

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF DECEMBER 29, 2003

(Published January 3, 2004, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
December 29, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Schiff.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held 12/15/03. 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.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269278)

Community Planning & Economic Development (CPED): 2004 Work Plan as presented by Executive Director.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269279)

St. Anne's Senior Housing Project: Issuance of Multifamily Housing Development Revenue Bonds.

Interim Guide to Process: Authorize CPED actions for previous MCDA activities.

#### **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (269280)

Nicollet Hotel Block Redevelopment: Rejection of redevelopment proposal of TOLD Development.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269281)

Environmental Response Fund: Authorize application to Hennepin County for Zinsmaster Apartments at 2900 and 2916 Park Av S.

Village at St. Anthony Falls Project: Issuance of Taxable and Tax-Exempt Tax Increment Revenue Refunding Bonds.

Minneapolis Consortium of Community Developers: Allocate funds to continue partnership on small business loan programs in 2004 and reconfirm action on allocation of New Market Tax Credits.

Common Bond Fund: Joint Powers and Moral Obligation Agreement with Hennepin County to expand availability of bond funds.

MCDAs Assets: Authorize transfer of certain assets to the City.

Common Bond Fund: Assignment and Assumption Agreement relating to transitioning the bond fund to the City.

Limited Equity Cooperative Pilot and Affordable Housing Task Force Seed Money Programs: Guidelines and criteria.

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

HEALTH AND FAMILY SUPPORT SERVICES (269282)

Laboratory Director and Consulting Services: Execute contract with State of Minnesota, Department of Health, for services during 2004 and 2005.

Northside Weed & Seed Initiative: Amend contract with State of Minnesota to extend performance period through June 30, 2004 to complete federal 2003 Weed & Seed strategies.

Health Education Consulting Services: Execute contract with Cindy Kallstrom to provide services during 2004.

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

CIVIL RIGHTS (269283)

Heritage Park Project: Transfer \$50,400 from MCDAs/CPED to Department of Civil Rights for reimbursement of professional services and contract monitoring by Civil Rights during 2003.

New Central Library Project: Approve appropriation for reimbursement of professional services and contract monitoring by Civil Rights during 2003.

HEALTH AND FAMILY SUPPORT SERVICES (269284)

Lead Outreach Services: Execute contract with Sustainable Resources Center to provide lead outreach, community-based blood lead testing, and home lead assessment services.

Family Support Specialist II Position: Authorize hire 1.0 Full-Time Equivalent position to provide coordination of community initiatives, with applicants being informed that continuation of position is contingent upon receipt of grant funds.

Twin Cities Healthy Start Project: Accept \$2,250 in Boston Scientific Foundation funds from American Indian Family Center for culturally specific health education in area of prenatal care and parent education; and Approve appropriation.

HEALTH AND FAMILY SUPPORT SERVICES (269285)

Phillips Weed & Seed Initiative: Transfer \$40,232 from Health & Family Support to Police Department/Third Precinct for law enforcement strategies implemented within the Phillips Weed & Seed Zone through October 31, 2004.

Phillips Weed & Seed Initiative: Amend contract with State of Minnesota to extend performance period through October 31, 2004 to complete federal 2003 Weed & Seed strategies; add \$75,000 in grant funds; and Approve appropriation.

Twin Cities Healthy Start Project: Execute agreement with Minnesota Department of Health to receive \$68,618 over two-year period for maternal alcohol use and prenatal alcohol exposure prevention initiative and to recruit program participants to serve as mentors to other recovering pregnant and parenting alcoholics; and Approve appropriation.

Taxpayer Assistance to Low Income and Disadvantaged Residents: Accept \$14,347 in State funds from Nokomis Healthy Seniors to purchase computers and software for filing taxes electronically, training and program marketing through Senior Ombudsman and Skyway Senior Center Offices; and Approve appropriation.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269286)

New Ballpark: Proposed rendering of Mpls Warehouse District ballpark; briefing packet.

INTERGOVERNMENTAL RELATIONS (269287)

2004 Capital Budget Request: Train to Work/Health Careers Institute State Bond Fund proposal for \$3 million.

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

ATTORNEY (269288)

Nuisance Properties: Ordinance amending Title 12, Chapter 249 of Code relating to Housing: Vacant Dwelling or Building, Nuisance Condition, allowing the City the option of rehabilitating a nuisance property, provided the estimated cost may not exceed 50% of the estimated after-rehabilitation market value; and allowing the imposition of a performance bond as a condition to rehabilitate a nuisance property.

INSPECTIONS DEPARTMENT (269289)

Truth in Sale of Housing Board of Appeals: Approve appointments of Peter Dean; Felix Montez; Eric Otterness; Neil Saltzman; Desmond Whitney; Bobbi White; and Marty Schirber.

LICENSES AND CONSUMER SERVICES (269290)

Jordan Stop (640 E Lake St): Grant Tobacco, Confectionery and Gasoline Filling Station Licenses, subject to conditions.

Licenses: Applications.

MAYOR (269291)

Fire Chief: Approve reappointment of Rocco Forté as Fire Chief, for term to expire January 2, 2006.

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

FIRE DEPARTMENT (269292)

Fire Training Props: Authorize Fire Department to carry over \$132,385 remaining in 2003 budget to 2004 budget for cost of fire training props ordered in 2003; and Approve appropriation.

POLICE DEPARTMENT (269293)

Financial Crimes Task Force: Amend Council Action passed August 8, 2003 to change grant award amount from \$205,000 to \$408,000 for two officers to serve on task force (instead of one); Change contracting agency from Anoka County Attorney's Office to Minnesota Financial Crimes Task Force; and Amend Resolution 2003R-372 to change appropriation amount to \$408,000.

Franklin Avenue Safety Center: Amend Council Action passed October 10, 2003 to change grant award amount from \$10,000 to \$50,000 to support salary and benefit costs of Crime Prevention Specialist assigned to Safety Center; Execute five-year contract with Ventura Village; and Amend Resolution 2003R-488 to change appropriation amount to \$50,000.

POLICE DEPARTMENT (269294)

Weed & Seed Auto Theft Prevention Grant: Accept \$49,578 grant and execute grant agreement with Pillsbury United Communities to fund overtime or other police services in participation with Richard Green Central Weed & Seed Steering Committee; and Approve appropriation.

Community Crime Prevention Grant: Accept \$178,082 grant and execute grant agreement with Commissioner of Public Safety to continue funding EI Proyecto Partnership in Fifth Precinct; and Approve appropriation.

Detox Van: Execute contract with Hennepin County for Police Department to continue to provide services for 2004 and 2005.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (269295)

Public Works 2004 Work Plan: Receive and file 2004 work plan.

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

**PUBLIC WORKS AND ENGINEERING (269296)**

Sale of former Fire Station No. 13: Approve sale for \$536,000; Authorize Quit Claim Deed & authorize execution of documents to facilitate the sale; Authorize sale of property to the next highest bidder for \$355,000 if the above buyer is unable to purchase the property; and Authorize proceeds from the sale to be used to reimburse Public Works - Property Services Division with remaining balance deposited into the Land Sales Fund.

Reappointment of City Engineer: Approve recommendation to reappoint Klara A. Fabry for a term to expire on 1/1/06.

Business Information Services (BIS) Space: Authorize execution of amendment to contract with Hennepin County for space in the Government Center for City's BIS staff.

Downtown Circulator Management Committee: Approve appointment of Richard Evidon, Downtown resident member and Charlie Ferrell, Downtown business member.

**PUBLIC WORKS AND ENGINEERING (269297)**

Transportation Management Organization (TMO): Passage of Resolution modifying the TMO Executive Committee.

Aggregate Industries Lease Renewal: Authorize new lease for barge mooring on the City-owned property at 2710 Pacific St N, annual rent of \$6,000 to be deposited into Lease Fund.

Technical Services for City Parking Ramps: Authorize proposals for engineering and testing services.

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

**PUBLIC WORKS AND ENGINEERING (269298)**

Fridley Water Plant: Authorize Request for Proposals for consulting services to perform an assessment for chemical disinfectant.

Residential Parking Program - NE Whittier: Authorize PW to use the \$1,500 for the parking study and acceptance of funding from various sources; Passage of Resolution increasing the 2003 appropriation.

Columbia Heights Water Facility: Authorize cancellation of the centrifuge replacement at the Dewatering Plant and reallocate water revenue funds to complete the baffle wall installed at the facility; Passage of Resolution reallocating funds within the 2003 capital budget.

**PUBLIC WORKS AND ENGINEERING (269299)**

MnDOT Cooperative Agreement (Heritage Park): Authorization to apply for \$234,000 grant from MnDOT Cooperative Agreement Program; Confirm complete the project upon receipt of the grant; Authorization agreement with the State for the grant funds; Passage of Resolution increasing the appropriation for Heritage Park infrastructure work and increase the Heritage Park revenue by the amount of the grant.

B.F.I Waste Services Contract: Authorize extension of existing contract for four months for process and market recyclables collected in the City's recycling program.

Hiring of 2 Engineers and 1 Parking System Analyst: Authorization to hire two Parking Engineers and one Management Analyst; Passage of Resolution increasing 2004 general appropriation to reflect the addition of the Management Analyst to be funded through the general fund.

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

**ATTORNEY (269300)**

Legal Services Panel: Recommendation to place attorneys and law firms on panel and execute master service agreements.

Legal Settlements: Claims of Mousa Camara, Justin Zeise and Darryl Gerarld.

**BUSINESS INFORMATION SYSTEMS (269301)**

Telecommunications Study: Contract with Deloitte & Touche LLC to study telephone options.

Voice and Cabling Services: Increase contract with Metro Communications Services, Inc.

Intellectual Property Escrow: Contract with DSI Technology Escrow Services for DSI (KIVA System) source code escrow services.

Hiring of Additional Employees: Authorize hiring of 3 employees to work on capital projects.

COMMUNICATIONS (269302)

Published Materials and Annual Reports: Policy requiring that all major publications of the City be approved by the Communications Department; and establishing that the City will not contribute funds for departmental annual reports but will require participation in a City-wide annual report.

COORDINATOR (269303)

New Central Library Project: Approve change order to contract with Knutson Construction Services, Inc.

New Central Library Project: Amendment increasing construction management contract with Mortenson/Thor.

FINANCE DEPARTMENT (269304)

Convention Center Property Insurance: Accept quote of Zurich Insurance for Convention Center facilities, including Talmedge Building and parking facility.

HUMAN RESOURCES (269305)

Labor Settlement: Approve terms of settlement with Teamsters Local #320 (911 Supervisors Unit).

Relocation Expenses for Newly Appointed Employees: Amend policy relative to employees appointed directly by Charter Department heads and for positions having limited candidates.

MAYOR (269306)

Reappointment of City Coordinator: Recommendation to reappoint John Moir.

Reappointment of City Attorney: Recommendation to reappoint Jay Heffern.

**WAYS AND MEANS BUDGET and ZONING AND PLANNING:**

BUSINESS INFORMATION SYSTEMS (269307)

Wireless Networking Technology (Wi-Fi): Update by the Chief Information Officer.

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

MAYOR & COUNCIL PRESIDENT (269308)

Mpls Arts Commission:

Appointments of Andrea Jenkins, Jane Gregerson, Randy Hartten, Jessica Kohen, Ben Heywood, Connie Beckers, Kathleen Welch, Deborah Jindra & Mick Spence.

PLANNING COMMISSION/DEPARTMENT (269309)

Rezonings:

City-county Federal Credit Union (907-13 E Franklin Ave);

Northside Residents Redevelopment Council (1254 Russell Ave N);

Northside Residents Redevelopment Council (2309 Plymouth Ave N);

Silver Bullet Design & Build (2613-1st Ave S);

Project for Pride in Living (4515-5th Ave S).

**PLANNING COMMISSION:**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (269310)

Permission to vacate 3rd Avenue NE & 10th Street NE.

**MOTIONS (See Rep):**

ATTORNEY/COORDINATOR (269311)

Youth Coordinating Board: Request for City staff to supervise YCB's Way to Grow Program.

**FILED:**

CITY CLERK/SPECIAL PERMITS (269312)  
2nd St NE, 1315 (St. Cyril Methodus Church) animals;  
2nd St NE, 1700 (East Side Neighborhood Services Inc) horses;  
28th St W, 610 (Ray Kool) horse & buggy;  
Cedar Lake Rd S, 411 (Bryn Mawr Neighborhood Business Assoc) horses & wagons.

*The following reports were signed by Mayor Rybak on 12/31/03, 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.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** – Your Committee, having under consideration the request of St. Anne's Community Development Corporation for revenue bonds to develop a senior housing project on West Broadway Av between Queen and Russell Av N and, having held a public hearing thereon, now recommends passage of the accompanying resolution granting preliminary approval of up to \$6,000,000 in tax-exempt Multifamily Housing Development Bonds for St. Anne's Senior Housing Project.

Adopted 12/29/03.  
Absent - Schiff.

Resolution 2003R-621, granting preliminary approval of up to \$6,000,000 in tax-exempt Multifamily Housing Development Bonds for St. Anne's Senior Housing Project, was passed 12/29/03 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-621**

**By Goodman**

**Giving preliminary approval to the issuance of a tax-exempt multifamily housing revenue bond under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the acquisition and construction of a senior rental housing development for the benefit of St. Anne's Assisted Living Limited Partnership, or an affiliate.**

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

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

Whereas, representatives of St. Anne's Assisted Living Limited Partnership, a Minnesota limited partnership whose general partner is St. Anne's Community Development Corporation, or an affiliated entity (the "Developer"), has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of a tax-exempt senior housing revenue bond in the amount of approximately \$5,800,000 (the "Bond") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction by the Developer of a 66-unit senior rental housing development consisting of one four-story building to be located at the 2300 block of West Broadway Avenue in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bond after at least 15 days published notice thereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bond, and the Bond shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the City, nor shall the Bond be payable out of any funds or properties other than those provided as security therefor;

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

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bond pursuant to the Program in a principal amount of approximately \$5,800,000 is preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of Bond shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bond.

Be It Further Resolved that the staff of the Minneapolis Community Development Agency is hereby authorized, in cooperation with bond counsel to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev** – Your Committee, having under consideration the transition of the Minneapolis Community Development Agency (MCDA) into the City Community Planning and Economic Development (CPED) Department, now recommends approval of the Interim Guide to Process: Approval Authority for CPED Actions (Petn No 269279 on file in the Office of the City Clerk) as a guide to assist staff in requesting actions of the City Council and the MCDA Board. Appropriate staff is authorized to make future changes to said guide that are consistent with applicable ordinances, policies and City Council direction.

Adopted 12/29/03.

Absent - Schiff.

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

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the availability of Hennepin County Environmental Response grant funds to be used for assessment and clean up of contaminated sites with an emphasis on affordable housing projects, now recommends that the City request funding in the amount of \$30,000 for the Zinsmaster Apartments located at 2900 and 2916 Park Av S; and that this matter be forwarded to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the Village at St. Anthony Falls Project, now recommends approval of the recommendation of the Executive Director of the Community Planning & Economic Development (CPED) Department to refinance the Tax Increment Notes for Block 2 and Block 3 of said project by passage of the accompanying resolutions:

a) Authorizing the issuance of \$8,000,000 in Tax-Exempt Tax Increment Revenue Refunding Bonds and \$4,400,000 in Taxable Tax Increment Revenue Refunding Notes for said project; and

b) Amending the 2004 General Appropriation Resolution by increasing the appropriation and revenue budget for the St. Anthony Debt Service Fund (DDT) by \$12,400,000.

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

Adopted 12/29/03.

Absent - Schiff.

Resolutions 2003R-622 and 2003R-623 authorizing the issuance of \$8,000,000 in Tax-Exempt Tax Increment Revenue Refunding Bonds and \$4,400,000 in Taxable Tax Increment Revenue Refunding Notes for the Village at St. Anthony Falls Project and amending the 2004 General Appropriation Resolution by increasing the appropriation and revenue budget for the St. Anthony Debt Service Fund, were passed 12/29/03 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 resolutions.

**RESOLUTION 2003R-622**  
**By Goodman and Johnson**

**Relating to the tax increment financing of public improvements related to the Village at St. Anthony Falls multifamily housing development located in the East Hennepin & University Tax Increment Financing District; authorizing the issuance of Tax Increment Revenue Refunding Bonds (Village at St. Anthony Falls Project), Series 2004, and Taxable Tax Increment Revenue Refunding Notes (Village at St. Anthony Falls Project), Series 2004; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligation.**

Resolved by The City Council of The City Of Minneapolis:

Section 1. Background

1.01. The Minneapolis Community Development Agency (the "Agency") and the City of Minneapolis (the "City") established the East Hennepin & University Tax Increment Financing District (the "TIF District") pursuant to authority granted by Minnesota Statutes, Sections 469.174-469.179, as amended (the "Tax Increment Act"), within the East Hennepin & University Redevelopment Project Area (the "Redevelopment Project"), and adopted a tax increment financing plan for the purpose of financing certain improvements within the TIF District. In order to provide for the redevelopment of the Redevelopment Project and the TIF District and, specifically, to provide for the redevelopment of a three-block site located in the TIF District on the east bank of the Mississippi River at the intersection of Hennepin Avenue East and University Avenue East, referred to generally as the Village at St. Anthony Falls Project (the "Project"), the Agency entered into a Contract for Private Redevelopment, dated July 18, 2000, as amended (the "Contract"), between the Agency and Fire Barn Associates, LLC and its assignees (collectively, the "Redeveloper"). The Project is comprised, in part, of forty-eight (48) market-rate townhouses located on the block designated as Block 2 (the "Block 2 Improvements") and one hundred and twenty-one (121) market-rate lofts and brownstone units located on the block designated as Block 3 (the "Block 3 Improvements").

1.02. Pursuant to Section 469.178 of the Tax Increment Act, the Agency is authorized to issue and sell its bonds or notes for the purpose of financing public development costs in a redevelopment projects and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations.

1.03. On October 27, 2000, the Board of Commissioners of the Agency adopted Resolution No. 2000-2336M of the Agency (the "Note Resolution"), which provided for the issuance and sale of its tax increment revenue notes. Pursuant to the terms of the Note Resolution, the Agency issued its Block 2 Taxable Tax Increment Revenue Note (The Village at St. Anthony Falls Project),

Series 2001 (the "Block 2 Note"), in the principal amount of \$2,737,000, dated as of March 20, 2001, payable solely from a portion of the proceeds of the Block 2 Note and from tax increment revenues generated from Block 2. Pursuant to the terms of the Note Resolution, the Agency issued its Block 3 Taxable Tax Increment Revenue Notes (The Village at St. Anthony Falls Project), Series 2001 (the "Block 3 Note"), in the original stated principal amount of \$8,786,000, but initially funded in the amount of \$6,739,000, and later funded in the amount of an additional \$630,000 for a total funded amount of \$7,369,000. The Block 3 Notes are payable solely from a portion of the proceeds of the Block 3 Notes and from tax increment revenues generated from Block 3. The Block 2 Note and the Block 3 Notes are hereinafter referred to collectively as the "Series 2001 Notes."

1.04. Pursuant to the terms of the Contract, the Agency agreed to refund the Series 2001 Notes with tax-exempt tax increment revenue bonds when the conditions set forth in the Contract for the issuance of such revenue bonds have been satisfied. Such conditions have been satisfied for the Block 2 Note and a portion of the Block 3 Note.

Section 2. Issuance Of The Bonds And The Notes

2.01. In order to refund the outstanding principal amount of the Block 2 Note and the Block 3 Notes, there is hereby authorized to be issued by the City the Bonds and the Notes, as hereinafter defined.

2.02. In order to refund the outstanding principal amount of the Block 2 Note and a portion of the Block 3 Note, the City Council hereby authorizes the issuance of tax increment revenue bonds to be designated as the "Tax Increment Revenue Refunding Bonds (Village at St. Anthony Project), Series 2004 (the "Bonds"), in a principal amount not to exceed \$8,000,000. The Bonds shall be issued on such date and upon the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Bonds are authorized to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Bonds is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Bonds to the underwriter hereinafter selected by the Finance Officer to purchase the Bonds (the "Underwriter") upon the offer of the Underwriter to purchase the Bonds in accordance with the terms of a Bond Purchase Agreement between the City and the Underwriter (the "Bond Purchase Agreement").

2.03. There have been presented to the City Council forms of the following documents: (i) an Indenture of Trust (the "Indenture"), between the City and a financial institution selected by the Finance Officer to act as trustee with respect to the Bonds (the "Trustee"); (ii) a Pledge Agreement (the "Pledge Agreement"), between the City and the Trustee; and (iii) the Bond Purchase Agreement. The Indenture, the Pledge Agreement, and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

2.04. The Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The forms of the Bonds included in the Indenture are approved in substantially the forms in the Indenture, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Bonds to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Bonds,

and to approve other changes to the other terms of the Bonds which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Bonds shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Bonds in accordance with the authority granted by this resolution. The proceeds derived from the sale of the Bonds, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.05. The Bonds shall be secured by the terms of the Indenture and the Pledge Agreement and shall be payable solely from Available Tax Increments (as defined in the Pledge Agreement) that are expressly pledged to the payment of the Bonds pursuant to the terms of the Indenture and the Pledge Agreement.

2.06. In order to refund the outstanding principal amount of the portion of the Block 3 Note not refunded with the Bonds, the City Council hereby authorizes the issuance of tax increment revenue notes to be designated as the "Taxable Tax Increment Revenue Refunding Notes (Village at St. Anthony Project), Series 2004 (the "Notes")", in a principal amount not to exceed \$4,400,000. The Notes shall be issued on such date and upon the terms and conditions determined by the Finance Officer. The Notes may be designated such other name or names as determined to be appropriate by the Finance Officer. The Notes shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Notes shall be issued as obligations the interest on which is includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Notes is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Notes with the assistance of a placement agent hereinafter selected by the Finance Officer (the "Placement Agent"). The City shall sell the Notes to the purchasers to whom the Placement Agent has placed the Notes (the "Purchasers") in accordance with the terms of a Private Placement Agreement between the City and the Purchasers (the "Private Placement Agreement").

2.07. There have been presented to the City Council forms of the following documents: (i) the form of the Notes; (ii) the Guaranty Agreement (the "Guaranty") executed by the guarantor or guarantors approved by the Finance Officer (the "Guarantor"); and (iii) the Private Placement Agreement. The form of the Notes, the Guaranty, and the Private Placement Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

2.08. The Notes shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the form of the Notes and in the Private Placement Agreement. The form of the Notes is hereby approved, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Notes to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Notes, and to approve other changes to the other terms of the Notes which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Notes shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Notes in accordance with the authority granted by this resolution. The proceeds derived from the sale of the Notes, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.09. The Notes shall be secured by the terms of the Notes, the Assessment Agreement, the Guaranty, and the Pledge Agreement and shall be payable solely from Available Tax Increments (as

defined in the Pledge Agreement) that are expressly pledged to the payment of the Notes pursuant to the terms of the Notes and the Pledge Agreement, or from payments made by the Guarantor pursuant to the terms of the Guaranty.

2.10. It is hereby found, determined and declared that the issuance and sale of the Bonds and the Notes, the execution and delivery by the City of the Indenture, the Pledge Agreement, the Bond Purchase Agreement, the Private Placement Agreement, and the Assessment Agreement (the "City Documents"), and the performance of all covenants and agreements of the City contained in the City Documents, and of all other acts required under the Constitution and laws of the State of Minnesota to make the Bonds and the Notes the valid and binding special obligations of the City enforceable in accordance with their respective terms, are authorized by applicable Minnesota law, including, without limitation, the Tax Increment Act and this Resolution.

2.11. Under the provisions of the Tax Increment Act, and as provided in the Indenture and under the terms of the Bonds and the Notes, the Bonds and the Notes are not to be payable from or chargeable against any funds other than the revenues and assets pledged to the payment thereof; the City shall not be subject to any liability thereon other than from such revenues and assets pledged thereto; no holder of any Bonds or Notes shall ever have the right to compel any exercise by the City of its taxing powers (other than as contemplated by the pledge of tax increment revenues under the terms of the Pledge Agreement) to pay the principal of, premium, if any, and interest on the Bonds or Notes, or to enforce payment thereof against any property of the City other than the property expressly pledged thereto; the Bonds and the Notes shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than the revenues or assets expressly pledged thereto; the Bonds and the Notes shall recite that the Bonds and the Notes are issued without a pledge of the general or moral obligation of the City, and that the Bonds and the Notes, including interest thereon, are payable solely from the revenues and assets pledged to the payment thereof; and the Bonds and the Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

### Section 3. Disclosure Documents And Closing Certificates

3.01. The preparation of an Official Statement (or other form of disclosure document) in conjunction with the offer and sale of the Bonds is hereby authorized. When approved by the Finance Officer of the City, the Official Statement (or other form of disclosure document) is authorized to be distributed in conjunction with the offer and sale of the Bonds. In order to provide for continuing disclosure with respect to the Bonds, to the extent deemed necessary, required, or appropriate by the Finance Officer, the Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Bonds.

3.02. The preparation of an Official Statement (or other form of disclosure document) in conjunction with the offer and sale of the Notes is hereby authorized. When approved by the Finance Officer of the City, the Official Statement (or other form of disclosure document) is authorized to be distributed in conjunction with the offer and sale of the Notes. In order to provide for continuing disclosure with respect to the Notes, to the extent deemed necessary, required, or appropriate by the Finance Officer, the Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Notes.

3.03. The Finance Officer is authorized to furnish to the purchasers of the Bonds and the Notes, on the date of issuance and sale of the Bonds and the Notes, a certificate that, to the best of the knowledge of such officer, each Official Statement (or other form of disclosure document) does not, as of the date of closing, and did not, as the time of sale of the Bonds or the Notes, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Bonds or the Notes, the proceedings for approval of the Bonds or the Notes, tax increment revenues generated or collected for payment of the Bonds or the Notes, revenues pledged for payment of the Bonds or the Notes, or the organization of the City, or incumbency of its officers, at the respective closings, the Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds and the Notes, and the

signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the Notes and the tax-exempt status of interest on the Bonds.

3.04. The City Clerk, the Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Bonds and the Notes, on behalf of the purchasers of the Bonds and the Notes, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Bonds and the Notes, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Purchasers, the Guarantor, the Trustee, or other persons or entities in conjunction with the issuance of the Bonds and the Notes and the expenditure of the proceeds of the Bonds and the Notes. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Bonds, a receipt for the proceeds derived from the sale of the Notes, an order to the Trustee, a general certificate of the City, and, with respect to the Bonds, an Information Return for Tax-Exempt Governmental Obligations, Form 8038-G (Rev. November 2000).

3.05. The City Clerk is hereby authorized and directed to certify a copy of this resolution and cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the county auditor under Minnesota Statutes, Section 475.63, and to obtain the certificate of the Director of Property Taxation as the registration of the Bonds and the Notes. Copies of this resolution shall also be delivered to the Finance Officer of the City.

#### Section 4. Miscellaneous

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

4.02. Nothing in this resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Indenture, the Bonds, the Notes, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

4.03. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

4.04. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "private activity bonds", within the meaning of Section 141 of the

Internal Revenue Code of 1986, as amended (the "Code"). The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "arbitrage bonds", within the meaning of Section 148 of the Code. Furthermore, the City shall take all such actions as may be required under the Code to ensure that interest on the Bonds is not and does not become includable in gross income for federal income tax purposes.

4.05. The authority to approve, execute and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated hereby is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds or the Notes or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Bonds or the Notes; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel or other counsel retained by the City to review such amendments; and (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Bonds, if the Bonds are then tax-exempt obligations, and (f) such amendments do not materially prejudice the interests of the owners of the Bonds or the Notes. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.

4.06. Effective Date. This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION 2003R-623**  
**By Goodman and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

- a) Increasing the revenue budget for Fund DDT (St. Anthony Debt Service) by \$8,000,000 (3910-01 Proceeds of Bonds) and by \$4,400,000 (3911-01 Proceeds of Notes); and
- b) Increasing the appropriation for Fund DDT (St. Anthony Debt Service) by \$12,400,000.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration a proposal that the City partner with the Minneapolis Consortium of Community Developers (MCCD) on the Small Business Loan Program and the New Markets Tax Credit Program, now recommends concurrence with the recommendation of the Director of the Community Planning and Economic Development (CPED) Department to:

- a) Authorize an allocation of \$125,000 CPED Micro Loan Program Funds to MCCD to extend the City's current partnership on small business loan programs through 2004;
- b) Reconfirm the action of April 23, 2003 directing the CPED Director to enter into an agreement with MCCD to facilitate in 2004 the allocation of New Market Tax Credits financing to eligible projects in Minneapolis.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the recommendation of the Director of the Community Planning & Economic Development (CPED) Department to expand the availability of the Common Bond Fund to manufacturing companies throughout Hennepin County (previously only available to companies in Minneapolis), now recommends passage of the accompanying resolution:

- a) Authorizing the execution and delivery of a Joint Powers Agreement between the City, Hennepin County and the Hennepin County Housing and Redevelopment Authority expanding the availability of the Common Bond Fund; and
- b) Authorizing the execution and delivery of the Moral Obligation Agreement between the City and Hennepin County to define the reimbursement to the City for any losses caused by borrowers under the Joint Powers Agreement.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-624, authorizing the execution and delivery of a Joint Powers Agreement between the City, Hennepin County and the Hennepin County Housing and Redevelopment Authority expanding the availability of the Common Bond Fund and authorizing the execution and delivery of the Moral Obligation Agreement between the City and Hennepin County to define the reimbursement to the City for any losses caused by borrowers under the Joint Powers Agreement, was passed 12/29/03 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-624**  
**By Goodman and Johnson**

**Approving the execution and delivery of a Moral Obligation Agreement with Hennepin County and a Joint Powers Agreement with Hennepin County and the Hennepin County Housing and Redevelopment Authority relating to the Common Bond Fund Program.**

Whereas, pursuant to the authority of 2003 Minnesota Laws, Chapter 127, Article 12, Sections 31-34, and as contemplated by Chapter 415 of the Minneapolis Code of Ordinances, and pursuant to an Assignment and Assumption Agreement, dated as of January 1, 2004, between the City and the Minneapolis Community Development Agency (the "Assignment and Assumption Agreement"), the Agency will assign to the City and the City will accept and assume, the assets, rights and obligations of the Agency related to the Common Bond Fund Program; and

Whereas, pursuant to a Joint Powers Agreement between the City, Hennepin County and the Hennepin County Housing and Redevelopment Authority (the "Joint Powers Agreement"), the City will derive the authority to issue Common Fund Bonds (as defined in the Assignment and Assumption Agreement) throughout Hennepin County; and

Whereas, pursuant to a Moral Obligation Agreement between the City and Hennepin County (the "Moral Obligation Agreement"), the County is expected (subject to budgetary appropriation) to reimburse the City for losses caused by borrowers on Common Fund Bonds issued pursuant to the Joint Powers Agreement;

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

That the City approves the Moral Obligation Agreement and Joint Powers Agreement in substantially the form on file with CPED staff on the date of adoption hereof.

That the Mayor, Finance Officer and City Clerk (or their deputies) are hereby authorized to execute and deliver the Moral Obligation Agreement and Joint Powers Agreement, in substantially the form on file with CPED staff on the date hereof, but with any changes therein as are acceptable to the Finance Officer, conclusively evidenced by the execution and delivery thereof.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the transition of the Minneapolis Community Development Agency (MCDA) into the City Community Planning and Economic Development (CPED) Department, now recommends passage of the accompanying resolution transferring certain money, investments, personal property, assets, programs, projects, districts and obligations of the MCDA to the City.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-625, transferring certain money, investments, personal property, assets, programs, projects, districts and obligations of the Minneapolis Community Development Agency to the City, was passed 12/29/03 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-625  
By Goodman and Johnson**

**Transferring Money, Investments, Personal Property, Assets, Programs, Projects, Districts and Obligations of the Minneapolis Community Development Agency to the City of Minneapolis.**

Whereas, the City Council, exercising powers granted by Minnesota Laws 2003, Chapter 127, Article 12, Sections 31 – 34, adopted Chapter 415, Minneapolis Code of Ordinances, establishing the Department of Community Planning and Economic Development (“CPED”) and authorizing transfers to the City of the money, real property, investments, personal property, assets, programs, projects, districts, developments and obligations of the Minneapolis Community Development Agency (“MCDA”); and

Whereas, the City Council has determined that it is in the best interests of the City and the MCDA to hereby transfer the money, investments, personal property, programs, projects, districts and obligations described below; and

Whereas, the City Council has decided to delay the transfer of most MCDA-owned real estate and developments until certain City real estate policies and procedures have been revised; and

Whereas, the City Council has adopted or will adopt separate resolutions pertaining to the transfer of the MCDA’s Common Bond Fund and its Single Family Bond Program;

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

1. The City Council transfers, assigns and conveys all money and receivables of the MCDA to the City, except as follows:

Legacy Fund/SPHO

2. The City Council transfers, assigns and conveys all investments of the MCDA to the City, except as follows:

Legacy Fund Investments—to be restructured before transfer

Common Bond Fund Investments—transferred by separate resolution

3. The City Council transfers, assigns and conveys all personal property and non-real estate assets of the MCDA to the City.

4. The City Council transfers, assigns and conveys all contracts and obligations, including bonds, notes and other debt obligations, of the MCDA to the City, except those contracts and obligations pertaining to the programs and activities described below:

Common Bond Fund Program—transferred by separate resolution

Single Family Bond Program—transferred by separate resolution

Bank Qualified Bank Direct Revenue Bond Program—will not be transferred

Redevelopment and Other Agreements Regarding MCDA-Owned Real Estate—will not be transferred until the real estate is transferred.

Those contracts and obligations that by law or agreement cannot be transferred without notice, consent or other prerequisites shall transfer when such prerequisites have been satisfied. CPED staff shall endeavor to promptly provide the necessary notices and obtain the requisite consents.

5. The City Council transfers, assigns and conveys all programs, projects and districts, including tax increment financing districts, of the MCDA to the City, except as follows:

Common Bond Fund Program—transferred by separate resolution

Bank Qualified Bank Direct Revenue Bond Program—will not be transferred

6. The City accepts and assumes the contractual obligations of the MCDA with respect to the transferred money, investments, personal property, assets, programs, projects, districts and obligations of the MCDA. The City further agrees to be bound by the actions or approvals of the MCDA Board of Commissioners taken prior to January 1, 2004, but for which contracts are pending. The pledge of the full faith and credit of the MCDA to any bonds, notes or other debt obligations of the MCDA that are transferred to the City shall not be secured by the full faith and credit or taxing power of the City, but only by the assets pledged by the MCDA.

7. The Mayor, the Finance Officer and the City Clerk (or their designees) are hereby authorized and directed to sign and deliver such documents and agreements as may be required to accomplish the foregoing transfers, assignments and conveyances, including without limitation an assignment and assumption agreement and a bill of sale in substantially the forms currently on file with CPED.

8. With respect to transferred loans, the City Council hereby authorizes the City's Finance Officer (or his designees) to periodically execute and deliver loan subordinations and mortgage satisfactions in accordance with existing CPED policies. With respect to transferred redevelopment agreements pertaining to closed conveyances, the CPED Director or Deputy Director are hereby authorized to execute and deliver completion certificates in accordance with existing CPED policies.

9. The effective date of the transfers authorized by this resolution shall be January 1, 2004.

10. CPED staff shall prepare to transfer MCDA-owned real estate to the City by approximately April 2004 or upon earlier adoption of various City policies and procedures pertaining to real estate acquisition and disposition.

11. The City shall provide financial support to the MCDA with respect to any existing assets and obligations retained by the MCDA.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the transition of the Minneapolis Community Development Agency (MCDA) into the City Community Planning and Economic Development (CPED) Department, now recommends concurrence with the recommendation of the Director of CPED for passage of the accompanying resolution approving the execution and delivery of an Assignment and Assumption Agreement with the MCDA relating to the transitioning to the City of Minneapolis the Minneapolis Common Bond Fund Program and related matters; and further authorization for a six-month extension of the bond counsel contract for the Common Bond Fund and authorization for the continued use of the procedures of a Joint Cooperation Agreement dated October 30, 1996 among Hennepin County, the Minneapolis City Assessor and the MCDA regarding taxes on publicly owned land.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-626, approving the execution and delivery of an Assignment and Assumption Agreement with the Minneapolis Community Development Agency (MCDA) relating to the Common Bond Fund Program, was passed 12/29/03 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-626**  
**By Goodman and Johnson**

**Approving the execution and delivery of an Assignment and Assumption Agreement with the Minneapolis Community Development Agency relating to the Common Bond Fund Program.**

Whereas, the Minneapolis Community Development Agency (the "Agency") has adopted Resolution No. 82-512, as amended and Resolution No. 92-815M, as amended (collectively, the "Basic Resolutions") in order to provide for the issuance of "Common Fund Bonds" as defined in the Basic Resolutions; and

Whereas, the Agency has adopted Resolution No. 92-814M, as amended (the "IDB Account Resolution"), in order to provide security for the Common Fund Bonds; and

Whereas, pursuant to the Basic Resolutions, the Agency has issued several series of Common Fund Bonds pursuant to various resolutions entitled "Supplemental Bond Resolution and Indenture," relating to the specific series of Common Fund Bonds (the "Supplemental Bond Resolutions"); and

Whereas, pursuant to the authority of 2003 Minnesota Laws, Chapter 127, Article 12, Sections 31-34, and as contemplated by Chapter 415 of the Minneapolis Code of Ordinances, and pursuant to an Assignment and Assumption Agreement, dated as of January 1, 2004, between the City and the Agency (the "Assignment and Assumption Agreement"), the Agency will assign to the City and the City will accept and assume, the assets, rights and obligations of the Agency related to the Basic Resolutions, IDB Account Resolution and Supplemental Bond Resolutions; and

Whereas, the execution and delivery of the Assignment and Assumption Agreement is permitted by Section 310 of the Basic Resolutions, and will not materially adversely affect the interests of the holders of the Common Fund Bonds;

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

That the City approves the Assignment and Assumption Agreement in substantially the form on file with the Agency on the date of adoption hereof.

That the Mayor, Finance Officer and City Clerk (or their deputies) are hereby authorized to execute and deliver the Assignment and Assumption Agreement, and any further documents and instruments as may be required to further evidence the assignment and assumption provided for therein, including but not limited to any required amendment to the Reimbursement Agreement (as defined in the Basic Resolutions) acceptable to the Finance Officer.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration funding recommendations for the Affordable Housing Trust Fund Program, now recommends approval of the following loans for three projects totaling \$1,013,000 from the Affordable Housing Trust Fund Program and a grant in the amount of \$60,000 from the Non-Profit Development Assistance Fund:

- Up to \$188,000 for Cecil Newman Plaza by Legacy Management & Development and Northside Residents Redevelopment Council;

- Up to \$325,000 for Hawthorne Apartments by Plymouth Church Neighborhood Foundation and up to \$30,000 of Non-Profit Admin funds; and.

- Up to \$500,000 for Paige Hall by Central Community Housing Trust up to \$30,000 in Non-Profit Admin funds.

Adopted 12/29/03.

Absent - Schiff.

**Comm Dev & W&M/Budget** – Your Committee recommends approval of the Limited Equity Cooperative Pilot and Affordable Housing Trust Fund (AHTF) Seed Money program guidelines and criteria as described in Petn No 269281 on file in the Office of the City Clerk.

Adopted 12/29/03.

Absent - Schiff.

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

**H&HS** - Your Committee recommends passage of the accompanying Resolution approving City Council appointments/reappointments to the Minneapolis Civil Rights Commission.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-627, approving City Council appointments/reappointments to the Minneapolis

Civil Rights Commission, was passed 12/29/03 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-627**  
**By Johnson Lee**

**Approving City Council appointments/reappointments to the Minneapolis Civil Rights Commission.**

Whereas, the Health & Human Services Committee held a public hearing, pursuant to Council Rule 19, to consider four City Council appointments to the Civil Rights Commission;

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

That the following persons be appointed/reappointed to serve on the Civil Rights Commission:

**Appointment**

Sunny Sinh Chanthanouvong, 503 Irving Av N (Ward 5);

**Reappointments**

Andrew Hauer, 19 S 1st St (Ward 7);

Susan Howitz-Hanna, 2015 19th Av NE (Ward 1);

Charlene McAdory, 417 Oliver Av N (Ward 5).

Adopted 12/29/03.

Absent - Schiff.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a contract with the State of Minnesota, through its Department of Health, in the amount of \$2,000, for laboratory director and clinical consulting services during the period January 1, 2004 through December 31, 2005.

Adopted 12/29/03.

Absent - Schiff.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to amend Contract #18948 with the State of Minnesota, Office of Justice Programs, to extend the performance period through June 30, 2004 for the Northside Weed & Seed Initiative to complete its federal 2003 Weed & Seed strategies. No additional funds will be provided by the State, and all Northside Weed & Seed efforts will conclude as of the amended termination date.

Adopted 12/29/03.

Absent - Schiff.

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute a contract with Cindy Kallstrom, in the amount of \$65,000, to provide health education consultation services to the Department of Health & Family Support during the period January 1 through December 31, 2004. Said contract shall be payable not to exceed \$58,000 from General Funds and the balance from State and Federal grants.

Adopted 12/29/03.

Absent - Schiff.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Sustainable Resource Center, in the amount of \$275,397,

for the provision of lead outreach, community-based blood lead testing, and home lead assessment

services during the period December 1, 2003 through September 30, 2005, payable from a two-year federal grant. Said contract may be renewable for up to two additional years based on performance and continued funding.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends that the Department of Health & Family Support be authorized to hire a 1.0 Full-Time Equivalent (FTE) Family Support Specialist II position utilizing State Local Public Health Grant funds, to provide coordination of community initiatives, including youth development, family and community violence and health disparities using a community engagement approach. Applicants shall be informed that continuation of the position is contingent upon receipt of grant funds.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to receive \$2,250 in Boston Scientific Foundation funds from the American Indian Family Center to provide culturally specific health education for clients of the Twin Cities Healthy Start Project in the areas of prenatal care and parenting education. Further, passage of the accompanying Resolution appropriating \$2,250 to Health & Family Support.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-628, appropriating \$2,250 to the Department of Health & Family Support for culturally specific health education for clients of the Twin Cities Healthy Start Project, was passed 12/29/03 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-628**  
**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 (060-860-8624) by \$2,250 and increasing the Revenue Source (060-860-8624 - Source 3720) by \$2,250.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution transferring \$40,232 of 2003 Phillips Weed & Seed Law Enforcement funds from the Department of Health & Family Support to the Police Department's Third Precinct for law enforcement strategies implemented within the Phillips Weed & Seed Zone through October 31, 2004.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-629, transferring \$40,232 of 2003 Phillips Weed & Seed funds to the Police Department's Third Precinct for law enforcement strategies implemented within the Phillips Weed & Seed Zone through October 31, 2004, was passed 12/29/03 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-629**  
**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 as follows:

- a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$40,232; and
- b. by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$40,232.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to amend Contract #18947 with the State of Minnesota, Office of Justice Programs, to extend the time of performance through October 31, 2004 for the Phillips Weed & Seed Initiative to complete its federal 2003 Weed & Seed strategies, and adding \$75,000 for a new grant total of \$350,000. Further, passage of the accompanying Resolution appropriating \$75,000 to Health & Family Support.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-630, appropriating \$75,000 to the Department of Health & Family Support for the Phillips Weed & Seed Initiative, was passed 12/29/03 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-630**  
**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 - Federal Fund (030-860-8606) by \$75,000 and increasing the Revenue Source (030-860-8606 - Source 3210) by \$75,000.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Minnesota Department of Health to receive \$68,618 over a two-year period (January 1, 2004 through December 31, 2005) to allow the Twin Cities Healthy Start Project to train partner agencies on maternal alcohol use and prenatal alcohol exposure prevention, and to recruit program participants to serve as mentors to other recovering pregnant and parenting alcoholics. Further, passage of the accompanying Resolution appropriating \$68,618 to Health & Family Support.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-631, appropriating \$68,618 to the Department of Health & Family Support for the

Twin Cities Healthy Project for a Maternal Alcohol Use and Prenatal Alcohol Exposure Prevention Initiative and to recruit program participants to serve as mentors to other recovering pregnant and parenting alcoholics, was passed 12/29/03 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-631**  
**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 (060-860-8624) by \$68,618 and increasing the Revenue Source (060-860-8624 - Source 3215) by \$68,618.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$14,347 in State funds from the Nokomis Healthy Seniors to provide taxpayer assistance to low income and disadvantaged residents through the Senior Ombudsman and Skyway Senior Center Offices through the purchase of computers and software for filing taxes electronically, and for training and program marketing to be completed no later than September 1, 2004. Further, passage of the accompanying Resolution appropriating \$14,347 to Health & Family Support.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-632, appropriating \$14,347 to the Department of Health & Family Support for taxpayer assistance to low income and disadvantaged residents through the purchase of computers and software for filing taxes electronically and training and program marketing, was passed 12/29/03 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-632**  
**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 (060-860-8607) by \$14,347 and increasing the Revenue Source (060-860-8607 - Source 3215) by \$14,347.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution transferring \$50,400 from the Minneapolis Community Development Agency/Community Planning & Economic Development (MCDA/CPED) to the Civil Rights Department for reimbursement for professional services and contract monitoring provided by the Department of Civil Rights for the Heritage Park Project during the period January 1, 2003 through December 31, 2003.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-633, transferring \$50,400 from MCDA/CPED to the Civil Rights Department for

reimbursement for professional services and contract monitoring for the Heritage Park Project during 2003, was passed 12/29/03 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-633**  
**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 as follows:

- a. decreasing the appropriation for the MCDA/CPED Agency (340-GEN0-3475-5070-19) by \$50,400; and
- b. increasing the appropriation for the Civil Rights Agency in the General Fund (010-300-3010-5070-19) by \$50,400.

Adopted 12/29/03.

Absent - Schiff.

**H&HS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution appropriating \$39,996 to the Civil Rights Department for reimbursement for professional services and contract monitoring provided by the Department of Civil Rights for the New Central Library Project during the period January 1, 2003 through December 31, 2003.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-634, appropriating \$39,996 to the Civil Rights Department for professional services and contract monitoring for the New Central Library Project during 2003, was passed 12/29/03 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-634**  
**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 Civil Rights Agency in the General Fund (010-300-3010-5070-19) by \$39,996.

Adopted 12/29/03.

Absent - Schiff.

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

**IGR** - Your Committee recommends passage of the accompanying resolution approving the adoption of a policy on a new ballpark stadium.

Benson moved to substitute a new resolution for the above-described resolution. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/29/03.

Yeas, 11; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Schiff.

Resolution 2003R-635, approving the adoption of a policy on a new ballpark, was passed 12/29/03 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-635**

**By Ostrow, Johnson, Lane, Samuels, Johnson Lee**

**Approving the adoption of a policy on a new ballpark.**

Whereas, the City of Minneapolis, home to the Minnesota Twins, Minnesota Vikings, the Minnesota Lynx and the Minnesota Timberwolves, has an interest in ongoing discussions among state and local leaders about professional sports facilities; and

Whereas, in 2002, the Minneapolis City Council developed a policy for considering proposals for new sports facilities which ensures that the city's infrastructure investments are fully maximized and protects the city's investment in professional sports; and

Whereas, in November the Governor created a Stadium Commission to address the stadium needs for professional baseball and football in Minnesota; and

Whereas, the City of Minneapolis recognizes the necessity of leveraging private investment in a new ballpark; and that the increasing pressure to "do more with less" hinders the City's ability to finance new sports facilities or rehabilitate existing facilities or sites; and

Whereas, the City of Minneapolis recognizes that a new ballpark is a benefit to the entire state; and

Whereas, the City of Minneapolis has a site that requires minimal public investment and infrastructure improvement and is close to the center of the metropolitan area fan base; and

Whereas, the City of Minneapolis recognizes the complex financial environment and the need to use scarce public dollars efficiently and effectively;

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

That the ballpark solutions must:

- be built to leverage existing public infrastructure investments;
- be supported by and contribute to transit and transportation corridors;
- maximize the use of willing sellers of assembled sites as well as those existing as related development and;
- address potential neighborhood impacts productively.

Be It Further Resolved that the ballpark location must be in an area that makes the most sense for the team to remain competitive in the long run and that the team must agree to remain in the facility for at least the duration of the financing agreement.

Be It Further Resolved that the City of Minneapolis believes that the Minneapolis Warehouse District Ballpark site is the sole site in the metropolitan region that meets the needs of the state, region, fans, team and taxpayers for baseball and is therefore the best possible location for a ballpark.

Be It Further Resolved that staff is authorized to prepare that portion of a proposal concerning the Minneapolis Warehouse District Ballpark site which addresses site selection and site issues and to submit said proposal to the Governor's Screening Committee.

Be It Further Resolved that the City Council believes that refurbishment of the Metrodome meets the standards set above, would retain the Viking's status as a competitive football franchise, and staff is authorized to submit this refurbishment proposal to the Governor's Screening Committee.

Be It Further Resolved that if the Warehouse District Site is selected as the ballpark site, the City and Hennepin County will promptly confirm the feasibility of the ballpark design and the transit capacity within the adjacent corridor.

Adopted 12/29/03. Yeas, 11; Nays, 1 as follows:

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

Nays - Zerby.

Absent - Schiff.

**IGR** - Your Committee recommends that the Train to Work/Health Careers Institute 2004 Capital Budget Request for \$3 million be included in the City's State Bonding Program, which will enable a move from its current location in a medical office building to the Sears building (Chicago Ave and Lake St).

Adopted 12/29/03.

Absent - Schiff.

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

**PS&RS** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to reappoint Rocco Forté to serve as the Fire Chief for a two-year term to expire January 2, 2006, and having held a public hearing thereon, now recommends approval of said reappointment.

Adopted 12/29/03.

Absent - Schiff.

(Republished January 24, 2004)

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, allowing the City the option of rehabilitating a nuisance property, provided the estimated cost may not exceed 50% of the estimated after-rehabilitation market value; and allowing the imposition of a performance bond as a condition to rehabilitate a nuisance property, now recommends that said ordinance be given its second reading for amendment and passage.

Goodman moved to refer the report to the Community Development Committee. Seconded.

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration the application of Minneapolis 0052 LLC, dba The Lodge Bar, 15 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership) to expire October 1, 2004, now recommends that said license be sent forward without recommendation.

Niziolek moved to amend the report by deleting the language, "sent forward without recommendation" and inserting in lieu thereof, "granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/29/03.

Declining to vote - Benson.

Absent - Schiff.

**PS&RS** - Your Committee, to whom was referred back on November 21, 2003 the application of Samarani Inc, dba, Rogers Market, 2007 Glenwood Av, for a Provisional Off-Sale Beer License (new business) to expire April 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/29/03.

Declining to vote - Benson.

Absent - Schiff.

**PS&RS** - Your Committee, to whom was referred back on November 21, 2003 the application of Dens-Light Inc, dba Big Stop, 1800 26th Av N, for a Provisional Off-Sale Beer License (new business) to expire July 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/29/03.

Declining to vote - Benson.

Absent - Schiff.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Jordan Stop, 640 E Lake St, for Tobacco, Confectionery and Gasoline Filling Station Licenses, subject to conditions.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-636, granting the application of Jordan Stop, 640 E Lake St, for Tobacco, Confectionery and Gasoline Filling Station Licenses, was passed 12/29/03 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-636**

**By Niziolek**

**Granting the application of Jordan Stop, 640 E Lake St, for Tobacco, Confectionery and Gasoline Filling Station Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Alrakabi Mohammed S, dba Jordan Stop, 640 E Lake St, for Tobacco, Confectionery and Gasoline Filling Station Licenses (new proprietor) to expire September 1, 2004, subject to the following conditions:

a. the licensee agrees to comply with approved Site Plan PR-343 on or before April 1, 2004 or file a new Site Plan Review by such date.

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

Adopted 12/29/03.

Absent - Schiff.

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

Adopted 12/29/03.

Declining to vote - Benson.

Absent - Schiff.

Resolution 2003R-637, granting Liquor, Wine and Beer licenses, was passed 12/29/03 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-637**

**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2004**

Machu Picchu Inc, dba Machu Picchu Inc, 2940 Lyndale Av S (new business; change from On-Sale Wine Class D with Strong Beer);

**Temporary On-Sale Liquor**

Carleton College, dba Carleton College, 801 Meadley Ct, Northfield (December 4, 2003, 10:00 p.m. to Midnight at Borders Books, 600 Hennepin Av; Licensed Facilitator: Le Meriden Hotel);

**Off-Sale Beer, to expire April 1, 2004**

Khalife G Khalife, dba Grand Market, 4601 Grand Av S (new proprietor);

Medhat Gad, dba London Grocery, 4653 Chicago Av (new business).

Adopted 12/29/03.

Declining to vote - Benson.

Absent - Schiff.

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

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-638, granting applications for various Business licenses, was passed 12/29/03 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-638**

**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 December 29, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269290):

Car Wash; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Lodging House; Motor Vehicle Dealer Additional Lot; Motor Vehicle Repair Garage; Towing Class A; Towing Class B; Towing Class C; Towing Class D; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 12/29/03.

Absent - Schiff.

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

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-639, granting applications for various Gambling licenses, was passed 12/29/03 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-639**  
**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**

East Side Neighborhood Service Inc, dba East Side Neighborhood Services, 1700 2nd St NE (Site: Gabby's Saloon, 1900 Marshall St NE);

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

**Gambling Lawful Exempt**

Carondelet Catholic School, dba Carondelet Catholic School, 3210 W 51st St (Raffle January 10, 2004 at St. Thomas the Apostle, 2900 W 44th St);

Minneapolis Ski Club Inc, dba Minneapolis Ski Club Inc, PO Box 390034, Edina (Raffle January 31, 2004 at International Market Square, 275 Market St);

Down Syndrome Association of Minnesota, dba Down Syndrome Association of Minnesota, 668 Transfer Rd, St. Paul (Raffle June 13, 2004 at 800 Columbia Blvd);

Achieve!Minneapolis, dba Achieve!Minneapolis, 111 3rd Av S Suite 120 (Raffle February 12, 2004 at Barton School, 4237 Colfax Av S);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Raffle and pulltabs February 24, 2004 at 1630 4th St NE).

Adopted 12/29/03.

Absent - Schiff.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving appointments to the Truth in Sale of Housing Board of Appeals.

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-640, approving appointments to the Truth in Sale of Housing Board of Appeals, was passed 12/29/03 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-640**  
**By Niziolek**

**Approving appointments to the Truth in Sale of Housing Board of Appeals.**

Resolved by The City Council of The City of Minneapolis:

That the following persons be appointed/reappointed to serve on the Truth in Sale of Housing Board of Appeals for two-year terms to expire December 31, 2005:

**Appointments**

Peter Dean, 3240 Columbus Av S (Ward 8), representing the American Society of Housing Inspectors;

Felix Montez, 3623 Lyndale Av N (Ward 3), representing the general public;

Eric Otterness, 548 Otis Av, St. Paul, representing the financial industry;

Neil Saltzman, 4205 Raleigh Av S, representing the Minnesota Society of Housing Inspectors;

**Reappointments**

Desmond Whitney, 2709 Drew Av S (Ward 7), as a member of the general public;

Bobbi White, 4626 Stevens Av S (Ward 11), representing the real estate industry;

Marty Schirber, 3323 Arthur St NE (Ward 1), representing the construction industry.

Be It Further Resolved that the residency requirement be waived for Neil Saltzman and Eric Otterness, pursuant to Chapter 14, Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Adopted 12/29/03.

Absent - Schiff.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the Fire Department be authorized to carry over \$132,385 remaining in the 2003 budget (010-280-2820) to the 2004 budget to cover the cost of fire training props ordered in 2003 that will not be delivered and installed until 2004. Further, passage of the accompanying Resolution appropriating \$132,385 to the Fire Department.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION 2003R-641**

**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by increasing the appropriation for the Fire Department Agency in the General Fund (010-280-2820) by \$132,385.

Adopted 12/29/03.

Absent - Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a federal grant award of \$49,578 and execute a grant agreement with Pillsbury United Communities to provide overtime funds or other police services as deemed necessary to fulfill the goals of the Richard Green Central Weed and Seed Steering Committee and its Auto Theft Prevention grant during the period January 1, 2004 through June 30, 2005. Further, passage of the accompanying Resolution appropriating \$49,578 to the Police Department.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION 2003R-642**

**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$49,578 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$49,578.

Adopted 12/29/03.

Absent - Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$178,082 and execute a grant agreement with the Commissioner of Public Safety, Office of Justice Programs, to continue funding El Proyecto, a partnership between the Police Department and the Latino community in the Fifth Precinct to reduce and prevent crime through community policing methods and to create a safe and harmonious Latino environment in the Fifth Precinct during the period January 1, 2004 through December 31, 2005. Further, passage of the accompanying Resolution appropriating \$178,082 to the Police Department.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION 2003R-643**  
**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P500) by \$178,082 and increasing the Revenue Source (030-400-P500 - Source 3210) by \$178,082.

Adopted 12/29/03.

Absent - Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a contract with Hennepin County for the Police Department to continue to provide Detox Van services in Minneapolis during 2004 and 2005. Hennepin County shall make payment of \$170,000 for 2004, with the payment for 2005 to be determined at a future date.

Adopted 12/29/03.

Absent - Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends that report passed August 8, 2003 relating to the Police Department's participation in the Minnesota Financial Crimes Task Force be amended to change the grant award amount from \$205,000 to \$408,000 for two officers, instead of one, to serve on the Task Force, and that the contracting agency be changed from the Anoka County Attorney's Office to the Minnesota Financial Crimes Task Force. Further, passage of the accompanying Resolution amending Resolution 2003R-372 to change the amount from \$205,000 to \$408,000.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION 2003R-644**  
**By Niziolek and Johnson**

**Amending Resolution 2003R-372 entitled "Amending The 2003 General Appropriation Resolution", passed August 8, 2003.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by changing the figure \$205,000 to \$408,000 wherever it appears in the appropriation Resolution.

Adopted 12/29/03.

Absent - Schiff.

**PS&RS & W&M/Budget** - Your Committee recommends that report passed October 10, 2003 relating to a grant from Ventura Village for the Franklin Avenue Safety Center be amended to change the grant award amount from \$10,000 to \$50,000 to fund the salary and benefit costs of the Crime Prevention Specialist assigned to the Franklin Safety Center, and that the proper City Officers be authorized to execute one five-year contract instead of completing separate contracts. Further, passage of the accompanying Resolution amending Resolution 2003R-488 to change the amount from \$10,000 to \$50,000.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION 2003R-645**  
**By Niziolek and Johnson**

**Amending Resolution 2003R-488 entitled "Amending The 2003 General Appropriation Resolution", passed October 10, 2003.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by changing the figure \$10,000 to \$50,000 wherever it appears in the appropriation Resolution.

Adopted 12/29/03.

Absent - Schiff.

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

**T&PW** - Your Committee, having under consideration the sale of former Fire Station No. 13 at 4201 Cedar Avenue South, and having conducted a public hearing thereon, now recommends:

a) That the former Fire Station No. 13 for \$536,000 be sold to the highest bidders, Steven and Shelley Holzemer, according to the terms listed in OP #6171;

b) That the proper City officers be authorized to execute a Quit Claim Deed to convey the property to the buyers. Further, authorize the Director of Property Services to sign any other necessary documents to facilitate the sale of this property;

c) That the proper City officers be authorized to the sale the property for \$355,000 to the next highest bidder, Hagen, Christensen & McIlwain Architects, if the above buyer is not able to purchase the property; and

d) That the proceeds from the sale of said property be used to reimburse Public Works - Property Services Division for associated property services expenses of selling the property, with the remaining balance deposited into the Land Sales Fund (4100-923-9247).

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW** - Your Committee recommends concurrence with the nomination of the Mayor and approval by the Executive Committee of the reappointment of Klara A. Fabry for the position of City Engineer, for a two-year term to expire January 1, 2006.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute the first amendment to Lease Contract No. 6282 with Hennepin County for space in the Government Center, for the City's Business Information Services (BIS) staff. The new annual rent payment of \$62,302, a savings of \$139,314 per year over the previous rent.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW** - Your Committee, having under consideration the Downtown Circulator Management Committee, now recommends that Richard Evidon be appointed as the Downtown resident member and Charlie Ferrell be appointed as the Downtown business member to said committee.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW** - Your Committee, having received recommendations from the Downtown Traffic Management Organization (TMO) regarding the membership and composition of their Executive Committee, now recommends passage of the accompanying resolution modifying the TMO Executive Committee.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

Resolution 2003R-646, modifying the Transportation Management Organization (TMO) Executive Committee, was passed 12/29/03 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-646**

**By Colvin Roy**

**Modifying the Transportation Management Organization (TMO) Executive Committee.**

Resolved by The City Council of The City of Minneapolis:

That the number of Executive Committee members be modified from 16 to 19 per their bylaw change.

Be It Further Resolved that the sector classes that make up the TMO Executive Committee (total of 19 members) be modified by adding the Office Property Owners and Office Tenant Representative sectors. These two new committee members will serve terms expiring on June 8, 2004 to keep all appointed members on the same cycle.

Be It Further Resolved that Kevin Fossum, of Equity Office Properties Trust be appointed to represent the Office Property Owners sector as recommended by the TMO Executive Committee, for a term to expire on June 8, 2004.

Be It Further Resolved that James Vos of CRESA Partners be appointed to represent the Office Tenant Representative sector as recommended by the TMO Executive Committee, for a term to expire on June 8, 2004.

Be It Further Resolved that Nick Pearce, of Target Corporation be appointed to represent the retail sector as recommended by the TMO Executive Committee, to replace Robb Gruman.

Be It Further Resolved that Robb Gruman be redesignated as a citizen representative.

Be It Further Resolved that Pat Scott be designated as a citizen representative.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute a new lease agreement with Aggregate Industries for barge mooring on City-owned property at 2710 Pacific Street North. The annual rent of \$6,000 will be deposited into the PW - General Services - Capital Agency (4100-923-9247).

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW** - Your Committee recommends that the proper City officers be authorized to obtain proposals for engineering and testing services for the City-owned parking ramps, as part of a comprehensive annual parking ramp certification and inspection program.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

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

**T&PW & W&M/Budget** - Your Committee recommends proper City officers be authorized to begin a Request For Proposals (RFP) for engineering consulting services to perform an assessment of the risk and alternative for chemical disinfectant used at the Fridley Filtration Plant, funds payable from the existing project budget.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

Approved by Mayor Rybak 12/30/03.

(Published 12/31/03)

**T&PW & W&M/Budget** - Your Committee, having under consideration the Residential Parking Program Parking Study at NE Whittier/Tri-Institutional area, now recommends:

a) That Public Works will use the \$1,500 (Ward 6 allotment) from the 2003 Residential Parking Program for said study.

b) Accept funding to complete the parking study from the following:

1. Minneapolis Institute of Arts, \$5,000;
2. Children's Theatre Company, \$5,000;
3. Minneapolis College of Art and Design, \$5,000; and
4. Whittier Neighborhood, \$3,500.

c) Passage of Resolution increasing the 2003 appropriation for the PW - Transportation Capital Agency by \$18,500.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**RESOLUTION 2003R-647**  
**By Colvin Roy and Johnson**

**Amending The 2003 Capital Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Project Fund (7500-943-9464) by \$18,500, and increasing the revenue source (7500-943-9464 - Source 3755) by \$18,500 for the Residential Parking Program Parking Study.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW & W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Public Works Director that water revenue funding (capital budget) in the amount of \$700,000 be reallocated from the canceled centrifuge replacement project to baffle wall installation in the 45 million gallon finished water reservoir at the Columbia Heights water facility.

Your Committee further recommends passage of the accompanying resolution reallocating said funds within the 2003 capital budget.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**RESOLUTION 2003R-648**  
**By Colvin Roy and 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) Decreasing the appropriation for the PW - Water Capital Agency in the Water Revenue Fund for the centrifuge replacement project (7400-950-9515-C5201010) by \$1,000,000; and
- b) Increasing the appropriation for the PW - Water Capital Agency in the Water Revenue Fund for the baffle wall project at the Columbia Heights water facility (7400-950-9515-B5398043) by \$700,000.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW & W&M/Budget** - Your Committee, having under consideration the MnDOT Cooperative Agreement, regarding the frontage road along TH55 in Heritage Park, now recommends approval of the following:

- a) That the proper City officers be authorized to apply for a \$234,000 grant from the Minnesota Department of Transportation Cooperative Agreement Program, to close the south frontage road adjacent to Olson Memorial Highway between approximately 450 feet west of Girard Terrace and Bryant Avenue North;
- b) That upon receiving the grant, the City will complete the project;
- c) That the proper City officers be authorized to execute and enter into an agreement with the State of Minnesota for the use of the grant funds; and
- d) Passage of a Resolution increasing the appropriation for the Heritage Park infrastructure work (4100-970-9719) and increase the Heritage Park revenue (4100-970-9719 - Source 3215) by the amount of the grant.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**RESOLUTION 2003R-649**  
**By Colvin Roy and 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 by increasing the appropriation for the Capital Improvements - Non Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$234,000 and increasing the revenue source (4100-970-9719 - Source 3215) by \$234,000 for the Heritage Park infrastructure work.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to extend the existing contract with B.F.I. Waste System, Inc. of the Twin Cities, for 4 months to process and market recyclables collected in the City's recycling program.

Adopted 12/29/03.

Absent - Zimmermann, Schiff.

**T&PW & W&M/Budget** - Your Committee, having under consideration a report regarding the Minneapolis parking system and requesting approval to hire additional personnel, now recommends:

**T&PW** - Approval to hire two Parking Engineers and one Parking System Analyst.

**W&M/Budget** - a) Approval to hire two Parking Engineers and one Management Analyst; and

b) Passage of the accompanying resolution increasing the 2004 revenue/expense budget for the Public Works - Administration Agency to reflect the addition of the Management Analyst position to be funded through the General Fund.

Colvin Roy moved to amend the report to approve the recommendation of the Ways & Means/Budget Committee and to delete the recommendation of the Transportation and Public Works Committee. Seconded.

Adopted by unanimous vote.

The report, as amended, was adopted 12/29/03.

Yeas, 10; Nays, 1 as follows:

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

Nays - Niziolek.

Absent - Zimmermann, Schiff.

**RESOLUTION 2003R-650**  
**By Colvin Roy and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

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

a) Increasing the appropriation in the PW - Management Services Operating Budget in the General Fund (0100-650-6510-4000) by \$58,818 and \$18,652 (7800) for one Public Works Management Analyst position to be reimbursed by PW - Administration overhead charges (0100-650-6510-3385); and

b) Increase the Public Works Management Services Division authorized staffing level by one full-time Equivalent (FTE) Management Analyst position.

Adopted 12/29/03.

Yeas, 10; Nays, 1 as follows:

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

Nays - Niziolek.

Absent - Zimmermann, Schiff.

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

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the Mayor and Executive Committee for the reappointment of John Moir as City Coordinator for a two-year term to expire on January 2, 2006.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the Mayor and Executive Committee for the reappointment of Jay Heffern as City Attorney for a two-year term to expire on January 2, 2006.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the City Attorney for the placement of certain attorneys and law firms on the City's Legal Services Panel (as included in Petn No 269300 on file in the Office of the City Clerk) and that the City Attorney be authorized to negotiate and enter into "Master Agreements" for the period of January 1, 2004 through December 31, 2006, with the cost for each agreement not to exceed \$300,000 for the three-year period. It is further recommended that the request for proposals process be waived for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

Adopted 12/29/03.

Absent - Schiff.

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

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-651, approving legal settlements with Mousa Camara, Justin Zeise and Darryl Gearld, was passed 12/29/2003 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-651**  
**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) Mousa Camara by payment of \$11,000 to Mr. Camara and his attorney, Ray Peterson;
- b) Justin Zeise by payment of \$7,000 to Mr. Zeise and his attorney Albert Goins;
- c) Darryl Gearld by payment of \$25,000 to Mr. Gearld and his attorneys Dennis Atchison, Malone & Atchison, and Paul Thompson, Woods & Thompson.

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 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order #2 to the City's contract with Knutson Construction Services, Inc, increasing the contract by \$317,208, for a new total of \$4,509,208, for additional project work.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the New Central Library Project Implementation Committee that the construction management contract with Mortenson/Thor be amended by increasing the contract by an amount not to exceed \$1,192,578, for a new contract total of \$5,892,088, to provide for an increase in the project scope and the addition of certain positions.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee, having under consideration the recommendation of the Finance Officer regarding property insurance for the Minneapolis Convention Center, Talmedge Building and parking facility based on a review of options for property insurance for said facilities for coverage as of January 1, 2004, now recommends acceptance of the Zurich Insurance quote of \$318,430 plus the Minneapolis Surcharge and that staff lock in the binder for the 2004 property coverage and reject the quote for additional terrorism coverage.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving the terms of a 24-month labor agreement with Teamsters, Local #320 (911 Supervisors Unit).

Adopted 12/29/03.

Absent - Schiff.

Resolution 2003R-652, approving the terms of a 24-month labor agreement with Teamsters, Local #320 (911 Supervisors Unit), was passed 12/29/2003 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-652**  
**By Johnson**

**Approving the terms of a collective bargaining agreement with Teamsters, Local #320 (911 Supervisors Unit) and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and Teamsters, Local #320 (911 Supervisors Unit) (Petn No 269305), be approved.

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

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee, having under consideration the City's policy regarding relocation benefits for newly appointed employees, now recommends that said policy be amended to allow expense reimbursement up to \$10,000 for positions appointed by Charter Department Heads and for positions having limited qualified applicants, to conform with the amount currently allowed for Charter Department Heads.

Adopted 12/29/03. Yeas, 11; Nays, 1 as follows:

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

Nays - Goodman.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with Deloitte and Touche LLC to study options to cost effectively update the City's telephone system, in an amount not to exceed \$50,000 payable from the existing Business Information Services (BIS) Department budget.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends that the City's contract with Metro Communications Services, Inc. (Contract #C-179802) for voice and data cabling parts and installation be increased by \$180,000 and extended through January 31, 2004, to allow for the continuance of services while a new contract is being prepared.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract jointly with DSI Technology Escrow Services, Inc. and Accela, Inc. to provide escrow services for Accela software (KIVA system) source codes for the lifetime of the software to ensure the City's ability to continue to use the software.

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends that the Chief Information Officer be authorized to hire three Full-Time Equivalent (FTE) positions to complete Business Information Services Department projects for City departments using capital funding that has been authorized for said projects (6400-880-8870).

Adopted 12/29/03.

Absent - Schiff.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolutions:

a) Requiring all major publications produced by City departments (with the exception of the Mayor and City Council Offices) to be approved by the Communications Department; and

b) Stating that departments will not contribute funds to individual annual reports and will instead participate in a citywide annual report.

Adopted 12/29/03.

Absent - Schiff.

Resolutions 2003R-653 and 2003R-654, requiring all major publications produced by City departments (with the exception of the Mayor and City Council Offices) to be approved by the Communications Department and stating that departments will participate in a citywide annual report, were passed 12/29/03 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 resolutions.

### **RESOLUTION 2003R-653**

**By Johnson**

#### **Publication Policy to coordinate the production of published materials**

Whereas, the City produces thousands of publications, including, but not limited to brochures, newsletters, annual reports, pamphlets, posters, and mailers each year; and

Whereas, the City spends hundreds of thousands of dollars on these publications each year; and

Whereas, coordinating the production of publications will result in more consistent visual and verbal messages, and more effective and accurate communication with residents; and

Whereas, coordinating the production of publications will result in publications consistently edited for content, grammar and spelling errors; and

Whereas, coordinating the production of publications will allow staff to create a tracking system, eliminating duplicate publications and saving money; and

Whereas, coordinating the production of publications will help the City use the Web site and media coverage in conjunction with publications to more effectively reach target audiences; and

Whereas, coordinating the production of publications will allow staff to evaluate publications before they are created and eliminate unnecessary publications before they are produced, saving all City departments time and money; and

Whereas, coordinating the production of publications will allow staff with writing, editing and design expertise to create publications, allowing other staff to focus on their area of expertise instead of producing publications;

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

That effective January 3, 2004, all major publications produced by City of Minneapolis departments or City of Minneapolis staff (with the exception of publications originated by council or mayoral offices) must be reviewed by the City's Communications Department.

Major publications include:

Reports (*Communications approves reports distributed to more than 250 people*)

Newsletters (*Communications approves all newsletter from departments*)

Utility billing inserts (*Communications reviews all utility billing insert before Council approval*)

Brochures (*Communications approves all brochures*)

Pamphlets (*Communications approves all pamphlets*)

Posters (*Communications approves all posters*)

Letters, postcards and other mailers that get essential information to residents (*Communications approves letters, postcards and other mailers distributed to more than 200 people at a time*)

Be It Further Resolved that if a City department plans to print and distribute additional copies of an existing publication that falls into the above criteria, the publication must be approved by the Communications Department.

Be It Further Resolved that City departments wishing to create a new publication will work with the Communications Department on an effective communications strategy.

Adopted 12/29/03.

Absent - Schiff.

#### RESOLUTION 2003R-654

By Johnson

#### Relating to the Production of City Department Annual Reports.

Whereas, in any given year, the City of Minneapolis produces up to 10 departmental annual reports; and

Whereas, producing each of these annual reports costs up to \$15,000, along with costly hours of employee time; and

Whereas, producing a citywide annual report, instead of individual departmental reports, will save the City thousands of dollars;

Whereas, producing a citywide annual report will present the City of Minneapolis as a unified, multifaceted organization;

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

That effective January 3, 2004, City of Minneapolis departments will not produce annual reports.

Be It Further Resolved that City of Minneapolis departments will not contribute funds to individual annual reports.

Be It Further Resolved that effective January 3, 2004 all City of Minneapolis departments will contribute content to a citywide annual report.

Be It Further Resolved that the City of Minneapolis Communications Department will oversee the production of this report and will maintain editorial control of the report.

Adopted 12/29/03.

Absent - Schiff.

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

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of City-County Federal Credit Union (BZZ-1459) to rezone the property at 907-13 E Franklin Ave from C1 to the C2 District to permit a financial institution with drive-through service, and adopting the related findings prepared by the Planning Department.

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

Adopted 12/29/03.

Absent - Schiff.

Ordinance 2003-Or-148, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 907-13 E Franklin Ave to the C2 District, was passed 12/29/03 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-148**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/29/03**

**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 Lots 3, 4, 5, Block 3, Herrick's Addition to Minneapolis (907-13 E Franklin Ave - Plate 20) to the C2 District.

Adopted 12/29/03.

Absent - Schiff.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Northside Residents Redevelopment Council (BZZ-1445) to rezone the property at 1254 Russell Ave N from R2B to the R4 District to permit a four-unit condominium development, and adopting the related findings prepared by the Planning Department.

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

Adopted 12/29/03.

Absent - Schiff.

Ordinance 2003-Or-149, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1254 Russell Ave N to the R4 District, was passed 12/29/03 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-149**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/29/03**

**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 32, Block 2, except the South 21 feet thereof, and Lot 33, Block 2, Homewood Addition, Minneapolis, MN (1254 Russell Ave N - Plate 12) to the R4 District.

Adopted 12/29/03.

Absent - Schiff.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Northside Residents Redevelopment Council (BZZ-1446) to rezone the property at 2309 Plymouth Ave N from R1 to the R4 District to permit a four-unit condominium development, and adopting the related findings prepared by the Planning Department.

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

Adopted 12/29/03.

Absent - Schiff.

Ordinance 2003-Or-150, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2309 Plymouth Ave N to the R4 District, was passed 12/29/03 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-150**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/29/03**

**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 Lots 1 and 2 of Homewood Addition, Minneapolis, MN, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said county (2309 Plymouth Ave N - Plate 12) to the R4 District.

Adopted 12/29/03.

Absent - Schiff.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Silver Bullet Design and Build (BZZ-1499) to rezone the property at 2613 - 1<sup>st</sup> Ave S by adding the Transitional Parking Overlay District to the existing R2B District to permit a surface parking lot, and adopting the related findings prepared by the Planning Department.

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

Adopted 12/29/03.

Absent - Schiff.

Ordinance 2003-Or-151, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2613-1<sup>st</sup> Ave S by adding the Transitional Parking Overlay District to the existing R2B District, was passed 12/29/03 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-151**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/29/03**

**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 the South half of Lot 8, Block 3, Corson's Addition to Minneapolis, according to the recorded plat thereof and situate in Hennepin County, MN (2613 - 1<sup>st</sup> Ave S - Plate 20) by adding the Transitional Parking Overlay District to the existing R2B District.

Adopted 12/29/03.

Absent - Schiff.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Project for Pride in Living (BZZ-1451) to rezone the property at 4515 - 5<sup>th</sup> Ave S from R1A to the R2B District to permit a duplex, and adopting the related findings prepared by the Planning Department.

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

Adopted 12/29/03.

Absent - Schiff.

Ordinance 2003-Or-152, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4515-5<sup>th</sup> Ave S to the R2B District, was passed 12/29/03 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-152**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/29/03**

**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 27, Block 8, F A Savages Portland Avenue Addition to Minneapolis (4515 - 5<sup>th</sup> Ave S - Plate 31) to the R2B District.

Adopted 12/29/03.

Absent - Schiff.

**Z&P** - Your Committee recommends approval of the following appointments and reappointments to the Minneapolis Arts Commission, for two-year terms of office, which expire January 31, 2006:

**Mayoral Appointments**

- a) Andrea Jenkins, 3940 Park Ave S, Minneapolis (Ward 8) (new artist appointment);
- b) Jane Gregerson, 2200 W 49<sup>th</sup> St, Minneapolis (Ward 13) (lay person reappointment);
- c) Randy Hartten, 1700 Oliver Ave S, Minneapolis (Ward 7) (administrative or board member reappointment);
- d) Jessica Kohen, 4040 - 27<sup>th</sup> Ave S, Minneapolis (Ward 9) (lay person reappointment);

**City Council Appointments**

- e) Ben Haywood, 1337 Monroe St NE, Minneapolis (Ward 1) (new administrative or board member appointment);
- f) Connie Beckers, 3243 Girard Ave N, Minneapolis (Ward 4) (new artist reappointment);
- g) Kathleen Welch, 4125 - 23<sup>rd</sup> Ave S, Minneapolis (Ward 9) (artist reappointment);
- h) Deborah Jindra, 420 Newton Ave S, Minneapolis (Ward 7) (lay person reappointment);
- i) Mick Spence, 5003 - 1<sup>st</sup> Ave S, Minneapolis (Ward 11) (lay person reappointment).

Colvin Roy moved to divide the report so as to consider separately that portion relating to the Mayoral appointments, and to postpone the City Council appointments. Seconded.

Lost. Yeas, 3; Nays, 8 as follows:

Yeas - Colvin Roy, Niziolek, Goodman.

Nays - Zimmermann, Zerby, Lilligren, Johnson Lee, Benson, Samuels, Johnson, Ostrow.

Absent - Schiff, Lane.

The report was adopted 12/29/03. Yeas, 10; Nays, 1 as follows:

Yeas - Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Johnson, Ostrow.

Nays - Colvin Roy.

Absent - Schiff, Lane.

**MOTIONS**

Johnson Lee moved to approve the Youth Coordinating Board (YCB) request that City of Minneapolis, as a Participating Party to the Joint Powers Agreement, provide staff to supervise the YCB's Way to Grow Program and to authorize the Commissioner of Health, or the Commissioner's designee, to supervise this program. Seconded.

Johnson moved a substitute motion that the above subject matter be referred to the Health & Human Services Committee. Seconded.

Adopted upon a voice vote.

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January 2004 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 12/29/03.

Absent - Schiff.

**RESOLUTION**

Colvin Roy, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson and Lane offered a Resolution honoring Brian J. Lokkesmoe for his service to the City of Minneapolis during his career with the Department of Public Works.

Adopted 12/29/03.

Absent - Schiff.

(Not published. See Resolution 2003R-655 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2003R-655**

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

**Honoring Brian J. Lokkesmoe for his service to the City of Minneapolis during his career with the Department of Public Works.**

Whereas, Brian Lokkesmoe has devoted 33 years to serving the citizens of Minneapolis as an engineer for the Department of Public Works, including 21 years as an appointed Director, and most recently as Deputy Director, Public Works; and

Whereas, Brian Lokkesmoe was involved throughout the life of the 610 mile, \$255 million residential paving program, with responsibilities ranging from paving project engineer to providing oversight and direction of the Capital Improvement Program as a whole; and

Whereas, Brian Lokkesmoe was instrumental in providing leadership for the completion of the \$78 million Combined Sewer Outflow program where some 4,600 acres of sanitary and storm sewer were separated; and

Whereas; Brian Lokkesmoe provided outstanding leadership for the City's snow and ice control program that spanned 23 years, 1,146 inches (or 96 feet) of snowfall, and 64 Snow Emergency declarations; and

Whereas, Brian Lokkesmoe played a major role in the planning, development, and implementation of the extremely complex and unique Heritage Park redevelopment project, providing leadership on every aspect from technical, financial and administrative direction, as well as thoughtful and respectful community relations; and

Whereas, Brian Lokkesmoe has continuously demonstrated vision, ingenuity and creativity in providing solutions to Public Works and City issues; and

Whereas, Brian Lokkesmoe has been active in many professional organizations, most notably the American Public Works Association (APWA), exchanging knowledge, and ably representing

Minneapolis. He was instrumental in the immensely successful 1997 APWA fall Conference in Minneapolis which, because of that success, will return in 2005; and

Whereas, Brian Lokkesmoe's exemplary conduct as a professional engineer and his encyclopedic knowledge of all facets of Public Works have served five mayors, scores of city council members, and hundreds of thousands of citizens well;

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

That Brian J. Lokkesmoe be recognized and commended for the service and leadership he has provided to the citizens of Minneapolis.

Be It Further Resolved that, on behalf of the residents of the City of Minneapolis, we wish Brian Lokkesmoe and his family all the peace, happiness and prosperity the world can offer as he ends his exemplary career with the Department of Public Works.

Adopted 12/29/03.

Absent - Schiff.

### UNFINISHED BUSINESS

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews

**T&PW** - Approved.

**W&M/Budget** - Sent forward without recommendation.

Johnson moved to continue postponement. Seconded.

Adopted by unanimous consent.

Passage of Ordinance amending Title 12, Chapter 244 of Code relating to *Housing: Maintenance Code*, providing a fair fee schedule for Associations; requiring all registered rental(s) within Condominium, Co-operatives, Townhomes and Leasehold Cooperatives to be licensed under single ownership; and providing provisional licensing for single family conversions from homestead to rental. (Postponed 12/15/03, PS&RS)

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, providing a fair fee schedule for Associations by charging for the number of buildings/units within their control; requiring all registered rental/s within Condominium, Co-operatives, Townhomes and Leasehold Cooperatives to be licensed under single ownership; and providing provisional licensing for single family conversions from homestead to rental, now recommends that said ordinance be given its second reading for amendment and passage.

Niziolek moved to consider amendments to the fee schedule for 0 to 5 units, 6 to 15 units, 16 to 50 units and Over 50 units in Section 244.220 separately. Seconded.

Adopted upon a voice vote.

Zimmermann moved to refer amendments to the fee schedule shown in Niziolek's motion back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

The report, with the amended ordinance, was adopted 12/29/03.

Absent - Schiff.

Ordinance 2003-Or-153, amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, providing a fair fee schedule for Associations; requiring all registered rental(s) within Condominium, Co-operatives, Townhomes and Leasehold Cooperatives to be licensed under single ownership; and providing provisional licensing for single family conversions from homestead to rental, was passed 12/29/03 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-153**  
**By Niziolek**  
**Intro & 1st Reading: 11/07/03**  
**Refer to PS&RS**  
**2nd Reading: 12/29/03**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

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

Section 1. That Section 244.200 of the above-entitled ordinance be amended to read as follows:

**244.200. Required.** No person shall occupy; ~~or allow to be occupied or let to another for occupancy~~ any cooperative, ~~or condominium or townhouse~~ building ~~or any rental units within any cooperative or condominium building~~ for which a registration statement has not been properly filed with the director of inspections. The provisions of this article shall not apply to leasehold cooperatives, as defined in Minnesota Statutes, Section 273.124, Subd. 6. The payment of fees set forth in section 244.220 of this chapter shall be a prerequisite to this required registration. Such registration statement shall be made and filed on a form furnished by the director of inspections for such purpose and shall set forth the following information:

- (a) ~~Name, address, phone number and date of birth of the owner of a contact person, a person appointed by the association to be responsible for managing the rental unit or common areas of the building or an agent authorized by the owner or complex of buildings, to accept service of process and to receive and give receipt for notices. In cases where the owner of a dwelling~~ The contact person shall reside outside inside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Leseuer and Goodhue; ~~the owner's agent/contact person shall reside within the sixteen-county metropolitan area;~~ A post office box number or commercial mail service is not acceptable for an address;
- (b) ~~Name, residence address and date of birth of any operator or agent actively managing said building (post office box number is not acceptable for an address);~~
- (b) Name, address, phone number and position of the board members of the association;
- (c) Street address of the building or complex of buildings;
- (d) ~~Number and kind of units within the building or complex of buildings (dwelling units or rooming units);~~
- (d) Address of each building within the complex of buildings and the unit numbers of each unit within the building. For each rental dwelling unit within the building or complex of buildings, identify the rental dwelling by address and unit number, and provide the owner's name and address.
- (e) ~~Name, phone number, address and date of birth of a person authorized to make or order made repairs and/or service to the rental unit or common areas of the building or complex of buildings to provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact a person so authorized. The apartment number of a resident caretaker authorized to provide the required services as set out in this paragraph, or able to contact a person so authorized, may be substituted for the telephone number required herein. The phone number herein required shall be of a phone located so as to be normally answerable twenty-four (24) hours a day, seven (7) days a week, not subject to normal business hours. The foregoing provision need not be complied with if the registrant's name and address, as shown on the registration card, is so listed in the white pages of the Minneapolis or St. Paul directories, and the phone number listed therein is normally answerable twenty-four (24) hours a day, seven (7) days a week, not subject to normal business hours;~~

~~(f)~~(e) The director of inspections shall enclose with the registration billing a ~~certificate of registration~~ new application to be completed by the registrant and returned with the proper registration fees. Upon receipt of the proper registration fee and the completed ~~certificate of application for registration~~, the director of inspections shall mail to the registrant a statement of registration ~~along with the certificate of registration~~ indicating the property is registered and proper payment has been made.

Section 2. That Section 244.220 of the above-entitled ordinance be amended to read as follows:

**244.220. Annual registration; fee; change of status.** All buildings or building complexes required to be registered pursuant to the provisions of this article shall be registered prior to occupancy and thereafter all registrations of such buildings or building complexes shall be renewed annually on or before a date established by the director of inspections.

Upon failure to comply with this provision, the annual renewal registration fee to be paid shall be increased by fifty (50) per cent when more than fifteen (15) calendar days late.

The annual fee for registration of the common areas in a cooperative, ~~or~~ condominium or townhouse building, or complex of buildings under the same association and management, shall be as follows:

0 to 5 units . . .	\$ 20.00
6 to 15 units . . .	35.00
16 to 50 units . . .	50.00
Over 50 units . . . .	100.00

~~The annual fee for registration of rental units within a cooperative or condominium building is twenty-four dollars (\$24.00) for the first dwelling unit and twelve dollars (\$12.00) for each additional dwelling unit under same ownership in the building.~~

No registration shall be assignable. For a change in ownership the contact person, or any change made in the number of units in the building or complex of buildings, then a new registration statement shall be properly made and filed with the director of inspections within ~~twenty (20)~~ fourteen (14) days from the date of such event, in the same manner and form as herein prescribed, ~~and the fee for such new registration or change in presently registered property shall be twenty dollars (\$20.00). Upon failure to comply within twenty (20) days of such event of a new or reregistration of the property, the fee of twenty dollars (\$20.00) shall be increased by fifty (50) per cent and added to the regular registration fees due to be paid.~~

Should the registrant submit a registration fee that is more than the required amount printed on the registration statement; or a fee which includes a late payment penalty amount when such late payment is not required; or should registrant request a second registration statement to replace one which has been lost or misplaced and later submit payments on both the original and replacement statements, then such monies will be accepted by the department. Refund of such payments made in error shall be made upon written request of the registrant within ninety (90) days of the payment of the registration fee. The city finance officer shall refund such overpayment by issuing a check to the registrant for the amount paid in error, upon receipt of a check request approved by the department of inspections. Said request shall contain the name and address of the registrant, the housing registration reference number, and the amount to be refunded.

Section 3. That Section 244.230 of the above-entitled ordinance be amended to read as follows:

**244.230. Posting.** Every registrant of a building or complex of buildings shall post a receipted copy of the current registration containing the information required by section 244.200(a) through (e) when received from the director of inspections. This item shall be conspicuously posted (in a frame with transparent cover) by the registrant in a public corridor, hallway or lobby of the building for which it is issued. If a public corridor, hallway, or lobby does not exist, the association shall provide dwelling unit owners with a copy of the certificate of registration.

Section 4. That Section 244.240 of the above-entitled ordinance be and is hereby repealed.

**244.240. Requirement of notification.** ~~The owner or owners of any building which is required to be registered by this chapter shall, prior to the time of sale of said building, notify the buyer or prospective buyer in writing of any unabated order or violation tags issued by the department of~~

inspections pertaining to said building, as well as the requirement of law that said building, upon acquisition by a new owner, must be registered with the director of inspection within twenty (20) days of acquisition. A copy of the notification shall be mailed to the director of inspections within five (5) days of furnishing the notification to the buyer. If the building is owned by a corporation, the officers of said corporation shall carry out the notification required by this section. If the building is owned by more than one person, or if there is more than one officer, a notification by one of the owners, or by one of the officers, shall satisfy this section.

For the purposes of this section, "time of sale" shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of a building required to be registered.

Section 5. That Section 244.1820 of the above-entitled ordinance be amended to read as follows:

**244.1820. Applicability and exceptions.** (a) The provisions of this article shall apply to all rental dwellings and dwelling units, including rented single-family dwellings and rented dwelling units in owner-occupied dwellings, as well as to rented condominiums, rented townhouses and leasehold cooperative dwelling units, as those terms are defined in Minn. Statute Section 273.124, Subd. 6, Minnesota Statutes, Chapter 515A, Minnesota law and this Code.

(b) The provisions of this article shall not apply to hotels licensed under Chapter 297 of this Code; lodging houses licensed under Chapter 298 of this Code; jails; convents; monasteries; licensed nursing homes; licensed board and care homes; parsonages; parish houses; manses and rectories; hospitals; and owner-occupied dwelling units in a cooperative, ~~or~~ condominium or townhouse building.

Section 6. That Section 244.1830 (a) of the above-entitled ordinance be amended to read as follows:

**244.1830. What the license covers.** (a) One (1) license shall be issued for each building with rental dwelling units and shall be deemed to cover ~~at~~ only such dwelling units under single ownership.

Section 7. That Section 244.1850 of the above-entitled ordinance be amended to read as follows:

**244.1850. Provisional licenses.** The director of inspections may issue a provisional license to the owner of a rental dwelling who has submitted an application and paid the license fee required by this article. A provisional license shall authorize the continued occupancy of rental dwelling units in actual existence on the effective date of this article, pending issuance of a rental dwelling license. A provisional license shall authorize the continued occupancy of dwelling units converted to rental usage after the effective date of this article, which shall be inspected within one (1) year of issuance. Dwelling units constructed ~~or converted to~~ for rental usage after the effective date of this article shall not be eligible for a provisional license, ~~and shall not be occupied for human habitation prior to the issuance of the required license.~~

A provisional license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in section 244.1855 of this article. A provisional license is not a determination that the building complies with the housing maintenance code or the minimum standards set forth in this article.

As a condition of a provisional license or annual renewal of such license, the applicant shall sign a statement affirming that the licensee meets the standards of section 244.1910, subsections (11) through (14).

Adopted 12/29/03.  
Absent - Schiff.

## NEW BUSINESS

Zerby and Niziolek introduced 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 244.1940 to increase restrictions for owners of rental property who repeatedly violate licensing standards).

Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Robert I. Greenberg vs. City of Minneapolis, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall  
Minneapolis, Minnesota  
December 29, 2003 - 11:25 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Samuels, Johnson, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Absent - Colvin Roy, Schiff, Johnson Lee.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Robert I. Greenberg vs. City of Minneapolis, et al.* lawsuit.

Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:26 a.m.

Present - Zimmermann, Zerby, Lilligren, Johnson Lee (In at 11:33), Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Ostrow.

Absent - Colvin Roy, Schiff.

Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Mayor Rybak; John Moir, City Coordinator; Peter Wagenius, Mayor's Office; Lucy Gerold and Scott Gerlicher, Police Department; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's Office.

Peter Ginder summarized the *Robert I. Greenberg vs. City of Minneapolis, et al.* lawsuit from 11:26 a.m. to 11:44 a.m.

Lane moved that the meeting be opened at 11:44 a.m. Seconded.

Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lane moved that the City Council authorize settlement in the amount of \$75,000.00 payable to Robert I. Greenberg and his attorney, Jordan Kushner, in full and final settlement in the matter of *Greenberg vs. the City of Minneapolis, et al.*, Federal District Court No.: 02-1229, and that the City Attorney be authorized to execute any documents necessary to effectuate the settlement and release of claims. This amount is payable from Fund/Org. 6900-150-1500-4000. Seconded.

Adopted 12/29/03.

Declining to vote - Zimmermann.

Absent - Colvin Roy, Schiff.

DECEMBER 29, 2003

---

Lilligren moved to adjourn. Seconded.  
Adopted upon a voice vote.

Adjourned.

Merry Keefe,  
City Clerk.

Unofficial posting: 12/31/2003  
Official posting: 01/06/2004  
Correction: 02/24/2004