Increment Act, the City has approved Modification No. 7 to the Franklin Avenue Redevelopment Plan, Modification No. 98 to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan and the Many Rivers West Tax Increment Financing Plan, all dated March 5, 2004, and all adopted on April 16, 2004; and

Whereas, pursuant to the Tax Increment Act, and specifically Section 469.178, subd 4, the City is authorized to issue its tax increment limited revenue notes to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Many Rivers West Limited Partnership, a Minnesota limited partnership (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop a 26 unit rental housing project, with 19 affordable housing units;

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

That it is desirable that the City issue a tax increment limited revenue note (the "TIF Note") in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS**

**TAX INCREMENT LIMITED REVENUE NOTE
(Many Rivers West Project)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Many Rivers West Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this TIF Note, being Three Hundred Thirty-Seven Thousand and No/100 Dollars (\$337,000), or such lesser amount as may equal the Public Development Costs, with interest at the TIF Note Rate, in the installments specified in this TIF Note, on the Payment Dates.

Capitalized terms not elsewhere defined in this TIF Note shall have the following meanings, and if not defined herein, shall have the meanings assigned them in the Contract:

“Available Tax Increment” means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

“Contract” means that certain Contract for Private Redevelopment by and between the City and the Developer dated _____.

“District” means the Many Rivers West 1 Tax Increment Finance District as defined in the Tax Increment Finance Plan adopted by the City on April 16, 2004 (the “TIF Plan”).

Improvements shall have the meaning given to Minimum Improvements in the Contract.

Interest Start Date means the date when interest begins to accrue on the TIF Note, which date will be the date when the City has issued the Public Redevelopment Costs Certification.

Maturity Date means the earlier of (i) the final year of Tax Increment collection from the District as provided in the TIF Plan, or (ii) the date when the principal and interest amount of this TIF Note has been paid in full.

Payment Date means July 30 of the year of first increment collection from the District and each July 30 and December 30 thereafter until the Maturity Date.

Property shall have the meaning given to it in the Contract.

Public Redevelopment Costs shall have the meaning given to it in the Contract.

Public Redevelopment Costs Certification means the certification of Public Development Costs to be issued by the City pursuant to Section 4.01(b) of the Contract.

Tax Increment means that portion of the real property taxes generated by the Property and the Minimum Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

Tax Increment Act means Minnesota Statutes, Sections 469.174 - 469.179, as amended, or any successor statutes applicable to the District.

TIF Note Rate means 6.00% per annum, based upon a 360-day year, compounded semiannually.

On any Payment Date the Available Tax Increment will be expended in the following order:

1) Payment of interest which has accrued on the outstanding principal balance of this TIF Note since the last Payment Date (or the Interest Start Date if this is the first Payment Date). Any amount of accrued interest which is not paid on that date will be added to the outstanding principal balance of this TIF Note (capitalized).

2) Any remaining Available Tax Increment will then be used to pay principal on the TIF Note.

If the Developer is in default under the Contract, and such default has not been cured within the time period provided in the Contract, then the City may suspend payments on this TIF Note until the default is cured or the Contract and the City's obligations under this TIF Note are terminated. The City shall have no obligation to pay principal of and interest on this TIF Note from any source other than Available Tax Increment. Failure of the City to pay the interest on and the principal of this TIF Note shall not constitute a default hereunder so long as the City pays principal and interest hereon to the extent of the Available Tax Increment.

Interest shall accrue on this TIF Note from the Interest Start Date. Each payment under this TIF Note, whether a scheduled payment or any other payment, must be applied first to accrued unpaid interest and then to the unpaid principal amount of this TIF Note.

On the Maturity Date, this TIF Note shall be deemed paid in full and the City shall have no further obligation under this TIF Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this TIF Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this TIF Note has been paid in full. This TIF Note may be prepaid in full or in part at any time without penalty.

Each payment on this TIF Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and must be made by check or draft made payable to the Developer and mailed to the Developer at 2020 Bloomington Avenue South

Minneapolis, Minnesota 55404, or such other address as the Developer provides in writing to the City's notice address as set forth in the Contract or by wire transfer according to written wire transfer instructions from the Developer.

This TIF Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Section 469.178, subdivision 4, to aid in financing a "project," as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

This TIF note is not a debt of the State of Minnesota (the "State"), or any political subdivision thereof, including the City of Minneapolis, Minnesota (the "City"), except that the City shall be obligated to make payments from available tax increment, and neither the state nor any political subdivision thereof, including the City, shall be liable on this TIF note, except for the City's obligation to make payments from available tax increment, nor shall this TIF note be payable out of any funds or properties other than available tax increment.

This TIF Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter executed by the proposed transferee in a form reasonably acceptable to the City.

This TIF Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this TIF Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

It is Hereby Certified and Recited that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this TIF Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this TIF Note is issued pursuant to the Tax Increment Act; and that this TIF Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the Agency to exceed any constitutional or statutory limitation thereon.

In Witness Whereof, the City of Minneapolis Community, by action of its Mayor and City Council, has caused this TIF Note to be executed by the manual signatures of its Mayor, City Clerk or assistant City Clerk and the Finance Officer or Assistant Finance Officer of the City; and has caused this TIF Note to be dated _____, 20____.

CITY OF MINNEAPOLIS

By _____
Its Mayor

By _____
Its City Clerk or Assistant City Clerk

By _____
Its Finance Officer or Assistant Finance Officer

Department Head Responsible
For Monitoring Contract:

CPED

Approved as to form:

Assistant City Attorney

Adopted 4/16/04

Comm Dev & W&M/Budget - Your Committee, having been informed of two projects that have been awarded funding through the 2003 grant program of the Metropolitan Council Livable Communities Tax Base Revitalization Account (TBRA), now recommends that the proper City officers be authorized to accept the following grants:

Metropolitan Council TBRA

1035 E Franklin Av (PPL Headquarters), \$20,396 (SG2003-125);

1508 E Lake St (Antiques Minnesota), \$232,000 (SG2003-130).

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$252,396 to reflect receipt of the grant funds.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

RESOLUTION 2004R-154
By Goodman and Johnson

Amending The 2004 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 Community Planning and Economic Development Agency in the State and Local Grants Fund (SMN-890-8490) by \$252,396 and increasing the revenue source (SMN-890-8490 - Source 3215-13) by \$252,396.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

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

H&HS - Your Committee, to whom was referred ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to *Food Code*, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 186 entitled *In General*, adding definitions for food market distributor and food market manufacturer;

b. adding a new Chapter 201 entitled *Public Markets*,

c. repealing Chapter 202 entitled *Public Market* and adding a new Chapter 202 entitled *Municipal Market*.

Adopted 4/16/04.

Ordinance 2004-Or-035 amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General*, amending Section 186.50 to add definitions for food market distributor and food market manufacturer, was passed 4/16/04 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 2004-Or-035
By Schiff
Intro & 1st Reading: 1/30/04
Ref to: PS&RS
2nd Reading: 4/16/04

Amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to the Food Code: In General.

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

Section 1. That Section 186.50 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence to read as follows:

186.50. Definitions. All terms used in this title, unless expressly defined in this section, shall be interpreted as defined in the Minnesota Food Code, part 4626.0020, as they may be amended from time to time. The following terms shall have the following meanings:

Food market distributor: means a vendor in a public or municipal market that is selling or reselling foods for off-site consumption.

Food market manufacturer: means a vendor in a public or municipal market that is selling foods for immediate consumption.

Adopted 4/16/04.

Ordinance 2004-Or-036 amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to *Food Code* by adding a new Chapter 201 relating to *Public Markets*, adding the following Sections 201.10 through 201.80, was passed 4/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. 201.10 Definitions.
- b. 201.20 License required.
- c. 201.25 Food market manufacturer and food market distributor license required.
- d. 201.30 License application.
- e. 201.40 License fee.
- f. 201.50 License adverse action.
- g. 201.60 Duties of market manager.
- h. 201.70 Health requirements.
- i. 201.80 Food sampling.

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

ORDINANCE 2004-Or-036
By Schiff
Intro & 1st Reading: 1/30/04
Ref to: PS&RS
2nd Reading: 4/16/04

Amending Title 10 of the Minneapolis Code of Ordinances relating to the Food Code, by adding a new Chapter 201 relating to Public Markets.

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 201 to read as follows:

CHAPTER 201. PUBLIC MARKETS

201.10. Definitions. As used in this chapter, the following terms shall mean:

Market manager: The designated contact person responsible for the supervision, management, and control of the public market.

Public market: A defined, open air place regulated by the city for the selling and buying of farm products and other market related products.

201.20. License required. It shall be unlawful for any person to conduct or operate a public market without obtaining a license therefor.

201.25. Food market manufacturer and food market distributor license required. It shall be unlawful for any person to conduct or operate as a Food Market Distributor or a Food Market Manufacturer without obtaining a license therefor.

201.30. License application. Each applicant for a license to operate a public market shall file an application with the department of licenses and consumer services on forms provided by the department. The director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.
- (2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.
- (3) The proposed location of the public market and the dates on which and the hours during which the market will be operated.
- (4) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (5) A list of all food market manufacturers and food market distributors at the public market.
- (6) The market manager's name, residence address, and telephone contact number.

201.40. License fee. The licensee of a public market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses granted under this chapter shall expire on April first of each year.

201.50. License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The premises is operated in such a manner as constituting a public nuisance per this Code or Minnesota Statute 609.74 and 609.745.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to building maintenance, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

201.60. Duties of market manager. The market manager shall prepare rules and regulations relative to the care and conduct of said public market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the public market and must be present when the market is open to the public. The market manager shall:

- (1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J.
- (2) Provide fully operational and stocked toilet facilities shall be available to all customers and vendors.
- (3) Provide sufficient potable water to meet the needs of each vendor.
- (4) Insure that all market food distributors and market food manufacturers are located on a hard, smooth and easily cleanable surface.
- (5) Insure prompt removal of all trash and debris from the public right of way within one hundred (100) feet of the public market and in accordance with the Code of Ordinances.

201.70. Health requirements. A food market distributor or food market manufacturer shall meet the following requirements in addition to any already noted in Chapters 186 and 188:

- (1) Completion of an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J.
- (2) Food Market Manufacturer shall complete an approved two (2) hour food handler safety class.

201.80. Food sampling. Market food distributors and market food manufacturers may provide food samples in accordance with the requirements of the Code, including Chapters 186 and 188. Samples shall only be offered in individual portions and served with individual paper napkins, soufflé cups or toothpicks. Samples may be distributed with tongs or a person wearing disposable gloves.

Adopted 4/16/04.

Ordinance 2004-Or-037 repealing Chapter 202 of Title 10 of the Minneapolis Code of Ordinances relating to *Food Code: Public Market*, repealing Sections 202.10 through 202.300, was passed 4/16/04 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 2004-Or-037
By Schiff
Intro & 1st Reading: 1/30/04
Ref to: PS&RS
2nd Reading: 4/16/04

Repealing Chapter 202 of Title 10 of the Minneapolis Code of Ordinances relating to Food Code: Public Market.

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

Section 1. That Chapter 202 of the Minneapolis Code of Ordinances be and is hereby repealed.

CHAPTER 202. PUBLIC MARKET

202.10. Definitions. As used in this chapter, the following terms shall mean:

Forestalling: Intercepting a producer on the way to the public market to buy or offer to buy up a part or all of the producer's load of produce, or to dissuade the producer from proceeding to the public market, for the purpose of reselling goods so bought on said market or upon the public streets, or of decreasing the amount or enhancing the prices of any products for sale on the public market.

Producer: Any person actually engaged in the business of producing farm products on land owned or leased by such person or which such person has been permitted to use, or a member of the family or agent of such person or an employee working on the farm, orchard or garden of such person; also, an employee of or an agent who represents exclusively, a nonprofit association of producers of farm products which markets the products produced by its members.

Public market or municipal market: A city owned and regulated place together with the buildings thereon designated in this chapter for the selling and buying of farm products and the accommodation of producers' and dealers' trucks in which such products are brought to or taken from said places.

202.20. Established. That tract of land described as Lot 1, Block 3, Glenwood Renewal Subdivision No. 2, originally acquired by the city in condemnation proceedings No. 27 and No. 28, for a site for a public market, with such additions and extensions as may hereafter be made thereto, is designated and established as the public market of the city, for the barter and sale of vegetables, fruits, garden truck, and any other article of farm produce, subject to all the regulations and provisions of this chapter and to such other rules and regulations adopted in the manner herein provided.

202.30. Sale of items other than foodstuffs. Notwithstanding any other provisions of this Code to the contrary, the barter and sale of antiques, early American merchandise and collectibles by licensed dealers having an established place of business, as a supplementary location, and the barter and sale of handcraft and works of art shall be permitted in surplus space in the public market during the hours

established for the operation of the market, if the space needs of the aforementioned commodities have been satisfied. Such space shall be allocated in the order of making application therefor.

202.40. Position of market master created; supervision duties. (a) There shall be a market master who shall, under the direction of the city engineer, have the supervision, management and control of said public market. The market master may be appointed a special police officer by the mayor to exercise police powers within the public market and the territory adjoining and surrounding said market, as may be defined in the order of appointment under Section 3 of Chapter VI of the Charter.

(b) If the city shall enter into a contract with any individual, corporation or association, for the operation of the market for the city, the market master shall be appointed by and be an employee of said individual, corporation or association; but the appointment must be approved by the city engineer who will hold the individual, corporation or association together with their appointed market master responsible for the orderly operation of the market in conformity with the said contract and this Code.

202.50. Bond of market master. Before entering upon the duties of the office, the market master shall execute and deliver to the city a surety company bond in the sum of one thousand dollars (\$1,000.00), conditioned for the accounting of all money coming into the possession and control of the market master and for the faithful performance of the duties as such market master.

202.60. Duties of market master. The market master, under the supervision and approval of the city engineer, shall prepare rules and regulations relative to the care and conduct of said market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances.

202.70. Rules for leasing of stalls. The market master, under the supervision and approval of the city engineer, shall prepare rules and regulations for the leasing and renting of stalls, or issuance of permits for the use of stalls or space in said market, for periods of not to exceed one year. The market master shall prepare proper forms for the renting of stalls or issuance of permits for the use of any stall or stalls. The rules shall provide that preference in location shall be given to applicants desiring a permit for stalls on a seasonal basis, and in other respects preference may be given in the order of making application therefor. Said rules shall further provide that, subject to the foregoing, the allotment of stalls shall be made by the market master, under the supervision of the city engineer, without discrimination. Said rules shall provide that the rental of stalls shall in all cases be payable in advance, but may be paid yearly or in monthly installments, in accordance with the schedule of rents or other charges. Default in payment of rent shall immediately terminate all rights of the lessee to the stall rented or of the holder of a permit to use the same, without other or further notice.

202.80. Applications for stalls. Forms of applications for the right to lease any stall or stalls, or for a permit to use any stall or stalls, shall include a clause by which the applicant for said lease or permit agrees to abide by each and all of the provisions of this chapter and all rules and regulations promulgated as provided herein, to furnish under oath, if desired, such information with reference to applicant's address, character, nature and extent and location of applicant's business, the names and amounts of the products that the applicant produces, or which the applicant sells on the public market, the period when the applicant comes to the public market, and such other data as may be deemed necessary for the protection of the public welfare and the proper administration of the public market; and to consent to immediate cancellation of any lease or permit by the market master and to summary ejectment by the market master within twenty-four (24) hours after such cancellation of any lease or permit. No person shall use or occupy any stall or other space in said public market without first paying the rental herein provided.

202.90. Rentals. (a) Upon recommendation of the city engineer, the city council shall fix from year to year the length of the market season, the market fees and stall rentals, service charges, and any market concession rentals. When the market is operated under contract with an individual, corporation or association, the market season and market fees shall be fixed by the individual, corporation, or association subject to the approval of the city engineer and review of the council from time to time. The market master shall assess and collect such fees and rentals from all persons who occupy such stall spaces on the public market for selling purposes. In recommending stall rentals, the city engineer may classify the stall spaces, both underneath and outside of market sheds, according to desirability of

location and other factors affecting their value, and different charges may be made for such different classes of stalls. In order to better utilize the selling spaces on the market, the market master may rent a single stall to two (2) or more persons under adequate rules and regulations, and in such case a fixed scale of reduced rentals may be made to apply. Each year the city engineer shall file with the city finance officer a list of the classes of stalls on the public market and the stall numbers which make up such class, together with the rental charges for the stalls, service charges and concession rentals which have been fixed by the city council.

(b) The market master shall issue proper receipts in form approved by the city finance officer for all market fees and rentals collected, and the market master shall issue without charge to a person who rents a stall on an annual basis one metal sign bearing the stall number assigned to such person, and such other data as the market master shall deem advisable.

(c) In assigning market stalls on a seasonal basis, the market master may separate vendors into classes according to the kinds of products which they sell or the periods during which they come to the public market, or both, and assign certain market sheds or certain sections of such sheds to certain classes of vendors, in such a way that the best interests of the market will be served. Unless it is desirable to transfer a person from one stall to another, in order to place the person with the proper class, a person who rents a stall one year shall have the renewal of that stall for the next year provided the person has complied with the provisions of this chapter and the market rules and regulations.

(d) All market space rented on a seasonal basis shall be reserved for the renters thereof up to the opening hour of the market. If the renter does not occupy the stall by that time the stall may be rented for the day only to another person.

(e) When conditions make such action desirable, the market master may lay out and number additional stall spaces, approximately ten (10) feet by twenty-five (25) feet, outside of the sheds but inside of the property line, and rent such spaces.

(f) When there are more applications to rent stall spaces on a seasonal basis than there are vacant stall spaces to rent, or when there are two (2) or more applications for any one vacant stall, then the assignment of such stall spaces by the market master shall be by lot. When these conditions are not existent, however, the market master may rent vacant market stall spaces as applications are presented.

(g) The market master shall keep a record of all stalls leased or for which permits are issued, and such other information as the city engineer shall direct. Rules and regulations prepared by the market master, under the supervision and approval of the city engineer, may provide for the transfer of any lease or permit and a reasonable fee for such transfer. No stall shall be occupied by anyone except a lessee or holder of a permit, or the officers or agents of the lessee or holder of a permit.

202.100. Market available to producers. (a) All farm producers and market gardeners who raise their own produce shall have first priority to the use of the public market on terms of equality and without discrimination, and subject to the provisions of this chapter. They shall be allowed to sell on the public market wholesome fresh, canned, dried or prepared food products of their own production or preparation; also certain other products of their farm, garden, greenhouse, apiary, or of the forest, such as flowers, plants, nuts, herbs, hay, straw, Christmas trees and greens; provided, that in so doing they comply with all of the provisions of this Code and other applicable laws covering the handling and distribution of edible food products.

(b) When a producer is unable temporarily to come to market, or when the quantity of the marketable products is too small to warrant the producer to come, the producer may send the products to public market by a neighboring producer; provided, that the latter acts only in the capacity of an agent of the first producer and does not purchase the products involved and provided further, that the producer involved secure from the market master a permit covering such action. Before issuing such permit, the market master may require, under oath, such information from the applicant as may be deemed necessary.

202.110. Open hours. The public market shall be open for business during such hours as shall be determined by the market master with the approval of the city engineer, so as to best serve the reasonable needs of the farmers, market gardeners and the public.

202.120. Selling outside stalls. No produce shall be displayed by uncovering the load and opening the packages or otherwise allowing prospective buyers to inspect it, nor shall any produce be offered for sale or sold, except in the stalls provided for such purposes.

202.130. Hours for vehicles. In order that the market may be properly cleaned, the market master may fix in the market rules and regulations the hours during which all or part of the public market shall be cleared of vehicles, and during such prescribed hours no person shall drive a vehicle into the public market in violation of such rules, or refuse to remove his vehicle from the market promptly upon the order of a market employee.

202.140. Display of produce; removal of unwholesome produce. All vegetables, provisions or produce offered for sale in the public market shall be placed in such manner as the market master may direct. If any such vegetables, provisions or produce shall be deemed by the market master to be unwholesome or unfit to be consumed or used, the market master shall order the owners thereof to remove same immediately from the public market; and if such owner shall neglect or refuse to obey such order, the market master shall remove same without delay. Failure to obey is just cause for revocation of permit.

202.150. Traffic regulation. The market master, with the approval of the city engineer, shall promulgate reasonable rules for the regulation of traffic within the boundaries of said market, may designate the place of ingress and egress, and prescribe the manner of placing and moving vehicles so as to avoid congestion and confusion and to promote the convenience of prospective purchasers.

202.160. Removal from market; disposal of refuse. The occupant of such stall or space in the public market, within a half hour after the time for the closing of the market, shall cause his produce, wares, and vehicle to be removed from the market and shall cause his stall to be thoroughly cleaned and all refuse or vegetable rubbish to be removed from the market and disposed of in accordance with directions of the market master, unless, in case of emergency, the market master shall otherwise direct.

202.170. Receipts to be given; identification of sellers. In order that business conducted on the public market may be facilitated, and disputes, mistakes, dishonesty and fraud eliminated so far as possible, the market master may and shall for all nonfarm products, require, through market rules and regulations, that sellers deliver to buyers approved sales slips, receipts and contracts for future delivery covering any or all business transactions involving goods displayed for sale, offered for sale or sold on the public market, or covering goods offered by sellers on the public market for future delivery. The market master may also require through market rules and regulations that every person who sells on the public market display an approved sign in an approved space in connection with the seller's stall space or on the seller's truck, giving the name and address and other identification of the producer or dealer operating in the stall space.

202.180. Eating facilities. (a) The city council may conduct on the market, eating places which will provide the buyers and sellers on the market with suitable accommodations of this nature; or, in its discretion, it may rent such facilities, under such rules and regulations as it may prescribe, to a private party. When such action is made effective, thereafter no other person shall display, offer for sale on the market grounds or in buildings thereon any prepared foods or beverages designed for the immediate consumption of the buyers and sellers on the market. It shall be understood that the refectory privileges on the market, whether operated by the city or by a private party, carry with them the exclusive right to sell such foods and beverages on the market.

(b) Provided, that the city council may permit any duly licensed caterer to vend his goods, wares and merchandise in a place or stall properly assigned to such caterer by the city engineer acting through the market master and upon such conditions and regulations as the city engineer shall impose and direct. Any person desiring to so operate shall make application to the market master for such a permit and shall pay a fee of five dollars (\$5.00) for such permit.

202.190. Shoplifting. No person shall remove any products, containers for products, or any other property from the truck of, or the display space allotted to, any person who sells on the public market without previously having purchased and paid for, or without previously having made arrangements satisfactory to the seller for the purchase or transfer of such products, containers or other property.

202.200. Acts prohibited generally. No person shall willfully deface or damage the buildings, pavement or other physical equipment of the public market. No person shall deposit unsold merchandise, vegetable refuse or other garbage, broken crates, boxes, barrels or pieces thereof, paper or other rubbish on the public market, nor burn any such garbage or rubbish on said market except in places which may be provided for the specific purposes. No person shall slaughter or draw any animal or fowl within the public market. No person shall distribute, scatter about, or post on the public market any advertising

pamphlet, card, handbill or other printed matter, nor shall any person beg, loiter, solicit patronage for any business, or sell or attempt to sell real estate, animals, meat, butter, junk, or vehicles on the public market. No person shall make any public outcry, do hawking or give any musical or other entertainment for the purpose of drawing customers or to attract attention. The market master, however, may arrange for or otherwise procure such entertainment, music, displays, or other forms of promotion for the purpose of encouraging public patronage of the market provided, however, no such display, promotion or other device may be used in any way to promote any political party, candidate, or any proposal subject to a vote of the people of Minneapolis or any segment of the population whether said vote be subject to official election laws or rules or fall under some other jurisdiction, official or unofficial, and further such entertainment, music, or display shall first be approved by the city engineer.

202.210. Parking. No person shall park his vehicle on the public market grounds during market hours except while he is transacting legitimate market business in the market.

202.220. Inspections. All products sold or bought on the public market shall be open to the inspection of duly authorized city or state health officials and the officials of the public market.

202.230. Unwholesome products prohibited. No food product shall be offered for sale, displayed or sold on the public market which is unwholesome or unfit for food.

202.240. Designation, use of spaces. The market master may determine, as traffic conditions may warrant, the length of the space on the central walk which stall occupants may use for displaying their produce on the different market sheds, and shall mark the boundaries of such space on the market walk. No person shall display produce beyond the limit as set by such line or otherwise obstruct the walkway for buyers.

202.250. Forestalling. Forestalling is prohibited within the city so far as it shall affect the public market.

202.260. Removal of violators. The market master shall have the authority to order and remove any person from the public market who is guilty therein of any violation of this chapter, or who shall fail to obey any lawful orders of the market master.

202.270. Forfeiture of space. Any lessee of any stall, or any person having a license or permit to occupy any stall or space in the public market, who shall be twice convicted of any violation of this chapter or of any rule relating to his conduct or the conduct of any of his officers or agents on the public market, shall upon his second conviction automatically forfeit his lease or permit. Any lessee who shall use or attempt to use any stall or space for any purpose other than that for which it was specifically rented, or other than is permitted by the provisions of this chapter, shall forthwith forfeit his lease to said stall or space.

202.280. Alcoholic beverages prohibited. No person shall have in his possession, or use, sell or give away in the public market, any wines, or spirituous, intoxicating, mixed or fermented liquors or beer.

202.290. Resisting market master. No person shall resist the market master in the lawful discharge of his several duties.

202.300. Use of proceeds from market. All receipts from the operation of the market shall be credited to the market operation fund, and all expenditures incident to the administration, operation and maintenance of said market shall be charged against said market operation fund. The city council may from time to time transfer any balances in said market operation fund not needed for the administration, operation and maintenance of the market to the sinking fund for the purpose of retiring bonds sold for the construction of the market.

Adopted 4/16/04.

Ordinance 2004-Or-038 amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to the *Food Code* by adding a new Chapter 202 relating to *Municipal Market*, adding the following Sections 202.10 through 202.290, was passed 4/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. 202.10 Definitions.
- b. 202.20 License required.
- c. 202.30 Food market manufacturer and food market distributor license required.
- d. 202.40 License application.

- e. 202.50 License fee.
- f. 202.60 License adverse action.
- g. 202.70 Established.
- h. 202.80 Sale of items other than foodstuffs.
- i. 202.90 Position of market manager created; supervision duties.
- j. 202.100 Applications for stalls.
- k. 202.110 Rentals.
- l. 202.120 Market available to producers.
- m. 202.130 Open hours.
- n. 202.140 Hours for vehicles.
- o. 202.150 Display of produce; removal of unwholesome produce.
- p. 202.160 Removal from market; disposal of refuse.
- q. 202.170 Receipts to be given; identification of sellers.
- r. 202.180 Eating Facilities.
- s. 202.190 Shoplifting.
- t. 202.200 Acts prohibited generally.
- u. 202.210 Parking.
- v. 202.220 Inspections.
- w. 202.230 Unwholesome products prohibited.
- x. 202.240 Ready-to-eat foods prohibited.
- y. 202.250 Removal of violators.
- z. 202.260 Forfeiture of space.
- aa. 202.270 Alcoholic beverages prohibited.
- bb. 202.280 Resisting market manager.
- cc. 202.290 Use of proceeds from market.

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

ORDINANCE 2004-Or-038
By Schiff
Intro & 1st Reading: 1/30/04
Ref to: PS&RS
2nd Reading: 4/16/04

**Amending Title 10 of the Minneapolis Code of Ordinances relating to the Food Code
by adding a new Chapter 202 relating to Municipal Market.**

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 202 to read as follows:

CHAPTER 202. MUNICIPAL MARKET

202.10. Definitions. As used in this chapter, the following terms shall mean:

Producer: Any person actually engaged in the business of producing farm products on land owned or leased by such person or which such person has been permitted to use, or a member of the family or agent of such person or an employee working on the farm, orchard or garden of such person.

Municipal market: A city owned and regulated place together with the buildings thereon designated in this chapter for the selling and buying of farm products and other market related products.

202.20. License required. It shall be unlawful for any person to conduct or operate a municipal market without obtaining a license therefor. License shall be obtained by the lessee to operate a municipal market.

202.30. Food market manufacturer and food market distributor license required. It shall be unlawful for any person to conduct or operate as a food market distributor or a food market manufacturer without obtaining a license therefor.

202.40. License application. Each applicant for a license to operate a municipal market shall file an application with the department of licenses and consumer services on forms provided by the department. The director of licenses and consumer services may require such information on the application as the director considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.
- (2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.
- (3) The proposed location of the municipal market and the dates on which and the hours during which the market will be operated.
- (4) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (5) A list of all vendors at the municipal market.
- (6) The market manager's and designee's names, residence addresses, and telephone contact numbers.

202.50. License fee. The licensee of a municipal market shall pay an annual license fee as established in Appendix J, License Fee Schedule. Licenses granted under this chapter shall expire on April first of each year.

202.60. License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The premises is operated in such a manner as constituting a municipal nuisance per this Code or Minnesota Statute 609.74 and 609.745.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to building maintenance, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

202.70. Established. That tract of land described as Lot 1, Block 3, Glenwood Renewal Subdivision No. 2, originally acquired by the city in condemnation proceedings No. 27 and No. 28, for a site for a municipal market, with such additions and extensions as may hereafter be made thereto, is designated and established as the municipal market of the city, for the barter and sale of vegetables, fruits, plants, cut flowers and related market products, and any other article of farm produce, subject to all the regulations and provisions of this chapter and to such other rules and regulations adopted in the manner herein provided.

202.80. Sale of items other than foodstuffs. Sale of handicraft and works of art shall be permitted in surplus space in the municipal market during the hours established for the operation of the market, if the space needs of the aforementioned commodities have been satisfied. Such space shall be allocated in the order of making application therefor.

202.90. Position of market manager created; supervision duties. (a) There shall be a market manager who shall, under the direction of the city engineer, have the supervision, management and control of said municipal market. The market manager may be appointed a special police officer by the mayor to exercise police powers within the municipal market and the territory adjoining and surrounding said market, as may be defined in the order of appointment under Section 3 of Chapter VI of the Charter.

(b) If the city shall enter into a contract with any individual, corporation or association, for the operation of the market for the city, the market manager shall be appointed by and be an employee of said individual, corporation or association; but the appointment must be approved by the city engineer who will hold the individual, corporation or association together with their appointed market manager responsible for the orderly operation of the market in conformity with the said contract and this code.

202.100. Applications for stalls. Forms of applications for the right to lease any stall or stalls, or for a permit to use any stall or stalls, shall include a clause by which the applicant for said lease or

permit agrees to abide by each and all of the provisions of this chapter and all rules and regulations promulgated as provided herein, to furnish under oath, if desired, such information with reference to applicant's address, character, nature and extent and location of applicant's business, the names and amounts of the products that the applicant produces, or which the applicant sells on the municipal market, the period when the applicant comes to the municipal market, and such other data as may be deemed necessary for the protection of the public welfare and the proper administration of the municipal market; and to consent to immediate cancellation of any lease or permit by the market manager and to summary ejection by the market manager within twenty-four (24) hours after such cancellation of any lease or permit. No person shall use or occupy any stall or other space in said municipal market without first paying the rental herein provided.

202.110. Rentals. (a) Upon recommendation of the city engineer, the city council shall fix from year to year the length of the market season, the market fees and stall rentals, service charges, and any market concession rentals. When the market is operated under contract with an individual, corporation or association, the market season and market fees shall be fixed by the individual, corporation, or association subject to the approval of the city engineer and review of the council from time to time. The market manager shall assess and collect such fees and rentals from all persons who occupy such stall spaces on the municipal market for selling purposes. In recommending stall rentals, the city engineer may classify the stall spaces, both underneath and outside of market sheds, according to desirability of location and other factors affecting their value, and different charges may be made for such different classes of stalls. In order to better utilize the selling spaces on the market, the market manager may rent a single stall to two (2) or more persons under adequate rules and regulations, and in such case a fixed scale of reduced rentals may be made to apply. Each year the city engineer shall file with the city finance officer a list of the classes of stalls on the municipal market and the stall numbers which make up such class, together with the rental charges for the stalls, service charges and concession rentals which have been fixed by the city council.

(b) In assigning market stalls on a seasonal basis, the market manager may separate vendors into classes according to the kinds of products which they sell or the periods during which they come to the municipal market, or both, and assign certain market sheds or certain sections of such sheds to certain classes of vendors, in such a way that the best interests of the market will be served. Unless it is desirable to transfer a person from one stall to another, in order to place the person with the proper class, a person who rents a stall one year shall have the renewal of that stall for the next year provided the person has complied with the provisions of this chapter and the market rules a regulation.

202.120. Market available to producers. (a) All farm producers and market gardeners who raise their own produce shall have first priority to the use of the municipal market on terms of equality and without discrimination, and subject to the provisions of this chapter. They shall be allowed to sell on the municipal market wholesome fresh, canned, dried or prepared food products of their own production or preparation; also certain other products of their farm, garden, greenhouse, apiary, or of the forest, such as flowers, plants, nuts, herbs, hay, straw, Christmas trees and greens; provided, that in so doing they comply with all of the provisions of this Code and other applicable laws covering the handling and distribution of edible food products.

(b) When a producer is unable temporarily to come to market, or when the quantity of the marketable products is too small to warrant the producer to come, the producer may send the products to municipal market by a neighboring producer; provided, that the latter acts only in the capacity of an agent of the first producer and does not purchase the products involved and provided further, that the producer involved secure from the market manager a permit covering such action. Before issuing such permit, the market manager may require, under oath, such information from the applicant as may be deemed necessary.

202.130. Open hours. The municipal market shall be open for business during such hours as shall be determined by the market manager with the approval of the city engineer, so as to best serve the reasonable needs of the farmers, market gardeners and the public.

202.140. Hours for vehicles. In order that the market may be properly cleaned, the market manager may fix in the market rules and regulations the hours during which all or part of the municipal market shall be cleared of vehicles, and during such prescribed hours no person shall drive a vehicle into the municipal market in violation of such rules, or refuse to remove his vehicle from the market promptly upon the order of a market employee.

202.150. Display of produce; removal of unwholesome produce. All vegetables, provisions or produce offered for sale in the municipal market shall be placed in such manner as the market manager may direct. If any such vegetables, provisions or produce shall be deemed by the market manager to be unwholesome or unfit to be consumed or used, the market manager shall order the owners thereof to remove same immediately from the municipal market; and if such owner shall neglect or refuse to obey such order, the market manager shall remove same without delay. Failure to obey is just cause for revocation of permit.

202.160. Removal from market; disposal of refuse. The occupant of such stall or space in the municipal market, within a half hour after the time for the closing of the market, shall cause his produce, wares, and vehicle to be removed from the market and shall cause his stall to be thoroughly cleaned and all refuse or vegetable rubbish to be removed from the market and disposed of in accordance with directions of the market manager, unless, in case of emergency, the market manager shall otherwise direct.

202.170. Receipts to be given; identification of sellers. In order that business conducted on the municipal market may be facilitated, and disputes, mistakes, dishonesty and fraud eliminated so far as possible, the market manager may and shall for all nonfarm products, require, through market rules and regulations, that sellers deliver to buyers approved sales slips, receipts and contracts for future delivery covering any or all business transactions involving goods displayed for sale, offered for sale or sold on the municipal market, or covering goods offered by sellers on the municipal market for future delivery. The market manager may also require through market rules and regulations that every person who sells on the municipal market display an approved sign in an approved space in connection with the seller's stall space or on the seller's truck, giving the name and address and other identification of the producer or dealer operating in the stall space.

202.180. Eating Facilities. (a) The city council may conduct on the market, eating places which will provide the buyers and sellers on the market with suitable accommodations of this nature; or, in its discretion, it may rent such facilities, under such rules and regulations as it may prescribe, to a private party. When such action is made effective, thereafter no other person shall display, offer for sale on the market grounds or in buildings thereon any prepared foods or beverages designed for the immediate consumption of the buyers and sellers on the market. It shall be understood that the refectory privileges on the market, whether operated by the city or by a private party, carry with them the exclusive right to sell such foods and beverages on the market.

(b) Provided, that the city council may permit any duly licensed caterer to vend his goods, wares and merchandise in a place or stall properly assigned to such caterer by the city engineer acting through the market manager and upon such conditions and regulations as the city engineer shall impose and direct. Any person desiring to so operate shall make application to the market manager for such a permit and shall pay an appropriate fee for such permit.

202.190. Shoplifting. No person shall remove any products, containers for products, or any other property from the truck of, or the display space allotted to, any person who sells on the municipal market without previously having purchased and paid for, or without previously having made arrangements satisfactory to the seller for the purchase or transfer of such products, containers or other property.

202.200. Acts prohibited generally. No person shall willfully deface or damage the buildings, pavement or other physical equipment of the municipal market. No person shall deposit unsold merchandise, vegetable refuse or other garbage, broken crates, boxes, barrels or pieces thereof, paper or other rubbish on the municipal market, nor burn any such garbage or rubbish on said market except in places which may be provided for the specific purposes. No person shall slaughter or draw any animal or fowl within the municipal market. No person shall distribute, scatter about, or post on the municipal market any advertising pamphlet, card, handbill or other printed matter, nor shall any person beg, loiter, solicit patronage for any business, or sell or attempt to sell real estate, animals, meat, butter, junk, or vehicles on the municipal market. No person shall make any public outcry, do hawking or give any musical or other entertainment for the purpose of drawing customers or to attract attention. The market manager, however, may arrange for or otherwise procure such entertainment, music, displays, or other forms of promotion for the purpose of encouraging public patronage of the market provided, however, no such display, promotion or other device may be used in any way to promote any political party, candidate, or any proposal subject to a vote of the people of Minneapolis or any segment of the population

whether said vote be subject to official election laws or rules or fall under some other jurisdiction, official or unofficial, and further such entertainment, music, or display shall first be approved by the city engineer.

202.210. Parking. No person shall park his vehicle on the municipal market grounds during market hours except while he is transacting legitimate market business in the market.

202.220. Inspections. All products sold or bought on the municipal market shall be open to the inspection of duly authorized city or state health officials and the officials of the municipal market.

202.230. Unwholesome products prohibited. No food product shall be offered for sale, displayed or sold on the municipal market which is unwholesome or unfit for food.

202.240. Ready-to-eat foods prohibited. No ready-to-eat foods or foods available for immediate consumption shall be offered for sale, displayed, or sold on the Nicollet Mall extension of the municipal market bounded by the area on Nicollet Avenue from Washington Avenue to South Thirteenth Street.

202.250. Removal of violators. The market manager shall have the authority to order and remove any person from the municipal market who is guilty therein of any violation of this chapter, or who shall fail to obey any lawful orders of the market manager.

202.260. Forfeiture of space. Any lessee of any stall, or any person having a license or permit to occupy any stall or space in the municipal market, who shall be twice convicted of any violation of this chapter or of any rule relating to his conduct or the conduct of any of his officers or agents on the municipal market, shall upon his second conviction automatically forfeit his lease or permit. Any lessee who shall use or attempt to use any stall or space for any purpose other than that for which it was specifically rented, or other than is permitted by the provisions of this chapter, shall forthwith forfeit his lease to said stall or space.

202.270. Alcoholic beverages prohibited. No person shall have in his possession, or use, sell or give away in the municipal market, any wines, or spirituous, intoxicating, mixed or fermented liquors or beer.

202.280. Resisting market manager. No person shall resist the market manager in the lawful discharge of his duties.

202.290. Use of proceeds from market. All receipts from the operation of the market shall be credited to the market operation fund, and all expenditures incident to the administration, operation and maintenance of said market shall be charged against said market operation fund. The City Council may from time to time transfer any balances in said market operation fund not needed for the administration, operation and maintenance of the market to the sinking fund for the purpose of retiring bonds sold for the construction of the market.

Adopted 4/16/04.

H&HS - Your Committee recommends passage of the accompanying Resolution recognizing the Official Flag of the Vietnamese American Community.

Lilligren moved to substitute a new Resolution for the above-mentioned Resolution. Seconded.

Adopted upon a voice vote.

Benson moved to amend the Substitute Resolution to change the word "the" to "a" before the word "ceremonial" in the Title, the last Whereas clause, and the Resolved clause. Seconded.

Adopted upon a voice vote.

The report was adopted 4/16/04.

Resolution 2004R-155, recognizing the Official Flag of the Vietnamese American Community, was passed 4/16/04 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 2004R-155
By Samuels and Lilligren**

Celebrating a Ceremonial Flag of the Vietnamese American Community.

Whereas, Vietnamese Americans should be honored and remembered for their sacrifices for freedom and human rights and for their contributions to the Unities States; and

Whereas, the City of Minneapolis recognizes the large number of Vietnamese Americans and residents of Vietnamese descent in the State of Minnesota, and they have contributed to the business, commerce, and social well-being of the City; and

Whereas, the majority of Vietnamese Americans embrace the yellow flag with three red stripes as the symbol of the Vietnamese American Community; and

Whereas, dating back to 1948, the yellow flag with three red stripes has a long history; and

Whereas, Vietnamese Americans have shown their aspiration that the yellow flag with three red stripes be recognized as a ceremonial flag of the Vietnamese American Community;

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

That the City celebrates the yellow flag with three red stripes as a ceremonial flag of the Vietnamese American Community, and that this flag may be displayed at any City or Vietnamese American event, or any public function organized by the Vietnamese American Community, subject to the permit requirement of the City.

Adopted 4/16/04.

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

H&HS, PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution transferring \$160,000 of State funds from Health & Family Support to the Police Department to provide funds in the Phillips Weed & Seed/Project Safe Neighborhoods Public Housing Initiative to support the salary of one Sergeant, within Central Investigations, for the suppression and containment of criminal activity within the Little Earth Housing complex and surrounding area during the period January 1, 2004 through December 31, 2005.

Adopted 4/16/04.

RESOLUTION 2004R-156
By Johnson Lee, Niziolek and Johnson

Amending The 2004 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 \$160,000.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P301) by \$160,000.

Adopted 4/16/04.

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

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to submit a grant application to the United States Conference of Mayors seeking up to \$300,000 to address child lead safety in Minneapolis neighborhoods, such as child lead screening.

Adopted 4/16/04.

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

IGR – Your Committee recommends passage of the accompanying resolution supporting the MSP Noise Oversight Committee recommendation for noise mitigation in residential areas.

Adopted 4/16/04.

Resolution 2004R-157, supporting the MSP Noise Oversight Committee recommendation for full 5dB noise reduction program throughout the 60-64 DNL area; and encouraging the Metropolitan Airports Commission to adopt the compromise put forth by the Noise Oversight Committee recommendation for the extended Sound Insulation Program in the 60-64 DNL Impacted areas and that the program be completed by 2010, was passed 4/16/04 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 2004R-157
By Benson and Colvin Roy

Regarding support of the MSP Noise Oversight Committee recommendation for noise mitigation in residential areas.

Whereas, the Cities of Minneapolis, Richfield, Bloomington and Burnsville are participating as members of the MSP Noise Oversight Committee (NOC) with other affected communities and airport user groups to discuss noise abatement measures and to make advisory recommendations to the Metropolitan Airports Commission (MAC) regarding noise issues; and

Whereas, a significant portion of the City's population is impacted by noise, and the resident's health, welfare, and right of quiet enjoyment of their properties is of concern to the City Council of the City of Minneapolis; and

Whereas, the City of Minneapolis is supportive of a full 5 dB noise reduction package for all homes within the 60 DNL and greater noise impact areas, and believes that MAC made such a commitment to the City of Minneapolis residents when adopting the Noise Mitigation Program on October 28, 1996; and

Whereas, Northwest Airlines, through its representatives, have recently stated their position to the MAC as being opposed to any expenditure of funds in the 60-64 DNL areas for noise mitigation; and

Whereas, a compromise was approved by a majority of members on the Noise Oversight Committee on March 24, 2004 which could be completed within the \$150 million which MAC committed to in 2002; and

Whereas, the NOC's compromise was forwarded to the MAC for approval;

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

That the City of Minneapolis supports the full 5dB noise reduction program throughout the 60-64 DNL area.

Be It Further Resolved that we encourage the MAC to adopt the compromise put forth by the NOC recommendation for the extended Sound Insulation Program in the 60-64 DNL Impacted areas and that the program be completed by 2010.

Be It Further Resolved that the City Clerk transmit a copy of this resolution to the MAC and to Mr. Vern Wilcox, chairman of the affected communities on the NOC.

Adopted 4/16/04.

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

PS&RS - Your Committee, having under consideration the application of Mill City Coffee Inc, dba Mill City Cafe, 2205 California St NE, for an On-Sale Liquor Class C-1 with Sunday Sales License (new business) to expire April 1, 2005, 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 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Was Partners LLC, dba Nochee, 500 Washington Av S, for an On-Sale Liquor Class B with Sunday Sales License (new

business) to expire July 1, 2005, 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 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of K=MC2 LLC, dba Loring Park Coffee House, 1301 Harmon Pl, for an On-Sale Wine Class E with Strong Beer 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 licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/16/04.

Declining to Vote - Benson.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

PS&RS - Your Committee, having under consideration the application of Marysburg Books LLC, dba Marysburg Books Coffee, 304 Washington Av N, for an On-Sale Wine Class C-1 with Sunday Sales License (new business) to expire April 1, 2005, 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 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Rudika A Gangapersaud, dba Palm Court Restaurant & Bar, 2424 Central Av NE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2005, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Raising The Bar LLC, dba Zeno Coffee & Dessert Bar, 2919 Hennepin Av, for a Sidewalk Cafe License to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

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

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the application of N A D LLC, dba Leaning Tower of Pizza, 2501 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License (renewal) to expire July 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of OBrien's Decoy Pub & Smokehouse, 815 E Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Adopted 4/16/04.

Declining to Vote - Benson.

Resolution 2004R-158, granting the application of O'Brien's Decoy Pub & Smokehouse, 815 E Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was passed 4/16/04 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 2004R-158
By Niziolek

Granting the application of O'Brien's Decoy Pub & Smokehouse, 815 E Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Corbett Inc, dba OBrien's Decoy Pub & Smokehouse, 815 E Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License (change in ownership) to expire January 1, 2005, subject to the following conditions (Petn No 269549):

Warewashing area and kitchen:

- a. a three-compartment with two integral drain boards must be installed. The compartments of the sink must be large enough to accommodate the largest piece of equipment that needs to be washed.
- b. a mop sink shall be installed;
- c. If the dish machine is changed to another over-the-counter dish machine, proper ventilation will be required.

Bar area:

- d. the licensee must install approved base coving, and must be a sanitary base coving.

Upstairs Service area and cooking area:

- e. approved base coving must be installed throughout the area.
- f. final inspection and compliance with all provisions of applicable codes and ordinances.

Be It Further Resolved that plans must be submitted to Minneapolis Environmental Health and approved, with the proper construction permits having been obtained prior to the start of any remodeling.

Adopted 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Casey's Bar & Grill, 3510 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License, subject to conditions.

Adopted 4/16/04.

Declining to Vote - Benson.

Resolution 2004R-159, granting the application of Casey's Bar & Grill, 3510 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License, subject to conditions, was passed 4/16/04 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 2004R-159
By Niziolek

Granting the application of Casey's Bar & Grill, 3510 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Harley A Thompson, dba Casey's Bar & Grill, 3510 Nicollet Av, for an On-Sale Wine Class C-2 with Strong Beer License (change in ownership from Jo-Chek Inc, dba Casey's Bar) to expire April 1, 2005, subject to the following conditions:

- a. the licensee shall not allow the use of the outside dining area after 9:00 p.m. (seven days a week).
- b. noise from the business and vehicles or stereos will be kept to a minimum.
- c. the licensee shall clean the property of litter and trash daily, including the area within 100 feet of the property lines.
- d. the licensee agrees to clean the sidewalks all around the business.
- e. the licensee shall provide an adequate dumpster with a closeable lid and have it emptied weekly.
- f. the licensee shall comply with all Environmental Health orders.
- g. the licensee shall comply with all Fire Department requirements and orders.
- h. the licensee shall pay all fees and fines by their due dates.
- i. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/16/04.

Declining to Vote - Benson.

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

Adopted 4/16/04.

Declining to Vote - Benson.

Resolution 2004R-160, granting Liquor, Wine and Beer Licenses, was passed 4/16/04 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 2004R-160
By Niziolek

Granting 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:

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

N A D LLC, dba Leaning Tower of Pizza, 2501 University Av SE (upgrade from Class E);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

East African Taste Restaurant LLC, dba East African Taste Restaurant LLC, 2405 Central Av NE (new business);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2005

C & H Inc, dba U Garden Restaurant, 2725 University Av SE (upgrade from On-Sale Beer Class E);

Manning's Cafe Inc, dba Manning's Cafe, 2200 Como Av SE;

First Course Inc, dba First Course, 5607 Chicago Av.

Adopted 4/16/04.

Declining to Vote - Benson.

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

Adopted 4/16/04.

Resolution 2004R-161, granting applications for Business Licenses, was passed 4/16/04 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 2004R-161

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of April 16, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269549):

Bowling Alley; Place of Entertainment; Flower Cart Vender; All Night Special Food; Caterers; Confectionery; Food Distributor; Farm - Produce Permit Nonprofit; Grocery; Ice Producer - Dealer/ Wholesale; Indoor Food Cart; Food Manufacturer; Meat Market; Milk & Grocery Delivery Vehicle; Milk Distributor; Drive In - Restricted; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Soft Drink; Vending Machine; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Pool Table; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Solicitor - Individual; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle - Nontransferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking.

Adopted 4/16/04.

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

Adopted 4/16/04.

Resolution 2004R-162, granting applications for Gambling Licenses, was passed 4/16/04 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 2004R-162

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

All Saints Catholic Church, dba All Saints Catholic Church, 435 5th St NE (Bingo April 4, 2004); Resource Center of the Americas, dba Resource Center of the Americas, 3019 Minnehaha Av (Raffle April 21, 2004 at El Nuevo Rodeo, 2709 E Lake St);

North Memorial Community Foundation, dba North Memorial Community Foundation, 3300 Oakdale Av N, Robbinsdale (Raffle May 1, 2004 at Minneapolis Hilton and Towers, 11th & Marquette); St. Olaf Catholic Church, dba St. Olaf Catholic Church, 215 S 8th St (Raffle May 2, 2004);

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 4490 W 77th St, Edina (Raffle May 21, 2004 at Two Twenty-Two, 222 1st Av NE);

Jones Harrison Residence, dba Jones Harrison Residence, 3700 Cedar Lake Av (Raffle September 18, 2004).

Adopted 4/16/04.

PS&RS - Your Committee, having received a report from the City Attorney's Office regarding the placing of conditions on liquor licenses, now recommends that the proper City Officers be authorized to delete from all liquor license conditions any requirement that dancers or any individuals providing services be employees and not independent contractors.

Adopted 4/16/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the property located at 3306 Columbus Avenue South which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally known as Lot 1, Block 2, D.W. Ellis Addition to Minneapolis (PID #02-028-24-23-0069), in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 4/16/04.

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

PS&RS & W&M/Budget - Your Committee recommends acceptance of low bid received from Spec Rescue International, in the amount of \$63,924, to provide Structural Collapse Rescue Firefighting Training Programs for firefighters from the Minneapolis Fire Department and surrounding Fire Departments that are participating in a newly formed regional collapse rescue team, all in accordance with City specifications. Further, that the proper City Officers be authorized to execute a contract for said project.

Adopted 4/16/04.

PS&RS & W&M/Budget - Your Committee recommends that that the proper City Officers be authorized to accept a grant award of \$150,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funds for an expansion of the existing Auto Theft Prevention Program for prosecuting auto thieves. Further, passage of the accompanying Resolution appropriating \$150,000 to the Police Department.

Adopted 4/16/04.

**RESOLUTION 2004R-163
By Niziolek and Johnson**

Amending The 2004 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 \$150,000 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$150,000.

Adopted 4/16/04.

PS&RS & W&M/Budget - Your Committee, having under consideration the Joint Terrorism Task Force, now recommends that the proper City Officers be authorized to accept up to \$64,316.88 and execute an agreement with the Federal Bureau of Investigation, Counterterrorism Division, for reimbursement of overtime expenses for up to six police officers who participate full-time on the Joint Terrorism Task Force. Further, passage of the accompanying Resolution appropriating \$64,316.88 to the Police Department.

Adopted 4/16/04.

**RESOLUTION 2004R-164
By Niziolek and Johnson**

Amending The 2004 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 - Federal Fund (030-400-B131) by \$64,316.88 and increasing the Revenue Source (030-400-B131 - Source 3210) by \$64,316.88.

Adopted 4/16/04.

PS&RS & W&M/Budget - Your Committee, having under consideration the Minneapolis Rainleader Disconnection Program, now recommends that the proper City Officers be authorized to execute an agreement with the Mississippi Watershed Management Organization whereby the City will receive funds, in an amount not to exceed \$16,000, to provide education and materials for homeowners to properly disconnect their rainleaders from the sanitary sewer. Further, passage of the accompanying Resolution appropriating \$16,000 to Licenses & Consumer Services/Environmental Services Division.

Adopted 4/16/04.

**RESOLUTION 2004R-165
By Niziolek and Johnson**

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8396) by \$16,000 and increasing the Revenue Source (060-835-8396 - Source 3720) by \$16,000.

Adopted 4/16/04.

PS&RS & W&M/Budget - Your Committee, having under consideration "Minneapolis Project Heartbeat", now recommends the following:

a. passage of the accompanying Resolution recognizing the "Minneapolis Project Heartbeat" to make the City of Minneapolis "Heart Safe" and proclaiming April 2004 to be "Minneapolis Project Heartbeat Month".

b. that the proper City Officers be authorized to execute a one-year agreement with Cardiac Science, Inc., to endorse their Automatic External Defibrillators (AEDs), and that the Fire Department shall provide Cardiac Science (CSI) literature during commercial building inspections. Said agreement shall be renewable by the City annually over a five-year duration.

c. authorize the proper officials of the Fire Department to accept 32 new Cardiac Science defibrillators in exchange for 32 old Fire Department defibrillators, to be placed in appropriate City owned buildings.

d. authorize for Year 2004 that revenues from the CSI contract, in the amount of \$60,000, be deposited in the Fire Department General Fund to pay the salary of one Full-Time Equivalent firefighter position; and passage of the accompanying Resolution appropriating \$60,000 to the Fire Department.

Adopted 4/16/04.

Declining to Vote - Zimmermann.

Resolution 2004R-166, recognizing the "Minneapolis Project Heartbeat" to make the City of Minneapolis "Heart Safe" and proclaiming April 2004 to be "Minneapolis Project Heartbeat Month", was passed 4/16/04 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 2004R-166

By Ostrow, Niziolek, Samuels, Colvin Roy, Johnson and Zerby

Recognizing the “Minneapolis Project Heartbeat” to make the City of Minneapolis “Heart Safe” and proclaiming April 2004 to be “Minneapolis Project Heartbeat Month”.

Whereas, Minneapolis Project Heartbeat, Minneapolis’ Public Access Defibrillation Program, is a regional coalition created with two goals in mind: “To save lives through early defibrillation and to make Automatic External Defibrillators (AEDs) as accessible as fire extinguishers in the City of Minneapolis; and

Whereas, the leading cause of death in the United States is sudden cardiac arrest, killing over 465,000 people each year, with 250,000 of those occurring outside the hospital; and

Whereas, the most common cause of sudden cardiac arrest is ventricular fibrillation, when the heart’s electrical impulses become irregular and the heart is unable to pump oxygen-rich blood throughout the body; and

Whereas, defibrillation by a safe, effective and easy to use device called an AED sends an electrical current through an erratic heart to restore organized rhythm; and

Whereas, AEDs are designed to be used by non-medical personnel and feature one-button operation with clear voice directions and automatic analysis, enabling a person with minimal training to use the device; and

Whereas, the new generation of AEDs analyzes a victim’s condition and, if necessary, delivers an electrical shock to the heart to reverse sudden cardiac arrest; and

Whereas, the key to surviving sudden cardiac arrest is the speed of response — a victim receiving a shock from an AED within one minute stands a 90 percent chance of resuscitation, while a victim having to wait ten minutes for a shock may only have a 5 percent chance of survival; and

Whereas, a goal of the program is to have AEDs available in all City facilities, County facilities, at schools and universities, at sports and entertainment facilities, office buildings and businesses, industries, places of worship and homes; and

Whereas, the coalition is made up of many entities, including the City of Minneapolis, American Heart Association and Cardiac Science, Inc;

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

That the Council, for and on behalf of the people of Minneapolis, does hereby recognize and salute Minneapolis Project Heartbeat’s dedication to saving lives and hereby proclaims April 2004 to be “Minneapolis Project Heartbeat Month” in the City of Minneapolis.

Adopted 4/16/04.

Declining to Vote - Zimmermann.

RESOLUTION 2004R-167

By Niziolek and Johnson

Amending The 2004 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 Fire Department Agency in the General Fund (010-280-2820) by \$60,000 and increasing the Revenue Source (010-280-2820 - Source 3755) by \$60,000.

Adopted 4/16/04.

Declining to Vote - Zimmermann.

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

T&PW - Your Committee, to whom was referred an ordinance amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, to modify the application filing process, the permit approval process, and minor amendments to the ordinance language to provide consistent format and language throughout the ordinance, and having conducted a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/16/04.

Ordinance 2004-Or-039 amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks*, modifications in the application filing process, the permit approval process, and minor amendments to the ordinance language to provide consistent format and language throughout the ordinance, was passed 4/16/04 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 2004-Or-039
By Colvin Roy
Intro & 1st Reading: 3/19/04
Ref to: T&PW
2nd Reading: 4/16/04

Amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Block Events.

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

Section 1. That Section 455.10 of the above-entitled ordinance be and is hereby repealed.

455.10. Definitions. As used in this chapter:

(a) *Block event* shall mean a temporary gathering of people held on a blockaded portion of a public street or alley within the city.

(b) *Residential area* shall mean any area of the city which lies outside a business district.

(c) *Business district* shall mean the central business district or a neighborhood business district, but shall not include the Nicollet Mall which shall continue to be governed by Chapter 439 of this Code of Ordinances.

(d) *Central business district* shall mean that area bounded by and including the Mississippi River southeasterly to Interstate 35; Interstate 35 southerly to Interstate 94; Interstate 94 westerly and northerly to Glenwood Avenue; Glenwood Avenue easterly to North Ninth Street; North Ninth Street northerly to Second Avenue North, and Second Avenue North to the Mississippi River.

(e) *Neighborhood business district* shall mean a business district which lies outside the central business district and which is designated by the city zoning ordinance for business and commercial use with such designation being present on each side of the street to be blockaded.

(f) *Commercial promotion or activity* shall mean the ordinary activities of trade and commerce where the profit motive is the primary purpose of the block event. This terminology does not apply to sales conducted by nonprofit or charitable organizations, nor does it include, for example, sales of materials which are intended to convey information and ideas, or which espouse causes or beliefs, whether in the form of books, pamphlets, buttons, bumper stickers or T-shirts.

(g) *Arterial street* shall mean any street so designated on the signs and signals map prepared by the transportation and special projects division of the Minneapolis Public Works Department.

(h) *Bus route* shall mean any street used by the metropolitan transit commission buses on a regular and scheduled basis.

(i) ~~Snow emergency route~~ shall mean any street marked in two ways with "red" snowplow signs and "blue" street name signs. Streets that are not snow emergency routes have "green" and "brown" street name signs.

(j) ~~State highway~~ shall mean any highway under the jurisdiction of the commissioner of transportation of the State of Minnesota and, in addition, shall include any public street within the city which is designated as a state aid street.

(k) ~~County highway~~ shall mean any highway under the jurisdiction of Hennepin County and, in addition, shall include any public street within the city which is designated as a county aid street.

(l) ~~City~~ shall mean the City of Minneapolis.

(m) ~~Holiday~~ shall have the meaning given in Minnesota Statutes, Section 645.44, Subdivision 5.

(n) ~~Person~~ shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.

(o) ~~Chief of police~~ is the chief of the Minneapolis Police Department, or the police chief designee.

(p) ~~Director of public works~~ is the director of the Minneapolis Department of Public Works and Engineering, or director of public works designee.

(q) ~~Block event barricade~~ shall mean a barricade which meets the specifications set by the department of public works, or, in the case of residential events only, a barricade or yellow tape of a type approved by the department of public works and/or signage which is displayed in a manner specified by the department of public works.

Section 2. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 455.10 to read as follows:

455.10. Definitions. As used in this chapter:

Arterial street shall mean any street so designated on the signs and signals map prepared by the Minneapolis Public Works Department.

Block events shall mean a temporary gathering of people held on a blockaded portion of a public street or alley within the city.

Block event barricade shall mean a barricade which meets the specifications set by the department of public works, or, in the case of residential events only, a barricade or colored tape of a type approved by the department of public works and/or signage which is displayed in a manner specified by the department of public works.

Bus route shall mean any street used by a regional bus or transit provider on a regular and scheduled basis.

Business district shall mean the central business district or a neighborhood business district, but shall not include the Nicollet Mall which shall continue to be governed by Chapter 439 of this Code of Ordinances.

Central business district shall mean that area bounded by and including the Mississippi River southeasterly to Interstate 35W; Interstate 35W southerly to Interstate 94; Interstate 94 westerly and northerly to Glenwood Avenue; Glenwood Avenue easterly to North Ninth Street; North Ninth Street northerly to Second Avenue North, and Second Avenue North to the Mississippi River.

Chief of police is the chief of the Minneapolis Police Department, or the police chief designee.

City shall mean the City of Minneapolis.

Commercial promotion or activity shall mean the ordinary activities of trade and commerce where the profit motive is the primary purpose of the block event. This terminology does not apply to sales conducted by nonprofit or charitable organizations, nor does it include, for example, sales of materials which are intended to convey information and ideas, or which espouse causes or beliefs, whether in the form of books, pamphlets, buttons, bumper stickers or T-shirts.

County highway shall mean any highway under the jurisdiction of Hennepin County and, in addition, shall include any public street within the city which is designated as a county aid street.

Director of public works is the Minneapolis City Engineer, or duly authorized designees.

Director of regulatory services is the director of regulatory services of the City of Minneapolis or duly authorized designees.

Holiday shall have the meaning given in Minnesota Statutes, Section 645.44, Subdivision 5.

Neighborhood business district shall mean a business district which lies outside the central business district and which is designated by the city zoning ordinance for business and commercial use with such designation being present on each side of the street to be blockaded.

Person shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.

Residential area shall mean any area of the city which lies outside a business district.

Snow emergency route shall mean any street marked with "red" snowplow signs and "blue" street name signs. Streets that are not snow emergency routes have "green" and "brown" street name signs.

State highway shall mean any highway under the jurisdiction of the commissioner of transportation of the State of Minnesota and, in addition, shall include any public street within the city which is designated as a state aid street.

Section 3. That Section 455.20 of the above-entitled ordinance be amended to read as follows:

455.20. Application process. (a) Filing of application for residential block event permit. ~~For calendar year 2003 only, a person~~ After April 30, 2004, applicants seeking issuance of a residential block event permit shall file an complete application with city council staff the director of public works, in person, electronically, by facsimile, or by United States mail on forms provided by the city not less than four (4) business days before the date of the event. Residential area events or events pursuant to section 455.35(c)(2) shall be filed in person, electronically, by facsimile, or United States mail.

(b) Filing application for business district block permits. An applicant seeking issuance of a business district block event permit shall file a complete application with the director of regulatory services, in person, electronically, by facsimile, or by United States mail on forms provided by the city. An application for a block event in the central business district or neighborhood business district shall be filed in person, electronically, by facsimile, or postmarked not less than eleven (11) days before the proposed date of the event.

(c) Filing application for a non-profit organization located in a residential area. Such application is subject to the conditions and procedures applicable to business district applications set forth in this chapter unless the following conditions are met:

- (1) The block event will have fewer than one hundred (100) people in attendance.
- (2) More than fifty percent (50%) of the people expected to attend the event have residences which abut the portion of the street where the event is to be held.
- (3) No food or beverages will be sold at the event.
- (4) The applicant is a resident or property owner of property which abuts the portion of the street where the event is to be held or is the director, executive, or board member of the non-profit organization located on the block where the block event is to be held.

If the application of the non-profit organization is subject to the business district application conditions set forth in this chapter, such application shall be subject to the deadlines, conditions, fees and procedures set forth in this chapter for business district applicants. Such applicant shall also provide information required in 455.25(c) in the manner as provided in this chapter. If the application by a non-profit organization is not subject to the business district conditions set forth in this chapter, such application shall be subject to the deadlines, fees, and application procedure for residential block event applicants set forth in this section and the conditions of application for residential block events set forth in this chapter.

~~(b)~~(d) Deadlines for application; fees for permit.

- (1) Fees for residential area events and events pursuant to 455.35(c)(2) are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Thirty-five (35) days or more prior to the event . . .	\$ 25.00
Twenty-two (22) to thirty-four (34) days . . .	40.00
Fifteen (15) to twenty-one (21) days . . .	60.00
Seven (7) to fourteen (14) days . . .	160.00
Four (4) <u>business days</u> to six (6) <u>calendar days</u> . . .	200.00
- (2) Fees for a central business district or neighborhood business district are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Forty-five (45) days or more prior to the event . . .	\$200.00
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Thirty (30) to forty-four (44) days . . .	250.00
Twenty nine (29) to twenty (20) days . . .	350.00
Eleven (11) to nineteen (19) days . . .	400.00

(3) ~~City Council staff~~ For residential block event permits, the director of public works shall accept the permit fee that and, for business district block permits, the director of regulatory services shall accept the permit fee. The permit fee is not refundable. Payment is due at the time of application, but in the case of applications made electronically or by facsimile, payment and original affidavit must be received within three (3) days of the electronic or facsimile submission of the application. The increase of fees shall become effective June 15, 2003.

~~(e)~~(e) *Approval of block event permit.*

(1) ~~Prior to approval or denial of the permit, city council staff~~ the director of regulatory services, for business district permit applications and applications referred to the director pursuant to Section 455.20 (c), will refer the block event permit application to the following:

(1) ~~a.~~ a. The director of public works for all applications.

(2) ~~b.~~ b. The chief of police for central or neighborhood business district block event applications.

(3) ~~c.~~ c. The police license inspection division and the division of licenses and consumer services if the application states that wine, intoxicating malt beverages or non-intoxicating malt beverages will be sold. The divisions will report any findings concerning the applicant to the chief of police and the director of public works.

(2) ~~The chief of police, for a business block event permit application, and the director of public works, for all applications, shall review the application and determine if the application meets the requirements of this chapter, or if there is a basis for denial of the permit under section 455.30. If an official denies an application, the reasons for denial shall be made in writing. Upon approval of these officials, city council staff~~ the director of public works shall issue the permit for residential block events and the director of regulatory services shall issue the permit for business district block events.

~~(d)~~(f) *Notification of council member(s).* Immediately upon receipt of a block event application, ~~city council staff receiving the application~~ the director of public works for residential block events, or the director of regulatory services for business district block events, shall forward a copy of the application to the council member(s) in whose ward(s) the event is proposed to take place. Prior to the issuance of the permit, such council member(s) may offer written comments to the director of public works, for residential block events, or the director of regulatory services, for business district block events, concerning whether the application is in compliance with the provisions of this chapter, or if there is a basis for denial under section 455.30.

~~(e)~~(g) *Appeals:*

(1) *Appeal to city council.* If the application is not approved by the officials indicated above within five (5) days of its filing (excluding Saturdays, Sundays and holidays) or if the application is denied by any of the officials, or the official's designee, ~~city council staff, the director of public works, for residential permits, or the director of regulatory services, for business district permits,~~ shall upon request by applicant thereupon refer the application to the appropriate committee which shall make its recommendations concerning the application to the full city council. The city council shall have the authority to consider any application which lacks approval of the director of public works, director of regulatory services or the chief of police, or which has not been timely filed.

(2) *Judicial review.* If the appeal is denied by the city council, the applicant may immediately seek such judicial review as permitted by law.

~~(f)~~(h) *Notification of issuance of permit.* Upon the issuance of the block event permit, ~~city council staff~~ the director of public works, for residential permits, or the director of regulatory services, for business district permits, shall immediately so advise the chief of police, chief of the fire department, ~~the director of public works, the director of licenses and consumer services of the city,~~ and the council member of the ward affected. The director of public works shall be informed by the director of regulatory services of the issuance of a business district block event permit.

Section 4. That Section 455.25 (b) and (h) of the above-entitled ordinance be amended to read as follows:

455.25. Conditions of application. An application for a block event shall be executed by the applicant, or applicants, who shall each therein certify:

(b) That a good-faith attempt has been made to deliver to each residence or building management or tenants association or commercial entity abutting such portion of the street a notice containing the following information:

- (1) A description of the event;
- (2) The date and hours of the event;
- (3) The name, address and phone number of the sponsor; and
- (4) That anyone objecting to the block event may petition the city council for a hearing to protest the issuance of a permit for such event.

(h) The applicant will be responsible for the placement, maintenance and removal of block event barricades, which in the case of a business district block event shall be provided by the applicant at the applicant's own expense. For residential block events only, yellow colored tape and/or signage will be available to the applicant upon presentation of a valid residential block event permit to a city fire station, city police precinct station, or local participating neighborhood association office, or barricades provided by the department of public works. The public works department shall provide non-tape barricades for residential block events for which a permit has been issued if the director of public works determines that safety concerns require the use of such barricades rather than tape. The applicant must attach the block event permit and/or official signage closing the street in a manner specified by the department of public works.

Section 5. That Section 455.30 of the above-entitled ordinance be amended by adding thereto new subdivisions (p) and (q) to read as follows:

455.30. Basis for denial. An application for a block event permit may be denied only if:

(p) The block event would unduly restrict pedestrian and vehicular traffic to an abutting business or property.

(q) The block event would unduly deny access to private property.

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 455.31 to read as follows:

455.31. Denial of desired location; rain dates. (a) If the application for a block event permit is denied because the street requested is not acceptable for the proposed event on the date stated in the application, the applicant may transfer the fee from the first application toward that required for a new application which differs from the original application only in that the location of the block event has been changed.

(b) The applicant may obtain a rain date if requested in the application for a block event permit. The rain date must be the next calendar day. Any other request for a rain day shall be treated as a new application for the block event permit. For such alternative date the applicant must submit an additional official application form and payment and provide the information required by this chapter for such applications. The fee from the first date requested by the applicant shall not be applied to such alternative rain date.

Section 7. That Section 455.35 of the above-entitled ordinance be amended to read as follows:

455.35. Time and place. Subject to the provisions of sections 455.25 and 455.30:

(a) For business district events the applicant is required to pay all costs for traffic control measures and traffic control personnel required by the public works or police departments. Residential area events may be required to pay those costs.

(b) Residential area: A block event may be permitted, provided:

- (1) That the block event, including set up time, is held only between the hours of 10:00 a.m. and 10:00 p.m.;
- (2) That the block event is contained on one (1) or more contiguous blocks on the same street. Closure of multiple contiguous blocks will only be granted when the director of public works determine that the closure will have no adverse effects on the safe function of the roadway;

(3) That the block event is not held on any street designated as a bus route, snow emergency route, arterial street, or as a state or county highway unless traffic flow can be reasonably accommodated on adjacent streets; and

(4) That at least a ten-foot aisle is kept unobstructed at all times to permit vehicles to enter or exit and large objects, including but not limited to motor vehicles, shall not be used to block the street, whether or not such objects are used in conjunction with the official tape.

(c) Business district: A block event may be permitted in the business district on any street under the jurisdiction of the city, including a state aid or county aid street, or on a street designated as a bus route or arterial street, provided:

(1) The event, including set up time, is held between the hours of 6:00 p.m. and 10:30 p.m. on weekdays, and between 10:00 a.m. and 10:30 p.m. on Saturdays, Sundays and holidays; or

(2) The event is held for one hour between 10:00 a.m. and 3:00 p.m. on weekdays to pursue activities which are protected by the First Amendment of the United States Constitution; and

(3) At least a fourteen-foot aisle is kept unobstructed at all times to permit vehicles to enter or exit; and

(4) The event is contained on one or more contiguous blocks on the same street. Closure of multiple contiguous blocks will only be granted when the director of public works and chief of police or their designee determine that the closure will have no adverse effects on the safe function of the roadway system.

Section 8. That Section 455.40 of the above-entitled ordinance be amended to read as follows:

455.40. Business district insurance. Upon compliance with all other provisions of this chapter, a permit for a block event in a business district may be granted only after the applicant has filed with the ~~city council staff~~ director of regulatory services a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of three hundred thousand dollars (\$300,000.00) for one (1) claimant and one million dollars (\$1,000,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all sums which the insureds shall become obligated to pay by reason of liability imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy. The amount of any deductible for claims shall be subject to prior approval by ~~the city~~ the and the applicant will be responsible for payment of claims that would fall within the deductible amount stated in the insurance policy obtained by applicant.

Section 9. That Section 455.41 of the above-entitled ordinance be amended to read as follows:

455.41. Bond. Upon compliance with all the other provisions of this chapter, a permit for a block event in a business district, other than one (1) pursuant to section 455.35(c)(2), may be granted only after the applicant has filed with the ~~city council staff~~ director of regulatory services a cash bond in the sum of five hundred dollars (\$500.00) or a certified check in like amount, conditioned as follows:

(a) (1) The applicant will obey the law in conducting the block event.

(b) (2) The applicant will within the three-hour period immediately following the end of the block event clean up, remove and dispose of all litter or material of any kind which is placed or left on the street because of such block event, and should the applicant fail to do so, the bond shall be forfeited to the city.

(c) (3) The applicant shall, through a ~~bonafide~~ bona fide contractor, provide, install and remove the barricades, signs and delineation equipment as directed by the director of public works, and should the applicant fail to do so, the bond shall be forfeited to the city.

If the applicant complies with the above conditions to the satisfaction of the director of public works, the bond shall be returned or balance refunded.

Adopted 4/16/04.

T&PW – Your Committee recommends that the proper City officers be authorized to execute Change Order No. 1 increasing Contract No. C-19837 with Stahl Construction Company by \$74,685 for a new revised contract amount of \$4,904,685, to provide for plan revisions, unforeseen conditions, and

changes encountered in the remodeling and expansion of the Minneapolis Police Third Precinct Facility, with no additional appropriation required.

Adopted 4/16/04.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate, execute, and annually renew a lease through 2012, with the University of Minnesota for excess right of way adjacent to 2218 University Av SE for parking stalls, with the rent revenue to be deposited into Fund 4100-923-9247 Job #923LEASE.

Adopted 4/16/04.

T&PW - Your Committee recommends that the Department of Community Planning & Economic Development (CPED) be authorized to issue a Request For Proposal for a roadway design and engineering consultant for the Bassett Creek Valley segment of the Van White Memorial Boulevard (4th Av N to Dunwoody Blvd).

Adopted 4/16/2004.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

T&PW - Your Committee recommends passage of the accompanying Resolution supporting the formation of a Minnehaha Creek Partnership to create a common vision and coordinated recommendation for the Minnehaha Creek Corridor.

Adopted 4/16/04.

Resolution 2004R-168, supporting the formation of a Minnehaha Creek Partnership, was passed 4/16/04 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 2004R-168

By Colvin Roy

Supporting the formation of a Minnehaha Creek Partnership.

Whereas, Minnehaha Creek is a highly valued stream flowing from Lake Minnetonka to the Mississippi River; and

Whereas, the preservation and enhancement of the Minnehaha Creek Corridor is a high-priority expressed in the comprehensive plans for each of the cities along the Creek, and the Water Resources Management Plan of the Minnehaha Creek Watershed District; and

Whereas, urbanization in the Minnehaha Creek Watershed has led to the degradation of the stream's flow regime, habitat and water quality, but the Creek has high potential for restoration; and

Whereas, the Minnehaha Creek Watershed District completed in 2003 a detailed Hydrologic/Hydraulic and Pollutant Loading Study, and a Minnehaha Creek Stream Assessment; and

Whereas, the Minnehaha Creek Watershed District will undertake revisions to its Watershed Management Plan in partnership with the U.S. Army Corps of Engineers Feasibility Study to explore the potential federal interest for Aquatic Ecosystem Restoration and Flood Damage Reduction in the Minnehaha Creek Corridor; and

Whereas, the City of Minneapolis desires to partner with the other communities along the Creek to seek protection and improvement of the Minnehaha Creek Corridor;

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

That the City of Minneapolis supports the formation of a partnership to provide guidance and recommendations on policy development, technical issues, and public involvement to create a common vision and coordinated recommendation for the Minnehaha Creek Corridor, to be organized as follows:

1. Partnership Composition

The partnership will comprise the following partners:

- City of Minnetonka;
- City of Hopkins;
- City of St. Louis Park;
- City of Edina;
- City of Minneapolis;
- Minneapolis Park and Recreation Board;
- Hennepin County; and
- Minnehaha Creek Watershed District.

2. Policy Board

- a. The partnership Policy Board will comprise a member of the governing body of each of the partner organizations.
- b. The Policy Board will generally meet quarterly as needed and pursuant to an established project schedule and work plan.

3. Technical Advisory Committee

- a. The Technical Advisory Committee will provide technical review and recommendations to the partnership and will comprise a staff representative from each of the partner organizations, and a representative from the U.S. Army Corps of Engineers, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Minnesota Department of Health and such other governmental agencies having a technical interest and expertise to offer for the benefit of the Minnehaha Creek Corridor.
- b. The Minnehaha Creek Watershed District technical representative will serve as the Chair of the Technical Advisory Committee.
- c. The Technical Advisory Committee will generally meet monthly as needed pursuant to the established project work schedule and work plan.

4. Public Advisory Committee

- a. The Public Advisory Committee will comprise two citizen representatives designated by each partner organization, and up to seven other representatives of stakeholder organizations named by the Minnehaha Creek Watershed District to represent conservation, property owner, development, and recreational interests in the Minnehaha Creek Watershed appointed by the Minnehaha Creek Watershed through an open application process.
- b. The Minnehaha Creek Watershed District will designate one of its Board Members to serve as Chair to the Public Advisory Committee.
- c. The Public Advisory Committee will generally meet monthly as needed pursuant to the established project schedule and work plan.

5. Legal Authority

It is understood that the decisions and activities of the partnership are advisory only, and will not have any binding legal authority on any of the partnership's members. The parties to the partnership expect that recommendations developed and approved by the partnership will be duly considered and acted upon by the governing body of the respective the partnership members.

6. Term

The partnership will meet and work for an initial period of three (3) years, concluding on or before March 1, 2007, subject to a determination to renew the work of the partnership by each of its partner organizations.

Adopted 4/16/04.

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

T&PW & W&M/Budget – Your Committee, having under consideration the Como North Street Renovation Project, Special Improvement of Existing Street No. 2984, now recommends passage of the accompanying Resolutions:

- a. Ordering the work to proceed and adopting the special assessments for said project; and
- b. Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$901,000.

Colvin Roy moved that the report be amended by deleting the figure in "b" "\$901,000", and inserting in lieu thereof "\$899,300".

Colvin Roy moved that the accompanying resolution be amended in the second resolving clause by deleting the figure "\$901,062.40" and inserting in lieu thereof "\$899,394.38" to reflect a correction to the assessment calculation for the property at 1085 26th Av SE. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

Resolution 2004R-169, ordering the work to proceed and adopting the special assessments for the Como North Street Renovation Project, was passed 4/16/04 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 2004R-169
By Colvin Roy and Johnson

Como North Street Renovation Project
Special Improvement of Existing Street No. 2984

Ordering the work to proceed and adopting the special assessments for the Como North Street Renovation Project.

Whereas, a public hearing was held on April 6, 2004, 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 2004R-082, passed February 27, 2004 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 2004R-082, passed February 27, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$899,394.38 for the Como North 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 Como North 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 2005 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 2005 real estate tax statements.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

Resolution 2004R-170, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$899,300 for certain purposes other than the purchase of public

utilities was passed 4/16/04 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 2004R-170
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$899,300 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 Como North Street Renovation Project, Special Improvement of Existing Street No. 2984, 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 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

T&PW & W&M/Budget - Your Committee, having under consideration the 2003 - 2004 Grant Agreements for the Downtown Transportation Management Organization (TMO), now recommends:

a. That the proper City officers be authorized to execute the Metropolitan Council Pass Through Grant Agreement No. 031032 with Metropolitan Council to provide up to \$575,987 in federal grant funding for the Transportation Demand Management (TDM) projects for the period of January 1, 2003 through December 31, 2004;

b. That the proper City officers be authorized to execute an agreement with TMO to perform specific work efforts as outlined in and in accordance with Met Council Contract #031032 that provides up to \$575,987 in federal grant funding for the period of January 1, 2003 through December 31, 2004; and

c. Passage of the accompanying resolution increasing the Public Works - Transportation Agency appropriation by \$575,987 and increasing the revenue source, to reflect the receipt of said funds.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

RESOLUTION 2004R-171
By Colvin Roy and Johnson

Amending the 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Agency in the Permanent Improvement Projects Fund (4100-943-9462) by \$575,978 and increasing the revenue source (4100-943-9462 - Source 3215) by \$575,978.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

T&PW & W&M/Budget - Your Committee, having under consideration the Columbia Heights Water Supply Contract, now recommends that the proper City officers be authorized to enter in a 30-year contract retroactive to January 1, 2004, for the sale of water to the City of Columbia Heights.

Adopted 4/16/04.

T&PW & W&M/Budget - Your Committee, having under consideration the 2004 Federal Aid Projects, now recommends passage of the accompanying Resolution authorizing the proper City officer to execute advance construction agreements with the Minnesota Department of Transportation to allow construction of Richfield Road, Chicago Av Bridge, and Loring Bicycle Bridge prior to the appropriation of Federal funds.

Adopted 4/16/04.

Resolution 2004R-172, authorize execution of advance construction agreements with the Minnesota Department of Transportation to allow construction of Richfield Road, Chicago Av Bridge, and Loring Bicycle Bridge prior to the appropriation of Federal funds, was passed 4/16/04 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 2004R-172
By Colvin Roy and Johnson

Authorize execution of advance construction agreements with the Minnesota Department of Transportation to allow construction of Richfield Road, Chicago Av Bridge, and Loring Bicycle Bridge prior to the appropriation of Federal funds.

Whereas, the Federal funds planned to support the projects named above has not yet been appropriated;

Whereas, the City Municipal State Aid account has sufficient capacity to fund the projects prior to the availability of Federal funds; and

Whereas, the City Council does not desire to see the projects delayed;

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

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

Be It Further Resolved that the Mayor, the City Clerk and the City Finance Officer are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and condition of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreements Number 86430, Number 86435, and Number 86437," copies of which said agreements were before the City Council and which are made a part hereof by reference.

Adopted 4/16/04.

T&PW & W&M/Budget - Your Committee, having under consideration the Storm Drain Tunnel Condition Assessment Project Contract, now recommends that the proper City officers be authorized to amend the contract amount by \$21,000 for a revised amount of \$318,846, due to difficulties encountered in the second phase that increased the amount of work required to complete the project.

Adopted 4/16/04.

T&PW & W&M/Budget - Your Committee, having under consideration the request from the Community Planning & Economic Development Department for the cost participation with Hennepin County for the construction of Van White Memorial Boulevard, now recommends:

a. That the proper City officers be authorized to execute an agreement that prescribes the terms and conditions of county cost participation toward planning and construction of the Bassett Creek Valley area portion of Van White Memorial Boulevard; and

b. Passage of the accompanying resolution increasing the appropriation for the Heritage Park infrastructure work by \$7,938,000, and increasing revenue source by \$7,938,000.

Adopted 4/16/04.

RESOLUTION 2004R-173
By Colvin Roy and Johnson

Amending The 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$7,938,000 and increasing the Heritage Park revenue (4100-970-9719 - Source 3225) by \$7,938,000 for the construction of the Van White Memorial Boulevard.

Adopted 4/16/04.

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

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney approving the payment of an award of damages in the amount of \$177,574.50 to Kick's Liquor Store, Inc. and further that the proper City officers be authorized to execute all documents necessary to finalize a settlement.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney approving the request of Council Member Lisa Goodman for the reimbursement of attorneys' fees in the amount of \$66.25 and authorize that payment of said fees be made to Douglas R. Peterson.

Adopted 4/16/04.

Declining to Vote - Goodman.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to enter into a Master Legal Services Agreement with the law firm of Jardine, Logan & O'Brien to provide legal services to Charles Storlie in the matter of *Duy Ngo v. City of Minneapolis and Charles Storlie* in an amount not to exceed \$300,000.

Adopted 4/16/04.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends passage of the accompanying resolution authorizing execution of contracts for public art within the project.

Adopted 4/16/04.

Resolution 2004R-174, authorizing execution of contracts with Beverly Pepper, Ben Rubin and Lita Albuquerque for public art in the New Central Library Project, was passed 4/16/04 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 2004R-174
By Johnson

Authorizing execution of contracts for public art elements of the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the City concurs with the recommendation of the New Central Library Public Art Subcommittee that the proper City officers be authorized to execute the following contracts for public art within the project:

- a) Beverly Pepper and International Public Art Ltd. for fabrication and installation of a sculpture to be installed on the east side of the library, for a total contract amount not to exceed \$313,000;
- b) Ben Rubin for fabrication and installation of an electronic light sculpture to be installed on the exterior of the glass elevators in Library Hall, for a total contract amount not to exceed \$85,000;
- c) Lita Albuquerque for fabrication and installation of an artwork in the floor of Library Hall, for a total contract amount not to exceed \$152,000.

All contracts are payable from the existing project budget.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends acceptance of the low bid of E.R. Berwald Roofing Co., Inc. for roofing for the New Central Library Project, including furnishing and delivering all material, labor, equipment and incidentals necessary to accomplish the work in accordance with the plans, specifications and addenda (Petn No 269560) in a total amount not to exceed \$3,053,450.

Adopted 4/16/04.

Approved by Mayor Rybak 4/16/04.

(Published 4/20/04)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to make a payment of \$174,789 to the Greater Minneapolis Convention and Visitors Association (GMCVA) representing the remaining balance of the 2003 proceeds of the 1% City lodging tax increase.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the GMVCA.

Adopted 4/16/04.

RESOLUTION 2004R-175

By Johnson

Amending The 2004 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 Convention and Visitors Association Agency in the Convention Center Related Fund (0760-864-8641) by \$174,789.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Finance Officer to approve 2003 supplemental appropriation adjustments increasing City departmental budgets to accommodate spending commitments; and passage of the accompanying resolutions amending the 2003 General and Capital Improvement Appropriation Resolutions providing for said adjustments.

Adopted 4/16/04.

Resolutions 2004R-176 and 2004R-177 approving supplemental General and Capital Improvement appropriation adjustments to 2003 City departmental budgets, was passed 4/16/04 by the City Council. A complete copy of each 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 2004R-176

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:

**Appendix A
2003 Year End Supplemental Appropriations**

Fund	Agency	Agency	Appropriation	Revenue	Description
GENERAL FUND					
0100	400	Police	\$75,113	\$75,113	Appropriation Increase w/offset revenue.
0100	400	Police	\$199,073	\$199,073	Appropriation Increase w/offset revenue.
0100	400	Police	\$625,520	\$625,520	Water Plant Security Appropriation Increase w/offset revenue
0100	123	Non-Dept.	\$(1,844,783)		Water Plant Security Adjustment for contract settlement
0100	400	Police	\$1,844,783		Adjustment for contract settlement
0100	127	Transfers	\$(149,636)		Reduction due to LGA
0100	127	Transfers	\$4,000,000		Operating transfer to Self Ins. Fund
0100	175	Contingency Fund	\$(4,000,000)		Operating transfer to Self Ins. Fund
	127	Transfers	\$(1,228,767)		Transfer to BIS 3rd Qtr. Tech, Adj. Increase w/offset revenue
0100	607	PW Admin. Services	\$666,244	\$666,244	
0100	607	PW Admin. Services	\$1,711,714	\$1,711,714	Appropriation Increase w/offset revenue
010	880	ITS	(642,872)		Move to Fund 6400
		Total General Fund	\$1,256,389	\$3,277,664	
SPECIAL REVENUE					
2100	400	Police Department	\$246,187		2002 Copsmore Grant Match
		Total Permanent Improvement	\$246,187		
INTERNAL SERVICE FUND					
6400	880	ITS	1,000,000		Approp incr for Lic Purc
6400	880	ITS	642,872		Move from Gen Fund
6000	640	PW-EngMaterial&Testing	300,000		Costs for 103,053 tons
				\$300,000	w/offset revenue
6000	640	PW-EngMaterial&Testing	200,000		ReadyMixConcrete Use
				\$200,000	w/offset revenue
6900	150	Liability	10,000,000	8,000,000	Approp incr for LSGI
					Settlement offset by transfer from CPED & Gen Fund
		Total Internal Service Funds	\$12,142,872	\$8,500,000	

Adopted 4/16/04.

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

RESOLUTION 2004R-177

By 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 as follows:

**Appendix A
2003 Year End Supplemental Appropriations**

Fund	Agency	Agency	Appropriation	Revenue	Description
PERMANENT IMPROVEMENT					
4100	937	St. Malls	\$100,000	\$100,000	2003 Reimbursable Paving
4100	970	Non-Dept.	\$7,800		2002 Carryover Art in Public Places - 02R036
		Total Permanent Improvement	\$107,800	\$100,000	

Adopted 4/16/04.

W&M/Budget - Your Committee, having been informed of the award of additional Empowerment Zone (EZ) funds to the City, now recommends that the proper City officers be authorized to accept EZ funds in the amount of \$994,100 from the U.S. Department of Housing and Urban Development (FY2004 grant amendment for Minneapolis Grant Number EZ-99-MN-006).

Your Committee further recommends passage of the accompanying resolution increasing the EZ appropriation to reflect the receipt of said funds.

Adopted 4/16/04.

RESOLUTION 2004R-178

By Johnson

Amending The 2004 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 Community Planning and Economic Development Agency in the Federal Grants Fund (0300-890-8942) by \$994,100 and increasing the revenue source (0300-890-8942 - Source 3210) by \$994,100.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of the 2004 Wage Re-opener with the American Federation of State, County and Municipal Employees (AFSCME) Local #9 (Attorney's Unit).

Adopted 4/16/04.

Resolution 2004R-179, approving the terms of the 2004 Wage Re-opener with the American Federation of State, County and Municipal Employees (AFSCME) Local #9 (Attorney's Unit), was passed 4/16/04 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 2004R-179

By Johnson

Approving the terms of the 2004 Wage Re-opener and authorizing executive of a salary schedule with AFSCME Local 9 (Attorney's Unit).

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the 2004 Wage Re-opener between the City of Minneapolis and AFSCME Council 14, Local #9, Attorney's Unit (Petn No 269562), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute a salary schedule consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the salary schedule upon its execution.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a two-year collective bargaining agreement with the Machinists Lodge #77, effective July 1, 2003 through June 30, 2005.

Adopted 4/16/04.

Resolution 2004R-180, approving the terms of an executive summary of a collective bargaining agreement with Machinists Lodge #77, was passed 4/16/04 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 2004R-180

By Johnson

Approving the terms of a collective bargaining agreement with the International Association of Machinists and Aerospace Workers, District Lodge #77 (AFL-CIO) and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Association of Machinists and Aerospace Workers, District Lodge #77 (AFL-CIO) (Petn No 269562), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms two collective bargaining agreements, for six-months (effective July 1, 2003 through December 31, 2003) and three-years (effective January 1, 2004 through December 31, 2006) with Laborers' Local #363.

Adopted 4/16/04.

Resolution 2004R-181, approving the terms of an executive summary of collective bargaining agreements with Laborers' Local #363, was passed 4/16/04 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 2004R-181

By Johnson

Approving the terms of collective bargaining agreements with the City Employee's Union, Local #363 a/w Laborers' International Union of America (AFL-CIO) and authorizing execution and implementation of said agreements

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreements between the City of Minneapolis and City Employee's Union, Local Union #363 a/w Laborers' International Union of America (AFL-CIO) (Petn No 269562), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreements consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreements upon execution.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee to delegate authority to the Director of Human Resources, pursuant to Minneapolis Code of Ordinances, Section 20.1010, the ability to determine bumping and leave rights for all unclassified positions in the City of Minneapolis that are created under Chapter 20 of the Minneapolis Code of Ordinances. The authority granted shall include, but may not be limited to, determining whether an appointed employee will be deemed to be on a leave of absence from any classified positions previously held, whether an appointed employee has a right to return to previous classified positions held and whether the employee must have completed probation in such classified positions, and whether an employee will bump other employees with the least seniority in the classification.

Adopted 4/16/04.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee to approve the reclassification of the position of Director, Business Information Systems (Grade 14 - 638 points) to the position of Guest Services Manager (Grade 11 - 498 points), effective January 14, 2004; and passage of the accompanying amendment to the Salary Ordinance establishing the salary for the new position.

Adopted 4/16/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

Ordinance 2004-Or-040, establishing the salary for the reclassified position of Guest Services Manager, was passed 4/16/04 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 2004-Or-040

By Johnson

1st & 2nd Readings: 4/16/04

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: (Annual Rates)

Appointed Officials (CAP)

Effective: January 14, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Guest Services Manager	A	\$66,936	\$70,459	\$72,573	\$73,982

Adopted 4/16/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Committee to approve the reclassification of one Human Resources Senior Consultant (Grade 10 - 463 points) to a new position of Labor Relations Coordinator (Grade 10 - 478 points), effective March 29, 2004, with the understanding that the vacant Workforce Planning Coordinator appointment slot will be used for the new position; and passage of the accompanying amendment to the Salary Ordinance establishing the salary for the new position.

Adopted 4/16/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

Ordinance 2004-Or-041, establishing the salary for the reclassified position of Labor Relations Coordinator, was passed 4/16/04 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 2004-Or-041
By Johnson
1st & 2nd Readings: 4/16/04**

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-ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective: March 29, 2004

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Labor Relations Coordinator	A	\$64,177	\$67,554	\$69,581	\$70,932

Adopted 4/16/04. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson Lee.

W&M/Budget - Your Committee recommends approval of the City Assessor Department Business Plan (Petn No 269557).
Adopted 4/16/04.

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

Z&P - Your Committee recommends concurrence with the Heritage Preservation Commission (HPC) review committee in their recommendation to appoint Ellen Herman, 4332 Dupont Ave S, Minneapolis 55409 (Ward 11), to serve on the HPC, for a term of office to expire March 10, 2007, replacing David Stevens.
Adopted 4/16/04.

Z&P - Your Committee, having under consideration the Minneapolis Park and Recreation Board's establishment of the Minneapolis Tree Advisory Commission, now recommends approval of the appointment of Lorie Stromme, City Council Policy Aide, as the one City Council representative/designee on said board, and Gay Noble, City Council Policy Aide, as an alternate.
Adopted 4/16/04.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the petition of Lip to Lip, Inc (BZZ-1604) to rezone the properties at 321 Lincoln St NE and 983 E Hennepin Ave by adding the Industrial Living Overlay District to the existing I1 District to permit a restaurant and retail store, and adopting the related findings prepared by the Planning Department.
Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.
Adopted 4/16/04.

Ordinance 2004-Or-042, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 321 Lincoln St NE and 983 E Hennepin Ave by adding the Industrial Living Overlay District to the existing I1 District, was passed 4/16/04 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 2004-Or-042
By Schiff
1st & 2nd Readings: 4/16/04

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 districts for the following parcels of land, pursuant to MS 462.357, by adding the Industrial Living Overlay District to the existing I1 District:

A. All of Lot 23 and that part of Lots 18, 19 and 22, lying westerly of the following described line: Beginning at a point on the North line of said Lot 18 distant 65 feet East from the Northwest corner thereof; thence Southeasterly to a point on the South line of said Lot 18 distant 105 feet East from the Southwest corner thereof; thence Southeasterly to a point distant 10 feet South and 7 feet West of the Northeast corner of said Lot 22; thence Easterly parallel with the North line of said Lot 22 to the East line thereof and there terminating; and that part of Lot 20 and that part of Lot 21 lying North of the South 19 feet thereof; which lies Westerly of the following described line: beginning at a point on the South line of said Lot 21, distant 67 feet East from the Southwest corner thereof; thence Northwesterly to the Northeast corner

of the West 7 feet of said Lot 20 and there terminating, except alley and except highway (321 Lincoln – Plate 15).

B. Lots 26, 27 and 30, except street, alley and highway, all in Block 28 of Ramsey Lockwood and Others Addition to St. Anthony, Hennepin County, Minnesota (983 Hennepin Ave – Plate 15).

Adopted 4/16/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of 1010 Park Avenue, LLC (BZZ-1616) to rezone the property at 609 – 10th Ave S from OR2 to the C1 District to permit a used bookstore, gift shop, coffee shop with acoustic equipment and art gallery.

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

Adopted 4/16/04.

Ordinance 2004-Or-043, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 609 – 10th Ave S to the C1 District, was passed 4/16/04 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 2004-Or-043
By Schiff
1st & 2nd Readings: 4/16/04

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

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

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

A. That part of Lot 8, Auditor's Subdivision No. 1, Hennepin Co., Minn., lying Southeasterly of a line described as beginning at a point on the Southwesterly line of said Lot 8 distant 75.95 feet northwesterly from the most southerly corner thereof, thence Northwesterly parallel to the Northwesterly line of said Lot 8 a distance of 0.08 of a foot; thence Northeasterly 86.15 feet to a point distant 50 feet Northwesterly at right angles from the Southeasterly line of said Lot 8; thence Southeasterly parallel to the Northeasterly line of said Lot 8 a distance of 1.5 feet; thence northeasterly 43.93 feet, more or less, to a point on the Northeasterly line of said Lot 8 distance 48.5 feet Northwesterly from the most easterly corner of said Lot 8, according to the recorded plat thereof (609 – 10th Ave S – Plate 20) to the C1 District.

Adopted 4/16/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Nelson Molina (BZZ-1467) to rezone the property at 3200 – 15th Ave S from R2B to the R5 District to permit conversion of a three-unit dwelling to four units by adding a basement apartment, and adopting the related findings prepared by the Planning Department.

Adopted 4/16/04. Yeas, 12; Nays, 1 as follows:

Yeas – Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.

Nays – Zimmermann.

Z&P – Your Committee concurs in the recommendations of the Planning Commission relating to the applications of Marathon Ashland Petroleum LLC (BZZ-1550) for an automobile convenience facility at 4306, 4308 and 4320 E Lake St:

a) Granting the petition to rezone the property from C1 to the C2 District, by passage of the accompanying ordinance amending the Zoning Code, and adopting the related findings prepared by the Planning Department;

b) Granting the application to vacate the southern segment of the alley; the north 94 feet of the south 106 feet of the public alley, subject to retention of easement rights, by passage of the accompanying resolution, and adopting the related findings prepared by the Planning Department.

Schiff moved to amend the report by adding an additional paragraph to read as follows:

"c) Your Committee further recommends that the proper City officers be authorized to enter into an agreement with Speedway SuperAmerica to dedicate and construct a new alley, said agreement to address and resolve the following matters:

1. Conditioning the approved conditional use permit and site plan approvals for construction of the new SuperAmerica facility on dedication by SuperAmerica of alley easements necessary for construction of a new east/west alley connecting 43rd Ave.

2. Conveyance by SuperAmerica of the easements and land necessary for the new alley construction not later than 90 days from publication of the council's action vacating the existing alley.

3. Determination by the City's Department of Public Works as to the responsibility for construction of the new alley, and entering into required agreements to provide for such alley construction.

4. Keeping the existing alley accessible to the public until the new alley is constructed.

5. SuperAmerica securing legal title to that portion of the existing alley adjacent to 4308 E Lake St so that in the event that the new SuperAmerica facility is not constructed, SuperAmerica will rededicate the vacated alley to the City, within nine months of the initial council action approving the alley vacation.

6. Permitting a portion of the right-of-way of the new alley, the westerly 69 feet approximately, to be dedicated at a width of 14 feet rather than 16 feet, pursuant to plans approved by Public Works.

7. Providing for utility easements in the new and vacated alley." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/16/04.

Ordinance 2004-Or-044, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4306, 4308 and 4320 E Lake St to the C2 District, was passed 4/16/04 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 2004-Or-044

By Schiff

1st & 2nd Readings: 4/16/04

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 districts for the following parcels of land to the C2 District, pursuant to MS 462.357:

A. Lots 15, 16 and 17, Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS, according to the plat thereof, Hennepin County, Minnesota, subject to the rights of the public in and to that portion of said Lot 15 which has been taken by the City of Minneapolis for street purposes, according to the plat thereof on file and of record in the office of the County Recorder within and for Hennepin County, Minnesota (4320 E Lake St - Plate 28).

B. The East 1/3 of Lots 12, 13 and 14, Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS (Torrens) (4308 E Lake St - Plate 28).

C. That part of the alley in Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS, lying south of the easterly extension of the south line of the North 14 feet of Lot 12 in said Block 3, and lying north

of the easterly extension of the north line of the South 10 feet of Lot 14 in said Block 3, according to the recorded plat thereof, Hennepin County, Minnesota (4308 and 4320 E Lake St - Plate 28).

D. That part of Lots 12, 13 and 14, Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, lying west of the East 1/3 of said Lots 12, 13 and 14, and lying east of the West 68.14 feet of said lots 12, 13 and 14 (4306 E Lake St - Plate 28).

Adopted 4/16/04.

Resolution 2004R-182, vacating a portion of the public alley between E 29th and Lake Sts and between 43rd and 44th Aves S, was passed 4/16/04 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 2004R-182

By Schiff

Vacating a portion of the public alley between East 29th Street and Lake Street and between 43rd Avenue South and 44th Avenue South.

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley described as that part of the Alley in Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS lying south of the easterly extension of the south line of the North 16.00 feet of Lot 12 in said Block 3, and lying north of the easterly extension of the north line of the South 10 feet of Lot 14 in said Block 3, according to the recorded plat thereof, Hennepin County, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest Communications their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: The north 5.00 feet and the south 5.00 feet of the north 14.00 feet of Lot 12, Block 3, DORMAN'S FIRST ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota;

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

Adopted 4/16/04.

Z&P – Your Committee, having under consideration the application of Michael Lander to rezone the property at 4251 Vincent Ave S from R1 to the R3 District to permit construction of an additional single-family dwelling on the rear of the lot plus an efficiency unit above a new garage, and to renovate the existing single-family home on the front of the lot and construct a detached single-vehicle garage, after demolishing the existing garage and shed, now recommends that said application be denied, and that the related findings prepared by the Planning Department be adopted, notwithstanding the recommendation of the Planning Commission.

Adopted 4/16/04. Yeas, 11; Nays, 2 as follows:

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

Nays – Zimmermann, Niziolek.

MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of May, 2004, be approved and ordered paid subject to audit by the Finance Officer. Seconded. Adopted 4/16/04.

Colvin Roy asks unanimous consent to introduce an Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending a two hour parking zone #3486 to remove the requirement for a permit, for first reading.

Unanimous consent was granted.

Colvin Roy asks unanimous consent that said ordinance be given its second reading for amendment and passage and that the Transportation & Public Works Committee report passed by the Council March 19, 2004, relating to establishment of the Laurel/Hawthorne Area Critical Parking Area No. 25, be amended by deleting the language "Except By Permit" for the Two Hour Parking Zone 8 AM to 6 PM, Monday through Friday, that is located on the easterly side of North 15th Street from Laurel to Hawthorne. Seconded

Unanimous consent was granted.

Adopted 4/16/04.

Ordinance 2004-Or-045, amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Loading Zone No. 3486, was passed 4/16/04 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 2004-Or-045

By Colvin Roy

Intro, 1st & 2nd Readings: 4/16/04

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

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended to read as follows:

No. 3486 Ely side N 15th St from Laurel to Hawthorne (Two Hour Parking Zone, 8AM to 6PM, Monday through Friday ~~Except By Permit~~).

Adopted 4/16/04.

UNFINISHED BUSINESS

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews:

T&PW - Approval.

W&M/Budget - Sent forward without recommendation.

(Postponed 10/24/03, T&PW & W&M/Budget)

Spincycle Coin Laundry (2937 Dupont Av S): **Sent forward without recommendation** application for Laundry License. (Postponed 2/13/04, PS&RS)

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

APRIL 16, 2004

NEW BUSINESS

Johnson Lee introduced an Ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, which was given its first reading and referred to the Health & Human Services Committee (Increasing the board from 7 to 11 members, authorizing a case investigator, as well as the CRA manager, to present a case at a panel hearing, authorizing hiring volunteers to act as community outreach advocates on a temp basis, modifies the hearing procedure to address a data practices issue & lengthens the time for filing a request for reconsideration from 5 to 30 days).

Lilligren moved to adjourn to Thursday, April 29, 2004 at 4:00 p.m. in the City Hall Rotunda for the purpose of hearing the Mayor's State of the City Address. Seconded.

Adopted 4/16/04.

Adjourned.

Merry Keefe,
City Clerk.

Unofficial Posting: 4/20/2004
Official Posting: 4/22/2004
Corrections: 5/10/2004