

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF SEPTEMBER 28, 2001

(Published October 6, 2001,  
in *Finance and Commerce*)

Room 132 City Hall.  
250 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
September 28, 2001 - 9:30 a.m.

Council President Cherryhomes in the Chair.

Present - Council Members Colvin Roy, McDonald, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Council President Cherryhomes.

Campbell moved acceptance of the minutes of the regular meeting of September 14, 2001. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267300)

Lot Division & Land Sale: 311-12th Ave NE.

Bottineau Commons East Project: Resolution granting final approval to issue bonds for 119-unit rental apartment building at 18th & University Ave NE.

Seven Corners Apartments: Resolution granting final approval to issue bonds for refinance & rehabilitation of buildings at 1400-2nd St SE.

Market Square Real Estate, Inc Project: Resolution authorizing execution of documents relating to change in letter of credit provider & remarketing agent re International Market Square.

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267301)

Nicollet Commons proposal update (Nicollet Ave & Lake St).

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267302)

MCDA Flipping Project: Authorize change in service area to include entire City of Mpls.

MN Dept of Trade & Economic Development: Accept & appropriate funds on behalf of Near Northside Redevelopment Project.

Mpls Center for Neighborhood's Commercial Corridors Institute: Request appropriation & revenue budget increase to accept funds from Planning Dept.

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

HEALTH AND FAMILY SUPPORT SERVICES (267303)

Weed and Seed Initiative: Designate Commissioner of Health & Family Support as authorized contact for implementation of initiative, and as the official signature for documents on behalf of the City.

Public Health Advisory Committee: Approve appointment of Doug Pryce, M.D., representing Hennepin Medical Society, for term to expire December 31, 2002.

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

HEALTH AND FAMILY SUPPORT SERVICES (267304)

Weed and Seed Initiative: Execute contracts with Minnesota Office of Drug Policy and Violence Prevention for receipt of \$657,000 in Year 2002 federal funds for Phillips, Northside and Central sites; and Approve appropriation.

Twin Cities Healthy Start Project: Accept \$925,000 from United States Department of Health & Human Services for project period July 1, 2001 through May 31, 2002; and Approve appropriation.

Covering Kids Project: Accept \$18,221 from Bush Foundation for outreach activities to identify children without health insurance and assist families in applying for Medical Assistance or MinnesotaCare; and Approve appropriation.

Back to School Project: Accept \$850 from HealthPartners to purchase backpacks and limited school supplies for school aged children through New Family Center; and Approve appropriation.

**INTERGOVERNMENTAL RELATIONS:**

LIAISON/FEDERAL, LOCAL AND STATE (267305)

Federal Legislative Issues: Report on Emergency Aid for World Trade Center attack, airline industry bailout & economic stimulus package.

TAX STUDY PROJECT (267306)

Property Tax Impacts of the New Law: Report.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

FIRE DEPARTMENT (267307)

Fire Code Enforcement Plan: Quarterly update report.

LICENSES AND CONSUMER SERVICES (267308)

Pandy Sales and Leasing (306 E Lake St): Consider action with respect to Motor Vehicle Dealers License for failure to complete site plan review process.

Lucky Dragon Riverside Restaurant (1827 Riverside): Consider action with respect to Restaurant License for failure to complete site plan review process.

POLICE DEPARTMENT (267308.1)

State of the Precinct Report: Third Precinct.

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

INSPECTIONS DEPARTMENT (267309)

Steam and Hot Water Heating Installers Board: Approve appointments of Richard Tieva, Denise Altonen, Greg Rosine and Peter Savage for terms to expire November 1, 2004; and Approve waiver of residency requirement for Richard Tieva and Greg Rosine.

Raze Properties: 1111 17th Av N, with attachments; 2514 Emerson Av N, with attachments; and 2722 Newton Av N.

LICENSES AND CONSUMER SERVICES (267310)

Licenses: Applications.

PARK BOARD, ET AL. (267311)

Regulation of Phosphorous Lawn Fertilizer: Comments relating to Ordinance amending Title 3 of Code relating to Air Pollution and Environmental Protection by adding a new Chapter 55 relating to Lawn Fertilizer.

Protection by adding a new Chapter 55 relating to Lawn Fertilizer.

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

ATTORNEY (267312)

Tenant Remedies Act Pilot Project Initiative: Extend Pilot Project through August 31, 2002; and Direct staff to report back to Committee with results of Pilot Project during month of January 2002.

FIRE DEPARTMENT (267313)

Self Contained Breathing Apparatus: Accept grant award of \$700,000 from Federal Emergency Management Administration, with approval for City to contribute required matching funds of \$300,000; and Approve appropriation, and allow the ability to move \$300,000 forward to 2002 budget.

POLICE DEPARTMENT (267314)

Minnesota Auto Theft Prevention Grant Program: Execute amendments to two grant agreements with Minnesota Department of Public Safety to receive additional \$109,250 and extend performance period by six months; and Approve appropriation.

Donation of Horses: Accept donation of horse/horses to be used by Police Department for patrol purposes.

Criminal Justice Data Communications Network: Execute agreement with State of Minnesota, Department of Public Safety, to allow Police Department personnel access to State network.

Bomb/Arson Unit Services: Execute Joint Powers agreement with State of Minnesota to receive reimbursement of services during October 1, 2001 through June 30, 2003.

2002 International Association of Chiefs of Police Convention: Rescind report passed May 25, 2000 authorizing City officers to accept donations for Greater Minneapolis Convention & Visitors Association; and Execute agreement with GMCVA to receive and disburse donated funds for convention expenditures and assist with convention planning and implementation.

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

COUNCIL MEMBER CAMPBELL (267315)

Request for Four-Way Stop Sign: Appeal of staff denial to install signs at the intersection of E 22nd St and 28th Av S.

PUBLIC WORKS AND ENGINEERING (267316)

Dinkytown Parking and Traffic Study: Extend contract with Dinkytown Business Association for services provided by the City.

Critical Parking Area: Establish Area #24 on Ewing Av S between W 49th St & W 51st St.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:**

PUBLIC WORKS AND ENGINEERING (267317)

Municipal Parking System: Parking Services Plan and request to add positions.

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

PUBLIC WORKS AND ENGINEERING (267318)

Parking for Cedar Av Businesses Near the Light Rail Transit Yards: Conversion of area streets to provide parking and funding and easement agreement with the Metropolitan Council.

Standish-Ericsson Neighborhood Traffic Calming: Install speed humps on Nokomis Av S between E 46th St and Minnehaha Av and on Longfellow Av S between E 46th St and E 47th St.

Guthrie Theater Development Parking Facility: Funding for consultant to represent the City on design team.

Light Rail Transit - Lake St Project Funding Agreement: Current related projects funding program update; Funding agreement with Metropolitan Council for payment of City share of costs for retained fill bridge project.

Cedar Lake Trail (Phase III) Temporary Bike Lanes: Layout for temporary route and expenditure of funds from Commuter Bike System Fund.

**WAYS AND MEANS BUDGET:**

ATTORNEY (267319)

Independent Investigator: Receive & File information relating to selection of Joseph J. Duffy to provide investigation of internal activities.

CONVENTION CENTER (267320)

Convention Center Expansion Project: Receive & File change management actions.

FINANCE DEPARTMENT (267321)

Confirmation of Truth in Taxation, Budget Mark-up, and Budget Adoption Schedule: Receive & File.

2001 2nd Quarter Financial Status Report: Receive & File.

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

ATTORNEY (267322)

Funding for Criminal Prosecution Positions: Approve appropriation required due to shortage of block grant funds.

Hold Harmless Agreement: Agreement with Lowell W. Bliss, Walden Management and/or property management general partnership known as M-M Kasota Associates.

Settlement: Settle claim of Donald Singleton; and Nicole Ann Phillips.

Legal Services Agreement: Agreement with Creighton, Bradley & Guzzetta.

COORDINATOR (267322.1)

Donation: Accept \$3,500 from General Mills, Inc., supporting the Strategic Visioning Conference.

FINANCE DEPARTMENT (267323)

2001 Mid-Year Budget Status Report: Appropriation and revenue adjustments.

HUMAN RESOURCES (267324)

Dental Plan (Administrative Services Only): Contract with Delta Dental Plan of Minnesota.

Long-Term Disability Insurance: Group Policy with ReliaStar.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (267325)

Extraordinary Salary Request: Start Mark Paulsen at Step 5 of salary scale for Manager, Information Technology Services.

PARK BOARD (267326)

Neiman Sports Complex at Fort Snelling: Issue additional bonds for completion and Approve same repayment agreement previously adopted.

**ZONING AND PLANNING:**

INSPECTIONS/ZONING ADMINISTRATOR (267327)

Touch of Class Detail Shop (Frederick Pierce & Tammie Coleman), 2110 W Broadway: Revoke site plan permit & refer to PS&RS; Notice of public hearing to consider revocation.

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

PLANNING COMMISSION/DEPARTMENT (267328)

Gregory, Arnold (Hunt Gregory, St Anthony site): Letter from Xcel Energy re alley vacation #1361 in block bounded by 1st Av NE, 2nd Av NE, Main St NE & 2nd St NE. \*See Report of July 13, 2001.

INSPECTIONS/BOARD OF ADJUSTMENT (267329)

Gacek, Michael & Brenda, 1430 University Av NE: Grant appeal; Notice of appeal & reasons therefor; Minutes; Staff report on application for variance with attached maps, drawings, comments of neighbors.

PLANNING COMMISSION/DEPARTMENT (267330)

Minneapolis Stone Arch Partners, LLC, 600 Main St SE, 625 Main St SE, 106 6th Av SE: Planning Comsn: Passage of ordinance to rezone by adding ILOD to I2 district; Passage of resolutions vacating 8th Av SE north of Main St & Main St SE between 6th & 8th Avs SE; Staff report on application for conditional use permit, site plan review, rezoning & vacations, with amended findings, recommendation & attachments including map & drawing; Report of Planning Comsn re action taken 9/10/01; Staff memo; Legal description of property.

Council Member McDonald: Comments of Marcy-Holmes Neighborhood Association; Is Metal-Matic Really Noisy; Peer Environmental & Engineering Resources sound level survey; Comments of Atty Brian K Flakne.

Minn, Steve: Comments of ADM Milling Co.

PLANNING COMMISSION/DEPARTMENT (267331)

Omer, Abdurezak (DoAll Building), 2313, 2317 & 2327 E Franklin Av: Grant appeal; Notice of appeal & reasons therefor; Minutes, Staff report on application for site plan review with attachments including maps, drawings, photos.

Maranatha Christian Academy, 4021 Thomas Av N: Planning Comsn: Partially grant appeal; Notice of appeal & reasons therefor; Minutes; Staff report on application for conditional use permit & variances, with findings, recommendations & attachments, including maps, petition to support application signed by Sandra Belmare & 42 others, drawings, photos.

**PLANNING COMMISSION:**

LANDER GROUP INC (267332)

Permission to vacate: part of Dorman Av at the NW corner of E Lake St & W River Pkwy; portion of the public sewer easement in the former right-of-way of the Minneapolis and St Paul Suburban Railroad Company, vicinity of 44th St W & Thomas Av.

UNIVERSITY OF ST THOMAS (267333)

Permission to vacate the southeast corner of 11th Street and Harmon Place.

**FILED:**

CITY CLERK (267334)

APT Minneapolis Inc: Verbatim transcript of public hearing in Zoning & Planning Committee 6/12/2001 re Appeal of Dean Rebuffoni & others from decision of Planning Commission granting conditional use permit to allow a monopole at 5400 Penn Av S.

CITY CLERK / SPECIAL PERMITS (267335)

1st Av S, 3719 (Thomas Buller) move a garage;

4th St & Park Av (Star Tribune Co) Vikings pre-game events in their parking lot;

14th Av SE, 411 (Espresso Royale Caffè) folk musicians;

31st St E, 1837 (Jill Stefansen) move a garage;

Blaisdell Av S, 4310 (Mitrdeo Jagatnarain) tent;

Central Av NE, 1515 (Lawrence Sign) sign;

Clinton Av S, 4905 (Phuong Tran) move a garage;

Franklin Av E, 2425 (DeMars Signs) sign;

Johnson St NE, 2854 (dabble LLC) sidewalk sale;

Lyndale Av S, 2217 (Crosstown Sign Inc) sign;

Nicollet Mall between 10th & 12th Sts & Peavey Plaza (Mpls Downtown Council) 4th Annual Hot Summer Jazz Fest;

Washington Av between 10th & Portland Aves (U of M) tailgating before U of M home football games in parking lots.

MINNESOTA STATE OFFICES-Trade & Economic Dev (267336)

City of Minneapolis, Minnesota Revenue Bonds (Walker Art Center), Series 2001, amt of \$11,425,000.

XCEL ENERGY (267337)

Utilities: Placement of poles at various locations.

**REPORTS OF  
STANDING COMMITTEES**

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

**Comm Dev** - Your Committee, having under consideration the division of the lot at 311 - 12<sup>th</sup> Ave NE, as set forth in Petn No 267300, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels.

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

Adopted. Yeas, 12; Nays none.  
Passed September 28, 2001.  
Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-411**  
**By Niland**

**Approving the subdivision of a lot at 311 - 12<sup>th</sup> Ave NE.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 311 - 12<sup>th</sup> Ave NE and legally described as Lot 7, Block 10, Marshall's Addition to Town of St. Anthony be subdivided as follows:

**Parcel TF-326A:** The East 6 feet of Lot 7, Block 10, Marshall's Addition to the Town of St. Anthony;

**Parcel TF-326B:** Lot 7, except the East 6 feet, thereof, Block 10, Marshall's Addition to the Town of St. Anthony; and

Whereas, the MCDA intends to convey the subdivided parcels listed above as follows:

TF-326A: to the owner of the adjacent property legally described as 313 - 12<sup>th</sup> Ave NE: Lot 8, Block 10, Marshall's Addition to the Town of St. Anthony, except the East 29 feet thereof;

TF-326B: to The Greater Minneapolis Metropolitan Housing Corporation for construction of a single family home legally described as 311 - 12<sup>th</sup> Avenue NE: Lot 7, except the East 6 feet, thereof, Block 10, Marshall's Addition to the Town of St. Anthony; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 7, 2001, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 9:30 a.m., September 17, 2001, in Room 132, Minneapolis City Hall, 350 S 5th St, in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration the matter of issuing bonds to finance the first phase of the Bottineau housing development proposal, "Bottineau Commons East," a 199-unit rental apartment building being developed on the former Jubilee Foods site at 18<sup>th</sup> and University Ave by Sherman Associates, and the Council having granted preliminary approval to issue such bonds on August 24, 2001, now recommends passage of the accompanying resolution granting final approval to issue up to \$9,750,000 in Tax-exempt Multifamily Housing Development Bonds for the Bottineau Commons East Housing project, as set forth in Petn No 267300.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-412, authorizing the issuance of bonds, in a principal amount not to exceed \$9,750,000, with approximately \$9,450,000 in the form of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – Bottineau Commons Project), Series 2001, and approximately \$300,000 in the form of a Multifamily Housing Revenue Note, Subordinate Series 2001, for the Bottineau Commons Project (Bottineau Commons East, 18<sup>th</sup> & University Ave), and approving and authorizing the execution of various documents in connection therewith, was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-412**  
**By Niland**

**Authorizing the issuance of bonds, in a principal amount not to exceed \$9,750,000, with approximately \$9,450,000 in the form of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – Bottineau Commons Project), Series 2001, and approximately \$300,000 in the form of a Multifamily Housing Revenue Note (Bottineau Commons Project), Subordinate Series 2001, and approving and authorizing the execution of various documents in connection therewith.**

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

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

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

Whereas, there has been proposed a program (the "Program") for the issuance of bonds to finance the acquisition and construction by Bottineau Commons Limited Partnership, a Minnesota limited partnership (the "Developer"), of a 119-unit multifamily rental housing facility, located at 1808 University Avenue, NE, in the City (the "Project"); and

Whereas, the City on August 13, 2001 did conduct a public hearing on the Program; and

Whereas, by Resolution 2001R-373 adopted August 24, 2001, and published on September 1, 2001, the City gave its preliminary approval to the issuance of the bonds to finance the Program; and

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

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

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

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

Whereas, the program is to be financed from the proceeds of bonds, in an aggregate amount not to exceed \$9,750,000, with approximately \$9,450,000 being in the form of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan – Bottineau Commons Project), Series 2001 (the “Bonds”), and approximately \$300,000 in the form of a Multifamily Housing Revenue Note (Bottineau Commons Project), Subordinate Series 2001 (the “Note”), to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security and payment of the Bonds (except as may otherwise be set forth in the Indenture hereinafter referred to); and

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

Whereas, the Bonds will be issued under an Indenture of Trust, dated as of October 1, 2001 (the “Indenture”), and the proceeds of the Bonds will be loaned to the Developer pursuant to a Financing Agreement, dated as of October 1, 2001 (the “Financing Agreement”), and the Bonds will be secured by a pledge of all rights and revenues derived by the City from the Financing Agreement (except certain retained rights of the City), and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Project; and

Whereas, the Note will be issued, and the proceeds of the Note will be loaned to the Developer pursuant to a Note Agreement, dated as of October 1, 2001 (the “Note Agreement”), between the City and the Developer, and the Note, pursuant to an Assignment of Note Agreement, dated as of October 1, 2001 (the “Assignment of Note Agreement”), between the Developer, the City and the lender named in the Note Agreement (the “Lender”), will be secured by a pledge of all rights derived by the Developer from the Note Agreement to the Lender, and said Note and the interest on said Note shall be payable solely from the revenues pledged therefor and the Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Project; and

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

- a. The Indenture to be made and entered into between the City and the trustee named therein (the “Trustee”), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements with respect thereto;
- b. The Financing Agreement to be made and entered into between the City, the Developer, the Trustee and the Lender, providing for the loan of the proceeds of the Bonds to the Developer, and for the repayment of such loan;
- c. The Tax Regulatory Agreement, dated as of October 1, 2001 between the City, the Trustee and the Developer (the “Tax Regulatory Agreement”);
- d. The Regulatory Agreement, dated as of October 1, 2001 between the City, the Trustee and the Developer (the “Regulatory Agreement”);
- e. The Note;
- f. The Note Agreement;
- g. The Assignment of Note Agreement;
- h. The Bond Purchase Agreement between U.S. Bancorp Piper Jaffray, Inc. (the “Underwriter”), the City and the Developer (the “Bond Purchase Agreement”); and
- i. The Preliminary Official Statement.

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

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

That it is hereby found, determined and declared that:

a. The preservation of the quality of life in the City is dependent upon the maintenance, provision and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted.

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

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

d. It is desirable that the Bonds and the Note be issued by the City, in an aggregate principal amount not to exceed \$9,750,000, on the terms set forth in the Indenture, the Bond Purchase Agreement and the Note Agreement.

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

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

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

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

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the rates, all determined as set forth in the Indenture, provided that such rates shall result in an average coupon rate not greater than 6.5% per annum.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Note, which issuance is approved, substantially in the forms and upon the terms set forth in the Note Agreement and the Assignment of Note Agreement, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Note shall be dated as of the date and shall mature on the date, bear interest and be payable at the rate, all determined as set forth in the Note Agreement and the Assignment of Note Agreement, provided that such rates shall result in an average coupon rate not greater than 9.0% per annum.

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

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

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

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

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

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

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds or the Note shall be liable personally on the Bonds or the Note or be subject to any personal liability or accountability by reason of the issuance thereof.

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

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

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

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

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

Be It Further Resolved that the City hereby allocates up to \$9,750,000 of its entitlement authority to issue tax-exempt bonds pursuant to Minnesota Statutes, Chapter 474A, to the Bonds and the Note, the actual amount of such allocation to be in the aggregate principal amount of Bonds and Note issued.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee, having under consideration the matter of issuing bonds on behalf of the Seven Corners Community Housing Corporation for the refinance and rehabilitation of the Seven Corners Apartments, a 248-unit apartment style structure in three buildings at 1400 - 2<sup>nd</sup> St SE, and the Council having granted preliminary approval to issue such bonds in October, 2000, now recommends passage of the accompanying resolution granting final approval to issue up to \$10 million in 501(c)(3) Tax-exempt Multifamily Housing Development Bonds for the Seven Corners Housing project, as set forth in Petn No 267300.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-413, authorizing the issuance, sale, and delivery of the Multifamily Housing Revenue Bonds for the Seven Corners Community Housing Corporation Project (1400-2<sup>nd</sup> St SE), Series 2001, of the City of Minneapolis, payable solely from revenues pledged pursuant to the Indenture; approving the form of and authorizing the execution and delivery of the Bonds and the related documents; and providing for the security, rights, and remedies with respect to the Bonds was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

#### **RESOLUTION 2001R-413**

**By Niland**

**Authorizing the issuance, sale, and delivery of the Multifamily Housing Revenue Bonds (Seven Corners Community Housing Corporation Project), Series 2001, of the City of Minneapolis, payable solely from revenues pledged pursuant to the Indenture; approving the form of and authorizing the execution and delivery of the Bonds and the related documents; and providing for the security, rights, and remedies with respect to the Bonds.**

Resolved by The City Council of The City of Minneapolis:

##### **Section 1. Recitals.**

1.01. The City of Minneapolis, Minnesota (the "City"), is a home rule city duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota.

1.02. Pursuant to the laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described therein and contemplated thereby by issuing its revenue bonds to provide funds to finance a multifamily housing development within its boundaries, and is authorized to enter into any agreements made in connection therewith and pledge those agreements as security for the payment of the principal of and interest on any such revenue bonds.

1.03. Seven Corners Community Housing Corporation, a nonprofit corporation organized and existing under the laws of the State of Minnesota (the "Borrower"), has requested that the City issue its Multifamily Housing Revenue Bonds (Seven Corners Apartments Project), Series 2001 (the "Bonds"), in the original aggregate principal amount not to exceed \$9,650,000, to provide funds to be loaned to the Borrower to finance: (i) the acquisition of a 248-unit multifamily rental housing facility located at 1400 South Second Street in the City and commonly known as Seven Corners Apartments (the "Project"); (ii) the construction of certain capital improvements to the Project; (iii) the funding of certain reserves with respect to the Bonds and the Project; and (iv) the payment of a portion of the costs of issuing the Bonds.

##### **Section 2. Terms of the Bonds.**

2.01. The Bonds will be issued under an Indenture of Trust, dated as of October 1, 2001 (the "Indenture"), between the City and Wells Fargo Bank Minnesota, National Association, as trustee

(the "Trustee"). The principal of, premium, if any, and interest on the Bonds: (i) shall be payable solely from the revenue pledged therefor; (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; and (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 Project.

2.02. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms of a Loan Agreement, dated as of October 1, 2001 (the "Loan Agreement"), between the City and the Borrower.

2.03. The repayment of the loan under the terms of the Loan Agreement and the payment of the principal of and interest on the Bonds will be secured by an irrevocable direct pay letter of credit (the "Letter of Credit") to be issued by Wells Fargo Bank, National Association (the "Issuing Bank"), pursuant to a Letter of Credit and Reimbursement Agreement, dated as of October 1, 2001 (the "Credit Agreement"), between the Borrower and Wells Fargo Bank Minnesota, National Association (the "Reimbursement Bank"). The Letter of Credit will be delivered to the Trustee and will be drawn upon by the Trustee to provide for payment of the principal of and interest on the Bonds on each interest payment date and principal payment date with respect to the Bonds.

2.04. The City will assign its interests in the Loan Agreement, including the loan repayments required to be made by the Borrower under the terms of the Loan Agreement, to the Trustee under the term of the Indenture.

### **Section 3. Authorization and Findings.**

3.01. 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 best interests of the City.

3.02. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in a principal amount not to exceed \$9,650,000. The Bonds shall bear interest (initially at a variable rate but with provisions for conversion to fixed rates), shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City, 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 be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions (including changes to the principal amount of the Bonds, the determination of the interest rates on the Bonds, and changes to the terms of redemption of the Bonds) as the Mayor and the Finance Officer of the City (the "Mayor" and "Finance Officer," respectively), in their discretion, shall determine. The execution of the Bonds with the manual or facsimile signatures of the Mayor and the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

3.03. The Bonds shall be special obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement, and other funds pledged pursuant to the Indenture. The City Council of the City hereby authorizes and directs the Mayor and the Finance Officer of the City to execute and deliver the Indenture and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties and agreements of the owners of the Bonds, the City and the Trustee as set forth therein.

All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, or as the Mayor and the Finance Officer, in their discretion, shall determine, and the execution thereof by the Mayor and the Finance Officer shall be conclusive evidence of such determination.

3.04. The Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement and the Bond Purchase Agreement, between the City, Wells Fargo Brokerage Services, LLC (the "Underwriter"), and the Borrower (the "Bond Purchase Agreement"). All of the provisions of the Loan 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 Loan Agreement and the Bond Purchase Agreement shall be in substantially the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Mayor and the Finance Officer, in their discretion, shall determine, and the execution thereof by the Mayor and the Finance Officer shall be conclusive evidence of such determination.

3.05. The Bonds shall be revenue obligations of the City the proceeds of which shall be disbursed pursuant to the terms of the Indenture, the Loan Agreement, and the Credit Agreement, and the principal and premium of and interest on the Bonds shall be payable solely from the proceeds of the Bonds, the revenues derived from the Loan Agreement, the draws to be made by the Trustee under the Letter of Credit in accordance with the terms of the Letter of Credit, and the other sources set forth in the Indenture.

3.06. The Trustee is hereby appointed as Paying Agent and Bond Registrar for the Bonds.

3.07. The City hereby authorizes the execution and delivery of a Remarketing Agreement, dated as of October 1, 2001 (the "Remarketing Agreement"), between the Borrower and the Underwriter, as remarketing agent (the "Remarketing Agent"). Pursuant to the terms of the Remarketing Agreement, the Remarketing Agent will periodically establish the variable rate with respect to the Bonds and will remarket Bonds that are tendered for purchase in accordance with the terms of the Bonds and the Indenture.

3.08. The Bonds are proposed to be issued as obligations the interest on which is not includable in gross income for federal income tax purposes pursuant to Sections 103 and 145 of the Internal Revenue Code of 1986, as amended (the "Code"). Interest on the Bonds will be and remain excluded from gross income for federal income tax purposes if, at all times during the "qualified project period" (as defined in Section 142(d) of the Code), twenty percent or more of the residential units in the Project are occupied by individuals whose income is fifty percent or less of area median gross income or, in the alternative, forty percent or more of the residential units in the Project are occupied by individuals whose income is sixty percent or less of area median gross income. To ensure compliance with such occupancy restrictions, the City (or the Minneapolis Community Development Agency) and the Borrower shall enter into a Regulatory Agreement, dated as of October 1, 2001 (the "Regulatory Agreement"). 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. 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 Mayor and the Finance Officer, in their discretion, shall determine, and the execution thereof by the Mayor and the Finance Officer shall be conclusive evidence of such determination.

3.09. The Mayor and Finance Officer of the City are hereby authorized to execute and deliver, on behalf of the City, such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including UCC-1 financing statements, a Tax Compliance Certificate (including certifications as to arbitrage and rebate under Section 148 of the Code), the Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. December 2000), and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds.

3.10. The City has not participated in the preparation of any disclosure document with respect to the Bonds, including the Preliminary Official Statement (the "Preliminary Official Statement") or the Official Statement relating to the Bonds (the "Official Statement") and has made no independent investigation with respect to the information contained therein, including the Appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such

information. Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter in connection with the sale of the Bonds of the Preliminary Official Statement and the Official Statement. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the City for use in connection with the offer and sale of the Bonds. The City hereby approves the Continuing Disclosure Agreement, dated as of October 1, 2001 (the "Continuing Disclosure Agreement"), between the Borrower and the Trustee, in the form now on file with the City, and hereby authorizes the Trustee to execute and deliver the Continuing Disclosure Agreement substantially in the form now on file with the City with such omissions and insertions as do not materially change the substance thereof, or as the Borrower and the Trustee, in their discretion, shall determine.

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

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City 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 liable personally 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 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 which are to be applied to the payment of the Bonds, as provided therein and in the Indenture.

3.12. 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 borrower, other than the City or any holder of the 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 and any holder from time to time of the Bonds issued under the provisions of this resolution.

3.13. In case any one or more of the provisions of this resolution, other than the provisions contained in the first sentence of Section 3.03 hereof, or of the aforementioned documents, or of the 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, but this resolution, the aforementioned documents, and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein.

3.14. 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.

3.15. The City made an Urban Development Action Grant loan (the "UDAG Loan") to Seven Corners Housing Partners Limited Partnership, the prior owner of the Project (the "Prior Owner").

The payment of the principal of and interest on the UDAG Loan was subordinated to the indebtedness incurred by the Prior Owner to finance the acquisition, construction, and equipping of the Project. The City hereby authorizes the subordination of the UDAG Loan to the Bonds, the obligations of the Borrower to the City under the terms of the Loan Agreement, and the obligations of the Borrower to the Bank under the terms of the Credit Agreement and under the instruments and documents securing the obligations of the Borrower to the Bank under the Credit Agreement. The City also hereby authorizes the subordination of the UDAG Loan to any subordinate taxable financing incurred by the Borrower to finance costs of the proposed financing that are not payable or reimbursable from the proceeds of the Bonds. The Mayor and Finance Officer of the City are hereby authorized to execute and deliver, on behalf of the City, a Subordination Agreement, dated as of October 1, 2001 (the "Subordination Agreement"), between the City, the Borrower, the financial institution or other entity making the subordinate taxable loan, and the Trustee. All of the provisions of the Subordination 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 Subordination 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 Mayor and the Finance Officer, in their discretion, shall determine, and the execution thereof by the Mayor and the Finance Officer shall be conclusive evidence of such determination.

3.16. The City hereby authorizes any amendments to the Lease, dated as December 12, 1982 (the "Ground Lease"), between the Minneapolis Community Development Agency (the "Agency") and the Prior Owner, the UDAG Loan Agreement, the UDAG Mortgage, the Recycled Funds Mortgage (all as defined in the Subordination Agreement), the Tax Increment Pledge Agreement, dated as of December 1, 1982 (the "Pledge Agreement"), between the City and the Prior Owner, and the Assignment Agreement, dated as of November 1, 1991 (the "Assignment Agreement"), between the City and the Agency, as are necessary or appropriate to facilitate the issuance of the Bonds and the related financing transactions. In lieu of such amendments, the City and the Agency may terminate the Ground Lease, the UDAG Loan Agreement, the UDAG Mortgage, the Recycled Funds Mortgage, the Pledge Agreement, and the Assignment Agreement and execute and deliver documents substantially in the forms of the Ground Lease, the UDAG Loan Agreement, the UDAG Mortgage, the Recycled Funds Mortgage, the Pledge Agreement, and the Assignment Agreement, with such amendments as are necessary or appropriate to facilitate the issuance of the Bonds and the related financing transactions.

3.17. The officers of the City, bond counsel, other attorneys, engineers, 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, and the Bonds for the full, punctual and complete performance of all the terms, covenants and agreements contained in the Bonds, the aforementioned documents and this resolution. In the event that for any reason the Mayor of the City is unable to carry out the execution of any of the documents or other acts provided herein, any other officer of the City delegated to act in lieu of the Mayor shall be authorized to act in the capacity of the Mayor and undertake such execution or acts on behalf of the City with full force and effect, which execution or acts shall be valid and binding on the City. If for any reason the Finance Officer of the City is unable to execute and deliver the documents referred to in this Resolution, such documents may be executed by an officer or employee delegated the duties of the Finance Officer, with the same force and effect as if such documents were executed and delivered by the Finance Officer of the City.

3.18. This resolution shall be in full force and effect from and after its passage.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing the execution of necessary documents related to a change in the Letter of Credit Provider and Remarketing Agent between the City of Minneapolis and the Parties to the Series 1993 issuance of

Tax-exempt Refunding Revenue bonds for the Market Square Real Estate, Inc. project, the bond financing for the renovation of the former Munsingwear headquarters facility into the International Market Square.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-414, providing for the notice of change of remarketing agent and letter of credit provider in connection with the Variable Rate Demand Commercial Development Revenue Refunding Bonds of 1993 for the Market Square Real Estate, Inc. Project was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-414**

**By Niland**

**Providing for the notice of change of remarketing agent and letter of credit provider in connection with the Variable Rate Demand Commercial Development Revenue Refunding Bonds of 1993 for the Market Square Real Estate, Inc. Project.**

Whereas, the City of Minneapolis (the "City"), by the Constitution and laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes (the "Act"), is authorized to issue and sell its revenue bonds for the purpose of undertaking authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act and to pledge revenues of such projects and otherwise secure such bonds; and

Whereas, pursuant to an Indenture of Trust, dated as of November 1, 1993, between the City and First Trust National Association in Saint Paul, Minnesota, as Bond Trustee (the "Trust Indenture"), the City (the "Municipality") has issued the Variable Rate Demand Commercial Development Revenue Refunding Bonds (Market Square Real Estate, Inc. Project), Series 1993, in the aggregate principal amount of \$10,000,000, under the Act; and

Whereas, the Municipality loaned the proceeds of the Bonds to the Corporation upon the terms and conditions set forth in the Loan Agreement made as of November 1, 1993, between the Municipality and the Corporation (the "Loan Agreement"); and

Whereas, the Corporation has notified the City that it wishes to substitute an alternate letter of credit facility and appoint a successor remarketing agent; and

Whereas, the Corporation has requested the Municipality to enter into an Assumption Agreement and Removal of Remarketing Agent to accomplish such purpose; and

Whereas, pursuant to the Trust Indenture, the letter of credit provider and remarketing agent can be changed pursuant to provisions in the Trust Indenture; and

Whereas, the City, at the direction of the Corporation, can appoint any successor remarketing agent for the Bonds, subject to the conditions set forth in the Trust Indenture;

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

That the Assumption Agreement and Removal of Remarketing Agent shall be executed in the name and on behalf of the City by the Mayor, the Finance Officer (or the Deputy Finance Officer) and the City Clerk (or Assistant City Clerk) in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a report from the Minneapolis Community Development Agency (MCDA) identifying requests for assistance from the entire metropolitan area in response to the MCDA Flipping Project, now recommends that the MCDA Flipping Project's Service Area be expanded from the North Minneapolis area to include the entire City of Minneapolis, as set forth in Petn No 267302.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the receipt of grant funds from the Minnesota Department of Trade and Economic Development (DTED) in the amount of \$250,000 to help offset the cost to remediate contaminated soil in the Phase 1 site area of the Near Northside Redevelopment, now recommends -

a) Passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund SMN0 (State Grants & Loans) by \$250,000 and increasing the Fund SMN0 2000 revenue estimate by \$250,000;

b) Passage of the accompanying resolution increasing the appropriation for the Inter-Fund Transfer Agency (0300-127-1270) by \$250,000 for transfer of funds from the MCDA to the City; increasing the revenue estimate for the Inter-Fund Transfer Agency in the Permanent Improvement Projects Fund (4100-127-1270) by \$250,000; and increasing the Capital Improvement-Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$250,000; and

c) That this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-415**

**By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 - MCDA State Loans & Grants by \$250,000 and increasing the Fund SMN0 revenue estimate (3215-04 MN State Grants) by \$250,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-416**

**By Niland and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the appropriation for the Inter-Fund Transfer Agency in the Federal Grants Fund (0300-127-1270) by \$250,000 (as transfer from the Minneapolis Community Development Agency);
- b) Increasing the revenue estimate for the Inter-Fund Transfer Agency in the Permanent Improvement Projects Fund (4100-127-1270) by \$250,000; and
- c) Increasing the Capital Improvement - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$250,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation and revenue budget in Fund SDA0 (Development Account) by \$3,000 to reflect funds received from the City Planning Department, to be pooled with matching MCDA funds, to support the Minneapolis Center for Neighborhood's Commercial Corridors Institute.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-417**  
**By Niland and Campbell**

**Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SDA0 - Development Account by \$3,000 and increasing the Fund SMN0 revenue estimate (3810 Transfer from City General Fund) by \$3,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ELECTIONS** Committee submitted the following report.

**Elections** - Your Committee reports that, pursuant to instructions, we conducted a recount of the votes cast for the nomination of a second candidate for the office of Council Member, Ward 6, at the Primary Election held in the City of Minneapolis on Tuesday, September 11, 2001, and herewith submit the result of that recount, pursuant to Chapter 2, Section 14 of the City Charter, Minnesota Statute 204C.36 and Minnesota Rules Chapter 8235.1100, in accordance with the table as shown in Petition No. 267299.

The recount of votes cast shows the results to remain at 576 for Dean Kallenbach and 687 for Dean Zimmerman. The recount of votes cast for Shada Buyobe Hammond show the results as 572. Therefore, Dean Kallenbach and Dean (Z) Zimmermann are nominated as candidates for Council Member, Ward 6, in the City of Minneapolis General Election to be held on November 6, 2001.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**H&HS** – Your Committee, having under consideration the Weed and Seed Initiative, now recommends the following:

a. that the Commissioner of Health & Family Support be designated as the authorized contact person for the Weed and Seed Initiative on behalf of the City of Minneapolis.

b. that the Commissioner of Health & Family Support be authorized to receive and execute official correspondence, State certification forms, debarment forms, Equal Employment Opportunity (EEO) forms, interfund transfers, and to sign financial statements of the Weed and Seed Initiative.

c. that said designation be effective as of January 1, 2002 until such time as the Weed and Seed Initiative has completed its strategy implementation at all three sites.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS** – Your Committee recommends that Doug Pryce, M.D. be appointed to the Public Health Advisory Committee, representing the Hennepin Medical Society, for a term to expire December 31, 2002.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**H&HS & W&M/Budget** – Your Committee, having under consideration the Weed and Seed Initiative, now recommends that the proper City Officers be authorized to execute contracts with the State of Minnesota, Office of Drug Policy and Violence Prevention, for the receipt of \$657,000 in Year 2002 federal Weed and Seed funds from the Department of Justice, Executive Office of Weed and Seed for the Phillips, Northside and Central Weed and Seed sites during the period January 1 through December 31, 2002.

Your Committee further recommends passage of the accompanying Resolution appropriating \$657,000 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-418**

**By Lane and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$657,000 and increasing the Revenue Source (030-860-8606 – Source 3210) by \$657,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** – Your Committee, having under consideration the Twin Cities Healthy Start Project, now recommends that the proper City Officers be authorized to accept \$925,000 in Year III federal funds from the United States Department of Health & Human Services, Maternal and Child Health Bureau, for the project period July 1, 2001 through May 31, 2002.

Your Committee further recommends passage of the accompanying Resolution appropriating \$925,000 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-419**

**By Lane and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8624) by \$925,000 and increasing the Revenue Source (030-860-8624 – Source 3210) by \$925,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** – Your Committee, having under consideration the Covering Kids Project of the Healthy Learners Board, now recommends that the proper City Officers be authorized to accept \$18,221 from the Bush Foundation for outreach activities to identify children without health insurance and to assist their families with applying for Medical Assistance or MinnesotaCare during the period June 1, 1999 through May 31, 2002.

Your Committee further recommends passage of the accompanying Resolution appropriating \$18,221 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-420**

**By Lane and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$18,221 and increasing the Revenue Source (060-860-8621 – Source 3720) by \$18,221.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** – Your Committee, having under consideration the Back to School Project at the New Family Center, now recommends that the proper City Officers be authorized to accept \$850 from HealthPartners for the purchase of backpacks and limited school supplies for school aged children seen through the New Family Center.

Your Committee further recommends passage of the accompanying Resolution appropriating \$850 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-421**  
**By Lane and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$850 and increasing the Revenue Source (060-860-8621 – Source 3720) by \$850.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection* by adding a new Chapter 55 relating to *Lawn Fertilizer* to regulate phosphorous lawn fertilizers, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee recommends that the subject matter of statewide restrictions on phosphorous be referred to the Intergovernmental Relations Committee for a report from staff for consideration of inclusion in the 2002 Legislative agenda.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-113 amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection* by adding a new Chapter 55 relating to *Lawn Fertilizer*, is summarized as follows:

*Section 55.10. Purpose.* To define regulations that will aid the City in managing and protecting its water resources.

*Section 55.20. Definitions.* Lists definitions of terms used in the ordinance.

*Section 55.30. Authority to administer.* Provides that the chapter shall be administered by the Minneapolis Watershed Management Authority located in the Environmental Management Section of the Department of Operations and Regulatory Services.

*Section 55.40. Regulations for commercial lawn fertilizer applicators.* Provides that those in the business of applying lawn fertilizer for hire must get a license from the City, must provide specified information, must permit random sampling, must be in possession of their license, must carry a copy of the relevant product material safety data sheet, and must comply with state regulations.

*Section 55.50. General regulations on fertilizer application.* Provides that those who are applying lawn fertilizer as part of their job must not do so when the ground is frozen or when conditions exist which promote runoff. Provides that no person, including homeowners or renters, shall apply any lawn fertilizer which contains any amount of phosphorus except pursuant to specific defined

exceptions. Provides that no fertilizer shall be applied to impervious surfaces, drainage ditches, waterways, lakes, or within 10 feet of wetlands in certain defined protected waters as specified.

*Section 55.60. Exemption and notice requirement.* Provides that the prohibition against the use of phosphorus fertilizers does not apply to newly established lawns or to lawns which soil tests confirm are below phosphorus levels established by the University of Minnesota Extension Service. Provides restrictions and procedures.

*Section 55.70. Sale of fertilizer containing phosphorus.* Provides that effective January 1, 2002, no one within the city shall sell phosphorus-containing fertilizer except as provided in the section. The exceptions include small quantities for use as provided in Section 55.60. Provides phosphorus-containing fertilizer must be clearly marked and the sellers of phosphorus fertilizer shall provide the buyer with a copy of Chapter 55 or a summary thereof.

*Section 55.80. Conflict.* Provides that in the event of direct conflict with Minnesota statute or federal statute and/or licenses issued pursuant thereto the statute or license shall govern.

*Section 55.90. Violations.* Provides that a person or entity that violates the ordinance is subject to a fine of up to \$300.00 and that commercial applicators are subject to license revocation for repeat violations.

Said ordinance was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-113**  
**By McDonald and Colvin Roy**

**Intro & 1st Reading: 8/10/2001**

**Ref to: PS&RS**

**2nd Reading: 9/28/2001**

**Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection, by adding a new Chapter 55 relating to Lawn Fertilizer.**

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 55 to read as follows:

**CHAPTER 55. LAWN FERTILIZER**

**55.10. Purpose.** The city and the park board have conducted studies and have reviewed existing data to determine the current and predicted water quality of various lakes within the city. Data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes and other surface water as a result of storm water runoff or other causes. The purpose of this ordinance is to define regulations that will aid the city in managing and protecting its water resources.

**55.20. Definitions.** For the purpose of this chapter, certain terms and words are defined as follows:

*Commercial applicator* is a person who is engaged in the business of applying fertilizer for hire.

*Fertilizer* means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products specifically exempted by rule by the Minnesota Commissioner of Agriculture.

*Noncommercial applicator* is a person who applies fertilizer during the course of gainful employment, but who is not a commercial lawn fertilizer applicator.

**55.30. Authority to administer.** The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the environmental management section of the department of operations and regulatory services. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority", shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

**55.40. Regulations for commercial lawn fertilizer applicators.** (a) *License required.* No person shall engage in the business of commercial lawn fertilizer applicator within the city unless a license has first been obtained from the authority as provided herein.

(b) *License application procedure.* Applications for a commercial lawn fertilizer applicator license shall be submitted to the authority. The application shall consist of the following:

- (1) *Application form.* Application forms shall be provided by the authority on a form prepared by the authority from time to time. Applicants shall completely fill out such form.
- (2) *Product material safety data sheet.* A copy of the product material safety data sheet, including product chemical analysis for the intended lawn fertilizer, shall be submitted to the city along with the application form and, thereafter, at least seven (7) days before any fertilizer composition changes are implemented.
- (3) *Minnesota state licenses.* A copy of all licenses required of the applicant by the State of Minnesota regarding the application of fertilizers.
- (4) *The license fee as established in this code or by separate resolution of the city council.* The license shall expire on December 31 each year. The license fee shall not be prorated.

(c) *Conditions of license.* Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions that shall be specified on the license form:

- (1) Random sampling. Commercial lawn fertilizer applicators shall permit the city to sample any commercial lawn fertilizer applications to be applied within the city at any time after issuance of the initial license.
- (2) The commercial lawn fertilizer license or a copy thereof shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
- (3) Possession of product material safety data sheet. A copy of the product material safety data sheet for the lawn fertilizer being used shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.
- (4) State regulations. Licensee shall comply with the provisions of the Minnesota fertilizer and soil conditioner laws contained in Minnesota Statutes, Chapter 18C and amendments to or revisions thereof and all other law.

**55.50. General regulations on fertilizer application.** (a) *When to apply fertilizer.* Commercial applicators and noncommercial applicators shall not apply lawn fertilizer when the ground is frozen or when conditions exist which can be reasonably anticipated to promote or create runoff.

(b) *Cost of sample analysis.* The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis shows that phosphorus content exceeds the levels authorized by this chapter.

(c) *Fertilizer content.* No person or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the City of Minneapolis which contains any amount of phosphorus or compound containing phosphorus, such as phosphate, except:

- (1) The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste compost; or
- (2) As otherwise provided in section 55.60.

(d) *Impervious surfaces and drainage ways.* No person shall apply fertilizer to impervious surfaces, areas within drainage ditches, or waterways.

(e) *Buffer zone.* Fertilizers shall not be applied:

- (1) Below the ordinary high water level of a lake as established by the Minnesota Department of Natural Resources; or

- (2) Within ten (10) feet of any wetland as defined in section 52.30 of this Code, or within ten (10) feet of protected waters as defined in section 551.460 of this Code.

**55.60. Exemption and notice requirement.** The prohibition against use of fertilizer containing any quantity of phosphorus under section 55.50 shall not apply to:

- (1) Newly established or developed turf and lawn areas during the first growing season; or
- (2) Turf and lawn areas which soil tests confirm are below phosphorus levels established by the University of Minnesota Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount of phosphorus or the appropriate application rate recommended in the soil test evaluation.

Phosphorus applied as lawn fertilizer pursuant to the aforementioned exemption shall be watered into the soil so that it is immobilized and generally protected from loss by runoff.

Any person or commercial or noncommercial applicator, including a homeowner or renter, shall notify the authority at least twenty-four (24) hours prior to applying lawn fertilizer containing phosphorus. Such notice shall be in writing and shall contain the reason for using the fertilizer containing phosphorus and the amount of phosphorus contained in the lawn fertilizer to be applied.

**55.70. Sale of fertilizer containing phosphorus.** Effective January 1, 2002, no person, firm, corporation, franchise, or commercial establishment shall sell any lawn fertilizer, liquid or granular, within the city of Minneapolis that contains any amount of phosphorus or other compound containing phosphorus, such as phosphates, except:

- (1) Effective January 1, 2002, small quantities of such fertilizer may be sold for use as provided in section 55.60. Displays of lawn fertilizers containing phosphorus shall be limited to ten (10) percent of the quantity of non-phosphorus lawn fertilizer on display at any given time.
- (2) Effective January 1, 2002, displays of such fertilizer must be clearly marked as containing phosphorus and must be separated from the display of other fertilizers by no less than eight (8) feet.
- (3) Effective January 1, 2002, for each sale of such fertilizer, the seller shall, at the time of the sale, provide the buyer with a copy of this chapter of the Minneapolis Code of Ordinances, or a summary prepared by Minneapolis regulatory services.

**55.80. Conflict.** In the event that the provisions of this chapter shall conflict with any Minnesota statute or any federal statute, the Minnesota statute or federal statute shall govern to the extent of any direct conflict. In the event that any conduct prohibited by this chapter is affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter.

**55.90. Violations.** Any person who violates any provision of this chapter shall be guilty of an ordinance violation and be subject to a fine of up to three hundred dollars (\$300.00) and punishment for failure to pay the fine as provided in section 1.40 of this Code. Any holder of a commercial applicator license, in addition to the fine, may have his or her applicator license revoked for repeat violations of this chapter.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, improving and increasing knowledge and access to information on chemicals, their uses and releases to the environment at facilities and providing for a registration system for hazardous chemicals, now recommends that said ordinance be given its second reading for amendment and passage.

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

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-114 amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, amending Sections 48.10, 48.150, 48.160, 48.170, 48.180 and 48.190, is summarized as follows:

*Section 48.10. Definitions.* Makes amendment to the Chapter 48 definition including new definitions for the words or terms: abate, dilution, facility, flammable liquid, hazard, leak, remediation, risk, site, site sanitary sewer system plan, site surface system plan, site surface water drainage system plan, spill, water, and watershed. Repealed definitions for abate, dilution, flammable liquid, hazard, leak, remediation, risk, site, spill, water, and watershed. Amends definitions for the following words or terms: above ground storage tank, discharge, pollutant, pollution of water, water pollution, pollute the water, regulated substance, sewage, sewer system storage tank.

*Section 48.150. Annual registration fees.* Fees for the Annual Chemical Inventory Registration required by Section 48.170 are set at \$500.00 per site.

*Section 48.160. When annual registration must be filed.* Provides that registrations must be obtained annually as defined in Section 48.170.

*Section 48.170. Annual Chemical Inventory Registration.* Requires the owner or operator of any land, buildings, or structures where daily inventory of chemicals is maintained exceeding minimum thresholds specified in Section 48.180 to obtain an Annual Chemical Inventory Registration. Provides details for the registration process.

*Section 48.180. Minimum thresholds for Annual Chemical Inventory Registration.* An Annual Chemical Inventory Registration is required when any of the amounts for the various substances listed or described in the chapter are met or exceeded. This includes any chemical for which a material safety data sheet is required by the United States Occupational Safety and Health Administration and which is stored in amounts equal to or greater than 10,000 pounds and any chemical identified as an extremely hazardous substance as listed in the table provided in the ordinance.

*Section 48.190. Extremely hazardous substances.* Provides a detailed list of substances which are extremely hazardous for the purpose of the ordinance and establishes the threshold quantity that activates the registration requirement. Provides parameters for measuring chemicals in various physical states.

Said Ordinance was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-114**  
**By Mead and Biernat**  
**Intro & 1st Reading: 8/24/2001**  
**Ref to: PS&RS**  
**2nd Reading: 9/28/2001**

**Amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority.**

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

Section 1. That Section 48.10 of the above-entitled ordinance be amended to read as follows:

**48.10. Definitions.** (a) The words used in this chapter shall have the meanings given in Minnesota Statutes and Minnesota Rules, except where the context clearly shows otherwise. Wherever the word "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules as incorporated into this chapter by section 48.20, it shall be held to mean the City of Minneapolis.

Wherever the word "director" is used in Minnesota Rules, as incorporated into this chapter by section 48.20, it shall be held to mean the director of operations and regulatory services or the director's authorized agent. State definitions shall include, but shall not be limited to the following:

Abate means to lower, depreciate, reduce, or eliminate contaminants or lower, depreciate, reduce, or eliminate actions that may lead to pollution.

Aboveground storage tank: ~~"Aboveground storage tank"~~ means any one or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is used to contain or dispense regulated substances, and that is not an underground storage tank.

Dilution means the act of thinning down or weakening a concentration of a substance by mixing or adding a liquid, solid, semisolid, or gas.

Discharge: ~~"Discharge"~~ means the addition of any pollutant to the waters of the state or to any disposal system.

Disposal system: ~~"Disposal system"~~ means a system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works.

Facility means all buildings, equipment, structure, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). It shall include manmade structures as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

Flammable liquid shall have the meaning given by the U.S. Occupational Health and Safety Administration (OSHA) which defines a flammable liquid as "any liquid having a flash point below one hundred (100) deg. F. (37.8 deg. C.), except any mixture having components with flash points of one hundred (100) deg. F. (37.8 deg. C.) or higher, the total of which make up ninety-nine (99) percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids."

Hazard means anything capable of causing, or contributing to an adverse effect or event. The hazard associated with a suspected toxic substance is contingent on both its level of toxicity and degree of exposure to the substance.

Industrial waste: ~~"Industrial waste"~~ means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

Leak means the uncontrolled passage or escape of liquid or gaseous substances through a break or flaw in a container or system.

Other wastes: ~~"Other wastes"~~ mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, cellar dirt or municipal or agricultural waste, and all other substances not included within the definitions of sewage and industrial waste set forth in this chapter which may pollute or tend to pollute the waters of the state.

Pollutant: ~~"Pollutant"~~ means any "sewage," "industrial waste," or "other wastes," as defined in this chapter, discharged into a disposal system or to waters of the state.

Pollution of water, water pollution, pollute the water: ~~"Pollution of water," "water pollution," or "pollute the water"~~ means: (a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or (b) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state.

Regulated substance: ~~"Regulated substance"~~ means a hazardous material or petroleum.

Remediation means cleanup or any other set of actions, methods, or controls, such as biological, chemical, thermal or physical, used to treat, remove, contain or substantially reduce the amounts of toxic materials in water, air, soil, or other media.

Risk means the predicted probability or actual frequency of an occurrence of an adverse effect or event.

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

Sewer system: "Sewer system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Site means any tract or parcel of land, and including all buildings or structures on such lands.

Site Sanitary Sewer System Plan means the system by which materials and or domestic waste are conveyed from the facility to the public sanitary sewer system. Identification of this system shall include any pretreatment methods, the purpose and capacity of the pretreatment, and identification of the connection point to the public sanitary sewer system.

Site Surface Water Drainage System Plan means the system by which local storm water is collected at the facility site and conveyed to the public storm drain system. Identification of the system shall include, but not be limited, to the identification of any manmade or natural detention, pretreatment systems or other methods used for the purposes of: pretreatment of storm water prior to discharge to the public storm drain system and or the collection, retention, and holding of released chemicals from the facility. Such system plans shall also include identification of the connection point to the public storm drain system.

Spill means to cause or allow either unintentionally or through unauthorized acts of third persons, the release of liquid, solid, semisolid, or gaseous substances from a container or system to the land, water, air, or other media so as to be lost or wasted, and regardless of the amount recovered.

Standards: "Standards" means effluent standards, effluent limitations, standards of performance for new sources, water quality standards, pretreatment standards, and prohibitions.

Tank: "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel, and plastic, that provide structural support.

Underground storage tank: "Underground storage tank" means any one or a combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected to them, that is used to contain or dispense an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to them, is ten (10) percent or more beneath the surface of the ground.

Waters of the state: "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Water refers to "waters of the state," as defined in this chapter.

Watershed means all lands enclosed by a continuous hydrologic drainage divide and lying upslope from a specified water body or point.

(b) Notwithstanding the definitions given in Minnesota Statutes or Minnesota Rules, the following words shall have the following meanings for the purposes of this chapter:

Abate: To lower, depreciate, reduce, or eliminate contaminants or lower, depreciate, reduce, or eliminate actions that may lead to pollution.

Dilution: Any act of thinning down or weakening a concentration of a substance by mixing or adding a liquid, solid, semisolid, or gas.

Flammable liquid: Shall have the meaning given by the U.S. Occupational Health and Safety Administration (OSHA) which defines a flammable liquid as "any liquid having a flash point below one hundred (100) deg. F. (37.8 deg. C.), except any mixture having components with flash points of one hundred (100) deg. F. (37.8 deg. C.) or higher, the total of which make up ninety-nine (99)

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percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids.”

*Hazard:* Anything capable of causing, or contributing to an adverse effect or event. The hazard associated with a suspected toxic substance is contingent on both its level of toxicity and degree of exposure to the substance.

*Leak:* The uncontrolled passage or escape of liquid or gaseous substances through a break or flaw in a container or system.

*Remediation:* Cleanup or any other set of actions, methods, or controls, such as biological, chemical, thermal or physical, used to treat, remove, contain or substantially reduce the amounts of toxic materials in water, air, soil, or other media.

*Risk:* The predicted probability or actual frequency of an occurrence of an adverse effect or event.

*Site:* Any tract or parcel of land, and including all buildings or structures on such lands.

*Spill:* To cause or allow either unintentionally or through unauthorized acts of third persons, the release of liquid, solid, semisolid, or gaseous substances from a container or system to the land, water, air, or other media so as to be lost or wasted, and regardless of the amount recovered.

*Water:* Refers to “waters of the state,” as defined in this chapter.

*Watershed:* All lands enclosed by a continuous hydrologic drainage divide and lying upslope from a specified water body or point.

(c b) Other words and abbreviations used herein which are not specifically defined in applicable federal, state or city law shall be construed in conformance with the context, in relation to the applicable section of the statutes pertaining to the matter at hand, in conformance with the principles set forth in Chapter 3 of this Code, and in conformance with professional usage.

Section 2. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.150 to read as follows:

**48.150. Annual registration fees.** The fees for the Annual Chemical Inventory Registration required by section 48.170 of this chapter shall be five hundred dollars (\$500.00) per site.

Section 3. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.160 to read as follows:

**48.160. When annual registration must be filed.** Registration of an Annual Chemical Inventory Registration Facility as defined in section 48.170 of this chapter must be obtained annually. If registration is not postmarked or received on or before expiration of the current registration, the applicant must pay double the fees otherwise provided for such registration under the provisions of this code.

Section 4. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.170 to read as follows:

**48.170. Annual Chemical Inventory Registration.** (a) Any owner or operator of land, buildings, or structures where a daily inventory of chemicals is maintained exceeding minimum thresholds as identified in section 48.180 shall obtain an Annual Chemical Inventory Registration for their facility.

(b) The fees for an Annual Chemical Inventory Registration shall be as established in section 48.150 of this chapter.

(c) Local units of government shall be exempt from the fee required by this section, but must register their site.

(d) State and federal agencies are exempt from fee and registration requirements but are requested to register their sites.

(e) Each registration application shall include the following information:

- (1) Identification of local site contact responsible for the Annual Chemical Inventory Registration at the facility site.
- (2) Identification of a 24 hour contact responsible for the Annual Chemical Inventory Registration at the facility site.
- (3) Identification of all chemicals identified in Section 48.180.
- (4) Listing of storage quantities and capacity of storage of all chemicals identified in Section 48.180.

- (5) Identification of site sanitary sewer systems and the drainage path of this system to Metropolitan Council Interceptor.
- (6) Site map identifying storage areas, buildings, site access, local streets and site surface water drainage system and the drainage path to the nearest outfall to waters of the State.
- (7) Such other information relating to chemical storage on the site and the identification of the persons involved as the Director of Operations and Regulatory Services or their designee may, from time to time, prescribe on a written application form.

Section 5. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.180 to read as follows:

**48.180. Minimum thresholds for Annual Chemical Inventory Registration.** An Annual Chemical Inventory Registration pursuant to this chapter shall be obtained when any of the following amounts are met or exceeded or the specified condition is met:

(1) Any chemical for which a Material Safety Data Sheet (MSDS) is required by the United States Occupational Safety and Health Administration (OSHA) and which is stored in amounts equal to or greater than ten thousand (10,000) pounds. The amount of a chemical stored means the total amount of the chemical present at any one time at a facility regardless of location, number of containers, or method of storage.

(2) Any chemical identified as an extremely hazardous substance as listed in the table in this chapter and stored in quantities greater than the threshold quantity as defined in the table in this chapter. The amount of an extremely hazardous substance stored means the total amount of an extremely hazardous substance present at any one time at a facility at concentrations greater than one percent by weight, regardless of location, number of containers, or method of storage. The amount of an extremely hazardous substance, when part of a mixture or solution, shall be determined by multiplying its weight percent (when greater than one (1) percent) by the mass, in pounds, in the vessel to yield the actual quantity of the extremely hazardous substance.

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.190 to read as follows:

**48.190. Extremely hazardous substances.** For the purposes of this chapter the following are extremely hazardous substances and have the threshold quantity as listed.

**The List of Extremely Hazardous Substances and Their Threshold Quantities**

[Alphabetical Order]

CAS No.	Chemical name	Threshold Quantity* (pounds)
75-86-5	Acetone Cyanohydrin .....	500
1752-30-3	Acetone Thiosemicarbazide .....	500
107-02-8	Acrolein .....	500
79-06-1	Acrylamide .....	500
107-13-1	Acrylonitrile .....	500
814-68-6	Acrylyl Chloride .....	100
11-69-3	Adiponitrile .....	500
116-06-3	Aldicarb .....	100/500
309-00-2	Aldrin .....	500
107-18-6	Allyl Alcohol .....	500
107-11-9	Allylamine .....	500
20859-73-8	Aluminum Phosphide .....	500
54-62-6	Aminopterin .....	500
78-53-5	Amiton .....	500
3734-97-2	Amiton Oxalate .....	100/500
7664-41-7	Ammonia .....	500
300-62-9	Amphetamine .....	500

62-53-3	Aniline .....	500
88-05-1	Aniline,2,4,6-Trimethyl- .....	500
7783-70-2	Antimony Pentafluoride .....	500
1397-94-0	Antimycin A .....	500
86-88-4	ANTU .....	500
1303-28-2	Arsenic Pentoxide .....	100/500
1327-53-3	Arsenous Oxide .....	100/500
7784-34-1	Arsenous Trichloride .....	500
7784-42-1	Arsine .....	100
2642-71-9	Azinphos-Ethyl .....	100/500
86-50-0	Azinphos-Methyl .....	10/500
98-87-3	Benzal Chloride .....	500
98-16-8	Benzenamine,3-(Trifluoromethyl)- .....	500
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro- .....	500
98-05-5	Benzeneearsonic Acid .....	10/500
3615-21-2	Benzimidazole, 4,5- Dichloro-2-(Trifluoromethyl)- .....	500
98-07-7	Benzotrichloride .....	100
100-44-7	Benzyl Chloride .....	500
140-29-4	Benzyl Cyanide .....	500
15271-41-7	Bicyclo[2.2.1]Heptane-2-Carbonitrile,5-Chloro-6- (((Methylamino)Carbonyl)Oxy)Imino)-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-	500
534-07-6	Bis(Chloromethyl)Ketone .....	10/500
4044-65-9	Bitoscanate .....	500
10294-34-5	Boron Trichloride .....	500
7637-07-2	Boron Trifluoride .....	500
353-42-4	Boron Trifluoride Compound With Methyl Ether(1:1) .....	500
28772-56-7	Bromadiolone .....	100/500
7726-95-6	Bromine .....	500
1306-19-0	Cadmium Oxide .....	100/500
2223-93-0	Cadmium Stearate .....	500
7778-44-1	Calcium Arsenate .....	500
8001-35-2	Camphechlor .....	500
56-25-7	Cantharidin .....	100/500
51-83-2	Carbachol Chloride .....	500
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4- Dimethyl-1, 3-Dithiolan-2- yl)Methylene)Amino)-	100/500
1563-66-2	Carbofuran .....	10/500
75-15-0	Carbon Disulfide .....	500
786-19-6	Carbophenothion .....	500
57-74-9	Chlordane .....	500
470-90-6	Chlorfenvinfos .....	500
7782-50-5	Chlorine .....	100
24934-91-6	Chlormephos .....	500
999-81-5	Chlormequat Chloride .....	100/500
79-11-8	Chloroacetic Acid .....	00/500
107-07-3	Chloroethanol .....	500
627-11-2	Chloroethyl Chloroformate .....	500
67-66-3	Chloroform .....	500
542-88-1	Chloromethyl Ether .....	100
107-30-2	Chloromethyl Methyl Ether .....	100
3691-35-8	Chlorophacinone .....	100/500
1982-47-4	Chloroxuron .....	500
21923-23-9	Chlorthiophos .....	500

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10025-73-7	Chromic Chloride .....	1/500
62207-76-5	Cobalt,((2,2'-(1,2-Ethanediy)bis(Nitrilomethylidyne)) .....	100/500
	Bis(6-Fluorophenolato))(2-)-N,N',O,O')-	
10210-68-1	Cobalt Carbonyl .....	10/500
64-86-8	Colchicine .....	10/500
56-72-4	Coumaphos .....	100/500
5836-29-3	Coumatetralyl .....	500
95-48-7	Cresol, o- .....	500
535-89-7	Crimidine .....	100/500
4170-30-3	Crotonaldehyde .....	500
123-73-9	Crotonaldehyde,(E)- .....	500
506-68-3	Cyanogen Bromide .....	500
506-78-5	Cyanogen Iodide .....	500
2636-26-2	Cyanophos .....	500
675-14-9	Cyanuric Fluoride .....	100
66-81-9	Cycloheximide .....	100/500
108-91-8	Cyclohexylamine .....	500
17702-41-9	Decaborane(14) .....	500
8065-48-3	Demeton .....	500
919-86-8	Demeton-S-Methyl .....	500
10311-84-9	Dialifor .....	100/500
19287-45-7	Diborane .....	100
111-44-4	Dichloroethyl ether .....	500
149-74-6	Dichloromethylphenylsilane .....	500
62-73-7	Dichlorvos .....	500
141-66-2	Dicrotophos .....	100
1464-53-5	Diepoxybutane .....	500
814-49-3	Diethyl Chlorophosphate .....	500
71-63-6	Digitoxin .....	100/500
2238-07-5	Diglycidyl Ether .....	500
20830-75-5	Digoxin .....	10500
115-26-4	Dimefox .....	500
60-51-5	Dimethoate .....	500
2524-03-0	Dimethyl Phosphorochloridothioate .....	500
77-78-1	Dimethylsulfate .....	500
75-78-5	Dimethyldichlorosilane .....	500
57-14-7	Dimethylhydrazine .....	500
99-98-9	Dimethyl-p-Phenylenediamine .....	10/500
644-64-4	Dimetilan .....	500
534-52-1	Dinitrocresol .....	10/500
88-85-7	Dinoseb .....	100/500
1420-07-1	Dinoterb .....	500
78-34-2	Dioxathion .....	500
82-66-6	Diphacinone .....	10/500
152-16-9	Diphosphoramidate,Octamethyl- .....	100
298-04-4	Disulfoton .....	500
514-73-8	Dithiazanine Iodide .....	500
541-53-7	Dithiobiuret .....	100/500
316-42-7	Emetine, Dihydrochloride.....	1/500
115-29-7	Endosulfan .....	10/500
2778-04-3	Endothion .....	500
72-20-8	Endrin .....	500
106-89-8	Epichlorohydrin .....	500
2104-64-5	EPN .....	100/500

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50-14-6	Ergocalciferol .....	500
379-79-3	Ergotamine Tartrate .....	500
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro- .....	500
10140-87-1	Ethanol, 1,2- Dichloro-, Acetate .....	500
563-12-2	Ethion .....	500
13194-48-4	Ethoprophos .....	500
538-07-8	Ethylbis(2-Chloroethyl)Amine .....	500
371-62-0	Ethylene Fluorohydrin .....	10
75-21-8	Ethylene Oxide .....	500
107-15-3	Ethylenediamine .....	500
151-56-4	Ethyleneimine .....	500
542-90-5	Ethylthiocyanate .....	500
22224-92-6	Fenamiphos .....	10/500
115-90-2	Fensulfothion .....	500
4301-50-2	Fluenetil .....	100/500
7782-41-4	Fluorine .....	500
640-19-7	Fluoroacetamide .....	100/500
144-49-0	Fluoroacetic Acid .....	10/500
359-06-8	Fluoroacetyl Chloride .....	10
51-21-8	Fluorouracil .....	500
944-22-9	Fonofos .....	500
50-00-0	Formaldehyde .....	500
107-16-4	Formaldehyde Cyanohydrin .....	500
23422-53-9	Formetanate Hydrochloride .....	500
2540-82-1	Formothion .....	100
17702-57-7	Formparanate .....	100/500
21548-32-3	Fosthietan .....	500
3878-19-1	Fuberidazole .....	100/500
110-00-9	Furan .....	500
13450-90-3	Gallium Trichloride .....	500
77-47-4	Hexachlorocyclopentadiene .....	100
4835-11-4	Hexamethylenediamine,N,N'-Dibutyl- .....	500
302-01-2	Hydrazine .....	500
74-90-8	Hydrocyanic Acid .....	100
7647-01-0	Hydrogen Chloride(gas only) .....	500
7664-39-3	Hydrogen Fluoride .....	100
7722-84-1	Hydrogen Peroxide(Conc > 52%) .....	500
7783-07-5	Hydrogen Selenide .....	10
7783-06-4	Hydrogen Sulfide .....	500
123-31-9	Hydroquinone .....	500
13463-40-6	Iron,Pentacarbonyl- .....	100
297-78-9	Isobenzan .....	100/500
78-82-0	Isobutyronitrile .....	500
102-36-3	Isocyanic Acid, 3,4- Dichlorophenyl Ester .....	500
465-73-6	Isodrin .....	100/500
55-91-4	Isofluorphate .....	100
4098-71-9	Isophorone Diisocyanate .....	100
108-23-6	Isopropyl Chloroformate .....	500
119-38-0	Isopropylmethylpyrazolyl Dimethylcarbamate .....	500
78-97-7	Lactonitrile .....	500
21609-90-5	Leptophos .....	500
541-25-3	Lewisite .....	10
58-89-9	Lindane .....	500
7580-67-8	Lithium Hydride .....	100

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109-77-3	Malononitrile .....	500
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl .....	100
51-75-2	Mechlorethamine .....	10
950-10-7	Mephosfolan .....	500
1600-27-7	Mercuric Acetate .....	500
7487-94-7	Mercuric Chloride .....	500
21908-53-2	Mercuric Oxide .....	500
10476-95-6	Methacrolein Diacetate .....	500
760-93-0	Methacrylic Anhydride .....	500
126-98-7	Methacrylonitrile .....	500
920-46-7	Methacryloyl Chloride .....	100
30674-80-7	Methacryloyloxyethyl Isocyanate .....	100
10265-92-6	Methamidophos .....	100/500
558-25-8	Methanesulfonyl Fluoride .....	500
950-37-8	Methidathion .....	500
2032-65-7	Methiocarb .....	500
16752-77-5	Methomyl .....	500
151-38-2	Methoxyethylmercuric Acetate .....	500
80-63-7	Methyl 2- Chloroacrylate .....	500
74-83-9	Methyl Bromide .....	500
79-22-1	Methyl Chloroformate .....	500
60-34-4	Methyl Hydrazine .....	500
624-83-9	Methyl Isocyanate .....	500
556-61-6	Methyl Isothiocyanate .....	500
74-93-1	Methyl Mercaptan .....	500
3735-23-7	Methyl Phenkapton .....	500
676-97-1	Methyl Phosphonic Dichloride .....	100
556-64-9	Methyl Thiocyanate .....	500
78-94-4	Methyl Vinyl Ketone .....	10
502-39-6	Methylmercuric Dicyanamide .....	500
75-79-6	Methyltrichlorosilane .....	500
1129-41-5	Metolcarb .....	100/500
7786-34-7	Mevinphos .....	500
315-18-4	Mexacarbate .....	500
50-07-7	Mitomycin C .....	500
6923-22-4	Monocrotophos .....	10/500
2763-96-4	Muscimol .....	500
505-60-2	Mustard Gas .....	500
13463-39-3	Nickel Carbonyl .....	100
54-11-5	Nicotine .....	100
65-30-5	Nicotine Sulfate .....	100/500
7697-37-2	Nitric Acid .....	500
10102-43-9	Nitric Oxide .....	100
98-95-3	Nitrobenzene .....	500
1122-60-7	Nitrocyclohexane .....	500
10102-44-0	Nitrogen Dioxide .....	100
62-75-9	Nitrosodimethylamine .....	500
991-42-4	Norbormide .....	100/500
0	Organorhodium Complex (PMN-82-147) .....	10/500
630-60-4	Ouabain .....	100/500
23135-22-0	Oxamyl .....	100500
78-71-7	Oxetane, 3,3- Bis(Chloromethyl)- .....	500
2497-07-6	Oxydisulfoton .....	500
10028-15-6	Ozone .....	100

1910-42-5	Paraquat Dichloride .....	10/500
2074-50-2	Paraquat Methosulfate .....	10/500
56-38-2	Parathion .....	100
298-00-0	Parathion-Methyl .....	100/500
12002-03-8	Paris Green .....	500
19624-22-7	Pentaborane .....	500
2570-26-5	Pentadecylamine .....	100/500
79-21-0	Peracetic Acid .....	500
594-42-3	Perchloromethylmercaptan .....	500
108-95-2	Phenol .....	500
4418-66-0	Phenol, 2,2'- Thiobis(4-Chloro-6-Methyl)- .....	100/500
64-00-6	Phenol, 3-(1- Methylethyl)-, Methylcarbamate .....	500
58-36-6	Phenoxarsine, 10,10'-Oxydi- .....	500
696-28-6	Phenyl Dichloroarsine .....	500
59-88-1	Phenylhydrazine Hydrochloride .....	500
62-38-4	Phenylmercury Acetate .....	500
2097-19-0	Phenylsilatrane .....	100/500
103-85-5	Phenylthiourea .....	100/500
298-02-2	Phorate .....	10
4104-14-7	Phosacetim .....	100/500
947-02-4	Phosfolan .....	100/500
75-44-5	Phosgene .....	10
732-11-6	Phosmet .....	10500
13171-21-6	Phosphamidon .....	100
7803-51-2	Phosphine .....	500
2703-13-1	Phosphonothioic Acid Methyl-, .....	500
	O-Ethyl O-(4-(Methylthio) Phenyl) Ester	
50782-69-9	Phosphonothioic Acid,Methyl-, .....	100
	S-(2-(Bis(1Methylethyl)Amino)Ethyl) O- Ethyl Ester	
2665-30-7	Phosphonothioic Acid,Methyl-,O-(4-Nitrophenyl) .....	500
	O-Phenyl Ester	
3254-63-5	Phosphoric Acid,Dimethyl 4-(Methylthio)Phenyl Ester .....	500
2587-90-8	Phosphorothioic Acid,O,O-Dimethyl-S-(2-Methylthio) .....	500
	Ethyl Ester	
7723-14-0	Phosphorus .....	100
10025-87-3	Phosphorus Oxychloride .....	500
10026-13-8	Phosphorus Pentachloride .....	500
7719-12-2	Phosphorus Trichloride .....	500
57-47-6	Physostigmine .....	100/500
57-64-7	Physostigmine, Salicylate (1:1) .....	100/500
124-87-8	Picrotoxin .....	500
110-89-4	Piperidine .....	500
23505-41-1	Pirimifos-Ethyl .....	500
10124-50-2	Potassium Arsenite .....	500
151-50-8	Potassium Cyanide .....	100
506-61-6	Potassium Silver Cyanide .....	500
2631-37-0	Promecarb .....	500
106-96-7	Propargyl Bromide .....	10
57-57-8	Propiolactone, Beta- .....	500
107-12-0	Propionitrile .....	500
542-76-7	Propionitrile, 3- Chloro- .....	500
70-69-9	Propiophenone, 4- Amino- .....	100/500
109-61-5	Propyl Chloroformate .....	500
75-56-9	Propylene Oxide .....	500

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75-55-8	Propyleneimine .....	500
2275-18-5	Prothoate .....	100/500
129-00-0	Pyrene .....	500
140-76-1	Pyridine, 2-Methyl- 5-Vinyl- .....	500
504-24-5	Pyridine, 4-Amino- .....	500
1124-33-0	Pyridine, 4-Nitro- ,I-Oxide .....	500
53558-25-1	Pyriminil .....	100/500
14167-18-1	Salcomine .....	500
107-44-8	Sarin .....	10
7783-00-8	Selenious Acid .....	500
7791-23-3	Selenium Oxychloride .....	500
563-41-7	Semicarbazide Hydrochloride .....	500
3037-72-7	Silane, (4- Aminobutyl)Dietho xymethyl- .....	500
7631-89-2	Sodium Arsenate .....	500
7784-46-5	Sodium Arsenite .....	500
6628-22-8	Sodium Azide (Na(N<INF>3</INF>)) .....	500
124-65-2	Sodium Cacodylate .....	100/500
143-33-9	Sodium Cyanide(Na(CN)) .....	100
62-74-8	Sodium Fluoroacetate .....	10/500
13410-01-0	Sodium Selenate .....	100/500
10102-18-8	Sodium Selenite .....	100/500
10102-20-2	Sodium Tellurite .....	500
900-95-8	Stannane, Acetoxytriphenyl- .....	500
57-24-9	Strychnine .....	100/500
60-41-3	Strychnine Sulfate .....	100/500
3689-24-5	Sulfotep .....	500
3569-57-1	Sulfoxide, 3- Chloropropyl Octyl .....	500
7446-09-5	Sulfur Dioxide .....	500
7783-60-0	Sulfur Tetrafluoride .....	100
7446-11-9	Sulfur Trioxide .....	100
7664-93-9	Sulfuric Acid .....	500
77-81-6	Tabun .....	10
7783-80-4	Tellurium Hexafluoride .....	100
107-49-3	TEPP .....	100
13071-79-9	Terbufos .....	100
78-00-2	Tetraethyllead .....	100
597-64-8	Tetraethyltin .....	100
75-74-1	Tetramethyllead .....	100
509-14-8	Tetranitromethane .....	500
10031-59-1	Thallium Sulfate .....	100/500
6533-73-9	Thalious Carbonate .....	100/500
7791-12-0	Thalious Chloride .....	100/500
2757-18-8	Thalious Malonate .....	100/500
7446-18-6	Thalious Sulfate .....	100/500
2231-57-4	Thiocarbazide .....	500
39196-18-4	Thiofanox .....	100/500
297-97-2	Thionazin .....	500
108-98-5	Thiophenol .....	500
79-19-6	Thiosemicarbazide .....	100/500
5344-82-1	Thiourea,(2-Chlorophenyl)- .....	100/500
614-78-8	Thiourea,(2-Methylphenyl)- .....	500
7550-45-0	Titanium Tetrachloride .....	100
584-84-9	Toluene 2,4-Diisocyanate .....	500
91-08-7	Toluene 2,6-Diisocyanate .....	100

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110-57-6	Trans-1,4-Dichlorobutene .....	500
1031-47-6	Triamiphos .....	500
24017-47-8	Triazofos .....	500
76-02-8	Trichloroacetyl Chloride .....	500
115-21-9	Trichloroethylsilane .....	500
327-98-0	Trichloronate .....	500
98-13-5	Trichlorophenylsilane .....	500
1558-25-4	Trichloro(Chloromethyl)Silane .....	100
27137-85-5	Trichloro(Dichlorophenyl) Silane .....	500
998-30-1	Triethoxysilane .....	500
75-77-4	Trimethylchlorosilane .....	500
824-11-3	Trimethylolpropane Phosphite .....	100/500
1066-45-1	Trimethyltin Chloride .....	500
639-58-7	Triphenyltin Chloride .....	500
555-77-1	Tris(2-Chloroethyl)Amine .....	100
2001-95-8	Valinomycin .....	500
1314-62-1	Vanadium Pentoxide .....	100/500
108-05-4	Vinyl Acetate Monomer .....	500
81-81-2	Warfarin .....	500
129-06-6	Warfarin Sodium .....	100/500
28347-13-9	Xylylene Dichloride.....	100/500
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5(((Methylamino) Carbonyl) Oxy)Imino)Pentane nitrile)-, (T-4)-	100/500
1314-84-7	Zinc Phosphide .....	500

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\*Extremely Hazardous Substances that are solids are subject to either two (2) threshold quantity numbers. The lower quantity only applies if the solid exists in powdered form and has a particle size less than one hundred (100) microns; or is handled in solution or in molten form; or meets the criteria for a National Fire Protection Association (NFPA) rating of two (2), three (3) or four (4) for reactivity. If the solid does not meet any of these criteria, it is subject to the upper threshold quantity as shown in the table.

The one hundred (100) micron size may be determined by multiplying the weight percent of solid with a particle size less than one hundred (100) microns in a particular container by the quantity of solid in the container.

The amount of solid in a solution may be determined by multiplying the weight percent of solid in the solution in a particular container by the quantity of solution in the container.

The amount of solid in molten form must be multiplied by 0.3 to determine whether the lower threshold quantity is met.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Marias Cafe Inc, dba Marias Cafe, 1113 E Franklin Av, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2002, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

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

Adopted upon a voice vote.

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**On-Sale Liquor Class A with Sunday Sales, to expire September 11, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, September 11, 2001, 5:30 p.m. to 9:30 p.m.; Penningrath Birthday Party);

**On-Sale Liquor Class A with Sunday Sales, to expire September 12, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, September 13, 2001, 5:00 p.m. to 7:30 p.m.; Upswing Business Expo);

**On-Sale Liquor Class A with Sunday Sales, to expire September 21, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, September 21, 2001, 6:30 p.m. to 12:30 a.m.; Jette-Fahning Wedding Reception);

**On-Sale Liquor Class A with Sunday Sales, to expire September 25, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, September 25, 2001, 4:00 p.m. to 8:30 p.m.; Red Rooster Auto Tradeshow);

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2001**

Ukrainian American Community Center Inc, dba Ukrainian American Community Center, 301 Main St NE (September 9, 2001, parking lot);

**On-Sale Liquor Class A with Sunday Sales, to expire October 6, 2001**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, October 6, 2001, 7:00 p.m. to Midnight; Moon-Schnack Wedding Reception);

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

Margarita Bella Inc, dba Margarita Bella, 1032 3rd Av NE;

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

SB Food Services Inc, dba Jewel of India, 1427 Washington Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire September 15, 2001**

Kour Inc, dba Jacob's 101, 101 Broadway St NE (temporary expansion of premises, September 15, 2001, 8:00 p.m. to 1:00 a.m.);

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2002**

Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av (temporary expansion of premises with entertainment, September 22, 2001, Noon to 9:00 p.m.; Chilifest);

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

McCormick & Schmick Restaurant Corporation, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall (new proprietor);

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S;

**Temporary On-Sale Liquor**

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St (September 22, 2001 with entertainment, 9:00 a.m. to 4:00 p.m.; Peavey Plaza, James Page 5K Race);

**Temporary Wine**

Minneapolis Downtown Council, dba Downtown Council, 81 S 9th St #260 (September 8, 2001, Noon to 7:00 p.m. at Peavey Plaza);

**Temporary On-Sale Beer**

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (September 14, 2001, 7:00 p.m. to 9:00 p.m.; September 15, 2001, 10:00 a.m. to 9:00 p.m.; September 16, 2001, Noon to 6:00 p.m.);

St. Mary's Greek Orthodox Church, 3450 Irving Av S (September 14, 15 & 16, 2001; Church Festival).

Goodman moved to divide the report so as to consider separately that portion relating to the On-Sale Liquor Class E with Sunday Sales License application of McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall. Seconded.

Adopted by unanimous consent.

Goodman moved adoption of the balance of the report. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of McCormick & Schmick Restaurant Corporation, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall, for an

On-Sale Liquor Class E with Sunday Sales License (new proprietor), now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved September 28, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 2, 2001)

**PS&RS** - Your Committee recommends granting the following applications for business licenses, including provisional licenses, as per list on file and of record in the Office of the City Clerk under date of September 28, 2001, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267310):

Building Contractor Class B; Cement Finishing Contractor; Contractor/Masonry Contractor Class A; Contractor/Masonry Contractor Class B; Dry Cleaner - Nonflammable; Place of Entertainment; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Vending Machine; Fuel Dealer; Fuel Dealer - Cash & Carry Only; Bulk Gas & Oil Storage; Lodging House; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Peddler – Foot; Pet Shop; Plumber; Refrigeration Systems Installer; Second-Hand Goods Class B; Antique Mall Operator Class B; Solicitor - Individual; Steam & Hot Water Systems Installer; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; and Combined Trades.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Gambling-Lawful Class B**

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

George Glover Neighborhood Gym, dba George Glover Neighborhood Gym, 921 Lowry Av NE (Site: Little Wagon, 420 S 4th St);

George Glover Neighborhood Gym, dba George Glover Neighborhood Gym, 921 Lowry Av NE (Site: Spring Inn, 355 Monroe St NE);

Minnesota/USA Wrestling Inc, dba Minnesota/USA Wrestling Inc, 3327 Hennepin Av (Site: American Legion Post #1, 2532 25th Av S);

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota Chapter, 200 12th Av S (Site: Mortimers Bar, 2001 Lyndale Av S);

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota Chapter, 200 12th Av S (Site: Stasis Bar, 2500 University Av NE);

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota Chapter, 200 12th Av S (Site: Cloggy's Tavern, 5404 34th Av S);

**Gambling Lawful Exempt**

Lifes Missing Link Inc., dba Lifes Missing Link Inc, 2344 Nicollet Av S #240 (Raffle, September 22, 2001 at Bar Abilene Restaurant, 1300 Lagoon Av);

Women Venture, dba Women Venture, 2324 University Av, St. Paul (Raffle, November 2, 2001 at Convention Center);

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle, November 10, 2001);

Wilderness Inquiry, dba Wilderness Inquiry, 808 14th Av SE (Raffle, November 15, 2001);

American Swedish Institute, dba American Swedish Institute, 2600 Park Av (Raffle, January 7, 2002);

Minnesota Teen Challenge, dba Minnesota Teen Challenge, 1619 Portland Av (Raffle, March 30, 2002 at Convention Center);

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, September 14, 15 & 16, 2001);

Emerson Silc PTSA, dba Emerson Silc PTSA, 1421 Spruce PI (Raffle, October 26, 2001);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, raffle & pulltabs, November 18, 2001 at Kolbe Center, 1630 4th St NE).

Ostrow moved to divide the report so as to consider separately that portion relating to the Gambling - Lawful Class B application of Minnesota/USA Wrestling, 3327 Hennepin Av, for a license at American Legion Post #1, 2532 25th Av S. Seconded.

Adopted by unanimous consent.

Ostrow moved adoption of the balance of the report. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Minnesota/USA Wrestling Inc, dba Minnesota/USA Wrestling Inc, 3327 Hennepin Av, for a Lawful Class B Gambling License, with the site to be located at American Legion Post #1, 2532 25th Av S, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved September 28, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 2, 2001)

**PS&RS** - Your Committee, having under consideration the Wrecker of Building License held by Keith Carlson, dba C & H Excavation Co, 1900 W 105th St, Bloomington, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for violating the terms of a TAC agreement dated February 27, 1995; for violating Section 385.240 of the Minneapolis Code of Ordinances by allowing refrigerators with doors in tact to remain on the job site for several days; and for allowing unsafe conditions on job sites by allowing parts of the building to remain on the site for a weekend and failure to secure the job site with fencing, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$1,500 to the City of Minneapolis, with the licensee making payments of \$500 over a three-month period, with the final payment due by November 30, 2001.

b. the licensee shall only work on two outstanding contracts in the City of Minneapolis at any given time.

c. the licensee will no longer store appliances on job sites with doors in tact, and will remove them from the site immediately.

d. No weekend or weekdays after hours work shall be performed without first obtaining an after hours permit.

e. the licensee agrees to abide by the terms of the two previous TAC agreements, as follows:

1. the licensee will at all times during the demolition and loading phases of his contracts, have no fewer than two persons present at the job site to ensure dust abatement;

2. the licensee will secure all job sites to prevent access to the debris or hole whenever no one is working at the job site. The licensee will carry wire and pliers to repair fences broken or vandalized;

3. the licensee will be in compliance with all City ordinances at every job site at all times;
4. all contracts will be completed within ten days including the final grade and seeding unless an adverse weather condition exists;
5. all contracts relating to Mr. Carlson's licensed business will be in writing and will clearly state the starting and completion date of the agreed upon work. Said contracts will also contain payment scheduled, the total cost of the agreed upon work, and an arbitration clause;
6. all change orders will be put in writing and signed by both the licensee and his customers;
7. the licensee, or representatives of his company, will perform all work, which shall be completed in a workmanlike manner.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends concurrence with the following City Council appointments to the Steam and Hot Water Heating Installers Board for terms to expire November 1, 2004:

- a. Richard R. Tieva, 2900 Nevada Av N, New Hope, representing the Minnesota Mechanical Contractors Association;
- b. Denise Altonen, 2441 Colfax Av S (Ward 10), representing Pipe Fitters, Local 539;
- c. Greg Rosine, 14299 Neon St, Ramsey, representing Pipe Fitters Local 539;
- d. Peter Savage, 3405 W 49th St (Ward 13), representing the Minnesota Association of Plumbing-Heating-Cooling Contractors Association.

Your Committee further recommends approval to waive the residency requirement for Richard Tieva and Greg Rosine, in accordance with Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows appointment of individuals providing a "unique and special benefit" to the City.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the property located at 1111 17th Av N, legally described as Lot 1, Block 17, Gales Subdivision in Sherburne & Beebe's Addition to Minneapolis (PID #16-029-24-42-0139) which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, along with a recommendation to approve the removal and razing of the above referenced building thereby eliminating the nuisance condition, now recommends that said property be sent forward without recommendation.

Biernat moved that the report be postponed. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration the property located at 2514 Emerson Av N which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to raze said property legally described as Lot 11, Block 28, Highland Park Addition to Minneapolis (PID #16-029-24-12-0033), in accordance with the Findings of Fact, Conclusions & Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, McDonald, Mead, Lane, Johnson, Thurber, Campbell, Biernat, Niland, Goodman, Cherryhomes.

Nays - Ostrow.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the property located at 2722 Newton Av N which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to raze said property legally described as Lot 13, Block 2, Supplement to Forest Heights Addition to Minneapolis (PID #09-029-24-33-0081), in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$700,000 from the Federal Emergency Management Administration (FEMA) for the purchase of self-contained breathing apparatus for the Fire Department, with the City contributing \$300,000 as the required cost-sharing match for said purchase.

Your Committee further recommends passage of the accompanying Resolution as follows:

- a. appropriating \$700,000 to the Fire Department Agency to reflect receipt of said funds;
- b. transferring \$300,000 from the General Fund Contingency to the Fire Department Agency;

and

c. that the Fire Department be allowed the ability to move the 2001 appropriation of \$300,000 forward to the Year 2002 budget.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-422**  
**By Biernat and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a. increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-8020-FA49) by \$700,000 and increasing the Revenue Source (030-280-8020 - Source 3210) by \$700,000;

b. reducing the Contingency Agency in the General Fund (010-175-5130) by \$300,000 and increasing the Fire Department Agency in the General Fund (010-280-8020) by \$300,000;

c. that the Fire Department be allowed the ability to move the above appropriation of \$300,000 forward to the Year 2002 budget.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having under consideration two grant awards to the Police Department under the Minnesota Auto Theft Prevention Grant Program, now recommends

that the proper City Officers be authorized to execute amendments to grant agreements with the State of Minnesota, Department of Public Safety to receive an additional \$109,250 in funding and to extend the performance period by six months to support pro-active auto theft enforcement efforts and an auto theft prevention advertising campaign.

Your Committee further recommends passage of the accompanying Resolution appropriating \$109,250 to the Police Department Agency to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-423**  
**By Biernat and Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P402) by \$109,250 and increasing the Revenue Source (060-600-P402 – Source 3215) by \$109,250.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept the donation of a horse/horses to be used by the Police Department for patrol purposes.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to execute an agreement with the State of Minnesota, Department of Public Safety, to allow Police Department personnel to access the State's Criminal Justice Data Communications Network for person and vehicle information via in-squad mobile digital terminals, entry and query of data on the National Crime Information Center System, and access to other critical law enforcement information through the State's network. The fees for system access, approximately \$18,200, shall be payable from the 2001 Police Department General Fund budget.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the provision of Bomb/Arson Unit services to the State of Minnesota, now recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the State of Minnesota for the City to receive reimbursement of services provided during the period October 1, 2001 through June 30, 2003.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the 2002 International Association of Chiefs of Police Convention to be hosted by the Minneapolis Police Department, now recommends the following:

a. that report passed May 25, 2000 authorizing the proper City Officers to accept donations for the Greater Minneapolis Convention & Visitors Association (GMCVA) be rescinded.

b. that the proper City Officers be authorized to execute an agreement with the GMCVA whereby the GMCVA will receive and disburse donated funds for convention expenditures, and shall provide the Police Department with assistance in the planning and implementation of the convention.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee, having under consideration the Tenant Remedies Act (TRA) Pilot Project Initiative and receiving a status report on the implementation of the workplan items, as set forth in Petn No 267312 on file in the Office of the City Clerk, now recommends the following:

a. that the Status Report be Received & Filed.

b. that the City Attorney's Office and Department of Inspections be authorized to extend the TRA Pilot Project through August 31, 2002.

c. that the City Attorney's Office and Department of Inspections be directed to report back to the Public Safety & Regulatory Services Committee with the results of the Pilot Project during the month of January, 2002.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW** – Your Committee, having under consideration the City's contract with Dinkytown Business Association for parking and traffic study assistance, now recommends that the proper City officers be authorized to amend said Contract #C98-13527 by extending the term through December 31, 2001, so that payment for final services can be made (payable from existing funds under the original contract).

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a request from residents of Ewing Av S between W 49<sup>th</sup> St and W 51<sup>st</sup> St for the establishment of a Critical Parking Area, and the City Clerk having verified that the petition submitted represents more than 75 percent of the residents of the affected properties thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinances amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, establishing Critical Parking Area #24, One Hour Parking, 9 AM to 5 PM, Monday through Saturday, Except by Permit.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 2001-Or-115**  
**By Mead**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 9/28/2001**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding thereto the following Loading Zones:

No 3446 - Both sides of Ewing Av S between W 49<sup>th</sup> St and W 51<sup>st</sup> St (Critical Parking Area #24) (One Hour Parking, 9AM-5PM, Monday-Saturday, Except by Permit).

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 2001-Or-116**  
**By Mead**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 9/28/2001**

**Repealing a portion of Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

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

Section 1. That the following Loading Zones contained in Section 478.730 of the above-entitled ordinance be repealed:

No. 2511 - Both sides of Ewing Av S between the limits of W 50<sup>th</sup> St and W 51<sup>st</sup> St (Loading Zone, One Hour Parking, 9AM-5PM, Except Sundays);

No. 2739 - Ely side of Ewing Av S between the limits of W 49<sup>th</sup> St and W 50<sup>th</sup> St (One Hour Parking, 9AM-5PM, Monday-Saturday);

No. 2740 - Wly side of Ewing Av S between W 49<sup>th</sup> St and W 50<sup>th</sup> St (Loading Zone, One Hour Parking, 9AM-5PM, Monday-Saturday).

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a request received from area residents for installation of two additional stop signs at the intersection of E 22<sup>nd</sup> St and 28<sup>th</sup> Av S (stopping traffic at 22<sup>nd</sup> St and making the intersection a four-way stop), now recommends that said request be approved and that the proper City officers be directed to proceed with the installation of said signs.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, McDonald, Mead, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Cherryhomes.

Nays - Lane.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a report approved by the Council on August 30, 2001, relating to the Nicollet Mall Station of the Light Rail Transit (LRT) Project and a proposed easement agreement with OPUS Corporation and having under consideration the following amendments to said action:

1. That Paragraph F be amended to read:

"f) That the proper City Officers be directed and authorized to enter into an Easement Agreement with OPUS Construction Corporation (OPUS) providing for the granting of an LRT-related easement by OPUS to the City for the purposes and with the terms as outlined in Petition No 267220. This Easement Agreement shall include specific provision for unconditional sale or assignment by the City of the easement. Such sale or assignment may be made to the State of Minnesota, the Minnesota Department of Transportation, the Metropolitan Council, Hennepin County or any other similar financially responsible governmental entity.

Any such sale would be contingent upon a negotiated agreement such that when development or redevelopment occurs and the easement is once again used for public sidewalk purposes, it would be reconveyed at no charge to the City.",

now recommends that the matter be forwarded without recommendation.

Mead moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**T&PW** – Your Committee, having under consideration a report approved by the Council on August 30, 2001, relating to the Nicollet Mall Station of the Light Rail Transit (LRT) Project and a proposed easement agreement with OPUS Corporation and having under consideration the following amendments to said action:

1. That Paragraph F be amended to read:

"f) That the proper City Officers be directed and authorized to enter into an Easement Agreement with OPUS Construction Corporation (OPUS) providing for the granting of an LRT-related easement by OPUS to the City for the purposes and with the terms as outlined in Petition No 267220. This Easement Agreement shall include specific provision for sale or assignment by the City of either the obligation to pay the Easement Price or the sale (conveyance) of the easement itself (Vertical Circulation Easement). If the easement is sold, title shall be subject to a right by the public and the City to put the easement to all uses, as provided in the City of Minneapolis Sidewalk Ordinance, with such provisions and restrictions as are now provided or as shall subsequently be amended. Such sale or assignment may be made to the State of Minnesota, the Minnesota Department of Transportation, the Metropolitan Council, Hennepin County or any other similar financially responsible governmental agency."

The report, as substituted, was adopted.

Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**T&PW & W&M/Budget** – Your Committee, having received a report from the Transportation Engineer presenting recommendations to assist with parking for Cedar Av businesses near the light rail transit (LRT) yards facility, now recommends:

1. Approval to convert 19<sup>th</sup> Av, the N Service Rd, and Cedar Av to a one-way loop, counter-clockwise (as outlined in Petn No 267318);

2. That the proper City officers be authorized to execute Project Funding Agreement #7 with the Metropolitan Council providing for reimbursement to the City for actual design and constructions costs up to \$100,000;

3. That the proper City officers be authorized to execute the necessary documents to obtain right of access and a 6' easement from the Metropolitan Council along the west side of the Cedar Avenue right-of-way between Minnehaha Av and the N Service Rd;

4. That the City Engineer be directed to design and construct angled parking on Cedar Av between Minnehaha Av and the N Service Rd in accordance with Layout No. 1 dated September 14, 2001 on file with the City Engineer; and

5. Passage of the accompanying resolution increasing the Public Works - Transportation Capital Agency by \$100,000 to provide funds for the project, to be reimbursed by the Metropolitan Council.

Adopted. Yeas, 12; Nays none.  
Passed September 28, 2001.  
Approved September 28, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published October 2, 2001)

**RESOLUTION 2001R-424**  
**By Mead & Campbell**

**Amending The 2001 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-937-9374) by \$100,000 and increasing the revenue source (4100-937-9374 - Source 3215) by \$100,000.

Adopted. Yeas, 12; Nays none.  
Passed September 28, 2001. J. Cherryhomes, President of Council.  
Approved September 28, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.  
(Published October 2, 2001)

**T&PW & W&M/Budget** – Your Committee, having under consideration traffic calming measures proposed for the Standish-Ericsson Neighborhood, now recommends:

1. Approval to install two speed humps on Nokomis Av S between E 46<sup>th</sup> St and Minnehaha Parkway, subject to funding reimbursement from the Standish Ericsson Neighborhood Revitalization Program (NRP); and
2. Passage of the accompanying resolution increasing the Public Works - Transportation Capital appropriation by \$4,500 and increasing the revenue source to reflect that funding for the improvements will be reimbursed by NRP.

Adopted. Yeas, 12; Nays none.  
Passed September 28, 2001.  
Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-425**  
**By Mead & Campbell**

**Amending The 2001 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$4,500 and increasing the revenue sources (4100-943-9440 - Source 3845) by \$4,500.

Adopted. Yeas, 12; Nays none.  
Passed September 28, 2001. J. Cherryhomes, President of Council.  
Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration traffic calming measures proposed for the Standish-Ericsson Neighborhood, now recommends:

1. Approval to install two speed humps on Longfellow Av S between E 46<sup>th</sup> St and E 47<sup>th</sup> St, subject to funding reimbursement from the Standish Ericsson Neighborhood Revitalization Program (NRP); and

2. Passage of the accompanying resolution increasing the Public Works - Transportation Capital appropriation by \$4,500 and increasing the revenue source to reflect that funding for the improvements will be reimbursed by NRP.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-426**

**By Mead & Campbell**

**Amending The 2001 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$4,500 and increasing the revenue sources (4100-943-9440 - Source 3845) by \$4,500.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the Guthrie Theater Development Parking Facility and a recommendation from the Transportation Engineer that the City participate in the design element of the facility to ensure that the City's interests are taken into consideration as the facility is designed, now recommends passage of the accompanying resolution increasing the project appropriation by \$200,000 to cover the costs of consulting services to represent the City on the Guthrie Theater Parking Facility Design Team, with the understanding that the funds will be reimbursed to the Parking Fund when bonds for the project are sold at a later date.

Your Committee further recommends that this action constitutes an official declaration pursuant to Treasury Reg. SS 1.103-17 and 1.103-18 that the City intends to reimburse expenditures which may be made for those projects designated herein to be funded with bond proceeds by incurring tax exempt debt of the City. The expenditures to be reimbursed include but are not limited to construction expenditures incurred after approval of the capital budget, preliminary expenses for planning, design, legal and consulting services and land acquisition and include staff costs reasonably allocable thereto.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-427**

**By Mead & Campbell**

**Amending The 2001 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 Capital Agency in the Municipal Parking Fund (7500-943-9464) by \$200,000, to be reimbursed to the Municipal Parking Fund when bonds are sold for the Guthrie Theater Parking Facility.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having reviewed the current Light Rail Transit (LRT) Related Projects Funding Program and having received recommendations regarding payment of the City's share of the cost of replacing the retained fill design with a pier and structure design for the overpass between Lake St and 28<sup>th</sup> St, now recommends:

1. That the proper City officers be authorized to execute Project Funding Agreement #2 with the Metropolitan Council providing for payment of the City's share of retained fill replacement cost;

2. Passage of the accompanying resolution increasing the Public Works - Transportation Capital Agency by \$1,453,095.50 for payment to the Metropolitan Council and to be reimbursed by Municipal State Aid (MSA) funds.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-428**  
**By Mead & Campbell**

**Amending The 2001 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 Capital Agency in the Permanent Improvement Projects Fund (4100-937-9374) by \$1,453,095.50 and increasing the revenue source (4100-937-9374 - Source 3880) by \$1,453,095.50.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the Cedar Lake Trail and having been informed that a permanent Phase III of the trail will be postponed until at least year 2003, now recommends approval of the temporary alignment and bike lanes for Phase III as outlined in Petn No 267318.

Your Committee further recommends that the cost of implementing the temporary Phase III route in the amount of \$40,000 be authorized expended from the existing appropriation in the Commuter Bike Fund System (4100-943-9470 - Project A7002990).

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the City's contract with Minneapolis Refuse, Inc, (MRI) and having been presented with a proposal for a new five-year contract (as contained in Petn No 267277), and having considered the following staff recommendation:

- That the proper City officers be authorized to execute a five-year contract with MRI for residential garbage, recycling, yard waste and problem materials collection service;
- That said contract cover one unit less than one-half the City's residential dwelling units; and
- That said contract shall commence on January 1, 2002, starting at \$8.99 per dwelling unit per month and increasing 3 percent annually for years 2003, 2004, 2005 and increasing 1.6% for year 2006, now recommends:

**T&PW** - approval of the staff recommendation.

**W&M/Budget** - that the Solid Waste Division be directed to report back within 60 days to the Transportation and Public Works and Ways and Means/Budget Committees with estimates of cost savings and residential rates for solid waste services provided for the entire City by the City's own crews, commencing in January, 2003.

Your Committee further recommends that the Finance Department be directed to assist Public Works in analyzing these costs and the capital costs associated with the necessary equipment purchases for a service provided entirely by the City's crews.

Mead moved that the report be divided so as to consider separately the recommendation of the Ways & Means/Budget Committee. Seconded.

Adopted by unanimous consent.

Mead moved that the balance of the report (the recommendation of the Transportation & Public Works Committee) be postponed pending receipt of the report called for in the Ways & Means/Budget Committee recommendation. Seconded.

Adopted upon a voice vote.

**T&PW & W&M/Budget** – Your Committee, having under consideration the City's contract with Minneapolis Refuse, Inc, (MRI) and having been presented with a proposal for a new five-year contract (as contained in Petn No 267277), and having considered the following staff recommendation:

- That the proper City officers be authorized to execute a five-year contract with MRI for residential garbage, recycling, yard waste and problem materials collection service;
- That said contract cover one unit less than one-half the City's residential dwelling units; and
- That said contract shall commence on January 1, 2002, starting at \$8.99 per dwelling unit per month and increasing 3 percent annually for years 2003, 2004, 2005 and increasing 1.6% for year 2006,

now recommends:

**W&M/Budget** - that the Solid Waste Division be directed to report back within 60 days to the Transportation and Public Works and Ways and Means/Budget Committees with estimates of cost savings and residential rates for solid waste services provided for the entire City by the City's own crews, commencing in January, 2003.

Your Committee further recommends that the Finance Department be directed to assist Public Works in analyzing these costs and the capital costs associated with the necessary equipment purchases for a service provided entirely by the City's crews.

Mead moved approval of the Ways & Means/Budget Committee recommendation. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**W&M/Budget** - Your Committee, having under consideration the 2001 Mid-Year Budget Status Report, now recommends passage of the accompanying resolution providing for mid-year appropriation and revenue adjustments.

Your Committee further recommends that summary publication of the above-described resolution be authorized.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2001R-429, providing for 2001 mid-year appropriation and revenue adjustments, was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2001R-429  
By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

<b>Fund</b>	<b>Agency Name and Number</b>	<b>Expense</b>	<b>Revenue</b>
0100	123 Non-Departmental	\$(300,000)	
0100	850 Inspections	300,000	
0100	835 Licenses	9,098	
0100	175 Contingency	(9,098)	
0100	126 City-Wide Revenues		\$1,900,000
0100	175 Contingency	1,900,000	
	Labor Settlements:		
0100	850 Inspections	120,000	
0100	140 Attorney	3,228	
0100	264 Clerk, Elections	451	
0100	280 Fire	2,305	
0100	300 Civil Rights	2,110	
0100	380 Planning	11,146	
0100	400 Police	21,062	
0100	607 Public Works Streets	299	
0100	650 Public Works Administration	2,947	
0100	685 Public Works Transportation	602	
0100	800 Grants & Special Projects	4,145	
0100	842 Communications	1,935	
0100	815 Human Resources	5,411	
0100	820 Finance	11,960	
0100	835 Licenses	12,232	
0100	840 Coordinator Office	2,445	
0100	841 Intergovernmental Relations	539	
0100	850 Inspections	3,048	
0100	860 Department of Health & Family Support	23,447	
0100	880 ITS: Video, Cable	1,604	
	Total MPEA Settlement	110,916	
0100	140 Attorney	12,768	
0100	264 Clerk, Elections	2,127	
0100	280 Fire	7,369	
0100	300 Civil Rights	5,312	
0100	380 Planning	41,543	
0100	400 Police	84,203	
0100	607 Public Works Streets	1,807	
0100	650 Public Works Administration	18,293	
0100	685 Public Works Transportation	3,916	
0100	800 Grants & Special Projects	2,820	
0100	815 Human Resources	32,376	
0100	820 Finance	68,814	
0100	835 Licenses	47,865	
0100	840 Coordinator Office	11,068	

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0100	841 Intergovernmental Relations	2,364	
0100	842 Communications	8,523	
0100	850 Inspections	18,427	
0100	860 Department of Health & Family Support	106,600	
0100	880 ITS: Video, Cable	6,860	
	Total Year-to-date back-pay	483,058	
0100	123 Reduce Wage Increase Reserve	(625,000)	
0100	127 Increase transfer to Internal Service Funds and Permanent Improvement Fund to cover year-to-date settlements	238,175	
0100	175 Reduce Contingency for wage settlements over reserve	(327,149)	
	<b>Total General Fund</b>	<b>\$1,900,000</b>	
0300	400 Narcotics	454	
	<b>Total Federal Grant Fund</b>	<b>454</b>	
2100	400 Seizures	(454)	
	<b>Total Police Special Revenue Fund</b>	<b>(454)</b>	
0760	820 Finance	1,187	
0760	865 Convention Center Operations	5,154	
0760	820 Finance	5,845	
0760	865 Convention Center Operations	24,972	
0760	975 Convention Center Site	7,456	
	<b>Total Convention Center Fund</b>	<b>44,614</b>	
4100	400 Police	644	
4100	600 Public Works Engineering	2,055	
4100	820 Finance	1,680	
4100	600 Public Works Engineering Design	16,974	
4100	680 Public Works Property Services	1,406	
4100	820 Finance	8,014	
4100	932 Public Works Sewer Construction	698	
4100	937 Public Works Paving Construction	1,560	
4100	970 Capital Improvement-Non Departmental	4,041	
4100	127 Transfer from General Fund		37,072
	<b>Total Permanent Improvement Fund</b>	<b>37,072</b>	<b>37,072</b>
6000	640 Public Works Engineering Materials	510	
6000	820 Finance	345	
6000	640 Public Works Engineering Materials	2,792	
6000	820 Finance	2,444	
6000	127 Transfer from the General Fund		6,091
	<b>Total Engineering Materials Fund</b>	<b>6,091</b>	<b>6,091</b>
6100	675 Public Works Equipment	1,926	
6100	820 Finance	1,216	
6100	675 Public Works Equipment	10,876	
6100	680 Public Works Property Services	4,165	
6100	820 Finance	6,252	
6100	127 Transfer from the General Fund		24,436
	<b>Total Permanent Improvement Equipment Fund</b>	<b>24,436</b>	<b>24,436</b>
6200	680 Public Works Property Services	1,376	

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6200	820 Finance	286	
6200	680 Public Works Property Services	1,527	
6200	127 Transfer from the General Fund		3,189
	<b>Total Lands &amp; Buildings Fund</b>	<b>3,189</b>	<b>3,189</b>
6400	820 Finance	579	
6400	880 ITS	28,274	
6400	880 Telephony	131,477	131,477
6400	815 Human Resources	3,441	
6400	820 Finance	3,441	
6400	880 ITS	111,895	
6400	127 Transfer from the General Fund		147,630
	<b>Total Intergovernmental Service Fund</b>	<b>279,107</b>	<b>279,107</b>
6900	140 Attorney	2,686	
6900	820 Finance	4,325	
6900	140 Attorney	9,667	
6900	815 Human Resources	555	
6900	820 Finance	19,228	
6900	127 Transfer from the General Fund		36,460
	<b>Total Self-Insurance Fund</b>	<b>36,460</b>	<b>36,460</b>
7300	820 Finance	458	
7300	600 Public Works Engineering Design	1,190	
	<b>Total Sewer Rental Fund</b>	<b>1,648</b>	
7400	690 Public Works Water Department	2,773	
7400	820 Finance	1,677	
7400	690 Public Works Water Department	11,000	
7400	600 Public Works Engineering Design	5,285	
7400	690 Public Works Water Treatment	22,708	
7400	820 Finance	8,297	
7400	950 Public Works Water	941	
	<b>Total Water Fund</b>	<b>52,681</b>	
7500	685 Public Works Transportation	2,715	
7500	820 Finance	1,010	
7500	127 Interfund Transfers	200,000	
7500	685 Public Works Transportation	16,683	
7500	820 Finance	2,543	
	<b>Total Parking Fund</b>	<b>222,951</b>	
7700	664 Public Works Solid Waste	2,274	
7700	820 Finance	503	
7700	127 Interfund Transfers		200,000
7700	664 Public Works Solid Waste	127,000	
7700	664 Public Works Solid Waste	73,000	
7700	664 Public Works Solid Waste	7,712	
	<b>Total Solid Waste Fund</b>	<b>210,489</b>	<b>200,000</b>
<b>Total All Funds</b>		<b>\$2,818,738</b>	<b>\$2,486,355</b>

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration funding for criminal prosecution positions in the City Attorney's Office, and having received information clarifying the current shortage of allocated block grant funds, now recommends approval to appropriate an additional \$324,742 to fully fund said positions, in concurrence with the City's adopted 2001 budget.

Your Committee further recommends passage of the accompanying resolution increasing the City Attorney Agency appropriation by \$324,742.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-430**

**By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) decreasing the Contingency Agency in the General Fund (0100-175-175A-5130) by \$324,742; and

b) increasing the appropriation for the City Attorney Agency in the General Fund (0100-140-1410-4000) by \$324,742.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a hold harmless agreement with Lowell W. Bliss, Walden Management and/or their property management general partnership known as M-M Kasota Associates, as the proper party may be, as to CERCLA (Comprehensive Environmental Response Compensation and Liability Act) and MERLA (Minnesota Environmental Response and Liability Act), liability for cleanup costs or natural resource damages resulting from Minneapolis incinerator ash for the property at 722-738 Kasota Circle SE.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the following lawsuits filed against the City be settled and be payable from the Self Insurance Fund (6900-150-1500-4000), as indicated:

a) Payable to Donald Singleton and his attorney, Mark H. Gruesner, in the amount of \$15,000; and

b) Payable to Nicole Ann Phillips and her attorney, Max H. Hacker, in the amount of \$2,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an agreement with the law firm of Creighton, Bradley & Guzzetta to provide legal services

in support of the City's cable franchise negotiations and related activities, in the amount of \$200,000, to be payable from the Liability Agency in the Self Insurance Fund (6900-150-1500-8000); and further recommends that the Finance Officer be authorized to offset said payment by a transfer of franchise fee revenue from the General Fund.

Your Committee further recommends passage of the accompanying resolution increasing the Liability Agency appropriation by \$200,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-431  
By Campbell**

**Amending The 2001 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) decreasing the appropriation for the Contingency Agency in the General Fund (0100-175-175A-5130) by \$200,000;
- b) increasing the appropriation for the Inter-fund Transfer Agency in the General Fund (0100-127-1270) by \$200,000;
- c) increasing the Inter-fund Transfer Agency revenue estimate in the Self Insurance Fund (6900-127-1270) by \$200,000; and
- d) increasing the appropriation for the Liability Agency in the Self Insurance Fund (6900-150-1500-8000) by \$200,000.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment #5 to Contract #6856 with the Delta Dental Plan of Minnesota to provide administrative services only for the City's self-insured dental plan, for the period from January 1, 2002 through December 31, 2004, increasing the contract by \$13,650 in 2002, \$21,156 in 2003, and \$21,156 in 2004, for a three year contract total of \$802,549, payable from the Health and Welfare Agency in the Self-Insurance Fund (6900-129-1301), with all other terms and conditions to remain the same.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Group Policy #GH29491-2 with ReliaStar for group long term disability insurance, to remove the benefit period differential between "Physical Disabilities" and "Disabilities Due to Mental and Nervous Disorders or Alcoholism or Drug Addiction," and to change the policy rate for a three-month period from October 1, 2001 through December 31, 2001, thereby increasing the amount by \$578.93, for a new 2001 policy amount of \$804,074.50 for appointed and elected employees, payable from the Health and Welfare Agency in the Self-Insurance Fund (6900-129-1292).

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval to start Mark Paulsen at Step 5 of the salary scale for the Manager, Information Technology Services (ITS) position.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends acceptance of \$3,500 from General Mills, Inc., to support the Minneapolis Empowerment Zone Strategic Visioning Conference held on September 7, 2001, which provided an opportunity for input from business owners, employees, and residents working and residing in the Empowerment Zone area.

Your Committee further recommends passage of the accompanying Resolution increasing the City Coordinator Agency appropriation and revenue estimate by \$3,500.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-432**  
**By Campbell**

**Amending The 2001 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 City Coordinator Agency in the Grants - Other Fund (0600-840-8460) by \$3,500, and increasing the City Coordinator Agency revenue estimate in the Grants - Other Fund (0600-840-8460-Source 3720) by \$3,500.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the completion of the Leonard H. Neiman Sports Complex at Fort Snelling, now recommends approval to issue an additional \$2,000,000 in bonds to provide funding to complete the project in 2001/2002, with a majority of the additional funding to be paid through reimbursements for the water line construction and enterprise activities fees, and with the understanding that this will be accomplished without creating additional strain on City property taxes.

Your Committee further recommends that in order to manage default risk to the City, said approval shall be contingent upon execution of an agreement with the Minneapolis Park and Recreation Board, stipulating that the Park Board is dedicated to a 20-year debt service commitment and further stipulating that in the event the annual payment from the Park Board is less than the annual debt service requirement, the City will reduce the distribution of Local Government Aid (LGA) to the Park and Recreation Board, said reduction not to exceed the amount of the annual debt service payment.

Your Committee further recommends passage of the accompanying resolutions:

a) Recommending the sale of Net Debt Bonds, in the amount of \$2,000,000, to provide funds for the Leonard H. Neiman Sports Complex at Fort Snelling; and

b) Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds for an additional \$2,000,000 for the completion of the Leonard H. Neiman Sports Complex at Fort Snelling, to be repaid by the Minneapolis Park and Recreation Board.

Adopted. Yeas, 12; Nays none.  
Passed September 28, 2001.  
Approved October 4, 2001. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-433**  
**By Campbell**

**Recommending the sale of Net Debt Bonds, in the amount of \$2,000,000, to provide funds for the Leonard H. Neiman Sports Complex at Fort Snelling.**

Whereas, the Minneapolis Park and Recreation Board of the City of Minneapolis has committed to develop and upgrade the athletic facilities at Fort Snelling with the issuance of \$12,000,000 in bonds in 1998 and 2001; and

Whereas, the second 2001 bonds issued were used to acquire property and fund water system improvements at Fort Snelling; and

Whereas, an additional \$2,000,000 in bonds will be required to complete the Fort Snelling Project; and

Whereas, the Park and Recreation Board of the City of Minneapolis has identified and dedicated ongoing revenues to fully fund the debt service of this additional bond sale; and

Whereas, the Park and Recreation Board of the City of Minneapolis agrees to use all other revenue sources, including property taxes and Local Government Aid (LGA) if needed to repay the debt;

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

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for an additional \$2,000,000, the proceeds of which are to be used for completion of the Leonard H. Neiman Sports Complex.

Be It Further Resolved that in the event the annual payment from the Park Board is less than the annual debt service requirement, the City will reduce the distribution of LGA to the Park and Recreation Board, said reduction not to exceed the amount of the annual debt service payment.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2001R-434**  
**By Campbell**

**Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds for an additional \$2,000,000 for completion of the Leonard H. Neiman Sports Complex at Fort Snelling, to be repaid by the Minneapolis Park and Recreation Board.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for an additional \$2,000,000, the proceeds of which are to be used for completion of the Leonard H. Neiman Sports Complex at Fort Snelling, to be repaid by the Minneapolis Park and Recreation Board.

Be It Further Resolved that the Minneapolis Park and Recreation Board will provide funds to support the annual debt service from the Special Services Enterprise Fund.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

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

**Z&P** - Your Committee, having under consideration the appeal of Michael and Brenda Gacek from the Board of Adjustment decision denying their applications for (a) a variance to increase the maximum size of all accessory structures from 676 sq ft to 1180 sq ft to allow an existing garage and a new detached garage with a new, attached 3-season porch; and (b) a variance of north side yard setback from 8 ft to 4 ft 6 in to allow construction of the new garage and porch, all at 1430 University Av NE (BZZ-213), and having conducted a public hearing thereon, now recommends that the appeal be granted, notwithstanding the decision of the Board of Adjustment. (Petr No 267329)

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Abdurezak Omer from the decision of the Planning Commission approving a site plan permit to allow a mixed-use building and surface parking lot at 2313, 2317 and 2327 E Franklin Av (DoAll Building), specifically appealing the condition requiring that the fence at the rear of the parking lot be 6 ft high and made of a decorative metal material that matches the fence at the front of the parking lot (BZZ-240), and having conducted a public hearing thereon, now recommends that the appeal be granted and that said condition be amended to require a 4 ft high, 95% opaque wood fence which would coordinate with other design elements at the rear of the parking lot and in the alley, notwithstanding the decision of the Planning Commission. (Petr No 267331)

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the appeal of Maranatha Christian Academy from the decision of the Planning Commission relating to Maranatha's applications for a conditional use permit and two variances, all to allow replacement of the parking lot, additional playground equipment and a new entryway at 4021 Thomas Av N (BZZ-237), and having conducted a public hearing thereon, now recommends:

(a) that the appeal of the denial of a variance to reduce the north side yard variance from 5 ft to 0 ft be granted;

(b) that the appeal of the approval of a variance to reduce the front yard setback along the north 114 ft on Upton Av from 36 ft to 2.5 ft and the request for a setback to 0 ft be denied; and

(c) that the appeal of all 5 conditions of approval of the conditional use permit be denied but that condition 1 be modified to read, "The parking lot shall be landscaped and screened with a minimum of five feet of landscaping along that portion of the public sidewalk located north of the existing curb cut," and that a final condition be added requiring maintenance of the existing tree on the north edge of the property.

Your Committee further recommends that the findings relating to the variance along Upton Av and the conditional use permit, as prepared by Planning staff and on file in Petr No 267331, be adopted.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the amended application of Minneapolis Stone Arch Partners LLC (BZZ-186) to rezone property at 600 Main St SE, 625 Main St SE and 106 6th Av SE by adding an ILOD (Industrial Living Overlay District) to the existing I2 zoning district to permit a Planned Unit Development, including a 265-unit apartment building in Phase I and approximately 45 owner-occupied units in Phase II, now concurs in the recommendation of the

Planning Commission to adopt the related findings set forth in Petn No 267330 and to approve said amended application. (64429).

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

Adopted. Yeas, 9; Nays, 3 as follows:

Yeas - Colvin Roy, McDonald, Lane, Johnson, Thurber, Ostrow, Biernat, Niland, Goodman.

Nays - Mead, Campbell, Cherryhomes.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-117, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 600 Main St SE, 625 Main St SE and 106 6th Av SE by adding an ILOD (Industrial Living Overlay District) to the existing I2 district, was passed September 28, 2001 by the City Council and approved October 4, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2001-Or-117**  
**By McDonald**  
**1st & 2nd Readings: 9/28/2001**

**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 parcels of land, pursuant to MS 462.357:

A. That part of Government Lot 4, Section 23, Township 29 North, Range 24 West, and parts of Lots 11 and 14, Auditor's Subdivision No. 44, Hennepin County, Minnesota, described as follows:

Commencing at the most Westerly corner of Block 52, St. Anthony Falls: thence Southwesterly, along the Southwesterly extension of the Northwesterly line of said Block 52, to the Southwesterly line of Main Street S.E.; thence on an assumed bearing of North 60 degrees 00 minutes West, along the Southwesterly line of said Main Street S.E., a distance of 0.71 feet to the actual point of beginning of the tract of land to be described; thence South 60 degrees 00 minutes East, along the Southwesterly line of said Main Street S.E., a distance of 482.70 feet; thence North 73 degrees 07 minutes, 20 seconds West, a distance of 99.88 feet; thence along a tangential curve to the left having a radius of 1,769.03 feet, a distance of 107.87 feet; thence along a compound curve having a radius of 1,262.28 feet, a distance of 348.85 feet, to its intersection with a line bearing South 40 degrees 14 minutes West from the point of beginning; thence North 40 degrees 14 minutes East, a distance of 197.89 feet, to the point of beginning. (Said last described course being the Southeasterly line of 6th Avenue S.E. as described in deed recorded in Book 10 of Miscellaneous, page 514, Office of the County Recorder, Hennepin County, Minnesota.) (600 Main Street Southeast - Plate 15) adding an ILOD to the existing I2 District.

B. That part of The Southwesterly 145 feet of Lot 10 except the Northwesterly 5 feet thereof, Block 52; That part of the Northwesterly one-half of adjoining vacated Walnut Street, also known as 7th Avenue Southeast lying between the extension Southeasterly of the Southwesterly line of Lot 10 and a line drawn parallel with and 145 feet Northeasterly from said Southwesterly line; That part of the Southeasterly one-half of vacated Walnut Street also known as 7th Avenue Southeast lying between the extension Northwesterly of the Southwesterly line of Lot 6, Block 53 and a line drawn parallel with and 140 feet Northeasterly from said Southwesterly line; That part of Lots 6, 7, 8, 9 and 10, Block 53 lying Southwesterly of the following described line: Beginning at a point on the

Northwesterly line of Lot 6, Block 53, distant 140 feet Northeasterly measured along said Northwesterly line from the Southwesterly corner of said Lot 6, thence Southeasterly parallel with the Southwesterly line of Block 53 a distance of 199.26 feet, thence Southeasterly on the curve to the right with a radius of 930.66 feet a distance of 133.75 feet, more or less to a point in the Southeasterly line of Lot 10, Block 53, distant 130.55 feet Northeasterly as measured along the Southeasterly line of said Lot from the Southeasterly corner thereof, all in St Anthony Falls (625 Main Street Southeast - Plate 15) adding an ILOD to the existing I2 District.

C. That part of The Southwesterly 145 feet of Lots 6, 7, 8 and 9, and the Northwesterly 5 feet of the Southwesterly 145 feet of Lot 10, Block 52, St. Anthony Falls (106 6th Av SE - Plate 15) adding an ILOD to the existing I2 District.

Adopted. Yeas, 9; Nays, 3 as follows:

Yeas - Colvin Roy, McDonald, Lane, Johnson, Thurber, Ostrow, Biernat, Niland, Goodman.

Nays - Mead, Campbell, Cherryhomes.

Passed September 28, 2001. J. Cherryhomes, President of Council.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the applications of Minneapolis Stone Arch Partners, LLC (BZZ-186) to vacate that part of 8th Av SE lying north of Main St SE (Vac #1351) and to vacate that part of Main St SE lying between 6th Av SE and 8th Av SE (Vac #1352) to allow a planned unit development, including a 265 unit apartment building in Phase I and approximately 45 owner-occupied units in Phase II, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 267330 and to grant said vacations, subject to the following conditions: 1) approval of the rezoning and site plan review applications; 2) retention of easement rights by Xcel and Qwest with respect to Vac #1351; 3) retention of easement rights by Xcel, Qwest and Minnegasco with respect to Vac #1352; and 4) that this action will not affect any private easement agreements that are independent of the City's right-of-way interest.

Your Committee further recommends passage of the accompanying resolutions vacating said streets and publication of the resolutions in summary form.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Colvin Roy, McDonald, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, Cherryhomes.

Nays - Mead.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved that the above report be reconsidered. Seconded

Adopted upon a voice vote.

McDonald moved that the above report be postponed. Seconded.

Adopted upon a voice vote.

### **Motions**

Goodman moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Mary Reyelts for a residential block event (Palio) to be held Sunday, October 7, 2001, between the hours of 11:00 a.m. and 5:00 p.m. on Franklin Avenue West between Penn Avenue and Lake of the Isles Parkway, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Goodman moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Richard A. Forschler for a residential block event to be held

Sunday, September 30, 2001, between the hours of 4:00 and 7:00 p.m. on Irving Avenue South between Douglas and Summit Avenues South, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Monica Smith for a residential block event to be held Saturday, October 6, 2001, between the hours of 5:00 p.m. and 10:00 p.m. on Irving Avenue South between West 31<sup>st</sup> and 32<sup>nd</sup> Streets, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to amend Special Permit #2000-173, relating to 6050 Nicollet Avenue South, applicant Bahman Razmpour d/b/a Cintia's of Mexico, approved by the City Council on September 28, 2000 by adding the following language:

"If zoning approvals necessary for the expansion of a restaurant and bar use at 6042-6050 Nicollet Avenue South (applicant Bahman Razmpour) are granted by the City Planning Commission at its meeting of October 9, 2001, a building permit may be issued to allow construction work associated with remodeling the façade of the building to commence on October 10, 2001, notwithstanding section 525.180 of the Zoning Code requiring a stay on action pending completion of the appeal period and proceedings, so long as the following conditions are met:

1) Work is to be conducted in accordance with the plans and any conditions of approval for the zoning applications approved by the Planning Commission;

2) If there is an appeal of the Planning Commission decision to the City Council, the applicant will complete the work in accordance with the plans and any conditions of approval for the zoning applications as they may be amended by the City Council and will obtain any revised or new building permits that may be required to conform to the Council decision.

If the Planning Commission does not approve the zoning applications necessary for the restaurant expansion, no construction work shall be authorized based on this amendment to special permit #2000-173."

Seconded.

Adopted. Yeas, 12; Nays none.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved to postpone consideration of the 2002 City Council calendar. Seconded.

Adopted upon a voice vote.

#### **Unfinished Business**

Auto Care Inc (5000 34<sup>th</sup> Av S): Revoke Motor Vehicle Repair Garage License for failure to complete the site plan review process (Postponed 9/29/2000, PS&RS)

Minneapolis Community Development Agency (Guthrie Theater): Passage of Resolution vacating part of 20<sup>th</sup> Av S between 2<sup>nd</sup> St S & Mississippi River; Authorize summary publication. (Postponed 5/18/2001, Z&P)

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

**New Business**

Biernat introduced an Ordinance amending Chapter 14 of the Minneapolis City Charter relating to Board of Health, modernizing language related to delegation of authority and penalties, which was given its first reading and referred to the Intergovernmental Relations Committee.

The City Council recessed to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners for consideration of the matter of *Hard Times Café vs. City of Minneapolis*.

The City Council reconvened at 10:34 a.m. in Room 315 City Hall.

President Cherryhomes in the Chair.

Present - Council Members Colvin Roy, McDonald, Mead, Lane, Johnson, Thurber, Ostrow, Campbell, Biernat (Out at 10:54), Goodman, Cherryhomes.

Also present - Michael Norton, Deputy City Attorney, Tim Skarda, Assistant City Attorney; Ron Thaniel, Mayor's office; Merry Keefe, City Clerk; Pat Kelly, Council Member Assistant; Jan Hrcncir, City Clerk's office.

Mike Norton, Deputy City Attorney, stated that the meeting may be closed for the purpose of receiving confidential information on the above-named matter.

Campbell moved to close the meeting for the purpose of considering the above-named matter. Seconded.

Adopted upon a voice vote.

The meeting was closed at 10:35 a.m.

Tim Skarda, Assistant City Attorney, summarized the matter of *Hard Times Café vs. City of Minneapolis* from 10:35 a.m. to 11:15 a.m.

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

Campbell moved that the meeting be opened for the purpose of taking action on the matter of *Hard Times Café vs. City of Minneapolis*. Seconded.

Adopted upon a voice vote.

The meeting was reopened at 11:35 a.m.

Campbell moved that the City Council authorize settlement in the matter of *Hard Times Café vs. City of Minneapolis*, Court of Appeals File No. C4-00-1060, District Court File No. AP 01-009242, by granting of pending business licenses to the Hard Times Café and that the City Attorney be authorized to execute any documents necessary to effectuate the settlement and release of claims. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Biernat.

Passed September 28, 2001.

Approved October 4, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

By unanimous consent, the meeting was adjourned.

MERRY KEEFE,  
City Clerk.

Created: 10/1/01;  
Modified: 10/4/01;11/29/01; 12/03/01