

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 16, 2012

(Published November 24, 2012, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 16, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of November 2, 2012. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (276116)

Development Loans (Loan C) Review: a) Review and redlined draft review; and b) PowerPoint.
Risk Assessment & Two Year Internal Audit Plan: PowerPoint.

COMMITTEE OF THE WHOLE:

INTERGOVERNMENTAL RELATIONS (276117)

Federal, State & Local Update Report 20121101.

COMMITTEE OF THE WHOLE and WAYS & MEANS/BUDGET (See Rep):

NEIGHBORHOOD AND COMMUNITY RELATIONS (276118)

One Minneapolis Fund: Authorize Request for Proposals for Fund; Authorize Neighborhood & Community Engagement Commission to review proposals for funding & make recommendations on funding awards.

Audit Services: Authorize contract for audit services as guided by NRP Audit Policy.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276119)

Hi-Lake Triangle Apartments (2230 E Lake St): Final approval for issuance of bonds.

Livable Communities Local Housing Incentive Funding Award: Authorize Acknowledgement of Receptivity to a LCA Funding Award form.

Cedar-Riverside Parking Lot Operating Agreement: Authorize contract with Interstate Parking Company of Minnesota, LLC to operate City-owned parking lots A, B & C.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276120)

Decertification of Tax Increment Financing Districts: Clare Housing TIF District No. 137; Creamette TIF District No. 84; MILES I TIF District No. 46; Nicollet-Franklin TIF District No. 97; SEMI Phase 4 TIF District No. 78; United Van/Bus TIF District No. 71; Urban Village TIF District No. 112; and Village in Phillips Phase 2 TIF District No. 146.

Calhoun Place Project (3131 Excelsior Blvd): Direction for continued analysis of project proposal to determine if Housing Improvement Area assistance is appropriate.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

CIVIL RIGHTS (276121)

Police Conduct Review Panel appointments: Approve appointments of Donald Bellfield, Robert Briscoe, and Michelle Monteiro,

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

EMERGENCY MANAGEMENT (276122)

Grant Acceptance: Authorize acceptance of \$30,000 2012 Emergency Management Performance Grant Award from the Department of Homeland Security to be used towards the salary of the Emergency Management Director.

HEALTH AND FAMILY SUPPORT (276123)

Grant Acceptance: Authorize agreement with the Minnesota Department of Public Safety to accept \$60,000 in grant funds from the federal Department of Justice in support of the Youth Violence Prevention BUILD program, and approve appropriation.

Contract Amendment: Amend Contract No. 35462, the Blue Cross and Blue Shield of Minnesota Consultant Master Agreement, Engagement Schedule 1, to increase the contract total by \$7,200 to cover costs associated with Electronic Benefit Transfer (EBT) and Market Bucks systems at selected area farmers markets, and approve appropriation.

POLICE DEPARTMENT (276124)

Contract with Minneapolis Public Housing Authority (MPHA): Authorize contract to receive \$63,122 from MPHA for an MPD sergeant to provide investigation of alleged criminal activity and suspected fraud by Section 8 participants, and approve appropriation.

Accept Grant Funds from the Joyce Foundation: Authorize acceptance of \$20,000 to be used for co-hosting the 2013 Summit - Gun Crime and Illegal Guns in the Midwest conference with the Milwaukee Police Department, and approve appropriation.

REGULATORY SERVICES (276125)

Accepting Donations to Minneapolis Animal Care and Control: Accept donations from the following individuals and groups: Laurie Balzer, Deb Dietrich, Kerstin Hammarberg, MACC Volunteers, Dena Thorson, Megan Losure, and PETCO Highland Park.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (276126)

612Brew, 945 Broadway St NE: Grant On-Sale Liquor Class B with Sunday Sales License.

Hotel Minneapolis Metrodome, 1500 Washington Ave S: Grant On-Sale Liquor Class A with Sunday Sales License.

U Garden Restaurant, 2725 University Ave SE: Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

LICENSES AND CONSUMER SERVICES (276127)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (276128)

Wanderers Food & Cocktail, 533 Hennepin Ave: Revoke On-Sale Liquor, Sidewalk Cafe, Food Caterer and Liquor Caterer Licenses due to outstanding tax liability at the request of the Minnesota Department of Revenue.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

PURCHASING (276129)

Bid for Hazardous Tree Removal and Disposal: OP #7705, accept low bid of Wilson Custom Tree to accomplish hazardous tree removal and disposal services for the Department of Regulatory Services.

REGULATORY SERVICES (276130)

Inspections Division 2012 Special Assessment Levies: Approve maximum levy amounts for the following levies in accordance with the preliminary levy listings; Authorize Regulatory Services to continue receiving pre-payments until November 30, 2012 as allowed by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department; and Direct the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of Regulatory Services to correct nuisance or hazardous conditions on these properties.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276131)

Downtown Business Improvement Special Service District (DID): Letters of objection (See Petn No 276003).

PUBLIC WORKS AND ENGINEERING (276132)

Ground Water Study: Preliminary presentation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276133)

Nongovernmental Tax Exempt Parcel Street Maintenance: Assessment public hearing.

Nongovernmental Tax Exempt Parcel Street Light Operations: Assessment public hearing.

Uniform Assessment Rates: Establish 2013 rates.

2012 Public Works Department Projects: Adopt assessments.

Special Assessment Deferment: 3806 Bryant Ave N for water service line repair.

Special Assessment Deferment: 1714 Thomas Pl N for street resurfacing.

Winter St NE Street Reconstruction Project No 2226: Project designation.

Penn Ave S Street Reconstruction and Street Lighting Project No 6748: Project designation.

PUBLIC WORKS AND ENGINEERING (276134)

Water: Ordinance amendment updating language, modifying standards, meter ownership, and moving fees to an annual rate resolution.

Nicollet Ave S Special Service District: Appointment of Rob Davis and Dennis Babcock; reappointment of Diane Woelm.

East Lake Street Special Service District: Appointment of Amy Moore.

Chicago-Lake Special Service District: Reappointment of John Wolf.

Minneapolis Refuse Incorporated (MRI): Amend agreement.

Minnesota Pollution Control Agency (MPCA) Rules Governing Siting, Design, and Operation of Yard Waste and Solid Waste Compost Facilities: Comments to MPCA on proposed amendments.

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

PUBLIC WORKS AND ENGINEERING (276135)

OMNI-Midwest, Inc.: Find in default of contract.

Bituminous Roadways, Inc: Increase contract.

Ready Mix Concrete: Increase contract with Cemstone Products Company.

Bike Trail Sealcoating: Increase contract with Upper Midwest Athletic Construction.

Downtown Minneapolis Transportation Management Organization (TMO): Accept federal funds for Transportation Demand Management (TDM) Projects.

Non-Motorized Transportation Pilot Project (NTP): Accept funds for Cedar-Washington Intersection Pedestrian Improvement Project.

Upton Ave S Street Resurfacing Project No 5230: Postpone assessment for portion of properties in project area.

Downtown Business Improvement Special Service District (DID): Remove certain properties from assessment roll.

Maximo Asset Management Software: Contract with Starboard Consulting.

WAYS AND MEANS BUDGET:

FINANCE AND PROPERTY SERVICES DEPARTMENT (276136)

2013 Financial Policies: Discussion of proposed 2013 Financial Policies.

REGULATORY SERVICES (276137)

Regulatory Services Reorganization: Receive and file presentation on the reorganization proposal and status update to date from the reorganization work group.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276138)

eCourtMN Initiative: Authorize agreement with the State of Minnesota for Minnesota Court Data Services and MPA MyCase required to participate in the pilot initiative.

ATTORNEY (276139)

Legal Settlements:

Kendra Mack v. William James Martin and City of Minneapolis

Robert Skarsten v. City of Minneapolis

Michelle Hopfer v. City of Minneapolis

Riley B. Housely, III v. City of Minneapolis

CONVENTION CENTER and PROCUREMENT (276140)

Bid: OP 7709, Accept low bid of Alpha Video and Audio, Inc., in the amount of \$147,101.22 to furnish, deliver and install a production intercom system for the Target Center.

FINANCE AND PROPERTY SERVICES DEPARTMENT (276141)

Delinquent Utility Charges: Approve special assessments to property taxes for delinquent utility charges.

FINANCE AND PROPERTY SERVICES DEPARTMENT (276142)

Minneapolis Convention Center Property Insurance Premium: Authorize review of options for 2013 and accept the XL Insurance quote of \$257,775 to lock in the binder for coverage.

HEALTH AND FAMILY SUPPORT (276143)

Grant Agreement Amendment: Authorize amending Contract #35591 with Hennepin County to add up to \$250,000 for the 2013 Minnesota Family Investment Program (MFIP) Innovation program, extend contract date to December 31, 2013, and approve appropriation.

HUMAN RESOURCES and EXECUTIVE COMMITTEE (276144)

Anti-Discrimination, Harassment and Retaliation Policy: Approve policy to replace existing Respect in the Workplace Policy.

INTERGOVERNMENTAL RELATIONS (276145)

Downtown Council Donation: Accept donation of usage and related support for usage of the skyway for the annual Minneapolis Legislative Holidazzle party.

INTERNAL AUDIT (276146)

Contract: Approve contract with PricewaterhouseCoopers for professional advisory services for the Application Security review, included in the 2012 Audit Plan, in an amount not to exceed \$23,000.

PUBLIC WORKS AND ENGINEERING (276147)

Johnson Foundation Donation: Accept gift for travel, lodging, and meal expenses for the Water Laboratory Supervisor to participate in the 2012 Mississippi River Basin Nutrients Workshop in Racine, Wisconsin.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276148)

4053 11th Ave S: Grant appeal filed by Dustin Endres, on behalf of Endres Custom Homes, from the decision of the Zoning Board of Adjustment denying the variance to reduce the south interior side

yard setback from one foot to 9.6 inches to permit a detached garage accessory to a single family dwelling located at 4053 11th Ave S in the R1A Single Family District.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276149)

Seward Community Cafe, 2123-29 E Franklin Ave: Authorize rezone the property at 2123-29 E Franklin Ave from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District, retaining the PO Pedestrian Oriented Overlay District, to allow for a sit down restaurant, including the serving of alcoholic beverages, with general entertainment.

Birchwood Cafe, 3311 E 25th St and a portion of 2505 33rd Ave S: Authorize rezone the properties at 3311 E 25th St and a portion of 2505 33rd Ave S from the R1A Single Family District to the C1 Neighborhood Commercial District to allow for the expansion of an existing sit down restaurant.

FILED:

CHARTER COMMISSION (276150)

Order appointing Devin Rice to Charter Commission.

CHARTER COMMISSION (276151)

Plain Language Charter Revision Draft 12(E1).

Plain Language Charter Revision Draft 12(E1) Redlined.

CHARTER COMMISSION (276152)

Plain Language Charter Revision - Schwarzkopf amendments relating to conflict of interest on the Minneapolis Planning Commission.

INTERNAL AUDIT (276153)

City Clerk Documentation from Audit Committee Workshop of 8/29/2012 (See Petn No 275975):

- a) KMPG presentation flip chart documentation; b) Agenda with notes; c) Clerk's hand-written notes;
- d) Ordinance 2009-OR-190 with notes.

INTERNAL AUDIT (276154)

City Clerk Documentation from Audit Committee Special Meeting of 10/18/2012 (See PetnNo 276055): a) Agenda with notes; b) Ordinance 2009-OR-190 with notes; c) City of Minneapolis Internal Audit Function: Quality Assessment and Recommendations; d) KPMG PowerPoint dated 10/18/2012; e) KPMG PowerPoint dated 8/29/2012; f) Clerk's hand-written notes.

The following reports were signed by Mayor Rybak on November 19, 2012, 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 COMMITTEE OF THE WHOLE and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm of the Whole & W&M/Budget - Your Committee, having under consideration the One Minneapolis Fund, established to support organizations serving under represented communities in the City, now recommends that the proper City officers be authorized to issue a Request for Proposals for the One Minneapolis Fund, and to execute all necessary contracts associated with the One Minneapolis Fund.

Further, that the Neighborhood and Community Engagement Commission be authorized to review proposals for funding from the One Minneapolis Fund and make recommendations to the City Council on funding awards.

Adopted.

Comm of the Whole & W&M/Budget - Your Committee recommends that the proper City officers be authorized to contract audit services, in an amount not to exceed the \$125,000, included in the Neighborhood and Community Relations Department (NCR) budget, as necessary and as guided by the Neighborhood Revitalization Program (NRP) Audit Policy to ensure appropriate use of NRP and Community Participation Program funds.

Adopted.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the Hi-Lake Triangle Apartments Project at 2230 E Lake St, now recommends:

- a) Passage of the accompanying resolution authorizing the issuance, sale and delivery of Multifamily Housing Revenue bonds, Series 2012, in an amount not to exceed \$6,500,000;
 - b) Passage of the accompanying resolution authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$772,100;
 - c) Approval of the redevelopment contract business terms as set forth in Exhibit A of the Department of Community Planning and Economic Development staff report;
 - d) That the proper City officers be authorized to execute the redevelopment and other funding agreements with Hi Lake Limited Partnership.
- Adopted.

Resolution 2012R-572, authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Bonds for the Hi-Lake Limited Partnership Project at 2230 E Lake St, Series 2012, payable solely from revenues pledged pursuant to an Indenture of Trust; authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Refunding Bonds, Series 2013, payable solely from revenues pledged pursuant to a Trust Indenture; approving the form of and authorizing the execution and delivery of the Bonds, the Refunding Bonds, and related documents; and providing for the security, rights, and remedies with respect to the Bonds and the Refunding Bonds, was adopted 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 2012R-572
By Goodman

Authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2012, payable solely from revenues pledged pursuant to an Indenture of Trust; authorizing the issuance, sale, and delivery of Multifamily Housing Revenue Refunding Bonds (Hi-Lake Limited Partnership Project), Series 2013, payable solely from revenues pledged pursuant to a Trust Indenture; approving the form of and authorizing the execution and delivery of the Bonds, the Refunding Bonds, and related documents; and providing for the security, rights, and remedies with respect to the Bonds and the Refunding Bonds.

Resolved by The City Council of The City of Minneapolis:

1. **STATUTORY AUTHORIZATION.** The City of Minneapolis (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. The City is authorized by Minnesota Statutes, Chapter 462C, as amended (the “Act”), to carry out the public purposes described in the Act by issuing its revenue bonds to provide funds to finance multifamily housing developments within its boundaries. In the issuance of revenue bonds and in the making of loans to finance multifamily housing developments, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended. Pursuant to the terms of the Act, the City is also authorized to issue its revenue bonds to refund revenue bonds previously issued by City under the terms of the Act.

2. **THE BORROWER AND THE PROJECT.** Hi-Lake Limited Partnership, a Minnesota limited partnership (the “Borrower”), and its general partner, Hi Lake Triangle LLC, a Minnesota limited liability company (the “General Partner”), have requested the participation of the City in the financing and refinancing of the acquisition, construction, and equipping of a 64-unit multifamily rental housing development for seniors, and facilities functionally related and subordinate thereto, to be located at 2230 East Lake Street at the northwest corner of Lake Street and Hiawatha Avenue in the City (the “Project”).

3. **THE HOUSING PROGRAM.** A Program for a Multifamily Housing Development (the “Housing Program”) with respect to the Project and the proposed issuance of revenue bonds to finance the Housing Program and the Project was prepared pursuant to the requirements of Section 462C.03,

subdivision 1a, of the Act, and is on file with the City. The Housing Program was submitted to the Metropolitan Council for its review and comments in accordance with the requirements of the Act. The City received a letter from the Metropolitan Council, dated May 12, 2011, providing its comments to the Housing Program and the Project.

4. PUBLIC HEARING AND PRELIMINARY RESOLUTION. The Community Development Committee of the Minneapolis City Council held a public hearing on July 12, 2011, with respect to the Housing Program and the proposed issuance of revenue bonds of the City to finance the Project. The public hearing was conducted at least fifteen (15) days after the publication in the official newspaper of the City and in a newspaper of general circulation in the City of a notice of such public hearing. At a meeting held on July 26, 2011, the City Council of the City adopted Resolution 2012R-369 which approved and adopted the Housing Program, granted preliminary approval to the issuance of revenue bonds of the City in an aggregate principal amount of approximately \$6,500,000, and authorized the staff of the City, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to develop the Housing Program and the financing therefor.

5. THE BONDS. The Borrower has requested that the City issue its Multifamily Housing Revenue Bonds (Hi-Lake Limited Partnership Project), Series 2012 (the "Bonds"), in an aggregate principal amount of \$6,500,000, for the benefit of the Borrower, pursuant to the terms of an Indenture of Trust, dated on or after December 1, 2012 (the "Indenture"), between the City and a trustee to be selected by the Borrower (the "Trustee"). The Borrower has requested that the City loan the proceeds derived from the sale of the Bonds to the Borrower pursuant to the terms of a Loan Agreement, dated on or after December 1, 2012 (the "Loan Agreement"), between the City and the Borrower. The Borrower proposes to apply the proceeds of the loan made pursuant to the terms of the Loan Agreement (the "Loan") to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs.

6. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Bonds, and the other actions of the City under the Indenture, the Loan Agreement, and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Bonds for the financing of the Project and related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income senior residents of the City and otherwise furthering the purposes and policies of the Act. The Bonds will be issued pursuant to the terms of the Indenture and this resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

7. ISSUANCE OF THE BONDS. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the maximum aggregate principal amount not to exceed \$6,500,000. The City hereby authorizes the 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. The City shall allocate a portion of the annual volume cap within the control of the City to the Bonds pursuant to the terms and conditions of Minnesota Statutes, Chapter 474A, as amended, and Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"). The Bonds, substantially in the forms set forth in the Indenture now on file with the City, are hereby approved with the amendments referenced herein. All of the provisions of the Bonds, 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 Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be issued in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as 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 Bonds shall not constitute general or moral obligations of the City but are special, limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the terms of the Loan Agreement and from the revenues and security pledged, assigned, and granted pursuant to the Indenture and any other security documents provided by the Borrower to the Trustee. As provided in the Loan Agreement, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Bonds shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the 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 Loan Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indenture. The Bonds shall recite that the Bonds are issued pursuant to the Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

8. THE INDENTURE. The Indenture is hereby approved and the Finance Officer is hereby authorized to execute and deliver the Indenture on behalf of the City. All of the provisions of the Indenture, 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 Indenture shall be substantially in the form now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

9. THE LOAN AGREEMENT. The Finance Officer is hereby authorized and directed to execute and deliver the Loan Agreement on behalf of the City. The loan repayments to be made by the Borrower under the Loan Agreement are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. All of the provisions of the Loan 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 Loan Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations.

10. REMARKETING OR REFUNDING OF THE BONDS. The Bonds are to be initially secured solely by the invested proceeds of the Bonds until definitive security documents are prepared and approved for execution and delivery in connection with a remarketing of the Bonds or in connection with a refunding of the Bonds. The remarketing of the Bonds or the refunding of the Bonds is expected to occur in the first quarter of calendar year 2013. In the event that the parties elect to refund the Bonds, the refunding obligations will be designated as Multifamily Housing Revenue Refunding Bonds (Hi-Lake Limited Partnership Project), Series 2013 (the "Refunding Bonds"). The Refunding Bonds will be issued pursuant to a Trust Indenture, dated on or after January 1, 2013 (the "Trust Indenture"), between the City and the Trustee (or another trustee selected by the Borrower). The proceeds derived from the sale of the Refunding Bonds will be loaned by the City to the Borrower pursuant to the terms of a Financing Agreement, dated on or after January 1, 2013 (the "Financing Agreement"), between the City, the Trustee, and the Borrower. The Trust Indenture and the Financing Agreement are hereby approved and the Finance Officer is hereby authorized to execute and deliver the Trust Indenture and the Financing on behalf of the City. All of the provisions of the Trust Indenture and the Financing 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 Trust Indenture and the Financing Agreement shall be substantially in the forms now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

11. SECURITY. The City acknowledges and hereby approves the following to be provided as security for the payment of the obligations of the Borrower under the Loan Agreement, or the obligations of the Borrower under the Financing Agreement, and the payment of the principal of, premium, if any, and interest on the Bonds: (i) a Bond Mortgage Note, dated on or after January 1, 2013 (together with all riders and addenda thereto, the "Bond Mortgage Note") delivered to the City, which Bond Mortgage Note will be endorsed by the City to the Trustee; (ii) a direct-pay Credit Enhancement Agreement, dated on or after January 1, 2013 (the "Credit Facility"), between the Federal Home Loan Mortgage Corporation ("Freddie Mac") and the Trustee which will provide for draws in an amount equal to Guaranteed Payments (as defined in the Indenture) with respect to the Loan; (iii) a Bond Mortgage (as defined in the Indenture), dated on or after January 1, 2013, executed and delivered by the Borrower to the City, which Bond Mortgage will be assigned to the Trustee; (iv) during the construction phase of the Project, a letter of credit to be issued by a letter-of-credit issuer approved by the Borrower and Freddie Mac (the "LOC Provider"); and (v) such other security documents as the Borrower, Freddie Mac, the LOC Provider, and the other parties agree are necessary or appropriate to ensure timely payment of the Loan and the Bonds. All such security documents, if any are delivered, shall be substantially in the forms authorized by the Borrower.

12. THE REGULATORY AGREEMENT. To ensure continuing compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver a Regulatory Agreement, dated on or after December 1, 2012 (the "Regulatory Agreement"), between the City, the Borrower, and the Trustee. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Regulatory 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.

13. PLACEMENT AGREEMENT AND BOND PURCHASE AGREEMENT. The Finance Officer is hereby designated as the representative of the City with respect to the issuance of the Bonds and the transactions related thereto and is hereby authorized and directed to accept and execute: (a) a Placement Agent Agreement, to be dated on or after the initial private placement of the Bonds (the "Placement Agreement"), between Piper Jaffray & Co., as placement agent, the City, the Borrower, and the initial purchaser of the Bonds; and (ii) in connection with a remarketing or a refunding of the Bonds, a Bond Purchase Agreement, to be dated on or after the date of the public offering and pricing of the Bonds (the "Bond Purchase Agreement"), between Piper Jaffray & Co., as underwriter of the Bonds or the Refunding Bonds (the "Underwriter"), the City, and the Borrower. All of the provisions of the Placement Agreement and the Bond 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 Placement Agreement and the Bond Purchase Agreement shall be substantially in the forms on file with the City on the date hereof, and are hereby approved, with such necessary and appropriate variations, omissions, and insertions as are not materially inconsistent with such forms 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.

14. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized and directed to accept the Bond Mortgage Note. The Finance Officer is hereby authorized and directed to endorse the Bond Mortgage Note to the Trustee, without recourse, for the benefit of the owners of the Bonds. The Finance Officer is hereby authorized and directed to execute and deliver an Intercreditor Agreement, dated on or after January 1, 2013 (the "Intercreditor Agreement"), among the Issuer, the Trustee, Freddie Mac, and the LOC Provider and, when executed and delivered as authorized herein, the Intercreditor 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 Intercreditor 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.

The Finance Officer is authorized upon request to furnish certified copies of all proceedings and records of the City relating to the Bonds and the Refunding Bonds, and such other affidavits and certificates as may be required to show the facts relating to the Bonds and the Refunding Bonds as such facts appear from the books and records in the custody and control of the City; 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 therein. The Finance Officer is hereby further 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 Underwriter, the Trustee, Freddie Mac, the LOC Provider, or other persons or entities in conjunction with the issuance of the Bonds or the Refunding Bonds and the expenditure of the proceeds of the Bonds or the Refunding Bonds. Without imposing any limitations on the scope of the preceding sentence, the Finance Officer is specifically authorized to execute and deliver such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds and the Refunding Bonds, including one or more consents to the assignment of a redevelopment agreement, tax increment revenues, and other funds made available to the Borrower and the Project by the City and Hennepin County; an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds and with respect to the Refunding Bonds; an endorsement to each tax certificate as to arbitrage, rebate, and other federal tax matters executed and delivered in connection with the issuance of the Bonds or the Refunding Bonds, appropriate amendments to the Housing Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds or the Refunding Bonds. The Finance Officer is hereby authorized and directed to execute and deliver all other instruments and documents necessary to accomplish the purposes for which the Bonds are to be issued and the Indenture, the Loan Agreement, and the Placement Agreement are to be executed and delivered. The Finance Officer is hereby further authorized and directed to execute and deliver all other instruments and documents necessary to accomplish the purposes for which the Refunding Bonds are to be issued and the Trust Indenture, the Financing Agreement, the Intercreditor Agreement, and the Bond Purchase Agreement are to be executed and delivered. The preparation and filing of Uniform Commercial Code financing statements with respect to the assignment of the interests of the City in the Loan Agreement, the Financing Agreement, the Bond Mortgage Note, and the other loan documents (excluding the Unassigned Rights, as defined in the Indenture and the Trust Indenture), are hereby authorized. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to the City ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Bonds and the Refunding Bonds.

15. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of official statements or other disclosure documents relating to the offer and sale of the Bonds or the Refunding Bonds (the "Disclosure Documents"), and will make no independent investigation with respect to the information contained in the Disclosure Documents, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information (except for such limited information regarding the City as is approved by the Finance Officer to be included in the Disclosure Documents). The City hereby approves the execution and delivery by the Borrower of a continuing disclosure document, dated on or after December 1, 2012, providing for continuing disclosures by the Borrower in accordance with the provisions of Rule 15c2-12 (17 CFR §240.15c2-12) of the Securities and Exchange Commission issued under the provisions of the Securities Exchange Act of 1934.

16. SUBSEQUENT AMENDMENTS. On any date subsequent to the date of issuance of the Bonds or the Refunding Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

17. LIMITATIONS OF LIABILITY. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee

of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or 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 Loan Agreement and the Financing Agreement, which are to be applied to the payment of the Bonds and the Refunding Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Bonds and the Refunding Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, Freddie Mac, the LOC Provider, the Trustee, and registered and beneficial owners from time to time of the Bonds and the Refunding Bonds issued under the provisions of this resolution.

18. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Bonds or the Refunding 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 Bonds or Refunding Bonds, but this resolution, the aforementioned documents, and the Bonds and the Refunding Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

19. VALIDITY OF THE BONDS OR REFUNDING BONDS. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law. The Refunding Bonds, if and when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Refunding Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Refunding Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

20. ADDITIONAL ACTIONS. The officers of the City, the City Attorney, Bond Counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, the Bonds and the Refunding Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the Refunding Bonds, the aforementioned documents, and this resolution.

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

22. FEES AND INDEMNIFICATION. The Borrower has agreed to pay the administrative fees of the City in accordance with the policy and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower. It is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project, the Bonds, and the Refunding Bonds, as provided for and agreed to by and between the Borrower and the City in the Loan Agreement and in the Financing Agreement.

23. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

Resolution 2012R-573, authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$772,100 in connection with the Hi-Lake Triangle Apartments Development at 2230 E Lake St, was adopted 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 2012R-573

By Goodman

Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$772,100 in connection with the Hi-Lake Triangle Apartments Development.

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.1799, as amended (the "TIF 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, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a redevelopment project known as the Hiawatha and Lake Redevelopment Project (the "Project") pursuant to the Hiawatha and Lake Redevelopment Plan adopted May 19, 2000 (the "Redevelopment Plan"); and

Whereas, in furtherance of the Redevelopment Plan, the City has also approved housing tax increment financing district pursuant to the Hi-Lake Triangle Apartments Tax Increment Financing Plan adopted September 21, 2012 (the "TIF Plan"); and

Whereas, pursuant to the TIF Act, and specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) 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 Hi Lake Limited Partnership (the "Developer"), pursuant to which the Developer will develop a 64-unit affordable rental housing project with approximately 5,125 square feet of commercial space and related site and public improvements in the Project area and the City will provide tax increment financing assistance consistent with the TIF Plan;

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 "Note") in substantially the following form:

[Form of Note]
**UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS
TAX INCREMENT LIMITED REVENUE NOTE
(Hi-Lake Triangle Apartments)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Hi Lake Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this Note, being \$772,100 or such lesser amount as may equal the Public

Redevelopment Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"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) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Contract" means that certain Redevelopment Contract by and between the City and the Developer dated [insert date], 2012.

"District" means the Hi-Lake Triangle Apartments Tax Increment Financing District within the Project.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means new construction of a 64-unit affordable rental housing project with approximately 5,125 square feet of commercial space and related site and public improvements as described in the Contract.

"Note Rate" means five and two-tenths percent (5.2%) per annum, compounded semiannually.

"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; provided however that in no event will payments commence before the issuance of the Public Redevelopment Costs Certification and the Certificate of Completion.

"Project" means the Hiawatha and Lake Redevelopment Project.

"Property" means the real property legally described in the attached **Exhibit A**.

"Public Redevelopment Costs" means actual Public Redevelopment Costs as defined in and approved pursuant to the Contract.

"Public Redevelopment Costs Certification" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Redevelopment Costs pursuant to the terms of the Contract.

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

"Tax Increment Act" means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If an Event of Default by the Developer has occurred under the Contract, then the City may suspend payment on this Note until (a) the Event of Default has been cured or (b) prior to the issuance of the Certificate of Completion, the Contract and the City's obligations under this Note have been terminated. If the City suspends payments due under this Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer has cured the Event of Default. The City is not obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payments to the Developer. If the Developer fails to pay all or a portion of the property taxes due and owing on the Minimum Improvements, then upon such failure to pay, no interest as required by this Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Redevelopment Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this 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 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 Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this 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 shall be made by wire transfer pursuant to written wire instructions provided by the Developer or by check or draft made payable to the Developer and mailed to the Developer at the address set forth in the Contract or such other address as the Developer shall provide in writing to the City's notice address in the Contract.

The 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.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This 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 reasonably acceptable to the City.

This 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 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 Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this 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 City 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 Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 2012.

CITY OF MINNEAPOLIS

By _____
Kevin Carpenter
Its Finance Officer

Approved as to form:

Assistant City Attorney

Developer's Federal Tax Id. No. _____

EXHIBIT A TO NOTE

[Legal Description of the Property to be Inserted at Closing]

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer 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 Note are hereby approved, ratified and confirmed.

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

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

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The 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 Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the 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 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 this resolution shall be in full force and effect from and after its date of publication.

Adopted.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to sign an Acknowledgement of Receptivity to a Livable Communities Act (LCA) funding award form for projects located in the City of Minneapolis recommended for Metropolitan Council Livable Communities Local Housing Incentive Account grant awards.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

Resolution 2012R-574, authorizing the proper City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award form in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis, was adopted 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 2012R-574

By Goodman

Authorizing the proper City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award form in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis.

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to participate in the Local Housing Incentive Account grant program; and

Whereas, the Metropolitan Council has notified the City that the following projects applied for funds through the Minnesota Housing Common Application process: Greenway Heights Family Housing, Snelling Apartments, and West Broadway Curve; and

Whereas, the City intends to accept and make available in a timely manner to these applicants any Livable Communities Act award to the City to assist the housing program or activity proposed in the applications submitted for the above-mentioned projects in June of 2012, subject to final staff verification of each payment request's compliance with the Local Housing Incentive Account grant program's purposes and criteria; and

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

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

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

That the City Council authorizes the appropriate City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis, and to execute such agreements as are necessary to implement the projects.

Adopted.

Approved by Mayor Rybak 11/19/2012.

Comm Dev - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Interstate Parking Company of Minnesota, LLC to operate the City-owned parking lots A (1500 4th St S), B (18th Ave & 3rd St S) and C (18th Ave & Riverside) in the Cedar Riverside neighborhood for five years, with the term effective January 1, 2013.

Adopted.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration decertification of Tax Increment Financing (TIF) Districts, now recommends passage of the accompanying resolution approving decertification of the following TIF Districts as of 12/31/2012: Clare Housing TIF District No. 137; Creamette TIF District No. 84; MILES I TIF District No. 46; Nicollet-Franklin TIF District No. 97; SEMI Phase 4 TIF District No. 78; United Van/Bus TIF District No. 71; Urban Village TIF District No. 112; and Village in Phillips Phase 2 TIF District No. 146.

Further, that the City Finance Officer be authorized and directed to make any appropriation adjustments needed in order to close-out the individual funds when all obligations have been paid and return any excess TIF revenue to the County for subsequent distribution to the City, County and School District.

Adopted.

Resolution 2012R-575, approving Decertification of Clare Housing Tax Increment Financing (TIF) District No. 137, Creamette TIF District No. 84, MILES I TIF District No. 46, Nicollet-Franklin TIF District No. 97, SEMI Phase 4 TIF District No. 78, United Van/Bus TIF District No. 71, Urban Village TIF District No. 112, and Village in Phillips Phase 2 TIF District No. 146, was adopted 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 2012R-575
By Goodman and Hodges

Approving Decertification of Clare Housing TIF District No. 137, Creamette TIF District No. 84, MILES I TIF District No. 46, Nicollet-Franklin TIF District No. 97, SEMI Phase 4 TIF District No. 78, United Van/Bus TIF District No. 71, Urban Village TIF District No. 112, and Village in Phillips Phase 2 TIF District No. 146

Whereas, on May 24, 1991, the City Council adopted a resolution establishing the Minneapolis Industrial Land & Employment Strategy (MILES) I TIF District No. 46 (the "MILES I TIF District") and approving the TIF Plan relating thereto, as well as a modification to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan; and

Whereas, on December 29, 1995, the City Council adopted a resolution establishing the United Van Bus (UVB) Site TIF District No. 71 (the "United Van TIF District") and approving the TIF Plan relating thereto, as well as a modification to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan; and

Whereas, on April 25, 1997, the City Council adopted a resolution establishing the South East Minneapolis Industrial (SEMI) Area Phase 4 TIF District No. 78 (the "SEMI Phase 4 TIF District") and approving the TIF Plan relating thereto, as well as a modification to the SEMI Area Redevelopment Plan; and

Whereas, on November 21, 1997, the City Council adopted a resolution establishing the Creamette TIF District No. 84 (the "Creamette TIF District") and approving the TIF Plan relating thereto, as well as a modification to the Common Development and Redevelopment Plan and Common Tax Increment Financing Plan; and

Whereas, on January 1, 2000, the City Council adopted a resolution establishing the Nicollet-Franklin TIF District No. 97 (the "Nicollet-Franklin TIF District") and approving the TIF Plan relating thereto, as well as the Nicollet-Franklin Redevelopment Plan and the Nicollet-Franklin Hazardous Substance Subdistrict Plan; and

Whereas, on July 28, 2000, the City Council adopted a resolution establishing the Urban Village TIF District No. 112 (the "Urban Village TIF District") within the Urban Village Redevelopment Project and approving the TIF Plan relating thereto; and

Whereas, on July 2, 2004, the City Council adopted a resolution establishing the Clare Apartments/Old Third Avenue Townhomes TIF District No. 137 (the "Clare Housing TIF District") and approving the TIF Plan relating thereto, as well as the Clare Apartments/Old Third Avenue Townhomes Redevelopment Plan; and

Whereas, on March 10, 2006, the City Council adopted a resolution establishing the Village in Phillips, Phase 2, TIF District No. 146 (the "Village in Phillips Phase 2 TIF District") and approving the TIF Plan relating thereto, as well as a modification to the Village in Phillips Redevelopment Plan; and

Whereas, all obligations of the City with respect to the districts described above have been satisfied or sufficient tax increment revenues are available to pay any remaining obligations of the City with respect to each district;

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

That the following districts be decertified as of December 31, 2012: Clare Housing TIF District No. 137, Creamette TIF District No. 84, MILES I TIF District No. 46, Nicollet-Franklin TIF District No. 97, SEMI Phase 4 TIF District No. 78, United Van/Bus TIF District No. 71, Urban Village TIF District No. 112, and Village in Phillips Phase 2 TIF District No. 146 (together, the "Districts").

Be It Further Resolved that when all eligible expenses of the Districts have been paid, the City Finance Officer is authorized to establish any appropriations necessary in order to close-out each individual fund and to return any remaining TIF revenue balance to the County for subsequent distribution to the City, County and School District.

Be It Further Resolved that City staff is directed to prepare and submit to the Office of the State Auditor and Hennepin County all documentation necessary to formalize these decertifications.

Adopted.

Comm Dev & W&M/Budget - Your Committee, having under consideration continued project analysis for the Calhoun Place Project at 3131 Excelsior Blvd, now recommends that the proper City officers be authorized to continue analysis of the Calhoun Place Project proposal to determine if Housing Improvement Area (HIA) assistance is appropriate and justifiable.

Further, that staff be authorized to negotiate the terms and conditions of a financing agreement with the Calhoun Place Condominium Homeowners Association and to prepare the HIA ordinance, HIA resolution, bond resolutions, and other documents as needed. All such terms and conditions, resolutions, and other documents would be subject to City Council review, discussion, and approval or denial.

Adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following report:

PSC&H - Your Committee recommends approval of the following appointments to the Police Conduct Review Panel for terms to expire December 31, 2016:

Donald Bellfield, Ward 8 (Home) - Mayoral appointment;
Robert Briscoe, Ward 3 (Home) - Council appointment; and
Michelle Monteiro, Ward 9 (Home) - Council appointment.

Adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to execute contract agreements with the Minneapolis Public Housing Authority to receive \$63,122 to provide the services of a sergeant investigator for a one-year period to investigate alleged criminal activity and suspected fraud by Section 8 participants. Further, passage of the accompanying resolution appropriating \$63,122 to the Police Department.

Adopted.

**RESOLUTION 2012R-576
By Samuels and Hodges**

Amending The 2012 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 Special Revenue Fund (01210-4003100) by \$63,122 and increasing the revenue estimate (01210-4003100-4001001) by \$63,122.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to accept \$20,000 in grant funding from the Joyce Foundation to be used for expenses associated with the Police Department co-hosting the 2013 Summit - Gun Crimes and Illegal Guns in the Midwest conference with the Milwaukee Police Department. Further, passage of the accompanying resolution appropriating \$20,000 to the Police Department.

Adopted.

**RESOLUTION 2012R-577
By Samuels and Hodges**

Amending The 2012 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 – State and Other Fund (01600-4004300) by \$20,000 and increasing the revenue estimate (01600-4004300-375500) by \$20,000.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to accept the 2012 Emergency Management Performance Grant Award, in the amount of \$30,000, for designated use towards personnel services for the position of Emergency Management Director. Further, passage of the accompanying resolution appropriating \$30,000 to the Office of Emergency Management.

Adopted.

**RESOLUTION 2012R-578
By Samuels and Hodges**

Amending The 2012 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 Division of Emergency Management, Office of the City Coordinator Agency in the Grants – Federal Fund (01300-8440100) by \$30,000 and increasing the revenue source for the Division of Emergency Management, Office of the City Coordinator (01300-8440100) by \$30,000.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to execute an agreement with the Minnesota Department of Public Safety to accept an estimated revenue of \$60,000 in federal Department of Justice grant support for the Youth Violence Prevention Broader Urban Involvement and Leadership Development (BUILD) program, requiring a City match of \$6,667 to be accommodated within the department's appropriated budget. Further, passage of the accompanying resolution appropriating \$60,000 to the Department of Health & Family Support.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

**RESOLUTION 2012R-579
By Samuels and Hodges**

Amending The 2012 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 Department of Health & Family Support Agency in the Grants - Federal Fund (01300-8600111) by \$60,000 and increasing the revenue source (01300-8600111-321010) by \$60,000.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to amend the Blue Cross and Blue Shield of Minnesota Consultant Master Agreement, Contract No. 35462, Engagement Schedule 1, to increase the contract total by \$7,200 to \$79,800, for program services related to the Electronic Benefits Transfer (EBT) and Market Bucks programs at Minneapolis farmers markets. The increase is to cover costs associated with the attendance of farmers market staff at two conferences required by BCBS and other additional expenses associated with the administration and maintenance of EBT and Market Bucks systems. Further, passage of the accompanying resolution appropriating \$7,200 to the Department of Health & Family Support.

Adopted.

**RESOLUTION 2012R-580
By Samuels and Hodges**

Amending The 2012 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 Department of Health & Family Support Agency in the Grants - State and Other Fund (01600-8600120) by \$7,200 and increasing the revenue source (01600-8600120-372001) by \$7,200.

Adopted.

PSC&H & W&M/Budget – Your Committee recommends passage of the accompanying resolutions approving donations of dog and cat food, toys and treats, blankets and animal supplies for the care of animals at Minneapolis Animal Care and Control.

Adopted.

Resolution 2012R-581, approving donations of dog and cat food, toys and treats, blankets and animal supplies for the care of animals at Minneapolis Animal Care & Control, was adopted 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 2012R-581
By Samuels**

Approving donations of dog and cat food and treats for the care of animals at Minneapolis Animal Care & Control.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Laurie Balzer	Blankets and quilts
Deb Dietrich	Donation of blankets (6 bags)
Kerstin Hammarberg	Dog food and treats
MACC Volunteers	Dog and cat food, and treats
Dena Thorson	Small dog kennel
Megan Losure	7 boxes (12 packets each) Whiskas wet cat food
PETCO Highland Park	dog and cat flea/tick products, dog beds, and pet supplies

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

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

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee recommends passage of the accompanying resolution granting Licenses to the following businesses:

- a) 612Brew, 945 Broadway St NE (New Business)
 - b) Hotel Minneapolis Metrodome, 1500 Washington Ave S (New Proprietor).
- Adopted.

Resolution 2012R-582, granting Licenses to 612Brew, 945 Broadway St NE and Hotel Minneapolis Metrodome, 1500 Washington Ave S, was adopted 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 2012R-582
By Glidden**

Granting Liquor Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Off-Sale Malt Liquor, to expire October 1, 2013

612Brew LLC, dba 612Brew, 945 Broadway St NE (Growler License – New Business)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2013

Heartland Seven Corners Hotel LLC, dba Hotel Minneapolis Metrodome, 1500 Washington Ave S
(New Proprietor)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2013

612Brew LLC, dba 612Brew, 945 Broadway St NE (New Business).

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of U Garden Restaurant, 2725 University Ave SE, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adopted.

Resolution 2012R-583, granting the application of U Garden Restaurant, 2725 University Ave SE, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions, was adopted 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 2012R-583
By Glidden**

Granting the application of U Garden Restaurant, 2725 University Ave SE, for an On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by C&H Inc, dba U Garden Restaurant, 2725 University Ave SE, for an On-Sale Liquor Class B with Sunday Sales License (New Corporate Officer and Amending Business Plan) to expire April 1, 2013, subject to the following conditions:

1. U Garden will not build a bar area.
2. U Garden will not include hard liquor in any drink specials.
3. The establishment will comply with a minimum standard of gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than sixty (60)

percent of its total gross revenue. The licensee will report this for the first three months after the upgrade is approved.

4. U Garden will not advertise hard liquor on the outside of their building.

5. U Garden will not advertise happy hour specials on its property viewable from the outside of the building, including happy hour special signs on its property outside.

6. With the exception of banquets, U Garden will end all drink specials before Midnight. U Garden will also offer non-alcoholic beverage and food specials to compliment drink specials.

7. No media advertisement (including broadcast media and handbills) put out by U Garden will focus exclusively on alcohol.

8. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted.

Resolution 2012R-584, granting applications for Liquor, Wine and Beer Licenses, was adopted 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 2012R-584
By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276127):

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2013

Outlaws Drinking Tacos LLC, dba Johnny Tequila's, 430 1st Ave N, #120/150 (Internal Transfer of Shares)

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2013

TSSN Inc, dba The Melting Pot Restaurant, 80 S 9th St

On-Sale Wine Class B with Strong Beer, to expire April 1, 2013

Lucky Dragon Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Ave (Upgrade from Class E).

Adopted.

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

Adopted.

Resolution 2012R-585, granting applications for Business Licenses, was adopted 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 2012R-585
By Glidden

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 November 16, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276127):

Amusement Devices; Place of Amusement Class B-1; Bed & Breakfast Facility; Christmas Tree; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Food Market Distributor; Institutional Food Service; Short Term Food Permit; Gasoline Filling Station; Hotel/Motel; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class C; Commercial Parking Lot Class A; Plumber; Solicitor – Individual; Suntanning Facility; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle Non-Transferable; Theater Zone I; Combined Trades; Wrecker of Building Class B.

Adopted.

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

Adopted.

Resolution 2012R-586, granting applications for Gambling Licenses, was adopted 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 2012R-586
By Glidden

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 (Petn No 276127):

Gambling Class B

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Ave NE (Site: Lush Food Bar, 990 Central Ave NE)

Gambling Exempt

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle and Pulltabs November 10, 2012)

St. Mary's Men's Club, dba St. Mary's Men's Club, 1701 5th St NE (Raffle and Paddlewheels November 13, 2012, St. Mary's Orthodox Cathedral)

Knights of Columbus #435, dba Knights of Columbus #435, 3637 11th Ave S (Bingo March 14, 2012, Holy Name Church).

Adopted.

RE&E - Your Committee, having under consideration the On-Sale Liquor, Sidewalk Cafe, Food Caterer and Liquor Caterer Licenses held by Wanderers Food & Cocktail, Inc, 533 Hennepin Ave, and having received notification from the State of Minnesota Department of Revenue that Wanderers Food & Cocktail has an outstanding tax liability, now recommends that said license be revoked and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Adopted.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

RE&E & W&M/Budget - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 276130):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - \$403,244.19
Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - \$330,202.43
Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - \$69,789.97
Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - \$96,832.24
Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - \$6,300
Levy 1089 - Unpaid Administrative Citations Housing, payable in one year - \$378,815
Levy 1090 - Unpaid Administrative Citations - Lead, payable in one year - \$20,160
Levy 1092 - Emergency demolition of property, payable in one year - \$109,583.29
Levy 1095 - Building Demolition, payable in one year - \$633,579.07
Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - \$2,836,372
Levy 1097 - Reinspection Fee, payable in one year - \$77,800
Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - \$71,439
Levy 1099 - Securing Abandoned Buildings, payable in one year - \$58,256
Levy 1120 - Sewer Overflow, payable in one year - \$138,105
Levy 1121 - Unpaid Administrative Citations - Const Code Services, Un-permit Work, payable in one year - \$22,880
Levy 1124 - Unpaid Administrative Citations - Environmental, payable in one year - \$2,420
Levy 1125 - Unpaid Administrative Citations - Const Code Services, payable in one year - \$68,420
Levy 1126 - Unpaid Administrative Citations - Fire Inspection Services, payable in one year - \$3,740
Levy 1160 - Nuisance Abatement, payable in five years - \$17,469.90
Levy 1162 - Unpaid Administrative Citations - Nuisance Housing, payable in one year - \$670,505
Levy 1165 - Unpaid Administrative Citations - Zoning, payable in one year - \$101,520
Levy 1176 - Re-inspection Fee - Zoning, payable in one year - \$16,600.

Your Committee further recommends that the Department of Regulatory Services be authorized to continue receiving pre-payments until November 30, 2011, as allowable by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department.

Your Committee further recommends passage of the accompanying Resolutions directing the Director of the Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of the Department of Regulatory Services to correct nuisance or hazardous conditions on certain properties.

Adopted.

Resolutions 2012R-587 to 2012R-604, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of: Removal of Offensive Matter (rubbish, weeds, hazardous trees, and brush and plant growth); Inoperable Vehicle Tow Administrative Fees; Unpaid Administrative Citations (Housing, Lead, Environmental, Construction Code Services, Fire Inspection Services, Nuisance Housing, and Zoning); Emergency Demolition of Property; Chapter 249 Building Demolition; Vacant/Boarded Housing Registrations; Re-inspection Fee Housing; Securing of Buildings, including Police Board Up; Sewer Overflow; Nuisance Abatement; and Re-inspection Fee - Zoning, were adopted by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

RESOLUTION 2012R-587
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in the removal of offensive matter are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 276130 on file at the office of the City Clerk.

Adopted.

RESOLUTION 2012R-588
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-589
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1090 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-590
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 87.100 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 87 provides that the cost of building demolition property as defined by Chapter 87.110 shall be levied and collected as a special assessment against the property as provided for in Chapter 87 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-591
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of building demolition property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1095 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

**RESOLUTION 2012R-592
By Glidden and Hodges**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

**RESOLUTION 2012R-593
By Glidden and Hodges**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244, Section 190 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101, sub. Sec. (9) of Minnesota State Statutes when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

**RESOLUTION 2012R-594
By Glidden and Hodges**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

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

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

**RESOLUTION 2012R-595
By Glidden and Hodges**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

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

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

**RESOLUTION 2012R-596
By Glidden and Hodges**

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied

against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1120 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-597
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1121 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-598
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1124 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-599
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1125 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-600
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1126 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed

to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-601
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

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

That the costs incurred in the removal of offensive matter are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Number 1160 – Nuisance Abatement be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Number 1160 paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 276130 on file at the office of the City Clerk.

Adopted.

RESOLUTION 2012R-602
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1162 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%) per annum, as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-603
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

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

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1165 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RESOLUTION 2012R-604
By Glidden and Hodges

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101 sub. Sec.(9) of Minn. State Statutes when the property owner fails to meet the requirement for fee payment;

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

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1176 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 276130 on file at the Office of the City Clerk.

Adopted.

RE&E & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7705 submitted by Wilson Custom Tree, for an estimated annual expenditure of \$100,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish hazardous tree removal and disposal services for Minneapolis Regulatory Services, all in accordance with City specifications. Bidder offers to extend terms and pricing for two additional one-year terms at the sole option of the City of Minneapolis. Further, that the proper City officers be authorized to execute a contract for said project.

Adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Non-Governmental Tax Exempt Parcel Street Maintenance Assessment, Project 1337M for payable 2013, and all written and oral objections and statements regarding the assessments, and having held a public hearing on November 8, 2012 in accordance with the provisions of Laws 1969, Ch. 499, as amended by Laws 1994, Ch. 587, Art. 9; Laws 1973, Ch. 393, as amended by Laws 1974, Ch. 153 and Laws 2008, Ch. 154, and the procedures set out at Minn. Stat. Section 429.061, now recommends that the proposed assessments in the amount of \$545,515 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 276133) be adopted, and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

T&PW - Your Committee, having under consideration the Non-Governmental Tax Exempt Parcel Street Light Operations Assessments, Project 1337L for payable 2013, and all written and oral objections and statements regarding the assessments, and having held a public hearing on November 8, 2012 in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, now recommends that the proposed assessments in the amount of \$109,264 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 276133) be adopted, and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

T&PW - Your Committee, to whom was referred an ordinance amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*, updating ordinance language, modifying standards, meter ownership, and moving fees from ordinance to an annual rate resolution, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2012-Or-076 amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*, amending Sections 509.10 to 509.1490, was adopted 11/16/2012 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 2012-Or-076

By Colvin Roy

Intro & 1st Reading: 10/19/2012

Ref to: T&PW

2nd Reading: 11/16/2012

Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water.

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

Section 1. That Section 509.10 of the above-entitled ordinance be amended to read as follows:

509.10. Supervision by ~~council committee~~ public works director; appointment of personnel.

The ~~waterworks of the city of Minneapolis department of public works water treatment and distribution services division~~ shall be under the immediate direction of the ~~designated standing committee of the city council acting through the public works director which who~~, subject to the approval of the council, shall do everything ~~pertaining to said works~~ regarding said division that may be necessary for the management

and protection thereof. The ~~council~~ public works director shall appoint all officers ~~and employees~~ of the ~~waterworks~~ Minneapolis department of public works water treatment and distribution services division and prescribe their salaries or compensation, upon nomination and recommendation by the committee; provided, however, that the superintendent of the waterworks shall be appointed by the city council upon nomination of the city engineer.

Section 2. That Section 509.20 of the above-entitled ordinance be amended to read as follows:

509.20. Waterworks division officers specified. The officers of the ~~waterworks~~ water treatment and distribution services division in addition to the ~~city engineer~~ public works director, shall be a ~~superintendent and assistants in charge of the divisions of pumping, purification and sanitation, distribution, engineering, construction, accounting~~ the director of the water treatment and distribution services division and such other employees as may be necessary to the efficient management of the ~~waterworks~~ water treatment and distribution services division.

Section 3. That Section 509.30 of the above-entitled ordinance be amended to read as follows:

509.30. City engineer Director of public works to have general management. The ~~city engineer~~ director of public works shall have the general custody, control and management of the ~~waterworks~~ city of Minneapolis department of public works water treatment and distribution services division and ~~water department~~.

Section 4. That Section 509.40 of the above-entitled ordinance be amended to read as follows:

509.40. Qualifications, duties of superintendent the division director.

The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division, under the direction of the ~~city engineer~~ director of public works, shall have charge of the operation, purification and sanitation, maintenance and construction of the waterworks, and shall perform such other duties as may be required by the ~~city engineer~~ director of public works. The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall be a ~~competent engineer and skilled in waterworks matters~~. The ~~superintendent~~ director of the water treatment and distribution services division shall ~~aid the committee responsible for supervision of the waterworks and the city engineer~~, shall take charge of all employees of the ~~water department~~ water treatment and distribution services division, and see that all work is done in a workmanlike manner and as directed by the ~~city engineer~~ director of public works. The ~~superintendent~~ director of water treatment and distribution services shall, under the ~~city engineer~~ director of public works, have the immediate control and custody of all the property of the ~~department~~ division and see that all such property is properly stored and cared for and that a full and complete record and inventory of the same is kept.

The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall see that all hydrants, gates, valves and other parts of the ~~waterworks~~ water treatment and distribution services division are in order and that all leaks are promptly repaired and that full and accurate reports are kept of all work done, the cost of the same, the names and time of the persons employed, and any other information and records that may be required by the ~~city engineer~~ director of public works and the city council.

Under the direction of the ~~city engineer~~ director of public works, the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall have general supervision of the intakes, pumping stations, pumps, motors, machinery, equipment and tools therein and of all employees connected therewith. The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall keep a daily record of the work performed by each pump, the pressure maintained and the number of gallons pumped, and shall have general supervision of the mains, gates, hydrants, taps and all other devices and appurtenances.

The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall have general supervision of reservoirs, purification plants, laboratories and employees connected therewith. The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall keep daily records covering the work performed by the plants, supplies used for purification and the analytical work of the laboratories governing the ~~sanitary~~ condition of the water supply. The ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall make surveys of the quality of the water in the distribution mains and ~~sanitary~~ condition of the distribution systems.

Section 5. That Section 509.50 of the above-entitled ordinance be amended to read as follows:

509.50. Superintendent's Division director's records and accounts. ~~The superintendent of the waterworks~~ director of the water treatment and distribution services division shall keep a full set of records which shall show in detail the location and measurements for all water pipes, hydrants, valves, taps, stop-boxes, tees, crosses and such other measurements and records as may be necessary. ~~The superintendent of the waterworks~~ director of the water treatment and distribution services division shall report the location of at least two (2) measurements taken from two (2) separate permanent points for each tap and stop-box made in the water mains and service pipes.

~~The superintendent of the waterworks shall be the accounting and financial officer of the waterworks. The superintendent of the waterworks shall keep a complete set of books which shall at all times show the distribution of accounts of the water department; submit all bills, payrolls and accounts to the committee responsible for supervision of the waterworks to be by it considered; shall have the care and safekeeping of all books and papers belonging to the water department; and shall keep a correct account of all receipts, make out all bills for water rents or materials furnished to consumers. All revenues shall be collected by the city finance officer and the money so collected shall be deposited and credited to the waterworks fund and in accordance with law and the requirements of the city council. He- The director of the water treatment and distribution services division shall issue all permits for tapping mains; except~~ Exception: when taps are made leading to streets where there are no mains he the director of the water treatment and distribution services division may refer such services to the city council.

~~The superintendent of the waterworks~~ director of the water treatment and distribution services division shall keep a record of all taps and services, their size and location, ~~and shall exhibit his account and receipt books to the city finance officer at least monthly for adjustment, and make monthly abstract thereof. The city finance officer shall certify as to the correctness of said abstract, and the committee responsible for supervision of the waterworks shall submit the same to the city council at its first meeting in each month.~~

Section 6. That Section 509.60 of the above-entitled ordinance be amended to read as follows:

509.60. Supervision of employees; duties of inspectors. ~~The superintendent of the waterworks~~ director of the water treatment and distribution services division shall have the immediate charge of all ~~meter readers, inspectors, clerks and employees necessary to the proper conduct of the department~~ division. ~~Said~~ inspectors shall have charge of inspecting the premises entered by service pipes, examining ~~into~~ the condition of all meters and other fixtures, and shall be vigilant to detect and warn against all abuses, whether from waste or other improper use of water; ~~and each. Each inspector shall at once report all infringements of the regulations to the superintendent of the waterworks director. Said inspectors shall also make and keep a true record of each meter in use and visit them at least the first of each quarter.~~

Section 7. That Section 509.70 of the above-entitled ordinance be amended to read as follows:

509.70. Departure from rules governing waterworks the water treatment and distribution services division. ~~The superintendent of the waterworks~~ director of the water treatment and distribution services division, in ~~his~~ the director's discretion and upon approval of the ~~committee responsible~~ public works director for supervision of the waterworks, may depart from the rules set forth for the government of the ~~waterworks~~ water treatment and distribution services division, when special written application is made for the purpose which may be deemed proper.

Section 8. That Section 509.80 of the above-entitled ordinance be amended to read as follows:

509.80. Access to buildings. The officers of the ~~water department~~ water treatment and distribution services division, personally, and persons ~~by them~~ delegated by them for that purpose, shall, to the maximum extent that it is constitutionally permitted, have free access at proper hours of the day, to all parts of every building in which water is consumed, ~~unless the owner or occupant of the building has informed the water department in writing that entry shall only be made with consent.~~

Section 9. That Section 509.90 of the above-entitled ordinance be amended to read as follows:

509.90. Authority to inspect plumbing. The inspectors of the ~~waterworks~~ water treatment and distribution services division ~~must~~ shall be permitted at all times to examine all plumbing work, materials and fixtures to the maximum extent that it is constitutionally permitted. ~~Any refusal to permit such inspection, or any interference with an inspector in the performance of his duty, shall justify a suspension or forfeiture of the plumber's license.~~

Section 10. That Section 509.100 of the above-entitled ordinance be amended to read as follows:

509.100. Identification of inspectors. Inspectors of the ~~waterworks~~ water treatment and distribution services division shall be provided with identification cards which must be shown on demand.

Section 11. That Section 509.110 of the above-entitled ordinance be amended to read as follows:

509.110. City not liable for water shortage; authority to shut off. The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or for any other cause whatever. In case of fire or alarm of fire, or in making repairs, or constructing new works, the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division may shut off the water at any time and keep it shut off so long as the ~~superintendent~~ director of water treatment and distribution services division shall deem necessary.

Section 12. That Section 509.120 of the above-entitled ordinance be amended to read as follows:

509.120. Revocation of plumber's license for violations. Any plumber convicted of violating any of the provisions of this Code dealing with the ~~waterworks~~ water treatment and distribution services division may, in addition to other penalties, have ~~his~~ their license revoked or suspended.

Section 13. That Section 509.130 of the above-entitled ordinance be amended to read as follows:

509.130. Services outside the city. When requests of prospective consumers have been duly presented to the ~~water department~~ water treatment and distribution services division for permission to connect to its water mains, where ~~the waterworks~~ water treatment and distribution services division ~~facilities~~ or water pipes of the city have been or shall be extended to or constructed in any road, street, alley or public highway adjacent to or outside of the corporate limits of the city, the ~~city engineer~~ public works director shall in all instances present such requests or petitions to the ~~committee responsible for supervision of the waterworks~~ city council for its consideration and action.

Section 14. That Section 509.150 of the above-entitled ordinance be amended to read as follows:

509.150. Private water supplies to be registered. The owners or occupants of every parcel of land, building or premises situated within the city and discharging domestic sewage, commercial and industrial wastes into the sanitary sewerage system of the city, which derive their water in whole or in part from sources independent of the ~~public water department~~ water treatment and distribution services division, shall register with the ~~water department~~ water treatment and distribution services division all wells or other private sources of water supply which furnish the water consumed thereon. In such registration the owners or occupants of said lot, parcel of land, building or premises shall furnish the ~~water department~~ water treatment and distribution services division with such information as may reasonably be requested by it, including, in the case of wells, the location, size, depth, strata penetrated and stratum from which water is drawn; and shall pay to the ~~water department~~ the sum of one dollar (\$1.00) as a registration fee ~~city finance department a registration fee as listed in the city's rate resolution.~~

Section 15. That Section 509.160 of the above-entitled ordinance be amended to read as follows:

509.160. Metering of private water supplies. Within ninety (90) days after notice to do so, the owners or occupants of any such lots, parcels of land, building or premises, at their own cost, shall install and continuously maintain a water meter or meters which shall be satisfactory to the ~~water department~~ water treatment and distribution services division, ~~which~~ The water meter or meters shall measure the amount of water consumed on said property which is obtained from such private source. After installation, ~~Ssaid water meter or meters after installation shall be under the supervision and control of the~~ water department water treatment and distribution services division.

Section 16. That Section 509.170 of the above-entitled ordinance be amended to read as follows:

509.170. Supervision of work on mains. The work of laying, relaying or repairing any water pipe, or making any connection with any water main, for any private person, within the limits of any street, avenue, alley or public ground in the city shall be done under the directions of the ~~superintendent of the waterworks~~ the director of the water treatment and distribution services division, or under the directions of some person under the directions of the ~~said superintendent~~ director of water treatment and distribution services division, ~~and e~~ Every person doing any such work shall do the same according to the directions of ~~said superintendent~~ the director of the water treatment and distribution services division or of such person under ~~his~~ the director's direction.

Section 17. That Section 509.190 of the above-entitled ordinance be amended to read as follows:

509.190. Permits for excavations issued by water department water treatment and distribution services division. The superintendent of the waterworks ~~director of the water treatment and distribution services division~~ or any person having authority from the superintendent ~~director of the division~~ may open any street, avenue, alley or public ground for the purpose of laying, relaying or repairing any water main or service pipe, at any time whenever the exigencies of the case require immediate action, without any permit from the city engineer ~~director of public works~~, but such permit must be obtained as soon as possible thereafter, and ~~in all other cases permits for the opening of any street, avenue, alley or public ground shall be given by the city engineer director of public works to the superintendent of the waterworks director of the water treatment and distribution services division for the purpose of keeping a record in the city engineer's public works director's office of such openings.~~

Section 18. That Section 509.200 of the above-entitled ordinance be and is hereby repealed.

509.200. Provision for future hydrants. ~~Every person constructing areas under sidewalks around corners must make provision for the location and erection of a hydrant on such streets or avenues as the superintendent of the waterworks may determine; and in laying the walls of said area provision must be made on the line of the front of the building if produced for setting the hydrant, so that the center of the post of the hydrant may be sixteen (16) inches back of the face of the curb. Outside the area the wall around said hydrant must have a semicircular form with the center in the center of the hydrant post and a radius of not less than five (5) feet. The wall around said hydrants must be made of brick laid in a good quality of cement mortar, and not be less than twelve (12) inches thick.~~

Section 19. That Section 509.250 of the above-entitled ordinance be amended to read as follows:

509.250. To be maintained; assets constituting Financial management.

~~There shall be maintained~~ The city shall maintain a waterworks separate enterprise fund of the city for the water treatment and distribution services division, which ~~The water treatment and distribution services enterprise fund shall consist of and include~~ be used to record all moneys paid and payable to the city as and for water rates or rents, and all other miscellaneous moneys payable or paid to, or received by, the city finance officer from any source whatsoever to the credit of the waterworks ~~water treatment and distribution services enterprise fund,~~ and all proceeds of municipal bonds issued by and on behalf of the city for waterworks purposes, and ~~The water treatment and distribution services enterprise fund shall also be used to record~~ all moneys appropriated by the city council for waterworks ~~water treatment and distribution services division purposes.~~

Section 20. That Section 509.260 of the above-entitled ordinance be and is hereby repealed.

509.260. Divisions of fund. ~~The waterworks fund shall be divided into an operating and maintenance division and a capital outlay division. All moneys received by the city as proceeds of municipal bonds issued for waterworks purposes, except the proceeds of bonds issued for waterworks operating or working capital purposes, and all moneys received as payments on special assessments for the installment of water mains shall be credited to the capital outlay division, and all other moneys received by the city to the credit of the waterworks fund shall be credited to the operating and maintenance division.~~

Section 21. That Section 509.270 of the above-entitled ordinance be and is hereby repealed.

509.270. Payments from operating and maintenance division. ~~From the operating and maintenance division of said waterworks fund shall each year be appropriated and paid moneys for the following named waterworks purposes:~~

(a) ~~Payment of the principal of and interest on any bonds of the city issued for waterworks purposes, or issued to refund any bonds issued for waterworks purposes. The amounts paid from said operating and maintenance division to meet principal maturities of such bonds shall be transferred to, and paid into, the sinking fund of the city, and the amounts paid to meet interest requirements shall be transferred to and paid into the interest fund of the city.~~

(b) ~~Payment of all costs of operation and maintenance of the waterworks of the city, including authorized charges against the waterworks department for moneys or services advanced from any other city fund for the operation and maintenance of the waterworks department.~~

(c) ~~Transfer to the capital outlay division of the waterworks fund of moneys to be used to finance the cost of extension of the waterworks system of the city or for other capital outlay on behalf of the waterworks system, but not in excess of the revenue balance in the operating and maintenance division of the waterworks fund after the payment of the amounts specified in (a) and (b) preceding.~~

Section 22. That Section 509.280 of the above-entitled ordinance be and is hereby repealed.

~~509.280. - Payments from capital outlay division. From the capital outlay division of said waterworks fund shall each year be paid the cost of all authorized extensions and improvements of the waterworks system.~~

Section 23. That Section 509.290 of the above-entitled ordinance be amended to read as follows:

~~509.290. Payments on bonds. Interest and principal requirements for all waterworks water treatment and distribution services bonds, and for all bonds issued to refund waterworks water treatment and distribution services bonds, shall be paid from the interest water treatment and distribution services enterprise fund of the city, and principal requirements from the sinking fund of the city. The city finance officer, fifteen (15) days prior to the due date for any installment of such requirements, shall requisition the water department for the amount of money necessary to meet such requirements, which money when made available shall be credited to the fund or funds from which such requirements are payable.~~

Section 24. That Section 509.300 of the above-entitled ordinance be amended to read as follows:

~~509.300. - Budget. The waterworks department, not later than October first of e~~Each year, the department of public works, water treatment and distribution services division shall submit complete budget estimates to the city's budget authority to the city council a complete budget estimate showing in full all contemplated operations, improvements and expenditures of the waterworks department water treatment and distribution services division for the next succeeding fiscal year, a statement of the estimated revenues of the department division for the next succeeding fiscal year, a corresponding budget estimate and statement of budgeted and estimated actual expenses for the current fiscal year, and corresponding statements of actual experience expenses for the three (3) years preceding the current fiscal years.

Section 25. That Chapter 509 of the above-entitled ordinance be amended by adding thereto a new Section 509.310 to read as follows:

509.310. Accounting and financial officer. The city finance officer shall be the finance officer of the department of public works water treatment and distribution services division. The city finance officer shall keep a complete set of books which shall at all times show the distribution of accounts of the water treatment and distribution services division. The city finance officer shall have the care and safekeeping of all financial records belonging to the water treatment and distribution services division; and shall keep a correct account of all receipts, and shall prepare all bills for water distribution, services, or other items furnished to consumers. All revenues shall be collected by the city finance officer and the money so collected shall be deposited and credited to the water treatment and distribution services enterprise fund in accordance with law, Generally Accepted Accounting Principles (GAAP), and the requirements of the city council.

Section 26. That Section 509.340 of the above-entitled ordinance be amended to read as follows:

509.340. Ownership and responsibility. The water service pipe line, which consists of a corporation cock or a gate valve and manhole at the main, (if a manhole is provided at the main, the shut off at the sidewalk may be omitted) a stop cock and box at the sidewalk, and shut off valves at the meter, as well as the pipe between the main and the meter, shall be owned by the property it serves and each piece of the water service line shall be maintained and kept in good operating condition by the property owner. Failure to do so will result in the waterworks department water treatment and distribution services division immediately issuing a written notice to the owner of the property setting forth the correction or repair required to be done and the date, not more than fifteen (15) calendar days after the date of said notice, on which such repair is to be completed. If the deficiency is not corrected within the stipulated time frame, the waterworks department water treatment and distribution services division shall have the necessary corrections made and the cost thereof will be applied to the property owner's utility bill and, if not paid promptly, to the property as a special assessment on the tax rolls. If applied as a special assessment, the procedures used will be as outlined in section 509.465.

Section 27. That Section 509.350 of the above-entitled ordinance be amended to read as follows:

509.350. Application for permit for connection. No permit will be granted unless application is made in writing and signed by the owner of the property or the duly authorized agent of the owner. The application must state clearly the kind of service for which the connection is intended, the size and kind of pipe to be used, the street and number, which side of the street, if on a corner, on which street to be tapped, with a diagram of the property to be supplied, showing the streets, the boundary of the block on which it is situated, with the distance from the nearest corner, the full name of the owner, the purpose for which the water is to be used, the time when the ferrule service tap is to be inserted, and what plumbing

work in the premises, if any, has been done by an unlicensed plumber; and the application shall show all other particulars necessary to the full understanding of the subject. No permit shall authorize anything not stated in the application. For any misrepresentation in such application the same may be suspended and the owner fined; and if the misrepresentation appears to be willful, the permit will be revoked. No tap will be granted to supply a building until it is completed and ready for the tenant, except by special permission from the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division.

Section 28. That Section 509.360 of the above-entitled ordinance be amended to read as follows:

509.360. Charges for tapping mains. There shall be charged and collected for the tapping and making connections with the ~~city's water mains of the waterworks~~ to be paid for at the time of making application therefor, an amount ~~sufficient to defray the cost based on a time and material basis as determined by the city engineer and based upon the then prevailing cost of labor and material as established in the schedule contained in the resolution.~~

Section 29. That Section 509.370 of the above-entitled ordinance be amended to read as follows:

509.370. Time of insertion of ferrule service tap. If from any cause the plumber laying the service pipe should fail to have the ~~ferrule service tap~~ inserted at the time specified in his application, notice must be left in the proper office fixing another day on which he wishes the ~~ferrule service tap~~ to be inserted. The notice must be given at least two (2) days previous to the excavation for laying of the service pipe, and the ~~ferrule service tap~~ must be inserted before ~~5:00~~ 2:30 p.m. except in special cases; and then the work shall be done only upon a written order from the office of the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division.

Section 30. That Section 509.380 of the above-entitled ordinance be amended to read as follows:

509.380. Materials and weights for service pipes. The ~~following~~ service pipes from the main to the meter shall be of copper tubing, and the meter setting shall be of copper up to and including the shut-off valve on the house side of the meter.

Size and weights for underground copper pipe shall be ~~as follows:~~ according to the standards of the city of Minneapolis, department of public works, division of water treatment and distribution services.

Nominal Size	O.S. Diam. In.	Wall Thickness In.	Wt. Per Ft. Lbs.
3/4 inch	.875	.065	.640
1 inch	1.125	.065	.838
1 1/4 inch	1.375	.065	1.040
1 1/2 inch	1.625	.072	1.360
2 inch	2.125	.083	2.060

Section 31. That Section 509.390 of the above-entitled ordinance be amended to read as follows:

509.390. Adoption of pipe specifications. ~~A.S.T.M. Specifications for copper service tubing shall govern in all respects. Services larger than two (2) inches in diameter shall be of cast iron and meet the requirements of the A.W.W.A. Specifications for Class B sand cast pipe or fittings, or Class 250 centrifugal cast pipe. When special conditions require it, the kind of pipe used shall be specified by the city engineer. All pipe shall meet the latest revision of ASTM International (fka American Society for Testing and Materials) and American Water Works Association (AWWA) Standards, as it applies to each type, material and size of pipe.~~

Section 32. That Section 509.400 of the above-entitled ordinance be amended to read as follows:

509.400. Size of taps and pipe. ~~To a three-fourths-inch ferrule, a three-fourths-inch pipe shall be attached. To a one-inch ferrule, a one-inch pipe. To a one-inch ferrule, a one and one-fourth-inch pipe, or a one and one-half-inch pipe. Taps two (2) inches in diameter and over may have pipes of the same diameter as the taps. All pipe and taps sizes shall be in accordance with standards set by the director of the department of public works, water treatment and distribution systems division.~~

Section 33. That Section 509.410 of the above-entitled ordinance be amended to read as follows:

509.410. Size of ferrule service tap; laying of service pipe. ~~The ferrule service tap inserted in the distributing pipe must be of the size specified in the permit order and shall be installed exclusively by Minneapolis water treatment and distribution services division employees. Every service pipe must be laid sufficiently waving to allow for not less than one foot of extra length, and in such manner as to prevent rupture by settlement. The service pipe must be placed not less than nine (9) feet below the surface on public property and not less than seven (7) feet below the surface on private property, and in all cases so arranged as to prevent rupture from freezing. be placed in accordance with standards set by the director of the department of public works, water treatment and distribution services division.~~

Section 34. That Section 509.430 of the above-entitled ordinance be amended to read as follows:

509.430. Rules for supply from one or more services. (a) It is the intent of these regulations that every separate building be supplied with water through its own separate service pipe, connected directly to the main. Individual houses, duplexes, multiplexes, flats and apartments that are in common ownership shall be supplied through a single metered service. Groups of two (2) or more buildings on the same or adjoining lots and under the same ownership, which are serviced with heat and hot water from a central point or plant, or a group of buildings which are in the immediate vicinity of each other, where each is considered a part of one and the same plant and operating under the same name, may be supplied through a single service pipe and meter, subject to the approval of written application therefor by the ~~waterworks committee~~ water treatment and distribution services division. The owner shall agree to assume the water charge for all consumers in the group of buildings. Upon the termination of single ownership, additional independent services must be installed as required by the director of water treatment and distribution services.

(b) A group of two (2) or more stores built under a single roof, or housed in a single structure, may be supplied by a single service, as long as the group is under single ownership, or at the option of the owner, separate services may be installed to supply each or any of the ground floor shops or stores. The sale of any one store or shop will require a separate service and meter to that store or shop, independent of all other services. By this regulation no permission is implied to supply overhead flats or offices with separate services.

(c) When single ownership ceases, where two (2) or more buildings have had service through a single connection, such service may be continued if no water main is laid in the street next adjacent to the property served.

(d) Townhouse buildings shall have a service line to each individual unit of the building if the following criteria are met:

(1) Each unit must be designed to be owner-occupied and comprised of an individual housing unit which is part of a number of units constituting an owner association that operates, manages and maintains the joint property for the benefit of all units. Because all property beyond the limits of the unit belongs to the association, all permit requests must be cosigned by the owner of the unit and the association.

(2) The association shall maintain an agreement which includes an owner's easement that shall give the owner easements for the maintenance, repair and replacement of utility installations serving said owner's lot, but which may be located within the common area or beneath the surface of any lot. These easements shall be appurtenant to and shall pass with the

title to every lot. This easement shall be on file with the ~~waterworks~~ water treatment and distribution services division prior to the issuance of any connection permit.

(3) Each new townhouse unit served by an individual service line shall have a remote meter-reading device of a type approved by the ~~waterworks~~ water treatment and distribution services division and located at a point on the building satisfactory to the ~~waterworks~~ water treatment and distribution services division. The cost of the meter-reading device, its installation and its maintenance shall be borne by the owner.

(4) Townhouse units which cannot be served by individual service lines from the public water main in the manner that service lines are normally installed shall be served individually from a private water main in a manner similar to that used for public water mains.

(5) Private water mains used for serving townhouse units shall be installed under agreement with the city, ~~as described in Section 509.550, "Private Service Pipes". The private water main shall be installed and maintained at the sole cost of the association in an approved location. The minimum size shall be four-inch diameter with the size determined by the number of service taps and flow volume anticipated. The private water main shall be located in a thirty-foot-wide utility easement dedicated to the city of Minneapolis for utility purposes and in no case shall a private water main be closer than fifteen (15) feet to any building. All materials and installation procedures to be used in the construction of the private water main must meet waterworks standards and all materials and installation procedures are subject to the inspection and approval by the city.~~

~~(6) No extension of the private water main shall be made without the prior written approval of the city. All necessary service connection taps on the private main shall only be made by the city under permit obtained by the property owner(s) who shall pay all fees and costs associated with the work.~~

(e) Where other than the above conditions prevail, service will be provided to meet the requirements as determined for each case consistent with these regulations.

Section 35. That Section 509.440 of the above-entitled ordinance be amended to read as follows:

509.440. Proximity to sewers. No water service pipe shall be laid in the same trench with a building drain or sewer pipe in the city street. The water pipe shall not be closer to a sewer than ~~eight (8)~~ ten (10) feet at any point horizontally, and when the water and sewer cross each other, there shall be at least eighteen inches (18") of separation, all in accordance with standards set by the director of the water treatment and distribution services division.

Section 36. That Section 509.450 of the above-entitled ordinance be and is hereby repealed.

~~**509.450. Hot water boilers.** All hot water boilers shall be constructed of sufficient strength to bear a sudden pressure of three hundred (300) pounds per square inch with safety. Stop-cocks and other appurtenances must have sufficient strength to resist similar pressure under similar circumstances.~~

Section 37. That Section 509.460 of the above-entitled ordinance be amended to read as follows:

509.460. Repairs of leaks. In case of failure upon the part of any consumer or owner to repair any leak occurring upon his service pipe within ~~twenty-four (24) hours~~ fifteen (15) days after verbal or written notice has been given upon the premises, the water will be shut off from the same and will not be turned on until the ~~sum of five dollars (\$5.00)~~ amount as established in the schedule contained in the rate resolution has been paid, ~~together with such additional penalty or charge as the superintendent of the waterworks may impose.~~ When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice. If it is found that the water has been turned on again without having complied with these requirements, it shall be lawful to cause the ~~ferrule service tap~~ to be drawn; and it shall not be inserted again until all back rents are paid up and ~~five dollars (\$5.00) additional for drawing and replacing the ferrule.~~

Section 38. That Section 509.465 of the above-entitled ordinance be amended to read as follows:

509.465. Assessment for repairs to water or sewer service line. (a) The owner of any property having a water or sewer service line in need of repair or replacement may request and authorize the city on forms prescribed by the ~~city engineer~~ director of public works to make all necessary repairs and replacements to the service line. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such repairs and replacement; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such repairs and replacement; and the consent of the owner

to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The city, upon receiving such authorization from the owner, may immediately cause the repairs or replacement of the service line to be done under its direction and control. The said repair or replacement costs shall be initially provided for by an advance of funds from the ~~capital outlay division of the waterworks~~ water treatment and distribution services division enterprise funds, or the sewer rental fund as appropriate, to be reimbursed from the collection of such charges.

(b) The city engineer, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before September first. This amount may include an administrative charge set by the city council.

(c) If the charges or any part thereof for any such work is unpaid by September first, the city engineer shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed five (5) equal annual installments. The interest rate shall be set annually by the city's finance officer and shall reflect the current interest rate environment, the term of the loan, lost investment earnings, and administrative costs to the city.

Section 39. That Section 509.470 of the above-entitled ordinance be amended to read as follows:

509.470. Old ferrules service taps to be plugged or discontinued. When new buildings are erected on the sites of old ones, and it is desired to increase or change the old water service, no connections with the mains shall be given until all the old ~~ferrules service taps~~ shall have been removed, and the main plugged. Installation of service taps or removal of an existing tap shall only be performed at the direction of the director of water treatment and distribution services division. When buildings are wrecked or removed the old ~~ferrules service taps~~ shall be discontinued where owner is ordered to do so. Where conditions warrant leaving the service in place from main to curb, the stop-cock shall be excavated and plugged on the house side as a safeguard against leakage or unlawful use of water, and the stop box shall be placed in working order. If any contractor, workman or employee, upon such building shall cause or allow any service pipe to be hammered together at the ends to stop the flow of water, or save expense in removing such pipe from the main, the owner or contractor of the building shall be fined and compelled to remove said service pipe from the main, and the water shall be shut off until such removal has been made and the main plugged.

Section 40. That Section 509.480 of the above-entitled ordinance be amended to read as follows:

509.480. Size of domestic connections. Connections with the mains for ordinary domestic supply shall be ~~three-fourths inch except with the permission of the superintendent of the waterworks in accordance with the standards and requirements of the Minneapolis water treatment and distribution services division as approved by the city council.~~

Section 41. That Section 509.490 of the above-entitled ordinance be amended to read as follows:

509.490. Temporary water supply. In case for any reason water shall fail to flow to any consumer thereof, such consumer, on application to the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division, may receive permission to take water from any other place where it may be furnished, with the consent of the persons controlling the same.

Section 42. That Section 509.510 of the above-entitled ordinance be amended to read as follows:

509.510. Service for building construction. When a permit is issued for building purposes, the service must be carried to the inside of the curb, and when the building is completed the service must be taken up, the ~~ferrule service tap~~ drawn and the main plugged, unless it be required to be extended to supply the building in which case application must be made in the manner usual for extensions.

Section. 43. That Section 509.520 of the above-entitled ordinance be amended to read as follows:

509.520. Permit required for changes. No person shall make any extension or addition to or alteration of any pipe, fixture or plumbing connected with the water system of the city without first having obtained from the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division a written permit to do so for each building or place where such work is to be performed. The fee for each permit shall be ~~one dollar (\$1.00)~~ an amount as established in the schedule contained in the rate resolution, which the applicant shall pay to the ~~city comptroller-treasurer [finance officer]~~ city finance officer, who shall issue his a receipt therefor to be presented by the applicant to the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division before

such permit be issued. In case of a second offense by any person in doing the work above mentioned without a permit, the ~~superintendent of the water works~~ director of the water treatment and distribution services division shall have authority to refuse any further permits to such person.

Section 44. That Section 509.530 of the above-entitled ordinance be amended to read as follows:

509.530. Tampering with discontinued service. Whenever the ~~superintendent of the waterworks~~ director of the water treatment and distribution services division shall have caused the water to be turned off from any service pipe, and it appears there has been tampering with the pipes the ~~superintendent~~ director of the water treatment and distribution services division may cause the same to be severed from the main.

Section 45. That Section 509.540 of the above-entitled ordinance be amended to read as follows:

509.540. Costs of ice hazard removal reimbursed from waterworks fund. In case of an ice hazard in any storm drain or on any public street, sidewalk, or alley resulting from a leak occurring in a public or private water main or service line, the costs of such ice hazard removal shall be paid out of the general fund of the city, to be reimbursed from the ~~operating and maintenance division of the waterworks fund~~ water treatment and distribution services enterprise fund.

Section 46. That Section 509.550 of the above-entitled ordinance be amended to read as follows:

509.550. Private service pipes. ~~Where private service taps are requested for pipes that will lead into the streets that have no water mains, the permits therefor shall be approved by the committee responsible for supervision of the waterworks.~~ The director of the division of water treatment and distribution services shall have the authority to negotiate private service pipe agreements subject to city council approval, in such cases where the director determines that a private service pipe is necessary. This authority shall include private service pipes that may extend into streets which have not been officially graded or paved or private service pipes under streets that have been officially graded or paved and private water service located on private property, and private service pipes that will lead into streets that have no water main. The shut-off facilities, materials and size of pipe shall be suitable for the service and possible future demands and ~~have the approval of the city engineer for water service as determined by and with the approval of the director.~~ Maintenance work that is required for private service pipes shall be defined in the private service pipe agreement. Extensions of private service pipes may be permitted provided an equitable share of the cost or value of the original service is borne by the party benefited. Repairs of party service pipes shall be distributed among the owners on an equitable basis as determined in each case.

Section 47. That Section 509.570 of the above-entitled ordinance be amended to read as follows:

509.570. Manner of making water main connections. The following rules must be observed and carried out in all work relating to water main connections, or laying, relaying or repairing water pipes:

(a) In making connections with water main the tap must not be above the axis of the main, and the service pipe must reach a depth of nine (9) feet below the grade of the street or alley at a point within two (2) feet of said main, and continue at that depth to the line of the street or alley.

(b) The shut-off cock must have a round and free opening through it when open, sufficiently large to allow a ~~one-half inch lead pipe to easily pass through it for proper connection.~~

(c) In excavating for laying service pipe in the streets or alleys, if the ~~city engineer~~ public works director shall consent, it may be done by digging pits and tunneling between, but no section of such tunnel work shall exceed six (6) feet in length.

(d) All refilling must be done by tamping or puddling, or both, as the ~~city engineer~~ public works director requires in a thorough manner, so as to absorb all the material excavated and leave the surface of the street or alley uniform.

(e) In all streets which are paved or which have been ordered paved by the city council, such refilling shall be made with clean sand or gravel properly tamped or puddled and all excess material shall be removed from the street, and the ~~city engineer~~ public works director in repaving paved streets shall cut back the concrete a distance of at least one foot from the edge of the excavation.

(f) All work must be done under the supervision of an inspector named by the ~~city engineer~~ public works director.

Section 48. That Section 509.600 of the above-entitled ordinance be amended to read as follows:

509.600. Definitions. As used in this ~~article~~ chapter, the word "meter" shall include a metering or measuring device connected to and an integral part of the water system of the city for the purpose of measuring the amount of water delivered from the city water main to any private premises, buildings or structures in the city, but not private meters owned and installed by the owner or occupant of any

premises for the owner's or occupant's own use and benefit.

(b) As used in this chapter, the words "spacer pipe" shall mean a temporary pipe the same size as the meter to fill the space for the meter when the meter is temporarily removed.

(c) As used in this chapter, the words "reduced pressure zone backflow prevention assembly" means a device to prevent the reverse flow of polluted water from entering into the potable water supply due to back siphoning and or backpressure.

(d) As used in this chapter, the word "Director", unless otherwise indicated by the context, means the director of the department of public works, water treatment and distribution services division or the Director's designees.

Section 49. That Section 509.610 of the above-entitled ordinance be amended to read as follows:

509.610. City ownership of general water supply meters. The city will install, own, and maintain all domestic general water supply meters inside and outside the city that are attached to the city's water system. This will apply prospectively to all new construction and all new meter installation in existing structures or on existing properties. This will also apply to a meter that is re-located within an existing property or structure. Any property owner with an existing meter that is not owned by the city may elect to give their meter(s) to the city. The city will then be responsible for the maintenance of such meter(s). Any property owner that elects to retain ownership of their existing meter shall maintain it consistent with the requirements of this Code and any rules, regulations or other direction provided pursuant thereto. The city will install, own, and maintain all domestic general water supply meters six (6) inch and smaller in size outside the city. Meters above six (6) inch in size outside the city will be installed, owned, and maintained by the private owners of the premises except by specified agreement between the private owner and director of the waterworks. The supply of water through each separate service shall be recorded by one meter only, for which only one account will be maintained by the city. If additional or auxiliary meters are desired for recording the subdivision of a water supply, they must be furnished and set by the owner or consumer at their expense, and all responsibility for reading and maintaining such meter(s) shall be assumed by the Owner or consumer.

Section 50. That Section 509.630 of the above-entitled ordinance be amended to read as follows:

509.630. Meter placement. The ~~director of the waterworks~~ director of the water treatment and distribution services division shall have water meters placed at city expense on all premises where deemed necessary. Failure of a bill payer to allow to have placed a water meter or water meters on the premises when notified to do so shall be cause for the water to be turned off from the premises and not turned on again until such meter or meters shall be placed as required. Water meter placement shall include any associated automatic meter reading devices as required by the ~~waterworks~~ water treatment and distribution services division.

Section 51. That Section 509.640 of the above-entitled ordinance be and is hereby repealed.

509.640. - Setting and maintenance. Any customer may have an approved meter put in upon approval of the city and upon payment of the cost of such meter; and whenever thereafter said meter shall become obstructed or out of order, the city shall cause the same to be opened, cleared and put in order. If new parts to said meter are required, the city shall cause such parts to be supplied and such repairs shall be made upon being paid for by the customer.

Section 52. That Section 509.650 of the above-entitled ordinance be amended to read as follows:

509.650. Manner of setting. Meter installations shall be made in such a manner that the meter, couplings and valves will not be subjected to immersion by ordinary back flooding of house drainage over basement floors. Each meter shall have a shut-off valve before the inlet and a shut-off valve at the outlet, all in accordance with water treatment and distribution services division requirements.

Section 53. That Section 509.670 of the above-entitled ordinance be amended to read as follows:

509.670. Location of; specifications for installations. All meters shall be set at the nearest practicable location to the point where the service pipe enters the building; and shall be set in such a manner as to be easily accessible for reading, removal and resetting. No service pipe within a building ahead of a water meter shall be concealed, except that it may be run a reasonable distance beneath the lowest floor in the building. All meters shall be set in accordance with ~~the following:~~ water treatment and distribution services division Standards and requirements as approved by the city council.

DISPLACEMENT-TYPE METERS
Height of Centerline of Inlet and
Outlet Piping Above Floor

Size (inches)	Minimum (inches)	Maximum (inches)	Laying Length of Meter Face to Face (inches)
5/8	12	36	7½
¾	12	36	9
1	12	36	10¾
1½	3¾	24	13
2	3½	24	17

COMPOUND-TYPE METERS
Height of Centerline of Inlet
and Outlet Piping

Size (inches)	Minimum (inches)	Maximum (inches)	Meter Length (inches)	Minimum Spool Each End (inches)	Minimum Face to Face Between Gates (inches)
2	5½	24	*	6	*
3	8½	24	24	6	36
4	9	24	29	8	45
6	11¾	24	36	8	52

*Laying length of two-inch compound meters shall be specified by the city.

Laying length of compound-type meters shall include a spool at each end of the meter of the same size as the meter and of the minimum length specified above per standards and requirements of the water treatment and distribution services division as approved by the city council.

Compound meters shall be at least six (6) inches from the wall in all directions. Setting instructions for all sizes larger than six (6) inches or for special meters shall be secured obtained from the water department water treatment and distribution services division.

Meters size up to and including one (1) inch shall be supported by the inlet and outlet piping. All other meters shall be securely shimmed up to alignment with brass or bronze shims supported by adjustable supports to support the weight of the meter and allow for any necessary adjustment. In order that meters may be removed and replaced by meters of a different manufacturer, the floor beneath the meter shall be left flat and smooth. Couplings and valves shall not be subjected to immersion by ordinary back flooding of the building drainage. All meters shall have a one hundred twenty-five (125) pound pressure rated valve before the inlet and a one hundred twenty-five (125) pound pressure rated shutoff valve at the outlet of the meter, except that bypass meters on fire line detector checks shall have one hundred twenty-five (125) pound pressure rated valve at the inlet and a one hundred twenty-five (125) pound pressure rated swing check valve at the outlet of the bypass meter.

Meter valves shall be gate valves meeting federal specification WW-V-54D (latest revision) or ball valves meeting federal specification WW-V-35B (latest revision) having a full port opening that is the same diameter as the inside pipe diameter or approved equal.

All meters shall be valved at the inlet and at the outlet of the meter in such a manner that the meter may be easily removed. No bypass shall be installed around a water meter without specific permission in

writing from the ~~waterworks~~ treatment and distribution services director. Where meter setting heights must be higher than the minimum listed for one and one-half (1½) inch and larger meters, to ensure protection from immersion from backflooding, there shall be constructed an elevated pier to support the meter, but the pier must be flat across the top and the inlet and outlet piping elevations as shown must be above the top of the pier and the meters must be shimmed up for support in the same manner as if they were on the floor.

Whenever a condition exists that prevents the reading, removal or setting of a water meter, the person or persons whose name appears on the current billing records shall be mailed a notice to correct such conditions. Unless the condition is corrected within fifteen (15) days the city shall cause the water to be ~~disconnected in the street shut off~~ and the water to remain ~~disconnected shut off~~ until the condition is corrected and all fees and costs are paid.

Whenever a water service to a building is replaced, the water meter shall be installed in accordance with the provisions of this article.

Section 54. That Section 509.680 of the above-entitled ordinance be amended to read as follows:

509.680. Fire service assembly meters. Fire service assembly meters that register water consumption for a combined domestic general supply and fire line, where permitted by the ~~director of the waterworks~~ director of the water treatment and distribution services division, will be installed, owned, and maintained by the owner of the premises.

Section 55. That Section 509.690 of the above-entitled ordinance be amended to read as follows:

509.690. Testing. Any person desiring to have their meter tested by the ~~waterworks~~ water treatment and distribution services division may have such test made upon paying ~~into the city treasury to the city finance officer~~ an amount to cover removing, transporting, testing, and replacement of the meter plus an amount for sewer and water service during the absence of the meter from the meter installation in the building.

These costs shall be ~~as established in the schedule contained in the rate resolution and kept current by the director of the waterworks and a current schedule of said costs shall be posted in the water department.~~

~~If the meter is found to read a greater amount than the accuracy tolerance of three (3) percent, the costs associated with the meter testing shall be refunded and the bills associated with the error in calibration of the meter shall be adjusted for a period of three (3) years prior to the testing of the meter.~~

Section 56. That Section 509.700 of the above-entitled ordinance be amended to read as follows:

509.700. Interference with Meter Removal. No person shall connect, or disconnect, or take apart, or in any manner change, or permit to be changed, ~~any water meter that is connected to or used in connection with the Minneapolis water system. No person shall, or interfere with the action or regulation of a water meter of any water meter that is connected to or used in connection with the Minneapolis water system unless authorized by the waterworks division. Such meters shall be removed only by an employee of the Minneapolis department of public works water treatment and distribution services division or when authorized by the director, except in case of an emergency. When a meter is removed for such reason it shall be reset or a spacer pipe shall be inserted and the water treatment and distribution services director shall be notified of such action within twenty-four hours. When disconnection of meter reading equipment is required when moving a meter, the water treatment and distribution services division shall be notified immediately. Reconnection of the cable shall be performed by a designee of the director of the water treatment and distribution services division.~~

Violation of this section shall subject the property owner to an ~~fee~~ administrative fine in an amount of two hundred dollars (\$200.00), as established in the schedule contained in the rate resolution. The director may also, upon finding a violation of this section, ~~Violation may also result in the discontinuance of discontinue~~ water service either by turning off the water at the stop box or by severing the service at the water main if the stop box is inoperable. Should water service be discontinued, reestablishment may not be made until:

- (1) All outstanding bills for utility service are paid in full;
- (2) All charges for discontinuance of water service are paid, including the fee for interfering with a meter, if applicable;
- (3) All charges for reinstatement of water service are paid; and
- (4) All costs for repair or replacement of the ~~faulty~~ damaged water meter are paid.

Section 57. That Chapter 509 of the above-entitled ordinance be amended by adding thereto a new Section 509.710 to read as follows:

509.710. Yard Meter Setting. The use of meter vaults for meter installation outside of a building will be allowed only by special permission and pursuant to the direction of the water treatment and distribution services division as evidenced by a written permit. Where permitted or required, the meter vault shall be constructed at a site approved by the water treatment and distribution services division with materials and design which meets standards set by the water treatment and distribution services division. A water meter reader device approved by the water treatment and distribution services division shall be required on all new meter settings.

The property owner shall maintain the meter vault and accessibility to the vault so that the water meter can be read on a regular basis. This maintenance shall include removal of snow and ice which may prevent access to the meter vault. The water treatment and distribution services division, after proper notice, may terminate service if the owner fails to properly maintain the meter vault or reasonable access to the meter vault.

Section 58. That Chapter 509 of the above-entitled ordinance be amended by adding thereto a new Section 509.720 to read as follows:

509.720. Damaged Meters & metering System. If meters, automatic reading equipment or connecting cable are damaged either through neglect or carelessness of the customer, the cost of repairs, or replacement if the equipment is beyond repair, shall be paid for by the property owner.

Lost or stolen meters or metering system components shall be replaced by the water treatment and distribution services division at the expense of the property owner.

No person shall disconnect the cable connecting to automatic reading equipment used by the Minneapolis water system unless authorized by the water treatment and distribution services division.

Any owner or customer shall notify the Minneapolis public works-water treatment and distribution services division within one business day of the discovery of any breakage, stoppage or other irregularity in their meter, meter setting or metering system.

Section 59. That Chapter 509 of the above-entitled ordinance be amended by adding thereto a new Section 509.725 to read as follows:

509.725 Accessibility. Meters and remote meter reading receptacles must at all times be easily accessible so that they may be examined and meter readings obtained by employees of the water treatment and distribution services division. No person shall cover or obstruct any water meter or remote meter reading receptacle either permanently or temporarily.

Section 60. That Section 509.730 of the above-entitled ordinance be amended to read as follows:

509.730. Water rates established. Water rates shall be set by city council resolution to be effective beginning January 4, 1999, of each year, and as revised thereafter. Water rates may be determined by factoring meter size, volume of water used, fixed charges, or any combination thereof. Charges commence when the street valve is turned on for water service.

Section 61. That Section 509.750 of the above-entitled ordinance be amended to read as follows:

509.750. Net current charges and late charges. A utility bill charge that is not paid by the due date displayed on the bill (which is ~~twenty (20)~~ twenty-one (21) days from the bill invoice date) shall be considered late. A five (5) percent late charge shall be added to the net current charges of the bill at the expiration of the due date. The added late charge will appear on the next bill. After the twenty-one (21) day period, the city finance officer may accept waive the late charges after the twenty (20) day period the net bill amount in full payment on if the current charges are paid in full and upon satisfactory evidence that the delay in payment was due to circumstances over which the customer had no control.

Section 62. That Section 509.760 of the above-entitled ordinance be amended to read as follows:

509.760. Rates when not otherwise provided. Rates, for all purposes not hereinbefore named, will be fixed by estimation or meter measurements, at the option of the director of the ~~waterworks~~ water treatment and distribution services division; provided that no service pipe shall be assessed to yield a revenue of less than the ~~minimum charge~~ fixed rate set by city council resolution, however small the quantity of water required.

Section 63. That Section 509.770 of the above-entitled ordinance be amended to read as follows:

509.770. Special charges. The use of water flow for any purpose not specified by council resolution is to be charged and compensation collected therefor per one hundred (100) cubic feet at the average quantity estimated by the director of ~~the waterworks~~ the water treatment and distribution services division to be used during the year, or the quantity ascertained by meter.

Section 64. That Section 509.820 of the above-entitled ordinance be amended to read as follows:

509.820. Definitions. The following definitions shall apply to Chapters 509 and 514:

Applicant means an individual, firm, corporation, cooperative, association, or agency that requests utility services.

Bill payer means the owner, or the owner's designated agent(s), or firm, corporation, cooperative, association, or agency who is contractually obligated to pay for the utility bill, according to the records of the utility billing office. Agents of an owner must provide proof of the agency relationship in a document signed by the owner.

Customer means the billpayer or individual(s) occupying real estate receiving utility services.

Department means the ~~Waterworks Division~~ water treatment and distribution services division of the Minneapolis Department of Public Works or the utility billing office of the Minneapolis Finance Department.

Division means the Water Treatment and Distributions Services Division of the Minneapolis Department of Public Works.

Prior bill payer means a bill payer as defined above for a period in the past.

Utility services means water, sewer, solid waste and any other city services or fees that are charged on the city utility bill.

Water Division means the Water Treatment and Distribution Services Division of the Minneapolis Department of Public Works.

Waterworks means the Water Treatment and Distribution Services Division of the Minneapolis Department of Public Works.

Section 65. That Section 509.860 of the above-entitled ordinance be amended to read as follows:

509.860. Billing. Charges for utility services furnished by the city to customers shall be due and payable monthly or quarterly, as may be deemed necessary and convenient by the city. The city shall deliver a bill for the utility charges due, by first class mail or personal service, or pursuant to the city's voluntary electronic billing program of the utility charges due. The bill shall be directed to the owner or the owner's designated agent of the service address/premises, and the bill shall be deemed sufficient notice of the amount due.

Section 66. That Section 509.880 of the above-entitled ordinance be amended to read as follows:

509.880. Meter reading. (a) *Meter reading requirements.* Readings of all meters used for determining charges shall be attempted at least once every month. The customer must allow the department to access the meter after three (3) months of no reading, when there is a change in customer, or when requested by the customer.

(b) *Estimated bills.* When a meter reading cannot be gained, an estimated bill shall be rendered and subsequently adjusted to reflect actual water used when an actual meter reading is obtained, provided the meter is operating properly. Estimated bills shall be based on the property's consumption history.

Section 67. That Section 509.890 of the above-entitled ordinance be amended to read as follows:

509.890. Nonregistering meters; misreads; Under registering meters. If the any meter fails to register or registers low or high by more than plus or minus 3% as determined by meter testing based on reasonable professional practices, the charge for water will be based upon the historical usage; taking into consideration the volume of business conducted on the premises, anticipated seasonal demand use of water at the property and any other factor that may reasonably assist in determining an equitable adjustment to estimate actual water usage. If it is apparent to utility billing staff that a meter may have been misread and the apparent misread involves a large amount, the reading may be sent back for checking. Normally accounts will be billed at the reading given with errors to be compensated for based on the next reading. Apparent misreads, if they involve large amounts, may be sent back for checking; otherwise the account is billed at the reading given, leaving the error to be compensated for at the next reading.

Section 68. That Chapter 509 of the above-entitled ordinance be amended by adding thereto a new Section 509.895 to read as follows:

509.895. Billing errors. When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant, or other similar reasons, the finance officer shall calculate the difference between the amount collected for service rendered and the amount that should have been collected for service rendered for the period beginning no more than six years before the date the error was discovered. The difference shall be refunded or billed to the customer within sixty (60) days from the date the error was discovered.

Section 69. That Section 509.900 of the above-entitled ordinance be amended to read as follows:

509.900. Delinquency. a) *Delinquency date.* At the expiration of twenty-one (201) days after the mailing, or personal service or electronic delivery of such notice, all utility charges not paid shall be deemed delinquent and the water may be shut off in accordance with section 509.1030. If a billpayer disputes receipt of a bill, the billpayer may notify the utility billing office of the Minneapolis finance department. If the dispute is not resolved, the billpayer may request a hearing under section 409.920.

(b) *Computation of payment period.* If the date for payment is a date when the offices of the department regularly used for payment of customer bills are closed to the general public, the date of payment shall be the next business day.

(c) *Late payment charges.* Late payment charges under section 509.750 shall continue to accrue on a disputed amount, but the charges will be waived if the dispute is ultimately decided in favor of the billpayer.

Section 70. That Section 509.930 of the above-entitled ordinance be amended to read as follows:

509.930. Administrative procedures. (a) The city shall designate one or more hearing officers. Such hearing officers shall render decisions on matters before them in an impartial manner. Such decisions shall be binding on the department.

(b) The ~~department~~ city shall schedule all hearings at a time to be designated by the hearing officer.

(c) The ~~department~~ city shall furnish to the hearing officer and any supporting documentation, to the bill payer or applicant a written explanation of its position and supporting documentation at least three (3) calendar days prior to commencement of a scheduled hearing.

(d) At any hearing under this chapter:

(1) The bill payer, customer or applicant may appear in person or through a representative of the bill payer's or applicant's choice.

(2) The parties may present evidence, testimony, and oral and written argument, and they may cross-examine each witness appearing on behalf of the other party.

(3) The rules of evidence shall not apply. However, only reasonably relevant evidence shall be received and considered.

(4) Burden of proof. The ~~department~~ city bears the burden of proving that a reason for discontinuance and/or assessment exists.

(e) Following the hearing, the hearing officer shall prepare, in writing, a statement of the ~~department's~~ city's position, the bill payer's, customer's or applicant's position, findings of fact, a decision, and reasons therefor. The hearing officer's decision shall be based upon competent evidence in the record. The hearing officer may propose a settlement at any time which, if accepted by the parties, shall be reduced to writing and made a part of the record.

(f) The hearing officer's decision shall be mailed promptly to the bill payer, customer or applicant and ~~department~~ the city. The bill payer, customer or applicant shall pay any amounts owed within thirty (30) days of the hearing officer's decision. Failure to pay may result in the termination of water service for the said bill payer, customer or applicant of the property. Any amounts remaining unpaid will be assessed to property taxes and the hearing conducted previously shall stand as the hearing for said assessment. A bill payer, customer or applicant who disagrees with the hearing officer's decision may thereafter seek any judicial remedy provided by law.

Section 71. That Section 509.960 of the above-entitled ordinance be amended to read as follows:

509.960. Shut-off for public interest, misuse, waste or violation. Any violation of chapter 509 may cause water to be shut off. Water may also be shut off if the director of the waterworks treatment and distribution services division determines that the use, misuse or waste of water adversely affects the health, safety or welfare of the public. No one shall turn water on or off without authority from the city director. Whenever water is found on without authority, it may be immediately turned off without further notice.

Section 72. That Section 509.990 of the above-entitled ordinance be amended to read as follows:

509.990. Discontinuance at request of customer. All bill payers or owners who desire to discontinue water service ~~for repair or vacant property~~ must notify the utility billing office or the ~~waterworks~~ director of the water treatment and distribution services division. The city will determine if water may be shut off. Water service and utility charges shall continue to accrue until water is turned off by the city except as provided by section 225.630.

Section 73. That Section 509.1100 of the above-entitled ordinance be amended to read as follows:

509.1100. Permits to tap mains for fire protection. All applications for permits to tap the city water mains for fire protection only shall be made to the ~~director of the waterworks~~ authorized designee of the director of the water treatment and distribution services division, who may grant permits for tapping the city water mains and connecting fire protection pipes, with a water meter or a detector, check valve/water meter combination ~~the same to be used for fire protection only in case of actual fire, and for no other purposes whatever.~~ These shall be used for fire protection only in case of fire.

Section 74. That Section 509.1110 of the above-entitled ordinance be amended to read as follows:

509.1110. Fire protection pipes without a meter. No water shall be drawn from fire service pipes for any purpose except for the extinguishment of fire, or for proper testing of the fire protection system in accordance with reasonable professional procedures for testing the fire protection system. Any use of water other than for extinguishment of fire or for proper testing of the fire protection system in accordance with reasonable professional procedures for testing the fire protection system shall be paid for by the owner at regular rates. No person shall tap or allow another person to tap any fire service pipe for other than fire protection purposes. Any illegal tap that is found, shall be disconnected immediately at the owner's expense. Violation of this section shall subject the property owner to an administrative fine in an amount as established in the schedule contained in the rate resolution.

All valves connected ~~with~~ to fire protection pipes having no water meter connected thereto~~with~~ shall be sealed by the city, at the expense of the ~~applicant~~ property owner, and in case of a fire and the breaking of the seal, the ~~waterworks~~ water treatment and distribution services division shall be notified of the ~~same~~ fire and the breaking of the seal by the owner, tenant or occupant of the premises within twenty-four (24) hours after the breaking of such seal. Any person who shall use water from ~~a~~ connections ~~so~~ that has been made for fire purposes only for any purpose other than fighting a fire, or who shall break the seal of any valve connected with any fire protection pipes, and shall fail to notify the waterworks division of same within twenty-four (24) hours, as above required, or who shall tap or make connections with any fire protection pipes, without a permit, shall be subject to, and shall pay, an administrative ~~fee of~~ not more than one hundred dollars (\$100.00) fine in an amount as established in the schedule contained in the rate resolution., and the ~~director of the waterworks~~ director of the Minneapolis water treatment and distribution services division shall immediately shut off the water from such ~~fire protection pipes~~ fire protection pipes and shall not turn on the same until such administrative fee is paid. Any person subject to an administrative fine for a violation of the requirements of this section has a right to make an administrative appeal using the procedures and deadlines established in sections 509.920 and 509.930 of this chapter. The city bears the burden of proving any violation by a preponderance of the evidence.

Section 75. That Section 509.1120 of the above-entitled ordinance be amended to read as follows:

509.1120. Fire line rates. All rates for fire standpipes, supply pipes and automatic sprinkler pipes with detector meters, direct meters or unmetered, shall be set by city council resolution ~~to be effective beginning January 1, 1999, and revised thereafter annually.~~

When the seal of any of the valves connecting with such fire protection pipes shall be broken, it shall be resealed by ~~authority of the director of the waterworks~~ director of the Minneapolis water treatment and distribution services division. All connections for fire systems must have a post indicator valve installed at the curb if ordered by the ~~director of the waterworks~~ director of the Minneapolis water treatment and distribution services division.

Section 76. That Section 509.1125 of the above-entitled ordinance be and is hereby repealed.

509.1125. Annual rates. ~~All fire standpipes, supply pipes and automatic sprinkler pipes with detector meters, direct meters or unmetered, shall be assessed according to size of connection at the following rates each per annum for the service and inspection of the fire protection pipes and meters installed, as follows:~~

~~2-inch pipe connection\$30.00
3-inch pipe connection36.00
4-inch pipe connection48.00
6-inch pipe connection72.00
8-inch pipe connection120.00
10-inch pipe connection180.00
12-inch pipe connection300.00~~

~~When the seal of any of the valves connecting with such fire protection pipes shall be broken, it shall be forthwith resealed by the superintendent of the waterworks. All connections for fire systems must have a post indicator valve installed at the curb if ordered by the superintendent of the waterworks.~~

~~This section shall be rescinded on midnight of December 31, 1998.~~

Section 77. That Section 509.1130 of the above-entitled ordinance be amended to read as follows:

509.1130. Administrative fee for opening fire hydrants ~~Illegal use of hydrant.~~ Except for use by personnel of the fire department and public works department, fire hydrants may only be used pursuant to the authority of a permit issued by the water treatment and distribution services division. All water taken from a hydrant must be metered. Any other person found using water from a hydrant, other than pursuant to the authority of a permit issued by the water treatment and distribution services division shall be subject to the following:

An administrative fine ~~of one hundred dollars (\$100.00)~~ in an amount as established in the schedule contained in the rate resolution shall be imposed for every fire hydrant opened without the proper authority. In addition to the above fee, there shall also be a charge to the any person opening the hydrant shall be liable for the cost of the water taken from the hydrant at regular rates based upon a reasonable estimate by the ~~waterworks~~ water treatment and distribution services division of the amount of water taken from the hydrant ~~times the water rate in effect times five (5).~~

The water treatment and distribution services division will take custody of any and all hydrant nozzle adaptors and appurtenances found attached to Minneapolis fire hydrants or adjacent thereto in violation of this Code. Such adaptors and appurtenances become the property of the City of Minneapolis.

Any person who objects to a determination made pursuant to this section may make an administrative appeal using the procedures and deadlines established in sections 509.920 and 509.930 of this Chapter. The city bears the burden of proving any violation by a preponderance of the evidence.

Section 78. That Section 509.1140 of the above-entitled ordinance be amended to read as follows:

509.1140. Interference with hydrants, gates. No person shall open or interfere with any of the hydrants or gates of the city, except city employees with proper authorization to do so and other persons with the proper permits from the ~~waterworks~~ water treatment and distribution services division.

Section 79. That Section 509.1200 of the above-entitled ordinance be amended to read as follows:

509.1200. Permit application and fees. Every application for a permit for the installation in any building or structure of water supply or water distribution pipes or system of piping shall be in writing on printed forms furnished by the department of inspections. The fees for permits shall be ~~computed~~ according to the terms of Chapter 91, Article IV, of this Code in an amount as established in the schedule contained in a separate fee resolution.

Section 80. That Section 509.1240 of the above-entitled ordinance be amended to read as follows:

509.1240. Connection to another water system. ~~Whenever~~ If a system of water supply, whether inside or outside of any building or structure, is supplied with water from any well, cistern, river, lake or any source other than the Minneapolis Waterworks city water supply, ~~System such~~ the system shall be kept entirely separated from the city supplied water system, and no connection of any kind, either direct or indirect, shall be made with any pipe or system of piping which is supplied with water from the city except where the city has a bona fide working agreement with the governmental agency or operators of such system and the connection or provision for connection is made with and maintained under the approval and supervision of the director of the waterworks. Any fire protection system supplied with water from the city water service shall be supplied exclusively with the city's water service. No connection shall be allowed with any other system drawing its supply from any other source where the city water supply may be subject to contamination from the other source. No connection shall be made at any time between the fire service pipe system and the regular water supply to the premises, unless all connections shall have been approved by the water treatment and distribution services division.

Section 81. That Section 509.1250 of the above-entitled ordinance be amended to read as follows:

509.1250. Separation from connected system. Wherever physical connection or cross connection between the city waterworks system and any other waterworks system is found to exist, the ~~director of the waterworks~~ director of Minneapolis water treatment and distribution services division and the owner shall be notified; and unless the owner removes the connection or cross connection within ten (10) days, the said director shall cause the water to be physically disconnected in the street and to remain disconnected until the separation of the system is effected. The director may act as necessary to protect public health.

Section 82. That Section 509.1280 of the above-entitled ordinance be amended to read as follows:

509.1280. Secondary water. Secondary water is any water from a system of water pipes or piping which receives its water supply from rivers, cistern or any groundwater or rainwater reservoir; the secondary water is also water from the mains of the Minneapolis waterworks treatment and distribution services system which has been used for any purpose within any building, structure or premises which has been discharged from any type of condenser coils or cooling system, hydraulic lifts, boilers, linotype

machines, die casting machines or apparatus or which has been stored in such a manner as to expose it to possible contamination. No secondary water shall in any way be piped or conveyed into the water supply system of any building, structure or premises to become a part of or mixed with the fresh water supply from the mains of the Minneapolis waterworks treatment and distribution services system. No pipe or other conduit which conveys secondary water shall be cross connected to the potable water system.

Section 83. That Section 509.1290 of the above-entitled ordinance be amended to read as follows:

509.1290. Compliance with plumbing code. All materials and methods of installation for the water supply system shall be made in accordance with the provisions of the Minneapolis Minnesota Plumbing Code.

Section 84. That Section 509.1310 of the above-entitled ordinance be amended to read as follows:

509.1310. Storage tanks. The engineering standards of boilers and pressure vessels for use in any building or structure using water supplied by the Minneapolis ~~waterworks~~ water treatment and distribution services division, shall be that established by the current edition of the construction, operation and care of, in-service inspection and testing, and controls and safety devices codes of the American Society of Mechanical Engineers and amendments thereto.

Section 85. That Section 509.1440 of the above-entitled ordinance be amended to read as follows:

509.1440. Copper fittings standards. Standards for copper fittings shall be as follows:

Copper Brass Solder Joint Fittings—~~American Standards Association~~ Society of Mechanical Engineers (ASME) B 16.18-1950.

Wrought Copper Solder Joint Fittings—~~American Standards Association~~ Society of Mechanical Engineers (ASME) B 16.22-1951.

Brass Fittings for Flared Copper Tube—~~American Standards Association~~ Society of Mechanical Engineers (ASME) B 16.25-1958.

Section 86. That Section 509.1470 of the above-entitled ordinance be amended to read as follows:

509.1470. Water use limited during emergency period. No person shall draw or use water from the city water mains or the city waterworks distribution system other than as permitted by the declaration of emergency during any period of emergency caused by shortage of water supply or lowering of water pressure in the water mains of the city.

Section 87. That Section 509.1490 of the above-entitled ordinance be amended to read as follows:

509.1490. Administrative fee fine. For a first violation of the declaration of emergency, the occupant of the premises or the owner thereof will receive a warning of the offense. Subsequent violations of the declaration of emergency will result in a turnoff of the water supply to the premises. Written notice posted on the premises at the time of the violation will be considered sufficient notice prior to turnoff of the water supply. No water supply which has been turned off because of a violation of this article shall be turned on until ~~twenty-five dollars (\$25.00)~~ an administrative fine in an amount as established in the schedule contained in the rate resolution has been paid to the Minneapolis ~~waterworks treatment and distribution services~~ division, together with the regular charge for ~~turning off and on~~ water service turn off and on. ~~The city engineer may, in the event of demonstrated economic hardship, waive a portion of the twenty-five dollar (\$25.00) administrative fee, but not exceeding fifteen dollars (\$15.00).~~ The violation may also be subject to the penalties in Chapter 1 of this Code.

Adopted.

T&PW - Your Committee recommends approval of the following appointments to the Nicollet Avenue South Special Service District Advisory Board for terms to expire July 1, 2014:

Rob Davis, Ward 6

Dennis Babcock, Ward 7

Diane Woelm, Ward 7 (reappointment).

Adopted.

T&PW - Your Committee recommends approval of the appointment of Amy Moore, Ward 9, to the East Lake Street Special Service District Advisory Board for a term to expire July 1, 2014.

Adopted.

T&PW - Your Committee recommends approval of the reappointment of John Wolf, Ward 8, to the Chicago-Lake Special Service District Advisory Board for a term to expire July 1, 2014.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution establishing Uniform Assessment Rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2013 calendar year.

Adopted.

Resolution 2012R-605, establishing Uniform Assessment Rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2013 calendar year, was adopted 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 2012R-605
By Colvin Roy

Establishing Uniform Assessment Rates for street construction, street renovation, street resurfacing, and alley resurfacing improvements for the 2013 calendar year.

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly Uniform Assessment Rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998, June 12, 1998, and December 12, 2008 relating to residential and non-residential properties and relating to local and other streets; and

Whereas, the City Council adopted a policy on February 15, 2008 establishing the street resurfacing program and assessment policy relating to residential and non-residential properties; and

Whereas, the City Engineer has submitted the recommended 2013 Uniform Assessment Rates, all as contained in Petn No 276133 on file in the office of the City Clerk;

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

That the following rates are hereby established as the 2013 Uniform Assessment Rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2013 calendar year:

Construction (street paving, curb and gutter, and other street paving related improvements) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$2.39/sq ft - Non-Residential;

\$0.80/sq ft - Residential;

Renovation (mill and overlay of street surface and selected curb and gutter and street construction as needed) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street:

\$1.20/sq ft - Non-Residential;

\$0.40/sq ft - Residential;

Resurfacing (mill and overlay of street surface only) - appropriate rate is applied to the land area of benefited parcels located within the street influence zone along the improved street.

\$0.60 - Non-Residential;

\$0.20 - Residential; and

Alley Resurfacing (overlay concrete alleys with bituminous materials) - appropriate rate is applied to the land area of benefited parcels abutting the alley being improved.

\$0.065 - Non-Residential and Residential.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution levying special assessments upon the benefited properties for various 2012 Public Works Department projects, adopting the assessment rolls, and directing the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

Resolution 2012R-606, levying various 2012 Public Works Department special assessments and adoption of assessment rolls, was adopted 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 2012R-606
By Colvin Roy

Levying Various 2012 Public Works Department Special Assessments and Adoption of Assessment Rolls.

Resolved by The City Council of The City of Minneapolis:

That the special assessments for the projects and charges listed below be levied upon the benefited properties for the listed number of successive equal annual installments and interest rates (except as otherwise noted hereinafter), that the assessment rolls as prepared by the City Engineer be adopted and that the City Clerk be directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2013 real estate tax statements.

1. Uptown (Hennepin-Lake Area) Streetscape Revitalization Project (including Supplemental), Special Improvement of Existing Street No 2897; 15% of cost category adjusted annually for land and building valuation and certified annually for 20 years; 5.3% interest; \$12,917.71 principal and interest for payable 2013 - Levy 01026 - Project 2897R.

2. Talmage Avenue SE Street Reconstruction Project (29th Ave SE to 33rd Ave SE) Special Improvement of Existing Street No 2225; \$504,944.19 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 2225C.

3. Thirty-third Avenue SE Street Reconstruction Project (Como Ave SE to E Hennepin Ave) Special Improvement of Existing Street No 2225 (Phase 2); \$326,784.79 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 2225-2.

4. Riverside (23rd Ave S to 27th Ave S) Phase 1 Street Lighting Project, Special Improvement of Existing Street No 6746; \$258,705.16 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 6746L.

5. Riverside (Cedar Ave to 23rd Ave S) Phase II Street Reconstruction Project, Special Improvement of Existing Street No 6746; \$334,905.23 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 6746-2.

6a. Twenty-Second Street E Reconstruction Project, Special Improvement of Existing Street No 2998; \$112,528.41 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 2998C; 1 installment of \$150 or less - ** interest - Levy 01026 - Project C2998.

6b. Twenty-Second Street E Street Lighting Project, Special Improvement of Existing Street No 2998; \$119,686.20 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 2998L; 1 installment of \$150 or less - ** interest - Levy 01026 - Project L2998.

7. Lyndale Avenue S (Minnehaha to 56th St W) Street Reconstruction Project, Special Improvement of Existing Street No 6745; \$613,075.81 principal; 20 installments for assessments of more than \$150 - ** interest - Levy 01026 - Project 6745C.

8. First St S Street Resurfacing Project, Special Improvement of Existing Street No 5233; \$19,249.19 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5233-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5233.

9. Eleventh Avenue S Street Resurfacing Project, Special Improvement of Existing Street No 5232; \$129,135.13 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5232-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5232.
10. Upton Avenue S Street Resurfacing Project, Special Improvement of Existing Street No 5230; \$85,390.07 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5230-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5230.
11. Sheridan Avenue S Street Resurfacing Project, Special Improvement of Existing Street No 5228; \$116,913.80 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5228-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5228.
12. West River Road Street Resurfacing Project, Special Improvement of Existing Street No 5239; \$189,978.79 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5239-2.
13. Fifteenth Street E Street Resurfacing Project, Special Improvement of Existing Street No 5241; \$69,746.47 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5241-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5241.
14. Near North & Grant area Street Resurfacing Project, Special Improvement of Existing Street No 2990; \$1,151,176.26 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 2990-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-2990.
15. Eighth Avenue NE Street Resurfacing Project, Special Improvement of Existing Street No 2953; \$38,671.07 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 2953-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-2953.
16. Second Street NE Street Resurfacing Project, Special Improvement of Existing Street No 5243; \$279,782.41 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5243-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5243.
17. Cedar Lake Road Street Resurfacing Project, Special Improvement of Existing Street No 5240; \$83,082.27 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5240-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5240.
18. Armatage area Street Resurfacing Project, Special Improvement of Existing Street No 5229; \$838,629.61 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5229-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5229.
19. Twenty-Eighth Avenue S Street Resurfacing Project, Special Improvement of Existing Street No 5242; \$143,794.37 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5242-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5242.
20. Thirty-Eighth Street E Street Resurfacing Project, Special Improvement of Existing Street No 5238; \$172,397.72 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5238-2; 1 installment for assessments of \$150 or less - ** interest - Levy 01027 - Project 2-5238.
21. Plymouth Avenue N Street Resurfacing Project, Special Improvement of Existing Street No 5236; \$35,252.01 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5236-2.
22. Sixth Avenue N Street Resurfacing Project, Special Improvement of Existing Street No 5237; \$128,673.61 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01027 - Project 5237-2.
23. 2012 Alley Resurfacing Program, Special Improvement of Existing Alleys No AL012; \$122,912.14 principal; 5 installments for assessments of more than \$150 - ** interest - Levy 01013 - Project AL012; 1 installment for assessments of \$150 or less - ** interest - Levy 01013 - Project 012AL.
24. Project No 2013, Snow and Ice Removals from Public Sidewalks; \$23,300.63 principal (reduced from \$23,765.93 due to prepayments); 1 installment - ** interest - Levy 01057 - Project 13S11.
25. Project No 2013, Public Sidewalk Repair and Construction; \$1,088,620.64 principal (reduced from \$1,115,215.19 due to prepayments); 10 installments for assessments of more than \$1,500 - ** interest - Levy 01052 - Project 13S10; 5 installments for assessments of more than \$150 up to \$1,500 - ** interest - Levy 01052 - Project 13S05; 1 installment for assessments \$150 or less - ** interest - Levy 01052 - Project 13S01.
26. Project No. 2013 Water Service Line Repairs; \$436,840 principal (reduced from \$439,990 due to prepayments); 10 installments - 5% - Levy 01028 - Project WTR10; 7 installments - 5% interest - Levy 01028 - Project WTR07; 5 installments - 5% interest - Levy 01028 - Project 13WTR.

27. Project No. 2013 Sewer Service Line Repairs; \$159,241.25 principal (reduced from \$166,391.25 due to prepayments); 5 installments - 5% interest - Levy 01083 - Project 13SWR.

28. Street Maintenance annual assessments against non-governmental real property exempt from ad valorem taxes: \$0.01957 per square foot for a total assessment roll in the amount of \$545,515. There is no interest charge applied - Levy 01031 - Project 1337M.

29. Street Lighting Operation and Maintenance annual assessment against non-governmental real property exempt from ad valorem taxes; \$0.00392 per square foot for a total assessment roll in the amount of \$109,264. There is no interest charge applied - Levy 01023 - Project 1337L.

** Interest Rates for 20 year installments - 2.625%

10 year installments - 2.0%

7 year installments - 2.0%

5 year installments - 2.0%

1 year installments - 2.0%

Adopted.

Approved by Mayor Rybak 11/19/2012.

T&PW - Your Committee, having under consideration the special assessment deferment application submitted by Rosalie M. Page (Senior Citizen) to defer the special assessment (Levy 01028, Project 13WTR) for a water service line repair in the original principal amount of \$4,200 for payable 2013 and subsequent years on the property located at 3806 Bryant Ave N (PID 04-029-24-41-0133) legal description as follows:

Lot 17, Block 3, "Farnham's Third Addition to Minneapolis",
now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365, passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted.

T&PW - Your Committee, having under consideration the special assessment deferment application submitted by Lorean Patterson (Senior Citizen) to defer the special assessment (Levy 01027, Project 29902) for street resurfacing in the original principal amount of \$2,558.11 for payable 2013 and subsequent years on the property located at 1714 Thomas Pl N (PID 21-029-24-24-0195) legal description as follows:

Lot 10 and that part of Lot 9 lying Westerly of a line running from a point on the North line of Lot 9, distant 15 feet Easterly of the Northwest corner thereof, to a point on the Southerly line thereof, distant 18 feet Easterly from the Southwest corner thereof,
Block 11, "Oak Park Addition to Minneapolis",
now recommends that the application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365, passed August 8, 1980 and 93R-134 passed April 16, 1993.

Adopted.

T&PW - Your Committee recommends that the proper City officers be authorized to amend the terms of the agreement between Minneapolis Refuse Incorporated (MRI) and the City of Minneapolis to include a provision for the lease of up to five (5) City-owned packer trucks to MRI at a rate of \$2300/month to be used for the implementation of one-sort recycling collection services for residents in the current MRI service area.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the Winter St NE Street Reconstruction Project, Special Improvement of Existing Street No 2226.

Adopted.

Resolution 2012R-607, designating the locations and streets to be improved in the Winter St NE Street Reconstruction Project No 2226, was adopted 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 2012R-607
By Colvin Roy

WINTER ST NE STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2226

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 and concrete, with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Winter St NE from cul-de-sac to 15th Ave SE;
Ulysses St NE from Winter St NE to the dead-end;
Garfield St NE from E Hennepin Ave to Winter St NE;
14th Ave SE from E Hennepin Ave to dead-end;
15th Ave SE from E Hennepin Ave to Winter St NE; and
16th Ave from E Hennepin Ave to dead-end.
Adopted.

T&PW - Your Committee, having received a cost estimate of \$4,930,000 for street construction improvements and a list of benefited properties for certain locations in the Winter St NE Street Reconstruction Project, Special Improvement of Existing Street No 2226, as designated by Resolution 2012R-607, passed November 16, 2012, now recommends that the City Engineer be directed to prepare a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the 2013 Uniform Assessment Rates as per Resolution 2012R-605, passed November 16, 2012.

Your Committee further recommends that a public hearing be held on January 29, 2013, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the first phase of the Penn Ave S Street Reconstruction Project, Special Improvement of Existing Street No 6748.

Adopted.

Resolution 2012R-608, designating the locations and streets to be improved in the first phase of the Penn Ave S Street Reconstruction Project No 6748, was adopted 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 2012R-608
By Colvin Roy

PENN AVE S STREET RECONSTRUCTION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6748

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

Resolved by The City Council of The City of Minneapolis:

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

Penn Ave S from MN-62 (Crosstown) to 100 feet north of 54th St W.

Adopted.

T&PW - Your Committee, having received a cost estimate of \$8,500,000 for street construction improvements and a list of benefited properties for the first phase of the Penn Ave S (from MN-62 to 100 feet north of 54th St W) Reconstruction Project, Special Improvement of Existing Street No 6748, as designated by Resolution 2012R-608 passed November 16, 2012, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on January 29, 2013, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the above-designated street reconstruction project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the first phase of the Penn Ave S Street Lighting Project, Special Improvement of Existing Street No 6748L.

Adopted.

Resolution 2012R-609, designating the locations and streets to be improved in the first phase of the Penn Ave S Street Lighting Project No 6748L, was adopted 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 2012R-609
By Colvin Roy

PENN AVE S STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6748L

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

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by installing

a lighting system consisting of a combination of thirty-foot-tall and fifteen-foot-tall street lights together with all the necessary appurtenances and work related to the above-described improvements:

Penn Ave S from MN-62 (Crosstown) to 100 feet north of 54th St W.
Adopted.

T&PW - Your Committee, having received a base cost estimate of \$600,000 for improvements and a list of benefited properties for the first phase of the Penn Ave S Street Lighting Project, Special Improvement of Existing Street No 6748L, as designated by Resolution 2012R-609, passed November 16, 2012, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on January 29, 2013, 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 above-designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted.

T&PW - Your Committee, having under consideration proposed amendments to the Minnesota Pollution Control Agency (MPCA) Rules Governing Siting, Design, and Operation of Yard Waste and Solid Waste Compost Facilities (Composting Rules), now recommends approval and submittal of comments on the composting rules to the MPCA, as set forth in Petn No 276134.

Adopted.

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

T&PW & W&M/Budget - Your Committee, having under consideration Contract No C-35938 (OP No 7644) in the amount of \$78,750 with OMNI-Midwest, Inc., to repair a concrete slab over an activated carbon storage tank at the Fridley Softening Plant for the Water Treatment and Distribution Services Division of the Public Works Department, now recommends:

a) That the proper City officers be authorized to find OMNI-Midwest, Inc. in default of their contract with the City for anticipatory breach and failing to fulfill the contract; and

b) That the proper City officers find, pursuant to Chapter 8, Section 24, of the Minneapolis City Charter that OMNI-Midwest, Inc., Gerald Roy, and any officers of OMNI-Midwest, Inc. shall not have any bid considered by the City and no contract shall be awarded by the City, unless the current default by OMNI-Midwest, Inc. is remedied or cured to the satisfaction of the City.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Fridley Water Campus Paving Project, now recommends that the proper City officers be authorized to increase Contract No C-35818 (OP 7611) with Bituminous Roadways, Inc. by \$9,900, for a revised contract total of \$190,900, to allow for additional work not included in the original scope of the project. No additional appropriation required.

Adopted.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase Contract No C-35563 (OP 7590) with Cemstone Products Company for ready mix concrete by \$150,000, for a revised contract total of \$1,070,715, due to the amount of work requested by internal and external agencies in 2012. No additional appropriation required.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the seal coating and crack filling of off-street bike trails in the City of Minneapolis, now recommends that the proper City officers be authorized to increase Contract No C-35512 (OP No 7556) with Upper Midwest Athletic Construction (a division of Blacktop Repair Services, Inc.) by \$27,021.98, for a revised contract total of \$189,241.98, to

allow for additional work not included in the original scope of the project. No additional appropriation required.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration grant agreements with the Metropolitan Council and the Downtown Minneapolis Transportation Management Organization (TMO), now recommends:

a) That the proper City officers be authorized to execute Metropolitan Council Pass Through Grant Agreement No SG-2012-101 between the Metropolitan Council and the City of Minneapolis to provide up to \$406,048 in federal grant funding (FTA-CMAQ) for Transportation Demand Management (TDM) projects in effect for the period of November 1, 2012 through December 31, 2013;

b) That the proper City officers be authorized to execute city agreements with the Downtown Minneapolis Transportation Management Organization (TMO) to perform specific work efforts as outlined in and in accordance with Metropolitan Council Contract SG-2012-101 that provides up to \$406,048 in federal grant funding in effect for the period of November 1, 2012 through December 31, 2013; and

c) Passage of the accompanying resolution increasing the appropriation and revenue in the PW-Permanent Improvement Projects Fund by \$406,048.

Adopted.

RESOLUTION 2012R-610

By Colvin Roy and Hodges

Amending the 2012 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (01300-9020932) by \$406,048 and increasing the revenue source (01300-9010943 - Source 321050) by \$406,048.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration a Non-Motorized Transportation Pilot Project (NTP) grant award to be used for the Cedar - Washington Intersection Pedestrian Improvement Project, now recommends:

a) That the proper City officers be authorized to accept NTP federal grants in the amount of \$765,000 for the project;

b) That the proper City officers be authorized to execute agreements with Mn/DOT for the grant;

c) Passage of the accompanying resolution increasing the appropriation and revenue for the project by \$765,000; and

d) Passage of the accompanying resolution requesting Mn/DOT to act as the City's agent in accepting the federal grants.

Adopted.

RESOLUTION 2012R-611

By Colvin Roy and Hodges

Amending the 2012 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 PW-Transportation Agency appropriation in the Grants-Federal Fund (01300-9010943 Project G39012CEDAR) by \$765,000 and increasing the revenue source (01300-9010943 Project G39012CEDAR - Source 321012) by \$765,000.

Adopted.

RESOLUTION 2012R-612
By Colvin Roy and Hodges

Appointing the Commissioner of Transportation as agent of the City to accept federal aid funds.

Resolved by The City Council of The City of Minneapolis:

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

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration underground utility work planned by CenterPoint Energy in the area of the Upton Ave S Street Resurfacing Project which will require a delay in the completion of the street resurfacing project, now recommends passage of the accompanying resolution amending Resolution 2012R-198 by postponing the levy of special assessments for a portion of the properties located within the Upton Ave S Street Resurfacing Project area to begin collection of the special assessments on the 2014 real estate tax statements at the 2012 assessment rates.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

Resolution 2012R-613, amending Resolution 2012R-198 to postpone levy of special assessments for a portion of properties located within the Upton Ave S Street Resurfacing Project area, was adopted 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 2012R-613
By Colvin Roy and Hodges

Amending Resolution 2012R-198 entitled "Ordering the work to proceed and adopting the special assessments for the Upton Ave S Street Resurfacing Project, Special Improvement of Existing Street No 5230," passed April 13, 2012.

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on April 3, 2012 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2012R-123, passed March 8, 2012 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2012R-123, passed March 8, 2012.

Be It Further Resolved that the proposed special assessments in the total amount of ~~250,612.07~~ \$85,390.07 for the Upton Ave S Street Resurfacing Project, from 50th St W to 54th St W (both sides), as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the levy of proposed special assessments in the total amount of \$165,221.17 for the Upton Ave S Street Resurfacing Project, from 43rd St W to 50th St W (both sides), be postponed until November, 2013 to begin collection on the 2014 real estate taxes.

Be It Further Resolved that, as to the benefited properties on Upton Ave S from 50th St W to 54th St W (both sides), the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at

the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that, as to the benefited properties on Upton Ave S from 50th St W to 54th St W (both sides), the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.

Be It Further Resolved that, as to the benefited properties on Upton Ave S from 43rd St W to 50th St W (both sides), that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at five (5) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that, as to the benefited properties on Upton Ave S from 43rd St W to 50th St W (both sides), that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that the special assessments will be assessed against the benefited properties at the 2012 Uniform Assessment Rate, as established in Resolution 2011R-571, passed November 4, 2011.

Adopted.

Approved by Mayor Rybak 11/19/2012.

T&PW & W&M/Budget - Your Committee, having under consideration the concern of certain property owners in the Downtown Business Improvement Special Service District regarding their assessments, now recommends passage of the accompanying resolution amending Resolution 2012R-486 removing certain properties from the assessment roll for the service charges for 2013 in the Downtown Business Improvement Special Service District.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

Resolution 2012R-614, amending Resolution 2012R-486 by removing certain properties from the assessment roll for the service charges for 2013 in the Downtown Business Improvement Special Service District, was adopted 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 2012R-614
By Colvin Roy and Hodges

Amending Resolution 2012R-486 entitled "Approving special services, the cost estimates, service charges, and the lists of service charges for 2013 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work," passed September 21, 2012.

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on September 11, 2012 in accordance with Laws of Minnesota, Chapter 428A and Chapter 465 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 276003 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter; and

Whereas, the proposed special services and the proposed cost estimate is in the total amount of \$6,574,783 for 2013, which includes \$380,796 funded by dollars that are received outside the

assessment process including donations, direct-service agreements, and some properties that opt to contribute directly;

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

That the following properties be removed from the assessment roll for the Downtown Business Improvement Special Service District service charges for 2013:

<u>Property ID No.</u>	<u>Special Assessment Amount</u>
<u>22-029-24-42-0114</u>	<u>\$22,979.71</u>
<u>22-029-24-41-0062</u>	<u>932.57</u>
<u>22-029-24-41-0067</u>	<u>675.33</u>
<u>22-029-24-41-0043</u>	<u>2,594.20</u>
<u>22-029-24-41-0026</u>	<u>4,443.06</u>
<u>22-029-24-41-0025</u>	<u>1,629.71</u>
<u>22-029-24-41-0027</u>	<u>3,623.01</u>
<u>22-029-24-41-0048</u>	<u>1,436.00</u>
<u>22-029-24-41-0061</u>	<u>5,938.91</u>
<u>22-029-24-41-0085</u>	<u>19,845.49</u>
<u>22-029-24-41-0108</u>	<u>556.47</u>
<u>22-029-24-41-109</u>	<u>610.58</u>
<u>22-029-24-41-0111</u>	<u>212.12</u>
<u>22-029-24-41-0121</u>	<u>117.61</u>
<u>22-029-24-41-0123</u>	<u>139.19</u>
<u>22-029-24-41-0126</u>	<u>13,896.63</u>
<u>22-029-24-42-0059</u>	<u>25,523.03</u>
<u>22-029-24-42-0079</u>	<u>14,702.40</u>
<u>22-029-24-43-0032</u>	<u>\$18,142.94</u>
<u>22-029-24-41-0105</u>	<u>4,821.97</u>
<u>22-029-24-41-0031</u>	<u>796.59</u>
<u>22-029-24-41-0090</u>	<u>13,962.08</u>
<u>22-029-24-41-0024</u>	<u>4,270.46</u>
<u>22-029-24-41-0091</u>	<u>1,501.01</u>
<u>22-029-24-41-0049</u>	<u>2,954.10</u>
<u>22-029-24-43-0104</u>	<u>2,962.08</u>
<u>22-029-24-41-0064</u>	<u>1,194.51</u>
<u>22-029-24-41-0082</u>	<u>2,466.55</u>
<u>TOTAL</u>	<u>\$172,928.31</u>

~~That the proposed service charges and the proposed list of service charges (special assessments) for 2013 in the total amount of \$6,193,987.05 (amount remaining after reducing the cost estimate of \$6,574,783 by \$380,796 received as funding by other sources) as provided for in Section 465.80 of the Minneapolis Code of Ordinances as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Downtown Business Improvement Special Service District.~~

~~That the proposed special services and the proposed cost estimate in the total reduced amount of \$6,401,854.69 for 2013, which includes \$380,796 funded by dollars that are received outside the assessment process including donations, direct-service agreements and some properties that opt to contribute directly; and~~

~~That the proposed service charges and the proposed list of service charges (special assessments) for 2013 in the total revised amount of \$6,021,058.74 (amount remaining after further reducing the cost estimate of \$6,401,854.69 by \$380,796 received as funding by other sources) as provided for in Section 465.80 of the Minneapolis Code of Ordinances, as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Downtown Business Improvement Special Service District.~~

Be It Further Resolved that the City Engineer (with the Minneapolis Downtown Improvement District) is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2013 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted.

Approved by Mayor Rybak 11/19/2012.

T&PW & W&M/Budget - Your Committee, having under consideration Maximo Asset Management software which provides a comprehensive unified system for the management of capital assets, now recommends that the proper City officers be authorized to negotiate and execute a contract with Starboard Consulting for the implementation of Maximo Asset Management software for a two-year term with a one-year option to renew. The contract shall not exceed \$2,000,000.

Adopted.

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

VETOED BY THE MAYOR

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

Lilligren moved to divide the resolution so as to consider separately that portion relating to item "d".
Seconded.

Adopted upon a voice vote.

Hodges moved that the separated portion of the resolution be approved. Seconded.

Adopted.

Vetoed. R. T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

(See "Unfinished Business-Consideration of Mayor's Veto next meeting 12/7/2012).

Resolution 2012R-615, authorizing settlement of legal matter *Riley B. Housley, III v. City of Minneapolis*, was adopted 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 2012R-615
By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Riley B. Housley, III v. City of Minneapolis*, by payment of \$63,000 to Riley B. Housley, III, and his attorney, R. Donald Hawkinson, from the Internal Service Self Insurance Fund (06900-1501500-145690).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlements.

Adopted.

Vetoed. R. T. Rybak, Mayor.

Attest: Casey Joe Carl, City Clerk.

(See "Unfinished Business-Consideration of Mayor's Veto next meeting 12/7/2012).

Hodges moved that the balance of the report be approved. Seconded.

Adopted.

Resolution 2012R-616, authorizing settlement of legal matters including *Kandra Mack v. William James Martin and City of Minneapolis*, *Robert Skarsten v. City of Minneapolis*, and *Michelle Hopfer v. City of Minneapolis*, was adopted 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 2012R-616
By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) *Kandra Mack v. William James Martin and City of Minneapolis*, by payment of \$22,500 to Kandra Mack and her attorneys, Field Law Firm, from the Internal Service Self Insurance Fund (06900-1501500-145400);

b) *Robert Skarsten v. City of Minneapolis*, by payment of \$150,000 to Robert Skarsten and his attorneys, Mackall, Crouse & Moore, from the Internal Service Self Insurance Fund (06900-1501500-145685); and

c) *Michelle Hopfer v. City of Minneapolis*, by payment of \$17,500 to Michelle Hopfer and her attorneys, Swor & Gatto, from the Internal Service Self Insurance Fund (06900-1501500-145835).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlements.

Adopted.

W&M/Budget - Your Committee, having under consideration the City's participation in a pilot program for the eCourtMN initiative, now recommends the proper City officers be authorized to execute an agreement with the State of Minnesota for Minnesota court data services and MPA My Case.

Adopted.

W&M/Budget - Your Committee recommends acceptance of the low bid received by the Convention Center on OP No 7709 from Alpha Video and Audio, Inc. in the amount of \$147,101.22 to furnish, deliver and install a production intercom system for the City of Minneapolis Convention Center/Target Center.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

W&M/Budget - Your Committee, having under consideration the annual property insurance premium for the Minneapolis Convention Center, Tallmadge Building and Parking Ramp, now recommends the City's Finance Officer be authorized to review options for property insurance for the Convention Center and accept the XL Insurance quote of \$257,775, plus taxes and surcharges, and lock in the binder for the 2013 property coverage. Further, accepting the quote for additional terrorism coverage.

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute a contract with PricewaterhouseCoopers for professional advisory services for the Application Security review, included in the 2012 Internal Audit Plan, with terms and conditions outside of the City's standard contract form as negotiated with PricewaterhouseCoopers.

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to amend Contract No. 35591 with Hennepin County to receive an additional amount not to exceed \$250,000 in federal funding through a grant from the state Department of Human Services in order to continue the

Minnesota Family Investment Program (MFIP) Innovation project in 2013. Further, passage of the accompanying resolution appropriating \$250,000 to the Department of Health & Family Support.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

RESOLUTION 2012R-617

By Hodges

Amending The 2012 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 Department of Health & Family Support Agency in the Grants - Federal Fund (01300-8600122) by \$250,000 and increasing the revenue source (01300-8600122-321007) by \$250,000.

Adopted.

Approved by Mayor Rybak 11/19/2012.

(Published 11/20/2012)

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of a donation from the Downtown Council for usage of the skyway and related support for the annual Minneapolis Legislative Holiday party.

Adopted.

Resolution 2012R-618, accepting donation of usage and related support for usage of the skyway, was adopted 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 2012R-618

By Hodges

Accepting donation of usage and related support for usage of the skyway.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

<u>Name of Donor</u>	<u>Gift</u>
Downtown Council	usage and related support for usage of the skyway between the Young Quinlan Building and the "Target Store Block," near the intersection of 9th Street and Nicollet Mall on Thursday, November 29, 2012

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in hosting the annual Minneapolis Legislative Holiday party, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

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

That the donations described above are accepted and shall be used for hosting the annual Minneapolis Legislative Holiday party to build relationships between the City and the legislature.

Adopted.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of a gift from the Johnson Foundation for travel, lodging and meal expenses for George Kraynick, Water Laboratory Supervisor, to participate in the November 2012 Mississippi River Basin Nutrients Workshop in Racine, Wisconsin.

Adopted.

Resolution 2012R-619, accepting a gift of travel expenses from the Johnson Foundation for a City employee to participate in the 2012 Mississippi River Basin Nutrients Workshop, was adopted 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 2012R-619
By Hodges

Accepting travel expenses donation.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

<u>Name of Donor</u>	<u>Gift</u>
Johnson Foundation	Travel, lodging & meal expenses for the Water Laboratory Supervisor to participate in the November 2012 Mississippi River Basin Nutrients Workshop

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in seeking common ground and interests for the agriculture and water communities, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

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

That the donations described above are accepted and shall be used for travel, lodging, and meal expenses for the Water Laboratory Supervisor associated with the November, 2012 Mississippi River Basin Nutrients Workshop in Racine, WI.

Adopted.

W&M/Budget - Your Committee recommends that the 2012 Property Tax Special Assessments for Delinquent Utility Charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 276141 on file in the Office of the City Clerk.

Adopted.

W&M/Budget - Your Committee, having under consideration the current Respect in the Workplace Policy and a proposed Anti-Discrimination, Harassment and Retaliation Policy for the City of Minneapolis, now recommends the following:

- a) Approval of rescinding the current Respect in the Workplace Policy and replacing it with the Anti-Discrimination, Harassment and Retaliation Policy, as outlined in Petn No 276144; and
- b) Receiving and filing the Procedures that support the policy; and
- c) Directing Human Resources to place the policy and procedures in the Policy Library.

Adopted.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Nils Collins on behalf of Radical Roots Collective dba Seward Community Cafe (BZZ-5786) to rezone the property at 2123-29 E Franklin Ave from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District, retaining the PO Pedestrian Oriented Overlay District, to allow for a sit down restaurant, including the serving of alcoholic beverages, with general entertainment 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.

Ordinance 2012-Or-077 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2123-29 E Franklin Ave to the C2 Neighborhood Corridor Commercial District, was adopted 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 2012-Or-077
By Schiff
1st & 2nd Readings: 11/16/2012

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:

That part of S 1/2 of Lots 1 and 2 and W 45 ft of N 1/2 of Lot 2, Block 011, O'Doherty & O'Reillys Addn to Mpls; and N 1/2 of Lot 1 and the E 11 48/100 ft of N 1/2 of Lot 2 Lots 1 and 2, O'Doherty & O'Reillys Addn to Mpls (2123-29 E Franklin Ave - Plate 21) to the C2 Neighborhood Corridor Commercial District; PO Pedestrian Oriented Overlay District.

Adopted.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Tracy Singleton (BZZ-5773) to rezone the property at 3311 E 25th St and a portion of 2505 33rd Ave S from the R1A Single Family District to the C1 Neighborhood Commercial District to allow for a 1,424 square foot addition to an existing sit down restaurant 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.

Ordinance 2012-Or-078 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3311 E 25th St and a portion of 2505 33rd Ave S to the C1 Neighborhood Commercial District, was adopted 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 2012-Or-078
By Schiff
1st & 2nd Readings: 11/16/2012

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:

That part of Lot 24 except the West 80 feet thereof, Block 5, "Rearrangement Of Blocks In The Town Of Falls City" AND Lot 23 except the West 80 feet thereof and except the South 12 feet lying easterly of the West 80 feet thereof, Block 5, "Rearrangement Of Blocks In The Town Of Falls City" (3311 E 25th St and a portion of 2505 33rd Ave S - Plate 22) to the C1 Neighborhood Commercial District.

Adopted.

Z&P - Your Committee, having under consideration the appeal filed by Dustin Endres, on behalf of Endres Custom Homes, from the decision of the Zoning Board of Adjustment which denied the application for a variance to reduce the south interior side yard setback from one foot to 9.6 inches to permit a detached garage accessory to a single family dwelling located at 4053 11th Ave S in the R1A Single Family District, now recommends that said appeal be granted, and the application be approved.

Further, that the City Attorney's Office be directed to prepare Findings of Fact in support of the Committee's decision.

Schiff moved that the report be amended to include adoption of the findings as drafted by the City Attorney's Office. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Goodman, Hodges, Samuels, Gordon, Johnson.

Nays – Glidden.

RESOLUTIONS

Resolution 2012R-620, declaring November 2012 "Pancreatic Cancer Awareness Month," was adopted 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 2012R-620
By Hofstede, Reich, Gordon, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Declaring November 2012 "Pancreatic Cancer Awareness Month."

Whereas, in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

Whereas, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

Whereas, when symptoms of pancreatic cancer present themselves, it is late stage, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

Whereas, approximately 600 pancreatic cancer related deaths will occur in Minnesota in 2012; and

Whereas, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020, and possibly as early 2015; and

Whereas, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the City of Minneapolis and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

Whereas, the Pancreatic Cancer Action Network and its affiliates in the City of Minneapolis support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

Whereas, the good health and well-being of the residents of the City of Minneapolis are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

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

That the Mayor and the City Council of the City of Minneapolis hereby declare the month of November 2012 to be "Pancreatic Cancer Awareness Month" in the City of Minneapolis.

Adopted.

NEW BUSINESS

Lilligren moved to adjourn to Room 315 City Hall to consider the *McKinney v. Lehner, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

November 16, 2012 -10:37 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Lilligren, Tuthill, Glidden, Goodman, Samuels, Gordon, President Johnson.

Absent - Council Member(s) Reich, Schiff, Colvin Roy, Quincy, Hodges.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *McKinney v. Lehner, et al.* lawsuit.

At 10:38 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Present - Council Members Reich (in at 10:39 a.m.), Hofstede, Schiff (in at 10:39 a.m.), Lilligren, Colvin Roy (in at 10:39 a.m.), Tuthill, Quincy (in at 10:39 a.m.), Glidden, Goodman, Hodges, Samuels, Gordon, President Johnson.

Absent - Hodges

Also Present - Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Tim Skarda, Assistant City Attorney; Scott Gerlicher, Minneapolis Police Department; Jennifer O'Rourke, Mayor's Office; Casey Carl, City Clerk; and Peggy Menshek, City Clerk's Office.

Skarda summarized the *McKinney v. Lehner, et al.* lawsuit from 10:37 a.m. to 10:46 a.m.

At 10:46 a.m., Goodman moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Council Member Hofstede moved to settle the case of *McKinney v. Lehner, et al.* United States District Court file no. 12-1116, upon the following terms and conditions: payment in the amount of \$85,000.00 to Mauricio McKinney and his attorneys Gaskins, Bennett, Birrell & Schuup L.L.P. and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900 150 1500 4000. Seconded.

Adopted.

Absent - Hodges.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn to November 28, 2012, at 6:05 p.m. for the purpose of conducting a public hearing on Levy and 2013 budget, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 16, 2012. Seconded.

Adopted upon a voice vote.

Absent - Hodges.

Casey Joe Carl,
City Clerk

Unofficial Posting: 11/16/2012
Official Posting: 11/26/2012
Correction: 4/17/13