

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 10, 2003

(Published October 18, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
October 10, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Johnson.

Lilligren moved acceptance of the minutes of the regular meeting held 9/26/03. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

The following reports were signed by Mayor Rybak on 10/16/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269102)

The Minneapolis Institute of Arts Project: Preliminary and final approval to issue revenue bonds to finance an addition to the existing facility.

Group Health Plan, Inc. (HealthPartners, Inc.): Final approval to issue revenue bonds jointly with the City of St. Paul for capital projects throughout the metro area.

Riverton Community Housing Project: Preliminary and final approval to issue revenue bonds to renovate student house facilities.

Children's Theatre Company Project: Final approval to issue revenue bonds to renovate and enlarge the theater.

Marshall River Run Housing Project: Grant preliminary approval to issue multifamily housing development bonds; Comments on proposed project.

Upper Harbor Terminal: Authorize study of the redevelopment potential of the property and provide funding to the Friends of the Mississippi River for the study.

COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS & W&M/BUDGET

(See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269103)

Bioscience Zones: Authorize application for designation of zones in Minneapolis with a City commitment regarding taxes and administration.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET

(See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269104)

Heritage Park Project, Phase 3: Development agreement with McCormack Baron Salazar, Minneapolis Community Development Agency and Minneapolis Public Housing Authority, authorize special assessments, appropriation adjustments and amendment to agreement with SRF Consulting Group.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269105)

Commercial Corridors Funding: Information report on the results of the Empowerment Zone & Commercial Corridors request for proposals. (Comm Dev Report only)

River Services, Inc. (RSI): Report on operations at Upper Harbor Terminal and staff direction to prepare a draft operating agreement with RSI.

Minneapolis Relocation Policy: Authorize distribution of proposed amendments for public and neighborhood review.

Shubert Theater: Extend lease/option agreement with Artspace Projects, Inc.

HEALTH AND HUMAN SERVICES:

COUNCIL MEMBER NIZIOLEK (269106)

Minneapolis Community Engagement and Community Building Project.

HEALTH AND FAMILY SUPPORT SERVICES (269107)

Employment and Training Program Adult Vendor Awards: Presentation of Program Year 2002 "Adult Vendor of the Year" Award to East Side Neighborhood Services.

HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269108)

Qwest Dislocated Worker Grant: Execute Amendment #2 to Contract with Minnesota Department of Trade and Economic Development to extend performance period to June 30, 2004.

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

HEALTH AND FAMILY SUPPORT SERVICES (269109)

Healthy Learners Board: Execute Amendment #3 to Contract with Healthy Learners Board to increase contract by an amount not to exceed \$250,000 and extend termination date through 2005 to fund cost of nurse to provide immunizations at New Family Center; and Approve appropriation.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (269110)

Fourth Judicial District Domestic Violence Court: Report.

POLICE DEPARTMENT (269111)

Police Security Services at Metrodome: Request to contract with Minnesota Vikings to provide security searches for charter buses on and around Metrodome.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (269112)

AM Food Market (1814 Nicollet Av): Grant Provisional Grocery License, subject to conditions.

El Neuvo & La Quebradita Restaurant (2709 E Lake St): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting adult entertainment and conditions relating to valet parking and alcohol beverage pricing.

Barfly (711 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting adult entertainment.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (269113)

False Alarm Penalties: Ordinance amending Title 9, Chapter 176 of Code relating to Fire and Police Protection: Burglar and Holdup Alarm Systems, amending penalties and when police response can be suspended; with attachments.

POLICE DEPARTMENT (269114)

St. Philip's Community Outreach Project: Extend grant agreement with St. Philip's Catholic Church to continue detail of Crime Prevention Specialist Hillary Freeman to work in position of "Community Outreach Specialist" for period July 15, 2004 to July 15, 2006 but not to exceed December 31, 2006; with attachments.

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

FIRE DEPARTMENT (269115)

Minnesota Training and Equipment Grant: Amend Resolution 2003R-021 to transfer \$27,000 in grant funding from Police Department to Fire Department for Weapons of Mass Destruction Training and regional combination of a chemical/biological exercise.

POLICE DEPARTMENT (269116)

Investigation of Cold Homicide Cases throughout State of Minnesota: Accept grant award of \$40,000 and execute grant agreement with Minnesota Department of Public Safety, Bureau of Criminal Apprehension, for a Police Investigator to work with the BCA to solve cold homicide cases State-wide; and Approve appropriation.

2003 Local Law Enforcement Block Grant: Accept grant award of \$486,095 and execute grant agreement with United States Department of Justice, Bureau of Justice Assistance, to fund staff support in City Attorney's Office to respond to increase in misdemeanor violations and citations made by Police Department's Community Response Team and CODEFOR, and to enhance operational capabilities of Police Department; and Approve appropriation.

Franklin Avenue Safety Center: Accept up to \$10,000 and execute grant agreement with Ventura Village to support salary and benefit costs of the Crime Prevention Specialist assigned to Franklin Avenue Safety Center; and Approve appropriation.

REGULATORY SERVICES (269116.1)

Development Workflow Tools for the One Stop Development Review Center: Amend Contract with Accela Inc (formerly Kiva Inc) for purchase of software, annual maintenance, implementation services and consulting services.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269117)

Quarterly Submittal of Traffic Zones, Restrictions and Controls.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269118)

Supervisory Control & Data Acquisition (SCADA) Software: Authorization to amend contract with Power/Mation Division 2004 Inc. to extend the term throughout.

New Nicollet Mall Reconstruction Project (from Washington Ave S to 11th St S): Passage of Resolution adopting assessment roll for service charges for payable 2004.

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

PUBLIC WORKS AND ENGINEERING (269119)

Land Sale (3rd St N betw 21st and 22nd Aves N): Apprv sale of excess land to Marigold Foods.
City's Residential Recycling Program: Issue RFP for processing and marketing recyclables.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (269123)

Credit Card Convenience Fee: Report proposing a system to charge a convenience fee to City customers using credit cards for payments.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269120)

Legal Settlements: Claims of Michael Jensen, Linda Lachner, Amy Bartholomew, Rohan Peters, Minnesota Assigned Risk Plan, Styles P. Moore, Bernard Schmitz and Terrance Thompson.

BUSINESS INFORMATION SERVICES (269121)

Metro Communications Services Contract: Increase contract for additional computer cabling and telephone connection services.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269122)

Empowerment Zone (EZ) Governance Board Appointments: Approve recommended appointments of the EZ Nominations Committee.

Commercial Corridors Funding: Allocate federal Empowerment Zone (EZ) grant funds.

FINANCE DEPARTMENT (269124)

Utility Bill Insert: Solid Waste and Recycling Division information on clearing snow and ice from sidewalks and solid waste collection points.

POLICE DEPARTMENT (269125)

Multi-Jurisdictional Study of 9-1-1 Center Consolidation: Authorize City participation and financial contribution to a study of Hennepin County consolidation.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (269126)

University of Minnesota Greek Letter Chapter House Historic District: Historic designation study.

INSPECTIONS/BOARD OF ADJUSTMENT (269127)

Appeals:

Ira Kipp (3712 E Lake St);

Daniel Busse (1314 Broadway St NE & 758 Buchanan St NE);

Gaida Inde (re Marianne Norris & Eileen Scallen, 3139 E Calhoun Pkwy).

PLANNING COMMISSION/DEPARTMENT (269128)

Appeals:

Mark Lee, for Hennepin County (re 1800 Chicago Ave & 1909 Columbus Ave);

Patricia Fitzgerald, for Master Engineering & Construction Engineering (re 2 & 20 E 26th St).

Rezoning:

Master Engineering & Construction Engineering (re 2 & 20 E 26th St) (see appeal);

Michael & Nancy Slattery (re Gas Stop Corp, 3755 & 3759 Penn Ave N).

Vacations:

Master Engineering & Construction Engineering (re 2 & 20 E 26th St) (see appeal).

Zoning Code Text Amendment:

Walkways: Ordinance amending Title 20, Chapter 535, requiring a walkway between public sidewalk & principal entrance of residential building of one to four dwelling units.

Environmental Assessment Worksheets (EAW):

American Trio Building (616 S 3rd St).

Downtown East/North Loop Master Plan.

FILED:

MINNESOTA STATE OFFICES-Auditor (269129)
Youth Coordinating Board, Mpls, Management & Compliance Report, yr ended December 31, 2002.
YOUTH COODINATING BOARD (269130)
Youth Coordinating Board, Mpls, Annual Financial Report, yr ended December 31, 2002.
FREUND, BECKY (269131)
Letter of resignation from the Community Homelessness Advisory Board.
XCEL ENERGY (269132)
Xcel Energy/NSP: Installation of various poles, wires, and temporary service.

REPORTS OF STANDING COMMITTEES

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

Comm Dev - Your Committee, having under consideration a proposed project of The Minneapolis Institute of Arts (The Minneapolis Society of Fine Arts) to utilize tax-exempt revenue bonds to finance a portion of the costs of constructing an addition to their facility at 2400 Third Av S, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$40 million of 501(c)(3) Tax-exempt Revenue Bonds, Series 2003, as set forth in Petn No 269102.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Approved by Mayor Rybak 10/10/03.

(Published 10/14/03)

Resolution 2003R-469, giving preliminary and final approval to the issuance of up to \$40 million of Tax-exempt 501(c)(3) revenue bonds for The Minneapolis Institute of Arts Project, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-469

By Goodman

Providing For The Issuance And Sale Of \$40,000,000 Variable Rate Demand Revenue Notes, Series 2003 (The Minneapolis Society Of Fine Arts) and Authorizing Execution and Delivery Of Various Documents.

Resolved by The City Council of The City Of Minneapolis:

1. Authority. This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing and refinancing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. Proposal. The Minneapolis Society of Fine Arts, a Minnesota nonprofit corporation (the "Borrower"), has requested that the City issue \$40,000,000 in principal amount of Variable Rate Demand Revenue Notes, Series 2003 (The Minneapolis Society of Fine Arts) (the "Notes") pursuant to the Act to provide money to be loaned to the Borrower to finance part of the costs of constructing an addition to and renovating the museum operated by The Minneapolis Society of Fine Arts at 2400 Third Avenue South (the "Project"). The Project is to be operated by the Borrower on land leased by it. The Project is further described in an Application for approval of the Project which is proposed to be submitted to the Minnesota Department of Employment and Economic Development, a copy of which is on file in the office of the Minneapolis Department of Community Planning and Economic Development.

3. Findings. It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act.

(b) The City, through the Community Development Committee, held a public hearing on September 30, 2003 relating to the Project after publication of notice as required by law, and, in the opinion of bond counsel, based on representations of the Borrower, the Notes will be qualified 501(c)(3) bonds within the meaning of Section 145 of the Internal Revenue Code, the interest on which will be exempt from Federal income tax.

(c) Under the provisions of Section 469.162 of the Act, the Notes are not to be payable from nor charged upon any funds other than revenue pledged to the payment thereof; the City is not subject to any liability thereon; no holders of the Notes shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Notes or the interest thereon, nor to enforce payment thereof against any property of the City; the Notes shall never constitute an indebtedness of the City, within the meaning of any constitutional, statutory or charter limitation and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and each Note shall recite in substance that it is issued pursuant to the Act and that the Note, including interest thereon, is payable solely from the revenue pledged to its payment.

(d) Based on representations of the Borrower the Project as proposed would not be undertaken but for the availability of industrial revenue bond financing.

(e) The Notes are, and are hereby designated to be, program bonds as defined in Resolution 88R-021 of the City Council adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

4. Application to Department of Employment and Economic Development. The application to the Commissioner of Employment and Economic Development for approval of the Project is hereby approved and shall be submitted to the Commissioner in substantially the form on file.

5. Authorization of Notes. The City hereby determines that it is necessary and expedient to authorize, and the City does hereby authorize, subject to approval of the Commissioner, the issuance and sale of the Notes pursuant to the Loan Agreement.

6. Documents Presented. Forms of the following documents relating to the Bonds and the Project have been prepared or reviewed by Faegre & Benson LLP as bond counsel, and submitted to the City and are now on file in the office of the City:

(a) Loan and Note Purchase Agreement (the "Loan Agreement") dated as of October 1, 2003, between the City, the Borrower and Wells Fargo Brokerage Services, LLC (the "Purchaser"), whereby the City agrees to make a loan of the proceeds of the Bonds to the Borrower to finance the Project and the Borrower agrees to pay amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Notes, and the Purchaser agrees to purchase the Notes;

(b) Assignment of Loan Repayments and Rights (the "Assignment") dated as of October 1, 2003, between the City and the Purchaser, pledging the revenues to be derived from the Loan Agreement as security for the Notes;

7. Approval and Execution of Documents. The forms of Loan Agreement and Assignment referred to in paragraph 6 are approved and, upon approval of the Project by the Commissioner of Employment and Economic Development, shall be executed in the name and on behalf of the City by the Mayor and attested by the Clerk and Finance Officer or the officers authorized to act on behalf of the foregoing officers, 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. The Notes shall be executed as provided by the Loan Agreement.

8. Certifications. The officers of the City are authorized and directed to prepare and furnish to Faegre & Benson LLP, bond counsel, to the Borrower, to the Purchaser and to counsel for the Borrower and the Underwriter, certified copies of all proceedings and records of the City relating to the Project and the Notes, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such

certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the trust of all statements contained therein.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Approved by Mayor Rybak 10/10/03.

Comm Dev - Your Committee, having under consideration a proposal by HealthPartners, Inc. (Group Health, Inc.) to refinance outstanding bonds and finance some new capital improvements projects at a number of their facilities throughout the metropolitan area through the use of tax-exempt revenue bonds, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving final approval to the issuance of \$87 million in 501(c)(3) Tax-exempt Health Care Revenue Bonds as a joint issue with the City of St. Paul HRA, as set forth in Petn No 269102.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Approved by Mayor Rybak 10/10/03.

(Published 10/14/03)

Resolution 2003R-470, giving final approval to the issuance of \$87 million in 501(c)(3) Tax-exempt Health Care Revenue Bonds as a joint issue with the City of St. Paul HRA for HealthPartners, Inc. (Group Health, Inc), was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-470

By Goodman

Giving approval to a health care project for Group Health, Inc. and authorizing the issuance of health care facility revenue bonds therefor under Minnesota Statutes, Sections 469.152 through 469.1651, as amended; and authorizing the execution of necessary documents.

Whereas, this City Council (the "Council") of the City of Minneapolis, Minnesota (the "City"), on September 26, 2003, gave preliminary approval to the joint issuance by the City and the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA"), of approximately \$85,000,000 health care facility revenue bonds for the Group Health Plan, Inc. Project; and

Whereas, the City caused to be published notices of public hearings (copies of which with proof of publication are on file in the office of the Clerk) on the proposal of Group Health Plan, Inc., a Minnesota nonprofit corporation (the "Company") that the City and the HRA finance a Project (as defined below), and the City (through the Community Development Committee of the Council) conducted the public hearings at 1:30 p.m. on September 16, 2003 and September 30, 2003, at which hearings all persons who appeared were given an opportunity to express their views with respect to the Project; and

Whereas, the City, the HRA, the Company and the original Purchaser of the health care facility revenue bonds (the "Purchaser", as defined below) have agreed upon sufficient details of the health care facility revenue bonds to enable the City to adopt this final bond resolution (the "Resolution") on this date:

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

1. Proposal. The Council has received a proposal from the Company that the City and the HRA undertake to jointly finance a certain Project as herein described, pursuant to the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 through 469.1651 (the "Act"), and a joint powers agreement (the "Joint Powers Agreement") pursuant to Minnesota Statutes, Section 471.59, through issuance by the City and the HRA of their Health Care Facility Revenue Bonds (Group Health Plan, Inc. Project), Series 2003, (the "Bonds"), and in accordance with a Contract of Purchase, including the Letter of Representation attached thereto (collectively, the "Bond Purchase Contract") by and among the HRA, the City, the Company, and U.S. Bancorp Piper Jaffray, Inc. and Wells Fargo Brokerage Services, LLC (collectively, the "Purchaser").

2. Project. The Bonds shall be issued to refund the Joint Issuers' outstanding Health Care Facility Revenue Bonds, Series 1992 (the "Series 1992 Bonds") and finance or refinance various capital expenditures made by the Company at facilities located in various municipalities in the State of Minnesota (collectively, the "Project").

3. Structure. Pursuant to a Loan Agreement dated as of October 15, 2003 (the "Loan Agreement") by and between the City, the HRA and the Company, the City and the HRA will loan the proceeds of the Bonds to the Company (the "Loan") to finance the Project. The Company's obligation to repay the Loan will be evidenced by a Series 2003 Master Note (the "Note"), a form of which is set forth in the Master Trust Indenture (defined below). The Note will be issued by the Company pursuant to a Master Trust Indenture (the "Master Trust Indenture") dated as of October 15, 2003, by and among the Company, HealthPartners, Inc. and HealthPartners Administrators, Inc., (collectively, the "Obligated Group"), and Wells Fargo Minnesota National Association as master trustee (the "Master Trustee"), as supplemented by the Supplemental Master Indenture No. 1 by and between the Obligated Group and the Master Trustee and dated as of October 15, 2003 (as supplemented, the Master Trust Indenture"). The payments to be made by the Company (and other members of the Obligated Group) under the Loan Agreement and the Note are fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. It is further proposed that the City and the HRA assign their rights to the payments under the Note and certain other rights under the Loan Agreement to Wells Fargo Minnesota National Association (the "Bond Trustee") as security for payment of the Bonds under an Indenture of Trust (the "Bond Indenture") by and between the City, the HRA and the Bond Trustee. The Purchaser proposes to buy the Bonds pursuant to the Bond Purchase Contract, and to offer the Bonds for sale to the public pursuant to an Official Statement (the "Official Statement"). A Tax Compliance Agreement dated as of October 15, 2003, among the City, the HRA, the Company and the Bond Trustee (the "Tax Compliance Agreement") will be entered into to ensure compliance with the provisions of the Internal Revenue Code of 1986, as amended.

4. Preliminary and State Approval. This Council by action taken on September 26, 2003, gave preliminary approval to the Project. Application to the Commissioner of the Department of Employment and Economic Development of the State of Minnesota for approval of the Project as tending to further the purposes and policies of the Act has been made. The Bonds shall not be sold to the Purchaser unless and until such approval is obtained.

5. Forms of Documents Submitted. Pursuant to the preliminary approval of this Council, forms of the following documents have been submitted to the Council for approval:

- a) the Loan Agreement;
- b) the Note (not to be executed by the City or the HRA);
- c) the Master Indenture (not to be executed by the City or the HRA);
- d) the Joint Powers Agreement;
- e) the Bond Indenture;
- f) the Bond Purchase Contract; and
- g) the Tax Compliance Agreement.

6. Findings. It is hereby found, determined and declared that:

a) the Project will further the proposed policies of the Act, and the findings made in the preliminary resolution of the City adopted on September 26, 2003 with respect to the Project are hereby ratified, affirmed and approved;

b) the purpose of the Project is, and the effect thereof will be, to promote the public welfare by providing for the continuation of the health care operations of the Company in the various municipalities in the State of Minnesota;

c) the Act authorizes the acquisition, construction and installation of the facilities and equipment to be refinanced by the Bonds, the issuance and sale of the Bonds, the execution and delivery by the City of the Joint Powers Agreement, Loan Agreement, Bond Purchase Contract and Bond Indenture (collectively the "Bond Documents"), the performance of all covenants and agreements of the City contained in the Bond Documents, and the performance of all other acts and things required under the constitution and laws of the State of Minnesota to make the Bond Documents and Bonds valid and binding obligations of the City in accordance with their terms;

d) it is desirable that the Bonds be issued by the City and the HRA upon the terms set forth in the Bond Indenture;

e) the payments under the Loan Agreement and Note are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds issued under the Bond Indenture when due, and the Loan Agreement and Bond Indenture also provide that the Company is required to pay all expenses of the operation and maintenance of the facilities to be refinanced by the Bonds, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the premises of said facilities and payable during the term of the Loan Agreement and Bond Indenture;

f) under the provisions of Minnesota Statutes, Section 469.162, and as provided in the Loan Agreement and Bond Indenture, the Bonds are not to be payable from or charged upon any funds other than the revenue pledged to the payment thereof; the City and the HRA are not subject to any liability thereon; no holder of any Bond shall ever have the right to compel any exercise by the City or the HRA of its or their taxing powers to pay any of the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City or the HRA except the interests of the City and the HRA in the Loan Agreement and the Note which have been assigned to the Bond Trustee under the Bond Indenture; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City or the HRA except the interests of the City and the HRA in the Loan Agreement and the Note which have been assigned to the Bond Trustee under the Bond Indenture; the Bonds shall recite that the Bonds do not constitute or give rise to a pecuniary liability or moral obligation of the City, the HRA, the State of Minnesota or its political subdivisions, and that the Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Bonds shall not constitute a debt of the City or the HRA within the meaning of any constitutional or statutory limitation.

g) the Bonds are, and are hereby designated to be, program bonds as defined in Resolution 88R-021 of the Council adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

7. Approval of Forms; Execution. Subject to the approval of City Attorney, and the provisions of paragraphs 9 and 11 hereof, the forms of the Bond Documents and exhibits thereto and all other documents listed in paragraph 5 hereof are approved substantially in the form submitted (except as otherwise provided for the Official Statement in paragraph 8 hereof). Subject to the provisions of paragraph 9 hereof, the Bond Documents, in substantially the forms submitted, are directed to be executed in the name and on behalf of the City by the Mayor, City Clerk and Finance Officer. Any other City documents and certificates necessary to the transaction described above shall be executed by the appropriate City officers. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in the Loan Agreement and Bond Indenture.

8. Official Statement. The City hereby consents to the preparation and distribution of a Preliminary Official Statement and final Official Statement to brokers, dealers and other potential Purchaser; provided that it is understood that the HRA has relied upon the Company and the Purchaser and legal counsel retained by them to assure the accuracy and completeness of the information set forth in the Preliminary Official Statement and Official Statement and that therefore the City has not participated, and will not participate significantly, in the preparation of the Preliminary Official Statement or the Official Statement, that it has not made, and will not make, any independent investigation of the information contained therein, and it assumes no responsibility for the accuracy or completeness of such information, other than the information with respect to the City under the headings "The Issuer" and "Litigation".

9. Issuance; Acceptance of Offer. The City, jointly with the HRA shall proceed forthwith to issue the Bonds, in the form and upon the terms set forth in the Bond Indenture and this Resolution, but only if the Bonds when issued are rated by one or more nationally recognized rating agencies at least at investment grade. The Bonds shall be issued in an aggregate principal amount (including any original issue discount) not to exceed \$87,000,000, shall be payable or prepayable at such time or times, shall bear interest at such rate or rates not to exceed for any Bond seven percent (7.00%) per annum, shall be purchased by the Purchaser at such price, not less than ninety-nine percent (99%) of the original

principal amount of the Bonds (disregarding as original principal amount for this purpose any original issue discount), and shall be subject to such other terms and conditions as the officers of the City, the HRA, the Company and the Purchaser shall agree to, which agreement shall be deemed to have been made upon execution of the Bond Purchase Agreement by the officers of the City and the HRA. The Officials are hereby authorized and directed to execute the Bond Purchase Contract at a time consistent with such effect of its execution. The Mayor, City Clerk and Finance Officer are hereby authorized and directed, in conjunction with the appropriate officers of the City, to prepare and execute the Bonds as prescribed in the Bond Indenture and to deliver them to the Bond Trustee for authentication and delivery to the Purchaser.

10. Records and Certificates. The Clerk and other officers of the City are authorized and directed to prepare and furnish to the Purchaser certified copies of all proceedings and records of the City relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the HRA as to the truth of all statements contained therein.

11. Changes in Forms Approved; Absent and Disabled Officers. The approval hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City Attorney and by the City officials authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said City officials are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the Mayor, City Clerk or Finance Officer, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Council by any member of the Council or any duly designated acting official, or by such other officer or officers of the Council as, in the opinion of the City Attorney, may act in their behalf.

12. Headings; Terms. Paragraph headings in this Resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used but not defined herein shall have the meanings given them in the Bond Indenture or Loan Agreement.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Approved by Mayor Rybak 10/10/03.

Comm Dev - Your Committee, having under consideration a proposed project of Riverton Community Housing to utilize revenue bonds to refinance and renovate housing facilities at 425 13th Av SE, 2525 Cole Av SE and 2300 E Franklin, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$7,845,000 in Student Residence Revenue Bonds for said project, as set forth in Petn No 269102.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Approved by Mayor Rybak 10/10/03.

(Published 10/14/03)

Resolution 2003R-471, giving preliminary and final approval to the issuance of up to \$7,845,000 in Student Residence Revenue Bonds for the Riverton Community Housing Project, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-471

By Goodman

Giving Preliminary and Final Approval to the issuance of the City of Minneapolis, Minnesota, Variable Rate Demand Student Residence Revenue Bonds (Riverton Community Housing Project) Series 2003A and 2003T pursuant to Minnesota Statutes, Chapter 462C, for the purpose of refinancing and rehabilitating Multifamily Housing Developments for Student Housing, Funding any Required Reserves for and Paying Certain Costs of Issuance of the Series 2003A and 2003T Bonds; Prescribing the forms and Authorizing the Execution and Delivery, of a Loan Agreement and Indenture; Authorizing the Execution and Delivery of the Series 2003A and 2003T Bonds.

Whereas, the City of Minneapolis, Minnesota (the "City") is a municipal corporation and political subdivision of the State of Minnesota; and

Whereas, pursuant to the Constitution and laws of the State of Minnesota, particularly the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Act") the City is authorized to carry out the public purposes described therein and contemplated thereby by issuing its revenue bonds to undertake the financing and rehabilitation of multifamily housing for persons of low and moderate income to be located within its corporate boundaries; and

Whereas, the City Council (the "City Council") of 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 refinancing and rehabilitation by Riverton Community Housing, a Minnesota nonprofit corporation (the "Company") of a 36-unit student housing residence located at 2525 Cole Avenue SE, known as the Cole Avenue Townhomes and of a 127unit student housing residence located at 425 - 13th Avenue SE, known as the Chateau Cooperative, and the rehabilitation of a 182-unit student housing residence known as Franklin Student Cooperative and located at 2300 Franklin Avenue East (collectively, the "Project") and to pay costs of issuance of, and to fund any required reserves to secure repayment of, the revenue bonds proposed to be issued to finance the Project; and

Whereas, the cost of the Program is presently estimated to be in excess of \$7,845,000; and

Whereas under the provisions of the Act the City has adopted the Plan and prepared and approved the Program after having duly called and held the required public hearings on September 30, 2003, after at least 15 days' published notice, as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council on or prior to the date of publication of notice of the public hearing on such Program, and the Metropolitan Council has been afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the City desires to facilitate the development of student 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 students and faculty 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, Riverton Community Housing Association, Inc., a Minnesota non-profit corporation (the "Company") has requested that the City issue, on or about October 15, 2004, its \$7,385,000 Variable Rate Demand Student Residence Revenue Bonds (Riverton Community Housing Project), Series 2003A (the "Series 2003A Bonds") and its \$460,000 Taxable Variable Rate Demand Student Residence Revenue Bonds (Riverton Community Housing Project), Series 2003T (the "Series 2003T Bonds") (collectively, the "Bonds") to provide for the funding of a loan (the "Loan") to the Company for the purpose of financing the Project; and

Whereas, the Bonds will be payable solely from the revenues of the Project and other moneys, if any, provided by the Company, and the Bonds will not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; and

Whereas, it is proposed that:

(a) The City issue (i) the Series 2003A Bonds in an aggregate principal amount not to exceed \$7,385,000, the interest on which is intended to be exempt from federal income taxation; and (ii) the Series 2003T Bonds in an aggregate amount not to exceed \$460,000, the interest on which is intended to be subject to federal income taxation; and

(b) The City enter into a Loan Agreement (the "Loan Agreement"), with the Company, to provide for the City's loan of the proceeds of the Bonds;

(c) The City enter into an Indenture of Trust (the "Indenture") between the City and LaSalle Bank National Association (the "Trustee"), authorizing the issuance of the Bonds and pledging certain revenues, including those to be derived from the Loan Agreement, as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(d) The Company enter into a Mortgage and Security Agreement and Fixture Financing Statement and an Assignment of Rents and Leases, to secure the payment of the Bonds to the City; and

(e) The City assign its interests in the Mortgage and Security Agreement and Fixture Financing Statement and the Assignment of Rents and Leases to the Trustee to secure the payment of the Bonds, pursuant to Assignments of the Mortgage and Security Agreement and Fixture Financing Statement and the Assignment of Rents and Leases (the "Assignments"); and

Whereas, at least seventy-five percent (75%) of the dwelling units in the Cole Avenue Townhomes and Franklin Student Cooperative portions of the Project shall be held for occupancy by families or individuals with adjusted gross income not in excess of eighty percent (80%) of the median family income estimated by the United States Department of Housing and Urban Development for the Minneapolis/St. Paul Standard Metropolitan Statistical Area and, of that 75%, at least twenty percent (20%) of the dwelling units in the Cole Avenue Townhomes and Franklin Student Cooperative portions of the Project shall be held for occupancy by families or individuals with adjusted gross income not in excess of fifty percent (50%) of such median family income; and

Whereas, at least forty percent (40%) of the dwelling units in the Chateau Cooperative portion of the Project shall be held for occupancy by families or individuals with adjusted gross income not in excess of sixty percent (60%) of the median family income estimated by the United States Department of Housing and Urban Development for the Minneapolis/St. Paul Standard Metropolitan Statistical Area;

Whereas, the City has received an offer from Dougherty & Company LLC (the "Original Purchaser"), for the purchase of the Bonds at an initial interest rate not to exceed Three Percent (3%) for the Series A Bonds and Four Percent (4%) for the Series T Bonds, pursuant to the terms of a Bond Purchase Agreement (the "Bond Purchase Agreement"); and

Whereas, no litigation is pending or, to the actual knowledge of the members of this Council, threatened against the City questioning the organization or boundaries of the City, or in any manner questioning the right and power of the City to execute and deliver the Bonds, or otherwise questioning the validity of the Bonds or the proposed Loan Agreement or Indenture; or questioning the appropriation of revenues for the payment of the Bonds or the right of the City to lend the proceeds of the Bonds to the Company; and

Whereas, the Council believes all acts and things required under the Constitution and the laws of the State of Minnesota to make the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments and the Bonds the valid and binding obligations of the City in accordance with their terms

will have been done upon adoption of this Resolution and the execution and delivery of the Loan Agreement, the Indenture and the Bonds; and

Whereas, the City intends to treat the Series 2003A Bonds as an acquired program investment as defined in Treasury Regulation 1.148-1(b); and

Whereas, it is necessary and proper at this time that the City (a) approve the Program, (b) authorize the issuance of the Bonds and the application of the proceeds thereof to provide for the funding of the Loan (c) authorize the execution and delivery of the Loan Agreement, the Bond Purchase Agreement, and the Assignments, (d) authorize the execution and delivery of the Indenture, and (d) confirm and approve the sale of the Bonds to the Original Purchaser.

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

Section 1. The Program is hereby approved and the City is authorized by the Act to issue the Bonds and to loan the proceeds thereof to the Company to finance the refinancing and rehabilitation of a 36-unit student housing residence located at 2525 Cole Avenue SE, known as the Cole Avenue Townhomes and of a 127unit student housing residence located at 425 - 13th Avenue SE, known as the Chateau Cooperative, and the rehabilitation of a 182-unit student housing residence known as Franklin Student Cooperative and located at 2300 Franklin Avenue East and to pay costs of issuance of, and to fund any required reserves to secure repayment of, the Bonds.

Section 2. Pursuant to the above, there have been prepared and presented to this Council copies of the following documents (in the aggregate, the Documents) all of which are now placed on file in the office of the City Clerk;

(a) The Series 2003A Bonds and the Series 2003T Bonds;

(b) The Loan Agreement;

(c) The Indenture;

(d) The Mortgage;

(e) The Assignment of Leases and Rents; (the "Assignment of Leases") from the Company to the Trustee;

(f) The Assignments from the City to the Trustee;

(g) A Bond Purchase Agreement (the "Bond Purchase Agreement") by and among the Original Purchaser, the Company, and the City, providing for the purchase of the Bonds from the City by the Original Purchaser and setting the terms and conditions of purchase; and

(h) The Preliminary Official Statement (the "Preliminary Official Statement") pursuant to which the Bonds will be offered.

Section 3. The forms of the Documents listed above are approved, with such changes therein, not inconsistent with this Resolution and not materially adverse to the City, as may be permitted by the Act and approved by the officers executing the same on behalf of the City. The Mayor, the City Clerk and the Finance Officer are hereby authorized and directed to execute, attest, and deliver the Loan Agreement, the Indenture, the Bond Purchase Agreement, and the Assignments. All of the provisions of the Loan Agreement, the Indenture, the Bond Purchase Agreement, and the Assignments, 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, the Indenture, the Bond Purchase Agreement, and the Assignments shall be substantially in the forms submitted to the City, with such changes therein not inconsistent with this Resolution and not substantially adverse to the City as may be permitted by the Act and approved by the officers executing the same on behalf of the City.

Section 4. For the purpose of funding the Loan, there is hereby authorized the issuance of not to exceed (i) \$7,385,000 aggregate principal amount of City of Minneapolis, Minnesota Variable Rate Demand Student Residence Revenue Bonds (Riverton Community Housing Project), Series 2003A, the interest on which is intended to be exempt from federal income taxation; and (ii) \$460,000 aggregate principal amount of City of Minneapolis, Minnesota Taxable Variable Rate Demand Student Residence Revenue Bonds (Riverton Community Housing Project), Series 2003T, the interest on which is intended to be subject to federal income taxation. The Bonds shall be issued at an initial interest rate not to exceed Three Percent (3%) for the Series A Bonds and Four Percent (4%) for the Series T Bonds and shall be substantially in the forms and upon the terms set forth in the Indenture, which terms are for this purpose

incorporated in this resolution and made a part hereof, provided, however, that the maturities of the Bonds, the actual initial interest rates thereon, the rights of optional or mandatory redemption with respect thereto and the principal amounts of the Bonds shall all be as set forth in the final form of Indenture to be approved, executed and delivered by the officers of the City authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery. The Mayor, the City Clerk or the Finance Officer are authorized and directed to prepare and execute the Bonds as prescribed in the Indenture and to deliver them to the Trustee, together with a certified copy of this Resolution and the other documents required by the Indenture, for authentication, registration and delivery to the Original Purchaser. As provided in the Indenture, each Bond shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity and the regularity of the issuance thereof.

Section 5. The Bonds may be issued in book-entry form in accordance with the terms of the Indenture. All Bonds not issued in book-entry form shall be executed by the facsimile signatures of the Mayor and the City Clerk and the Finance Officer and the facsimile of the official seal of the City shall be imprinted thereon. The Trustee is hereby appointed authenticating agent. All Bonds not issued in book-entry form shall contain an authentication certificate, to be executed by the Trustee as authenticating agent.

Section 6. The City hereby consents to the circulation by the Original Purchaser of the Preliminary Official Statement, in form substantially similar to the form on file with the City Clerk, with respect to offering the Bonds for sale; provided, however, that the City has not participated in the preparation of the Preliminary Official Statement or independently verified the information in the Preliminary Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

Section 7. In the absence of the Mayor, the City Clerk or the Finance Officer, the Bonds and any of the other documents authorized by this Resolution to be executed and delivered, may be executed and delivered by any other member of the City Council in place of the Mayor and by the Assistant Finance Officer in place of the Finance Officer, or such other officers of the City as, in the opinion of City's Counsel, have authority to execute and deliver such documents.

Section 8. In case any one or more of the provisions of this Resolution, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments, or 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, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments, or the Bonds, but this Resolution, the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Assignments, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 9. The Bonds shall contain a recital that the Bonds are being 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 Constitution and 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 Loan Agreement, the Bond Purchase Agreement, the Assignments, and the Indenture to happen, to exist, and to be performed precedent to and in the adoption of this Resolution and precedent to the issuance of the Bonds and precedent to the execution of the Loan Agreement, the Bond Purchase Agreement, the Assignments, and Indenture have happened, do exist and have been performed as so required by law.

Section 10. The Members of the City Council, attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this Resolution, the Bonds, the Loan Agreement, the Bond Purchase Agreement, the Assignments, and the Indenture for the full, punctual and complete performance of all the terms, covenants, and agreements contained therein.

Section 11. The Mayor, City Clerk, Finance Officer, and other officers of the City are hereby authorized and directed to prepare and furnish to Fredrikson & Byron, P.A., bond counsel, to the Company, to the Trustee, to the Original Purchaser, and to counsel of such parties, certified copies of all proceedings and records of the City relating to the Project and the Bonds, and such other affidavits

and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Section 12. The designation of LaSalle Bank National Association, in Chicago, Illinois, as Trustee is hereby approved.

Section 13. The Trustee is hereby appointed as Bond Registrar for the Bonds pursuant to the Indenture.

Section 14. Terms not otherwise defined in this Resolution, but defined in the Indenture, shall have the same meanings in the Resolution as provided in the Indenture.

Section 15. In the event any conflict or conflicts between the provisions of this Resolution and of any prior ordinances, resolutions, orders or parts thereof, the provisions of this Resolution shall prevail.

Section 16. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program" all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1977.

Section 17. This Resolution shall be effective upon publication in the official newspaper of the City of Minneapolis.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Approved by Mayor Rybak 10/10/03.

Comm Dev - Your Committee, having under consideration a proposed project of The Children's Theatre Company to utilize tax-exempt revenue bonds to renovate and add to their facility at 2400 Third Av S, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$15,000,000 in 501(c)(3) Tax-exempt Revenue Bonds, Series 2003, for said project, as set forth in Petn No 269102.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Resolution 2003R-472, giving final approval to the issuance of up to \$15,000,000 in 501(c)(3) Tax-exempt Revenue Bonds, Series 2003, for The Children's Theatre Company Project, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-472
By Goodman

Providing For The Issuance and Sale Of \$15,000,000 Variable Rate Demand Revenue Bonds (The Children's Theatre Project), Series 2003 and Authorizing Execution and Delivery Of Various Documents.

Resolved by The City Council of The City Of Minneapolis:

1. Authority. This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. Authorization of Bonds. The City hereby determines that it is necessary and expedient to authorize, and the City does hereby authorize, the issuance and sale of the City's Revenue Bonds (The Children's Theatre Project), Series 2003 (the "Bonds") pursuant to the Act to provide money to be loaned to The Children's Theatre Company, a Minnesota nonprofit corporation (the "Borrower") in the aggregate

principal amount of Fifteen Million Dollars (\$15,000,000) to finance costs of acquiring and constructing an addition to the Borrower's theater and educational facility (the "Project") to be leased to and operated by the Borrower.

3. Documents Presented. Forms of the following documents relating to the Bonds and the Project have been prepared or reviewed by bond counsel, and submitted to the City and are now on file in the office of the City:

(a) Loan Agreement (the "Loan Agreement") dated as of October 1, 2003, between the City and the Borrower, whereby the City agrees to make a loan of the proceeds of the Bonds to the Borrower to finance the Project and the Borrower agrees to pay amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds;

(b) Indenture of Trust (the "Trust Indenture") dated as of October 1, 2003, between the City and a bank or trust company (the "Trustee"), pledging the revenues to be derived from the Loan Agreement as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(c) Bond Purchase Agreement (the "Bond Purchase Agreement") among the City, the Borrower and RBC Dain Rauscher Inc. and Wells Fargo Brokerage Services, LLC (the "Underwriters"); and

(d) Preliminary Official Statement (the "Preliminary Official Statement"), from which an Official Statement pertaining to the Bonds will be generated (this document and the Official Statement not to be executed by the City).

4. Findings. It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act.

(b) The City held a public hearing relating to the Project, the application for approval of the Project was approved by the Commissioner of Employment and Economic Development and, in the opinion of bond counsel based on representations of the Borrower, the Bonds will be qualified Section 501(c)(3) bonds within the meaning of Section 145 of the Code.

(c) The Loan agreement provides for payments by the Borrower to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of and interest on the Bonds when due. The Loan Agreement obligates the Borrower to provide for the operation and maintenance of the Project, including adequate insurance, taxes and special assessments. The Loan Agreement further provides for the payment of fees to the City as set forth therein.

(d) The payment of principal and interest on the Bonds is supported by a bank Letter of Credit.

(e) The Borrower has approved and requested the City to accept the proposal of the Underwriters to purchase the Bonds on the terms set forth herein and in the Bond Purchase Agreement, and the proposal appears feasible and reasonable.

(f) The Bonds are, and are hereby designated to be, program bonds as defined in Resolution 88R-021 of the City Council adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

(g) Under the provisions of Section 469.162 of the Act and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no holders of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall never constitute an indebtedness of the City, within the meaning of any constitutional, statutory or charter limitation and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and each Bond issued under the Trust Indenture shall recite that the Bond, including interest thereon, shall not constitute nor give rise to a charge against the general credit or taxing powers of the City and does not grant to the owner or holder of any Bond the right to have the City levy taxes or appropriate any funds for the payment of principal thereof or the interest or premium, if any, thereon and the Bond is not a general obligation of the City or individual officers or agents thereof.

5. Approval and Execution of Documents. The forms of Indenture, Loan Agreement and Bond Purchase Agreement referred to in paragraph 3 are approved and shall be executed in the name and on

behalf of the City by the Mayor and attested by the Clerk and Finance Officer or the officers authorized to act on behalf of the foregoing officers, 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. The Bonds shall be executed as provided by the Indenture. The Bonds shall contain a recital that they are issued pursuant to the Act and such recital shall be conclusive evidence of their validity and the regularity of their issuance.

6. Certifications. The officers of the City are authorized and directed to prepare and furnish to bond counsel, to the Borrower, to the Underwriters and to counsel for the Borrower and the Underwriters, certified copies of all proceedings and records of the City relating to the Project and the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the trust of all statements contained therein.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Comm Dev - Your Committee, having under consideration the Marshall River Run Housing Project proposed for the 1400 block of Marshall St NE and passage of the accompanying resolution giving preliminary approval of up to \$11,000,000 in Tax-exempt Multi-Family Entitlement Housing Development Bonds for said project, now recommends that said matter be sent forward without recommendation.

Goodman moved to amend the report by deleting "sent forward without recommendation" and inserting in lieu there of "denied". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 10/10/03.

Absent - Johnson

Comm Dev - Your Committee, having under consideration the Upper Harbor Terminal (UHT) facility and a proposed study to identify the redevelopment potential of the UHT property, now recommends:

a) Concurrence with the recommendation of the Community Planning and Economic Development (CPED) Interim Director that the directors of the CPED, Planning and Public Works departments be directed to participate in a policy-level steering committee to guide staff involvement in said study process, and appoint staff members to participate and provide technical assistance in the study;

b) That appropriate CPED staff be authorized to offer the Minneapolis Park and Recreation Board the opportunity to participate in the study at the policy and staff levels;

c) Authorize the proper City officers to execute an agreement with the Friends of the Mississippi River (FMR) indicating that the Minneapolis Community Development Agency (MCDA) will provide matching funds up to \$45,000 to FMR for the study with a condition that the money be matched with at least \$40,000 of non-MCDA funds. It is further recommended that if FMR selects a consultant to assist with the study, the selection process shall follow the requirements of the MCDA procurement policy.

Samuels moved to amend the report by deleting from last sentence of the report the language "the selection process shall follow the requirements of the MCDA procurement policy" and inserting in lieu thereof "a waiver from the MCDA procurement process is granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 10/10/03.

Yeas, 10; Nays, 2 as follows:

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

Nays - Goodman, Benson.

Absent - Johnson.

Comm Dev - Your Committee, having received an informational report from the Community Planning and Economic Development (CPED) Department identifying that the following projects will be recommended to receive Commercial Corridor Funding:

- Master Civil and Construction Engineering/Electric Fetus (Franklin Av & 4th Av S, \$450,000;
- Neighborhood Development Center (formerly Antiques Minnesota at 1508 E Lake St), \$250,000;
and

- Vukani Holdings LLC/Houston's Market (2426 W Broadway), \$300,000,
now recommends that said projects be sent forward without recommendation.

Schiff moved to amend the report by deleting the language "said projects be sent forward without recommendation" and inserting in lieu thereof "the staff recommendation to receive and file the informational report be approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 10/10/03.

Absent - Johnson

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the Upper Harbor Terminal (UHT) located at 3750 Washington Av N, now recommends that the appropriate City staff be directed to negotiate a draft operating agreement with River Services, Inc. by March 31, 2004 and based on the proposed terms included in Petn No 269102.

Adopted 10/10/03.

Absent - Samuels, Johnson.

Comm Dev & W&M/Budget - Your Committee recommends that the following amendments to the *Minneapolis Relocation Policy* be distributed for neighborhood and public review:

a) to exclude from the definition of displacement any business tenant that is required to move as a result of private development receiving City financing if such business tenant is required to move at the end of its lease term;

b) technical language changes in the policy that clarify its original applicability to business tenants as well as residential tenants.

The amendments to the policy are included in Petn No 269105.

Adopted 10/10/03.

Absent - Johnson.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Shubert Theater at 516 Hennepin Av and a request from Artspace Projects, Inc. to extend their lease/option agreement for that facility, now recommends that the proper City offices be authorized to execute an amendment to said agreement extending the lease and option period for two years, from October 31, 2003 to October 31, 2005.

Adopted 10/10/03.

Absent - Samuels, Johnson.

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

Comm Dev, IGR and W&M/Budget - Your Committee, having under consideration State legislation that allows for the establishment of zones to encourage the growth of health sciences and biotechnology industry to be known as Bioscience Zones, now recommends concurrence with the recommendation of the Community Planning and Economic Development Department that the City request the designation of the following two areas as sub-zones:

a) Chicago Avenue Business Corridor (6th St S to Lake Street between Portland Av and 10th Av S), including the Hennepin County Medical Center, Allina facilities and the former Sears complex;

b) SEMI area (University Av to Rollins Av/Elm St/Burlington Northern rail between 15th Av SE and the City border with St Paul), including the University of Minnesota research facilities.

Your Committee further recommends that staff be authorized to make a joint application for said zones with other qualifying cities and counties.

Your Committee further recommends passage of the accompanying resolutions:

1) Approving the role of legal sponsor and administrator for the Bioscience Zone and providing for tax exemptions; and

2) Approving specific areas in the Bioscience Zone and the use of tax exemptions and tax credits.

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

Adopted upon a voice vote.

Comm Dev, IGR and W&M/Budget - Your Committee, having under consideration State legislation that allows for the establishment of zones to encourage the growth of health sciences and biotechnology industry to be known as Bioscience Zones, now recommends concurrence with the recommendation of the Community Planning and Economic Development Department that the City request the designation of the following area as a Bioscience Sub-Zone (area also designated on a map included in Petn No 269103):

Chicago Avenue Business Corridor (6th St S to Lake Street between Portland Av and 10th Av S), including the Hennepin County Medical Center, Allina facilities and the former Sears complex, connected to the following area by the Washington Av right-of-way,

SEMI area (University Av to Rollins Av/Elm St/Burlington Northern rail between 15th Av SE and the City border with St Paul), including the University of Minnesota research facilities.

Your Committee further recommends that staff be authorized to make a joint application for said zones with other qualifying cities and counties.

Your Committee further recommends passage of the accompanying resolutions:

1) Approving the role of legal sponsor and administrator for the Bioscience Zone and providing for tax exemptions; and

2) Approving specific areas in the Bioscience Zone and the use of tax exemptions and tax credits.

The substitute report was adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

(Published 10/14/03)

Resolutions 2003R-473 and 2003R- 474, regarding the establishment of Bioscience zones in the City of Minneapolis 1) approving Specific Areas in the Bioscience Zone and the Use of Tax Exemptions and Tax Credits; and 2) Approving Role of Legal Sponsor and Administrator for the Bioscience Zone and Providing Tax Exemptions, were passed 10/10/03 by the City Council. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-473

By Goodman, Benson, Johnson and Zerby

Approving Specific Areas in the Bioscience Zone and the Use of Tax Exemptions and Tax Credits.

Whereas, the Minnesota legislature found in Minnesota Session Laws 2003, 1 st Special Session, Chapter 21, Article 2, as a matter of public policy, that biotechnology and the health sciences hold immense promise in improving the quality of our lives, including curing diseases, making our foods safer and more abundant, reducing our dependence on fossil fuels and foreign oil, making better use of Minnesota agriculture products, and growing tens of thousands of new, high-paying jobs; and

Whereas, the legislature further found that there are hundreds of discoveries made each year at the University of Minnesota, the Mayo Clinic, and other research institutions that, if properly commercialized, could help provide these benefits; and

Whereas, the Bioscience Program created in Minnesota Session Laws 2003, 1 st Special Session, Chapter 21, Article 2 allows for the formation of a Bioscience Zone; and

Whereas, an application for Bioscience zone designation in Minneapolis is being prepared for submission to the Minnesota Department of Employment and Economic Development via the Minneapolis Community Planning and Economic Development Department;

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

That the Minneapolis City Council, upon careful consideration and review, approves the specific areas proposed in the application for a Bioscience zone, approves of the use of tax exemptions and tax credits within the proposed zone (subject to proper review and approval by the other appropriate taxing authorities within the zones), and encourages the Minnesota Department of Employment and Economic Development to approve the Bioscience Zone Application being submitted by the City of Minneapolis through its Minneapolis Community Planning and Economic Development Department.

Be It Further Resolved that City of Minneapolis agrees to provide all of the local sales and use tax exemptions provided for under the Bioscience Zone legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Bioscience Zone Legislation but declares that it does not agree to provide property tax exemptions provided for under the Bioscience Zone Legislation.

Be It Further Resolved that the City of Minneapolis will consider providing property tax exemptions, in the future as candidate projects are proposed, If approved subject property tax exemptions will be incorporated into development agreements provided to the State and will be accompanied by approval of other taxing jurisdictions.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

RESOLUTION 2003R-474

By Goodman, Benson, Johnson and Zerby

Approving Role of Legal Sponsor and Administrator for the Bioscience Zone and Providing Tax Exemptions.

Whereas, the Minnesota legislature found in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 2, as a matter of public policy, that biotechnology and the health sciences hold immense promise in improving the quality of our lives, including curing diseases, making our foods safer and more abundant, reducing our dependence on fossil fuels and foreign oil, making better use of Minnesota agriculture products, and growing tens of thousands of new, high-paying jobs; and

Whereas, the legislature further found that there are hundreds of discoveries made each year at the University of Minnesota, the Mayo Clinic, and other research institutions that, if properly commercialized, could help provide these benefits; and

Whereas, the Bioscience Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 2 allows for the formation of a Bioscience Zone;

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

That the City of Minneapolis through its Minneapolis Community Planning and Economic Development Department shall act as the legal sponsor and Bioscience Zone Administrator for the Bioscience Zone proposed in the application submitted to the Department of Employment and Economic Development on October 15, 2003.

Be It Further Resolved that the City of Minneapolis agrees to provide all of the local sales and use tax exemptions provided for under the Bioscience Zone legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided under the Bioscience Zone Legislation but declares that it does not agree to provide property tax exemptions provided for under the Bioscience Zone Legislation.

Be It Further Resolved that upon Zone designation by the state, that the City of Minneapolis may enter into necessary agreements with the State of Minnesota, and that the City of Minneapolis will

comply with all applicable laws and regulations as stated in all contract agreements, including the Business Subsidy Law under §§116J.993-116J.995.

Be It Further Resolved that the Director of the Minneapolis Community Planning and Economic Development Department is hereby authorized to execute such agreements as are necessary to implement zone designation on behalf of the applicant and Subzone participants.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

Comm Dev, T&PW and W&M/Budget - Your Committee, having under consideration Phase 3 of the Heritage Park Redevelopment Project (also known as Near Northside Redevelopment), now recommends:

1) Approval of the business terms for a Phase 3 Development Agreement (Rental Component) for Heritage Park among the City, the Minneapolis Community Development Agency (MCDA), Minneapolis Public Housing Authority (MPHA) and McCormack Baron Salazar, Inc. (the "Phase 3 Development Agreement"), as outlined in Petn No 269104;

2) That the proper City officers be authorized to execute said Phase 3 Development Agreement;

3) That the proper City officers be authorized to enter into a Joint Powers Agreement for Phase 3 with the MCDA and MPHA (the "Phase 3 Joint Powers Agreement");

4) That the proper City officers be authorized to enter into a Cooperation agreement for Phase 3 with the MPHA;

5) Passage of the accompanying resolution directing the City Engineer to proceed with Heritage Park Phase 3 public improvements, designating the location streets and improvements to be made in connection with the project, and receiving the cost estimate for the project in the amount of \$1,344,700 for public infrastructure improvements for the project;

6) Passage of the accompanying resolution providing for various appropriation increases to provide funding for public infrastructure improvements for said project;

7) Passage of the accompanying resolutions requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the total amount of \$995,000 for public infrastructure improvements for the project (\$581,500 for streets, streetscape/sidewalk, street lighting; \$155,500 for sanitary sewers; \$218,500 for water mains);

8) That the proper City officers be authorized to enter into an amendment to Agreement #14623 dated August 28, 1999 with SRF Consulting Group, Inc., increasing the contract by \$1,185,000 for construction documentation/surveying/inspection, as-built plans, street light engineering, platting and using appropriated funds detailed in Petn No 269104, and extending the agreement completion date to December 31, 2004.

9) In accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your Committee the details required by said Chapter 431 in connection with proposed Street Lighting District No 1303 for future assessment of the maintenance and operation costs on street lighting for the convenience and safety of the area delineated as Heritage Park Redevelopment Phase III - Rental Housing (also known as Near Northside Redevelopment) Area (streets to receive lighting are as designated in the Heritage Park Redevelopment Phase III - Rental Housing, Project No 9746, with the rates to be determined at a future date.

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

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

(Published 10/14/03)

Resolutions 2003R-475, 2003R-476, 2003R-477, 2003R-478 and 2003R-479 regarding the Heritage Park Project, Phase 3:1) Directing that the project proceed, designating the project location and receiving a cost estimate; 2) Approving various appropriation increases for project infrastructure work, and requesting the Board of Estimate and Taxation to issue and sell bonds for streets, water mains and sanitary sewers for the project, were passed 10/10/03 by the City Council. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-475
By Goodman, Colvin Roy, Johnson

Heritage Park Redevelopment Phase III - Rental Housing (also known as Near Northside Redevelopment), Project No 9746

Designating the locations and improvements and ordering the work to proceed for the public infrastructure improvements as shown on the attached plan.

Whereas, it is proposed to construct public infrastructure items for the Phase III area of the Heritage Park Redevelopment (also known as Near Northside Redevelopment) as petitioned by the Minneapolis Public Housing Authority;

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

That the locations of the public infrastructure improvements as shown on the attached plan be designated and constructed with related improvements and work as needed.

Be It Further Resolved that the cost estimate of \$1,344,700 for the public infrastructure improvements be received.

Be It Further Resolved that the petition submitted by the owner of the benefited property (Minneapolis Public Housing Authority) be received.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

RESOLUTION 2003R-476
By Goodman, Colvin Roy, Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$581,500;

b) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Sewer Rental Fund (7300-970-9719) by \$155,500;

c) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Water Revenue Fund (7400-970-9719) by \$218,500;

d) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$139,200 and increasing the revenue source (4100-970-9719 - Source 3755) by \$139,200 for 2003 funding by the proceeds from the closing of the Phase 2 real estate transaction;

e) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$1,964,000 and increasing the revenue source (4100-970-9719 - Source 3210) by \$1,964,000 for HUD HOPE VI Grant awarded to MPHA on 3/4/03 for public realm infrastructure costs;

f) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$1,000 and increasing the revenue source (4100-970-9719 - Source 3755) by \$1,000 for payments by bidders for plan drawings;

g) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$100 and increasing the revenue source (4100-970-9719 - Source 3755) by \$100 for erosion control fee reduction;

h) Increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$1,000,000 and increasing the revenue source (4100-970-9719 - Source 3225) by \$1,000,000 for 2004 funding by the Mississippi Watershed Management Organization.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

RESOLUTION 2003R-477
By Goodman, Colvin Roy, Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$581,500 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of the public infrastructure improvements (streets, sidewalks, street lights) in the Heritage Park Redevelopment Phase III - Rental Housing (also known as Near Northside Redevelopment), Project No 9746, to be assessed against the benefited property as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

RESOLUTION 2003R-478
By Goodman, Colvin Roy, Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$218,500 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of the public infrastructure improvements (water mains) in the Heritage Park Redevelopment Phase III - Rental Housing (also known as Near Northside Redevelopment), Project No 9746, to be assessed against the benefited property as

estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

RESOLUTION 2003R-479
By Goodman, Colvin Roy, Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$155,500 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of the public infrastructure improvements (sanitary sewers) in the Heritage Park Redevelopment Phase III - Rental Housing (also known as Near Northside Redevelopment), Project No 9746, to be assessed against the benefited property as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 10/10/03.

Absent - Johnson.

Approved by Mayor Rybak 10/10/03.

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

H&HS – Your Committee, having under consideration the Qwest Dislocated Worker Grant Agreement, now recommends that the proper City Officers be authorized to execute Amendment #2 to Contract #17842 with the Minnesota Department of Trade and Economic Development to extend the performance period of the grant to June 30, 2004.

Adopted 10/10/03.

Absent - Johnson.

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

H&HS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute Amendment #3 to Contract #16444 with the Healthy Learners Board to increase the contract by a total amount not to exceed \$250,000 and to extend the termination date through December 31, 2005 to fund the cost of a nurse to provide immunizations through the New Family Center as part of the “No Shots No School Program” and other expenses as approved by the Healthy Learners Board. Further, passage of the accompanying Resolution approving an appropriation up to a maximum of \$250,000 as funds are received to the Health & Family Support Agency.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-480, appropriating up to a maximum of \$250,000 as funds are received from the Healthy Learners Board to fund the cost of a nurse to provide immunizations through the New Family Center as part of the “No Shots No School Program”, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-480
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) up to a maximum amount of \$250,000 as funds are received from the Healthy Learners Board, and that the Revenue Source be increased by an accompanying amount (060-860-8621 – Source 3720).

Adopted 10/10/03.

Absent - Johnson.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Burglar and Holdup Alarm Systems*, amending penalties and when police response can be suspended, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/10/03.

Absent - Johnson.

Ordinance 2003-Or-121 amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Burglar and Holdup Alarm Systems*, amending Sections 176.40, 176.50 and 176.80 to amend the penalties and designating when police response can be suspended, was passed 10/10/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2003-Or-121
By Niziolek
Intro & 1st Reading: 9/12/03
Ref to: PS&RS
2nd Reading: 10/10/03

Amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Burglar and Holdup Alarm Systems.

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

Section 1. That Section 176.40 of the above-entitled ordinance be amended to read as follows:

176.40. False alarms; penalties. (a) The alarm user shall pay a penalty to the city for each false alarm in excess of ~~three (3)~~ two (2) per calendar year. The penalty shall be:

(1) Fourth alarm fee	\$100.00
(2) Fifth alarm fee	\$150.00
(3) Sixth alarm fee	\$200.00
(4) Seventh alarm fee	\$250.00
<u>(1) Third alarm fee</u>	<u>\$200.00</u>
<u>(2) Fourth alarm fee</u>	<u>\$300.00</u>
<u>(3) Fifth alarm fee</u>	<u>\$400.00</u>

The fee shall increase by the sum of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) for each succeeding false alarm thereafter.

(b) A penalty of ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) shall be paid by the alarm company to the city for each false alarm where the responding police officer determines that it was caused by the on-site actions of an employee of the alarm company.

Section 2. That Section 176.50 (a) of the above-entitled ordinance be amended to read as follows:

176.50. Suspension of police response. (a) *Notice.* Upon the occurrence of the ~~seventh~~ fifth (5th) false alarm within a calendar year, or where the alarm user is more than ~~one hundred twenty (120)~~ ninety (90) days overdue in their payment of alarm penalties, the director shall serve, in person or by U.S. mail, the alarm user's designated contact person with written notification that effective fourteen (14) days from the date of the notice, the Minneapolis Police Department will not respond to alarm dispatch requests from that site for the remainder of the calendar year unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for immediate police response.

Section 3. That Section 176.80 of the above-entitled ordinance be amended to read as follows:

176.80. Implementation. This ~~chapter~~ ordinance shall be effective ~~February 1, 2002~~ January 1, 2004.

Adopted 10/10/03.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the application of Food and Drink Inc, dba Barfly, 711 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2004, and the applicant having signed a License Addendum Agreement prohibiting adult entertainment, and having held a public hearing thereon, now recommends that said license and the following conditions be sent forward without recommendation:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.

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

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

Adopted by unanimous consent.

The report, as amended, was adopted 10/10/03.

Declining to Vote - Benson.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the application of Midwest Latino Entertainment & Talent, dba El Nuevo & La Quebradita Restaurant, 2709 E Lake St, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire July 1, 2004, and the applicant having signed a License Addendum Agreement prohibiting adult entertainment, now recommends that said license and the following conditions be sent forward without recommendation:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.

b. that a valet parking service shall be offered continuously from at least one-half hour prior to evening opening time to closing time from the main entrance of the licensed business to the parking lot located at 2800 East Lake St with a minimum of seventy (70) off street parking spaces available for the valet service;

c. that the licensee shall immediately cease all operations authorized by said license in the event that the parking lot at 2800 East Lake St shall become unavailable for valet parking use and that the licensee shall continue to refrain from operations until such time as a replacement lot of like size has been obtained for use by the valet parking service;

d. that the extension of the use of valet parking to satisfy off street parking needs shall not be assignable to any successor to Midwest Latino Entertainment and Talent, Inc. or to any other subsequent applicant for an alcoholic beverage or entertainment licensee which might enter into a lease

agreement for the premises without prior approval of the Minneapolis Department of Licenses and Consumer Services;

e. that the licensee shall not offer beverage alcohol special prices that are substantially less than the normal selling price;

f. that the licensee shall not include the free beverage alcohol drinks with the price of admission;

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

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

Adopted by unanimous consent.

The report, as amended, was adopted 10/10/03.

Declining to Vote - Benson.

Absent - Johnson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of AM Food Market, 1814 Nicollet Av, for a Provisional Grocery License, subject to conditions.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-481, granting the application of AM Food Market, 1814 Nicollet Av, for a Provisional Grocery License, subject to conditions, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-481

By Niziolek

Granting the application of AM Food Market, 1814 Nicollet Av, for a Provisional Grocery License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Houda Inc, dba AM Food Market, 1814 Nicollet Av, for a Provisional Grocery License (new business) to expire April 1, 2004, subject to the following conditions:

a. Mr. Haider Alnomani will not be employed in any capacity or allowed on the premises in any capacity. Employees will be advised that Mr. Alnomani is no longer managing the store. Should any employee be arrested for activity related to store operations, he or she will be immediately terminated and not re-hired.

b. drug paraphernalia or items determined by the Minneapolis Police Department to be used almost exclusively for drug purposes will not be sold. These items include: Hashish or marijuana pipes; Chore Boys; Brillo Pads, or any generic equivalent without soap imbedded; glass tubes; one-inch by one-inch baggies; and non-ziplock sandwich bags.

c. signs in the windows shall continue to allow visual attention to the property. Signage shall not exceed 30 percent of the window area and shall not block views into and out of the store at eye level. To allow visibility from the street, windows facing Nicollet Avenue will remain free of signage to the height of 7 feet from the sidewalk.

d. orders from City inspectors shall be complied with promptly.

e. the licensee shall comply with health conditions stipulated in the Health Addendum. Only pre-packaged grocery items are allowed; no coffee or open foods. Zoning conditions regarding site plan compliance stipulated in the Zoning Addendum shall be complied with.

f. litter will be picked up on a daily basis within one-half block of the business, including the parking lot, sidewalks and gutter.

g. the licensee will implement security audit recommendations from Community Crime Prevention/SAFE to stop selling handgun-replica lighters.

h. graffiti on the premises will be reported to the Police Department and then promptly removed.

i. the licensee understands that convenience stores are often targets of opportunity for theft and violent crimes, and that surveillance cameras, when operational, increase the security of customers and employees, deter crime, and assist the police in the apprehension of criminals. Store cameras will, at all times, be kept in proper working condition, be able to produce a retrievable image, and be maintained and kept available to the police for five days before reuse.

Adopted 10/10/03.

Absent - Johnson.

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

Adopted 10/10/03.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2003R-482, granting applications for Liquor, Wine and Beer Licenses, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-482

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

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

On-Sale Liquor Class B with Sunday Sales, to expire October 11, 2003

German Restaurants Inc, dba Octoberfest, 2300 University Av NE (temporary expansion of premises with entertainment, September 19, 20, 26, and 27 and October 3, 4, 10, and 11, 2003, 5:00 p.m. to 11:00 p.m. in parking lot);

Liquor Bottle Club, to expire April 1, 2004

Ames Lodge #106, dba Elk's Lounge, 1614 Plymouth Av N;

Latvian House Inc, dba Latvian House, 2337 Central Av NE;

Johnnie Baker American Legion Post 291, dba Johnnie Baker American Legion Post 291, 3010 4th Av S;

Star Spangled Banner Post #1149, dba Veterans of Foreign Wars, 3016 17th Av S;

Vincent L Giantvalley Post #234, dba American Legion Dept of Minnesota, 3751 Minnehaha Av;

Wold-Chamberlain Post #99, dba American Legion, 5600 34th Av S;

On-Sale Wine Class C-1 with Strong Beer, to expire October 5, 2004

Kramarczuk Sausage Inc, dba Kramarczuk Festival, 215 E Hennepin Av (temporary expansion of premises with entertainment, October 4, 2003, Noon to 9:30 p.m. and October 5, 2003, Noon to 5:00 p.m. in parking lot);

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

Civitali Restaurant Corp, dba Punch Neapolitan Pizza, 3226 W Lake St (change in ownership from Srilanka LLC);

Off-Sale Beer, to expire April 1, 2004

Totem Foods Inc, dba Totem Foods, 2951 Central Av NE (new business to open after October 1, 2003);

On-Sale Beer Bottle Club, to expire April 1, 2004

Johnnie Baker American Legion Post 291, dba Johnnie Baker American Legion Post 291, 3010 4th Av S;

Vincent L Giantvalley Post #234, dba American Legion, 3751 Minnehaha Av;

Wold-Chamberlain American Legion, dba Post #99, 5600 34th Av S.

Adopted 10/10/03.

Declining to Vote - Benson.

Absent - Johnson.

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

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-483, granting applications for Business Licenses, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-483

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 10, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269112):

Car Wash; Dancing School; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Vending Machine; Liquor Catering Services; Fuel Dealer; Fuel Dealer Cash & Carry Only; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Peddler - Special Religious; Plumber; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Neighborhood Rideshare; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Tree Servicing.

Adopted 10/10/03.

Absent - Johnson.

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

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-484, granting applications for Gambling Licenses, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-484

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

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

Gambling Class B

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

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Westrums, 4415 Nicollet Av);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Ricky's Loft, 5359 Minnehaha Av S);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Union Bar & Grill, 312 Central Av);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Sunrise Inn, 4563 34th Av S);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Schooner Tavern, 2901 27th Av S);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Cedar Inn, 4155 Cedar Av S);

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Tooties on Lowry, 2706 Lowry Av N);

Gambling Lawful Exempt

Guthrie Theatre Foundation, dba Guthrie Theatre Foundation, 725 Vineland PI (Raffle October 4, 2003 at The Depot, 425 S 2nd St);

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and raffle, October 26, 2003 at 3200 E 29th St);

St. Olaf Catholic Church, dba St. Olaf Catholic Church, 215 S 8th St (Raffle October 26, 2003);

Womans Club of Minneapolis, dba Womans Club of Minneapolis, 410 Oak Grove St (Raffle November 6, 2003);

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle and pulltabs November 15, 2003);

American Swedish Institute, dba American Swedish Institute, 2600 Park Av (Raffle January 15, 2004);

Church of St. Hedwig, dba Church of St. Hedwig, 123 29th Av NE (Bingo & raffle October 25, 2003);

Childrens Home Society & Family Service, dba Childrens Home Society & Family Service, 1605 Eustis St (Raffle October 3, 2003 at Riverplace, 20 2nd St NE);

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 4930 W 77th St, Edina (Raffle November 8, 2003 at The Minneapolis Depot, 225 3rd Av S);

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle & paddlewheels November 26, 2003).

Adopted 10/10/03.

Absent - Johnson.

PS&RS - Your Committee, having under consideration the St. Philip's Community Outreach Project, now recommends that the proper City Officers be authorized to execute a grant extension with St. Philip's Catholic Church to continue the detail of Crime Prevention Specialist (CPS) Hillary Freeman in the grant funded position of "Community Outreach Specialist" for an additional 24-month period

(July 15, 2004 to July 15, 2006 but not to exceed December 31, 2006). All salary costs will be reimbursed to the City by Redeemer Lutheran, St. Philip's Initiative fiscal agent, and fringe benefits shall be provided by the Police Department, as described in the original grant agreement. Upon termination of the grant, CPS Freeman shall return to her current position with the City of Minneapolis, or be assigned to another position at the same classification of CPS within the Police Department.

Adopted 10/10/03.

Absent - Johnson.

PS&RS - Your Committee recommends passage of the accompanying Resolution supporting the Minnesota Private Security Partnership and their goal of improving building safety in Minnesota.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-485, supporting the Minnesota Private Security Partnership and their goal of improving building safety in Minnesota, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-485

By Niziolek and Ostrow

Supporting the Minnesota Private Security Partnership and their goal of improving building safety in Minnesota.

Whereas, public and private security are critical to public safety; and

Whereas, the Minnesota Private Security Partnership is committed to the highest standards in private security services; and

Whereas, in order to successfully raise standards there must be a level playing field among the contractors competing for business in the private security industry; and

Whereas, the Minnesota Private Security Partnership has a goal to raise standards and ensure accountability to clients and the public by providing high standards for quality that are consistent market wide; and

Whereas, building tenants and the public rely on well-trained security officers for their safety in case of an emergency; and

Whereas, the Minnesota Private Security Partnership is committed to ensuring that security officers receive the training they need to do their jobs and its security officers will undergo comprehensive training that thoroughly prepares them for emergency situations as well as their day-to-day duties; and

Whereas, well trained security officers who know their building and their tenants are at a premium, but unfortunately the private security industry has a high rate of job turnover which compromises building safety and costs businesses money; and

Whereas, the Minnesota Private Security Partnership will improve training, wages and benefits and, therefore, be able to lower the turnover rate and maintain a stable, professional and experienced workforce capable of providing consistent, high quality protection; and

Whereas, the Minnesota Private Security Partnership is committed to working together with public safety officials, elected leaders, businesses and security experts throughout the Twin Cities metropolitan area to create a comprehensive, integrated approach to emergency response by initiating standard coordination procedures among building personnel and police, fire and rescue teams; and

Whereas, the leading private security companies in the Twin Cities metropolitan area, Securitas Security Services USA, American Security LLC, and Triangle Services (Viking Security), and the Service Employees International Union (SEIU), which is the largest union of private security officers in the United States, have formed the Minnesota Private Security Partnership;

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

That it supports the Minnesota Private Security Partnership and their goal of improving building safety in Minnesota and raising the standards of private security by lowering job turnover, improving training, and increasing professionalism among private security officers.

Be It Further Resolved that it calls on the building owners and property managers operating in the City of Minneapolis to lend their full, active and immediate support to the Minnesota Private Security Partnership and work in cooperation with Securitas Security Services, American Security, Triangle Services (Viking Security) and SEIU in order to achieve the goals of the Partnership and improve building security throughout the Twin Cities metropolitan area.

Adopted 10/10/03.

Absent - Johnson.

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 \$40,000 and execute a grant agreement with the Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA), to reimburse the City for a Minneapolis Police Investigator to work with the BCA to solve and prosecute cold homicide cases state-wide. Further, passage of the accompanying Resolution appropriating \$40,000 to the Police Department.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-486, appropriating \$40,000 to the Police Department to reimburse the City for a Minneapolis Police Investigator to work with the Minnesota Bureau of Criminal Apprehension to solve and prosecute cold homicide cases state-wide, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-486
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C013) by \$40,000 and increasing the Revenue Source (060-400-C013 - Source 3215) by \$40,000.

Adopted 10/10/03.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept the 2003 Local Law Enforcement Block Grant award of \$486,095 and execute a grant agreement with the United States Department of Justice, Bureau of Justice Assistance to provide staff support in the City Attorney's Office to respond to the increase in misdemeanor violations and citations made by the Police Department's Community Response Teams and CODEFOR, and to enhance the operational capabilities of the Police Department. Further, passage of the accompanying Resolution appropriation \$325,000 to the City Attorney's Office and \$161,095 to the Police Department.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-487, appropriating \$486,095 to the City Attorney's Office and the Police Department to accept the 2003 Local Law Enforcement Block Grant award, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-487
By Niziolek and Johnson**

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a. increasing the appropriation for the City Attorney Agency in the Grants - Federal Fund (030-140-1410) by \$325,000 and increasing the Revenue Source (030-140-1410 - Source 3210) by \$325,000.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P610) by \$161,095 and increasing the Revenue Source (030-400-P610 - Source 3210) by \$161,095.

Adopted 10/10/03.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of up to \$10,000 and execute a grant agreement with Ventura Village to support the salary and benefit costs of the Crime Prevention Specialist assigned to the Franklin Avenue Safety Center. Further, passage of the accompanying Resolution appropriating \$10,000 to the Police Department.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-488, appropriating \$10,000 to the Police Department to support the salary and benefit costs of the Crime Prevention Specialist assigned to the Franklin Avenue Safety Center, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2003R-488
By Niziolek and Johnson**

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P305) by \$10,000 and increasing the Revenue Source (060-400-P305 - Source 3720) by \$10,000.

Adopted 10/10/03.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution amending Resolution 2003R-021 entitled "amending The 2003 General Appropriation Resolution", passed January 31, 2003 to reflect a transfer of \$27,000 in Minnesota Equipment and Training Grant

funding from the Police Department to the Fire Department for Weapons of Mass Destruction Training and for the regional combination of a chemical/biological exercise.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-489, amending Resolution 2003R-021 to transfer \$27,000 in Minnesota Equipment and Training Grant funding from the Police Department to the Fire Department for Weapons of Mass Destruction Training and for the regional combination of a chemical/biological exercise, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-489
By Niziolek and Johnson

Amending Resolution 2003R-021 entitled "The 2003 General Appropriation Resolution", passed January 31, 2003.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows to transfer \$27,000 from the Police Department to the Fire Department for training:

Minnesota Equipment and Training Grant:

a. reducing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT09) by \$27,000 and reducing the Revenue Source (060-400-DT09 - Source 3215) by \$27,000.

b. increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2800) by \$27,000 and increasing the Revenue Source (060-280-2800 - Source 3215) by \$27,000.

Adopted 10/10/03.

Absent - Johnson.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to amend Contract #11164 with Accela Inc (formerly Kiva Inc) for the purchase of software, annual maintenance, implementation services, and consulting services, estimated to cost \$605,000, to support the Development Workflow tools for the One Stop Development Review Center. Capital costs of \$447,118 to be funded by 2003 and 2004 technology capital, with the remaining costs of \$158,706 to be funded by BIS annual operating budgets.

Niziolek moved that the report be amended by adding the language "or execute a new contract" after the words "Contract #11164". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/10/03.

Absent - Johnson.

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

T&PW - Your Committee recommends that the proper City Officers be authorized to execute an amendment to Contract No. C99-14271 with Power/Mation Division Inc. to extend the term of this procurement contract throughout 2004 to coincide with the current Supervisory Control and Data Acquisition Software implementation timeline, due to security enhancements in the implementation and bidding processes, with no additional appropriation.

Adopted 10/10/03.

Absent - Johnson.

T&PW - Your Committee recommends passage of the accompanying Resolution adopting the assessment roll for service charges to be imposed for collection in 2004 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-490, adopting the assessment roll for service charges to be imposed for collection in 2004 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-490

By Colvin Roy

Adopting the assessment roll for service charges to be imposed for collection in 2004 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.

Whereas, Resolution 89R-412 passed September 29, 1989 established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992 and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July, 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995 and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said refunding bonds, all as recited in Resolution 93R-430 passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

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

That the assessment roll listing the service charges in the amount of \$888, 191 to be imposed for collection in 2004 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/10/03.

Absent - Johnson.

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

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the sale of excess City property at 3rd Street North between 21st and 22nd Avenues North to Marigold Foods.

Your Committee further recommends that proceeds from the sale be deposited as indicated in the accompanying Resolution.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-491, authorizing the sale of excess land to Marigold Foods, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-491
By Colvin Roy and Johnson

Authorizing the sale of excess land to Marigold Foods.

Whereas, the City owns the property legally described herein; and

Whereas, the City Engineer has determined that this parcel is not needed for City purposes; and

Whereas, Marigold foods has offered to enter into a Purchase Agreement with the City, agreeing to pay the City \$32,920 for said property; and

Whereas the City Assessor has determined this transaction price to be fair market value and has reported this to the City Council; and

Whereas the Permanent Review Committee determined at a meeting in November, 2002, that said property was to be designated as excess land; and

Whereas the Planing Commission reviewed the sale on October 31, 2002, as to being in conformance with the Comprehensive Plan and a public hearing, notice of which was published in a newspaper of general circulation in Hennepin County at least ten days in advance of the hearing, was held by the Transportation and Public Works Committee on September 30, 2003, all in accordance with the Minneapolis Code of Ordinances, Section 14.120;

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

That the proper City officers be authorized to execute a Purchase Agreement and related documents for sale of the land legally described as:

Parcel B

That part of the West 1/2 of vacated 3^d Street North per Document No. 7154896 as dedicated in the Town of North Minneapolis, Hennepin County, Minnesota, lying southerly of the easterly extension of the north line of Lot 1, Block 1, Reno's Addition to Minneapolis, and which lies northwesterly of the following described line:

Beginning at a point on the south line of Lot 8, Block 1 of said addition, 155.00 feet easterly of the southwest corner thereof, thence run northeasterly to a point on the easterly extension of the north line of Lot 7, Block 1, said addition, distant 25.82 feet easterly of the northeast corner of said to 7; thence run northeasterly to a point on the easterly extension of the north line of Lot 5, Block 1, said addition, distant 40.00 feet easterly of the northeast corner of said Lot 5 to its intersection with said centerline of vacated 3^d Street North and there termination.

Parcel C

That part of Lots 5, 6, 7, 8, 9 and 10, Block 1 Reno's Addition to Minneapolis, Hennepin County, Minnesota, lying easterly of the following described line:

Beginning at a point on the east line of said Lot 5, distant 15.00 feet northerly of the southeast corner thereof; thence run southwesterly to a point on the south line of said Lot 5, distant 5.00 feet westerly of the southeast corner thereof; thence run southwesterly to a point on the south line of said Lot 7, distant 130.00 feet east of the southwest corner thereof; thence run southwesterly to a point on the south line of said Lot 9, distant 95.00 feet east of the southwest corner thereof; thence southwesterly to a point on the south line of said Lot 10 , distant 58.00 feet east of the southwest corner thereof and there terminating,

and which lies westerly of the following described line:

Beginning at a point on the south line of said Lot 10, distant 118.00 feet easterly of the southwest corner thereof thence run northeasterly to a point on the south line of said Lot 8, distant 155.00 feet easterly of the southwest corner thereof; thence run northeasterly to a point on the easterly extension of the north line of said Lot 6, distant 40.00 feet easterly of the northeast corner thereof, said line terminates at its intersection with the east line of said Lot 8.

Be it Further Resolved that the proceeds from the sale of excess land legally described herein be deposited in the Permanent Improvement Projects Fund (4100-923-9247).

Adopted 10/10/03.

Absent - Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the City's Residential Recycling Program, now recommends the Public Works be authorized to issue a request for proposal for the processing and marketing recyclable materials collected by the City and its contractors in the City's curbside recycling program.

Your Committee further recommends that the Public Works Department be directed to return to Committee with a recommendation.

Adopted 10/10/03.

Absent - Johnson.

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

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

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-492, approving legal settlements with Michael Patrick Jensen, Linda Lachner, Amy Bartholomew, Rohan Peters, Minnesota Assigned Risk Plan/Berkley Administrators, Styles P. Moore, Bernard Schmitz, Terrance Thompson, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-492

By Johnson

Approving legal settlements.

Resolved by The City Council of The City of Minneapolis:

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

a) Michael Patrick Jensen, by payment of \$30,000 to Mr. Jensen and his attorney, Kenneth Udoibok;
b) Linda Lachner, by payment of \$17,500 to Ms. Lachner and her attorneys Mansfield, Tanick & Cohen, P.A., reimbursement of tuition paid by Ms. Lachner not to exceed \$2,500, reinstatement of Ms. Lachner to the position of Police Sergeant and other non-monetary relief recommended by the City Attorney;

c) Amy Bartholomew, by payment of \$22,499.16 to Ms. Bartholomew on behalf of her son, payment of \$16,500.84 to her attorneys Shulman & Dornbos, PLLC, and other relief as recommended by the City Attorney;

d) Rohan Peters, by payment of \$21,000 to Mr. Peters and his attorney, Robert Hajek;

e) Minnesota Assigned Risk Plan/Berkley Administrators, by payment of \$25,000 to Minnesota Assigned Risk Plan/Berkley Administrators and \$500 to U.S. Arbitration & Mediation of Minnesota;

f) Styles P. Moore, by payment of \$7,750 to Mr. Styles and his attorneys Albert T. Goins, Sr. and Kathryn R. Burke;

g) Bernard Schmitz, by payment of \$3,800 to Mr. Schmitz and his attorney Larry Jennings;

h) Terrance Thompson, by payment of \$9,000 to Mr. Thompson and his attorney Jesse Grant III.

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

Adopted 10/10/03.

Absent - Johnson.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Nominations Committee that the following individuals be appointed to serve on the EZ Governance Board for the terms indicated (in years):

Resident

Arlene El-Amin*(2)
Jeff Washburne (1)
Osman Sahardeed (1)
Willie Dominguez (3)
Joyce Wisdom (3)
Vusi Zulu (3)

Business Reps

Jason Geschwind* (2)
Lee Antel (2)
Theresa Carr (1)
Keith Sjoquist (3)
Xang Vang (1)
Joe Werner (3)

*Appointed in 2002; two years remaining on term.

Adopted 10/10/03.

Absent - Johnson.

W&M/Budget - Your Committee recommends approval of the request of the Division of Solid Waste and Recycling to place an insert in the November 2003 utility billing announcing the need for clearing snow and ice from sidewalks and solid waste collection points.

Adopted 10/10/03.

Absent - Johnson.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Chief of Police that the City participate in a multi-jurisdictional study of Hennepin County 9-1-1 Center consolidations that will be conducted through a contract between the City of St. Louis Park and PSC Alliance Incorporated, a public safety communications planning organization.

Your Committee further recommends passage of the accompanying resolution committing the City as a participant in the study and agreeing to provide funding in an amount not to exceed \$5,500, to be paid from the Minneapolis Emergency Communications Center existing budget.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-493, confirming City participation in a Multi-Jurisdictional Study of Hennepin County 9-1-1 Center Consolidations, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-493

By Johnson

Agreeing to City participation in a Multi-Jurisdictional Study of Hennepin County 9-1-1 Center Consolidations.

Whereas, the City of St. Louis Park and the City of Minneapolis have stated their intent to participate in the preliminary feasibility study for the consolidation of public safety dispatching services for which the City of St. Louis Park has conducted a request for proposals (RFP); and

Whereas, the City of St. Louis Park has completed the RFP process and plans to enter into an agreement with the selected consultant for the purpose of conducting the study; and

Whereas, it is the City's intent to concurrently enter into an agreement with the City of St. Louis Park to participate in the study and pay our City's proportionate share of the cost of said study; and

Whereas, the proportionate share of the cost of the study has been estimated to range between \$3,700 and \$5,500 based on the number of participants being between seven and ten;

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

That the City agrees to pay the City of St. Louis Park an amount not to exceed \$5,500 as the City's share of the cost of the study.

Be It Further Resolved that the City shall provide a contact person to represent the City in the business issues related to participation in the study and coordination of the efforts for the study process; and to provide access to City premises and give full cooperation to PSC Alliance Incorporated as they conduct the study (the contract between the City of St. Louis Park and PSC is included in Petn No 269125).

Adopted 10/10/03.

Absent - Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the City's contract with Metro Communication Services, Inc. (Contract #C-17902) by \$165,000 for additional cabling services to connect computer and telephone services, as recommended by the Business Information Services Department and required because City departments have exceeded the original estimates for services.

Adopted 10/10/03.

Absent - Johnson.

W&M/Budget - Your Committee, having under consideration 2003 Empowerment Zone (EZ) Commercial Corridor funding, now recommends allocation of the funds to the following projects:

- The Mobe Group for Lake St & 11th Av (former Sears Building), \$100,000;
- Robert Fern for 929 W Broadway, \$250,000;
- Renovation of 1508 E Lake St (Former Antiques Minnesota), \$250,000;
- Hubbard Building at 1101 W Broadway, \$350,000;
- Fish House Restaurant at Penn & W Broadway, \$100,000;
- Juxtaposition Arts at 2007 Emerson Av N/Emerson Av N at W Broadway, \$200,000.

Your Committee further recommends that the proper City officers be authorized to execute a contract with the respective business owners of the projects setting forth the terms and conditions of the program.

Adopted 10/10/03.

Absent - Johnson.

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

Z&P - Your Committee, having under consideration the appeal filed by Ira Kipp from the decision of the Board of Adjustment which denied a nonconforming use certificate to establish legal nonconforming rights for six dwelling units, and approving a nonconforming use certificate for four dwelling units at 3712 E Lake St, now recommends that said appeal be denied and the decision of the Board of Adjustment upheld, and that the findings prepared by the Planning Department staff be adopted.

Adopted 10/10/03.

Absent - Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Daniel Busse from the decision of the Board of Adjustment which denied a nonconforming use certificate to establish legal nonconforming rights for a duplex dwelling at 1314 Broadway St, on a zoning lot located where nonconforming rights exist for an existing duplex dwelling at 758 Buchanan St NE, now recommends that said appeal be denied and the decision of the Board of Adjustment upheld, and that the findings prepared by the Planning Department staff be adopted.

Adopted 10/10/03.

Absent - Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Gaida Inde from the decision of the Board of Adjustment which approved the application of Marianne Norris and Eileen Scallen for a variance to reduce the north interior side yard setback from the required 5' to 1'-8" to allow for an addition to an existing single-family dwelling at 3139 E Calhoun Pkwy, now recommends that said appeal be denied, and that a variance be approved to reduce north interior side yard setback to 1'-8" within footprint

of existing screen porch to be removed, and to 3' for remainder of addition to be built to allow the window as proposed by the plan presented by the applicant's modified plans on 10/2/03.

Adopted 10/10/03.

Absent - Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Mark Lee, on behalf Hennepin County, from the decision of the Planning Commission denying applications for an existing off-site parking lot at 1909 Columbus Ave which serves the detoxification unit for a) variance to reduce the required front yard setback from 15' to 8' along Columbus Ave to allow for a reconfigured parking lot; b) variance to reduce the south and north side yard setbacks from 5' to 0' to allow the existing parking lot to remain; and c) variance to reduce the minimum two-way drive aisle width from 22' to 11'-5", now recommends that said appeal be denied and that the decision of the Planning Commission be upheld, and that the findings prepared by the Planning Department staff be adopted.

Adopted 10/10/03. Yeas, 11; Nays, 1 as follows:

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

Nays - Zimmermann.

Absent - Johnson.

Z&P - Your Committee, having under consideration the appeals of Patricia Fitzgerald, on behalf of Master Civil and Construction Engineering, from the decision of the City Planning Commission (CPC) to only partially approve applications for development of a mixed-use building with 29 dwelling units, commercial space, underground and at-grade parking at 2 and 20 E 26th St, now recommends that the appeals be granted, and the applications approved as follows:

a) Site plan review and conditional use permit for 29 dwelling units (CPC approved 27);

b) Variance to reduce the required front yard setback along 1st Ave S to zero feet, with the understanding that the applicant will indent the car exit as shown on the diagram submitted October 2, 2003 (CPC approved a two-foot setback);

c) Variance to reduce the required minimum lot area per dwelling unit from 694 to 550 square feet (CPC approved a variance to reduce the minimum lot area per dwelling unit to 591 square feet); and

d) Variance to increase the maximum permitted floor area from 37,993 to 44,674 square feet (CPC approved a variance to increase the maximum permitted floor area to 43,420 square feet).

Your Committee further recommends that the Findings of Fact prepared by the City Attorney and on file in the Office of the City Clerk be made a part of this report by reference.

Adopted 10/10/03.

Absent - Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Master Civil and Construction Engineering (BZZ-1259) to rezone property at 2 E 26th St from C1 to the C2 District to permit development of a mixed-use building with 29 dwelling units, commercial space, underground and at-grade parking, and adopting the related findings prepared by the Planning Department:

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

Adopted 10/10/03.

Absent - Johnson.

Ordinance 2003-Or-122, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2 E 26th St to the C2 District, was passed 10/10/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2003-Or-122
By Schiff
1st & 2nd Readings: 10/10/03

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

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

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

A. That part of Lot 6, and the south 14 feet of Lot 7, Block 5, Geo. Galpin's Addition to the City of Minneapolis, according to the recorded plat thereof, and situated in Hennepin County, Minnesota (2 E 26th St - Plate 20) to the C2 District.

Adopted 10/10/03.

Absent - Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the application of Master Civil and Construction Engineering (BZZ-1259) to vacate air rights above and subsurface rights below the public alley at 2 and 20 E 26th St to allow the proposed mixed-use building to bridge over the public alley and allow underground parking for the residential use, and adopting the related findings prepared by the Planning Department, based on final approval by the Department of Public Works.

Your Committee further recommends passage of the accompanying resolution vacating said air and subsurface rights.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-494, vacating part of the aerial and subterranean rights above and below the public alley bounded by Nicollet Ave and 1st Aves S, E 25th and 26th Sts, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-494
By Schiff

Vacating part of the aerial and subterranean rights above and below the public alley bounded by Nicollet Avenue, 1st Avenue South, East 25th Street, and East 26th Street.

Resolved by The City Council of The City of Minneapolis:

That all that part of the Aerial and Subterranean Rights for Property over and under that portion of alley lying north of a line drawn from the southwest corner of Lot 5, Block 5, George Galpin's Addition to Minneapolis, Hennepin County, Minnesota, to the southeast corner of Lot 6, said Block 5, and lying south of a line drawn from the northwest corner of said Lot 5 to the northeast corner of said Lot 6 and lying above 887.4 feet elevation and below 870.4 feet elevation (based on the NVGD 1929 data, City of Minneapolis, Bench mark location centerline 28th Street and westerly side of Nicollet Avenue, top Cast Iron Monument elevation = 870.29 feet) is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: A strip over the west 10.00 feet of the referenced vacation;

As to Qwest: A strip approximately 6.00 wide on the west side of the alley starting at the west alley edge to the alley centerline for the entire length of the vacation (approximately 56 feet);

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

Adopted 10/10/03.

Absent - Johnson.

Z&P - Your Committee concurs in the recommendation of the Planning Commission to approve the *Downtown East/North Loop Master Plan*, which is intended to develop a vision and a framework for how new growth should occur in the underdeveloped districts of Downtown Minneapolis, particularly in areas surrounding proposed rail transit stations, and to adopt the related findings prepared by the Planning Department, as set forth in Petn No 269128.

Your Committee further recommends that staff be directed to propose the necessary changes to the City's code of ordinances in order to ensure compatibility with the vision and policy direction set forth in the master plan.

Schiff moved to amend the report by replacing the second paragraph with the following language:

"Your Committee further recommends that staff be directed to a) propose the necessary changes to the City's code of ordinances in order to ensure compatibility with the vision and policy direction set forth in the master plan; and b) conduct detailed feasibility analyses for projects that may impact public infrastructure investments in the project area. These analyses will be conducted in partnership with regional and state entities with interest in and responsibility for future implementation in affected areas." Seconded.

Adopted upon a voice vote.

Zerby moved to amend the second paragraph of the report by inserting an additional direction to staff, to read as follows: "c) continue to work with Public Works to confirm the master plan's suggested direction and formulate the impacts resulting from the proposed development." Seconded.

Lost upon a voice vote.

The report, as amended, was adopted 10/10/03.

Absent - Johnson.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, requiring a walkway between the public sidewalk and the principal entrance of any residential building having one to four dwelling units, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that said ordinance be given its second reading for amendment and passage.

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

Adopted 10/10/03.

Absent - Johnson.

Ordinance 2003-Or-123 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, requiring a walkway between the public sidewalk and the principal entrance of any residential building having one to four dwelling units, was passed 10/10/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2003-Or-123
By Johnson and Schiff
Intro & 1st Reading: 6/20/03
Ref to: Z&P
2nd Reading: 10/10/03

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

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

Section 1. That Section 535.90 of the above-entitled ordinance be amended to read as follows:

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses. (a) *Size and width.* The minimum gross floor area of a dwelling unit, except efficiency units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units shall be three hundred fifty (350) square feet. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet.

(b) *Principal entrance and windows.* Not less than fifteen (15) percent of the first floor facade of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that faces a public street shall be windows, and shall include at least one (1) principal entrance. Subject to Table 535-1, Permitted Obstructions in Required Yards, the principal entrance shall be connected to the public sidewalk by an impervious walkway not less than three (3) feet wide and shall include stairs where needed. Where no public sidewalk exists, the walkway shall extend to the public street. The principal entrance may face a side lot line when part of a front vestibule or extended portion of the front facade, provided the entrance is located no further than eight (8) feet from the facade closest to the street. In the case of a corner lot, only the facade facing the front lot line shall be subject to the requirements of this section.

(c) *Attached garage facing the front lot line.* Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling when the garage door or doors face the front lot line. In addition, the width of the garage wall facing the front lot line shall not exceed sixty (60) percent of the width of the entire structure.

Section 2. That the following portion of Table 535-1 of the above-entitled ordinance be amended to read as follows:

Table 535-1 Permitted Obstructions in Required Yards

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Walkways, not exceeding four (4) feet in width. Walkways for multiple-family dwellings of five (5) units or more shall not exceed six (6) feet in width. <u>Except for public recreational walkways and bicycle trails, walkways in required yards shall not be constructed of asphalt.</u>	P	P	P

Adopted 10/10/03.

Absent - Johnson.

Z&P - Your Committee, having under consideration the environmental review process for the American Trio Building Project, the conversion of a building at 616 S 3rd St into 66 condominium units on the second through seventh floors, with commercial uses on the first floor, now recommends adoption of the related findings prepared by the Planning Department, and further recommends that no Mandatory Environmental Assessment Worksheet (EAW) is required, nor a Discretionary EAW warranted.

Adopted 10/10/03.

Absent - Johnson.

Z&P – Your Committee recommends granting the petition of Michael and Nancy Slattery, d/b/a Gas Stop Corporation (BZZ-996), to rezone the property at 3755 and 3759 Penn Ave N from R2B and C1 Districts to the C2 District to permit an upgrade of the existing Gas Stop building and convenience store and the addition of two gas pumps, for a total of four, and adopting the related findings prepared by the Planning Department, notwithstanding the recommendation of the Planning Commission.

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

Adopted 10/10/03. Yeas, 11; Nays, 1 as follows:

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

Nays - Niziolek.

Absent - Johnson.

Ordinance 2003-Or-124, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3755 and 3759 Penn Ave N to the C2 District, was passed 10/10/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2003-Or-124
By Schiff
1st & 2nd Readings: 10/10/03

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

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

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

A. That part of Woodland Heights Addition to Minneapolis, Lot 002 Block 001, South 39 feet (PID: 0502924440108) (3755 Penn Ave N - Plate 3) to the C2 District.

B. That part of Woodland Heights Addition to Minneapolis, Lot 002 Block 001, North 1 foot of Lot 2 (PID: 0502924440107) (3759 Penn Ave N - Plate 3) to the C2 District.

Adopted 10/10/03. Yeas, 11; Nays, 1 as follows:

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

Nays - Niziolek.

Absent - Johnson.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the 22 properties generally located along University Ave between 15th Ave SE and 19th Ave SE, and the 11 properties described as "Off the Row" be designated as the "University of Minnesota Greek Letter Chapter House Historic District," as described on the map contained in Petn No 269126, and that the findings prepared by the Department of Community Planning and Economic Development be adopted.

Your Committee further recommends passage of the accompanying resolution designating the University of Minnesota Greek Letter Chapter House Historic District.

Adopted 10/10/03.

Absent - Johnson.

Resolution 2003R-495, designating University of Minnesota Greek Letter Chapter House Historic District as a historic district, was passed 10/10/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2003R-495
By Schiff

Designating University of Minnesota Greek Letter Chapter House Historic District as a Historic District.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on August 19, 2003 and on September 26, 2003, recommended to the Standing Committee on Zoning and Planning that the 22 properties generally located along University Avenue between 15th Avenue SE and 19th Avenue SE, and the 11 properties described as "Off the Row," as shown on the map on file in the office of the City Clerk, be designated as a historic district entitled University of Minnesota Greek Letter Chapter House Historic District; these properties are significant as examples of highly symbolic, architecturally-conscious buildings reflecting the strength of the Greek letter system at the University of Minnesota during the first three decades of the twentieth century; and

Whereas, the Planning Division of the Department of Community Planning and Economic Development compiled a list of the addresses and legal descriptions of the properties, also on file in the office of the City Clerk; and

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on August 4, 2003; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in letters of June 3, 2003 and June 18, 2003; and

Whereas, on October 2, 2003 the Standing Committee on Zoning and Planning recommended designation as a historic district;

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

That the University of Minnesota Greek Letter Chapter House Historic District, encompassing 22 properties generally located along University Avenue between 15th Avenue SE and 19th Avenue SE, and 11 properties described as "Off the Row," is hereby designated as a historic district, and that the City Clerk is directed to file a certified copy of this resolution with the Office of the Hennepin County Recorder or Registrar of Titles.

Adopted 10/10/03.

Absent - Johnson.

Zerby moved a staff direction that the City convene a committee of interested parties in the historic designation of the University of Minnesota Greek Letter Chapter House Historic District to agree upon a set of design guidelines, to be approved within three months of the designation. Seconded.

Adopted 10/10/03.

Absent - Johnson.

MOTIONS

Johnson Lee moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November, 2003, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 10/10/03.

Absent - Johnson.

Goodman moved to waive the filing time and time of event as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Philip Disch, Minneapolis Downtown Council, for a business district block event held October 3, 2003, between the hours of 2:00 and 3:30 p.m. on the Nicollet Mall between 7th and 8th Streets, having approval granted by the Police Department to grant said waiver. Seconded.

Adopted 10/10/03.

Absent - Johnson.

Niziolek introduced the subject matter of an Ordinance amending Title 21, Chapter 577 of the Minneapolis Code of Ordinances relating to *Interim Ordinances: Providing For a Moratorium on the Establishment or Expansion of any Multiple Family Residential Use Within the Recognized Boundaries of the Lowry Hill East Neighborhood (Bounded by Lyndale Avenue, Hennepin Avenue and Lake Street), Except Where Property Has Frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street*, which was given its first reading and referred to the Zoning & Planning Committee (To extend to July 23, 2004).

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances, relating to *Zoning Code: Overlay Districts*, which was given its first reading and referred to the Zoning & Planning Committee (By adding Reception or meeting hall as a permitted use in the Industrial Living Overlay District).

Schiff introduced the subject matter of an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances, relating to *Offenses—Miscellaneous: Noise*, which was given its first reading and referred to the Transportation & Public Works Committee (To prohibit light rail transit trains from sounding horns except for emergencies).

Schiff moved to direct the City Coordinator's office to begin working with the Minneapolis Park & Recreation Board on the citywide Wireless Initiative and report back as necessary to the Zoning & Planning Committee as negotiations proceed.

Niziolek moved to amend Schiff's motion to report back as necessary to the Ways & Means/Budget Committee. Seconded.

Zerby moved to amend Schiff's motion to report back as necessary to the Zoning & Planning and Ways & Means/Budget Committees. Seconded.

Adopted upon a voice vote.

Schiff's motion, as amended, was adopted 10/10/03.

Absent - Johnson.

RESOLUTIONS

Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a resolution declaring Thursday, October 16, 2003, as "Globalwalk for Breast Cancer Day" in the City of Minneapolis.

Adopted 10/10/03.

Absent - Johnson.

(Not published. See Resolution 2003R-496 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2003R-496

By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane

Honoring Polly Letofsky and her walk around the world in support of breast cancer awareness.

Whereas, Breast cancer now strikes more women in the world than any other type of cancer. There are 1,050,346 women worldwide currently fighting breast cancer, and 372,969 women will die from the disease this year; and

Whereas, one in nine women will develop breast cancer in their lifetime, touching nearly every family in the country; and

Whereas, Polly Letofsky has spent the past four years walking around the world to raise awareness of breast cancer and early detection strategies for women; and

Whereas, Polly has been an inspiration to women and men around the world who have courageously battled the disease as well as provided education about the importance of early detection of breast cancer to increasing chances of survival; and

Whereas, Polly is a native of the City of Minneapolis; and

Whereas, October is Breast Cancer Awareness Month; and

Whereas, on Thursday, October 16th, Polly will have walked 12,300 miles and brought her to the heart of the City of Minneapolis;

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

That we declare Thursday, October 16, 2003 Globalwalk for Breast Cancer Day in the City of Minneapolis and commend and extend our gratitude to Polly Letofsky for her actions to draw attention to the scourge of breast cancer.

Adopted 10/10/03.

Absent - Johnson.

Zimmermann offered a Resolution honoring the Franklin Library and the community volunteers for securing a location and funding for an interim site during renovation.

Adopted 10/10/03.

Absent - Johnson.

(Not published. See Resolution 2003R-497 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2003R-497

By Zimmermann

Honoring Friends of Franklin and the Franklin Community Library.

Whereas, the Franklin Community Library is the oldest public library building in the City of Minneapolis, first opened in August 1914 on land donated by the Sumner T. McKnight family; and

Whereas, the Franklin Community Library is one of three existing Carnegie Libraries in Minneapolis and has been designated an historic site by the Heritage Preservation Commission; and

Whereas, the Franklin Community Library today thrives as a lively community gathering place in the heart of the Phillips Community, offering a range of services for people of all ages, including the popular Phillips Computer Center, Franklin Learning Center, bilingual story hours, and Homework Helper; and

Whereas, through funding from the 2000 Library Referendum and the City of Minneapolis, the Franklin Community Library is now being renovated, carefully preserved, and reconfigured to better meet community needs and is scheduled for reopening in Spring 2005; and

Whereas, the Friends of Franklin Community Library have made a heroic effort to secure a location and funding for an interim site during the library's renovation, already raising 60% of needed funds from donors including Thrivent Financial for Lutherans, the Frey Family Foundation, the Minneapolis Empowerment Zone, and hundreds of community residents who care passionately about maintaining library services in Phillips; and

Whereas, the Franklin Community Library Interim Site will celebrate its Grand Opening on Thursday, October 23, 2003;

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

That we declare Thursday, October 23, 2003 "Franklin Community Library Day" in the City of Minneapolis and commend and extend our gratitude to the Friends of Franklin for their ongoing work to maintain community library services.

Adopted 10/10/03.

Absent - Johnson.

NEW BUSINESS

Pursuant to notice of intent, Zerby (for Council Member Johnson) introduced the subject matter of an Ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 244.1880(d) relating to fees for failure to license a rental property).

Lilligren introduced an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee (Adding a new Article XII relating to the study of and establishment of unclassified positions in the City service).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Adjourned.

Merry Keefe,
City Clerk.

Created: 10/14/2003;
Modified: 10/16/2003;
Corrected: 11/12/2003