

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MARCH 10, 2006

(Published March 18, 2006, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
March 10, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, President Johnson.

Lilligren moved to amend the agenda to delete consideration of the motion setting a public hearing on March 22, 2006 for the reappointment of Police Chief William P. McManus.

Seconded.

Adopted upon a voice vote 3/10/06.

Lilligren moved adoption of the agenda, as amended. Seconded.

Adopted upon a voice vote 3/10/06.

Lilligren moved acceptance of the minutes of the regular meeting held February 24, 2006. Seconded.

Adopted upon a voice vote 3/10/06.

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 3/10/06.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271028)

Metropolitan Council Awards: Livable Communities Demonstration Account, Local Housing Incentives Account & Tax Base Revitalization Account grant awards.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271029)

Land Sale (3434, 3838 & 3442-4th St N): Approve sale to Twin Cities Habitat for Humanity, Inc.
Bond Issuance: University Gateway Corp (re McNamara Alumni Center University of MN Gateway Project, 200 Oak St SE);

Mpls Leased Housing Associates I, LP (re Dominion Group, Inc Project, 333 E 25th St & 2738 Stevens Ave S);

MFW Properties, LLC (re Washington Court Apartments, 2101 Washington St NE);
Courage Center Facilities (3915 Golden Valley Rd, Mpls & 8046-83rd St NW, Maple Lake);
DeLaSalle High School (One DeLaSalle Dr).
2006 Preliminary Planning Fund Allocations: Approve.

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M BUDGET
(See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271030)
Hennepin County 2005 Transit-Oriented Development Grant: Acceptance of grant for pedestrian lights to be installed in public right-of-way & authorize grant agreement.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271031)
Environmental Remediation Grant Awards: Accept Metropolitan Tax Base Revitalization Account Grants; MN Department of Employment & Economic Development; & Hennepin County Environmental Response Fund grants; Authorize execution of grant agreements; CPED appropriation increase.
Metropolitan Council Grant Awards: Livable Communities Demonstration Account & Local Housing Incentives Account; Authorize contracts; CPED appropriation increase.
Lowell Curve Project (1900 Willow Ave): Approve use of Community Development Block Grant Homeownership Program funds.
Riverside Plaza, LP & Crablex, Inc: Approve Agreement for Mutual Vehicular Access; Authorize agreement & related documents; CPED appropriation increase.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271032)
Land Sales: 1838 Dupont Ave N to Bobbie Fern, with redevelopment contract; 2400, 2401, 2415, 2417 & 2419 Bloomington Ave S to Powderhorn Residents Group, Inc; 1401 Central Ave NE to Locus Architecture, with development concept, purchase agreement with Hennepin County; Approving Village in Phillips Phase 2 Tax Increment Finance Plan & District, Modification No 1, Phase I TIF Plan & Modification No 2 to Redevelopment Plan.

Bond Issuance: EDBAR Family Limited Partnership (Re Ambassador Press, 1400 Washington Ave N).

Village in Phillips Phase 2 Redevelopment Project (2400, 2401, 2415, 2417 & 2419 Bloomington Ave S): Approving Phase 2 Tax Increment Plan & District, Modification No 1 to Phase 1 TIF Plan & Modification No 2 to Redevelopment Plan; Issuing pay-as-you-go tax increment note; Approval of Term Sheet; & Establishment of Village in Phillips Phase 2 fund.

INTERGOVERNMENTAL RELATIONS (See Rep):

COUNCIL MEMBER JOHNSON (271033)
Shingle Creek/Creekview Park: Submittal of Outdoor Recreation Grant application to MN Department of Natural Resources.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

EMERGENCY COMMUNICATIONS CENTER (ECC) (271034)
Metropolitan Emergency Services Board: Designate John Dejung as primary City representative on the Technical Operations Committee for Enhanced 911 reporting to the Board; and that Tom Donohoe be designated as the alternate.

INSPECTIONS DEPARTMENT (271035)
Chapter 249 Property at 1626 E Lake St: Authorize demolition.

INSPECTIONS DEPARTMENT (271036)
Chapter 249 Property at 2446 15th Av S: Authorize demolition.

LICENSES AND CONSUMER SERVICES (271037)

Quest (110 5th St N): Grant renewal application for On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Licenses: Applications.

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

FIRE DEPARTMENT (271038)

Fees related to 911 responses to Personal Injury Accidents: Amend report passed August 22, 2003 to change fee structure charged to insurance companies from a flat rate of \$400 per patient to a new tiered fee schedule to charge \$560 per patient for each engine company response; and \$700 per patient for each ladder/rescue company response.

Professional Services between Minneapolis and St. Paul Fire Departments: Execute grant-funded contract for professional services with City of St. Paul Fire Department to reimburse St. Paul for overtime costs incurred by personnel who attended the Structural Collapse Training as planned in the 2005 Homeland Security Grant.

Fire Department Emergency Medical Service Training: Authorize issue Request for Proposals for specialized EMS training for all of Fire Department Emergency Medical Service Technicians, pending approval of Permanent Review Committee.

POLICE DEPARTMENT (271039)

Policing Services at Public Housing Locations: Execute amendment to contract with Minneapolis Public Housing Authority to provide enforcement and community policing services; and Approve appropriation.

Minnesota Gang Strike Force: Accept grant award of \$320,000 and execute grant agreement with State of Minnesota to support one captain and up to six officers from Police Department to serve on Metro Gang Strike Force for two-year period; and Approve appropriation.

Police Department Donation: Accept cash donation of \$1,500 from Wakefield Charitable Foundation, in care of U.S. Trust Company, to purchase Police canines, as needed, or for the care of current canines.

Law Enforcement Support to Little Earth Housing Community: Accept grant funds of \$400,000 from Little Earth for one sergeant and two officers to work with residents on community policing, crime prevention and law enforcement; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271040)

Solid Waste and Recycling Services RFP: Memo for discussion purposes; Civil Rights Department presentation.

XCELENERGY/NSP (271041)

Install a push pole brace at the corner of 4th Av & Bryant Av N, SR #474097.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271042)

Block Event Ordinance: Amend Title 17, Chapter 455, Streets and Sidewalks: Block Events, extending the hours allowed for Block Events.

Fire Station No. 17 (330 E 38th St): Authorize contract with Hagen, Christensen & McIlwain Architects for expansion and alteration of fire station.

Loring Bike Bridge Construction: Increase contract with Kraemer & Sons, Inc. for supplemental agreements and change orders.

Chicago Av Bridge Construction: Increase contract with Lunda Construction Company for supplemental agreements and change orders.

Harriet Maintenance Facility: Increase contract with Northern Air Corporation for construction contingencies.

Lyndale Av N Reconstruction Project: a) Resolution designating locations of project; b) Receive cost estimate and list of benefited properties; c) Direct City Engineer to prepare assessments against benefited properties; and d) Set a public hearing for April 4, 2006.

Sale of 1315-1319 Penn Av N: Affirm 2004 Council approval of private sale method for disposition of property and set a public Hearing for March 21, 2006.

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

PUBLIC WORKS AND ENGINEERING (271043)

Plymouth Av Bridge: Increase appropriation.

Building Lease: Authorize lease with Library Board at North Regional Library Facility (1315 Lowry Av N) for office space for Regulatory Services' staff.

SEMI/University Research Park Infrastructure: Authorize acquisition of portions of 601 25th Av SE and 2001 6th St SE, increase revenue budget, and appropriate funds.

Bid: Accept OP No. 6558, low bid of Meyer Contracting, Inc., for Heritage Park improvements.

Streetcar Study: Increase contract with Meyer Mohaddes Associates, Inc., to complete study.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (271044)

2005 Resident Survey: Receive and file survey results.

2005 - 4th Quarter Financial Status Report: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271045)

Legal Settlements: a) NDN Drywall; b) Boone Trucking; c) Martha Golds-Obondi; and d) Janet Lynn Hodnik and Timothy P. McCarthy.

Reimbursement of Legal Fees: Payments to Frederic Bruno & Assoc. on behalf of Officers John Engle, Jason Walters, Timothy Savior, Dave Matthes, Mike Williams, Matt Kipke, Phillip Gangnon, Thomas Goset, Kevin Lazarchic, Stephanie Weibye, and David Hanson.

Master Legal Services Agreement: Authorize City Attorney to amend the "Master Agreement" between the City of Minneapolis and Creighton, Bradley & Guzetta LLC for the period of January 1, 2006 through December 31, 2006.

BUSINESS INFORMATION SERVICES (BIS) (271046)

Unisys - Voice over Internet Protocol (VoIP) Contract: Authorize amendment to Contract #C-18881 to enable 14 remotes sites the ability for Voice over Internet Protocol services.

CITY CLERK (271047)

2004 Board of Equalization: Passage of resolution establishing the board and appointed members.

COMMUNICATIONS (271048)

Utility Bill Insert: April 2006 insert providing announcing the May 20, 2006 "Grand Opening" of the Minneapolis Central Library building.

COORDINATOR (271049)

New Central Library Project - Change Orders: Approve Change Order No. 5 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. (\$207,008); Change Order No. 4 increasing Contract Number C-20073 with New Mech Companies (\$26,296); Change Order No. 5 increasing Contract Number C-20480 with Spacesaver Storage Systems, Inc. (\$29,419); Change Order No. 4 increasing Contract Number C-21852 with PCL Construction Services, Inc. (\$142,895); Change Order No. 11 increasing Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical (\$191,803); and Change Order No. 13 increasing Contract Number C-20481 with PCL Construction Services, Inc. (\$146,378).

FINANCE DEPARTMENT (271050)

Edison Youth Hockey Arena Sale: Authorize Chief Financial Officer to negotiate final purchase agreement to sell the EYH Arena to the Park Board.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

ARTS COMMISSION (271051)

Artist in Residence in Transit Corridors: Issue (RFP) for a public artist(s) for CPED Artist in Residence in Transit Corridors; Authorize staff to execute agreement with selected artist in an amount not to exceed \$60,000.

ZONING AND PLANNING (See Rep):

ARTS COMMISSION (271052)

Relocation of Public Benches: Relocation of artist-designed bus benches (Oasis, Chippendale and Minneapolis Water Toy) originally commissioned for Hennepin Avenue.

PLANNING COMMISSION/DEPARTMENT (271053)

Vacation: Edward J. Bock III (vicinity of 4301 Ewing Ave S): Alley right-of-way for use as private property.

Rezoning: Humboldt Investors, LLC (Humboldt Industrial Park, 2601 49th Ave N).

The following reports were signed by Mayor Rybak on March 16, 2006, 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 recommends passage of the accompanying resolution authorizing sale of the properties at 3434, 3438 and 3442 – 4th St N to Twin Cities Habitat for Humanity, Inc for \$1 each property, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of the developer receiving the results of the soil tests to be done on the lots; and
- b) Payment of holding costs of \$150 per month per parcel from the date referred to in condition “a” if the land sale closing does not occur.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

(Published 3/15/06)

Resolution 2006R-097, authorizing sale of land, McKinley Disposition Parcel Nos. McK 21-6, 21-5 & 21-4 (3434, 3438 and 3442 – 4th St N), was adopted 3/10/06 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 2006R-097

By Goodman

Authorizing sale of land, McKinley Disposition Parcel Nos. McK 21-6, 21-5 & 21-4 (3434, 3438 and 3442 – 4th Street North).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels McK 21-6, 21-5 & 21-4, in the McKinley neighborhood, from Twin Cities Habitat for Humanity, Inc. (TCHFH), hereinafter known as the Redeveloper, the Parcels McK 21-6, 21-5 & 21-4, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

McK 21-6; 3434 4th Street North: Lot 7, Block 1, Perkins Hill Addition to Minneapolis;
McK 21-5; 3438 4th Street North: Lot 6, Block 1, Perkins Hill Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142777;

McK 21-4; 3442 4th Street North: Lot 5, Block 1, Perkins Hill Addition to Minneapolis; and
Whereas, the Redeveloper has offered to pay the sum of \$1 each, for Parcels McK 21-6, 21-5 & 21-4 to the City for the land, and the Redeveloper's proposal is in accordance with the Memorandum of Understanding between the City and TCHFH; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use values reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 17, 2006, a public hearing on the proposed sale was duly held on February 28, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value of the parcels is estimated to be \$18,400 each; however, in accordance with and for such uses as described in the Memorandum of Understanding between the City and TCHFH, the City is selling Parcels McK 21-6, 21-5 & 21-4 for the sum of \$1 each.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the University Gateway Corporation for the McNamara Alumni Center University of Minnesota Project at 200 Oak St SE, now recommends passage of the accompanying resolution giving approval to the issuance of up to \$35,400,000 in Tax-exempt 501(c)(3) Refunding Revenue Bonds for said project.

Adopted 3/10/06.

Resolution 2006R-098, authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, findings, covenants, and directions relating to the Revenue Refunding Bonds for the University Gateway Project (200 Oak St SE), Series 2006, under Minnesota Statutes, Sections 469.152-469.165, as amended, to be issued to refund outstanding bonds of the City issued to finance the costs of the construction and equipping of an office building owned by University Gateway Corporation and located on the Minneapolis campus of the University of Minnesota, was adopted 3/10/06 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 2006R-098

By Goodman

Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, findings, covenants, and directions relating to the Revenue Refunding Bonds (University Gateway Project), Series 2006, under Minnesota Statutes, Sections 469.152-469.165, as amended, to be issued to refund outstanding bonds of the City issued to finance the costs of the construction and equipping of an office building owned by University Gateway Corporation and located on the Minneapolis campus of the University of Minnesota.

Resolved by The City Council of The City of Minneapolis:

SECTION 1. BACKGROUND

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

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

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

1.04. **SECURITY FOR THE SERIES 1997 BONDS.** The obligations of the Corporation pursuant to the terms of the Loan Agreement are secured by a Mortgage and Security Agreement, dated as of December 1, 1997 (the "Mortgage"), between the Corporation, as mortgagor, and the City, as mortgagee, and an Assignment of Leases and Rents, dated as of December 1, 1997 (the "Assignment of Leases and Rents"), between the Corporation, as assignor, and the City, as assignee. The interests of the City in the Mortgage and the Assignment of Leases and Rents were assigned to the Trustee and University of Minnesota Foundation, a Minnesota nonprofit corporation (the "Guarantor") pursuant to the terms of an Assignment of Mortgage and Security Agreement, dated as of December 1, 1997 (the "Assignment of Mortgage"). The Series 1997 Bonds were also secured by a Guaranty Agreement,

dated as of December 1, 1997 (the "Guaranty"), executed by the Guarantor for the benefit of the Trustee and a predecessor to Wells Fargo Bank, National Association, a national banking association (the "Bank").

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

1.06. THE IMPROVEMENTS. In 2002, the Corporation elected to construct additional enhancements to the Facility and to construct a plaza adjacent to the Facility to be donated to the University of Minnesota (collectively, the "Improvements"). The Corporation requested that the City assist the Corporation in the financing the costs of the Improvements through the issuance of additional bonds pursuant to the terms of the Indenture and, pursuant to an amendment to the Loan Agreement, through a loan of the proceeds of the additional bonds to the Corporation.

1.07. THE SERIES 2002 BONDS. The costs of the construction and development of the Improvements were financed by the City through the issuance of its Variable Rate Demand Revenue Bonds (University Gateway Project), Series 2002 (the "Series 2002 Bonds"), in an original aggregate principal amount of \$7,350,000. The Series 2002 Bonds were issued as parity obligations with the Series 1997 Bonds pursuant to Resolution No. 2002R-163, adopted by the City Council of the City on May 17, 2002, and approved by the Mayor of the City on May 20, 2002, and pursuant to the terms and conditions of a First Supplement to Indenture of Trust, dated as of June 1, 2002 (the "First Supplemental Indenture"), between the City and the Trustee. The proceeds derived from the sale of the Series 2002 Bonds were loaned to the Corporation under the terms of a First Amendment to Loan Agreement, dated as of June 1, 2002 (the "First Amendment to Loan Agreement"), between the City and the Corporation.

1.08. SECURITY FOR THE SERIES 2002 BONDS. The obligations of the Corporation pursuant to the terms of the First Amendment to Loan Agreement are secured by the Mortgage, as amended by a First Supplement to Mortgage and Security Agreement, dated as of June 1, 2002 (the "First Supplemental Mortgage"), between the Corporation and the Trustee and Guarantor, and the Assignment of Leases and Rents, as amended by a First Amendment to Assignment of Leases and Rents, dated as of June 1, 2002 (the "First Amendment to Assignment"), between the Corporation and the Trustee and Guarantor. The loan repayments required to be made by the Corporation under the terms of the First Amendment to Loan Agreement, were assigned to the Trustee under the terms of the First Supplemental Indenture. The payment of the principal of, premium, if any, and interest on the Series 2002 Bonds are also secured by the Guaranty, as amended by the terms of a First Amendment to Guaranty Agreement, dated as of June 1, 2002 (the "First Amendment to Guaranty"), executed by the Guarantor and delivered to the Trustee.

1.09. THE SERIES 2006 BONDS. The Corporation has requested that the City issue its Revenue Refunding Bonds (University Gateway Project), Series 2006 (the "Series 2006 Bonds" or the "Bonds"), in an original aggregate principal amount not to exceed \$35,400,000. The Series 2006 Bonds are to be issued as parity obligations with the Series 1997 Bonds and the Series 2002 Bonds pursuant to the terms and conditions of a Second Supplement to Indenture of Trust, to be dated on or after March 1, 2006 (the "Second Supplemental Indenture"), between the City and the Trustee. The Series 2006 Bonds are proposed to be sold pursuant to the terms of a Bond Purchase Agreement (the "Purchase Agreement") between the City, the Corporation, and RBC Dain Rauscher and Wells Fargo Brokerage Services, LLC. (the "Underwriters"). The proceeds derived from the sale of the Series 2006 Bonds will be loaned to the Corporation under the terms of a Second Amendment to Loan Agreement, to be dated on or after March 1, 2006 (the "Second Amendment to Loan Agreement"), between the City and the Corporation. The Corporation will direct the application of the proceeds of the loan made pursuant to the Second Amendment to Loan Agreement (the "Loan") to the payment, redemption, and prepayment of: (i) the outstanding principal amount of the Series 1997-A Bonds; and (ii) a portion of the outstanding principal amount of the Series 1997-B Bonds. A portion of the Loan will also be applied to the payment of a portion of the costs of issuing the Series 2006 Bonds. The Indenture, as supplemented by the First Supplemental Indenture and the Second Supplemental Indenture, is hereinafter referred to as the

“Amended Indenture.” The Loan Agreement, as amended by the First Amendment to Loan and the Second Amendment to Loan Agreement, is hereinafter referred to as the “Amended Loan Agreement.”

1.10. SECURITY FOR THE SERIES 2006 BONDS. The repayment of the Loan and the payment of the principal and purchase price of, premium, if any, and interest on the Series 2006 Bonds are to be secured by the Mortgage and First Supplemental Mortgage, as amended by a Second Supplement to Mortgage and Security Agreement, to be dated on or after March 1, 2006 (the “Second Supplemental Mortgage”), between the Corporation and the Trustee and Guarantor, and by the Assignment of Leases and Rents and the First Amendment to Assignment, as amended by a Second Amendment to Assignment of Leases and Rents, to be dated on or after March 1, 2006 (the “Second Amendment to Assignment”), between the Corporation and the Trustee and Guarantor. The loan repayments required to be made by the Corporation under the terms of the Second Amendment to Loan Agreement, will be assigned to the Trustee under the terms of the Second Supplemental Indenture. The payment of the principal of, premium, if any, and interest on the Series 2006 Bonds will also be secured under the terms of the Guaranty and the First Amendment to Guaranty, as amended by a Second Amendment to Guaranty Agreement, to be dated on or after March 1, 2006 (the “Second Amendment to Guaranty”), to be executed by the Guarantor and delivered to the Trustee. The Mortgage, as amended by the First Supplemental Mortgage and the Second Supplemental Mortgage, is hereinafter referred to as the “Amended Mortgage.” The Assignment of Leases and Rents, as amended by the First Amendment to Assignment and the Second Amendment to Assignment, is hereinafter referred to as the “Amended Assignment.”

1.11. DOCUMENTS. Forms of the following documents have been submitted to the City and are now on file with the City: (i) the Second Amendment to Loan Agreement; (ii) the Second Supplemental Indenture; (iii) the Second Supplemental Mortgage; (iv) the Second Amendment to Assignment; (v) the Second Amendment to Guaranty; and (vi) the Purchase Agreement.

SECTION 2. ISSUANCE OF BONDS

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

(a) The issuance and sale of the Series 2006 Bonds, the execution and delivery by the City of the Second Amendment to Loan Agreement, the Second Supplemental Indenture, and the Purchase Agreement, and the performance of all covenants and agreements of the City contained in the Second Amendment to Loan Agreement, the Second Supplemental Indenture, and the Purchase Agreement are undertaken pursuant to the Act.

(b) The Facility and the Improvements further the purposes stated in Section 469.152 of the Act and constitute a “project,” as defined in Section 469.153, subdivision 2(b), of the Act.

(c) The loan repayments to be made by the Corporation under the Second Amendment to Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of the principal of, premium, if any, and interest on the Series 2006 Bonds issued under the Second Supplemental Indenture when due, and the Amended Loan Agreement and the Amended Indenture also provide that the Corporation is required to pay all expenses of the operation and maintenance of the Facility and the Improvements owned by the Corporation (the “Corporation Improvements”), including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Facility and the Corporation Improvements and payable during the term of the Amended Loan Agreement and the Amended Indenture.

(d) The Series 2006 Bonds and the interest thereon are not general or moral obligations of the City or a debt of the City within the meaning of any constitutional or statutory limitation. The Series 2006 Bonds and the interest thereon are limited obligations of the City, payable solely from the Trust Estate pledged therefor under the Amended Indenture, including, without limitation, its interest in payments received under the Amended Loan Agreement. No holder of any Series 2006 Bonds shall ever have the right to compel any exercise by the City of its taxing powers to pay any of the Series 2006 Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Amended Loan Agreement, assigned to the Trustee under the Amended Indenture. The Series 2006 Bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, except the interests of the City in the Amended Loan Agreement. The Series 2006 Bonds shall recite that the Series 2006 Bonds are issued pursuant to

the Act, and that the Series 2006 Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof.

2.02. **ISSUANCE OF THE SERIES 2006 BONDS.** The City hereby authorizes the issuance of the Series 2006 Bonds, in the principal amount, in the form, and upon the specific terms and conditions set forth in the Second Supplemental Indenture and pursuant to the general terms and conditions of the Indenture and the Series 2006 Bonds shall be delivered to the Trustee for authentication and delivery to the Underwriters. All of the provisions of the Series 2006 Bonds (as prescribed in the Second Supplemental Indenture, in the form now on file with the City, with the amendments referenced herein), when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Series 2006 Bonds shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Series 2006 Bonds, the principal amounts of each maturity of the Series 2006 Bonds, the maturity dates, the interest rate for each maturity, optional and mandatory redemption terms, mandatory sinking fund payment schedules, and other terms and provisions of the Bonds) as the Finance Officer of the City (the "Finance Officer"), in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination. The Finance Officer is hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, to provide for the registration of the Series 2006 Bonds in book-entry form. The City hereby authorizes the Series 2006 Bonds to be issued as "tax-exempt bonds" the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

2.03. **DESIGNATION AS PROGRAM BONDS.** The Series 2006 Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

2.04. **SECOND SUPPLEMENTAL INDENTURE.** The Finance Officer is hereby authorized and directed to execute the Second Supplemental Indenture and to deliver the Second Supplemental Indenture to the Trustee. The Second Supplemental Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the bondholders, the City, and the Trustee as set forth therein. All of the provisions of the Second Supplemental Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Second Supplemental Indenture shall be substantially in the form on file with the City on the date hereof, and is hereby approved with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such form and as the Finance Officer, in his discretion, shall determine; provided that the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

2.05. **SECOND AMENDMENT TO LOAN AGREEMENT.** The Finance Officer is hereby authorized and directed to execute the Second Amendment to Loan Agreement and to deliver the Second Amendment to Loan Agreement to the Corporation, and when executed and delivered as authorized herein, the Second Amendment to Loan Agreement shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Second Amendment to Loan Agreement shall be substantially in the form on file with the City on the date hereof, which is hereby approved, with such necessary variations, omissions, and insertions as are not materially inconsistent with such form and as the Finance Officer, in his discretion, shall determine; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

2.06. **PURCHASE AGREEMENT.** The offer of the Underwriters to purchase the Series 2006 Bonds as provided in the Purchase Agreement at the price established under the terms of the Purchase Agreement plus accrued interest to the date of delivery at the interest rate or rates specified in the First

Supplemental Indenture is hereby accepted. The Finance Officer is hereby authorized and directed to accept and execute the Purchase Agreement. All of the provisions of the Purchase Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Purchase Agreement shall be substantially in the form on file with the City on the date hereof, and is hereby approved, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such form and as the Finance Officer, in his discretion, shall determine; provided that the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

2.07. APPROVAL OF DOCUMENTS. The Second Supplemental Mortgage, the Second Amendment to Assignment, and the Second Amendment to Guaranty are hereby approved in substantially the forms on file with the City on the date hereof. The terms of the Second Supplemental Mortgage, the Second Amendment to Assignment, and the Second Amendment to Guaranty may be modified with the approval of the Finance Officer.

2.08. DISCLOSURE DOCUMENTS. The City consents to the distribution of a Preliminary Official Statement and an Official Statement (collectively, the "Disclosure Documents") prepared with respect to the issuance of the Series 2006 Bonds. The Disclosure Documents shall recite that the City has not participated in the preparation of the Disclosure Documents nor made any independent investigation of the information contained in the Disclosure Documents, and the City takes no responsibility for the sufficiency, accuracy, or completeness of such information. The City hereby approves the execution and delivery of a Continuing Disclosure Agreement or a Second Amendment to Continuing Disclosure Agreement, to be dated on or after March 1, 2006 (the "Continuing Disclosure Agreement"), between the Corporation, the Guarantor and the Trustee, pursuant to which the Corporation and the Guarantor agree to meet certain continuing disclosure obligations imposed by Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"). The Corporation, the Guarantor, and the Trustee shall acknowledge in the Continuing Disclosure Agreement that the City has undertaken no responsibilities with respect to any reports, notices, or disclosures required under the Continuing Disclosure Agreement or the Rule.

2.09. CERTIFICATIONS OF THE CITY. The Finance Officer and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to bond counsel, the Underwriters, and the Trustee certified copies of all proceedings and records of the City relating to the issuance of the Series 2006 Bonds, and such other affidavits and certificates as may be required to show the facts relating to the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained herein. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriters, the Trustee, or other persons or entities in conjunction with the issuance of the Series 2006 Bonds. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver one or more financing statements, an arbitrage and rebate certificate, a receipt for the proceeds derived from the sale of the Series 2006 Bonds, an order to the Trustee as to the application of the proceeds of the Series 2006 Bonds, a general certificate of the City, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. January 2002).

Section 2.10. REFUNDING OF PRIOR BONDS. The Finance Officer and other officers, employees, and agents of the City are hereby authorized and directed to take all actions necessary and appropriate to provide for the payment, redemption, and prepayment of the Series 1997-A Bonds to be refunded with the proceeds of the Series 2006 Bonds and for the redemption and prepayment of the portion of the Series 1997-B Bonds proposed to be refunded with the proceeds of the Series 2006 Bonds. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver an escrow agreement and to execute and deliver any certificates or other documents required by the terms of the Amended Indenture in conjunction with the redemption and prepayment of the Series 1997-A Bonds and the Series 1997-B Bonds.

SECTION 3. MISCELLANEOUS

Section 3.01. AGREEMENTS BINDING. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, the Finance Officer, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, the Finance Officer, nor any officer or employee of the City executing the Series 2006 Bonds, shall be liable personally on the Series 2006 Bonds or be subject to any personal liability or accountability by reason of the issuance of the Series 2006 Bonds.

3.02. RIGHTS CONFERRED. Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the First Supplemental Indenture and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution; this resolution, the Amended Indenture and all of their provisions being intended to be, and being for the sole and exclusive benefit of the City and the Trustee as fiduciary for owners of the Series 2006 Bonds issued under the provisions of this resolution and the Amended Indenture, and the Corporation to the extent expressly provided in the Amended Indenture.

3.03. VALIDITY. In case any one or more of the provisions of this resolution, or of the documents mentioned herein, or of the Series 2006 Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Series 2006 Bonds, but this resolution, the aforementioned documents, and the Series 2006 Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as is authorized to execute such certificates, instruments, or other written documents.

3.04. REQUIRED ACTIONS. All acts, conditions, and things required by the laws of the State of Minnesota, relating to the adoption of this resolution, to the issuance of the Series 2006 Bonds, and to the execution of the Second Supplemental Indenture, the Second Amendment to Loan Agreement, and the other documents referred to above, to happen, exist, and be performed precedent to and in the enactment of this resolution, and precedent to the issuance of the Series 2006 Bonds, and precedent to the execution of the Second Supplemental Indenture, the Second Amendment to Loan Agreement, and the other documents referred to above, have happened, exist, and have been performed as so required by law.

3.05. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication.

Adopted 3/10/06.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of Minneapolis Leased Housing Associates I, LLP to finance the acquisition and renovation of a 12 unit townhouse complex at 333 E 25th St and 2738 Stevens Ave S (Whittier Townhomes Project), now recommends passage of the accompanying resolution granting preliminary approval for the issuance of up to \$1,420,000 in Tax-exempt Multi-Family Housing Revenue Entitlement Bonds for said project.

Adopted 3/10/06.

Resolution 2006R-099, reciting a proposal for a multifamily housing development project on behalf of Minneapolis Leased Housing Associates I, LP (Whittier Townhomes Project, 333 E 25th St & 2738 Stevens Ave S), taking official action with respect thereto, and indicating preliminary intent, subject to certain conditions, to assist the financing of the project pursuant to Minnesota Statutes, Chapter 462C, was adopted 3/10/06 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 2006R-099
By Goodman

Reciting a proposal for a multifamily housing development project, taking official action with respect thereto, and indicating preliminary intent, subject to certain conditions, to assist the financing of the project pursuant to Minnesota Statutes, Chapter 462C.

Whereas, the City of Minneapolis (the "City") is authorized pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") to finance the making or purchasing of loans with respect to multifamily housing developments within the boundaries of the City through the issuance of revenue bonds; and

Whereas, pursuant to the Act, the full faith and credit of the City will not be pledged to the payment of the principal of, premium, if any, interest on the revenue bonds; and

Whereas, the City has received a proposal from Minneapolis Leased Housing Associates I, LP, a Minnesota limited partnership (the "Company"), that the City assist in financing a Project hereinafter described, through the issuance of revenue bonds or a single note, in the principal amount of up to \$1,420,000 (hereinafter referred to as "Revenue Bonds") pursuant to the Act and in accordance with a housing finance program prepared with respect to the Project; and

Whereas, the undertaking of the proposed Project and the issuance of the Revenue Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by expanding and assisting the multifamily housing facilities available in the City; and

Whereas, the Project to be financed by the Revenue Bonds is the acquisition and renovation of 12 two-story multifamily housing townhouse units in the Whittier neighborhood of the City at 333 East 25th Street and 2738 Stevens Avenue South (the "Project"). The Project will be developed and owned by the Company; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced; and

Whereas, no public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project;

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

1. The Council hereby indicates its preliminary intent to undertake the Project pursuant to the Act and to issue the Revenue Bonds in the principal amount of approximately \$850,000 pursuant to the Act to finance the Project. Such preliminary intent is conditioned upon the Company providing evidence to the City and its staff that additional funds are available to the Company to finance the Project, including, among other sources, tax credit equity and grants.

2. On the basis of information available to the City it appears, and the City hereby finds, that the Project constitutes a multifamily housing development within the meaning of Section 462C.05 of the Act; that the availability of financing under the Act and the willingness of the City to furnish such financing will be a substantial inducement to the Company to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the provision of multifamily rental housing opportunities to residents of the City at a reasonable cost.

3. The City hereby gives preliminary approval of the Project and the issuance of the Revenue Bonds. The City staff is hereby authorized to cause to be prepared and published a notice of public hearing with respect to the Project.

4. The issuance of the Revenue Bonds by the City is subject to, among other things, consideration of any comments presented at the public hearing, and final approval by this Council, the Company, the owner of the Project and the purchaser of the Revenue Bonds as to the ultimate details of the financing of the Project.

5. The Company has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Project whether or not the Project is carried to completion and whether or not approved by the City will be paid by Company.

6. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Revenue Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holder of the Revenue Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Revenue Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Revenue Bonds shall recite in substance that the Revenue Bonds, including interest thereon, is payable solely from the revenue and proceeds pledged to the payment thereof. The Revenue Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. It is the purpose of this resolution to evidence the commitment of the parties and their intentions with respect to the proposed Project in order that the Company may proceed without delay with the commencement of the acquisition, construction and equipping of the Project with the assurance that there has been sufficient "official intent" within the meaning of Treasury Regulations Section 1.150-2(d) to permit Project costs incurred within sixty (60) days) prior to the date of adoption of this Resolution to be financed by the issuance of multifamily revenue bonds to finance the entire cost of the Project upon agreement being reached as to the ultimate details of the Project and its financing.

Adopted 3/10/06.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of MFW Properties, LLC to finance the acquisition and construction of a 38-unit multi-family rental housing facility at 2101 Washington St NE (Washington Court Apartments), now recommends:

a) Passage of the accompanying resolution giving preliminary approval to the issuance of up to \$4,500,000 of Tax-exempt Multi-family Housing Entitlement Revenue Bonds for Washington Court Apartments;

b) Approval for the use of up to \$380,000 of 2005 Affordable Housing Trust Fund (AHTF) for said project;

c) That the proper City officers be authorized to perform as follows:

1) continue analysis of the Washington Court Apartments proposal;

2) negotiate terms and conditions of a redevelopment contract with MWF Properties, LLC or an affiliated entity as the general partner;

3) prepare a redevelopment plan and tax increment financing plan for said project;

4) execute necessary documents relative to the AHTF loan.

Adopted 3/10/06.

Resolution 2006R-100, giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development, was adopted 3/10/06 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 2006R-100

By Goodman

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development by MWF Properties, LLC (Washington Court Apartments, 2101 Washington St NE).

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for multifamily housing developments; and

Whereas, the City has determined to adopt a multifamily housing development program (the "Program") to provide for the issuance of tax-exempt multifamily housing revenue bonds in an aggregate principal not to exceed approximately \$4,200,000 (the "Bonds") for the purpose of loaning the proceeds thereof to MWF Properties, LLC, a Minnesota limited liability company, or another entity to be formed by Jay Weis and Erik Weis (the "Borrower") to finance the acquisition and construction by the Borrower of a 38-unit multifamily rental housing development consisting of one three-story building to be located at 2101 Washington Street N. E., in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds on a date at least fifteen (15) days following the publication in a newspaper of general circulation in the City of a notice of such public hearing; and

Whereas, the Program was submitted to the Metropolitan Council for its review and comment in accordance with the requirements of the Act; and

Whereas, the Bonds shall not constitute a general or moral obligation of the City, the Bonds shall not constitute a debt of the City within the meaning of any state constitutional provision or statutory limitation, the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the City, the Bonds shall not constitute or give rise to a pecuniary liability of the City, and the Bonds shall be payable solely out of any funds and properties expressly pledged as security therefor;

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

1. The Program is hereby approved and adopted by the City.
2. The issuance of the Bonds pursuant to the Program in an aggregate principal amount of not to exceed approximately \$4,200,000 is hereby preliminarily approved.
3. The foregoing preliminary approval of the issuance of the Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.
4. The staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 3/10/06.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds to finance various improvements and equipping of the Courage Center headquarters facilities at 3915 Golden Valley Rd, Minneapolis, MN, and various improvements and equipping of the Camp Courage facility at 8046 – 83rd St NE, Maple Lake, MN, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1 million in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Tax-exempt Minneapolis Community Development Agency Revenue Bonds, Series 2006, for said project.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency Board of Commissioners.
Adopted 3/10/06.

Resolution 2006R-101, giving preliminary and final approval to and authorizing the financing of a project on behalf of Courage Center (3915 Golden Valley Rd, Minneapolis and 8046-83rd St NE, Maple Lake), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 3/10/06 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 2006R-101
By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Courage Center (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 an amount not to exceed \$1,000,000 (the “Bond”) to finance the improvement and equipping of the Company’s headquarters facility located at 3915 Golden Valley Road in the City of Golden Valley, Minnesota, as well as the Company’s Camp Courage facilities located at 8046 83rd Street NW, Maple Lake, Minnesota (collectively, the “Project”); and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota nonprofit corporation; and

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

Whereas, the Bond shall bear interest at an initial interest rate expected to not exceed 5.50% per annum, shall have a final maturity date not later than December 1, 2016, 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 a principal amount not to exceed \$1,000,000 for the purpose of financing the Project.

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

Adopted 3/10/06.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of DeLaSalle High School, One DeLaSalle Dr, to refinance existing bank debt that was used to finance construction in 2002 of a new gymnasium and to remodel classrooms throughout the school, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,800,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2006, for said project.

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

Adopted 3/10/06.

Declining to vote – Gordon.

Resolution 2006R-102, giving preliminary and final approval to and authorizing the financing of a project on behalf of De LaSalle High School (One DeLaSalle Dr), and authorizing the issuance of a revenue note of the Minneapolis Community Development Agency therefor, was adopted 3/10/06 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 2006R-102
By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of De LaSalle High School (the “Company”), and authorizing the issuance of a revenue note 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 an amount not to exceed \$1,800,000 (the “Bond”) to refinance various construction, renovation, equipment and related costs incurred or to be incurred by the Company with respect to educational facilities located at One De LaSalle Drive in Minneapolis (the “Project”); and

Whereas, the property included in the Project is owned by the Company, which is a Minnesota nonprofit corporation; 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 fixed interest rate expected to not exceed 4.75% per annum, shall have a final maturity date not later than January 1, 2021, 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 a principal amount not to exceed \$1,800,000 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 3/10/06.

Declining to vote – Gordon.

Comm Dev – Your Committee recommends approval of the 2006 Preliminary Planning Fund allocations in the total amount of \$1,023,109 for the following projects:

Penn-West Broadway, \$151,098

SEMI MILES (total also funds SEMI sub-projects e.g. University Park), \$149,347

MILES Program (total also funds MILES sub-projects e.g. Shoreham, 1300 N 2nd, Shoreham), \$140,757

Parcel A, \$109,129
Community Planning, \$80,000
Penn Lowry Redevelopment, \$73,690
Penn Plymouth, \$71,989
Hollywood Theatre, \$69,987
3rd Avenue Ramp/Ballpark Design, \$62,328
Lowry Avenue Corridor, \$58,586
LRT Housing, \$56,197
Adopted 3/10/06.

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

Comm Dev, T&PW & W&M/Budget – Your Committee recommends acceptance of a Hennepin County 2005 Transit-Oriented Development Grant in the amount of \$274,000 for pedestrian lights to be installed in the public right-of-ways near neighborhood Light Rail transit stations, and that the proper City officers be authorized to execute grant agreements as necessary.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$274,000 to reflect the receipt of said grant funds.

Adopted 3/10/06.

RESOLUTION 2006R-103
By Goodman, Colvin Roy and Ostrow

Amending the 2006 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 Other Grants-State & Local Fund (0600-890-8933) by \$274,000 and increasing the revenue source in the Other Grants-State & Local Fund (0600-890-8490) by \$274,000.

Adopted 3/10/06.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the sale of City-owned property at 1838 Dupont Ave N, now recommends:

a) That the proper City officers be authorized to execute a redevelopment contract and land sale documents for the sale of 1838 Dupont Ave N to Bobbie Fern for the fair re-use value of \$32,000, subject to the following conditions: 1) Completing the entire project (927 W Broadway and 1838 Dupont Aves) within 12 months after closing, barring any unavoidable delays; 2) Securing all financing sources to complete improvements to both 927 W Broadway and 1838 Dupont Aves N; 3) Submitting to the City a good faith deposit of \$3,200; 4) Submitting construction plans and sworn construction statements of the parking lot and building redevelopment projects; 5) Incorporating West Broadway design standards into the parking lot redevelopment plan; 6) Submitting a copy of the executed lease with Hennepin County Juvenile Probations; and 7) Committing to a Minneapolis Police Department Safety Center;

b) Passage of the accompanying resolution authorizing sale of the property at 1838 Dupont Ave N; and

c) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$32,000 to reflect the receipt of funds, and increasing the revenue budget.

Adopted 3/10/06.

Resolution 2006R-104, authorizing sale of land, West Broadway Disposition Parcel No WB 218-7 (1838 Dupont Ave N), was adopted 3/10/06 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 2006R-104
By Goodman and Ostrow

Authorizing sale of land, West Broadway Disposition Parcel No WB 218-7 (1838 Dupont Avenue North).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel WB 218-7, in the Near North neighborhood, from Bobbie Fern, hereinafter known as the Redeveloper, the Parcel WB 218-7, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION for WB 218-7; 1838 Dupont Av N: Lot 20, Block 29, Gale's Subdivisions in Sherburne and Beebes Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$32,000, for Parcel WB 218-7 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 17, 2006, a public hearing on the proposed sale was duly held on February 28, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the West Broadway plan, as amended, is hereby estimated to be the sum of \$32,000 for Parcel WB 218-7.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 3/10/06.

**RESOLUTION 2006R-105
By Goodman and Ostrow**

Amending the 2006 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 revenue budget for the Community Planning and Economic Development Agency in the Common Project-Uncertified Fund (CAZ0-890-8490) by \$32,000.

Adopted 3/10/06.

Comm Dev & W&M/Budget – Your Committee, having under consideration the issuance of revenue bonds or the expansion, equipping and refinancing of existing debt for a manufacturing facility at 1400 Washington Ave N, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$8,500,000 in Tax-exempt and Taxable Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series 2006, for EDBAR Family Limited Partnership/Ambassador Press, Inc, to be issued through the Common Bond Fund and designating the bonds as bonds entitled to the security provided by Chapter 424 of the Minneapolis Code of Ordinances.

Adopted 3/10/06.

Resolution 2006R-106, a Supplemental Bond Resolution and Indenture granting final approval to the issuance of Tax-Exempt and Taxable Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series, 2006, for EDBAR Family Limited Partnership for Ambassador Press, Inc., 1400 Washington Ave N, was adopted 3/10/06 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 2006R-106
By Goodman and Ostrow**

Supplemental Bond Resolution and Indenture granting final approval to the issuance of Tax-Exempt and Taxable Limited Tax Supported Development Revenue Bonds, Common Bond Fund, Series, 2006, for EDBAR Family Limited Partnership.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS: THAT THE BASIC RESOLUTION IS SUPPLEMENTED AND AMENDED AS FOLLOWS:

ARTICLE I

DEFINITIONS, LEGAL AUTHORIZATION AND FINDINGS

Section 101. *Definitions.* The following terms, unless the context hereof shall require otherwise, shall have the meanings set forth below; provided, however, that any additional capitalized terms used herein and not defined herein (unless such capitalization is due solely to application of the rules of grammar) shall have the meanings assigned to such terms in the Basic Resolution or the Agreement, unless the context or use herein requires another or different meaning:

“*Act of Bankruptcy*” means the filing of a petition in bankruptcy with respect to a Person by or against such Person under the United States Bankruptcy Code.

“*Additional Common Fund Bonds*” means those Common Fund Bonds issued to pay the cost of completion of a Facility pursuant to Sections 202 and 311(d) of the Basic Resolution, Section 206 hereof and an Additional Supplemental Bond Resolution.

“*Additional Supplemental Bond Resolution*” means the Additional Supplemental Bond Resolution and Indenture authorizing the issuance of Additional Common Fund Bonds.

“*Agreement*” means the Lease Agreement, dated as of April 1, 2006, between the Tenants and the Issuer, as amended from time to time.

“*Articles and Sections*” mentioned by number only, means the respective Articles and Sections of this Supplemental Bond Resolution so numbered.

“*Authorized Newspaper*” means a newspaper furnishing financial news as part of its service, printed in the English language, published weekly or daily in Minneapolis, Minnesota, or its metropolitan area, and circulated throughout the State.

“*Basic Resolution*” means Resolution No. 2004R-257, entitled “Amending and restating the Basic Resolution of the City of Minneapolis (A),” adopted on June 18, 2004 by the Issuer, as amended to the date hereof, including any amendments made by this Supplemental Bond Resolution.

“*Bond Closing*” means the date on which there is delivery of and payment for the Bonds.

“*Bond Register*” means the register for the registration and transfer of the Bonds kept by the Trustee on behalf of the Issuer pursuant to Section 210 hereof.

“*Bond Year*” means from the Bond Closing to December 31, 2006, inclusive, and thereafter the period commencing on the day after expiration of the preceding Bond Year and ending on the earlier of the day preceding the first anniversary of such commencement date or the date on which no Bonds are Outstanding.

“*Bonds*” means the Series 2006-1A Bonds and the Series 2006-1B Bonds, issued pursuant to the Basic Resolution and the Supplemental Bond Resolution in the aggregate principal amount specified in Section 203 hereof, as such principal amount may be adjusted by certification of the Finance Officer of the Issuer.

“*Chapter 424*” means Code of Ordinances, Title 16, Chapter 424, as amended.

“*Code*” means the Internal Revenue Code of 1986, as amended as of the date hereof, and applicable Regulations promulgated thereunder.

“*Code of Ordinances*” means the Minneapolis Code of Ordinances, as amended.

“*Computation Date*” means any of the following dates: (i) the date on which the IDB Account is first fully depleted after the date hereof; and (ii) any date on which money has been drawn from the Tax Reserve Fund as a result of a certification by the Trustee pursuant to Section 415 hereof. The IDB Account shall be deemed to have been first fully depleted on the first date that no cash, investments, or letters of credit are credited to the IDB Account.

“*Construction Fund*” means the fund by that name created pursuant to Section 403 hereof.

“*Designated Common Fund Bonds*” means Common Fund Bonds designated by the Issuer under Chapter 424 as Bonds to which Chapter 424 applies.

“*Expected Available Tax Revenue*” means the product of the total tax capacity of all taxable property in the City of Minneapolis on the Computation Date and one-half percent.

“*Financial Advisor*” means Dougherty & Company LLC.

“*Hereby*,” “*herein*,” “*hereof*,” “*hereto*,” “*hereunder*” and any similar terms refer to this Supplemental Bond Resolution as a whole; the term “*heretofore*” means before the date of execution and delivery hereof, and the term “*hereafter*” means after the date of execution and delivery hereof.

“*Interest Payment Date*” means June 1, 2006, and each June 1 and December 1 thereafter until all Bonds are paid.

“*Issuer*” means the City of Minneapolis, Minnesota.

“*Other Redemption Funds*” means all funds or accounts not within the Common Bond Fund or IDB Account established by any resolution authorizing Common Fund Bonds (other than the Bonds) which are pledged to the payment of principal, premium and interest due on any such series of Common Fund Bonds on any date for which any redemption thereof was duly called.

“*Outstanding*” means when used with reference to all series of Common Fund Bonds, the same as that term is defined in the Basic Resolution and also means, when used with reference to the Bonds and as of any particular date, all Bonds theretofore and thereupon being authenticated and delivered except:

(a) any Bond canceled by the Trustee or the Paying Agent or surrendered to the Trustee or the Paying Agent for cancellation at or before said date;

(b) any Bond for payment or redemption of which money equal to the principal or Redemption Price thereof, as the case may be, with interest to the date of maturity or Redemption Date, shall have theretofore been deposited with the Trustee or any Paying Agent in trust (whether upon or prior to maturity or the Redemption Date of such Bond) and, except in the case of a Bond to be paid at maturity, of which notice of redemption shall have been duly given; and

(c) any Bond for which in lieu thereof or in substitution therefor another Bond shall have been authenticated and delivered pursuant to Section 213 hereof;

provided, however, that in determining whether the Holders of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver hereunder, Bonds owned by the Issuer or the Tenants or any affiliate of the Tenants shall be disregarded and deemed not to be Outstanding except that, in determining whether the Trustee shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Trustee knows to be so owned shall be so disregarded (an “*affiliate*” of any specified Person means any other Person directly or indirectly controlling or controlled by or under direct or indirect common control with such specified Person; for the purposes of this definition, “*control*,” when used with respect to any specified Person, means the power to direct the management and policies of such Person, directly or indirectly, whether through the ownership of voting securities, by contract or otherwise, and the terms “*controlling*” and “*controlled*” have meanings correlative to the foregoing); provided, further, that Bonds so owned which have been pledged in good faith may be regarded as “*Outstanding*” if the pledgee establishes to the satisfaction of the Trustee the pledgee’s right so to act with respect to such Bonds and that the pledgee is not the Issuer or the Tenants or any affiliate of the Tenants. A Bond that would be considered “*Outstanding*” but for the fact that money sufficient for the payment or redemption thereof has theretofore been deposited in full with the Trustee or any Paying Agent in trust for the Holder thereof (or that the Basic Resolution has theretofore been discharged with respect to the series of which such particular Bond is a part pursuant to Article VI of the Basic Resolution) shall, for the purposes of Article III of the Basic Resolution (to the extent that a default referred to therein or under the Agreement might adversely affect the exemption from federal income taxation of interest on any Series 2006-1A Bond) and Article VII of the Basic Resolution (to the extent that any supplement,

amendment, modification or waiver referred to therein might adversely affect the exemption from federal income taxation of interest on any Series 2006-1A Bond), be deemed to be "Outstanding" unless such Bond shall be due and payable in accordance with its terms or through redemption proceedings or otherwise as provided in the Basic Resolution and herein. The Trustee shall be fully protected in requiring and relying on an Opinion of Counsel with respect to whether any such default, supplement, amendment, modification or waiver might adversely affect the exemption from federal income taxation of interest on any Series 2006-1A Bond.

"*Paying Agent*" means Wells Fargo Bank, National Association, in Minneapolis, Minnesota, and its successor or successors designated pursuant to the provisions of Article VII of the Basic Resolution and Section 204 hereof as the agent of the Issuer to receive and disburse the principal or Redemption Price of and interest on the Bonds.

"*Payment Date*" means the date on which any payment of principal of or interest on any Common Fund Bonds is due.

"*Preference Funds*" means any money credited to the Common Bond Fund or IDB Account, other than either money derived from a draw under the Letter of Credit or earnings received on amounts held by the Trustee, held by the Trustee for less than ninety-one (91) days or concerning which the depositor thereof was subject to an Act of Bankruptcy within ninety-one (91) days after deposit of such amounts with the Trustee.

"*Prior Bonds*" means the Limited Tax Supported Development Revenue Bonds, Common Bond Fund Series 1997-2.

"*Property Insurance and Award Fund*" means the fund by that name created pursuant to Section 406 hereof.

"*Rebate Amounts*" means any amount of money subject to rebate to the government of the United States of America pursuant to Section 148(f) of the Code and applicable Regulations.

"*Rebate Fund*" means the fund by that name created pursuant to Section 414 hereof.

"*Redemption Date*" means, when used with respect to any Bond to be redeemed, the date fixed for such redemption in accordance with the provisions hereof.

"*Redemption Fund*" means the fund by that name created pursuant to Section 411 hereof.

"*Redemption Price*" means, when used with respect to a Bond or portion thereof, the principal amount of such Bond or portion thereof plus the applicable premium, if any, payable upon redemption thereof in accordance with its terms and as provided herein.

"*Regulations*" means regulations promulgated by the Department of the Treasury of the government of the United States of America pursuant to the Code.

"*Series 2006-1A Bonds*" means the obligations of the Issuer designated the Limited Tax Supported Development Revenue Bonds, Common Bond Fund Series 2006-1A.

"*Series 2006-1B Bonds*" means the obligations of the Issuer designated the Taxable Limited Tax Supported Development Revenue Bonds, Common Bond Fund Series 2006-1B.

"*Supplemental Bond Resolution*" means this Supplemental Bond Resolution and Indenture.

“*Tax Reserve Fund*” means the fund by that name created by Chapter 424, held by the Issuer separate and apart from the Common Bond Fund.

“*Tax Reserve Requirement*” means zero Dollars (\$0) prior to the first Computation Date and, thereafter, an amount equal to twice the Expected Available Tax Revenue, determined as of the most recent Computation Date.

“*Tenants*” means EDBAR Family Limited Partnership, a Minnesota limited partnership, and Ambassador Press, Inc., a Minnesota corporation, their successors and assigns.

“*Trustee*” means Wells Fargo Bank, National Association, in Minneapolis, Minnesota, its successors and co-trustees, as permitted under the Basic Resolution.

“*Underwriter*” or “*Underwriters*” means RBC Dain Rauscher, Inc. and Piper Jaffray & Co.

“*Underwriting Agreement*” means the Underwriting Agreement, dated as of the date of adoption hereof, among the Underwriters, the Issuer and the Tenants.

“*United States Bankruptcy Code*” means 11 U.S.C. Sections 101 *et seq.*, as amended.

Section 102. *Legal Authorization.* The Issuer is a municipal corporation under the laws of Minnesota and is authorized under the Act to finance and refinance the Facility and to issue and sell the Bonds for that purpose in the manner and upon the terms and conditions set forth in the Basic Resolution and herein. The City Council of the Issuer has approved the issuance of bonds for an amount not less than the aggregate face amount of the Bonds for the purpose of financing and refinancing the Facility.

Section 103. *Findings.* The Issuer has heretofore determined and does hereby determine and find as follows:

(a) The Issuer is authorized by the Act to adopt this Supplemental Bond Resolution and execute and deliver the Agreement.

(b) The Issuer has made the necessary arrangements with the Tenants for the financing and refinancing of the Facility, which Facility consists of certain property used in connection with the operation of a revenue producing enterprise contemplated by Minnesota Statutes, Section 469.153 Subdivision 2, which property is of the character and accomplishes the purposes provided by the Act, and the Issuer has by this Supplemental Bond Resolution authorized execution of the Agreement and all other documents in relation thereto and has specified the terms and conditions of the financing and refinancing of the Facility.

(c) In authorizing the issuance of Bonds, the Issuer’s purpose is and, in the Issuer’s judgment, the effect thereof shall be to promote the public welfare by: the attraction, encouragement and development of economically sound commerce and industry so as to prevent, so far as possible, blighted and marginal lands and areas of chronic unemployment and the emergence of such land and areas, the development of commerce and industry to use the available resources of the community in order to retain the benefit of the community’s existing investment in educational and public service facilities and to halt the movement of talented, educated personnel of mature age to other areas, thus preserving the economic and human resources needed as a base for providing governmental services and facilities, the provision of accessible employment opportunities for residents in the area, and the expansion of an adequate tax base of Hennepin County and the City of Minneapolis to finance the increase in the amount and cost of governmental services, including educational services for the school districts of the City of Minneapolis.

(d) The amount estimated to be necessary to finance and refinance the Facility shall require the Issuer to issue, sell and deliver the Bonds in the aggregate principal amount authorized herein.

(e) The Bonds are Common Fund Bonds within the meaning of Section 202 of the Basic Resolution and are payable from revenues derived by the Issuer from a revenue-producing enterprise and shall be on a parity of lien with all other Common Fund Bonds which have heretofore and may hereafter be issued by the Issuer and made payable from funds pledged and appropriated thereto pursuant to the Basic Resolution and hereunder.

(f) The issuance and sale of the Bonds, the execution and delivery of the Agreement and the performance of all covenants and agreements of the Issuer contained herein and in the Agreement and the Basic Resolution and of all other acts and things required under the Constitution and laws of the State to make the Agreement and the Bonds valid and binding obligations of the Issuer in accordance with their terms are authorized by the Act, the Basic Resolution and this Supplemental Bond Resolution.

(g) The Underwriters have offered to purchase the Bonds in accordance with the terms and conditions of the Underwriting Agreement and this Supplemental Bond Resolution.

ARTICLE II

AUTHORIZATION, TERMS AND PROVISIONS OF BONDS

Section 201. *Qualification under the Basic Resolution, IDB Account Resolution and Chapter 424.* The Bonds shall be issued and secured under the provisions of the Basic Resolution, and all applicable terms, covenants and conditions contained therein are hereby incorporated into and made a part hereof of the same as if said terms, covenants and conditions were set out herein in their entirety. It is hereby found, determined and declared that upon the issuance of the Bonds in accordance herewith and execution of the Agreement, the Agreement shall provide for Basic Rent, which if collected in full and when due shall be sufficient to pay the interest when due and to pay and redeem the Bonds at maturity or when required or permitted pursuant to the terms hereof. In accordance with Sections 202 and 402(d) of the Basic Resolution, at or prior to the Bond Closing for the Bonds, cash in the amount, or a Reserve Letter of Credit drawable in the amount, of the Minimum Deposit shall be delivered to or by the Issuer as required for the Bonds and further, all other conditions required to be met under Section 202 of the Basic Resolution shall have been met as have the conditions specified herein. Consistent with the provisions of the Basic Resolution and the IDB Account Resolution, the Issuer specifically pledges to further secure the Bonds (on a parity basis with all Common Fund Bonds) with the funds held in the A Subaccount and Issuer Subaccount of the IDB Account established in accordance with the provisions of the IDB Account Resolution. The Issuer covenants to make appropriations, advances and payments in respect of the Bonds in accordance herewith and with the terms of the Basic Resolution and the IDB Account Resolution. The Bonds shall also be secured by amounts available, if any, in the Tax Reserve Fund, pursuant to Chapter 424. The Issuer hereby designates the Bonds as bonds secured by the pledge made pursuant to Chapter 424.

Section 202. *Forms Generally.* The Bonds shall be in substantially the form set forth in Schedule A hereof with such other appropriate insertions, omissions, substitutions and other variations as are required or permitted hereby and may have such letters, numbers or other marks of identification and such legends or endorsements placed thereon as may, consistently herewith, be placed thereon by the officials of the Issuer executing the Bonds, as evidenced by their execution thereof. Any part of the text of any Bond may be set forth on the reverse side thereof with an appropriate reference thereto on the face of the Bond.

The definitive Bonds shall be printed, lithographed, engraved, typewritten, mimeographed or otherwise reproduced or produced by a combination of these methods or may be produced in any other manner permitted by the rules of any securities exchange, all as determined by the officials of the Issuer executing such Bonds, as evidenced by their execution thereof.

The approving opinion of Bond Counsel may be printed on the Bonds.

Section 203. *Authorization of Bonds and Terms.* Pursuant to the Basic Resolution, the Bonds are hereby authorized to be and shall be issued under and secured by the Basic Resolution and this Supplemental Bond Resolution. The Bonds and any Additional Common Fund Bonds shall bear CUSIP numbers or any other identification, notations or symbols as the Issuer may determine, and when issued shall be numbered separately from R-1 consecutively upward. The 2006-1A Bonds shall be issued in the aggregate principal amount of up to \$6,000,000, and the Series 2006-1B Bonds shall be issued in the aggregate principal amount of up to \$2,500,000. The Bonds shall bear interest from the date thereof, payable semiannually on June 1 and December 1 in each year, commencing June 1, 2006, at the interest rates per annum to be determined by the Finance Officer of the Issuer prior to the issuance of the Bonds (with the average weighted interest rate not to exceed 6.00% per annum for the Series 2006-1A Bonds and 7.00% per annum for the Series 2006-1B Bonds), and shall mature on or before December 1, 2026.

The foregoing aggregate principal amount, maturity dates and principal amounts maturing on such dates are subject to adjustment and, if adjusted, such terms shall be finally and specifically designated at Bond Closing by a certification of the Finance Officer of the Issuer. Such adjustment may include the creation of one or more serial maturities and/or term bonds that are subject to mandatory sinking fund redemption in accordance with Section 305 hereof. The Finance Officer's certification shall also establish the interest rate for each maturity of Bonds.

Section 204. *Accrual and Payment of Interest.* Each Bond shall bear interest from its date, which shall be as of the date six (6) months preceding the Interest Payment Date next following the date of authentication thereof by the Paying Agent, provided that: (a) if such date of authentication shall be an Interest Payment Date, such Bond shall be dated as of such date of authentication, (b) if such date of authentication shall be before the first Interest Payment Date, such Bond shall be dated as of the first day of the month in which such Bond was issued, and (c) if interest on such Bond shall not have been paid in full when due, then notwithstanding any of the foregoing provisions of this Section 204, such Bond shall be dated as of the date on which interest was last paid in full on such Bond. All Bonds shall be payable as to principal or Redemption Price at the principal office of Wells Fargo Bank, National Association, in Minneapolis, Minnesota, hereby designated as Paying Agent for the Bonds, or at the office of any successor Paying Agent designated by the Issuer pursuant to Article VII of the Basic Resolution, and interest on Bonds shall be payable by check or draft drawn upon the Paying Agent mailed on the Interest Payment Date to the registered Holder thereof as reflected as of the close of business on the 15th day of the month immediately preceding any Interest Payment Date at the address of such Holder as it appears on the Bond Register maintained by the Trustee. Overdue principal or Redemption Price of and (to the extent legally enforceable) overdue interest on any Bond shall bear interest at the rate borne by such Bond.

Section 205. *Conditions Precedent to the Delivery of Bonds.* In addition to the performance of such acts and the occurrence of such events as are required under Section 202 of the Basic Resolution, prior to or simultaneously with the delivery of the Bonds:

- (a) there shall be delivered to the Trustee a written order by the Representative of the Issuer to authenticate and deliver the Bonds to or upon the order of the Underwriters, upon the payment to the Trustee for the account of the Issuer of a specified sum plus a specified amount of accrued interest, together with a copy of this Supplemental Bond Resolution, duly certified by the recording officer of the Issuer; and

(b) there shall be delivered to the Issuer the following items:

- (i) an executed original of the Agreement and the Disbursing Agreement;
- (ii) the executed original or copies thereof satisfactory to the Issuer of all Subleases of the Facility then in effect, if any;
- (iii) financing statements endorsed as having been filed with the Secretary of State of the State of Minnesota and the County Recorder or Registrar of Titles of Hennepin County, Minnesota, or both, whichever is applicable, showing the interest of the Issuer in the Facility Equipment;
- (iv) a policy or binder of title insurance in current ALTA form acceptable to the Issuer and Bond Counsel in an amount not less than the original principal of the Bonds insuring the Issuer's fee simple title to the Facility Premises, subject only to Permitted Encumbrances and insuring against all standard exceptions, including mechanics' liens, survey and zoning restrictions;
- (v) the manually signed Opinion of Bond Counsel approving the legality of the Bonds and exclusion from gross income of interest on the Series 2006-1A Bonds;
- (vi) written evidence from the Underwriters consenting to the issuance of the Bonds;
- (vii) an original of the Underwriting Agreement;
- (viii) written acceptance by the Paying Agent and the Trustee;
- (ix) evidence of insurance complying with Section 4.06 of the Agreement;
- (x) all executed Construction Contracts, including any related architects' contracts and payment and performance bonds required by the Agreement, if any;
- (xi) an executed original of each Guaranty; and
- (xii) such other documents as Bond Counsel reasonably determines are necessary as a precondition to the delivery of the Bonds;

provided, however, that the Issuer may waive the requirement that one or more of the foregoing items be filed with the Trustee on or prior to Bond Closing, except the manually signed Opinion of Bond Counsel approving the validity of the Bonds.

Section 206. *Additional Common Fund Bonds.* Pursuant to the authority given in Section 202 of the Basic Resolution to issue Additional Common Fund Bonds in accordance with Section 311 (d) thereof, one or more series of such Additional Common Fund Bonds may be authenticated and delivered for the purpose of financing the cost of completing the Facility. Such Additional Common Fund Bonds shall be secured by the Basic Resolution, this Supplemental Bond Resolution and the Additional Supplemental Bond Resolution providing for the issuance of the applicable series of such Additional Common Fund Bonds and shall rank on a parity of security in all respects with the Bonds and all Additional Common Fund Bonds issued and to be issued hereunder. Such Additional Common Fund Bonds may, at the election of the Issuer as provided by Chapter 424, be further secured by the Tax Reserve Fund. Such Additional Common Fund Bonds shall have such identifying designation, be in such form and denominations, be dated, mature at such time or times, bear interest at such rate or rates, be subject to redemption at such times and prices, be executed substantially in the form and manner set forth herein and contain such other provisions not

inconsistent herewith and with the Basic Resolution and as the Additional Supplemental Bond Resolution providing for the issuance thereof shall fix and determine. Such Additional Common Fund Bonds shall be payable from the Common Bond Fund as provided in the Basic Resolution. Prior to the adoption of the Additional Supplemental Bond Resolution authorizing the issuance of Additional Common Fund Bonds, the Issuer and the Tenants shall enter into an amendment to the Agreement which shall provide that the Basic Rent due under the Agreement shall be increased and computed so as to amortize in full the principal or Redemption Price of and interest on such Additional Common Fund Bonds and provide for the payment of any other costs in connection therewith. The Additional Common Fund Bonds shall be issued only in accordance with Sections 202 and 311(d) of the Basic Resolution.

Section 207. *Form and Denominations.* All Bonds shall be in fully registered form without coupons and payable to a named Person or registered assigns. Bonds shall each be of the denomination of \$5,000 or any integral multiple thereof. The Bonds may contain or have endorsed thereon such provisions, specifications and descriptive words as are:

(a) not inconsistent with those provisions hereof and of the Basic Resolution that are applicable to all Bonds or to Common Fund Bonds generally;

(b) necessary or desirable to comply with custom or the rules of any securities exchange or commission or brokerage board; or

(c) authorized hereby or by any Additional Supplemental Bond Resolution adopted prior to the authentication and delivery of the Bonds.

Section 208. *Execution of Bonds.* Each Bond shall be executed, as provided by law, in the name and on behalf of the Issuer by the manual or facsimile signature of its Finance Officer (or such other person acting in the stead of the Finance Officer in accordance with law). Any Bond may be signed on behalf of the Issuer by any person who, at the date of such act, shall hold the proper office, and the validity thereof shall not be impaired by the fact that one or more of such officers authorized to execute such Bond shall have ceased to hold such office on the date of delivery of such Bond.

Section 209. *Authentication of Bonds.* Each Bond shall bear thereon a certificate of authentication, substantially in the following form, manually executed by the Trustee:

“Certificate of Authentication”

This Bond is one of the Common Fund Bonds described in the within-mentioned Basic Resolution and Supplemental Bond Resolution and is one of the Bonds of the City of Minneapolis referred to herein.

WELLS FARGO BANK,
NATIONAL ASSOCIATION,
as Trustee

Dated: _____

By _____ [Manual] _____
Authorized Signature

Only such Bonds that bear thereon the manually executed certificate of authentication shall be entitled to any security, right or benefit hereunder and under the Basic Resolution. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication upon such Bond shall have been duly executed by the Paying Agent. The certificate of authentication upon any Bond executed as herein provided on behalf of the Issuer shall be conclusive and the only evidence that the Bond so authenticated has been duly authenticated and delivered hereunder and under the Basic Resolution and that the Holder thereof is entitled to the security, right or benefit hereunder and under the Basic Resolution.

Section 210. *Appointment of Trustee as Transfer Agent for Bonds.* The Trustee is hereby irrevocably appointed the agent of the Issuer for the registration, transfer or exchange of Bonds. The Trustee, on behalf of the Issuer, shall maintain and keep a Bond Register for the registration and transfer of the Bonds, and upon presentation thereof for such purpose, the Trustee shall register or cause to be registered thereon and permit to be transferred thereon or to be exchanged, under such reasonable regulations as the Trustee may prescribe, any Bond entitled to registration, transfer or exchange.

Section 211. *Transfer of Bonds.* Each Bond shall be transferable only upon the Bond Register at the office of the Trustee by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer satisfactory to the Trustee duly executed by the registered owner or such duly authorized attorney. Upon the transfer of any such Bond, the Issuer shall execute and the Trustee shall authenticate and deliver a new Bond or Bonds registered in the name of the transferee of the same aggregate principal amount, series designation, maturity and interest rate as the surrendered Bond.

Section 212. *Ownership of Bonds and Effect of Registration.* The Issuer, the Trustee and any Paying Agent may treat and consider the person in whose name any Bond for the time being shall be registered upon the Bond Register as the Holder and absolute owner thereof, whether or not such Bond shall have matured, for the purpose of receiving payment of the principal or Redemption Price of and interest on such Bond and for all other purposes whatsoever, and neither the Issuer, the Trustee nor any Paying Agent shall be affected by any notice to the contrary, and payment of or on account of the principal or Redemption Price of and interest on such registered Bond shall be made only to or upon the order of such registered owner thereof. All payments made as in this Section 212 provided shall be valid and effectual to satisfy and discharge the liability upon the several Bonds to the extent of the sum or sums so paid.

Section 213. *Bonds Mutilated, Destroyed, Stolen or Lost.* In the event that any Bond is mutilated, destroyed, stolen or lost, the Issuer shall execute and the Trustee shall authenticate and deliver, in lieu of any such mutilated, destroyed, stolen or lost Bond, a new Bond of like date and denomination as the Bond mutilated, destroyed, stolen or lost, provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Trustee, and in the case of any such destroyed, stolen or lost Bond, there shall be first furnished to the Issuer and the Trustee evidence of such destruction, theft or loss satisfactory to the Issuer and the Trustee, together with indemnity satisfactory to them. The Issuer and the Trustee may charge the Holder of such Bond their reasonable fees and expenses in this connection. All such Bonds so surrendered to the Trustee shall be canceled by the Trustee.

In case any such mutilated, destroyed, stolen or lost Bond has become or is about to become due and payable, the Issuer may, instead of issuing a new Bond, cause the Trustee to pay such Bond out of money held by the Trustee and available for such purpose.

The provisions of this Section 213 are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement or payment of mutilated, destroyed, stolen or lost Bonds.

Section 214. *Payment for and Limitations on Exchanges and Transfers.* In all cases in which the privilege of exchanging or transferring Bonds is exercised, the Issuer shall execute and the Trustee shall authenticate and deliver the Bonds in accordance with the provisions hereof and of the Basic Resolution. The Bonds so delivered shall be in such form or denominations as shall permit the exchange or transfer for

the surrendered Bonds in such manner that no gain or loss of interest results from such exchange or transfer. All Bonds surrendered in any such exchanges or transfers shall forthwith be canceled by the Trustee. For every such exchange or transfer of Bonds, the Trustee may make a charge sufficient to reimburse the Trustee for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer. The cost of preparing each new Bond upon each exchange or transfer and any other expenses (except any applicable tax, fee or other governmental charge) of the Issuer or the Trustee incurred in connection with such exchange or transfer shall be paid by the Tenants pursuant to Section 2.03 of the Agreement. Neither the Issuer nor the Trustee shall be required to register, transfer or exchange Bonds for a period of fifteen (15) days next preceding any Interest Payment Date on Bonds or next preceding any selection of Bonds to be redeemed or thereafter until after the later of the first publication or mailing of notice of redemption of Bonds selected, called or being called for redemption as a whole or the portion being redeemed of any Bonds selected, called or being called for redemption in part.

Section 215. *Delivery of Temporary Bond.* In order to facilitate timely delivery of the Bonds, the Underwriters may elect, with respect to the Bonds, to receive in lieu of definitive Bonds a single temporary registered Bond that may be printed, lithographed, engraved, typewritten, mimeographed or otherwise reproduced, which Bond shall, upon the printing of the appropriate Bonds and the execution and authentication thereof, be exchanged therefor and canceled.

Section 216. *Book Entry Provisions.* Notwithstanding any provision of this Supplemental Bond Resolution to the contrary:

(a) Upon initial issuance of the Bonds the ownership of one fully registered Bond for each maturity of the Bonds shall be registered in the name of Cede & Co. ("Cede"), as nominee of The Depository Trust Company ("DTC"), New York, New York. Payments of interest on, principal of and any premium on the Bonds shall be made to the account of Cede on each payment date at the address indicated for Cede in the Bond Register kept by the Trustee in accordance with arrangements acceptable to DTC and the Trustee. DTC has represented to the Issuer that it will maintain a book-entry system in recording ownership interests of its participants (the "Direct Participants"), and the ownership interests of a purchaser of a beneficial interest in the Bonds (a "Beneficial Holder") will be recorded through book entries on the records of the Direct Participants.

(b) With respect to Bonds registered in the name of Cede, the Issuer and the Trustee shall have no responsibility or obligation to any Direct Participant or to any Beneficial Holder of such Bonds. Without limiting the immediately preceding sentence, the Issuer and the Trustee shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede or any Direct Participant with respect to any beneficial ownership interest in the Bonds, (ii) the delivery of any Direct Participant, Beneficial Holder or other Person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, (iii) the payment of any Direct Participant, Beneficial Holder or other Person, other than DTC, of any amount with respect to the principal or redemption price of, or any interest on, the Bonds or (iv) any consent given or other action taken by DTC as Holder of the Bonds. With respect to the Bonds registered in the name of Cede, the Issuer and the Trustee may treat DTC as, and deem DTC to be, the absolute owner of each Bond for all purposes whatsoever including (but not limited to) (i) payment of the principal or redemption price of, and interest on, each such Bond, (ii) giving notices of purchase or redemption and other matters with respect to such Bonds and (iii) registering transfers with respect to such Bonds. The Trustee shall pay the principal or redemption price of, and interest on, all such Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to such principal or redemption price, and interest, to the extent of the sum or sums so paid. Until and unless the services of DTC as depository of the

Bonds are terminated or discontinued, no Person other than DTC shall receive a Bond evidencing the obligation of the Issuer to make payments of principal or redemption price of, and interest on, the Bonds pursuant to this Supplemental Bond Resolution. Upon delivery by DTC to the Trustee of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede, and subject to the transfer provisions hereof, the word "Cede" in this Supplemental Bond Resolution shall refer to such new nominee of DTC.

(c) (i) DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving reasonable written notice to the Issuer and the Trustee and discharging its responsibilities with respect thereto under applicable law.

(ii) The Trustee shall terminate the services of DTC with respect to the Bonds if the Issuer determines that the continuation of the system of book-entry-only transfers through DTC (or a successor securities depository) is not in the best interests of the Beneficial Holders of the Bonds or is burdensome to the Trustee, and shall terminate the Services of DTC with respect to the Bonds upon receipt by the Trustee of written notice from DTC to the effect that DTC has received written notice from Direct Participants having interests, as shown in the records of DTC, in an aggregate principal amount of not less than 50% of the aggregate principal amount of the Bonds then Outstanding to the effect that; (a) DTC is unable to discharge its responsibilities with respect to the Bonds or (b) a continuation of the requirement that all of the Bonds be registered in the Bond Register in the name of Cede, as nominee of DTC, is not in the best interest of the Beneficial Holders of such Bonds.

(d) Upon the termination of the services of DTC with respect to the Bonds pursuant to subsection (c)(ii)(b) hereof, or upon the discontinuance or termination of the services of DTC with respect to the Bonds pursuant to subsection (c)(i) or subsection (c)(ii)(a) hereof after which no substitute securities depository willing to undertake the functions of DTC hereunder can be found or which, in the opinion of the Trustee, is willing and able to undertake such functions upon reasonable and customary terms, the Bonds shall no longer be restricted to being registered in the registration books kept by the Trustee in the name of Cede as nominee of DTC. In such event, the Trustee shall transfer and exchange Bond certificates as requested by DTC or Direct Participants and confirmed by DTC of like principal amount, series and maturity, in Authorized Denominations to the identifiable Beneficial Holders in replacement of such Beneficial Holders' beneficial interests in the Bonds.

(e) Notwithstanding any other provision of this Supplemental Bond Resolution to the contrary, so long as any Bond is registered in the name of Cede, as nominee of DTC, all payments with respect to the principal or redemption price of, and interest on, such Bond and all notices with respect to such Bond shall be made and given, respectively, to DTC as provided in the representation letter addressed to DTC with respect to the Bonds.

(f) In connection with any notice or other communication to be provided to Holders pursuant to this Supplemental Bond Resolution by the Trustee with respect to any consent or other action to be taken by Holders, the Trustee shall establish a record date for such consent or other action and give DTC notice of such record date not less than 15 calendar days in advance of such record date to the extent the Trustee is reasonably able to do so.

(g) Notwithstanding any provision herein to the contrary, the Trustee may agree to allow DTC, or its nominee, Cede, to make a notation on any Bond redeemed in part to reflect, for informational purposes only, the principal amount and date of any such redemption.

ARTICLE III

REDEMPTION OF BONDS

Section 301. *Privileges of Redemption and Redemption Prices.* The Bonds issued pursuant hereto which are redeemable prior to maturity shall be subject to redemption upon notice as and to the extent provided in this Article III, at such time or times, in such order, and on such other terms and conditions, in addition to and consistent with this Article III, as is provided in the form of Bonds set forth herein and as shall be provided in the forms thereof with respect to Additional Common Fund Bonds issued pursuant to Section 206 hereof consistent with the Additional Supplemental Bond Resolution pursuant to which such Additional Common Fund Bonds may be issued (but shall not be redeemed prior to maturity except as so provided). In all cases any such redemption made shall be at a price equal to the principal amount of each Bond or portion thereof to be redeemed, plus such redemption premium or differing redemption premiums, if any, as shall be set forth in said Bonds and applicable upon such redemption, together with interest accrued to the Redemption Date. Except as may be otherwise provided herein, if less than all of the Bonds then Outstanding are to be redeemed, the particular Bonds to be redeemed shall be selected by inverse order of maturity and within a maturity as set forth in Section 302 hereof.

Section 302. *Selection of Bonds to be Redeemed.* In the event of redemption of Bonds of like maturity, the Trustee shall assign a distinctive number for each \$5,000 of principal amount of each Bond to be so redeemed and shall select the principal amount to be so redeemed, using such method of selection from the assigned numbers as the Trustee shall deem proper in its discretion. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. For the purposes of this Section 302, Bonds, or portions thereof, which have been selected for redemption shall not be deemed Outstanding, and the order of selection for such Bonds shall remain the same upon exchange or transfer thereof pursuant to Section 211 hereof.

Section 303. *Notice of Redemption.*

(a) In the case of the redemption of any Bonds, the Trustee, in accordance with the terms and provisions of all Bonds and of this Supplemental Bond Resolution, shall select the Bonds to be redeemed and shall give notice of the redemption of such Bonds. However, the Trustee shall not give notice for redemption pursuant to Section 306 hereof prior to deposit of the applicable Redemption Price in the Redemption Fund.

(b) The notice shall specify the maturities of the Bonds to be redeemed, the Redemption Date and the place or places where amounts due upon such redemption shall be payable and, if less than all of the Bonds of any like maturity are to be redeemed, the letters and numbers or other distinguishing marks of such Bonds so to be redeemed, and, in the case of a Bond to be redeemed in part only, such notice shall also specify the portion of the principal amount thereof to be redeemed. Such notice shall further state that on such Redemption Date there shall become due and payable upon each Bond to be redeemed the Redemption Price thereof or the Redemption Price of the specified portion of the principal thereof in the case of a registered Bond to be redeemed in part only, together with interest accrued to such Redemption Date, and that from and after such date interest thereon shall cease to accrue and be payable. The Trustee shall mail a copy of such notice, first-class mail, postage prepaid, not less than thirty (30) nor more than sixty (60) days before such Redemption Date, to the registered owner of each Bond all or a portion of which is to be redeemed, at said owner's last address, if any, appearing upon the Bond Register maintained by the Trustee, but failure to receive such notice or any defect therein or in the mailing thereof shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall additionally be sent to Kenny Information System and Standard & Poor's Called Bond Department. Notwithstanding the foregoing, the Trustee shall, to the extent required by law, publish notice of any redemption of Bonds in an Authorized Newspaper.

(c) For the purpose of discharging Bonds as provided in Section 603 of the Basic Resolution greater than 60 days prior to a redemption date for the Bonds, notice of redemption shall be deemed given if the Issuer shall have given the Trustee irrevocable instructions to provide the notice of redemption as required in (b) above.

Section 304. *Payment of Redeemed Bonds.* Notice having been given in the manner provided in Section 303 hereof, the Bonds or portions thereof called for redemption and specified in said notice shall become due and payable on the Redemption Date specified in said notice at the applicable Redemption Prices on such Redemption Date, plus unpaid interest on the Bonds or portions thereof accrued to such Redemption Date, and upon presentation and surrender thereof at the place or places specified in the notice together with a written instrument of transfer duly executed by the registered owner or by his attorney duly authorized in writing, the Bonds or portions thereof shall be paid at the Redemption Prices, plus unpaid interest on the Bonds or portions thereof accrued to the Redemption Date. If there shall be called for redemption less than all of a Bond, the Issuer shall execute and the Paying Agent shall authenticate and cause to be delivered, upon the surrender of such Bond, without charge to the owner thereof, for the unredeemed balance of the principal amount of the Bond so surrendered, Bonds of like series designation, interest rate and maturity in any of the authorized denominations and registered in such name or names as may be requested. If on such Redemption Date, money for the redemption of all the Bonds of any like maturity to be redeemed, together with interest thereon accrued and unpaid to such Redemption Date, shall have been on deposit with the Paying Agent so as to be available therefor on such Redemption Date and if notice of redemption thereof shall have been given as aforesaid, then from and after such Redemption Date interest on the Bonds or portions thereof of such maturity so called for redemption shall cease to accrue and become payable and said Bonds shall no longer be considered as Outstanding hereunder. All money on deposit with the Paying Agent for the redemption of particular Bonds shall be held in trust for the account of the Holders of the Bonds to be so redeemed. Any Bonds redeemed shall be paid, to the extent available, from funds held by the Trustee other than Preference Funds.

Section 305. *Sinking Fund Redemption.* In the event that the Finance Officer by certification under Section 203 hereof designates one or more term bonds, such term bonds shall be subject to mandatory sinking fund redemption, in part, in integral multiples of \$5,000, with the particular Bonds to be redeemed to be selected by the Trustee and notice of redemption to be given by the Trustee in accordance with the provisions of this Supplemental Bond Resolution. Such mandatory sinking fund redemptions shall be at a redemption price equal to one hundred percent (100%) of par, plus accrued interest to the date fixed for mandatory sinking fund redemption (the "Mandatory Sinking Fund Redemption Date").

In the event that Bonds are purchased by the Issuer or the Tenants, or Bonds are redeemed pursuant to Section 306 hereof, the Bonds so purchased, or redeemed, at the option of the purchaser (in the case of purchased Bonds) or the Issuer (in the case of redeemed Bonds), may be applied as a credit against any subsequent mandatory sinking fund redemption payment for the Bonds, and such credit shall be equal to the principal amount of Bonds so purchased or redeemed, provided that notice of such election has been delivered to the Trustee not less than sixty days prior to the date of such mandatory sinking fund redemption. In such case, the principal amount of Bonds to be redeemed on such Mandatory Sinking Fund Redemption Date shall be reduced by the principal amount of Bonds so purchased or redeemed that are delivered to the Trustee on or before the date the notice of such election has been delivered to the Trustee. Any credit given to a mandatory sinking fund redemption pursuant to this paragraph shall not affect any subsequent mandatory sinking fund redemption which shall remain payable in such amounts and on such terms as otherwise set forth herein.

Section 306. *Optional Redemption.* The Bonds maturing after December 1, 2015, are subject to redemption prior to maturity, at the option of the Issuer, in whole or in part and from time to time, on December 1, 2015, and on any Interest Payment Date thereafter, after the notice of redemption given in accordance with the terms of this Supplemental Bond Resolution, at a Redemption Price (expressed as a percentage of the principal amount to be redeemed) set forth below, plus accrued interest to the Redemption Date:

<u>Redemption Date</u>	<u>Redemption Price</u>
December 1, 2015 and thereafter	100%

The terms set forth in this Section 306 are subject to adjustment and modification and if adjusted, such terms shall be finally designated by certification of the Finance Officer of the Issuer delivered in connection with Bond Closing. Such adjustment may include the addition of a redemption premium on certain dates.

Section 307. *Extraordinary Optional Redemption.* The Bonds are subject to redemption prior to maturity, at the option of the Issuer, in whole but not in part, on any date upon notice as provided in Section 303 hereof, at a Redemption Price equal to the principal amount thereof, plus accrued interest to the Redemption Date, following termination of the Agreement and prepayment by the Tenants of all amounts payable thereupon pursuant to Section 7.03 of the Agreement, which termination may occur at the election of Tenants only upon the occurrence of certain events of casualty, condemnation, changes of law, or other occurrences as described in such provision of the Agreement.

Section 308. *Taxability Redemption.* The Series 2006-1A Bonds shall be redeemed prior to maturity, in whole but not in part, on any date upon notice as provided in Section 303 hereof, if the Facility is purchased pursuant to Section 6.12 of the Agreement because interest on the Series 2006-1A Bonds has become includable in gross income for Federal income tax purposes, at a Redemption Price equal to the principal amount of the Series 2006-1A Bonds plus accrued interest to the Redemption Date; provided, however, that if interest on the Series 2006-1A Bonds has become includable in gross income for Federal income tax purposes as a result of the failure of the Tenants to comply with a requirement of the Code (as defined herein and as separately defined in the Agreement) or Regulations, or as a result of any other cause under the control of the Tenants, then the Redemption Price shall be one hundred and three percent (103%) of the principal amount of Outstanding Series 2006-1A Bonds plus accrued interest to the Redemption Date.

Section 309. *Default Redemption.* The Bonds are subject to redemption prior to maturity, at the option of the Issuer, in whole but not in part, on any date upon notice as provided in Section 303 hereof, at a Redemption Price equal to the principal amount thereof, plus accrued interest to the Redemption Date, following the occurrence of all of the following: (i) an Event of Default, as defined in the Agreement, has occurred and is continuing; (ii) the Issuer has exercised its option to declare an acceleration of all Basic Rent to become due under the Agreement pursuant to Section 8.02(a) of the Agreement; and (iii) the Issuer has determined that sufficient amounts can be derived from the Facility, proceeds of the Bonds (or any refunding bonds) available therefor, sums in the Common Bond Fund available therefor, or any combination of the foregoing amounts or otherwise to discharge the Bonds pursuant to the Basic Resolution.

ARTICLE IV

ADDITIONAL GENERAL COVENANTS AND FUNDS

Section 401. *Maintenance and Repair.* The Issuer covenants that the Issuer shall at all times use its best efforts to cause the Tenants to maintain, preserve and keep the Facility in good condition, repair and working order.

Section 402. *Recording and Filing.* The Trustee shall cause the Agreement or a short form thereof and all related financing statements concerning the Facility to be kept, recorded, and filed in such manner and in such places as may be required by law in order to fully preserve and protect the Issuer's title to and security interest in the Facility and shall cause rerecording and refiling of each financing statement and each supplement thereto as is necessary to maintain, preserve and protect such title and security interest.

Section 403. *Construction Fund.*

(a) There is hereby created and established a separate and special Construction Fund to be held by the Trustee, in which there shall be deposited at the Bond Closing or thereafter, the additional contributions, if any, required by the Agreement and the Disbursing Agreement, all proceeds of the Bonds, including capitalized interest, but excluding proceeds required to be deposited in the Common Bond Fund pursuant to Section 405 hereof and proceeds of the Bonds deposited in the Costs of Issuance Account of the Construction Fund pursuant to this Section 403. On the date of Bond Closing, all proceeds of the Series 2006-1B Bonds deposited in the Construction Fund shall be immediately transferred to a defeasance escrow held by the Trustee with respect to the Prior Bonds. Remaining amounts in the Construction Fund shall be withdrawn or disbursed pursuant to Section 3.03 and 3.04 of the Agreement, this Article IV, and the Disbursing Agreement.

(b) Subject to Section 413 hereof, but notwithstanding any other provision herein or in the Agreement, upon the occurrence and continuance of an Event of Default as defined in the Agreement, the Issuer may apply any amounts in the Construction Fund (i) to discharge any obligations of the Tenants under the Agreement, or (ii) to redeem Bonds if the Issuer elects to redeem all outstanding Bonds upon acceleration of the Basic Rent due under the Agreement pursuant to Section 8.02(a) of the Agreement.

(c) Subject to Section 413 hereof, but notwithstanding any other provision herein, any sums transferred from the Construction Fund as Retained Funds shall be credited and be applied by the Issuer in accordance with the applicable requirements of the Agreement. Subject to Section 413 hereof, all proceeds of the Bonds and earnings derived from the investment of such proceeds that are required by the Agreement to be held by the Trustee as Restricted Funds shall be applied in accordance with the provisions of Treasury Regulations Sections 1.142-2 and 1.144-2 and any amendments thereof or supplements thereto.

(d) Subject to Section 413 hereof, upon any purchase of the Facility by Tenants pursuant to Sections 6.09 or 7.04 of the Agreement, amounts in the Construction Fund shall be transferred to the Debt Service Account.

(e) There is hereby created and established a separate and special account in the Construction Fund to be known as the "Costs of Issuance Account" to be held by the Trustee, in which there shall be deposited at the Bond Closing any money contributed by the Tenants and designated by the Tenants to be deposited in the Costs of Issuance Account, together with proceeds of the Bonds designated by the Tenants for deposit to the Costs of Issuance Account (but in no event shall such amount which consists of proceeds of the Series 2006-1A Bonds exceed 2% of the proceeds thereof). Amounts in the Costs of Issuance Account shall be withdrawn or disbursed pursuant to the Disbursing Agreement.

(f) There is hereby created a separate and special account in the Construction Fund to be known as the "Equity Account" to be held by the Trustee, in which shall be deposited at the Bond Closing for the Bonds, and thereafter from time to time as may be required by Section 3.02 of the Disbursing Agreement, all money contributed by the Tenants to pay costs related to the Facility, the issuance of the Bonds, or other obligations under the Agreement. Amounts in the Equity Account shall be withdrawn or disbursed pursuant to the Disbursing Agreement and the Agreement, provided however, that to the extent that Facility Costs, Costs of Issuance (as defined in the Disbursing Agreement), or other costs which are the obligation of the Tenants under the Agreement or Disbursing Agreement cannot legally be paid from Bond proceeds, said amounts may be paid from the Equity Account to the extent thereof and to the extent other provision is not made for their payment.

Section 404. *Common Bond Fund.* All accrued interest on the Bonds delivered at Bond Closing, all Net Revenues with respect to the Facility and the Agreement, Basic Rent, interest accruing on past due Basic Rent, all Retained Funds, Collateral Proceeds, Prepaid Net Revenues, and all other sums payable into the Common Bond Fund pursuant hereto or the Agreement, shall be credited to the Common Bond Fund, as received, and, subject to the Tenants' rights (if any) to earnings on the Reserve Deposit pursuant to the terms of the Agreement, are hereby pledged to the Common Bond Fund to the extent and in the manner provided in the Basic Resolution and herein. Subject to Section 413 hereof, amounts deposited in the Common Bond Fund (or any subaccounts therein) shall be credited against installments of Basic Rent or to the benefit of the Tenants only as and to the extent provided in the Agreement; provided that, subject to the Agreement, earnings on sums in the Common Bond Fund (including earnings on money credited to the Debt Service Account, the Common Reserve Account, and all subaccounts therein) shall not be credited against any installments of Basic Rent or otherwise to the benefit of the Tenants, but shall accrue to the benefit of the Issuer and shall be credited and applied in accordance with the Basic Resolution. Except as otherwise set forth in the Agreement, all amounts deposited in the Common Bond Fund pursuant hereto shall secure the payment of Common Fund Bonds to the extent and in the manner provided in the Basic Resolution.

Section 405. *Debt Service Account and Common Reserve Account.*

(a) At Bond Closing the Issuer shall deposit into the Debt Service Account in the Common Bond Fund proceeds of the Bonds to the extent of interest accrued on the Bonds from their nominal issuance date to the Bond Closing. All Net Revenues with respect to the Facility or the Agreement and Basic Rent (and all interest accruing on past due amounts therefor) shall be deposited in the Debt Service Account in the Common Bond Fund, together with any amounts transferred from the Common Reserve Account which are being credited in accordance herewith or the Agreement to the benefit of the Tenants against installments of Basic Rent or other payments due under the Agreement.

(b) At Bond Closing there shall be deposited in the Common Reserve Account by the Issuer cash in an amount, or a Reserve Letter of Credit drawable in an amount, not less than the Minimum Deposit. Any amounts drawn under a Reserve Letter of Credit shall be deposited in the Common Reserve Account. The Issuer may substitute a Reserve Letter of Credit for all or a portion of the cash deposited in the Common Reserve Account at the Bond Closing by providing a Reserve Letter of Credit for deposit therein in the amount of such withdrawal; provided, however, that the Issuer shall have first obtained a written opinion of Bond Counsel that such transaction will not cause interest on the Series 2006-1A Bonds to become includable in gross income for purposes of Federal income taxation.

(c) Any funds in the Construction Fund transferred pursuant to Section 3.04 of the Agreement and not constituting Restricted Funds shall be deposited in the Common Reserve Account as Retained Funds, together with any amounts otherwise required hereunder to be deposited in the Common Reserve Account or subaccount thereof. Amounts deposited hereunder or pursuant to the Agreement in a subaccount in the Common Reserve Account shall be credited to the benefit of the Tenants and applied, if at all, only in accordance with Sections 2.02 and 2.03 of the Agreement, and such amounts so credited, to the extent they are or become available therefor, shall be transferred from any such subaccount in the Common Reserve Account into the Debt Service Account as and to the extent such amounts are applied against payments of Basic Rent or other items due and payable under the Agreement.

Section 406. *Property Insurance and Award Fund.*

(a) The proceeds of fire and extended coverage insurance on the Facility received under the Agreement from a claim for loss in excess of \$50,000 per occurrence or \$100,000 per calendar year in the aggregate and any award in the event of Condemnation of the Facility or any part thereof as referred to in Section 5.02 of the Agreement are to be paid to the Issuer. The Issuer shall deposit all such insurance proceeds and any award received in the Property Insurance and Award Fund to be established and held by the Trustee in the event that the Trustee receives any such insurance proceeds or any such award. Any money deposited in the Property Insurance and Award Fund shall be withdrawn only for the purposes and upon the conditions stated in this Section 406.

(b) The Issuer shall first deduct from any Condemnation Award or insurance proceeds any costs reasonably incurred by the Issuer or the Tenants in connection with the Condemnation proceedings or the collection of the insurance, including, but not limited to, attorneys' fees, witness fees and any extraordinary expenses of the Issuer or the Tenants in connection therewith. The amount remaining after such payments is referred to in this Section 406 as the "Net Proceeds."

(c) In the event that the Tenants exercises its option to terminate the Agreement as provided in Section 7.03 of the Agreement, the Net Proceeds shall be deemed "Prepaid Net Revenues" under Section 101 of the Basic Resolution and shall be deposited in a separate subaccount in the Common Reserve Account and may be applied therein as provided in Section 403(d) of the Basic Resolution.

(d) Subject to Section 5.04 of the Agreement, if the conditions for termination under Section 7.03 of the Agreement do not exist or the option to terminate thereunder is not exercised, the Net Proceeds shall be retained in the Property Insurance and Award Fund, and the Tenants is required under Article V of the Agreement to restore the Facility after any such casualty or Condemnation. The following items shall be deposited with the Issuer and the Trustee before any disbursement is made from the Property Insurance and Award Fund to pay such cost of restoration:

(i) plans and specifications reasonably satisfactory to the Issuer for restoration of the Facility, which restoration the Tenants is required to effect in accordance with Section 5.01 or Section 5.02 of the Agreement, as the case may be;

(ii) a contract or contracts for the furnishing of work and materials required for restoration in accordance with the plans and specifications, with a payment and performance bond or bonds (unless otherwise agreed by the Issuer) in an aggregate amount at least equal to the total cost of restoration under the contract or contracts conditioned for the completion thereof in accordance with the plans and specifications and for the payment of all claims for labor and materials to be incorporated in the Facility in the course of restoration;

(iii) a certificate of a member of the Issuer's staff approving: (A) the plans and specifications for such restoration, (B) the contract or contracts, and (C) the payment and performance bond or bonds, if any, which approval the Issuer has agreed shall not be unreasonably withheld, provided that upon the passage of fifteen (15) days from the receipt of such plans and specifications, contracts, and bonds during which the Issuer has not given such certificate, the requirement of this subparagraph (iii) need not be satisfied; and

(iv) cash or a certified check (or a letter of credit in form and substance reasonably acceptable to the Issuer) for any amount by which the total cost of restoration as then ascertained or estimated exceeds the balance then on hand in the Property Insurance and Award Fund.

(e) After compliance with Section 406(d) hereof, where applicable, the Trustee shall pay costs of restoration to the Tenants or other persons entitled thereto, subject to customary restrictions on disbursement, as such restrictions are deemed applicable or appropriate by the Issuer; provided that, unless waived by the Issuer, not more than ninety percent (90%) of the total cost of restoration as so certified pursuant to Section 3.03 of the Agreement shall be paid until receipt by the Issuer of (i) an Opinion of Independent Counsel stating that all filings and other steps necessary to perfect the security interests and title created by the Agreement in all personal property which constitutes part of the Facility as a result of such restoration, as against third party creditors of or purchasers for value from the Tenants, have been completed and that the personal property which constitutes part of the Facility is subject to no liens and encumbrances except Permitted Encumbrances or such other encumbrances consented to by the Issuer and the Tenants, and (ii) an endorsement to the title insurance policy delivered under Section 205(b)(iv) hereof with respect to the real property constituting part of the Facility in form and substance acceptable to the Issuer. In the event that the restoration of the Facility to substantially the condition existing before a taking by Condemnation would require the furnishing of land or rights or interests in land additional to or in substitution for any part or all of the Facility Premises, the cost thereof may be added to the cost of restoration to be paid under the provisions of this Section 406 if such acquisition is authorized by the Issuer and there are filed with the Issuer evidence of the acquisition of such land or an interest therein, together with an endorsement to the title insurance policy delivered under Section 205(b)(iv) hereof in relation to such additional or substituted land and rights or interests therein, all in form and manner acceptable to the Issuer. Any additional property or rights or interest therein so acquired shall be and become part of the Facility as fully as though originally set forth and described in Exhibits A and B of the Agreement.

(f) Any Net Proceeds not used for such restoration shall, upon completion of such restoration, be credited to a separate subaccount of the Common Reserve Account in the Common Bond Fund and applied and credited in accordance with the Basic Resolution and the Agreement.

(g) All earnings on sums in the Property Insurance and Award Fund shall be credited to such fund for the purposes permitted in this Section 406.

Section 407. *Prepayment of Basic Rent.* Any prepayment by the Tenants of Basic Rent as provided in Section 7.02 of the Agreement shall be deposited in a separate subaccount of the Common Reserve Account for Retained Funds and credited and applied as provided in such Section 7.02 of the Agreement.

Section 408. *Compliance with Arbitrage Restrictions; Restriction on Yields; Rebates.*

(a) The Issuer hereby covenants and agrees, with respect to the Series 2006-1A Bonds, that the Issuer will take all actions necessary to ensure compliance with Section 148 of the Code and applicable Regulations. On the Bond Closing the Issuer shall deliver investment instructions to the Trustee, with respect to the funds and accounts held by the Trustee, setting forth the arbitrage restrictions applicable to the money and investments credited to such funds and accounts and the actions to be taken by the Trustee to determine the Rebate Amounts and the deposits to and disbursements from the Rebate Fund. The Trustee is hereby authorized to take all actions directed by the Issuer in such investment instructions and in any subsequent investment instructions delivered to the Trustee by the Issuer.

(b) The Issuer hereby finds, determines, and covenants that the Agreement, together with all other agreements heretofore or hereafter entered into by the Issuer and deemed to be "purpose investments" with respect to the Bonds, carry out and shall continue to carry out a program of economic development within the City and a "governmental program" within the meaning of Section 1.148-1(b) of the Regulations and that:

(i) said program of the Issuer involves and shall continue to involve acquisition of purpose investments;

(ii) at least ninety-five percent (95%) of all such purpose investments acquired under the program, by amount of cost outstanding, are and shall continue to be evidences of loans to be made to a combination of a substantial number of Persons representing the general public, loans to 501(c)(3) organizations, loans to provide housing and related facilities, or any combination of the foregoing;

(iii) at least ninety-five percent (95%) of all of the amounts received by the Issuer with respect to such purpose investments acquired under the program are or shall continue to be used for one or more of the following purposes: to pay the principal or Redemption Price and interest or otherwise to service the debt on bonds or notes of the Issuer relating to the governmental program, to reimburse the Issuer or to pay for administrative costs of issuing such bonds or notes, to reimburse the Issuer or to pay for administrative and other costs and anticipated future losses directly related to the program financed by such bonds or notes, to make additional loans for the same general purposes specified in such program or to redeem and retire such bonds or notes at the next earliest possible date of redemption; and

(iv) the program documents require that any Person (or any related person, as defined in Section 144(a)(3) of the Code) with whom the Issuer may, under the program, enter into a purpose investment shall not, pursuant to an arrangement, formal or informal, purchase bonds or notes of the Issuer in an amount related to the amount of the obligations to be acquired under the program from such Person by the Issuer;

unless and to the extent that Bond Counsel determines all or any of the foregoing requirements need not be met for purposes of preventing any bonds or notes of the Issuer from becoming arbitrage bonds.

Section 409. *Compliance with Information Reporting Requirements.* The Issuer shall comply with the information reporting requirements of Section 149(e) of the Code, and the Finance Officer and other officers of the Issuer are hereby authorized to perform all such acts necessary or appropriate therefor.

Section 410. *[Intentionally Omitted].*

Section 411. *Redemption Fund.*

(a) There is hereby created and established a separate and special Redemption Fund, to be held by the Trustee as a fund separate from the Common Bond Fund and the IDB Account. Amounts deposited therein, other than Rebate Amounts, are hereby pledged solely to the payment of the Redemption Price on the Bonds duly called for redemption or repayment to the Issuer as provided herein.

(b) There shall be deposited in the Redemption Fund, all amounts to be paid as the Redemption price on any Bonds to be called for redemption pursuant to Sections 306, 307, 308 and 309 hereof. Such amounts shall be deposited prior to notice of such redemption being given pursuant to Section 303 hereof. Earnings on the investment of amounts deposited in the Redemption Fund shall also be deposited in such fund.

(c) Subject to Section 413 hereof, amounts in the Redemption Fund shall be applied to payment when due of the Redemption Price payable on any Bonds duly called for redemption by transfer thereof to the Paying Agent on the date when due. Amounts remaining in the Redemption Fund and not required for the payment of any Redemption Price of Bonds duly called for redemption, shall be transferred by the Trustee at the direction of the Issuer.

(d) Amounts in the Redemption Fund shall be invested solely in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the Government National Mortgage Association, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Land Banks, the Export-Import Bank of the United States or the Federal Home Loan Bank; provided, however, no amounts may be invested for a period expiring later than the earlier of ninety-one (91) days or the next succeeding Interest Payment Date on which Bonds will be redeemed. Amounts in the Redemption Fund shall not be invested at a yield greater than the yield on the Series 2006-1A Bonds following 30 days from the deposit thereof unless an Opinion of Bond Counsel is obtained stating that a higher yield is permitted without causing the Series 2006-1A Bonds to become arbitrage bonds within the meaning of Section 148 of the Code.

Section 412. *Draws on the Reserve Letter of Credit.* The following shall be applicable only if there is a Reserve Letter of Credit for the Bonds:

(a) if (i) the Tenants shall fail at any time or times to pay when due (including any applicable grace period) any Basic Rent (including amounts due by acceleration), or (ii) any Basic Rent previously paid is required by law to be disgorged by the Issuer, the Trustee, or holders because of the bankruptcy or insolvency of the Tenants, or (iii) any amount is then drawable under the Basic Resolution from the applicable subaccount for Reserve Deposits established in the Common Reserve Account, then to the extent of amounts drawable the Trustee may submit a draw under the Reserve Letter of Credit, and shall provide a notice of such draw to the Tenants. Amounts so drawn shall be deposited in the Common Reserve Account, subject to withdrawal pursuant to the Basic Resolution.

(b) The Trustee shall submit a draft to fully draw under the Reserve Letter of Credit no more than forty-five (45) days and no less than thirty (30) days prior to its expiration unless (i) such expiration is on or after the date on which all principal of, premium, if any, and interest on the Bonds is paid in full, or (ii) prior to such draw an Approved Substitute Letter of Credit drawable in an amount not less than the amount drawable under the expiring Reserve Letter of Credit shall have been delivered to the Trustee, or immediately available funds (in United States currency) in an amount equal to the amount drawable under the expiring Reserve Letter of Credit shall be delivered to the Trustee for deposit in a subaccount in the Common Reserve Account. Amounts so drawn shall be deposited in a subaccount in the Common Reserve Account.

Section 413. *Computation and Transfer of Rebate Amounts.* The Issuer shall cause the Rebate Amounts to be determined in such manner and at such times as required by Section 148 of the Code and applicable Regulations. The Issuer shall cause money to be deposited in the Rebate Fund in such amounts and at such times as to permit payment from the Rebate Fund to the government of the United States of America of all Rebate Amounts when due. Notwithstanding any term of this Supplemental Bond Resolution or the Agreement to the contrary, the Trustee shall transfer any money from any fund or account held by the Trustee to the Rebate Fund if directed to do so by the Issuer and shall deposit in the Rebate Fund any money delivered to the Trustee with directions that it be deposited in the Rebate Fund.

Section 414. *Rebate Fund.* There is hereby created and established a separate and special Rebate Fund, to be held by the Trustee as a fund separate from the Common Bond Fund and the IDB Account. There shall be deposited in the Rebate Fund all Rebate Amounts required to be transferred or deposited to such fund. The Trustee, on behalf of and at the direction of the Issuer, shall cause amounts in the Rebate Fund to be paid to the government of the United States in the amounts and on the dates required by Section 148 of the Code and applicable Regulations. The Issuer shall timely pay all Rebate Amounts to the United States which are not paid by the Trustee pursuant to the preceding sentence. Until all Rebate Amounts payable to the United States have been duly paid, amounts in the Rebate Fund shall be applied solely to such payments. Following the full and final payment to the government of the United States of all Rebate Amounts, the Trustee shall promptly transfer amounts remaining in the Rebate Fund, if any, to the IDB Account.

Section 415. *Tax Reserve Fund.* Whenever all amounts in the Common Reserve Fund and the IDB Account have been expended and all amounts have been drawn under the Letter of Credit or further draws thereunder are for any reason unavailable (or if the Letter of Credit is no longer outstanding) and the Trustee has determined that without receipt of amounts from the Tax Reserve Fund principal, interest or the Redemption Price of the Bonds would not be paid when due under the terms of the Bonds or would continue past due, the Trustee shall certify the same to the Finance Officer and shall further certify to the Finance Officer the amount then required to be received and applied to the payment of the principal, interest or Redemption Price of Outstanding Designated Common Fund Bonds in order to prevent the Issuer from defaulting on any such payment. Funds received by the Trustee from the Finance Officer shall be applied only to the payment of principal, interest or Redemption Price of Outstanding Designated Common Fund Bonds. Except as otherwise provided herein, the Issuer is under no obligation to provide money to the Trustee except from amounts in the Tax Reserve Fund that have been deposited in the Tax Reserve Fund pursuant to the terms of Chapter 424. If the amount received, together with all other amounts available to the Trustee, is not sufficient to pay all principal or Redemption Price of and interest then due on Designated Common Fund Bonds, the Trustee shall apply the balance first to pay pro rata the interest then due on all such Designated Common Fund Bonds and the Trustee shall apply any remaining balance first to the pro rata payment of principal of the then matured (but unaccelerated) Outstanding Designated Common Fund Bonds and then to the payment of all other principal due on Common Fund Bonds and other items payable from the Common Bond Fund in respect of such Outstanding Designated Common Fund Bonds.

Section 416. *Earnings Pledge.* The Issuer agrees that it shall irrevocably pledge all earnings on the IDB Account to the repayment of Common Fund Bonds on the same terms as other funds in the IDB Account (irrespective of whether, at such time or any time thereafter, the sum in the IDB Account may exceed \$10,000,000); provided, however, that no sums in the IDB Account in excess of \$20,000,000 need be pledged by reason of this Section 416.

Section 417. *Investments by Issuer.* All sums held in the funds or accounts established hereunder, to the extent practicable and permitted by the Act, will be invested as provided in Section 501 of the Basic Resolution. The Issuer, at its discretion, may allow the Tenants to direct the investment of the Reserve Deposit with respect to the Bonds. In such event, the Trustee shall value the investments in the Reserve Deposit on each January 1, April 1, July 1 and October 1, at the lower of cost or fair market value. If, pursuant to such valuation, the Reserve Deposit is less than the Minimum Deposit, the Trustee shall immediately notify the Tenants and the Issuer.

ARTICLE V

POSSESSION, USE AND RELEASE OF PROPERTY

Section 501. *Possession and Use.* Subject to the terms of this Supplemental Bond Resolution and the Agreement, until the occurrence of an "Event of Default" as defined in the Agreement, the Tenants shall be permitted to possess, use and enjoy the Facility (except cash or other personal property deposited or pledged or determined by the terms hereof to be deposited or pledged to the Issuer) as permitted under the Agreement and to receive and use the issues and profits of the Facility.

Section 502. *Conveyance for Access or Other Easement.* Subject to the terms of the Agreement, the Tenants is authorized, without consent of or notice to the Holders of any Bonds, to grant such conveyance or easement as the Issuer deems necessary to give adequate ingress or egress to and from the Facility Premises and to grant any other easement on the Facility Premises as the Issuer deems appropriate so long as the Issuer determines that such easement shall not materially impair the structural integrity of the Facility.

Section 503. *Release of Encumbered Facility Equipment.* The Issuer is authorized, without consent or notice to the Holders of any Bonds, to permit the Tenants to remove Facility Equipment from time to time in accordance with the terms and conditions set forth in Section 4.04 of the Agreement and release the same

from the Issuer's security interest therein or on such other terms as the Issuer deems appropriate, so long as the Issuer determines that such removal and release shall not materially impair the structural integrity of the Facility.

ARTICLE VI

SUPPLEMENTAL AND AMENDATORY RESOLUTIONS

Section 601. *Supplemental and Amendatory Resolutions Not Requiring Consent of Holders.* The Issuer may, from time to time and at any time, without the consent of or notice to any of the Holders of any Bonds, and, when so required by this Supplemental Bond Resolution, shall adopt a resolution or resolutions supplemental hereto or amendatory hereof so as to thereby:

(a) permit the issuance of Additional Common Fund Bonds as provided in Section 202 and Section 311(d) of the Basic Resolution;

(b) cure any ambiguity, formal defect, omission or error herein or in any other supplemental bond resolution concerning Common Fund Bonds;

(c) grant for the benefit of the Holders of any Common Fund Bonds or any Holders of the Bonds herein authorized any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon such Holders;

(d) substitute or add additional equipment, machinery or land or release land or property in the manner, if any, specifically provided herein or more precisely identify any machinery forming a part of the Facility;

(e) modify, eliminate and/or add to the provisions hereof to such extent as shall be necessary to prevent any interest on the Series 2006-1A Bonds from becoming includable in gross income for purposes of federal income taxation;

(f) make any other change deemed by the Issuer necessary to reconcile this Supplemental Bond Resolution with the Agreement or any amendment thereto; or

(g) make any change to this Supplemental Bond Resolution which, in the reasonable judgment of the Issuer, is not to the prejudice of any Holders of Bonds.

Section 602. *Supplemental and Amendatory Resolutions Requiring Consent of Holders.* Exclusive of supplemental and amendatory resolutions covered by Section 601 hereof and subject to the terms and provisions contained in this Section 602 and not otherwise, the Issuer, upon receipt of an instrument evidencing the consent to the below-mentioned supplemental or amendatory resolution by the Holders of not less than fifty-one percent (51%) of the aggregate principal amount of the Bonds then outstanding, such consent being secured in accordance with the provisions of Sections 801 and 802 hereof, shall adopt such other resolution or resolutions supplemental or amendatory thereto as shall be deemed necessary and desirable for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained herein or in any other supplemental or amendatory resolution; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) any amendment which is inconsistent with the terms and conditions of the Basic Resolution and the provisions relating to the IDB Account established by the IDB Account Resolution;

(b) an extension of the maturity of the principal of any Bond or an extension of the interest on any Bond not held by a consenting Holder;

(c) a reduction in the principal amount of any Bond or a reduction in the rate of interest due on any Bond not held by a consenting Holder;

(d) a privilege or priority of any Bond or Bonds over any other Bond or Bonds, except as otherwise provided herein; or

(e) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental or amendatory resolution (except as otherwise provided herein or in the Agreement or any amendment thereto made without Holder consent under Section 601 hereof), without the consent of the Holders of one hundred percent (100%) of the principal amount of the Bonds (or, in the case of an amendment described in Section 602(a) hereof, all Common Fund Bonds) then Outstanding, such consent being secured in accordance with Section 801 hereof.

Anything herein to the contrary notwithstanding, a supplemental or amendatory resolution under this Article VI which adversely affects the rights of the Tenants under the Agreement shall not become effective unless and until the Tenants shall have consented in writing to the adoption and delivery of such resolution. In this regard, the Issuer shall cause notice of the proposed adoption of any such Additional Supplemental Bond Resolution, together with a copy of the proposed Additional Supplemental Bond Resolution, to be mailed by certified or registered mail to the Tenants at least twenty (20) days prior to the proposed date of adoption of any such Additional Supplemental Bond Resolution. The Tenants shall be deemed to have consented to the adoption of any such Additional Supplemental Bond Resolution if the Issuer does not receive a letter of protest or objection thereto, signed by an authorized representative of the Tenants, on or before 4:30 p.m., Central Standard or Central Daylight Time, whichever is then in effect, on the fifteenth (15th) day after the mailing of said notice and a copy of the proposed Additional Supplemental Bond Resolution to the Tenants, unless such fifteenth (15th) day falls on a Sunday or legal holiday, in which event, the letter of objection must be received on the next succeeding Business Day.

ARTICLE VII

AMENDMENT TO AGREEMENT

Section 701. *Amendments Without Holder Consent.* The Issuer and the Tenants may, without the consent of or notice to any of the Holders of Bonds, consent to any amendment to or change or modification of the Agreement to effect any change therein which, in the reasonable judgment of Bond Counsel, does not jeopardize the exclusion from gross income of interest on any Series 2006-1A Bonds for purposes of federal or State income taxation and is consistent with the terms and conditions of the Basic Resolution and this Supplemental Bond Resolution (without amendment pursuant to Section 601(e) hereof), including, but not limited to, changes for the following purposes:

(a) to facilitate the issuance of Additional Common Fund Bonds without the consent of any Holders of Bonds as provided by Sections 202 and 311(d) of the Basic Resolution;

(b) to meet the requirements of the provisions hereof or of the Agreement;

(c) to cure any ambiguity, formal defect, omission or error;

(d) in connection with any property or equipment acquired and which constitutes a part of the Facility so as to more precisely identify the same;

(e) to prevent the Series 2006-1A Bonds from becoming arbitrage bonds within the meaning of Section 148 of the Code;

(f) to reconcile the Agreement with any supplement or amendment to this Supplemental Bond Resolution; or

(g) to effect any other change therein which, in the reasonable judgment of the Issuer, is not to the prejudice of any Holders of the Bonds.

Section 702. *Amendments Requiring Holder Consent.* Neither the Issuer nor the Tenants shall consent to any amendment to or change or modification of the Agreement which, in the reasonable judgment of the Bond Counsel, (a) jeopardizes the exclusion from gross income of the interest on the Series 2006-1A Bonds for purposes of Federal income taxation, or (b) is inconsistent with the terms and conditions of the Basic Resolution, except in the case of (a), such change or modification may occur only after publication of notice and receipt of the written approval or consent of the Holders of not less than 51% of the then Outstanding Bonds adversely affected thereby, such consent being procured as provided in Sections 801 and 802 hereof. If at any time the Tenants shall request the consent of the Issuer to any proposed amendment to or change or modification of the Agreement requiring Holder consent, the Issuer shall, upon being satisfactorily indemnified with respect to expenses, cause notice of such proposed amendment, change or modification to be published in the same manner as provided in Section 802 hereof.

ARTICLE VIII

MISCELLANEOUS

Section 801. *Consent of Holders.* Any consent, request, direction, approval, objection or other instrument required hereby to be signed and executed by any Holders of Bonds may be in any number of concurrent writings of similar tenor and must be in writing and signed. Proof of the execution of any such consent, request, direction, approval, objection or other instrument or of the writing appointing any agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes hereof and shall be conclusive in favor of the Issuer or the Trustee with regard to any action taken by the Issuer or Trustee under such request or other instrument, namely:

(a) The fact and date of the execution by any Person of any such writing may be proved by the certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the Person signing such writing acknowledged before him the execution thereof or by an affidavit of any witness to such execution.

(b) The fact of the holding by any Person of Bonds and the amounts and numbers of such Bonds and the date of the holding of the same may be proved by a certificate executed by any trust company, bank or banker, wherever situated, stating that at the date thereof the party named therein did exhibit to an officer of such trust company or bank or to such banker, as the property of such party, the Bonds if such certificate shall be deemed by the Issuer or the Trustee, as the case may be, to be satisfactory. The Issuer or Trustee may, in its discretion, require evidence that such Bonds shall have been deposited with a trust company, bank or banker before taking any action based on such ownership.

Section 802. *Notice of Amendments.* If at any time the Issuer desires to adopt any supplemental or amendatory resolution hereto or to amend the Agreement as herein provided without consent of all of the Holders of Outstanding Bonds, unless consent of and notice to any of the Holders is not required hereunder, the Issuer shall cause notice of the proposed resolution or amendment to be published at least once in a financial periodical or newspaper of general circulation published in the City of Minneapolis, Minnesota, and shall, in addition, cause such notice to be mailed by registered mail, return receipt requested, to the Holders of all Bonds as such Holders' names and addresses appear on the Bond Register. Such notice shall set forth the nature of the proposed resolution or amendment and shall state that copies thereof are on file at the office of the Issuer for inspection by all Holders. The Issuer shall not, however, be subject to any liability

to any Holder by reason of its failure to publish or mail such notice, and any such failure shall not affect the validity of such resolution or amendment when consented to and approved as herein provided. If the Holders of not less than the requisite percentage in aggregate principal amount of Bonds Outstanding at the time have consented to and approved the adoption thereof as provided in this Supplemental Bond Resolution, no Holders of any Bonds shall have any right to object to any of the terms and provisions contained therein or the operation thereof or in any manner question the propriety of the adoption thereof or enjoin or restrain the Issuer or the Tenants from adopting or executing the same or from taking any action pursuant to the provisions thereof.

Section 803. *Severability.* If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any Constitution, statute, rule or public policy or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever and shall not affect the remaining portions of this Supplemental Bond Resolution or any part hereof.

Section 804. *Limitation of Liability.* No provision, covenant or agreement contained herein shall give rise to or impose any pecuniary liability upon the Issuer or any of either of its officers, employees or agents.

Section 805. *Authentication of Transcript.* The officers of the Issuer are directed to furnish to Bond Counsel certified copies of this Supplemental Bond Resolution and all documents referred to herein and affidavits or certificates as to all other matters which are reasonably necessary to evidence the validity and marketability of the Bonds. All such certificates and affidavits, including any heretofore furnished, shall constitute recitals of the Issuer as to the correctness of all statements contained therein made by or on behalf of such officers or the Issuer.

Section 806. *Approval of Tenants.* The Tenants has examined and given approval of this Supplemental Bond Resolution and all terms hereof and approves the sale of the Bonds as provided for herein for the price and terms set forth herein.

Section 807. *Authorization to Execute Agreement and Incidental Documents.*

(a) The Agreement, the Disbursing Agreement and the Underwriting Agreement are hereby approved in substantially the forms now on file in the offices of the Issuer, and the Finance Officer of the Issuer is authorized to execute, in the name of and on behalf of the Issuer, those documents (and all other agreements required therein or in this Supplemental Bond Resolution) in substantially the forms hereby approved, subject to changes thereto approved by the Finance Officer executing the same (which approval shall be conclusively presumed upon execution thereof) and such other documents as Bond Counsel shall consider appropriate for Bond Closing. In the event of the disability or the resignation or other absence of the Finance Officer of the Issuer, such other officers of the Issuer who may lawfully act in the Finance Officer's behalf shall, without further act or authorization of the Issuer, do all things and execute all instruments and documents required to be done or to be executed by such absent or disabled official. The Finance Officer of the Issuer is hereby authorized to deliver this Supplemental Bond Resolution and such certificates attesting to its authenticity as may be required by and to Bond Counsel, the Holders of the Bonds, the Underwriters and such other persons as the Finance Officer may deem appropriate.

(b) The delivery of the certifications referenced in Sections 203, 305 and 306 is hereby authorized and upon delivery of such certifications, if any, the terms thereof shall be conclusive as to the matters therein addressed and shall be deemed to be a part of this Supplemental Bond Resolution as if set forth fully herein.

Section 808. *Schedules*. Schedule A hereto is hereby incorporated by reference and made a part hereof as though the same shall have been set forth in full herein. Such Schedule A shall control over any contrary provisions herein not contained in such Schedule A.

Adopted 3/10/06.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 2400, 2401, 2415, 2417 and 2419 Bloomington Ave S to Powderhorn Residents Group, Incorporated for \$153,078.

Adopted 3/10/06.

Resolution 2006R-107, authorizing sale of land, Village in Phillips Disposition Parcel No MC 130-26, 131-5B, 131-6, 131-7A & TF-106 (2400, 2401, 2415, 2417, 2419 Bloomington Ave S), was adopted 3/10/06 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 2006R-107
By Goodman and Ostrow**

Authorizing sale of land, Village in Phillips Disposition Parcel No MC 130-26, 131-5B, 131-6, 131-7A & TF-106 (2400, 2401, 2415, 2417, 2419 Bloomington Avenue South).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MC 130-26, 131-5B, 131-6, 131-7A & TF-106, in the Phillips neighborhood, from Powderhorn Residents Group, Incorporated, hereinafter known as the Redeveloper, the Parcel MC 130-26, 131-5B, 131-6, 131-7A & TF-106, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Address	PIN	Legal Description
2400 Bloomington Ave	35-029-24-13-0001	Lot 1, Block 1, Gales 1st Addition to Minneapolis
2401 Bloomington Ave	35-029-24-14-0212	Lot 5, Block 4, Gilpatricks Addition to Minneapolis
2415 Bloomington Ave	35-029-24-14-0065	Lot 6 and the North 8 inches of Lot 7, Block 4, Gilpatricks Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142786.
2417 Bloomington Ave	35-029-24-14-0066	Commencing at a point in West Line of Lot 7, distance 8 inches South from the Northwest corner thereof thence East parallel with North Line of said Lot to the East line thereof thence South 10 feet thence West parallel with North line of Lot 7 a distance of 47 feet thence South parallel with East line of said Lot to a point 12.83 feet North of the South line thereof thence West parallel with South

line of said lot to the West line thereof
thence North to beginning, Block 4,
Gilpatricks Addition to Minneapolis

2419 Bloomington Ave

35-029-24-14-0067

The South 33 ft 4 inches of the East 47 ft
and that part of the South 12-83/100 ft
lying West of the East 47 ft thereof, Lot
7, Block 4, Gilpatricks Addition to
Minneapolis

Whereas, the Redeveloper has offered to pay the sum of \$153,078.00, for Parcel MC 130-26, 131-5B, 131-6, 131-7A & TF-106 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 17, 2006, a public hearing on the proposed sale was duly held on February 28, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Village in Phillips plan, as amended, is hereby estimated to be the sum of \$153,078.00 for Parcel MC 130-26, 131-5B, 131-6, 131-7A & TF-106.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 3/10/06.

Comm Dev & W&M/Budget – Your Committee, having under consideration the Village in Phillips Phase 2 Redevelopment Project, consisting of the new construction of a mixed-use development on both southern corners of the intersection of Bloomington Ave S and E 24th St, now recommends:

a) Passage of the accompanying resolutions –

1) Approving the Village in Phillips, Phase 2 Tax Increment Finance (TIF) Plan and District, Modification No. 1 to the Village in Phillips, Phase 1 TIF Plan and Modification No. 2 to the Village in Phillips Redevelopment Plan;

2) Authorizing the issuance of a pay-as-you-go tax increment revenue note for this project in an amount not to exceed \$484,900;

3) Amending the 2006 General Appropriation Resolution by establishing the Community Planning and Economic Development (CPED) Agency Fund "Village in Phillips Phase II" (CVQ0), and appropriating 10,000 to the fund;

b) Approval of the Term Sheet set forth in the CPED staff report and authorizing the proper City officers to negotiate and execute the necessary agreements.

Adopted 3/10/06.

Resolution 2006R-108, adopting the Village in Phillips, Phase 2 Tax Increment Finance (TIF) Plan, Modification No 1 to the Village in Phillips, Phase 1 TIF Plan, and Modification No 2 to the Village in Phillips Redevelopment Plan (vicinity of Bloomington Ave S & E 24th St), was adopted 3/10/06 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 2006R-108
By Goodman and Ostrow

Adopting the Village in Phillips, Phase 2 Tax Increment Finance (TIF) Plan, Modification No 1 to the Village in Phillips, Phase 1 TIF Plan, and Modification No 2 to the Village in Phillips Redevelopment Plan.

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 It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed Village in Phillips ("VIP"), Phase 2 TIF Plan, Modification No 2 to the VIP Redevelopment Plan, and a proposed Modification No 1 to the VIP, Phase 1 TIF Plan ("collectively, the Plans"). The Plans create a new TIF district, modify the existing VIP Redevelopment Plan to accommodate the activities and financing related to the proposed project, and remove a parcel from the VIP, Phase 1 TIF District in order that the parcel can be included in the VIP, Phase 2 TIF District, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the TIF district, identify land uses, 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.

1.3 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 project activities and costs in the Project Area and TIF District.

1.4 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 groups 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.

Section 2. Findings for the Adoption of the Plans

2.1 The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Laws.

2.2 The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise, as the proposed development removes blight and blighting influences, facilitates homeownership opportunities for low and moderate income households, and is necessary in order to finance a portion of the public redevelopment activities essential to implement

the project, in order to 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; will serve as an impetus for the provision of needed community redevelopment; and further, that tax increment assistance is being utilized to subsidize the extraordinary cost of providing affordable ownership housing at this site.

2.3 The Council hereby finds, determines and declares that the City adopted a Unified Housing Policy which consolidated existing city housing policies into one unified document. The Affordable Housing Policy approved in 1999 and updated in 2001 was rescinded and included in the Unified City of Minneapolis Housing Policy. This Policy recognizes the serious shortage of affordable housing in Minneapolis and puts forth the goal to "grow the population and to have no net loss of housing across all income levels". The Unified Housing Policy also states the City will focus on linking incentives to housing opportunities in proximity to jobs and transit. Development of the project will benefit residents by providing more housing choices as the project will provide new quality housing to low and moderate income residents. Eight units will be targeted to families at less than 50% of median income, another six units will be targeted to families at less than 80% of median income, and the remaining 22 units will be targeted to families up to 115% of median income. It is therefore found that the establishment of the VIP, Phase 2 TIF District is fully justified to facilitate public development activities and expenditures to lessen the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.4 Income requirements imposed by TIF statutes on housing districts do not apply in this district because the proposed TIF district lies within a "targeted area" as defined by M.S. 462C.02, Subd. 9, clause (e). A targeted area is therein defined to mean "a census tract in which 70% or more of the families have income which is 80% or less of the statewide median family income as estimated by the United States Department of Housing and Urban Development (HUD). The proposed TIF district lies within census tract 73.01 and 1072 of Hennepin County. The most current information available from HUD at the tract level is from the 2000 census. Based on this information, 86% of the families in census tract 73.01 and 74% of the families in census tract 1072 had family incomes at or below 80% of the statewide family median.

2.5 According to Minnesota Statutes, Section 469.174, Subdivision 11, and Section 469.1761, in order to establish a housing TIF district, no more than 20% of the square footage of buildings that receive assistance from tax increments may consist of commercial, retail, or other nonresidential uses. It has been projected that the gross square footage of the VIP, Phase 2 housing development will be 63,212 total square feet of which up to 1,200 square feet may be commercial space. This means that approximately 1.9% of the total square footage of the complete development may be attributable to the commercial space in the project.

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

2.7 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.

2.8 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 increment for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City 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. The public

redevelopment activity, expenditures, and market values associated with the development proposed in the TIF Plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the proposed development in this TIF District could not occur solely through private investment within the foreseeable future. The Council further finds, determines and declares that the land in the Project Area and TIF District would not be made available for development without the financial aid to be sought.

2.9 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 VIP, Phase 2 TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.10 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 homeownership housing project which will provide needed housing for moderate and low income persons and families.

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

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

3.1 Based upon the findings set forth in Section 2 hereof, the VIP, Phase 2 TIF Plan, Modification No 2 to the VIP Redevelopment Plan, and Modification No 1 to the VIP, Phase 1 TIF Plan 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 3/10/06.

Resolution 2006R-109, authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$484,900 in connection with the Village in Phillips Phase 2 Project within the Village in Phillips Redevelopment Project Area (vicinity of Bloomington Ave S & E 24th St), was adopted 3/10/06 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 2006R-109
By Goodman and Ostrow**

Authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$484,900 in connection with the Village in Phillips Phase 2 Project within the Village in Phillips 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 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 Village in Phillips Redevelopment project (the "Project"); and

Whereas, pursuant to the HRA Act and Tax Increment Act, the City has approved Modification No. 2 to the Village in Phillips Redevelopment Plan dated December 16, 2005, and adopted on March 10, 2006, and the Village in Phillips, Phase 2 Tax Increment Finance Plan dated December 16, 2005, and adopted March 10, 2006; 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 Powderhorn Residents Group, Inc., a Minnesota nonprofit corporation, or its affiliated entity (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop an affordable housing project with approximately 36 condominium units and 1,100 square feet of commercial/retail space;

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

1. 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
(Village in Phillips Phase 2 Project)**

The CITY OF MINNEAPOLIS (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Powderhorn Residents Group, Inc., a Minnesota nonprofit corporation (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this TIF Note, being Four Hundred Eighty-Four Thousand Nine Hundred and No/100 Dollars (\$484,900), 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 Village in Phillips, Phase 2 Tax Increment Finance District as defined in the Village in Phillips, Phase 2 Tax Increment Finance Plan adopted by the City on _____, 2006 (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 August 1 of the year of first increment collection from the District and each August 1 and February 1 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 a per annum interest rate, based upon a 360-day year, compounded semiannually, fixed at the 3 year United States Treasury rate plus 3.75%, to be reset on each 3 year anniversary of the TIF Note.

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 _____, 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, by action of its Mayor and City Council, has caused this TIF Note to be executed by the manual signature of the Finance Officer of the City; and has caused this TIF Note to be dated _____, 20____.

CITY OF MINNEAPOLIS

By -----
Patrick Born, City Finance Officer

Department Head Responsible
For Monitoring Contract:

CPED Director of Economic Policy
and Development

Approved as to form:

Assistant City Attorney

2. Be It Further Resolved that the form of the TIF Note is hereby approved and shall be executed by the City Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the officers may approve, which approval shall be conclusively evidenced by the execution thereof.

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

4. Be It Further Resolved that the sale of said TIF Note to the Developer is hereby approved; and the TIF Note is hereby directed to be sold to the Developer, at the price and rate set forth in the TIF Note, and upon the terms and conditions set forth in the Redevelopment Contract.

5. Be It Further Resolved that the City Finance Officer, is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the TIF Note.

6. Be It Further Resolved that no provision, covenant or agreement contained in the TIF Note or in any other document related to the TIF Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues that are to be applied to the payment of the TIF Note, as provided therein and in the Redevelopment Contract. The TIF Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City, except the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the TIF Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the TIF Note or the interest thereon, or to enforce payment thereon against any property of the City. The TIF Note shall not constitute a payment thereon against any property of the City. The TIF Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

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

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

9. Be It Further Resolved that in case any one or more of the provisions of this resolution, the TIF Note or the Redevelopment Contract shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this resolution, the TIF Note or the Redevelopment Contract.

10. Be It Further Resolved that this resolution shall be in full force and effect from and after its passage.
Adopted 3/10/06.

**RESOLUTION 2006R-110
By Goodman and Ostrow**

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing the Community Planning and Economic Development Agency Fund Village in Phillips Phase II - CVQ0, and appropriating \$10,000 to the CVQ0 Fund.

Adopted 3/10/06.

Comm Dev & W&M/Budget – Your Committee, having under consideration an offer to purchase property at 1401 Central Ave NE from Locus Architecture, Inc, as part of the Hennepin County tax forfeited land inventory, now recommends:

a) Approval of the development concept described in the Department of Community Planning & Economic Development (CPED) staff report;

b) Passage of the accompanying resolutions –

1) Authorizing acquisition of said property, tax forfeited land, from the State of Minnesota;

2) Authorizing the sale of said property to Locus Architecture, Inc. or an affiliate/related entity;

3) Increasing the CPED Department appropriation by \$121,349.80 to reflect the receipt of funds, and increasing the revenue budget; and

c) That the proper City officers be authorized to execute the purchase agreement with Hennepin County and that the CPED Director or his assigns and the Finance Officer be authorized to execute the Redevelopment Contract with Locus Architecture, Inc. or an affiliate or a related entity.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

(Published 3/15/06)

Resolution 2006R-111, approving the purchase of certain forfeited land located at 1401 Central Ave NE in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof, was adopted 3/10/06 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 2006R-111
By Goodman and Ostrow**

Approving the purchase of certain forfeited land located at 1401 Central Avenue Northeast in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof.

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

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

That the parcel located at 1401 Central Avenue NE be purchased by and conveyed to the City of Minneapolis pursuant to the provision of Minnesota Statutes 282-01; Subd. 1b.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

Resolution 2006R-112, authorizing sale of land Central Avenue Disposition Parcel No TF-701 (1401 Central Ave NE), was adopted 3/10/06 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 2006R-112

By Goodman and Ostrow

Authorizing sale of land Central Avenue Disposition Parcel No TF-701 (1401 Central Avenue Northeast).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-701, in the Northeast Park neighborhood, from Locus Architecture, Inc. or an affiliate or a related entity, hereinafter known as the Redeveloper, the Parcel TF-701, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-701; 1401 Central Avenue NE: Lots 2 through 8, Block 3, "Chute Bros. Central Ave. Addition to Minneapolis." The Easterly boundary line of said Lot 2 has been marked by Judicial Landmarks set pursuant to Torrens Case No. 8667. Being registered property; and

Whereas, the Redeveloper has offered to pay the sum of \$121,349.80, for Parcel TF-701 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on February 17, 2006, a public hearing on the proposed sale was duly held on February 28, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Central Avenue Redevelopment Plan, as amended, is hereby estimated to be the sum of \$121,349.80 for Parcel TF-701.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land (the "Contract"). Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the Contract to the Redeveloper; provided, however, that this Resolution does not constitute such a Contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed Contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

**RESOLUTION 2006R-113
By Goodman and Ostrow**

Amending the 2006 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 Community Planning and Economic Development Agency in the Capital Projects-Other Fund (CPO0-890-8933) by \$121,349.80, and increasing the revenue source in the Capital Projects-Other Fund (CPO0-890-8490) by \$121,349.80.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

(Published 3/15/06)

Comm Dev & W&M/Budget – Your Committee, having under consideration the receipt of environmental remediation grant awards, now recommends that the proper City officers be authorized to accept and appropriate the following awards, and to execute grant, subrecipient and/or disbursement and related agreements for the subject grants and projects:

Metropolitan Tax Base Revitalization Account (TBRA) Grant Projects:

718 Washington Ave N, \$275,000; Humboldt Industrial Park, \$207,000; Greenway Terrace (supplemental), \$13,500; Midtown Exchange (supplemental), \$243,000; Washington Court Apartments, \$200,000; 38th and Nicollet, \$221,400

MN Department of Employment and Economic Development Grant Projects:

718 Washington Ave N, \$11,287; Humboldt Industrial Park, \$243,000; Washington Court Apartments, \$84,350

Hennepin County Environmental Response Fund (ERF) Grant Projects:

718 Washington Ave N, \$45,261; Humboldt Industrial Park, \$200,000; Washington Court Apartments, \$200,000; 38th and Nicollet, \$210,040

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriations by \$2,153,838 to reflect the receipt of said grant funds.

Adopted 3/10/06.

**RESOLUTION 2006R-114
By Goodman and Ostrow**

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants-State & Local Fund (0600-890-8933) by \$981,548;

b) Increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants-State & Local Fund (0600-890-8952) by \$1,172,290;

c) Increasing the Community Planning & Economic Development Agency revenue source in the Other-Grants-State & Local Fund (0600-890-8490) by \$2,153,838.

Adopted 3/10/06.

Comm Dev & W&M/Budget – Your Committee, having under consideration receipt of Metropolitan Council's Livable Communities Demonstration Account (LCDA) and Local Housing Incentives Account (LHIA) grant awards, now recommends that the proper City officers be authorized to accept and appropriate the following grant awards for the following projects, and to execute such agreements as may be necessary to implement the LCDA grants with the Metropolitan Council, Central Community

Housing Trust (or affiliated entity a general partner) and Project for Pride In Living (or affiliated entity as general partner) and the LHIA grant with Powderhorn Residents Group (or affiliated entity as general partner):

Metropolitan Council Livable Communities Demonstration Account (LCDA) Grants:

Heritage Park, \$1,000,000; Ripley Gardens, \$450,000; and Midtown Exchange Condos on the Greenway, \$600,000

Metropolitan Council Livable Communities Local Housing Incentives Account (LHIA) Grant:

Village in Phillips Phase II, \$150,000

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$2,200,000 to reflect the receipt of said grant funds.

Adopted 3/10/06.

**RESOLUTION 2006R-115
By Goodman and Ostrow**

Amending the 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants-State & Local Fund (0600-890-8952) by \$1,200,000;

b) Increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants-State & Local Fund (0600-890-8953) by \$1,000,000;

c) Increasing the Community Planning & Economic Development Agency revenue source in the Other Grants-State & Local Fund (0600-890-8490) by \$2,200,000.

Adopted 3/10/06.

Comm Dev & W&M/Budget – Your Committee recommends approval of the use of Community Development Block Grant/Homeownership Program Fund FBGO/2206/FED00168 assistance in an amount not to exceed \$77,000, under the Housing Replacement Tax Increment Finance District II, to cover unforeseen infrastructure site improvements and winter construction costs for the Lowell Curve Project at 1900 Willow Ave.

Your Committee further recommends that the proper City officers be authorized to execute necessary documents relating to said project.

Adopted 3/10/06.

Comm Dev & W&M/Budget – Your Committee, having under consideration a proposed access agreement to provide for reasonable vehicular access to Riverside and Crablex property in the vicinity of vacated 5th St (from 15th Ave to the west) and Chase House (from 6th St to the south), now recommends:

a) Approval of the key terms for an Agreement for Mutual Vehicular Access between the City of Minneapolis, Riverside Plaza, LP, and Crablex, Inc, and that the proper City officers be authorized to execute an access agreement and related documents consistent with the terms outlined in the Department of Community Planning & Economic Development staff report; and

b) Passage of the accompanying resolution increasing the Community Planning & Economic Development Department appropriation by \$925,000 for City costs incurred relating to this agreement.

Adopted 3/10/06.

RESOLUTION 2006R-116
By Goodman and Ostrow

Amending the 2006 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 Community Development Fund (SPH0 890-8952-8015) by \$925,000.

Adopted 3/10/06.

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

IGR – Your Committee, having under consideration the request of the Minneapolis Park and Recreation Board that the City support an application for financial assistance for the Shingle Creek/Creekview Park project, now recommends passage of the accompanying resolution supporting the Minnesota Department of Natural Resources Outdoor Recreation Grant application for Shingle Creek/Creekview Park.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

(Published 3/15/06)

Resolution 2006R-117, supporting the Minnesota Department of Natural Resources Outdoor Recreation Grant for Shingle Creek/Creekview Park, was adopted 3/10/06 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 2006R-117
By Johnson and Hodges

Supporting the Minnesota Department of Natural Resources Outdoor Recreation Grant for Shingle Creek/Creekview Park.

Whereas, the Minneapolis Park and Recreation Board (the "Park Board") has the legal authority to apply for financial assistance, and financial capability to meet the match requirement and ensure adequate construction, operation, maintenance and replacement of the Shingle Creek/Creekview Park project for its design life; and

Whereas, the Park Board has not incurred any costs nor has entered into any written agreements to purchase real property for the project; and

Whereas, that upon approval of its application by the state, the Park Board may enter into an agreement with the State of Minnesota for the above-referenced project, and that the Park Board will certify that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for outdoor recreation uses into perpetuity;

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

That the City of Minneapolis acting by and through its Park and Recreation Board, act as legal sponsor for the project contained in the Outdoor Recreation Grant Program Application to be submitted on March 31, 2006 and that the Park Board Superintendent is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the Park Board.

Be It Further Resolved that the Park Board Superintendent be authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted 3/10/06.

Approved by Mayor Rybak 3/10/06.

IGR – Your Committee recommends passage of the accompanying resolution regarding Instant Runoff Voting (IRV) in the City of Minneapolis, creating an IRV task force charged with looking at the proposal(s) for IRV and making a recommendation to the Council regarding possible implementation.

Adopted 3/10/06. Yeas, 12; Nays, 1 as follows:

Yeas – Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon.

Nays – Johnson.

Resolution 2006R-118, regarding Instant Runoff Voting (IRV) for the City of Minneapolis, and creating an IRV task force, was adopted 3/10/06 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 2006R-118
By Benson and Hodges

Regarding Instant Runoff Voting for the City of Minneapolis.

Whereas the Minneapolis City Council desires to examine the practicality of Instant Runoff Voting in the City of Minneapolis; and

Whereas there are a number of factors to be studied and for which to be prepared before determining if Instant Runoff Voting is the preferred method of conducting elections in the City;

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

That the City of Minneapolis creates an Instant Runoff Voting task force, staffed by technical and administrative employees of the Minneapolis elections department. The members of the task force will be:

- A member of the Minneapolis City Council, who is the chair of the task force
- A member of the Minneapolis Park and Recreation Board
- A member of the Minneapolis Library Board
- A representative from the Mayor's office
- Chief Judge of District Court, Lucy Wieland
- A member of the charter commission
- Director of Elections for the City of Minneapolis
- Elections Manager for Hennepin County
- A representative of the Minneapolis City Attorney's office

Specific representatives may be adjusted as the task force chair deems necessary.

Be It Further Resolved that the task force is charged with looking at the proposal for Instant Runoff Voting and making a recommendation to the Minneapolis City Council regarding possible implementation of Instant Runoff Voting for the City. The report to the Minneapolis City Council will include information about the steps that would need to be taken, a proposed timeline and estimate of the costs for implementing Instant Runoff Voting.

Be It Further Resolved that the task force will report back to the Intergovernmental Relations Committee by April 25, 2006.

Adopted 3/10/06. Yeas, 12; Nays, 1 as follows:

Yeas – Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon.

Nays – Johnson.

IGR – Your Committee recommends passage of the accompanying resolution supporting passage of the proposed amendment to the Minnesota Constitution dedicating all motor vehicle sales tax revenue to transportation.

Adopted 3/10/06.

Resolution 2006R-119, supporting passage of the proposed amendment to the Minnesota Constitution dedicating all motor vehicle sales tax revenue to transportation, was adopted 3/10/06 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 2006R-119
By Hodges

Supporting passage of the proposed amendment to the Minnesota Constitution dedicating all motor vehicle sales tax revenue to transportation.

Whereas, Minnesota's transportation infrastructure forms the backbone of the state's economy and has a direct impact on future economic development; and

Whereas, too many Minnesotans are being killed in traffic crashes on dangerous roadways; and

Whereas, funding for highway and transit systems in Minnesota has remained stagnant and is failing to keep pace with growing population and growing demands; and

Whereas, local governments throughout the state are struggling to maintain local transportation systems while the state's gas tax has not been increased since 1988, and transit budgets have been cut in recent years; and

Whereas, the Minnesota Legislature has repeatedly turned to revenue from the motor vehicle sales tax, which has been viewed as user fee revenue, in order to fund both highway and transit systems, including the current dedication of 54% of motor vehicle sales tax for transportation purposes; and

Whereas, the Legislature passed a proposed constitutional amendment during the 2005 Legislative Session that would appear on the ballot November 7, 2006, asking voters if the remaining 46% of motor vehicle sales tax revenue currently used for other purposes should be used for highways and transit systems; and

Whereas, passage of this amendment would mean an increase in stable revenue for highway and transit systems throughout the state that would rise to approximately \$300 million per year once the transfer of revenue is fully phased-in by 2011;

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

That the City of Minneapolis strongly supports passage of the proposed amendment to the Minnesota Constitution dedicating all of the motor vehicle sales tax revenue to transportation with at least 40% of the revenue for public transit assistance and not more than 60% of the revenue for highway purposes.

Adopted 3/10/06.

IGR - Your Committee recommends that the City's agenda for the 2006 Legislative Session, adopted January 27, 2006, be amended by adding to the "Public Safety" section the following language under the category "Minneapolis Supports": "Protecting the human rights of immigrant populations and establishing a culture of mutual trust between law enforcement and immigrant populations to foster greater community public safety. The ability of local governments to ensure greater public safety should not be hampered by state efforts to impose unfunded mandates or dictate traditional federal government responsibility to the local level."

Adopted 3/10/06.

IGR - Your Committee recommends that the City's Fiscal Year 2007 Federal Legislative Agenda, adopted February 24, 2006, be amended by adding to the "Policy Initiatives" section a category relating to Immigrant Populations, and inserting the following language: "To establish a culture of mutual trust between law enforcement and immigration populations and to protect the human rights of immigrant populations, the City of Minneapolis urges the federal government to adopt and implement comprehensive immigrant reform measures. The ability of local governments to ensure greater public safety should not be hampered by federal efforts to impose unfunded mandates or dictate traditional federal government responsibility to the local level. The impact on local governments must be taken into account when considering any immigration reform measures."

Adopted 3/10/06.

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

PS&RS - Your Committee, having under consideration the application of Sapor Inc, dba Sapor, 428 Washington Av N, for an On-Sale Liquor Class E License (upgrade from Wine Class E) to expire April 1, 2006, 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 3/10/06.

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

On-Sale Wine Class E with Strong Beer, to expire April 1, 2006

Natraj Enterprises LLC, dba Natraj India Kitchen, 1123 W Lake St (new manager)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

I & M and J & M LLC, dba Marla's Indian and Caribbean Cuisine, 1123 W Lake St (change in ownership from Natraj Enterprises LLC).

Adopted 3/10/06.

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

Adopted 3/10/06.

Resolution 2006R-120, granting applications for Business Licenses, was adopted 3/10/06 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 2006R-120

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of March 10, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271037):

Amusement Devices; Place of Amusement Class C; Billboard Erector; Dancing School; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Caterers; Confectionery; Grocery; Restaurant; Seasonal Short Term Food; Vending Machine; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Motor Vehicle Used Parts Dealer; Plumber; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Sign Hanger; Solicitor - Individual; Steam & Hot Water Systems Installer; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Taxicab

Vehicle Non-Transferable; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; and Wrecker of Buildings Class A.

Adopted 3/10/06.

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

Adopted 3/10/06.

Resolution 2006R-121, granting applications for Gambling Licenses, was adopted 3/10/06 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 2006R-121

By Samuels

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 applicable codes and ordinances:

Gambling Class B

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2520 26th Av S (Site: Lee's Liquor Bar, 101 Glenwood Av N)

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2520 26th Av S (Site: Memory Lanes, 2520 26th Av S)

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2520 26th Av S (Site: BJ's Liquor Lounge, 229 W Broadway)

American Legion Post 234, dba American Legion Post 234, 3751 Minnehaha Av (Site: American Legion Post 234, 3751 Minnehaha Av)

Baseline Club, dba Baseline, 25 University Av SE (Site: Sunny's Bar, 2940 Chicago Av)

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

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 1501 Washington Av S (Site: The Corner Bar, 1501 Washington Av S)

Minnesota/USA Wrestling Inc, dba Minnesota/USA Wrestling Inc, 3327 Hennepin (Site: Cardinal Restaurant & Bar, 2920 E 38th St)

Gambling Lawful Exempt

Ramsey International Fine Arts Center, dba Ramsey International Fine Arts Center, 1 W 49th St (Raffle March 12, 2006 at The Dakota, 1010 Nicollet Mall)

Little Earth Residents Association, dba Little Earth Residents Association, 2501 Cedar Av S (Bingo, Raffle and Pulltabs March 31, 2006)

Little Earth Residents Association, dba Little Earth Residents Association, 2501 Cedar Av S (Bingo, Raffle and Pulltabs April 1, 2006)

Clare Housing, dba Clare Housing, 929 Central Av NE (Bingo and Raffle April 22, 2006 at Incarnation Church, 3800 Pleasant Av S)

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St (Raffle April 8, 2006 and April 26, 2006)

Twin Cities Habitat for Humanity, dba Twin Cities Habitat for Humanity, 3001 4th St SE (Raffle April 29, 2006 at Powers and Merrian St)

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle May 6, 2006)

Little Earth Residents Association, dba Little Earth Residents Association, 2501 Cedar Av S (Bingo, Raffle and Pulltabs May 13, 2006).

Adopted 3/10/06.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Broadway Liquor Outlet, 2201 W Broadway.

Adopted 3/10/06.

Resolution 2006R-122, approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Broadway Liquor Outlet, 2201 W Broadway, was adopted 3/10/06 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 2006R-122

By Samuels

Approving Technical Advisory Committee recommendations relating to the Off-Sale Liquor License held by Broadway Liquor Outlet, 2201 W Broadway.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on December 7, 2005 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on three separate occasions employees of Broadway Liquor Outlet sold alcohol to persons under the age of 21 in violation of Section 370.10 of the Minneapolis Code of Ordinances, and the established compliance check policy and procedures of the City of Minneapolis.

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

That the Off-Sale Liquor License issued to Broadway Liquor Outlet be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including November 4, 2007, subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and hereby made a part of this Resolution:

a. Broadway Liquor Outlet will require all customers to produce identification as listed in Minnesota State Statute Section 340A.503, Subdivision 6. This includes each and every customer, inclusive of known customers and those of obvious legal age to purchase alcohol. A known customer or a customer of apparent or even obvious legal age must be refused service should they be unable to present valid and legal identification for each and every purchase of alcohol. Should the licensee faithfully and successfully comply with all provisions of this Agreement including maintaining a record of no underage alcohol sale infractions through and including August 3, 2006, this requirement shall expire effective August 4, 2006 as it applies to known customers of legal age and those of obvious legal age. It shall remain the responsibility and duty of the licensee to prevent sales of alcohol to underage customers and to comply with all related ordinances, statutes and regulations.

b. Broadway Liquor Outlet will purchase, install and begin utilizing an electronic identification card reader for all sales within two weeks of the effective date of this Agreement. Should the purchase or delivery of such a card reader system be delayed beyond two weeks based on legitimate reasons out of the reasonable control of the licensee, the Commander of the Police License Investigation Division may grant an extension of this deadline if promptly requested. Broadway Liquor Outlet will scan/swipe all U.S. state-government issued driver's licenses or identification cards, or Canadian provincial-government issued driver's licenses or identification cards that are presented as proof of age.

c. This electronic identification card reader will have the capability to do the following:

1. recognize and read U.S. state-government issued driver's licenses or state-government issued identification cards.

2. The ability to show whether the above identification is valid.

3. The ability to differentiate between valid and counterfeit identification.
4. Display the age and date of birth, as should be displayed on the identification, for the purposes of assuring the identification has not been altered.
5. The ability to store gathered electronic data gathered by the card reader.
6. The ability to download the above data to a personal computer.
 - i. The software used to achieve the download must be compatible with the suite of Microsoft products such as Access, Excel and/or Word.
 - ii. The above data will be open for examination by authorized representatives of the City of Minneapolis during regular business hours and without prior notification.
 - iii. The personal computer used to store the data will be equipped with a CD/DVD player that has the capability to record/download the data to a CD/R, CD/RW, DVD/R or DVD/RW disk.
 - iv. The above data will not be purged without the authorization of the Deputy Director of Licenses & Consumer Services, the Commander of the Police License Investigations Division or supervisors of the above officials.
7. In the event that a customer presents legal identification that cannot be read by the card reader, i.e. a passport, Broadway Liquor Outlet will create a system to log each such sale and type of identification used. This log will record the name of the customer, the time and date of the transaction, and the type of identification presented and shall be open to the inspection described above.
8. All action taken by Broadway Liquor Outlet under Section "c" are being taken at the direction and insistence of the City.
 - d. Broadway Liquor Outlet will immediately pay the outstanding \$2,000 administrative fine as a result of the administrative citation issued for the November 4, 2005 alcohol compliance failure, to be received by February 17, 2006.
 - e. Broadway Liquor Outlet will pay \$2,000 in cost recovery to the City, in accordance with the payment plan as set forth in the TAC Agreement.
 - f. The Off-Sale Liquor License held by Broadway Liquor Outlet shall be suspended for a period of 30 days. Imposition of 28 days of suspension will be stayed, and 2 days will be imposed. The 2 days of suspension have been chosen by Broadway Liquor Outlet and will include February 20 & 21, 2006. Should the licensee violate any provision of this Agreement while it is in effect, it shall be subject to additional adverse license action, including but not limited to the imposition of the remaining stayed license suspension period, as well as the potential commencement of license revocation proceedings. Any sales of alcohol completed by the licensee occurring during a prescribed suspension period hereunder shall be considered unlicensed sales of alcohol in violation of State Statute and Minneapolis Ordinance.
 - g. All Broadway Liquor Outlet employees will attend professionally presented alcohol server training. This training program must be approved by the City of Minneapolis, Division of Licenses & Consumer Services. All managers and owners who participate in the day-to-day operation of the business will attend a retail alcohol management course, and must be approved by Licenses & Consumer Services. The training must be completed within 30 days of the effective date of the TAC Agreement. All employees, managers or owners hired or brought into the business after this initial training must attend an approved training class within 30 days of hire or approval as business owner.
 - h. A properly trained manager or owner must be on site during business hours at all times.
 - i. This TAC Agreement does not alter or preclude any previously imposed license conditions that may exist.
 - j. The licensee is aware that it will be subject to additional compliance checks during the term of the TAC Agreement, and further agrees that these compliance checks can and will be conducted by both minor-aged decoys as well as decoys of legal age. It shall be a violation of the TAC Agreement for the licensee to sell alcohol to a legal-age decoy if that decoy is not required to present age identification to complete the sale of alcohol regardless of the actual age of the decoy, consistent with any limitations or stipulations as detailed in paragraph 1. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by the employees or sales clerks of the licensee, and if asked will present their actual duly-issued age identification.

k. The TAC Agreement shall remain in effect through and including November 4, 2007. The parties acknowledge that any violations existing as of Broadway Liquor Outlet's execution of the TAC Agreement shall expire and have no effect two years following the date of the violation. In addition, Broadway Liquor Outlet's compliance with the TAC Agreement during the term of the Agreement shall result in the Agreement and all violations referred to in the Agreement o not be used in any adverse license proceeding and after November 4, 2007, the licensee shall be allowed to operate with no conditions beyond those existing in applicable City ordinances for any licensed liquor establishment.

l. The Date of the TAC Agreement shall be defined as the date that the licensee signs or otherwise executes the Agreement.

Adopted 3/10/06.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the renewal application of Quest, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 3/10/06. Yeas, 8; Nays, 5 as follows:

Yeas - Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Gordon, Johnson.

Nays - Hofstede, Benson, Goodman, Hodges, Samuels.

Resolution 2006R-123, granting the renewal application of Quest, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 3/10/06 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 2006R-123

By Samuels

Granting the renewal application of Quest, 110 5th St N , for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Heaven & Earth Inc, dba Quest, 110 5th St N (1st floor), for an On-Sale Liquor Class A with Sunday Sales License to expire October 1, 2006, subject to the following conditions:

a. the licensee shall comply with all statutes, rules and ordinances related to the sale and service of beverage alcohol.

b. the licensee shall have paid all outstanding administrative fines (\$4,000) imposed as a result of past violations and shall have paid the outstanding balance (\$20,000) remaining to purchase a Safe Zone camera to be installed in front of the entrance to the licensed premises.

c. the licensee shall obtain and maintain at all times proper evidence of liquor liability insurance as required by Minnesota Statutes and Minneapolis Ordinances.

d. that the Quest has been closed since December 14, 2005, in excess of 30 days, and that this satisfies the five-day suspension required by the City from the previous Technical Advisory Committee (TAC) agreement.

e. the licensee shall have paid or have made approved arrangement to pay all taxes due to the Minnesota Department of Revenue and shall not appear on the Minnesota Department of Revenue "No Ship" list for a period of one year following the date of these conditions.

f. the licensee shall have paid all outstanding final judgments that have been imposed as a result of the licensee's business operations.

g. in the event that the licensee conducts "All Ages" events, all alcohol sales and consumption will take place only on the second floor of the premises. In the event that the licensee conducts "18+" shows, persons on the premise who are under the age of 21 years shall be physically segregated from any area of the premise in which the consumption of beverage alcohol is permitted through the use of barricades or other physical separations.

h. the licensee shall utilize a PDC Series electronic identification card reader. If a different model is purchased by the licensee, it must have the capability to do the following:

1. recognize and read U.S. state-government issued driver's licenses or state-government issued identification cards.

2. The ability to show whether the above identification is valid.

3. The ability to differentiate between valid and counterfeit identification.

4. Display the age and date of birth, as should be displayed on the identification, for the purposes of assuring the identification has not been altered.

5. The ability to store gathered electronic data gathered by the card reader.

6. The ability to download the above data to a personal computer.

i. The software used to achieve the download must be compatible with the suite of Microsoft products such as Access, Excel and/or Word.

ii. The licensee shall use the electronic identification card reader for all shows and events. As a condition of its license, the licensee shall keep the above data open for examination by authorized representatives of the City of Minneapolis during regular business hours and without prior notification.

iii. The personal computer used to store the data will be equipped with a CD/DVD player that has the capability to record/download the data to a CD/R, CD/RW, DVD/R or DVD/RW disk.

iv. The above data will be stored for at least six months unless the licensee receives authorization of the Deputy Director of Licenses & Consumer Services, the Commander of the Police License Investigations Division or supervisors of the above officials, to purge the information.

i. if the licensee expects occupancy to exceed 1,000 persons after Midnight on any business day, the licensee shall give written notice to the Police Department, 1st Precinct, and the Police Department's Licensing Division Sergeant at least two weeks in advance. The licensee shall at all times maintain an accurate occupancy count and immediately disclose such figures upon the request of any official or officer of the City of Minneapolis.

j. the licensee shall utilize an AlcoBlow or equivalent technology to assist in screening in the case of suspected intoxication or consumption of alcohol by perspective patrons under the age of 21 years. Any prospective patron under the age of 21 years with any detectible presence of alcohol in his or her system shall be refused admission into the premises.

k. the licensee shall continually utilize metal detection devices to screen prospective patrons for the possession of dangerous weapons.

l. that a senior manager or the principal officer of the licensee shall attend each regularly scheduled meeting of the Minneapolis Downtown Entertainment and Bar District as coordinated by the Minneapolis Police 1st Precinct and Crime Prevention Specialist Luther Krueger.

m. the licensee or an Operational Manager of record be physically present at the establishment during the hours of operation. The licensee shall provide the Minneapolis Police Licensing Division with the name and contact information for its Operational Managers. The licensee may name a new manager or management company to manage the Quest, assuming that the new manager or management company of record is in compliance with the Minneapolis Ordinances and Minnesota State Statutes governing the licensing of on-sale liquor establishments.

n. the licensee shall have adequate security based on the occupancy level set by the Minneapolis Fire Department. For six months following the effective date of these conditions, the licensee shall, along with the information required above provide the Minneapolis Police Department 1st Precinct and the Police Department Licensing Division Sergeant with the number of security personnel scheduled to be on duty each night. At the end of that six-month period, the licensee and representatives of Licenses & Consumer Services and/or the Police License Investigation Division, will discuss whether

additional or different arrangements need to be made regarding the licensee's security plan. The licensee is an experienced license holder and will be expected to adjust the security level upwards when promoting or hosting venues that require additional security measures.

o. that any material violation or deviation from the above conditions, without the express consent of the City of Minneapolis or its officers, constitutes cause for the initiation of administrative action and/or revocation, suspension or denial of renewal of said license.

p. that the above conditions shall supercede any and all preceding agreements entered into between the licensee and the City of Minneapolis.

q. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 3/10/06. Yeas, 8; Nays, 5 as follows:

Yeas - Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Gordon, Johnson.

Nays - Hofstede, Benson, Goodman, Hodges, Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the Vehicle Immobilization Service Company License held by Clampdown Parking Enforcement, 1730 New Brighton Blvd.

Adopted 3/10/06.

Resolution 2006R-124, approving Technical Advisory Committee recommendations relating to the Vehicle Immobilization Service Company License held by Clampdown Parking Enforcement, 1730 New Brighton Blvd, was adopted 3/10/06 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 2006R-124

By Samuels

Approving Technical Advisory Committee recommendations relating to the Vehicle Immobilization Service Company License held by Clampdown Parking Enforcement, 1730 New Brighton Blvd.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on January 6, 2006 with the licensee to discuss issues related to the operation of the business; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the provisions of Chapter 320 of the Minneapolis Code of Ordinances by an employee not wearing a required uniform; an employee not carrying a business card; an employee not receiving the required conflict management training; failure to include a proper phone number listed on a receipt; failure to include on the receipt that an individual whose car has been immobilized can contact the City to file a complaint; failure to have the required signage stating that the lot was being monitored; failure of the individual monitoring the lot to remain visible; and immobilizing vehicles in a parking lot which did not have the proper signage in place;

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

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee will make refunds to all persons whose vehicles were immobilized at the parking lots of MacNicol, Stub & Herbs, Milio's, Bona, Papa John's, and Enrica Fish from October 1, 2005 to the present date. Refunds must be made within 30 days of the date of the TAC Agreement, and proof of payment will be sent to the Licenses & Consumer Services Division.

b. the licensee shall pay all administrative citation fines which are due, in the amount of \$4,600. In addition, the licensee shall pay to the City of Minneapolis \$2,000 as reimbursement for the administrative and investigative costs involved with the TAC process. Said payments shall be made

within 30 days of the date of the TAC Agreement. The Licenses & Consumer Services Division will dismiss Administrative Citation Numbers A05-030047, A05-030048 and A05-030049.

c. the licensee shall ensure that the entrance signs for the MacNicol, Stub & Herbs, Milio's, Bona and Papa John's parking lot state "You must park in designated parking area of business you will patronize". Signs shall be clearly visible at all lot entrances.

d. the licensee shall ensure that the entrance signs for Enrica Fish off Washington Av SE are moved off the building and placed under the parking fee sign.

e. the licensee shall ensure that each individual parking spot in the MacNicol, Stub & Herbs, Milio's, Bona and Papa John's parking lot have a color coded sign designating parking for that business.

f. the licensee shall ensure that the parking area that extends from the back of Milio's have sufficient approved signs identifying the parking area for that business.

g. the licensee shall ensure that the 18 x 18 inch signs will be in compliance and will be visible at all lot entrances when the licensee's employees are actively monitoring the lot.

h. the licensee shall ensure that immobilization activities will not be continued until all signs are in place, all ordinance violations have been corrected, and the signage and corrections have been verified by the Licenses Department.

i. the licensee will comply with all other applicable City Ordinances dealing with the operation of a vehicle immobilization service.

j. the licensee will ensure that the persons monitoring the lot will remain visible in the lot when it is being monitored.

k. the licensee understands that any additional violations of Minneapolis City Ordinances involving the operation of Clampdown will result in revocation of the Vehicle Immobilization Service Company license.

Adopted 3/10/06.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor with Sunday Sales License held by Nicollet Island Inn, 95 Merriam St.

Adopted 3/10/06.

Resolution 2006R-125, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor with Sunday Sales License held by Nicollet Island Inn, 95 Merriam St, was adopted 3/10/06 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 2006R-125

By Samuels

Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor with Sunday Sales License held by Nicollet Island Inn, 95 Merriam St.

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on February 10, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that conclude that the licensee's employees violated Section 370.10 of the Minneapolis Code of Ordinances by selling alcohol to persons under the age of 21 on two separate occasions;

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

That the On-Sale Liquor with Sunday Sales License issued to Nicollet Island Inn shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including May 12, 2007, subject to full compliance with the following

conditions, as more fully set forth in said Findings on file in the Office of the City Clerk, and hereby made a part of this Resolution:

a. It is strongly suggested that the Nicollet Island Inn require all customers who purchase alcohol to produce identification. The Nicollet Island Inn has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of their On-Sale Liquor License. The Nicollet Island Inn agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made.

b. The Nicollet Island Inn will pay \$3,000 in cost recovery to the City by February 22, 2006.

c. The On-Sale Liquor License of the Nicollet Island Inn is suspended for a period of 30 days. Imposition of 27 days of the suspension will be stayed, and 3 days will be imposed. The dates of the suspension have been chosen by Nicollet Island Inn and will include May 28, 29 & 30, 2006. Should the licensee violate any provision of the TAC Agreement while it is in effect, it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period as well as the potential commencement of license revocation proceedings. This suspension shall include only the restaurant and bar area of the Nicollet Island Inn. The Nicollet Island Inn will still be able to provide alcohol and food service to its guests in the individual rented rooms during the above dates.

d. All Nicollet Island Inn employees will attend professionally presented alcohol server training. This training shall occur on a yearly basis and must be approved by the Licenses & Consumer Services Division. All managers and owners who participate in the day-to-day operation of the business will attend a retail alcohol management course and must be approved by the Licenses & Consumer Services Division. This training must be completed within 30 days of the effective date of the TAC Agreement. All employees, managers or owners hired or brought into the business after this initial training must attend an approved training class within 30 days of hire or approval as business owner.

e. A properly trained manager or owner must be on site during business hours at all times.

f. The TAC Agreement does not alter or preclude any previously imposed license conditions that may exist.

g. The licensee is aware that it will be subject to additional compliance checks during the term of the TAC Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee, and if asked, will present their actual duly-issued age identification.

h. The TAC Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of the TAC Agreement, or for subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances, or regulations.

i. The TAC Agreement shall remain in effect through and including May 12, 2007.

It is understood between the parties that the TAC Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

j. The "Date of the TAC Agreement" shall be defined as the date that the licensee signs or otherwise executes the TAC Agreement.

Adopted 3/10/06.

PS&RS - Your Committee recommends that John Dejung be designated as the primary City of Minneapolis representative on the Technical Operations Committee for Enhanced 911 Reporting to the Metropolitan Emergency Services Board; and that Tom Donohoe be designated as the alternate to the same Committee.

Adopted 3/10/06.

PS&RS - Your Committee, having under consideration the property located at 2446 15th Av S which has been deemed 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 described as Lot 5, Block 7, Gales 1st Addition to Minneapolis according to the recorded plat thereof and situated in Hennepin County (PID #35-029-24-

13-0094), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and are hereby made a part of this report by reference.

Adopted 3/10/06.

PS&RS - Your Committee, having under consideration the property located at 1626 E Lake St which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and the City Council on October 7, 2005 having authorized demolition to be stayed for 30 days during which time the property owner was ordered to submit an acceptable rehabilitation plan; post a performance bond; and submit engineering reports for the property, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 35 and the West 12 feet of Lot 36, Heaton's Addition to Minneapolis (PID #35-029-24-44-0130), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and are hereby made a part of this report by reference, and notwithstanding Chapter 599 of the Minneapolis Code of Ordinances.

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

Adopted upon a voice vote 3/10/06.

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

PS&RS & W&M/Budget - Your Committee recommends that report passed August 22, 2003 relating to the fee charged to the Automobile Insurance Personal Injury Fund for emergency medical care provided by the Fire Department at the scene of motor vehicle accidents be amended to change the fee structure from a flat rate of \$400 per patient to a new tiered fee schedule to charge \$560 per patient for each engine company response, and \$700 per patient for each ladder/rescue company response, pursuant to Minnesota Statutes Section 366.011.

Adopted 3/10/06. Yeas, 12; Nays, 1 as follows:

Yeas - Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels Johnson.

Nays - Gordon.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Grant-funded Contract for Professional Services with the City of St. Paul Fire Department, in the amount of \$150,184.97, to authorize reimbursement to the St. Paul Fire Department for overtime costs incurred for St. Paul personnel who attended the Structural Collapse Training as planned in the 2005 Homeland Security Grant.

Adopted 3/10/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for specialized Emergency Medical Service (EMS) training for all of the Fire Department's Emergency Medical Service Technicians (EMT's), pending approval of the Permanent Review Committee. Said training to be conducted for personnel while on duty and at designated Fire Department training facilities.

Adopted 3/10/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an amendment to the contract with the Minneapolis Public Housing Authority, in an amount up to \$675,000, to provide police services to public housing communities. Further, passage of the accompanying Resolution appropriating \$675,000 to the Police Department.

Adopted 3/10/06.

**RESOLUTION 2006R-126
By Samuels and Ostrow**

Amending The 2006 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 Police Special Revenue Fund (210-400-E013) by \$675,000.
Adopted 3/10/06.

PS&RS & W&M/Budget - Your Committee, having under consideration the Minnesota Gang Strike Force, now recommends that the proper City officers be authorized to accept a grant award of \$320,000 and execute a grant agreement with the State of Minnesota to support one captain and up to six officers from the Minneapolis Police Department to serve on the Metro Gang Strike Force for an estimated two-year period. Further, passage of the accompanying Resolution appropriating \$320,000 to the Police Department.

Adopted 3/10/06.

**RESOLUTION 2006R-127
By Samuels and Ostrow**

Amending The 2006 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 \$320,000 and increasing the Revenue Source (060-400-C007 - Source 3215) by \$320,000.
Adopted 3/10/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a cash donation of \$1,500 from the Wakefield Charitable Foundation, in care of the U.S. Trust Company NA, to be used for the purchase of Police Department canines, as needed, or for the care of current MPD canines.

Adopted 3/10/06.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds in the amount of \$400,000 from the Little Earth Housing Community to provide funds during a two-year period to support the base salaries of one sergeant and two police officers who will work with residents on community policing, crime prevention and law enforcement. Little Earth will pay for one police vehicle for use on this project. Further, passage of the accompanying Resolution appropriating \$400,000 to the Police Department.

Adopted 3/10/06.

**RESOLUTION 2006R-128
By Samuels and Ostrow**

Amending The 2006 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-P300) by \$400,000 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$400,000.

Adopted 3/10/06.

The **TRANSPORTATION & PUBLICS 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*, creating a new "large block event" category, extending the hours allowed for block events, and clarifying the need for amplified sound permits for residential block events, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 3/10/06.

Ordinance 2006-Or-023, amending Title 17, Chapter 455 of the Code relating to Streets and Sidewalks: Block Events, establishing a new large block event category, extending the hours allowed for block events, and clarifying amplified sound permit requirements for residential block events, was adopted 3/10/06 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 2006-Or-023
By Colvin Roy and Schiff
Intro & 1st Reading: 8/19/05
Ref to: T&PW
2nd Reading: 3/10/06

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 amended by adding thereto the following definition in alphabetical sequence to read as follows:

455.10. Definitions. As used in this chapter:

Large block event shall mean a block event for artistic, cultural, or social purposes with expected attendance of at least 2500 people.

Section 2. That Section 455.20 of the above-entitled ordinance be amended to read as follows:

455.20. Application process for residential and business district block event permits. (a)

Filing of application for residential block event permit. After April 30, 2004, applicants seeking issuance of a residential block event permit shall file a complete application with 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, except that the event may be held during the hours allowed for residential events unless the event is to be held on an arterial street, bus route or state highway, wherein the time restrictions for a business district event shall apply. 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.

(d) Filing application for a large block event. If the event is anticipated to have over 2500 participants the applicant may apply for a large block event permit as set forth in this chapter.

(d)(e) 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) business days to six (6) calendar days . . . 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

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) For residential block event permits, the director of public works shall accept the permit fee 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)(f) Approval of residential and business district block event permits.

(1) Prior to approval or denial of the permit, 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:

a. The director of public works for all applications.

b. The chief of police for central or neighborhood business district block event applications.

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, 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.

(f)(g) Notification of council member(s) of non-residential block event application. Upon receipt of a non-residential block event application, 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 regulatory services 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.

~~(g)~~(h) Appeals process for residential and business district block event permits:

(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, 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.

~~(h)~~(i) Notification of issuance of permit. Upon the issuance of the block event permit, the director of public works, for residential permits, or the director of regulatory services for business or other non-residential permits, shall so advise the chief of police, chief of the fire department, 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, or other non-residential block event permit.

Section 3. That Chapter 455 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 455.21 to read as follows:

455.21. Application process for large block event permit.

(a) Filing application for a large block event permit. An applicant seeking issuance of a large 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 not less than sixty (60) days prior to the event. The time limit may be waived by the Director of regulatory services or his or her designee upon submission of proof of extreme hardship on the part of applicant.

(b) Fees for permit. Fee for a large event permits are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Ninety (90) days or more prior to the event ...\$1285.00

Eighty nine (89) to sixty (60) days prior to the event...\$1850.00

For hardship applications less than sixty (60) days before the event.... \$2775.00

(c) Review and recommendation. The application for a large event permit will be referred to a committee consisting of representatives of the departments of public works, police, regulatory services, traffic control, and fire for its recommendation as to whether the requested use will unnecessarily interfere with public travel on the street or alley proposed to be used and if there are other health and safety issues which need to be addressed. Such committee may recommend terms and conditions necessary in its judgment to protect the public peace, health and safety, including, but not limited to, limiting the portion of the street or alley that may be used for the event, the hours thereof, payment for the cost of rerouting bus and or other traffic, restricting the time allowed for cleanup after the event, manner and place restrictions on the sale of alcoholic beverages, restrictions on the location, duration, sound levels and use of loudspeakers, and the type and number of blockades or warning devices that are to be provided for the safety of motorists and persons participating in the large block event.

(d) Approval by City Council. The recommendations of the committee reviewing the large block event permit application will be forwarded for action to the appropriate city council committee which shall make its recommendations concerning the application to the full city council. The city council may accept, reject, or modify the recommendations. The city council shall have the power to impose reasonable conditions upon any large block event permit issued under this chapter which are necessary to address interference with public travel and are necessary to protect public peace, health and safety. Any denial of a permit shall be based upon the criteria set forth in section

Section 4. That Section 455.25 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:

(a) That in the case of a residential block event the applicant's residence abuts the portion of the street wherein the event is to be held.

(b) That a good-faith attempt has been made to deliver to each residence or building management or tenants association or commercial entity's owner or their authorized representative 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.

(c) That the application contains documentation of the names and addresses of those on the block or blocks that approve of the block event. For a residential block event application, the documentation must contain seventy-five (75) percent of the households on the block or blocks that abut the block event. For business, large block event, or other non-residential block event applications, the documentation must contain seventy-five (75) percent of the households and business owners or other authorized representatives on the block or blocks that abut the block event. An applicant must also affirm that the information provided with the application has met the above-stated requirements.

(d) The applicant agrees to defend and hold the city harmless from all claims, demands, actions or causes of action, of whatsoever nature or character, arising out of or by reason of conduct of the block event authorized by such permit, including attorney fees and all expenses.

(e) The applicant will indemnify the city for all damages that may result to city property, including any portion of such street as a result of the block event.

(f) In the case of all block events, the applicant will, without expense to the city, immediately clean up, remove and dispose of all litter or material of any kind associated with the event which is placed or left on the street or sidewalk of the block(s) on which the event is held; and also on any of the immediately adjacent blocks. If the applicant neglects or fails to cleanup within the three-hour period immediately following the end of the block event, or within the time limit set forth in a large block event permit, or if cleanup is done in an inadequate manner, the director of public works is authorized to do the cleanup and the applicant shall be charged for said cost.

(g) The applicant will maintain adult supervision of such block event at all times.

(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, 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, local participating neighborhood association office, or 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.

(i) The block event is in no way a commercial promotion or activity and the overall purpose of the permit shall be to enhance the stated purpose of the applicant organization and no private organizer or promoter shall derive excessive profits from the event. The city may require presentment of the permit holder's books of account to aid in the determination of compliance with this section.

(j) In the case of a business district block event or large block event, the applicant may sell wine, intoxicating malt beverages or non-intoxicating malt beverages provided it certifies that:

- (1) The applicant has obtained a temporary beer or liquor license.
- (2) The applicant agrees to comply with sections 364.40 and 368.40 of the Minneapolis Code of Ordinances relating to the consumption of alcohol on public property.

(3) The event is to take place in the central business district or in a neighborhood business district in which a neighborhood business association sponsors the event.

(4) The applicant presents a certificate that there is in effect for the event an insurance policy or pool providing at least an annual aggregate policy limit for dramshop liability of not less than one million dollars (\$1,000,000.00) per policy period. The policy shall cover all liability imposed by section 340A1, Minnesota Statutes. In the case of property owned or controlled by the City of Minneapolis, the city shall be listed as an additional insured.

(5) The applicant provides a security plan for the event which is approved by the director of licenses and consumer services and the police license inspector.

(k) ~~In the case of a residential block event, the applicant agrees not to obtain a permit for the use of sound amplifying equipment if play or allow to be played any music or other sound produced by amplifying equipment for more than a total of three (3) hours. will be used during the block event. A permit may be granted for additional hours. However, in the cases of a residential block event, a permit for the use of sound amplifying equipment will be waived if equipment will be used for three hours or less.~~

Section 5. 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 ~~and large block~~ 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 ~~8:00~~~~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.

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

(1) The appropriate state or county approvals have been obtained for the use of state and county streets;

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

(3) The event is contained on one or more contiguous blocks on the same street. Closure of multiple contiguous blocks will only be granted if the city council has determined that such closure will have no adverse effects on the safe function of the roadway system.

Section 6. 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, including a large block event, may be granted only after the applicant has filed with the 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~~ 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 7. 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 large event permit or 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 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:

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

(2) Unless a different time period is specified by the city council for a large block event, ~~t~~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 s~~Should the applicant fail to do so within the three hours or within the time otherwise specified by the city council for a large block event, the bond shall be forfeited to the city.

(3) The applicant shall, through a 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.

(4) The applicant shall adhere to the terms and conditions placed upon a large block event by the city council, and should applicant fail to do so, the bond will 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 3/10/06.

T&PW - Your Committee, having under consideration the expansion and alteration of Fire Station No. 17 (330 E 38th St), now recommends that the proper City officers be authorized to negotiate and execute an architectural and engineering design services agreement with Hagen, Christensen, and McIlwain Architects, in an amount not to exceed \$95,000. No additional appropriation required.

Adopted 3/10/06.

T&PW - Your Committee, having under consideration the construction of the Loring Bike Bridge, now recommends that the proper City officers be authorized to execute Amendment No. 1 to Contract No. C-20933 (OP No. 6296) with Edward Kraemer & Sons, Inc., increasing the contract by \$37,386.21, for a revised contract total of \$1,651,226.41, to provide for supplemental agreements and change orders associated with the project. No additional appropriation required.

Adopted 3/10/06.

T&PW - Your Committee, having under consideration the construction of the Chicago Avenue Bridge, now recommends that the proper City officers be authorized to execute Amendment No. 1 to Contract No. C-21668 (OP No. 6376) with Lunda Construction Company increasing the contract by \$52,692.70, for a revised contract total of \$1,550,093.58, to provide for supplemental agreements and change orders associated with the project. No additional appropriation required.

Adopted 3/10/06.

T&PW - Your Committee, having under consideration mechanical and electrical upgrades to the Harriet Maintenance Facility, now recommends that the proper City officers be authorized to execute Change Order No. 1 (final) to Contract No. C-22237, with Northern Air Corporation, increasing the contract by \$22,903, for a revised contract total of \$591,506, to allow for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted 3/10/06.

T&PW – Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Lyndale Avenue North Street Reconstruction Project, Special Improvement of Existing Street No. 2942.

Adopted 3/10/06.

Resolution 2006R-129, designating the improvement of certain existing streets in the Lyndale Av N Street Reconstruction Project No 2942, was adopted 3/10/06 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 2006R-129
By Colvin Roy

LYNDALE AVENUE NORTH STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2942

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

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter, all on a stabilized base and including other paving-related improvements as needed:

Lyndale Avenue North from West Broadway to Plymouth Avenue.

Adopted 3/10/06.

T&PW - Your Committee, having received a cost estimate of \$3,104,000 for street reconstruction improvements and a list of benefited properties for certain locations in the Lyndale Av N Street Reconstruction Project, Special Improvement of Existing Street No. 2942, as designated by Resolution 2006R-129, passed March 10, 2006, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2006 Uniform Assessment Rates as per Resolution 2005R-691, passed December 23, 2005.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held on April 4, 2006 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated reconstruction locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 3/10/06.

T&PW - Your Committee, having under consideration the sale of City-owned land located at 1315-1319 Penn Av N, now recommends that the April 2, 2004 City Council approval of the "private sale" method for the disposition of this property be affirmed.

Your Committee further recommends that a public hearing be held on March 21, 2006 regarding the sale of said property to NorthPoint Health & Wellness Center, Inc.

Adopted 3/10/06.

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

T&PW & W&M/Budget - Your Committee, having under consideration the reconstruction of the Plymouth Avenue Bridge, between Xerxes Av N and Theodore Wirth Parkway in Golden Valley, a jointly-

owned structure of the Minneapolis Park and Recreation Board and the Burlington Northern/Santa Fe Railroad, now recommends passage of the accompanying resolutions:

- a) Increasing the appropriation and revenue for the project by \$1,265,563.98, to be reimbursed by State Bridge Bonds; and
- b) Requesting the City of Minneapolis to fund in excess of State Bridge Bonds for the Plymouth Avenue Bridge Project.

Adopted 3/10/06.

**RESOLUTION 2006R-130
By Colvin Roy and Ostrow**

Amending The 2006 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 and revenue in the PW-Paving Construction Capital Agency in the Permanent Improvement Projects Fund (4100-937-9386-3225 Project BR007) by \$1,265,563.98, to be reimbursed by State Bridge Bonds. Any excess authorized State Bridge Bonds will be returned to the State.

Adopted 3/10/06.

Resolution 2006R-131, requesting the City of Minneapolis to fund in excess of State Bridge Bonds for the Plymouth Av Bridge Project, was adopted 3/10/06 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 2006R-131
By Colvin Roy and Ostrow**

Requesting the City of Minneapolis to fund in excess of State Bridge Bonds for the Plymouth Avenue Bridge Project.

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis fund the Plymouth Avenue Bridge Project in excess of the \$1,265,563.98 received from State Bridge Bonds. The total project budget will be increased from \$1,429,000 to \$2,694,563.98. The other funding sources were previously approved and consist of Burlington Northern Rail and City of Minneapolis Net Debt Bonds.

Be It Further Resolved that any excess authorized State Bridge Bonds will be returned to the State.
Adopted 3/10/06.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a ten-year lease with the Library Board to provide office space for Regulatory Services' staff at the North Regional Library Facility (1315 Lowry Av N) at a net rent rate of \$15.00 per square foot, with yearly escalation for inflation.

Adopted 3/10/06.

T&PW & W&M/Budget - Your Committee, having under consideration the acquisition of property for the purpose of constructing the SEMI/University Research Park public infrastructure, now recommends authorizing the proper City officers to acquire, through negotiation, a portion of the properties located at 601 25th Av SE and 2001 6th St SE, for a purchase price and fees totaling approximately \$1,000,000, to be funded by \$500,000 from Minneapolis Industrial Land and Employment Strategy (MILES) program funds and \$500,000 in state bond redevelopment grant funds.

Your Committee further recommends passage of the accompanying resolution increasing the 2006 Revenue Budget and appropriating funds in the amount of \$100,000 to the Community Planning and Economic Development (CPED) Agency for the purpose of acquiring said land.

Adopted 3/10/06.

RESOLUTION 2006R-132
By Colvin Roy and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the Community Planning and Economic Development Agency Fund SCD - Community Development 595 Levy (SCDMP00-890-8933) by \$500,000;

b) Increasing the 2006 Revenue Budget for the Community Planning and Economic Development Agency Fund SMN - State Grant and Loan Programs (SMN0-890-8490) by \$500,000; and

c) Increasing the appropriation for the Community Planning and Economic Development Agency Fund SMN - State Grant and Loan Programs (SMN0-890-8933) by \$1,000,000.

Adopted 3/10/06.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No. 6558 from Meyer Contracting, Inc., in the amount of \$1,155,809.40, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the Heritage Park Phase 1, Group D, park improvements and stormwater treatment.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petrn. No. 271043)

Adopted 3/10/06.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend Contract C-21804 with Nelson\Nygaard, Meyer Mohaddes, Associates, Inc., and S.E.H., increasing the contract in the amount of \$300,000, to complete a Streetcar Study as part of the Ten-Year Transportation Action Plan, pending City Attorney Review.

Your Committee further recommends that staff be directed to re-work the Scope of Services to include:

1) Specific locational options for a maintenance and operations facility;

2) Specific station locations;

3) Specific implementation strategies for a conceptual organizational structure for street car construction and operation;

4) Specific project delivery mechanisms; and

5) Identification of a range of streetcar vehicles and infrastructure.

Adopted 3/10/06.

Hofstede moved to recommend that any future transportation studies and planning by the City of Minneapolis include and promote transportation modes that are accessible to all Minneapolitans, especially to those residents who live in neighborhoods where they are less likely to have independent forms of transportation. This includes any studies and planning for the addition of streetcars to the transit network. Seconded.

Adopted 3/10/06.

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

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 3/10/06.
Absent - Hofstede.

Resolution 2006R-133, authorizing settlement of the legal claims of NDN Drywall, Boone Trucking, Martha Golds-Obondi, Janet Lynn Hodnik and Timothy P. McCarthy, was adopted 3/10/06 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 2006R-133

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

- a) Boone Trucking, et al. v. Weis Construction Company and the City of Minneapolis et al., by payment of \$5,000 to NDN Drywall and its attorney, David Shulman;
- b) Boone Trucking, et al. v. Weis Construction Company and the City of Minneapolis et al., by payment of \$14,000 to Boone Trucking and its attorney, Lateesa Ward;
- c) Martha Golds-Obondi, by payment of \$30,000 to Ms. Martha Golds-Obondi and her attorney, Weisberg & Associates; and
- d) Janet Lynn Hodnik and Timothy P. McCarthy v. City of Minneapolis and Perry J. Ebner, by payment of \$25,000 to Ms. Janet Hodnik and her attorney, Ramsay & DeVore, P.A.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 3/10/06.
Absent - Hofstede.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney (as outlined in Petn No 271045) for the reimbursement of legal fees as follows:

- a) Payment of \$1,108.28 to Frederic Bruno and Associates for legal services provided to Officers John Engle and Jason Walters; and
- b) Payment of \$5,663.20 to Frederic Bruno and Associates for legal services provided to Officers Timothy Savior, Dave Matthes, Mike Williams, Matt Kipke, Phillip Gangnon, Thomas Goset, Kevin Lazarchic, Stephanie Weibye and David Hanson.

Adopted 3/10/06.
Absent - Hofstede.

W&M/Budget - Your Committee recommends that the City Attorney be authorized to amend the "Master Agreement" with Creighton, Bradley & Guzetta LLC (now known as Bradley & Guzetta) for the period of January 1, 2004 through December 31, 2006 with the cost of such agreement not to exceed \$900,000 for the three year period.

Adopted 3/10/06.
Declining to vote - Ostrow.
Absent - Hofstede.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881, to increase the scope of the agreement by \$218,050.50. This enables 14 remote sites the ability for Voice over Internet Protocol (VoIP) services. Current and on-going support will use existing appropriations of BIS operating funds.

Adopted 3/10/06.
Absent - Hofstede.

W&M/Budget - Your Committee recommends passage and summary publication of the accompanying resolution establishing the 2006 Minneapolis Board of Equalization and appointing the board members.

Adopted 3/10/06.
Absent - Hofstede.

Resolution 2006R-134, establishing the 2006 Minneapolis Board of Equalization, providing procedures and fixing compensation, was adopted 3/10/06 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 2006R-134
By Ostrow

Establishing the 2006 Minneapolis Board of Equalization, providing procedures and fixing compensation.

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

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

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

1. That three (3) or more persons be appointed to the Board of Equalization.
2. That the Board be composed of one or more committees of at least three (3) persons in each committee.
3. That the Board shall hold its first meeting on April 25 2006, at the call of the City Clerk pursuant to Minnesota Statutes 1975, Section 274.01, Subdivision 1.
4. That the board shall hold hearings of complaints of persons feeling aggrieved by an assessment.
5. That the committees of the Board shall include at least one appraiser, one realtor or other person familiar with property valuations in the City of Minneapolis, and one freeholder of the City of Minneapolis.
6. That the Board shall complete its hearings on May 5, 2006 and after these hearings the board shall fix the assessment to each property considered.
7. That the City Clerk shall return the assessment rolls on May 26, 2006 to the City Council, who may confirm the same or return the same to the board for further revisions to be again reported to the City Council.
8. That the board shall adjourn after it has completed its function for 2006.
9. That each member shall be paid \$75 for each half-day he/she served as a member of the Board.

Adopted 3/10/06.
Absent - Hofstede.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 3/10/06.
Absent - Hofstede.
Approved by Mayor Rybak 3/10/06.
(Published 3/15/06)

Resolution 2006R-135, approving construction change orders for contracts related to the New Central Library Project, was adopted 3/10/06 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 2006R-135
By Ostrow

Approving Change Orders for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 5 increasing Contract Number C-20133 with HKL Cladding Systems, Inc. by \$207,008;
- b) Change Order No. 4 increasing Contract Number C-20073 with New Mech Companies by \$26,296;
- c) Change Order No. 5 increasing Contract Number C-20480 with Spacesaver Storage Systems, Inc. by \$29,419;
- d) Change Order No. 4 increasing Contract Number C-21852 with PCL Construction Services, Inc. by \$142,895;
- e) Change Order No. 11 increasing Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical by \$191,803; and
- f) Change Order No. 13 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$146,378.

Adopted 3/10/06.

Absent - Hofstede.

Approved by Mayor Rybak 3/10/06.

W&M/Budget - Your Committee recommends approval of the April 2006 utility billing insert providing information announcing the May 20, 2006 "Grand Opening" of the Minneapolis Central Library building.

Adopted 3/10/06.

Absent - Hofstede.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate a final purchase agreement selling the Edison Youth Hockey Arena to the Park Board under the proposed terms as set forth in Petn No. 271050.

Adopted 3/10/06.

Absent - Hofstede.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

W&M/Budget & Z&P – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for a Public Artist(s) for CPED Artist in Residence in Transit Corridors (as set forth in Petn No. 271051); and that the proper City officers be directed to enter into an agreement with the selected artist(s), in an amount not to exceed \$60,000.

Adopted 3/10/06.

Absent - Hofstede.

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

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Edward Bock (#1481) to vacate an alley right-of-way in the vicinity of 4301 Ewing Ave S, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley right-of-way.

Adopted 3/10/06.

Absent – Hofstede.

Resolution 2006R-136, vacating all that part of the public alley previously not vacated, in Block 3, Waveland Park Addition to the City of Minneapolis (in the vicinity of 4301 Ewing Ave S), was adopted 3/10/06 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 2006R-136
By Schiff

Vacating all that part of the public alley previously not vacated, in Block 3, Waveland Park Addition to the City of Minneapolis (#1481).

Resolved by The City Council of The City of Minneapolis:

That part of the Alley previously not vacated, in Block 3, Waveland Park Addition to the City of Minneapolis 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 afore described street which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: Easement rights in favor of Xcel Energy be retained throughout the entire length and width of the referenced vacation;

As to Qwest Communications: Easement rights in favor of Qwest Communications be retained throughout the entire length and width of the referenced vacation;

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 corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 3/10/06.

Absent – Hofstede.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Humboldt Investors, LLC (BZZ-2788) to rezone the property at 2601 49th Ave N from I1 and I2, with the SH Shoreland Overlay District to the I1 with the SH Shoreland Overlay District to permit an industrial office/warehouse building, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 3/10/06.

Absent – Hofstede.

Ordinance 2006-Or-024 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at property at 2601 49th Ave N to the I1 with the SH Shoreland Overlay District, was adopted 3/10/06 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 2006-Or-024
By Schiff
1st and 2nd Readings: 3/10/06

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 6, AUDITOR'S SUBDIVISION NUMBER 208, Hennepin County, Minnesota. That part of Lot 7, lying west of the East 735 feet thereof, AUDITOR'S SUBDIVISION NUMBER 208, Hennepin County, Minnesota (2601 49th Ave N - Plate 1) to the I1 and SH Shoreland Overlay District.

Adopted 3/10/06.

Absent – Hofstede.

Z&P – Your Committee, having under consideration relocation of artist-designed bus benches originally commissioned for Hennepin Avenue, now concurs in the recommendation of the Minneapolis Arts Commission that Community Planning & Economic Development staff be directed to relocate *Oasis* bench to the Leamington Transit Hub, *Chippendale* bench to the bus stop in front of 1413 Nicollet Ave S, and *Minneapolis Water Toy* bench to 2nd Ave S and the Convention Center Plaza.

Adopted 3/10/06.

Absent – Hofstede.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of April, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded. Adopted 3/10/06.

Ostrow introduced the subject matter of an ordinance amending Title 15 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous by adding a new Chapter 405 relating to Sexual Offenders, which was given its first reading and referred to the Public Safety and Regulatory Services Committee (establishing a residence location prohibition for designated sexual offenders).

RESOLUTIONS

Resolution 2006R-137, honoring the 2006 Reverend Dr. Martin Luther King, Jr. Essay Contest Winners, was adopted 3/10/06 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 2006R-137

By Benson, Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede, Johnson, Lilligren, Ostrow, Remington, Samuels, Schiff

Honoring the 2006 Reverend Dr. Martin Luther King, Jr. Essay Contest winners.

Whereas, the Minneapolis Civil Rights Commission was established in 1975 to implement Civil Rights policies through public information, education, mediation, conciliation and adjudication; and

Whereas, the Commission provides leadership in the areas of civil rights and carries forward the policies of the city through the prevention and elimination of bias and discrimination; and

Whereas, the Reverend Dr. Martin Luther King, Jr. believed that liberty, justice and freedom were the 'inalienable rights' of all men, women and children, and that all people were equal in the sight of God and deserving of dignity and self-worth; and

Whereas, the Reverend Dr. Martin Luther King, Jr. a recipient of the Nobel Prize, became a national hero whose birthday has been declared a national holiday by his nation's government; and

Whereas, Reverend Dr. Martin Luther King, Jr. inspired people and nations world-wide to strive in a non-violent manner for the human rights, civil liberties, and economic guarantees rightfully due people of all races; and

Whereas, the Minneapolis Civil Rights Commission established the Annual Rev. Martin Luther King, Jr. Essay Contest in 2005 as an opportunity to continue and renew this endeavor through education; and

Whereas, all sixth, seventh and eighth grade students who reside in Minneapolis were eligible to participate by submitting one entry on the topic, "Describe how you see stereotyping-prejudice-discrimination in your daily lives and how they are related to each other and relate the three behaviors to the Universal Declaration of Human Rights, U.S. Bill of Rights, and the Minnesota Human Rights Act. Students were asked what they and others could do to combat these actions, and to give examples they had tried or heard about; and

Whereas, the Minneapolis Commission on Civil Rights selected the following winners:

1st Prize awarded to Mai Chia Moua, 7th grade, Interdistrict Downtown School

2nd Prize awarded to Ruby McRoberts, 7th grade, Interdistrict Downtown School

3rd Prize awarded to Rachel Dietz, 7th grade, Interdistrict Downtown School

Honorable Mention awarded to Candace Cochran, 8th grade, Interdistrict Downtown School

Honorable Mention awarded to Brittany Harrington, 7th grade, Interdistrict Downtown School

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

That we commend the winners of the 2nd Annual Martin Luther King Essay Contest and encourage all people to live to the ideal that the Dr. Reverend King epitomizes.

Adopted 3/10/06.

Resolution 2006R-138, honoring Jay Smith for his many years of service to the City of Minneapolis, was adopted 3/10/06 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 2006R-138

By Benson, Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede, Johnson, Lilligren, Ostrow, Remington, Samuels, Schiff

Honoring Jay Smith for his many years of service to the City of Minneapolis.

Whereas, for over twenty eight years, Jay Smith served the citizens of Minneapolis as an exemplary employee in the Department of Public Works; and

Whereas, Jay has skillfully supervised the highly technical operations of the Radio Shop staff and insured they all meet requirements of the Multi-Jurisdictional Radio System Technical Standards; and

Whereas, Jay was instrumental in the research and original system layout for the new 800 MHz Digital Trunked Radio System and served as the project manager coordinating and overseeing the implementation of the Minneapolis system; and

Whereas, Jay represented and defended the City's interests on the Metropolitan Radio Board TOC (Technical Operations Committee), and recently on the MESB, (Metropolitan Emergency Services Board) TOC; and

Whereas, Jay was instrumental in the deployment of the first MDT, (Mobile Data Terminals) used in squad cars, fire trucks and fire stations; and

Whereas, Jay was instrumental in the deployment of the new updated MDC, (Mobile Data Computers), currently used in squad cars; and

Whereas, Jay helped develop the current Fire Station alerting system in use today at Minneapolis fire stations;

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

That Jay Smith be recognized and commended for his service and the leadership he has provided to the citizens of Minneapolis.

Adopted 3/10/06.

Resolution 2006R-139, honoring George M. Kissinger for his many years of service to the City of Minneapolis, was adopted 3/10/06 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 2006R-139

By Benson, Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede, Johnson, Lilligren, Ostrow, Remington, Samuels, Schiff

Honoring George M. Kissinger for his many years of service to the City of Minneapolis.

Whereas, George M. Kissinger has served the City of Minneapolis for nearly 30 years through his employment with the City Coordinator, Minneapolis Community Development Agency and the Community Planning and Economic Development Department; and

Whereas, George has served the City and the Agency as administrative assistant to the City Coordinator, project coordinator, and senior project coordinator; and

Whereas, George's knowledge, skills and dedication to his profession contributed to the successful planning, financing and implementation of a multitude of downtown redevelopment projects that continue to provide enormous benefits to the residents, neighborhoods and business community of Minneapolis; and

Whereas, George's achievements in the Centre Village mixed-use project, Conservatory retail complex, US Bancorp Offices, LaSalle Plaza, acquisition of the Orpheum Theatre, Dain Plaza/Neiman Marcus Offices, Ivy Tower residential/luxury hotel project, and the move of the Sam S. Shubert Theater off of Block E are especially noteworthy; and

Whereas, George served as Project Manager for the construction and historic restoration of the Pantages Theatre/Stimson Building which has received wide acclaim including several statewide and local awards for excellence; and

Whereas, together, these projects represent an estimated market value of approximately \$366 million, pay real estate taxes in excess of \$17 million annually, and resulted in 375 downtown housing units; and

Whereas, George's knowledge, experience and contributions have earned him the respect of the community and his peers, and his dedication, commitment, mentoring and work over his long tenure have earned him the admiration of his co-workers and resulted in many friendships; and

Whereas, George is a dedicated husband, father, and grandfather who relishes boating on the St. Croix River and is a railroad enthusiast; and

Whereas, George will retire from employment with the City of Minneapolis on March 17, 2006;

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

That we commend George M. Kissinger for his service to the City of Minneapolis and thank him for his contributions to the quality of life within the City.

Be It Further Resolved that we wish George much happiness, good health, personal and professional fulfillment, and many pleasant boating and railroad excursions in the years to come.

Adopted 3/10/06.

Resolution 2006R-140, honoring Neighborhood Development Center, was adopted 3/10/06 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 2006R-140
By Schiff

Honoring Neighborhood Development Center.

Whereas, Neighborhood Development Center has served Minneapolis neighborhoods including Phillips, Ventura Village, Whittier, Cedar-Riverside, Seward, Near North, Sumner-Glenwood, Harrison, Willard-Hay, Jordan, Hawthorne, McKinley, Folwell, Cleveland, Victory, Camden, Shingle Creek and Lind-Bohamon; and

Whereas, Neighborhood Development Center provides business training, offers financing and business support (Technical Assistance) services, business incubation, and real estate development services; and

Whereas, Neighborhood Development Center partners with neighborhoods and ethnic organizations in an effort to recognize the talent and energy of the inner-city as a critical resource to revitalizing their communities and, therefore, includes staff which provide language skills services to support Hmong, Somali, Oromo and Spanish-speaking entrepreneurs; and

Whereas, Neighborhood Development Center was the lead developer to transform the vacant Antiques Minnesota Building into Plaza Verde, a revitalized retail destination for community based businesses and a center for arts groups; and

Whereas, Neighborhood Development Center has decided to honor the spirit of Benito Juarez by changing the name from Plaza Verde to Plaza Verde Benito Juarez;

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

That Friday, March 10, 2006, be proclaimed as Neighborhood Development Center Day in the City of Minneapolis.

Be It Further Resolved that Benito Juarez was a Mexican national, revered as a champion for indigenous rights, democracy, freedoms of speech and press and encouragement of arts, sciences and open government.

Adopted 3/10/06.

Resolution 2006R-141, honoring Kirby Puckett and designating Sunday, March 12, 2006 Kirby Puckett Memorial Day, was adopted 3/10/06 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 2006R-141

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy, Hodges.

Honoring Kirby Puckett.

Whereas, the City of Minneapolis was graced with the presence of Kirby Puckett for every home game of Kirby's wonderful career; and

Whereas, Kirby Puckett suddenly and tragically passed away on March 6, 2006; and

Whereas, Kirby Puckett ended his career in 1996 with 2,304 hits, 207 home runs, 1,085 runs batted in and a .318 career batting average; and

Whereas, Kirby Puckett led the Minnesota Twins to two world championships in 1987 and 1991; and

Whereas, Kirby Puckett was elected to Baseball's Hall of Fame in 2001; and

Whereas, Kirby Puckett showed his love for our community through his support for charitable causes and countless acts of kindness to fans of every generation; and

Whereas, Kirby Puckett was an inspiration to all of us with his motto, "you run it out and play hard and you always smile because there is always another day tomorrow.";

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

That Sunday, March 12, 2006, is hereby declared to be "Kirby Puckett Memorial Day" in the City of Minneapolis.

Adopted 3/10/06.

NEW BUSINESS

Ostrow introduced an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (housekeeping corrections to trespassing ordinance passed 12/2/05).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 3/10/06.

Cynthia D. Reichert,
Assistant City Clerk.

Unofficial Posting: 3/15/2006

Official Posting: 3/20/2006