

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF OCTOBER 22, 2004

(Published October 30, 2004, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
October 22, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved acceptance of the minutes of the regular meeting held October 8, 2004. 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 (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269944)

Lot Division: Approve division of 1107 33rd Av N and waiver of subdivision requirement.

Graco, Inc.: Amendment to redevelopment contract to amend requirements.

Minneapolis Housing Replacement Tax Increment Financing District II: Addition of seven parcels and deletion of three from district.

Perpetual Affordability Program: Provide funding to City of Lakes Land Trust, Powderhorn Residents Group and Project for Pride in Living.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269945)

Transfer of Minneapolis Community Development Agency (MCDA) Owned Real Estate: Approve transfer to City.

Humboldt Greenway Redevelopment Project: Payment to Hennepin County for land acquisitions.

Environmental Remediation Grants: Submit applications for Metropolitan Council Livable Communities Fund Tax Base Revitalization Account, Minnesota Department of Employment and Economic Development Contamination Cleanup Program, and Hennepin County Environmental Response Fund for designated projects.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269946)

Minneapolis Private Industry/Workforce Council: Waive residency requirement so that Mayor may appoint Susan Meredith, representing public employment service, to Private Industry/Workforce Council.

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

HEALTH AND FAMILY SUPPORT SERVICES (269947)

Public Health Emergency Preparedness: Accept grant award of \$472,581 and execute grant agreement with Minnesota Department of Health to coordinate City's Office of Emergency Preparedness and Hennepin County in implementation and testing of City, County and regional Public Health Emergency Preparedness plans; and Approve appropriation.

INSPECTIONS DEPARTMENT (269948)

Lead Hazard Reduction Grant Activities in Phillips Neighborhoods: Issue Request for Proposals for the following services — lead risk assessment, project design and clearance contractors; lead hazard reduction services; relocation counselor to perform relocation services, lead hazard reduction scheduling, and associated duties.

**INTERGOVERNMENTAL RELATIONS:**

GRANTS AND SPECIAL PROJECTS (269949)

Third Quarter 2004 Report.

ASSOCIATION OF METROPOLITAN MUNICIPALITIES (269950)

Draft Legislative Policies for 2005.

LEAGUE OF MINNESOTA CITIES (269951)

Draft City Policies for 2005.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COUNCIL MEMBER LANE (269952)

City Council Succession Plan: Resolution adopting plan to address leadership contingencies in the event that the Mayor, City Council President & City Council Vice President are all unable to discharge the duties of their elected officers.

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

INSPECTIONS DEPARTMENT (269953)

Chapter 249 Properties: Authorize demolition of the following properties:

3642 6th St N;

913 18 1/2 Av NE;

3548 Chicago Av S.

LICENSES AND CONSUMER SERVICES (269954)

T & T Auto Repair (1235 5th St NE): Grant Provisional Motor Vehicle Repair Garage License, subject to conditions.

101 Blu (3001 Hennepin Av): Approve settlement recommendations relating to Sidewalk Cafe License.

Licenses: Applications.

Lucia's Restaurant (1432 W 31st St): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions (upgrade from wine & strong beer).

REGULATORY SERVICES (269955)

Sewer Availability Charges (SAC) and Fees: Passage of Resolutions Rescinding Resolution 76R-397 entitled "Establishing Sewer Service Availability and Connection Charge to pay reserve capacity costs of Metropolitan Waste Control Commission (formerly Metro Sewer board) as to Construction Commencing on or after January 1, 1977, passed December 10, 1976.

Establishing Sewer Service Availability and Connection Charges to pay Reserve Capacity Costs in accordance with current Metropolitan Council policy.

LEGAL AID SOCIETY OF MINNEAPOLIS (269956)

Rental Dwelling Licenses: Background and Analysis regarding proposed Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Maintenance Code, adding requirements for tenant notification of criteria for and results of screening; limiting application fees; and administrative process and fines; with attachments.

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

INSPECTIONS DEPARTMENT (269957)

Capturing Power from the Sun Grant Project: Accept \$100,000 grant award and execute grant agreement with United States Environmental Protection Agency to install solar power system on Minneapolis Fire Station #6, 121 E 15th St; and Approve appropriation.

POLICE DEPARTMENT (269958)

Training Expenses: Accept \$16,667.92 from Hennepin County to reimburse Police Department for costs incurred for Homeland Security First Responder Training; and approve appropriation.

Joint Terrorism Task Force: Accept up to \$5,920.20 in additional funds from Federal Bureau of Investigation to reimburse Police Department for overtime expenses for up to six officers who participate full-time on Task Force; and Approve appropriation.

PURCHASING (269959)

Bid for Firefighter Turnout Clothing: OP #6323, accept low responsive bid of Municipal Emergency Services to furnish clothing.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (269960)

Minneapolis Street Lighting Policy: Receive and file update.

Quarterly Traffic Zones, Restrictions, and Controls: See Petition No. 269922, dated 10/8/04.

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

PUBLIC WORKS AND ENGINEERING (269961)

Public Sidewalk Repair and Construction: Assessment public hearing, approve amended assessment rolls; comments.

Special Assessment Deferment Application: Approve deferment for water service line repair at a) 2741 - 12th Av S, and b) 4910 - 39th Av S.

New Nicollet Mall Special Service District: Adopt assessment rolls.

Third Precinct Expansion: Change order increasing contract with Stahl Construction Company.

Third Precinct Expansion: Amend contract with RSP Architects.

Hennepin Theater District Streetscape Project: Receive final costs, prepare proposed areaway abandonment and removal assessment, and set public hearing for 11/9/04.

Draft 2030 Metropolitan Council Transportation Policy Plan: Committee comments forwarded to Met Council.

Critical Parking Area: Establish Area 26.

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

PUBLIC WORKS AND ENGINEERING (269962)

New Mech Companies, Inc: Change order expanding services of initial contract.

Metropolitan Radio Board: Accept \$308,000 for purchase of 100 radio units; pass resolution appropriating funds.

Como Av Reconstruction Project: a) approve layout; b) execute cooperative agreement with Burlington Northern; c) authorize negotiations with private property owners to acquire easements;

d) request variance from State Aid for vertical clearance of underpass; e) passage of resolution holding harmless State of Minnesota from actions resulting from variance; map of area.

Railroad Crossing Signals & Gates (33rd St E between 26th Av S & Snelling Av S): Add to five-year Capital Improvement Program as a Municipal State Aid Project; Agreement 80253.

Lyn/Lake Municipal Parking Lots: establish special assessment proceedings and impact fees.

**WAYS AND MEANS BUDGET:**

COORDINATOR (269963)

New Central Library Project: Change Management Actions.

FINANCE DEPARTMENT (269964)

Money Management Firms: Corrected performance data for T. Rose and Associates.

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

CITY CLERK (269964.1)

Receipt of Restorative Justice Funds: Donation from Central City Neighborhoods Partnership.

COMMUNICATIONS (269965)

Utility Bill Insert: Information on 2004-2005 snow season.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269966)

Retirement Incentive Ordinance: Amend ordinance to allow election to direct of City health benefit contribution to health care saving account.

FINANCE DEPARTMENT (269967)

Assessment Bond Amendments: Increase bonding for areaway abandonment and removal costs related to Hennepin Theater District, public improvement costs for Humboldt Greenway Phase II and Heritage Park Phase II, 2003 Parkway Paving Program and Park Board Diseased Tree Removal Program.

Pension Bonds: Request Board of Estimate and Taxation to act as agent in issuing bonds for the Minneapolis Fire Department Relief Association and Minneapolis Police Relief Association.

Financial Services Consulting Services: Execute master contracts with twenty vendors.

FIRE DEPARTMENT (269968)

Retirement Incentive Ordinance: Establishment of retirement incentive program for sworn Fire Department personnel.

HUMAN RESOURCES (269969)

Reclassification of Public Works General Services Position: Approve reclassified title of Director, Equipment Services Division and new salary rates.

POLICE DEPARTMENT (269970)

Retirement Incentive Ordinance: Amend ordinance to allow election to direct of City health benefit contribution to health care saving account and extending contribution period.

REGULATORY SERVICES (269971)

Minneapolis One Stop - General Services: Issue Request for Proposals for implementation consultant services.

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

INSPECTIONS/BOARD OF ADJUSTMENT (269972)

Appeal:

Gary Knox (4624 Upton Ave S).

PLANNING COMMISSION/DEPARTMENT (269973)

Rezoning:

Urban Ventures Leadership Foundation (2901-27 Clinton Ave S & 2900-30 - 4th Ave S).

**MOTIONS (See Rep):**

INSPECTIONS/BOARD OF ADJUSTMENT (269974)  
Appeal:  
August & Patricia Foss (636-22nd Ave NE).

**FILED:**

CITY CLERK/SPECIAL PERMITS (269975)  
1st Av N, 600 (Target Center) Shrine Circus animals.  
COUNCIL MEMBER Zimmermann (269976)  
Public Impound Towing: Comments (See Petition No. 269007, dated 8/22/03)

*The following reports were signed by Mayor Rybak on 10/26/04, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** - Your Committee recommends passage of the accompanying resolution approving the subdivision of the lot at 1107 33rd Av N and waiving the requirement for a subdivision plat; and that the matter be referred to the Minneapolis Community Development Agency (MCDA) Board of Commissioners for further action.

Adopted 10/22/04.

Resolution 2004R-457 approving subdivision of the lot at 1107 33rd Av N and waiving the requirement for a subdivision plan, was passed 10/22/04 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 2004R-457**  
**By Goodman**

**Approving the subdivision of a lot at 1107-33rd Avenue North.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 1107-33rd Street North and legally described as:

*East 1/2 of the West 1/2 of Lots 1 & 2, and the North 1/2 of the East 1/2 of the West 1/2 of Lot 3, Block 8, Silver Lake Addition to Minneapolis.*

be subdivided as follows:

*Parcel A:*

*East 1/2 of the West 1/2 of Lots 1 & 2, Block 8, Silver Lake Addition to Minneapolis.*

*Parcel B:*

*The North 1/2 of the East 1/2 of the West 1/2 of Lot 3, Block 8, Silver Lake Addition to Minneapolis.*

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

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 2, 2004 a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 1:30 p.m., October 12, 2004, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

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

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

Adopted 10/22/04.

**Comm Dev** - Your Committee, having under consideration a request from Graco, Inc. to modify their redevelopment contract to change the requirements for Phase Two, now recommends that the proper City officers be authorized to prepare and enter into an amendment to the *Contract for Private Redevelopment by and between the Minneapolis Community Development Agency and Graco Inc.* based on the terms set forth in Petn No 269944.

Adopted 10/22/04.

**Comm Dev** - Your Committee, having under consideration the recommendation of the Community Planning and Economic Development (CPED) Department regarding the addition and deletion of properties from the Minneapolis Housing Replacement Tax Increment Financing District II, now recommends passage of the accompanying resolution providing for the addition of seven parcels and the deletion of three parcels from said district.

Adopted 10/22/04.

Resolution 2004R-458 providing for the addition and deletion of certain properties from the Minneapolis Housing Replacement Tax Increment Financing District II, was passed 10/22/04 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 2004R-458**  
**By Goodman**

**Adopting the Addition to and Deletion from the Housing Replacement District II of the Below Stated Parcels**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

1.2 By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

1.3 That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

1.4 It has been proposed that the City add seven parcels to the District and delete three parcels from the District.

Section 2. Findings for the Adoption of the Plan

2.1 The Council hereby finds, determines and declares that these seven parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the Agency.

2.2 The Council further finds, determines and declares that the property to be added to and certified within the District includes seven vacant, substandard single-family dwellings located at 2127 Queen Avenue North, 623 24th Avenue North, 3207 Bryant Avenue North, 2649 Humboldt Avenue North, 2517 James Avenue North, 2340 Sheridan Avenue North and 4230 Irving Avenue North.

2.3 The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws.

2.4 The Council further finds, determines and declares that there are now 29 parcels in the Minneapolis Housing Replacement District TIF II with the inclusion of the above named parcels. The maximum number of parcels that can be included in the District is 100 parcels.

Be It Further Resolved:

That the parcels listed above are hereby approved for inclusion as part of the Minneapolis Housing Replacement TIF District II.

Adopted 10/22/04.

**Comm Dev** - Your Committee having under consideration the Perpetual Affordability Program and the results of a request for proposals process to provide total funding in the amount of \$500,000 for housing development projects, now recommends approval to provide funding in the amount of \$215,000 as follows:

- City of Lakes Community Land Trust, \$132,000;
- Powderhorn Residents Group: Village in Phillip Phase I, \$50,000;
- Project for Pride in Living, \$33,000.

It is further recommended that the proper City officers be directed to advertise that the remaining funding of \$285,000 will be offered on a first come, first served basis.

Adopted 10/22/04.

Declining to vote – Niziolek

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

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the transfer of certain real property of the Minneapolis Community Development Agency (MCDA) to the City of Minneapolis, as part of the transition of the MCDA to the Community Planning and Economic Development Department.

Adopted 10/22/04.

Resolution 2004R-459 authorizing the transfer of certain real property of the Minneapolis Community Development Agency to the City of Minneapolis, was passed 10/22/04 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 2004R-459**  
**By Goodman and Johnson**

**Transferring Certain Real Property 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, pursuant to Resolution Nos. 2003R-625 and 2003R-626, both adopted on December 29, 2003, the City Council approved transfer of the money, investments, personal property, programs, projects, districts and obligations of the MCDA described therein, including the assets, rights and obligations of the Common Bond Fund, effective as of January 1, 2004; and

Whereas, the City Council has decided to now transfer most of the MCDA-owned real estate and developments;

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

1. The City Council hereby transfers, assigns and conveys to the City all tracts or parcels of land, estates and interests of the MCDA in the real property described on the attached Exhibit A. Except as described in paragraph 2 below, this resolution is intended to also authorize transfer of all other MCDA interests in real property, including without limitation, easements, leaseholds, contracts for deed, restrictive covenants and similar interests.

2. The City Council intends to withhold from transfer at this time the real property described on Exhibit B. The properties on this list may or may not transfer in the foreseeable future, depending upon satisfaction of transfer prerequisites or other complications.

3. The City accepts and assumes the contractual obligations of the MCDA with respect to the transferred property of the MCDA. The City further accepts and assumes the MCDA's obligations under those certain redevelopment and related agreements concerning Heritage Park, Humboldt Greenway and the Sears site, notwithstanding that the subject properties were not transferred to the City. The City further agrees to be bound by the actions or approvals of the MCDA Board of Commissioners taken prior to the date of this resolution, 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.

4. The Finance Officer and other appropriate City officers 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.

5. The transfers authorized by this resolution shall be effective upon execution and delivery of one or more deeds with respect to the property identified on Exhibit A or other appropriate instrument(s) from the MCDA in favor of the City.

6. The City shall provide financial support to the MCDA with respect to any real property interests retained by the MCDA.

Adopted 10/22/04.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a recommendation to authorize acquisition of property owned by Hennepin County in connection with the Humboldt Greenway Redevelopment Project, now recommends:

a) Passage of the accompanying resolution authorizing the Minneapolis Community Development Agency (MCDA) to pay Hennepin County on a deferred basis for its remaining Humboldt Greenway Phase II land (254,764 sq. ft.) and authorize execution of an amendment to the land conveyance agreement and related documents evidencing such deferred acquisition; and

b) Passage of the accompanying resolution increasing the appropriation for the Community Planning and Economic Development (CPED) Department by \$773,845 for deferred payments on said property.

Adopted 10/22/04.

Resolution 2004R-460 authorizing the acquisition of property owned by Hennepin County in connection with the Humboldt Greenway Redevelopment Project, was passed 10/22/04 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 2004R-460**  
**By Goodman and Johnson**

**Authorizing the acquisition of property owned by Hennepin County in connection with the Humboldt Greenway Redevelopment Project on a deferred basis for a total purchase price of \$1,178,943.25.**

Whereas, the Minneapolis Community Development Agency (the "Agency"), a public body corporate and politic, was created pursuant to Laws of Minnesota 1980, Chapter 595, as amended (the "Special Law") and has been authorized to transact business and exercise its powers by the City of Minneapolis (the "City") by Ordinance No. 86-OR-35 adopted on February 28, 1986, as amended (the "Ordinances"); and

Whereas, pursuant to the Special Law and the Ordinances the Agency has certain powers, including without limitation the powers contained in Minnesota Statutes, Sections 469.001 to 469.047 (the "Act"); and

Whereas, in furtherance of the objectives of the Act, the Agency has undertaken a program for the rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the city, and in this connection the Agency is engaged in carrying out a redevelopment project known as the Humboldt Greenway Redevelopment Project (hereinafter referred to as the "Project"); and

Whereas, pursuant to the Act and Minnesota Statutes, Sections 469.174 to 469.179 and Act of May 25, 1999, Ch. 243, art. 10, sec. 3, 1999 Minn. Gen. Laws (the "Tax Increment Act"), the Agency and the City have approved a Redevelopment Plan approved December 18, 1998 for the Project; and

Whereas, pursuant to the Act, and specifically Section 469.012, subd. 1, the Agency is authorized to acquire real property by purchase and to borrow money or other property from state public bodies; and

Whereas, the Agency proposes to enter into an amendment to its redevelopment contract with Humboldt Greenway Development LLC dated February 13, 2001 (the "Developer"), to develop certain real property located in the Project area (the "Redevelopment Contract"), which includes a development plan and commitment by the Developer to develop 65 single-family homes, 19 rowhomes, 24 townhouses and related improvements in the Project area; and

Whereas, to accommodate Developer's proposed development, the Developer has requested and the Agency would like to provide, certain real property in the Project Area, including the properties currently owned by Hennepin County (the "Hennepin County Properties") on a deferred purchase price basis; and

Whereas, the Agency will need to acquire the Hennepin County Properties on a deferred purchase price basis; and

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 Agency; and

Whereas, pursuant to Resolution Nos. 2003R-625 and 2003R-626, both adopted on December 29, 2003, the City Council approved transfer of the money, investments, personal property, programs, projects, districts and obligations of the MCDA described therein, including the assets, rights and obligations of the Common Bond Fund, effective as of January 1, 2004; and

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

1. That the Agency enter into an amendment of its Land Conveyance Agreement with Hennepin County dated February 1, 2001 as amended March 21, 2003 to allow for the Agency to pay the purchase price of the Hennepin County Properties, up to \$1,178,943.25 either contractually or through a Note mechanism.

2. Additionally, until such time as Hennepin County is paid in full, the Agency may pay to Hennepin County fifty percent (50%) of any interest the Agency receives from the developer pursuant to the "Deferred Purchase Price Note" as described in the Redevelopment Contract.

3. That the acquisition of the Hennepin County Properties on a deferred basis from Hennepin County for a total purchase price of up to \$1,178,943.25 is hereby approved and documentation thereof shall be executed by the Executive Director or the Deputy Executive Director and countersigned by the Finance Officer or Assistant Finance Officer herein.

4. That upon transfer of all the real property in the Redevelopment Project Area to the Developer, the City will accept and assume the contractual obligations of the Agency with respect to the Project, including the Redevelopment Contract, the Deferred Purchase Price Note and Mortgage and any documents with Hennepin County evidencing the foregoing deferred purchase price arrangement for the Hennepin County Properties.

Be It Further Resolved that in making the agreements, provisions, covenants and representations contemplated herein, neither the Agency nor the City has obligated itself to pay or remit any funds or revenues which are to be applied to payment due to Hennepin County, other than the funds and revenues derived from the developer pursuant to the Deferred Purchase Price Note and Redevelopment Contract.

Be It Further Resolved that this resolution shall be in full force and effect after passage and publication.

Adopted 10/22/04.

**RESOLUTION 2004R-461  
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 by increasing the appropriation for the Minneapolis Community Development Agency General fund (Fund GEN) by \$773,845 and increasing the revenue source (3485-01 Sale of Land and Buildings) by \$603,057.

Adopted 10/22/04.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration recommendations from the Department of Community Planning and Economic Development (CPED) for environmental remediation grant applications, now recommends that the proper City officers be authorized to:

a) Apply to the Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program for 45th & Chicago, Hiawatha Commons, Riverview Homes and St. Anthony Mills Apartments;

b) Apply to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for environmental remediation at Hiawatha Commons, Minnesota Innovation Center and Riverview Homes; and

c) Apply to the Hennepin County Environmental Response Fund for 45th & Chicago, Hiawatha Commons, Minnesota Innovation Center, Presidents Row Flats, Ripley Gardens, Riverview Homes and Treant.

Your Committee further recommends passage of the accompanying resolutions authorizing appropriate City staff to execute agreements to implement the Metropolitan Council Livable Communities Tax Base Revitalization Account Grant Program, Minnesota Department of Employment and Economic Development Contamination Clean Up and Investigation Grant Program, and Hennepin County Environmental Response Fund.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

(Published 10/26/04)

Resolutions 2004R-462, 2004R-463 and 2004R-464 authorizing execution of agreements to receive environmental remediation grant funds from the Metropolitan Council, Minnesota Department of Employment and Economic Development and Hennepin County, were passed 10/22/04 by the City Council. A complete copy of each 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 2004R-462**  
**By Goodman and Johnson**

**Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects.**

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: 45<sup>th</sup> & Chicago, Hiawatha Commons, Riverview Homes and St. Anthony Mills apartments; and

Whereas, the City intends to act as the legal sponsor for one or more of the above-referenced projects, which are more completely described in the Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on November 1, 2004; and

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

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

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

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

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

**RESOLUTION 2004R-463**  
**By Goodman and Johnson**

**Authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the contamination clean up applications to be submitted to the Minnesota Department of Employment and Economic Development (DEED) on November 1, 2004: Hiawatha Commons, Minnesota Innovation Center and Riverview Homes; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

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

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Clean Up Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

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

**RESOLUTION 2004R-464**  
**By Goodman and Johnson**

**Authorizing application to the Hennepin County Environmental Response Fund for various projects.**

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications to be submitted to Hennepin County on November 1, 2004: 45<sup>th</sup> & Chicago, Hiawatha Commons, Minnesota Innovation Center, Presidents Row Flats, Riverview Homes and Treant; and,

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

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

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

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

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

**H&HS** - Your Committee, having under consideration the Mayoral appointment of members to the Minneapolis Private Industry/Workforce Council which oversees the operation of the City's employment and training programs, now recommends that the residency requirement contained in Section 14.180(m)(3) of the Minneapolis Code of Ordinances be waived so that the Mayor may appoint Susan Meredith, representing the public employment service, to fill the unexpired term of Bob Hand.

Adopted 10/22/04.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$472,581 and execute a grant agreement with the Minnesota Department of Health, for the period September 1, 2004 through August 31, 2005, to coordinate the City's Office of Emergency Preparedness and Hennepin County in the implementation and testing of City, County and

regional Public Health Emergency Preparedness Plans in response to a terrorist attack or other public health emergency. Further, passage of the accompanying Resolution appropriating \$472,581 to the Health & Family Support Agency.

Adopted 10/22/04.

**RESOLUTION 2004R-465**  
**By Johnson Lee 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 Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$472,581 and increasing the Revenue Source (030-860-8621 - Source 3210) by \$472,581.

Adopted 10/22/04.

**H&HS & W&M/Budget** - Your Committee, having received grant funding to perform lead hazard reduction activities in the East and Mid-Town Phillips Neighborhoods to remove lead hazards from up to 300 housing units over a three-year period as part of HUD Round XII activities, now recommends that the proper City Officers be authorized to issue a Request for Proposals for the following services, subject to review by the Permanent Review Committee:

- a. lead risk assessment, project design and clearance contractors.
- b. lead hazard reduction services.
- c. relocation counselor to perform relocation services, lead hazard reduction scheduling, and associated duties.

Adopted 10/22/04.

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

**IGR** – Your Committee recommends passage of the accompanying resolution adopting a succession plan to address leadership contingencies, consistent with the provisions of the Minneapolis City Charter, Chapter 3, Section 2.

Lilligren moved that the report be referred back to the Intergovernmental Relations Committee. Seconded.

Adopted upon a voice vote.

**IGR** – Your Committee recommends passage of the accompanying resolution urging the State of Minnesota to add ranked and cumulative ballot processing capability as a certification requirement for new voting equipment.

Adopted 10/22/04. Yeas, 10; Nays, 3 as follows:

Yeas – Goodman, Lane, Samuels, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson.

Nays – Johnson, Colvin Roy, Ostrow.

Resolution 2004R-466, urging the State of Minnesota to add ranked and cumulative ballot processing capability as a certification requirement for new voting equipment, was passed 10/22/04 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 2004R-466**  
**By Zerby, Johnson Lee, Benson, Zimmermann**

**Urging the State of Minnesota to add ranked and cumulative ballot processing capability as a certification requirement for new voting equipment.**

Whereas, the Federal government will send \$40 million in Help America Vote Act (HAVA) funds to Minnesota, largely for new voting equipment; and

Whereas, this represents an historic opportunity to ensure that the state acquires voting equipment with the flexibility to process all ballot types used in the United States including ranked and cumulative ballots; and

Whereas, Minnesota's two main equipment vendors have already developed ranked ballot capacity for precinct-based optical scanners in other jurisdictions; and

Whereas, much of the development work has already been done; and

Whereas, this will reduce the cost of acquiring this technology; and

Whereas, the cost will be even less if acquired with the original purchase as opposed to acquiring it as an after-market add-on; and

Whereas, this heightens the urgency for this change to happen now, before the large HAVA appropriation is spent; and

Whereas, the technical change that would allow processing of alternative voting methods could also be used to enhance election security; and

Whereas; the ranked ballot firmware creates a data file that keeps track of the contents of each ballot. It essentially makes an electronic back up copy of each ballot that could be used to reconstruct an election in the event that paper ballots were lost or destroyed; and

Whereas, the benefits of this certification change could be realized immediately;

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

That the Minneapolis City Council urges the State of Minnesota to add ranked and cumulative ballot processing capability as a certification requirement for new voting equipment.

Adopted 10/22/04. Yeas, 10; Nays, 3 as follows:

Yeas – Goodman, Lane, Samuels, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson.

Nays – Johnson, Colvin Roy, Ostrow.

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

**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 - Rental Dwelling Licenses*, adding requirements for tenant notification of criteria for and results of screening, limiting application fees, and administrative process and fines, now recommends that a Task Force be established with members of the rental industry and advocates for affordable housing and rental history reform to work out the details of the ordinance and come to a conclusion on language that is not duplicative of State law.

Schiff moved to substitute the following ordinance for the above report. Seconded.

Lilligren moved to amend the ordinance by deleting the last sentence in Subsection "e" and inserting in lieu thereof the following language:

"If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b)." Seconded.

Adopted upon a voice vote.

The Schiff motion to substitute was adopted upon a voice vote.

Niziolek moved to amend the ordinance by adding the following Subsection "g" to read as follows:

"g. This subdivision shall become effective December 1, 2004." Seconded.

Adopted upon a voice vote.

The ordinance, as amended, was adopted 10/22/04.

Ordinance 2004-Or-122 amending Title 12, Chapter 244, Art. XVI of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code, Rental Dwelling Licenses*, amending Section 244.1910 by adding subdivision 16 to add requirements for a) tenant notification of criteria for which the rental application will be judged; b) application forms must allow the applicant to choose a method for return of the application fee; c) requiring the rental property owner to notify the applicant in writing of the reasons for rejection; d) reimbursing the application fee if the rental property owner rejects the applicant for any reason not listed in the written criteria; e) setting forth the process whereby the rental property owner shall collect and hold an application fee; f) that violation of subdivision 16 may result in an administrative citation; and g) establishing the effective date as December 1, 2004, was passed 10/22/04 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 2004-Or-122**  
**By Schiff, Zerby, Samuels and Zimmermann**  
**Intro & 1st Reading: 9/24/04**  
**Ref to: PS&RS**  
**2nd Reading: 10/22/04**

**Amending Title 12, Chapter 244, Art. XVI of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, Rental Dwelling Licenses.**

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

Section 1. That Section 244.1910 of the above-entitled ordinance be amended by adding thereto the following subdivision to read as follows:

**244.1910. Licensing standards.**

- (16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.
- b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one business-day's notice.
- c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.
- d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.
- e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to Section (b).
- f. Violation of this subsection, 244.1910 (16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
- g. This subdivision shall become effective December 1, 2004.

Adopted 10/22/04.

**PS&RS** - Your Committee, having under consideration the application of Lucia Watson Enterprises, dba Lucia's Restaurant, 1432 W 31st St, for an On-Sale Liquor Class E with Sunday Sales License (upgrade from Wine Class E with Strong Beer) to expire April 1, 2005, now recommends that said license be granted, subject to conducting a public hearing in the neighborhood, and final inspection and compliance with all provisions of applicable codes and ordinances.

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

Adopted upon a voice vote.

**PS&RS** - Your Committee, having under consideration the application of Lucia Watson Enterprises, dba Lucia's Restaurant, 1432 W 31st St, for an On-Sale Liquor Class E with Sunday Sales License (upgrade from Wine Class E with Strong Beer) to expire April 1, 2005, now recommends that said license be granted, subject to the following conditions:

a. the licensee shall continue to comply with all Statutes, rules and Ordinances related to the sale and service of beverage alcohol and food.

b. the licensee shall not disproportionately deviate from the sample liquor service menu, as set forth in Petn No 269954 on file in the Office of the City Clerk, and made a part of this report by reference.

c. the licensee shall not feature "shooters", Happy Hour specials, or other promotions centered on the sale of beverage alcohol, other than wine.

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

The substitute report was adopted 10/22/04.

Declining to vote - Benson.

Approved by Mayor Rybak 10/22/04.

(Published 10/26/04)

Johnson moved to discharge the Public Safety & Regulatory Services Committee from further consideration of an application submitted by Coconut Grove Caribbean Restaurant & Pub, 3554 Penn Av N, for an On-Sale Wine Class E with Strong Beer License. Seconded.

Adopted upon a voice vote.

Johnson further moved to grant the application submitted by Coconut Grove Caribbean Restaurant & Pub Inc, dba Coconut Grove Caribbean Restaurant & Pub, 3554 Penn Av N, for an On-Sale Wine Class E with Strong Beer License (new business), to expire April 1, 2005. Seconded.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

(Published 10/26/04)

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

Adopted 10/22/04.

Declining to vote - Benson.

Resolution 2004R-467, granting applications for Liquor, Wine and Beer Licenses, was passed 10/22/04 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 2004R-467**

**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:

**Off-Sale Liquor, to expire October 1, 2005**

D T B Corporation, dba Greenway Liquor, 105 W Grant St;  
Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av (growler license);  
Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av;  
Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE;  
Camden Liquors Inc, dba Camden Liquors, 4155 Lyndale Av N;

**On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2005**

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

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2005**

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av (new manager);

**On-Sale Liquor Class E with Sunday Sales, to expire October 26, 2004**

Urban Entrepreneurs LLC, dba Kitchen Window Cooking School, 3001 Hennepin Av (temporary expansion of premises, September 27, 2004 to October 26, 2004, Noon to 11:00 p.m. within Calhoun Mall);

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004**

Restaurants Unlimited Inc, dba Palomino, 825 E Hennepin Av (new manager);

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2005**

Graves Hospitality Corp, dba Downtown Residence Inn, 45 S 8th St;  
Dogs Howling Inc, dba Boom! Oddfellows, 401 E Hennepin Av;  
PFC Systems Inc, dba Burrito Loco, 418 13th Av SE;  
Restaurant Entertainment Group Inc, dba Refuge Bar & Grill, 430 1st Av N;  
Loon Cafe Inc, dba Loon Cafe, 500 1st Av N;  
Morton's of Chicago/Minneapolis Inc, dba Morton's of Chicago, 555 Nicollet Mall;  
RCSH Operations Inc, dba Ruth's Chris Steak House, 920 2nd Av S;  
Fanagle Enterprises Inc, dba Eli's Bar & Grill, 1225 Hennepin Av;  
Dusty's Inc, dba Dusty's Bar, 1319 Marshall St NE;  
Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall;  
Creative Restaurants Inc, dba Bullwinkle's Saloon, 1429 Washington Av S, 1st floor;  
Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE;  
Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S;  
Sumick Inc, dba Lyle's Bar & Restaurant, 2021 Hennepin Av;  
Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd;  
Lai Wong Inc, dba Red Dragon Inn, 2116 Lyndale Av S;  
Chez Inc, dba Tracy's Saloon, 2205 E Franklin Av;  
Stasiu's Inc, dba Stasiu's, 2500 University Av NE;  
TMMS Inc, dba C C Club, 2600 Lyndale Av S;  
Brutus Enterprises Inc, dba Popeyes Saloon, 3601 E Lake St;  
Halek's Inc, dba Halek's Bar, 2024 Washington Av N;  
Stand Up Frank's Inc, dba Stand Up Franks, 2027 2nd St N, 1st floor;

**Temporary On-Sale Wine**

St. Anthony West Neighborhood Organization, 55 Broadway St NE (Fundraiser, October 9, 2004, 7:00 p.m. to 10:00 p.m. at Pierre Bottineau Library);

**Temporary On-Sale Beer**

Minneapolis Downtown Council, 81 S 9th St (Twins Rally, October 4, 2004, 4:30 p.m. to 8:30 p.m. at Peavey Plaza).

Adopted 10/22/04.

Declining to vote - Benson.

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

Adopted 10/22/04.

Resolution 2004R-468, granting applications for Business Licenses, was passed 10/22/04 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 2004R-468**  
**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 22, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 269954):

Car Wash; Dancing School; Dry Cleaner - Nonflammable; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Caterers; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Fuel Dealer; Gasfitter Class A; Gasoline Filling Station; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Peddler - Special Religious; Pool Table; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Theater Zone I; Theater Zone II; Tobacco Dealer; and Combined Trades.

Adopted 10/22/04.

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

Adopted 10/22/04.

Resolution 2004R-469, granting applications for Gambling Licenses, was passed 10/22/04 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 2004R-469**  
**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**

Circle of Discipline, dba Circle of Discipline, 1201 E Lake St (Site: Global Dish, 4016 Bloomington Av);

**Gambling Lawful Exempt**

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo and Raffle October 24, 2004);

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St (Raffle November 4, 2004);

Resource Center of the Americas, dba Resource Center of the Americas, 3019 Minnehaha Av S (Raffle December 17, 2004).

Adopted 10/22/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of T & T Auto Repair, 1235 5th St NE, for a Provisional Motor Vehicle Repair Garage License, subject to conditions.

Adopted 10/22/04.

Resolution 2004R-470, granting the application of T & T Auto Repair, 1235 5th St NE, for a Provisional Motor Vehicle Repair Garage License, subject to conditions, was passed 10/22/04 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 2004R-470**  
**By Niziolek**

**Granting the application of T & T Auto Repair, 1235 5th St NE, for a Provisional Motor Vehicle Repair Garage License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by T & T Auto Repair Inc, dba T & T Auto Repair, 1235 5th St NE, for a Provisional Motor Vehicle Repair Garage License (new proprietor) to expire September 1, 2005, subject to the following conditions:

- a. the property owner and licensee will ensure that all businesses located on the property will be properly licensed by the City.
- b. the business hours of all businesses operating out of 1235 5th St NE will be from 7:00 a.m. to 8:00 p.m.
- c. the property owner and licensee will ensure that the driveways and sidewalks will be shoveled within four hours of a snowfall.
- d. the property owner and licensee will ensure that the building and premises will be kept clean and there will not be storage of cars, tires or spare parts within the building or on the premises.
- e. the property owner and the licensee will ensure that drained oil, parts and rubbish are properly disposed of.
- f. the property owner and licensee will provide a child-proof garbage container that is clean, neat and well maintained, and that all garbage and rubbish is disposed of on a timely basis.
- g. the property owner and licensee will ensure that all vehicles waiting for repair or pickup will be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541 of the Minneapolis Code of Ordinances, and that no vehicles from the business will be stored or parked on adjoining streets or property.
- h. the property owner and licensee will ensure that all vehicles stored on site shall display a current license plate with current license tabs. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
- i. the property owner and licensee will ensure that no repair of motor vehicles including any diagnosis will occur on any City street or property.
- j. the sale of vehicles shall be prohibited.
- k. the property owner and licensee will ensure that all adjacent street, sidewalk and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- l. the property owner and licensee will comply with all other applicable City ordinances dealing with the operation of a motor vehicle repair garage.

Adopted 10/22/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving recommendations relating to the Sidewalk Cafe License held by 101 Blu, 3001 Hennepin Av S.

Adopted 10/22/04.

Declining to vote - Benson.

Resolution 2004R-471, approving recommendations relating to the Sidewalk Café License held by 101 Blu, 3001 Hennepin Av S, was passed 10/22/04 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 2004R-471**  
**By Niziolek**

**Approving recommendations relating to the Sidewalk Cafe License held by 101 Blu, 3001 Hennepin Av S.**

Whereas, the Licenses & Consumer Services Division has received complaints throughout the summer of 2004 concerning the sidewalk cafe being overextended into the public sidewalk area; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee having

- a. violated Section 265.290 of the Minneapolis Code of Ordinances by overextending the sidewalk cafe into the City right-of-way beyond the originally agreed upon area;
- b. violated Section 362.20 of the Code by extending the licensed liquor premises by expanding the liquor premises onto Hennepin Av; and
- c. failed to pay fines issued in June and August 2004.

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

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

- a. the licensee agrees to immediately surrender its sidewalk cafe license, effective October 13, 2004. The license can only be reinstated, after July 15, 2005, with the following conditions:
  1. a new plan must be submitted and approved by the Business Licenses Division and Public Works before the sidewalk café can be re-established.
  2. a \$2,500 fine must be paid in settlement of all violations from 2004.
- b. the licensee understands that any further violations of the sidewalk cafe license or expanding their liquor premises without approval may be cause to revoke their sidewalk cafe license.

Adopted 10/22/04.

Declining to vote - Benson.

**PS&RS** - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

- a. 3642 6th St N, legally described as Lot 26, Block 5, Nichols Frissell Cos Lyndale Pk Addition to Minneapolis (PID #03-029-24-33-0095).
- b. 913 18 ½ Av NE, legally described as Lot 1, Johnson's Subdivision of Lots 8 and 9 - Block 33, Johnson's Sub Wilsons Rgt In E Side (PID #11-029-24-44-0083).
- c. 3548 Chicago Av S, legally described as Lot 7, Block 1, Frenchs Addition to Minneapolis (PID #02-028-24-32-0130).

Adopted 10/22/04.

**PS&RS** - Your Committee, having under consideration the City's policy for Sewer Availability Charges (SAC) and fees, and a recommendation by the Department of Regulatory Services to establish a new policy in accordance with current Metropolitan Council policy, now recommends passage of the accompanying Resolutions:

- a. rescinding Resolution 76R-397 entitled "Establishing Sewer Service Availability and Connection Charge to pay reserve capacity costs of Metropolitan Waste Control Commission (formerly Metro Sewer board) as to Construction Commencing on or after January 1, 1977", passed December 10, 1976.

b. establishing Sewer Service Availability and Connection Charges to pay Reserve Capacity Costs in accordance with Metropolitan Council Environmental Service Division policy and pricing.  
Adopted 10/22/04.

Resolution 2004R-472, rescinding Resolution 76R-397 entitled "Establishing Sewer Service Availability and Connection Charge to pay reserve capacity costs of Metropolitan Waste Control Commission (formerly Metro Sewer board) as to Construction Commencing on or after January 1, 1977", passed December 10, 1976, was passed 10/22/04 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 2004R-472**

**By Niziolek**

**Rescinding Resolution 76R-397 entitled "Establishing Sewer Service Availability and Connection Charge to pay reserve capacity costs of Metropolitan Waste Control Commission (formerly Metro Sewer board) as to Construction Commencing on or after January 1, 1977", passed December 10, 1976.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled Resolution be and is hereby rescinded.  
Adopted 10/22/04.

Resolution 2004R-473, establishing Sewer Service Availability and Connection Charges to pay Reserve Capacity Costs in accordance with Metropolitan Council Environmental Service Division policy and pricing, was passed 10/22/04 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 2004R-473**

**By Niziolek**

**Establishing Sewer Service Availability and Connection Charges to pay Reserve Capacity Costs in accordance with Metropolitan Council Environmental Service Division policy and pricing.**

Whereas, the Metropolitan Council Environmental Services Division has determined to reserve unused capacity in the metropolitan disposal system each year commencing in 1973 for local government units in which new buildings to be connected to the system or increased volume connections to the system are commenced during such year; and to allocate the debt service costs of such unused capacity for the year among such local government units; and

Whereas, in order for the City to pay such costs allocated to it each year, it is necessary to establish sewer service availability and connection charges for all buildings and uses;

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

That for the purpose of paying costs of reserve capacity allocated to the City each year by the Metropolitan Council Environmental Services Division, the Council hereby adopts by reference the Metropolitan Council Environmental Services Division pricing for sewer availability charges (SAC). The charge for each building or structure shall be equal to the number of units of sewage volume which it will discharge, and shall be subject to the conditions and rates set by the Metropolitan Council Environmental Services Division.

Be It Further Resolved that this charge shall be collected prior to the issuance of a building permit or water and/ or sewer connection permits.

Be It Further Resolved that, if permits for a new use are issued within 3 years of issuance of a demolition permit, credit may be given against this charge for any demolition credit units previously reported to the Metropolitan Council Environmental Services Division by the City. In no case shall the credit to be received exceed the charges imposed under this resolution on any permit.

Be It Further Resolved that the Regulatory Services Department shall be responsible for the administration of the program and shall prepare or revise building permit or sewage connection permit application forms to provide information necessary for the computation of the number of units assignable to the building, structure, or use in question, and shall collect the applicable charge before issuance of a permit. The Regulatory Services Department is required to make such information available to the Metropolitan Council Environmental Services Division. If upon filing a report covering such permit with the Metropolitan Council Environmental Services Division, the Commission determines that a greater number of units is assignable to the building, structure, or use in question, any additional amount of cost allocated to the City as a result shall be paid by the person or company to whom the permit was granted.

Be It Further Resolved that the Regulatory Services Department is further directed to place receipts of this charge in the Sewer Rental Fund and to bill all collection and administrative costs they incur for this resolution to the Sewer Rental Fund on a periodic basis.

Be It Further Resolved that the three year credit provision shall become effective on January 1, 2006, while all other provisions are effective upon passage of this resolution.

Adopted 10/22/04.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$16,667.92 from Hennepin County to reimburse the Police Department for costs incurred for Homeland Security First Responder Training. Further, passage of the accompanying Resolution appropriating \$16,667.92 to the Police Department Agency.

Adopted 10/22/04.

**RESOLUTION 2004R-474**  
**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 - Other Fund (060-400-DT09) by \$16,667.92 and increasing the Revenue Source (060-400-DT09 - Source 3220) by \$16,667.92.

Adopted 10/22/04.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the City's participation in the Joint Terrorism Task Force, now recommends that the proper City Officers be authorized to accept up to \$5,920.20 in additional funds from the Federal Bureau of Investigation, Counterterrorism Division, to reimburse the Police Department for overtime expenses for up to six police officers who participate full-time on the Task Force. Further, passage of the accompanying Resolution appropriation \$5,920.20 to the Police Department Agency.

Adopted 10/22/04.

**RESOLUTION 2004R-475**  
**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-B131) by \$5,920.20 and increasing the Revenue Source (030-400-B131 - Source 3210) by \$5,920.20.

Adopted 10/22/04.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low responsive bid received on OP #6323 (Petn No 269959) submitted by Municipal Emergency Services, Inc, in the amount of \$59,160, for furnishing and delivering firefighter turnout clothing (coats and pants), all in accordance with City specifications, and subject to approval by the Department of Civil Rights.

Adopted 10/22/04.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the "Sustainable City Center: Capturing Power from the Sun" Grant Project, now recommends that the proper City Officers be authorized to accept a grant award of \$100,000 and execute a grant agreement with the United States Environmental Protection Agency for the installation of a photovoltaic (ability to convert sunlight into energy) power system on Minneapolis Fire Station #6 at 121 E 15th St. Further, passage of the accompanying Resolution appropriating \$100,000 to the Licenses & Consumer Services Agency.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

(Published 10/26/04)

**RESOLUTION 2004R-476**  
**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 Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8396) by \$100,000.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

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

**T&PW** - Your Committee, having under consideration sidewalk repair and construction assessments in the total amount of \$592,017.16, as set out in Petition No 269961 on file in the Office of the City Clerk, and having held a public hearing thereon, now recommends passage of a Resolution levying the assessments, adopting the assessment rolls, and directing the City Clerk to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 10/22/04.

Resolution 2004R-477 adopting and levying the public sidewalk repair and construction assessments, adopting the assessment rolls, and directing transmittal of certified copies of said assessment rolls to the Hennepin County Auditor, was passed 10/22/04 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 2004R-477**

**By Colvin Roy**

**Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 269961.**

Whereas, a public hearing was held on October 12, 2004 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

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

That the proposed assessment for the property identified as 3455 James Av N, Property ID 09-029-24-21-0155 in the amount of \$78.47 be waived;

That the proposed assessment for the property identified as 4544 34th Av S, Property ID 07-028-23-33-0155 in the amount of \$63.68 be waived;

That the proposed assessment for the property identified as 3551 Chicago Av, Property ID 02-028-24-31-0087 be reduced by \$346.37, from \$4200.25 to \$3853.88;

That the proposed assessment for the property identified as 6127 Oliver Av S, Property ID 21-028-24-33-0112 be reduced by \$111.38, from \$400.13 to \$288.75;

That the proposed assessment for the property identified as 6116 Penn Av S, Property ID 20-028-24-44-0003 be reduced by \$250.00, from \$739.09 to \$489.09;

That the proposed assessment for the property identified as 3456 Penn Ave N, Property ID 09-029-24-22-0118 in the amount of \$1,021.10 be collected in ten (10) successive equal annual principal installments beginning on the 2005 real estate tax statements with interest;

That the proposed assessments against the affected properties on the list dated September 15, 2004 set forth in Petn No 269961 in the total amount of \$619,880.39 and as shown on the proposed assessment rolls on file in the Office of the City Clerk be revised to \$592,017.16 as a result of the above reductions and prepayments received, be and hereby are adopted and levied.

Be It Further Resolved that the assessments of more than \$1500 be collected in ten (10) successive equal annual principal installments beginning on the 2005 real estate tax statements with interest.

Be It Further Resolved that the assessments of more than \$150 up to \$1500 be collected in five (5) successive equal annual principal installments beginning on the 2005 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2005 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 10/22/04.

**T&PW** - Your Committee recommends passage of the accompanying Resolution approving two special assessment deferment applications for water service line repair. (Petn No 269961)

Adopted 10/22/04.

Resolution 2004R-478 approving two special assessment deferment applications, was passed 10/22/04 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 2004R-478**

**By Colvin Roy**

**Approving special assessment deferment applications.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for deferment, as set forth in Petn No 269961 on file in the Office of the City Clerk, be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993:

a) Thomas G. LoBello (disabled senior citizen), on the property at 2741 - 12th Av S, PID 35-029-24-42-0244 special assessment (Levy 01028, Project 05WTR) for water service line repair in the principal amount of \$2,970 for payable 2005 and subsequent years; and

b) Jeanne Carolyn Maki (senior citizen) on the property at 4910 - 39th Av S, PID 18-028-23-13-0059 special assessment (Levy 01028, Project 05WTR) for water service line repair in the principal amount of \$2,882 for payable 2005 and subsequent years.

Adopted 10/22/04.

**T&PW** - Your Committee recommends passage of the accompanying Resolution adopting the assessment roll for service charges to be imposed for collection in 2005 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) and directing the City Clerk to transmit a certified copy of the assessment roll to the Hennepin County Auditor. (Petn No 269961)

Adopted 10/22/04.

Resolution 2004R-479 adopting the assessment roll for service charges to be imposed for collection in 2005 in the Downtown Special Service District for the New Nicollet Mall Reconstruction Project (from Washington Av S to 11th St S), was passed 10/22/04 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 2004R-479**

**By Colvin Roy**

**Adopting the assessment roll for service charges to be imposed for collection in 2005 in the Downtown Special Service District for the New Nicollet Mall (from Washington Av S to 11th St S) Reconstruction Project.**

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

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

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

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

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

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

That the assessment roll listing the service charges in the amount of \$888,191 to be imposed for collection in 2005 and the affected properties as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/22/04.

**T&PW** - Your Committee, having under consideration the Minneapolis Police Department Third Precinct Expansion, now recommends that the proper City officers be authorized to execute Change Order No. 2 increasing Contract No. C-19837 with Stahl Construction Company in the amount of \$93,926 to allow for construction contingencies provided as part of the original project budget. No additional appropriation is required.

Adopted 10/22/04.

**T&PW** - Your Committee, having under consideration the Minneapolis Police Department Third Precinct Expansion, now recommends that the proper City officers be authorized to execute Amendment No. 3 increasing Contract No. C-18465 with RSP Architects in the amount of \$46,000 for architectural/engineering services. No additional appropriation is required.

Adopted 10/22/04.

**T&PW** - Your Committee, having under consideration the Hennepin Theater District Streetscape Project, now recommends passage of the accompanying Resolution receiving the cost estimate for areaway abandonment and removals, directing the City Engineer to prepare Areaway Abandonment and Removal Assessments against the benefited properties, and setting an assessment public hearing for November 9, 2004.

Adopted 10/22/04.

Resolution 2004R-480 receiving cost estimates for areaway abandonment and removals in conjunction with the Hennepin Theater District Streetscape Revitalization Project, directing the City Engineer to prepare an areaway abandonment and removal assessment against the benefited properties, and directing that notice be given of a public hearing, was passed 10/22/04 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 2004R-480**  
**By Colvin Roy**

**Receiving cost estimates for areaway abandonment and removals in conjunction with the Hennepin Theater District Streetscape Revitalization Project, No 2221 (5th St to 10th St) directing the City Engineer to prepare an Areaway Abandonment and Removal Assessment against the benefited properties, and directing the City Clerk to give notice of a public hearing.**

Whereas, on April 5, 2002, the City Council designated the location, streets, and improvements proposed to be made in the Hennepin Theater District; and

Whereas, a public hearing was held on May 9, 2002 that included the areaway abandonment and removal of any conflicting areaways within the Hennepin Theater District area streetscape and street lighting project in accordance with Section 95.90 of the Minneapolis Code of Ordinances; and

Whereas, the owners/taxpayers of the properties at 930 Hennepin Av, 705 Hennepin Av, 727 Hennepin Av, and 731 Hennepin Av have petitioned the City of Minneapolis to proceed with the removal of a conflicting areaway and also agreed that all costs associated with the abandonment and removal be assessed to the taxes of said properties in twenty annual installments; and

Whereas, the property at 901 Hennepin Av was tax-forfeited land at the time of the areaway abandonment and removal needed to be done to minimize the delay to the project's completion;

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

That the following cost estimates for areaway abandonment and removals be received in conjunction with the Hennepin Theater District Streetscape Revitalization Project (5th St to 10th St), Special Improvement of Existing Street No 2221:

- 901 Hennepin Av, PID No. 27-029-24-12-0005, final cost of \$199,406.86, legally described as: Commencing at the most Easterly corner of Lot 7, thence Northwesterly to the most Northerly corner, thence Southwesterly on the Northwesterly line of said Lot, a distance of 50 ft, thence Southeasterly parallel with the Northeasterly line of said Lot 7 to the Southeasterly line thereof, thence Northeasterly to the beginning, except part taken for alley, Auditor Subdivision No 30;
- 727 Hennepin Av, PID No. 22-029-24-43-0082, final cost of \$304,146.65, legally described as: The Southwesterly one-half of Lot 2, Block 223, Hoag and Bell's Addn to Minneapolis;
- 731 Hennepin Av, PID No. 22-029-24-43-0081, final cost of \$255,237.85, legally described as: All of Lot 1, Block 223 Hoag and Bell's Addn to Minneapolis, and also that part of Lot 16, Block 223, Wells, Sampson's and Bell's Addition to Minneapolis which lies West of the alley in said Block 223 extended Southwesterly through said Lot; also that part, now vacated 8th Street lying between said Lot 1 and an extension Northwesterly of the Southwesterly line of said Lot 16 and an extension Southwesterly of the Northwesterly line of said Lot 1;
- 705 Hennepin Av, PID No. 22-029-24-43-0084, final cost of \$110,000, legally described as: Lot 6, Block 223, Hoag and Bell's Addn to Minneapolis;
- 930 Hennepin Av, PID No. 27-029-24-12-0039, final cost of \$293,670.82, legally described as: Lot 7, Auditor's Subdivision No 126.

Be It Further Resolved that the City Engineer be directed to prepare Areaway Abandonment and Removal Assessments against the benefited properties.

Be it Further Resolved that the City Clerk give notice of a public hearing to be held by the Transportation and Public Works Committee on November 9, 2004, in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis Charter, to consider the amount proposed to be assessed.

Adopted 10/22/04.

**T&PW** - Your Committee, having under consideration the Draft 2030 Metropolitan Council Transportation Policy Plan, now recommends that the accompanying document reflecting the comments of the City regarding said plan (as set forth in Petn No. 269961) be forwarded to the Metropolitan Council.

Schiff moved that Petition No 269961 referred to in the report be amended by adding the following sentence at the end of the first paragraph under the heading, "Land Use": "However, where land is publicly owned that may be needed for future passenger rail lines to connect with the Hiawatha line, this land should be retained in public ownership until after implementation of these other connecting rail transit lines." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/22/04.

**T&PW** - Your Committee, having under consideration a request from residents of the 3700 and 3800 blocks of 29th Av S and the 2800 block of 37th St E for the establishment of a "Type B" Critical Traffic and Parking Area, as set forth in Petn No 269961 the City Clerk having verified that the petition submitted represents more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, establishing Critical Parking Area No. 26, No Parking Monday through Friday from 9 am to 10 am and 7 pm to 8 pm, Except by Permit.

Adopted 10/22/04.

Ordinance 2004-Or-123 amending Title 1, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing* by adding critical parking area #26, was passed 10/22/04 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 2004-Or-123**  
**By Colvin Roy**  
**1st & 2nd Readings: 10/22/04**

**Amending Title 1, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing.***

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding thereto the following No Parking Zone:

No. 3507 - Both sides of 29th Avenue South between 37th and 38th Streets East (Critical Parking Area #26) (No Parking Monday through Friday from 9 am to 10 am and 7 pm to 8 pm, Except by Permit);

No. 3508 - Both sides of 29th Avenue South between 38th and 39th Streets East (Critical Parking Area #26) (No Parking Monday through Friday from 9 am to 10 am and 7 pm to 8 pm, Except by Permit);  
and

No. 3509 - Both sides of 37th Street East between 28th and 29th Avenues South (Critical Parking Area #26) (No Parking Monday through Friday from 9 am to 10 am and 7 pm to 8 pm, Except by Permit).

Adopted 10/22/04.

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

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers execute a change order increasing the current contract with New Mech Companies in the amount of \$29,599.46 for a new contract total of \$153,399.46 in order to install steel plates on the intake gate at Pump Station No. 5. No additional appropriation is required.

Adopted 10/22/04.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to receive \$308,000 from the Metropolitan Radio Board for the purchase of 110 Radio Units.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue source in the Public Works - Property Services Capital Agency.

Adopted 10/22/04.

**RESOLUTION 2004R-481**  
**By Colvin Roy and Johnson**

**Amending the 2004 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Property Services Capital Agency in the Lands and Building Fund (6200-923-9242-8020) and by increasing the revenue source (6200-923-9242 - Source 3225) by \$308,000.

Adopted 10/22/04.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Como Av Street Reconstruction Project (Como Av from 22nd Av SE to 33rd Av SE), now recommends:

- a) Approval of the project layout, revised June 30, 2004, for the reconstruction of Como Avenue;
- b) Authorizing the proper City officers to enter into and execute cooperative agreements with the Burlington Northern Santa Fe Railroad, as necessary to facilitate construction;
- c) Authorizing the proper City officers to negotiate with private property owners to acquire and execute easements, as necessary;

- d) Passage of the accompanying Resolution directing the City Engineer to proceed with a formal request for a variance from State Aid for vertical clearance of an underpass on Como Av under the railroad bridge from the required 14'6" to 13'6"; and
- e) Passage of a Resolution holding harmless the State of Minnesota from actions that may arise from the granting of a variance.

Adopted 10/22/04.

Resolution 2004R-482 directing the City Engineer to proceed with a formal request for a variance from State Aid for vertical clearance for an underpass on Como Av under the railroad bridge located between 22nd Av SE and 23rd Av SE, was passed 10/22/04 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 2004R-482**  
**By Colvin Roy and Johnson**

**Directing the City Engineer to proceed with a formal request for a variance from State Aid for vertical clearance for an underpass on Como Avenue under the railroad bridge located between 22nd Avenue Southeast and 23rd Avenue Southeast.**

Whereas, the City wishes to reconstruct Como Avenue from 22<sup>nd</sup> Avenue Southeast to 33<sup>rd</sup> Avenue Southeast; and

Whereas, Minnesota Department of Transportation (MnDOT) State-Aid Rule 8820.9956 requires a minimum vertical clearance of 14'-6"; and one of the requirements of the State Variance process is to develop options; and

Whereas, this project requires a variance from State Aid for a vertical clearance for an underpass on Como Avenue under the railroad bridge located between 22nd Avenue Southeast and 23rd Avenue Southeast; and

Whereas, State-Aid Rules provide that a political subdivision may request a variance from the Rules; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for a variance from (MnDOT) State-Aid Rules 8820.9956 to permit reconstruction of Como Avenue from 22nd Avenue Southeast to 33rd Avenue Southeast.

Adopted 10/22/04.

Resolution 2004R-483 holding harmless the State of Minnesota from actions that may arise from the reconstruction of MSA 166 Como Av from 22nd Av SE to 33rd Av SE at less than State Aid Standards, was passed 10/22/04 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 2004R-483**  
**By Colvin Roy and Johnson**

**Holding harmless the State of Minnesota from actions that may arise from the reconstruction of MSA 166 Como Avenue from 22nd Avenue Southeast to 33rd Avenue Southeast at less than State Aid Standards.**

Whereas, the City Engineer has been directed to request a variance from Minnesota Rules, Chapter 8820.9956 for the reconstruction of Como Avenue from 22nd Avenue Southeast to 33rd Avenue Southeast, for vertical clearance from station 52+06.00 to station 52+84.50 of 13'-6" rather than the 14'-6" required by the Rules; and

Whereas, the Commissioner of Transportation may grant said variance;

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

That it indemnifies, saves and holds harmless the State of Minnesota and all its agents and employees of and from any and all claims, demands, actions, or causes of action arising out of or by reason of granting this variance, the reconstruction of MSA 141-166-08 manner than in accordance with Minnesota Rule 8820.9956 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising as a result of the granting of this variance, contingent upon approval of the variance by the Commissioner of Transportation.

Adopted 10/22/04.

**T&PW & W&M/Budget** - Your Committee, having under consideration railroad crossing signals and gates at 33rd St E between 26th Av S and Snelling Av S, now recommends passage of the accompanying Resolutions adding Municipal State Aid project 141-245-002 for the construction of railroad crossing signals and gates to the Minneapolis 2004 - 2008 five year Capital Improvement Program and increasing the appropriation and revenue source in the Public Works Streets and Malls Capital by \$20,000 for the City's estimated share of construction and engineering cost, to be reimbursed by the State of Minnesota from the City's Municipal State Aid Account.

Your Committee further recommends that the proper City officers be authorized to execute Agreement No. 80253, as set forth in Petn No 269962, with the Commissioner of Transportation (Office of Freight, Railroads and Waterways) and the Minnesota Commercial Railway Company for construction costs for the above-mentioned project.

Adopted 10/22/04.

Resolution 2004R-484 adding Municipal State Aid project 141-245-002 to the City of Minneapolis' 2004 - 2008 five-year Capital Improvement Program for the construction of railroad crossing signals on 33rd St E between 26th Av S and Snelling Av S., was passed 10/22/04 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 2004R-484**  
**By Colvin Roy and Johnson**

**Adding Municipal State Aid project 141-245-002 to the City of Minneapolis' 2004 - 2008 five-year Capital Improvement Program for the construction of railroad crossing signals on 33rd St E between 26th Av S and Snelling Av S.**

Whereas, the City of Minneapolis, having been informed that the intersection at 33rd Street East and railroad tracks owned and operated by Minnesota Commercial Railway was selected by the State of Minnesota to be improved by the installation and construction of signals and gates; and

Whereas, the City of Minneapolis' 2004 - 2008 five-year Capital Improvement Program did not include the above above-mentioned work and project; and

Whereas, the City of Minneapolis has not appropriated any funds for the City's required local share of costs; and

Whereas, the City of Minneapolis needs to authorize Public Works to enter into the agreement with the Minnesota Commissioner of Transportation and the Minnesota Commercial Railway Company;

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

That the 2004-2008 five-year Capital Improvement Program be amended to include Municipal State Aid project 141-245-002 for the construction of Railroad Crossing Signals and Gates on 33rd Street East.

Adopted 10/22/04.

**RESOLUTION 2004R-485**  
**By Colvin Roy and Johnson**

**Amending the 2004 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Streets and Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372) and increasing revenue source (4100-937-9372 - Source 3215) by \$20,000, to be reimbursed from future allocation by the State of Minnesota from the City's Municipal State Aid Account.

Adopted 10/22/04.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots Project, the establishment of proceedings for the assessment of project costs and expenses, and the establishment of impact fees for businesses that have bought into the lots meeting parking requirements, and having set a public hearing to be held on November 9, 2004, now recommends:

a) Passage of the accompanying Resolution establishing the special assessment proceedings for payable 2005 for the Lyn/Lake Parking Facilities; and

b) Establishment of impact fees for the Lyn/Lake Lots for the period of September 1, 2004 through August 31, 2005 at \$805 per stall for businesses that had licenses/permits to expand their businesses, or approved plans by the City to expand their businesses as of September 1, 1998, and \$1,610 per stall for new businesses.

Adopted 10/22/04.

Resolution 2004R-486 establishing the special assessment proceedings for payable 2005 for the Lyn/Lake parking facilities, was passed 10/22/04 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 2004R-486**  
**By Colvin Roy & Johnson**

**Establishing the special assessment proceedings for payable 2005 for the Lyn/Lake Parking Facilities.**

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the Office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2005 to be \$105,571, all as contained in Petn No 269962 on file in the Office of the City Clerk;

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

That the proper City Officers are hereby directed to prepare proposed special assessments in the total amount of \$105,571 and to give notice of a public hearing to be held by the Transportation and Public Works Committee on November 9, 2004, in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes Chapter 429, to consider the amount proposed to be assessed to each benefited property for payable 2005.

Adopted 10/22/04.

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

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.470 regarding a retirement incentive plan for Police Department employees by allowing participating employees to direct their City health care contribution to their health care savings account and extending the contribution period to match those of the incentive programs offered for other employees in 2005 and 2006, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

(Published 10/26/04)

Ordinance 2004-Or-124, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending Section 20.470 regarding City contributions to a health care savings account and extending the contribution period for 2005 and 2006, was passed 10/22/04 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 2004-Or-124**  
**By Zerby**  
**Intro & 1st Reading: 10/8/04**  
**Ref to: W&M/Budget**  
**2nd Reading: 10/22/04**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

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

Section 1. That the following definition in Section 20.470(a) of the above-entitled ordinance be amended to read as follows:

**20.470. Minneapolis Police Department Incentive Plans 2004 through 2006.** (a) *Definitions.*  
*Employee's health care savings account.* The employee's account in the City's Health Care Savings Plan established through Minneapolis City Ordinance, Section ~~20.340~~ 20.430.

Section 2. That Section 20.470(b), (c), (d), (e), (f), (g), and (h) of the above-entitled ordinance be amended and new subdivisions (i) through (o) be added thereto to read as follows:

**20.470. Minneapolis Police Department Incentive Plans 2004 through 2006.**

(b) *Plan through December 31, 2004.* Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director prior to or on December 10, 2004 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 31, 2004, will receive: the 2004 Option 1 or the 2004 Option 2 as elected in the participation form.

(1) A lump-sum payment of fifteen thousand dollars (~~\$15,000.00~~) deposited to the employee's health care savings account.

(2) Continuation of the city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:

(i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.

(ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.

(iii) City contributions will cease sixty (60) months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.

- (iv) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.
- (v) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
- (vi) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
- (vii) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.
- (viii) During calendar year 2009 the monthly city contribution is limited to the lesser of the actual cost of the city's 2009 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred forty-one (141) percent of the city's 2004 monthly contribution rate.

(c) *2005 plan.* Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after January 1, 2005 and prior to or on November 15, 2005 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 31, 2005, will receive: 2004 Option 1.

- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) Continuation of city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:
  - (i) City contributions will be for calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.
  - (iii) City contributions will cease ~~twenty-four (24)~~ sixty (60) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
  - (iv) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate. During calendar year 2004 the monthly city contribution is limited to the city's 2004 monthly contribution rate.
  - (v) During calendar year ~~2006~~ 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's ~~2006~~ 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus ~~thirty-nine (39)~~ eighteen (18) percent of the city's 2004 monthly contribution rate.
  - (vi) During calendar year ~~2007~~ 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's ~~2007~~ 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus ~~sixty-seven (67)~~ thirty-nine (39) percent of the city's 2004 monthly contribution rate.
  - (vii) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.

(viii) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(ix) During calendar year 2009 the monthly city contribution is limited to the lesser of the actual cost of the city's 2009 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred forty-one (141) percent of the city's 2004 monthly contribution rate.

(d) 2006 plan. Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after January 1, 2006 and prior to or on November 15, 2006 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 31, 2006, will receive: 2004 Plan Option 2.

(1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.

(2) Continuation of city's City contributions to employee's city sponsored health care coverage plan insurance premium health care savings account as follows:

(i) City contributions will be for calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.

(ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent. City contributions will cease sixty (60) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.

(iii) City contributions will cease twelve (12) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier. During calendar year 2004 the monthly city contribution is limited to the city's 2004 monthly contribution rate.

(iv) During calendar year ~~2006~~ 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's ~~2006~~ 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus ~~thirty-nine (39)~~ eighteen (18) percent of the city's 2004 monthly contribution rate.

(v) During calendar year ~~2007~~ 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's ~~2007~~ 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus ~~sixty-seven (67)~~ thirty-nine (39) percent of the city's 2004 monthly contribution rate.

(vi) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.

(vii) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(viii) During calendar year 2009 the monthly city contribution is limited to the lesser of the actual cost of the city's 2009 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred forty-one (141) percent of the city's 2004 monthly contribution rate.

(e) Rescission period. An employee may rescind the election to participate pursuant to federal law, state law, civil service rules or collective bargaining agreement. 2005 plan. Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after January 1, 2005 and prior to or on November 15, 2005 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 31, 2005, will receive the 2005 Option 1 or the 2005 Option 2 as elected in the participation form.

(f) *Payment.* Payment to the employee's health care savings account under this section will be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. 2005 Option 1.

- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) Continuation of city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.
  - (iii) City contributions will cease thirty-six (36) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
  - (iv) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.
  - (v) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
  - (vi) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
  - (vii) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(g) *Pension benefits impact.* To the extent permitted by law, the contribution will have no financial impact on the eligible employee's current or future pension benefits. 2005 Option 2.

- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) City contributions to employee's health care savings account as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) City contributions will cease thirty-six (36) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
  - (iii) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.
  - (iv) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
  - (v) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
  - (vi) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(h) Employment ineligibility. Employees who separate employment under the terms of this section are ineligible for future employment with a city department under council jurisdiction: 2006 plan. Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after January 1, 2006 and prior to or on November 15, 2006 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 31, 2006, will receive the 2006 Option 1 or the 2006 Option 2 as elected on the participation form.

(i) 2006 Option 1.

- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) Continuation of city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.
  - (iii) City contributions will cease twenty-four (24) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
  - (iv) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
  - (v) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
  - (vi) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(j) 2006 Option 2.

- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) City contributions to employee's health care savings account as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) City contributions will cease twenty-four (24) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
  - (iii) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
  - (iv) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
  - (v) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(k) Rescission period. An employee may rescind the election to participate pursuant to federal law, state law, civil service rules or collective bargaining agreement.

(l) Payment. Payment to the employee's health care savings account under this section will be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods.

(m) Pension benefits impact. To the extent permitted by law, the contribution will have no financial impact on the eligible employee's current or future pension benefits.

(n) Employment ineligibility. Employees who separate employment under the terms of this section are ineligible for future employment with a city department under council jurisdiction.

(o) Waiver of rights. Employees participating in the incentive under this section must release the City of Minneapolis from any and all rights, causes of action or claims in connection with the employee's employment at the City of Minneapolis, termination of that employment and all related matters. The waiver shall exclude rights, causes of action and claims arising after the date the waiver is executed. These rights and claims include, but are not limited to, those arising under any local, state, or federal laws, regulations or other requirements, including without limitation the Age Discrimination in Employment Act, as amended by the Older Workers' Benefit Protection Act. The waiver will not interfere with an employee's right to file a charge or participate in an investigation or a proceeding conducted by the Equal Employment Opportunity Commission.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.475 regarding a retirement incentive plan for Community Planning and Economic Development (CPED) Department employees by allowing participating employees to direct their City health care contribution to their health care savings account, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/22/04.

Ordinance 2004-Or-125, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, amending Section 20.475 regarding a retirement incentive plan for certain Community Planning and Economic Development (CPED) Department employees amending language regarding City contributions to a health care savings account, was passed 10/22/04 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 2004-Or-125**

**By Zerby**

**Intro & 1st Reading: 10/8/04**

**Ref to: W&M/Budget**

**2nd Reading: 10/22/04**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

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

Section 1. That Section 20.475(b), (c), (d), (e) and (f) of the above-entitled ordinance be amended and subdivisions (i), (j) and (k) be added thereto to read as follows:

**20.475. Minneapolis Department of Community Planning and Economic Development incentive plan.**

(b) *Plan*. Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director prior to or on December 10, 2004 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on December 31, 2004, will receive Option 1 Plan A or Plan B or Option 2 Plan A or Plan B as elected in the participation form.

(c) Option 1 Plan A.

- (1) A lump-sum payment of twenty-five thousand dollars (\$25,000.00) deposited to the employee's health care savings account.
- (2) Continuation of the city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.
  - (iii) City contributions will cease twenty-four (24) consecutive months from the last day of the employee's employment, upon the death of the employee, or upon reaching the maximum city contribution, whichever occurs earlier.
  - (iv) City contributions are limited to a maximum amount of twenty-two thousand three hundred ninety-three dollars (\$22,393.00).

(d) ~~Option 2~~ Option 1 Plan B.

- (1) A lump-sum payment of ~~fifteen~~ twenty-five thousand dollars (~~\$15,000.00~~ \$25,000.00) deposited to the employee's health care savings account.
- (2) ~~Continuation of the city's City contributions to employee's city sponsored health care coverage plan insurance premium~~ health care savings account as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect at the employee's last day of employment.
  - (ii) ~~Coverage for dependents is limited to those dependents covered at the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.~~ City contributions will cease twenty-four (24) consecutive months from the last day of the employee's employment, upon the death of the employee, or upon reaching the maximum city contribution, whichever occurs earlier.
  - (iii) ~~City contributions will cease thirty-six (36) consecutive months from the last day of the employee's employment, upon the death of the employee, or upon reaching the maximum city contribution, whichever occurs earlier.~~ City contributions are limited to a maximum amount of twenty-two thousand three hundred ninety-three dollars (\$22,393.00).
  - (iv) ~~City contributions are limited to a maximum amount of thirty-six thousand six hundred ninety-six dollars (\$36,696.00)~~

(e) Rescission period. An employee may rescind the election to participate pursuant to federal law, state law, civil service rules or collective bargaining agreement. Option 2 Plan A.

- (1) A lump-sum payment of fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) Continuation of the city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect at the employee's last day of employment.
  - (ii) Coverage for dependents is limited to those dependents covered at the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.
  - (iii) City contributions will cease thirty-six (36) consecutive months from the last day of the employee's employment, upon the death of the employee, or upon reaching the maximum city contribution, whichever occurs earlier.
  - (iv) City contributions are limited to a maximum amount of thirty-six thousand six hundred ninety-six dollars (\$36,696.00).

(f) Payment. Payment to the employee's health care savings account under this section will be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods. Option 2 Plan B.

- (1) A lump-sum payment of fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.

(2) City contributions to employee's health care savings account as follows:

(i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect at the employee's last day of employment.

(ii) City contributions will cease thirty-six (36) consecutive months from the last day of the employee's employment, upon the death of the employee, or upon reaching the maximum city contribution, whichever occurs earlier.

(iii) City contributions are limited to a maximum amount of thirty-six thousand six hundred ninety-six dollars (\$36,696.00).

(i) Rescission period. An employee may rescind the election to participate pursuant to federal law, state law, civil service rules or collective bargaining agreement.

(j) Payment. The first payment to the employee's health care savings account under this section will be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods.

(k) Waiver of rights. Employees participating in the incentive under this section must release the City of Minneapolis from any and all rights, causes of action or claims in connection with the employee's employment at the City of Minneapolis, termination of that employment and all related matters. The waiver shall exclude rights, causes of action and claims arising after the date the waiver is executed. These rights and claims include, but are not limited to, those arising under any local, state, or federal laws, regulations or other requirements, including without limitation the Age Discrimination in Employment Act, as amended by the Older Workers' Benefit Protection Act. The waiver will not interfere with an employee's right to file a charge or participate in an investigation or a proceeding conducted by the Equal Employment Opportunity Commission.

Adopted 10/22/04.

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, adding a new Section 20.476 that establishes a retirement incentive plan for sworn Fire Department employees who have twenty or more years of service to the City by March 31, 2006, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

(Published 10/26/04)

Ordinance 2004-Or-126, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, adding a new Section 20.476 that establishes a retirement incentive plan for sworn Fire Department employees with twenty or more years of service, was passed 10/22/04 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 2004-Or-126**

**By Niziolek**

**Intro & 1st Reading: 10/8/04**

**Ref to: W&M/Budget**

**2nd Reading: 10/22/04**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 20.476 to read as follows:

20.476. Minneapolis Fire Department Incentive Plans 2005 through 2006.

(a) *Definitions.*

*City's 2004 monthly contribution rate.* For an employee with single health care coverage, the city's 2004 monthly contribution rate is one hundred eighty-eight dollars and fifty cents (\$188.50). For an employee with family health care coverage, the city's 2004 monthly contribution rate is six hundred fifty-seven dollars (\$657.00).

*Dependent.* Dependent has the meaning given in Minnesota Statutes, Section 62L.02, Subdivision 11.

*Eligible employee.* An eligible employee means a sworn employee of the Minneapolis Fire Department who has accumulated or will have accumulated twenty (20) years of full-time service with the City of Minneapolis on or before their proposed separation date in accordance with the provisions of this section and solely for the purposes of this section.

*Employee's health care savings account.* The employee's account in the City's Health Care Savings Plan established through Minneapolis City Ordinance, Section 20.430.

*Full-time Service.* For the purposes of this section, full-time service means service with the City of Minneapolis in a position which requires the service of an incumbent one hundred (100) percent of the normal work week or schedule on a year-round basis. Service on an intermittent, seasonal, or part-time basis shall also be counted towards full-time service in direct proportion to the time actually employed. Time off pursuant to the Family Medical Leave Act, paid or unpaid, shall count toward full-time service.

*Health care coverage.* Health care coverage means the group coverage insurance premium for health care plans offered to City of Minneapolis employees. Health coverage does not include the City Dental Plan, Employee Assistance Program (EAP), the City of Minneapolis Voluntary Employees' Beneficiary Association Health Benefit Plan (VEBA), ChiroServe, Health Care Flexible Spending Accounts, Dependent Care Accounts, group life insurance, group long term disability insurance, or any other City of Minneapolis employee benefit.

(b) *2005 plan.* Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after November 1, 2004 and prior to or on December 10, 2004 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on March 31, 2005, will receive will receive 2005 Option 1 or 2005 Option 2 as elected in the participation form.

(c) *2005 Option 1.*

- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
- (2) Continuation of city's contributions to employee's city sponsored health care coverage plan insurance premium as follows:
  - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
  - (ii) Coverage for dependents is limited to those dependents covered on the employee's last day of employment. Coverage for dependents will not be continued after the person is no longer a dependent.
  - (iii) City contributions will cease thirty-six (36) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
  - (iv) During calendar year 2004 the monthly city contribution is limited to the city's 2004 monthly contribution rate.
  - (v) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.
  - (vi) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.

(vii) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.

(viii) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(d) *2005 Option 2.*

(1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.

(2) City contributions to employee's health care savings account as follows:

(i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.

(ii) City contributions will cease thirty-six (36) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.

(iii) During calendar year 2004 the monthly city contribution is limited to the city's 2004 monthly contribution rate.

(iv) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.

(v) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.

(vi) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.

(vii) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.

(e) *2006 plan.* Any eligible employee who has submitted a signed and completed participation form to the human resources department to the attention of the employee relations director on or after November 1, 2005 and prior to or on December 1, 2005 and who separates from service no earlier than sixteen (16) days after submission of the completed election form but prior to or on March 31, 2006, will receive 2006 Option 1 or 2006 Option 2 as elected in the participation form.

(f) *2006 Option 1.*

(1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.

(2) City contributions to employee's city sponsored health care coverage plan insurance premium as follows:

(i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.

(ii) City contributions will cease twenty-four (24) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.

(iii) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.

- (iv) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
  - (v) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
  - (vi) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.
- (g) *2006 Option 2.*
- (1) Fifteen thousand dollars (\$15,000.00) deposited to the employee's health care savings account.
  - (2) City contributions to employee's health care savings account as follows:
    - (i) City contributions will be calculated based upon the employee's city sponsored health insurance coverage in effect on the employee's last day of employment.
    - (ii) City contributions will cease twenty-four (24) consecutive months from the employee's last day of employment or upon the death of the employee, whichever occurs earlier.
    - (iii) During calendar year 2005 the monthly city contribution is limited to the lesser of the actual cost of the city's 2005 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus eighteen (18) percent of the city's 2004 monthly contribution rate.
    - (iv) During calendar year 2006 the monthly city contribution is limited to the lesser of the actual cost of the city's 2006 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus thirty-nine (39) percent of the city's 2004 monthly contribution rate.
    - (v) During calendar year 2007 the monthly city contribution is limited to the lesser of the actual cost of the city's 2007 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus sixty-seven (67) percent of the city's 2004 monthly contribution rate.
    - (vi) During calendar year 2008 the monthly city contribution is limited to the lesser of the actual cost of the city's 2008 monthly contribution to the city sponsored health coverage plan, or the city's 2004 monthly contribution rate plus one hundred (100) percent of the city's 2004 monthly contribution rate.
- (h) *Rescission period.* An employee may rescind the decision to participate pursuant to federal law, state law, civil service rules or collective bargaining agreement.
- (i) *Payment.* Payment to the employee's health care savings account under this section will be made within thirty (30) days after the expiration of all applicable notice, waiver and rescission time periods.
- (j) *Pension benefits impacted.* To the extent permitted by law, the contribution will have no financial impact on the eligible employee's current or future pension benefits.
- (k) *Employment ineligibility.* Employees who separate employment under the terms of this section are ineligible for future employment with a city department under council jurisdiction.
- (l) *Waiver of rights.* Employees participating in the incentive under this section must release the City of Minneapolis from any and all rights, causes of action or claims in connection with the employee's employment at the City of Minneapolis, termination of that employment and all related matters. The waiver shall exclude rights, causes of action and claims arising after the date the waiver is executed. These rights and claims include, but are not limited to, those arising under any local, state, or federal laws, regulations or other requirements, including without limitation the Age Discrimination in Employment Act, as amended by the Older Workers' Benefit Protection Act. The waiver will not interfere with an employee's right to file a charge or participate in an investigation or a proceeding conducted by the Equal Employment Opportunity Commission.

Adopted 10/22/04.

Approved by Mayor Rybak 10/22/04.

**W&M/Budget** - Your Committee, having under consideration the abandonment and removal of certain areaways within the Hennepin Theater District area streetscape and street lighting project and having been informed that final costs have exceeded original cost estimates and assessment bonding requests must be increased (with costs to be fully assessed), now recommends passage of the accompanying resolutions:

a) Amending Resolution 2003R-347 by increasing the bonding request to the Board of Estimate and Taxation for costs at 930 Hennepin Av from \$100,000 to \$295,000; and

b) Amending Resolution 2003R-453 by increasing the bonding request to the Board of Estimate and Taxation for costs at 731 Hennepin Av and 727 Hennepin Av from \$160,000 to \$561,000.

Adopted 10/22/04.

Resolutions 2004R-487 and 2004R-488 requesting the issuance of additional assessment bonds for areaway abandonment and removal related to the Hennepin Av Theater District Streetscape, were passed 10/22/04 by the City Council. A complete copy of each 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 2004R-487**

**By Johnson**

**Amending Resolution No. 2003R-347 entitled "Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$100,000 for certain purposes other than the purchase of public utilities" passed July 25, 2004.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the amount of bonds to be issued for the assessed cost of area abandonment and removal for the Hennepin Av Theater District Streetscape project from \$100,000 to \$295,000 for the property at 930 Hennepin Av (22-029-24-12-0039).

Adopted 10/22/04.

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

**RESOLUTION 2004R-488**

**By Johnson**

**Amending Resolution No. 2003R-453 entitled "Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$160,000 for certain purposes other than the purchase of public utilities" passed September 26, 2004.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the amount of bonds to be issued for the assessed cost of area abandonment and removal for the Hennepin Av Theater District Streetscape project from \$160,000 to \$561,000 for the property at 731 Hennepin Av (22-029-24-43-0081) and the property at 727 Hennepin Av (22-029-24-43-0082).

Adopted 10/22/04.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolutions requesting that the Board of Estimate and Taxation issue assessment bonds for public improvements included in the Humboldt Greenway Phase II, Heritage Park Phase II and Hennepin Theater District Streetscape projects.

Adopted 10/22/04.

Resolutions 2004R-489, 2004R-490 and 2004R-491 requesting the Board of Estimate and Taxation issue and sell assessment bonds for the Humboldt Greenway Phase II, Heritage park Phase II and Hennepin Theater District Streetscape projects, were passed 10/22/04 by the City Council. A complete copy of each 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 2004R-489**  
**By Johnson**

**Requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$636,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$636,000, the proceeds of which are to be used for Humboldt Greenway Phase II public improvements as follows:

- \$168,000 for water mains;
- \$140,000 for water service connections;
- \$73,000 for sewer mains;
- \$65,000 for sewer service connections;
- \$190,000 for street lighting.

Adopted 10/22/04.

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

**RESOLUTION 2004R-490**  
**By Johnson**

**Requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$1,022,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$1,022,000, the proceeds of which are to be used for Heritage Park Phase II-Rental public improvements as follows:

- \$177,000 for water;
- \$239,000 for sewer;
- \$77,000 for streetscape;
- \$127,000 for street lighting;
- \$402,000 for street paving.

Adopted 10/22/04.

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

**RESOLUTION 2004R-491**  
**By Johnson**

**Requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$200,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$200,000, the proceeds of which are to be used for assessed costs of areaway abandonment and removal as part of the Hennepin Av Theater District Streetscape project (901 Hennepin Av, 22-029-24-12-0005).

Adopted 10/22/04.

**W&M/Budget** - Your Committee passage of the accompanying resolutions requesting the Board of Estimate and Taxation act as agent in the award of the following pension bonds:

a) \$4,740,000 in taxable general obligation Minneapolis Fire Department Relief Association (MFDRA) pension bonds; and

b) \$24,970,000 in taxable general obligation Minneapolis Police Relief Association (MPRA) pension bonds.

Adopted 10/22/04. Yeas, 11; Nays, 2 as follows:

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

Nays – Goodman, Benson

Resolutions 2004R-492 and 2004R-493 requesting the Board of Estimate and Taxation to act as agent in award of pension bonds for the Minneapolis Fire Department Relief Association and Minneapolis Police Relief Association, were passed 10/22/04 by the City Council. A complete copy of each 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 2004R-492**

**By Johnson**

**Authorizing the issuance and sale of General Obligation Pension Bonds (Minneapolis Police Relief Association), Series 2004; providing the form and terms of the obligations, pledging certain tax revenues; and making certain findings, covenants, and directions relating to such obligations**

Resolved by The City Council of the City of Minneapolis:

Section 1. Authorization, findings and definitions.

1.01. Minneapolis Police Relief Association. The Minneapolis Police Relief Association (“MPRA”) was established in 1905 and was closed to new members in 1980. The membership of MPRA includes seventy-three active employees and 680 retirees, surviving spouses, and dependent children. Minnesota law requires that MPRA be fully funded by December 31, 2010. Each year the actuary for MPRA determines the amount needed to amortize any unfunded actuarial accrued liability by December 31, 2010. The City is required to fund an amount equal to the amortization of the unfunded liability reduced by contributions and State aid. The unfunded liability of the MPRA recently increased and the City has determined to finance a portion of this unfunded liability with the proceeds of general obligation bonds of the City. This Council hereby determines that: (i) it is necessary and expedient for the City to finance a portion of the current and future unfunded liabilities of MPRA through the issuance of general obligation bonds of the City; and (ii) it is necessary and expedient for the City to expend municipal funds for the foregoing purposes.

1.02. Authority. Under Minnesota Statutes, Section 475.52, subdivision 6, as amended, the City is authorized to issue general obligation bonds to fund all or part of the City’s current and future unfunded liability for a pension or retirement fund or plan referred to in Minnesota Statutes, Section 356.20, subdivision 2, as amended. MPRA is referred to in Minnesota Statutes, Section 356.20, subdivision 2, as amended. As a condition to the issuance of general obligation bonds by the City to fund all or part of the City’s current and future unfunded liability to MPRA, the board of trustees or directors of MPRA

must consent to the issuance of such bonds. Pursuant to Minnesota Statutes, Section 475.58, subdivision 1(7), general obligation bonds may be issued by the City to fund pension or retirement fund liabilities pursuant to Minnesota Statutes, Section 475.52, subdivision 6, without obtaining the approval of a majority of the electors voting on the question.

1.03. Definitions. Unless the context otherwise requires, the terms defined in this Section 1.03 shall, for all purposes of this Bond Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

“Act” means Minnesota Statutes, Chapter 475, as amended from time to time.

“City” means the City of Minneapolis, a municipal corporation and political subdivision of the State of Minnesota.

“Holder,” “Bondholder,” or “owner” means the person in whose name a Bond is registered.

“Letter of Representations” means the Blanket Letter of Representations from the City to The Depository Trust Company, New York, New York.

“MPRA” means the same as such term is defined in Section 1.02 of this Bond Resolution.

“Series 2004 Bonds” or “Bonds” means the Taxable General Obligation Pension Bonds (MPRA), Series 2004, authorized by this Bond Resolution.

Section 2. Terms and form of series 2004 bonds.

2.01. Bond Terms. It is hereby determined to be necessary and expedient to issue the Bonds to finance the costs referred to in Section 1.01 of this Resolution. The Bonds shall be designated “Taxable General Obligation Pension Bonds (MPRA),” 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 shall be dated on December 1, 2004, or such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Bond Registrar (as hereinafter defined) may determine. The Bonds shall be issued in the original aggregate principal amount of \$24,970,000, or such lesser amount as the Finance Officer shall determine to be necessary and appropriate to finance the unfunded liability of the MPRA for which the Bonds are to be issued. The Bonds shall bear interest at the rates per annum approved by the Finance Officer in connection with the sale thereof, payable semiannually on June 1 and December 1 of each year, or such other dates determined by the Finance Officer, commencing on June 1, 2005, or such other date determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve thirty-day months. The principal of the Bonds shall mature on such dates and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Act (determined, if necessary, by combining such maturities with those of other obligations of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined within one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer.

The Finance Officer shall establish a date on and after which all Bonds shall be subject to redemption and prior payment in whole or in part at the option of the City. The redemption price of the Bonds shall be at such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the amended finance plan pursuant to which the Bonds are to be issued.

Thirty days prior to any redemption date, notice of any such redemption shall be given by mail to the banks where the Bonds are payable and to the registered owners, in accordance with the terms of the Act. In the event of a partial redemption by lot of Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be

surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal. The method of selecting Bonds for optional redemption may be altered in such manner as the Finance Officer shall determine to be necessary and appropriate in the interests of the City and the owners of the Bonds.

2.02. Method of Payment; Bond Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Bond Registrar and Paying Agent, or at the offices of such other successor agents as the City may hereafter designate upon sixty days' mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of at least \$100,000 in principal amount of Bonds shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

2.03. Bond Form. The Bonds shall be in substantially the following form with the necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest, and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine, to-wit:

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(Form of Bonds)

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN

No. R- \_\_\_\_\_

\$ \_\_\_\_\_

CITY OF MINNEAPOLIS  
TAXABLE GENERAL OBLIGATION PENSION BOND (MPRA)  
SERIES 2004

Interest Rate                      Maturity                      Date of Original Issue                      CUSIP

Registered Owner:

Principal Amount:

The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from \_\_\_\_\_, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 of each year, commencing \_\_\_\_\_, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve thirty-day months. Principal and the redemption price is payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty days' notice to the respective registered owners at their registered addresses. At the written request of the registered owner thereof, payment

of at least \$100,000 in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month preceding each interest payment date (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is one of a series of Bonds in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), all of like date and tenor except for number, interest rate, denomination date of maturity and redemption privilege, and is issued pursuant to and in accordance with Minnesota Statutes, Chapter 475, as amended (the "Act") for the purpose of financing a portion of the current and future unfunded liability for the Minneapolis Police Relief Association, all as set forth and described in a resolution of the City Council relating to the issuance of the Bonds (the "Bond Resolution").

The Bonds of this series are payable from collections of the ad valorem taxes hereinafter levied which have been pledged to the Debt Service Account for the Bonds by the Bond Resolution; but the full faith and credit of the City of Minneapolis has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds, and the City Council is obligated to levy additional ad valorem taxes on all taxable property in the City without limitation as to rate or amount, if necessary, to pay principal and interest when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the money pledged to the payment of the Bonds and interest thereon.

All Bonds maturing on or after \_\_\_\_\_, are subject to redemption at the option of the City, in whole or in part in such order as the City may determine, on \_\_\_\_\_, and any date thereafter at a redemption price equal to par plus accrued interest to the redemption date [plus the redemption premium set forth in the following table].

[Redemption Premium Table, if applicable]

Thirty days' notice of prior redemption will be given by mail to registered owners in the manner provided by applicable provisions of the Act.

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issuable only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is hereby certified, recited and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and

have been performed in regular and due time, form, and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the manual or facsimile signature of its Finance Officer and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: \_\_\_\_\_

CITY OF MINNEAPOLIS, MINNESOTA

(SEAL)

By \_\_\_\_\_  
Finance Officer

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Bond Registrar's Registration and Authentication Certificate

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

Finance Officer, as Bond Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)  
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Please Insert Social Security Number or Other Identifying Number of Assignee.

Notice: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signatures must be guaranteed by a national bank or trust company, or by a brokerage firm which is a member of a major stock exchange.

2.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Bonds, as in this Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar

shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

2.05. Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall forthwith cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

2.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be destroyed, stolen or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

2.07. Owners. As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

2.08. Use of Securities Depository; Book-Entry Only System. The provisions of this Section shall take precedence over the provisions of Sections 2.01 through 2.07 hereof to the extent they are inconsistent therewith.

(a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of DTC or its nominee, the City and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Bond Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

(c) Upon receipt by the City and the Bond Registrar of written notice from DTC or any other securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer, and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owner registering ownership, transferring or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representation is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

Section 3. Execution and delivery of bonds and other documents

3.01. Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer under Section 475.60, subdivision 1, of the Act; provided that each series of Bonds shall be sold only at a price of not less than ninety-eight percent of the principal amount of such series of Bonds, and the Bonds shall bear interest at the rates specified by the successful proposal. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants or directions as it may deem necessary and expedient, including but not limited to, approval of an Official Statement and of a Continuing Disclosure Certificate. Any unused discount and any unused issuance costs shall be deposited in the Debt Service Account or applied to such other purposes as determined to be appropriate by the Finance Officer.

3.02. Bonds. The Bonds shall be executed by the manual or facsimile signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Bond. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of each Bond. When the Bonds have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Bonds shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the receipt of the Finance Officer to said purchasers thereof shall be a full acquittance; and said purchasers shall not be bound to see to the application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the Act.

3.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds and any appropriate addendums to such Official Statement to be prepared (collectively, the "Official Statement"), and the use thereof by the purchasers is approved.

3.04. Certificates. If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the purchasers at the closing: (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Mayor, City Clerk and Finance Officer shall also execute and deliver to the purchasers 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, together with an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Code and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

Section 4. Application of proceeds.

4.01. Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (a) any accrued interest and premium shall be deposited in the Debt Service Account (established pursuant to Section 5.01 hereof), (b) an amount sufficient to pay the portion of the costs of the current and future unfunded liability of MPRA to be financed with the Bonds shall be set aside for such purpose, and (c) an amount equal to the expenses of the transaction shall be applied to the payment thereof, and after retaining overhead expenses, the City shall apply the balance to any lawful purpose.

Section 5. Covenants of the city.

5.01. Debt Service Account. There is hereby established a separate Debt Service Account for payment of principal of, premium, if any, and interest on the Bonds. The City hereby pledges the proceeds of the ad valorem taxes hereinafter levied to the payment of principal of, premium, if any, and interest on the Bonds. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Account to pay the same, the Finance Officer shall pay such principal or interest from the general fund of the City, and such fund will be reimbursed for those advances out of the proceeds of the taxes levied by this Bond Resolution, when collected. There is appropriated to the Debt Service Account (i) capitalized interest financed from Bond proceeds, if any, (ii) any amount over the minimum purchase price of the Bonds, if any, paid by the purchaser of the Bonds, and (iii) the accrued interest, if any, paid by the purchaser of the Bonds upon closing and delivery of the Bonds.

5.02. Tax Levy. For the purpose of paying the principal of and interest on the Bonds, there is hereby authorized to be levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City, to be spread upon the tax rolls and collected with and as part of other general taxes of the City. The tax will be credited to the Debt Service Account above provided and, upon the award of the Bonds and the determination of the interest rates on the Bonds and the application of the proceeds of the Bonds, the Finance Officer shall determine, and the Board shall approve, the amounts, the levy years, and the collection years of such tax levy sufficient to pay the principal of and interest on the Bonds consistent with the other provisions of this Bond Resolution.

5.03. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City of Minneapolis are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. The collections of the foregoing taxes pledged to the Bonds under Section 5.01 shall be determined to produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent the sum of the estimated collections of the foregoing taxes in the following year, together with available amounts on deposit in the Debt Service Account and other dedicated funds, are insufficient to pay principal of and interest on the Bonds in such subsequent year and at least five percent (5.0%) in excess thereof.

Section 6. Book-entry system; limited obligation of city.

6.01. Form of Bonds. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

6.02. DTC and Cede & Co. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository ("Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual

to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this Bond Resolution. Upon delivery by DTC to the Finance Officer of the City of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co.," will refer to such new nominee of DTC.

6.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which shall govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

6.04. Transfers Outside Book-Entry System. In the event the City determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Bond Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this Bond Resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

6.05. Payments to Cede & Co. Notwithstanding any other provision of this Bond Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively, in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 7. Miscellaneous.

7.01. Registration. The Finance Officer is hereby authorized and directed to certify a copy of this Bond Resolution and to 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, as amended, and to obtain a certificate as to registration of the Bonds.

7.02. Certification. The City Clerk, the Finance Officer and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

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Adopted 10/22/04. Yeas, 11; Nays, 2 as follows:

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

Nays – Goodman, Benson

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

**RESOLUTION 2004R-493**

**By Johnson**

**Authorizing the issuance and sale of General Obligation Pension Bonds (Minneapolis Fire Department Relief Association), Series 2004; providing the form and terms of the obligations, pledging certain tax revenues; and making certain findings, covenants, and directions relating to such obligations**

Resolved by The City Council of The City of Minneapolis:

Section 1. Authorization, findings and definitions.

1.01. Minneapolis Fire Department Relief Association. The Minneapolis Fire Department Relief Association ("MFDRA") was established in 1886 and was closed to new members as of June 15, 1980. The MFDRA is governed by a board of trustees comprised of twelve members. Minnesota law requires that in the event of an unfunded actuarial accrued liability in the MFDRA the unfunded liability must be amortized by December 31 of the year occurring fifteen years later. The City is required to fund an amount equal to the amortization of the unfunded liability reduced by contributions and State aid. The unfunded liability of the MFDRA recently increased and the City has determined to finance a portion of this unfunded liability with the proceeds of general obligation bonds of the City. This Council hereby determines that: (i) it is necessary and expedient for the City to finance a portion of the current and future unfunded liabilities of MFDRA through the issuance of general obligation bonds of the City; and (ii) it is necessary and expedient for the City to expend municipal funds for the foregoing purposes.

1.02. Authority. Under Minnesota Statutes, Section 475.52, subdivision 6, as amended, the City is authorized to issue general obligation bonds to fund all or part of the City's current and future unfunded liability for a pension or retirement fund or plan referred to in Minnesota Statutes, Section 356.20, subdivision 2, as amended. MFDRA is referred to in Minnesota Statutes, Section 356.20, subdivision 2, as amended. As a condition to the issuance of general obligation bonds by the City to fund all or part of the City's current and future unfunded liability to MFDRA, the board of trustees of MFDRA must consent to the issuance of such bonds. The board of trustees of MFDRA has consented to the issuance of such bonds. Pursuant to Minnesota Statutes, Section 475.58, subdivision 1(7), general obligation bonds may be issued by the City to fund pension or retirement fund liabilities pursuant to Minnesota Statutes, Section 475.52, subdivision 6, without obtaining the approval of a majority of the electors voting on the question.

1.03. Definitions. Unless the context otherwise requires, the terms defined in this Section 1.03 shall, for all purposes of this Bond Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Act" means Minnesota Statutes, Chapter 475, as amended from time to time.

"City" means the City of Minneapolis, a municipal corporation and political subdivision of the State of Minnesota.

"Holder," "Bondholder," or "owner" means the person in whose name a Bond is registered.

"Letter of Representations" means the Blanket Letter of Representations from the City to The Depository Trust Company, New York, New York.

"MFDRA" means the same as such term is defined in Section 1.01 of this Bond Resolution.

"Series 2004 Bonds" or "Bonds" means the Taxable General Obligation Pension Bonds (MFDRA), Series 2004, authorized by this Bond Resolution.

Section 2. Terms and form of series 2004 bonds.

2.01. Bond Terms. It is hereby determined to be necessary and expedient to issue the Bonds to finance the costs referred to in Section 1.01 of this Resolution. The Bonds shall be designated "Taxable General Obligation Pension Bonds (MFDRA)," 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 shall be dated on December 1, 2004, or such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Bond Registrar (as hereinafter defined) may determine. The Bonds shall be issued in the original aggregate principal amount of \$4,740,000, or such lesser amount as the Finance Officer shall determine to be necessary and appropriate to finance the unfunded liability of the MFDRA for which the Bonds are to be issued. The Bonds shall bear interest at the rates per annum approved by the Finance Officer in connection with the sale thereof, payable semiannually on June 1 and December 1 of each year, or such other dates determined by the Finance Officer, commencing on June 1, 2005, or such other date determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve thirty-day months. The principal of the Bonds

shall mature on such dates and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Act (determined, if necessary, by combining such maturities with those of other obligations of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined within one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer.

The Finance Officer shall establish a date on and after which all Bonds shall be subject to redemption and prior payment in whole or in part at the option of the City. The redemption price of the Bonds shall be at such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the amended finance plan pursuant to which the Bonds are to be issued.

Thirty days prior to any redemption date, notice of any such redemption shall be given by mail to the banks where the Bonds are payable and to the registered owners, in accordance with the terms of the Act. In the event of a partial redemption by lot of Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal. The method of selecting Bonds for optional redemption may be altered in such manner as the Finance Officer shall determine to be necessary and appropriate in the interests of the City and the owners of the Bonds.

2.02. Method of Payment; Bond Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Bond Registrar and Paying Agent, or at the offices of such other successor agents as the City may hereafter designate upon sixty days' mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of at least \$100,000 in principal amount of Bonds shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

2.03. Bond Form. The Bonds shall be in substantially the following form with the necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest, and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine, to-wit:

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(Form of Bonds)

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN

No. R-\_\_\_\_\_

\$\_\_\_\_\_

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CITY OF MINNEAPOLIS  
TAXABLE GENERAL OBLIGATION PENSION BOND (MFDR)  
SERIES 2004

Interest Rate                      Maturity                      Date of Original Issue                      CUSIP

Registered Owner:

Principal Amount:

The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from \_\_\_\_\_, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 of each year, commencing \_\_\_\_\_, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve thirty-day months. Principal and the redemption price is payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty days' notice to the respective registered owners at their registered addresses. At the written request of the registered owner thereof, payment of at least \$100,000 in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month preceding each interest payment date (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is one of a series of Bonds in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), all of like date and tenor except for number, interest rate, denomination date of maturity and redemption privilege, and is issued pursuant to and in accordance with Minnesota Statutes, Chapter 475, as amended (the "Act") for the purpose of financing a portion of the current and future unfunded liability for the Minneapolis Police Relief Association, all as set forth and described in a resolution of the City Council relating to the issuance of the Bonds (the "Bond Resolution").

The Bonds of this series are payable from collections of the ad valorem taxes hereinafter levied which have been pledged to the Debt Service Account for the Bonds by the Bond Resolution; but the full faith and credit of the City of Minneapolis has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds, and the City Council is obligated to levy additional ad valorem taxes on all taxable property in the City without limitation as to rate or amount, if necessary, to pay principal and interest when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the money pledged to the payment of the Bonds and interest thereon.

All Bonds maturing on or after \_\_\_\_\_, are subject to redemption at the option of the City, in whole or in part in such order as the City may determine, on \_\_\_\_\_, and any date thereafter at a redemption price equal to par plus accrued interest to the redemption date [plus the redemption premium set forth in the following table].

[Redemption Premium Table, if applicable]

Thirty days' notice of prior redemption will be given by mail to registered owners in the manner provided by applicable provisions of the Act.

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issuable only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is hereby certified, recited and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in regular and due time, form, and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the manual or facsimile signature of its Finance Officer and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: \_\_\_\_\_

CITY OF MINNEAPOLIS, MINNESOTA

(SEAL)

By \_\_\_\_\_  
Finance Officer

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Bond Registrar's Registration and Authentication Certificate

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

Finance Officer, as Bond Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)  
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Please Insert Social Security Number or  
Other Identifying Number of Assignee.

Notice: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signatures must be guaranteed by a national bank or trust company, or by a brokerage firm which is a member of a major stock exchange.

2.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Bonds, as in this Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

2.05. Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall forthwith cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

2.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be destroyed, stolen or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

2.07. Owners. As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

2.08. Use of Securities Depository; Book-Entry Only System. The provisions of this Section shall take precedence over the provisions of Sections 2.01 through 2.07 hereof to the extent they are inconsistent therewith.

(a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of DTC or its nominee, the City and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Bond Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

(c) Upon receipt by the City and the Bond Registrar of written notice from DTC or any other securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer, and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of

the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owner registering ownership, transferring or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representation is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

### Section 3. Execution and Delivery of Bonds and Other Documents

3.01. Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer under Section 475.60, subdivision 1, of the Act; provided that each series of Bonds shall be sold only at a price of not less than ninety-eight percent of the principal amount of such series of Bonds, and the Bonds shall bear interest at the rates specified by the successful proposal. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants or directions as it may deem necessary and expedient, including but not limited to, approval of an Official Statement and of a Continuing Disclosure Certificate. Any unused discount and any unused issuance costs shall be deposited in the Debt Service Account or applied to such other purposes as determined to be appropriate by the Finance Officer.

3.02. Bonds. The Bonds shall be executed by the manual or facsimile signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Bond. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of each Bond. When the Bonds have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Bonds shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the receipt of the Finance Officer to said purchasers thereof shall be a full acquittance; and said purchasers shall not be bound to see to the application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the Act.

3.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds and any appropriate addendums to such Official Statement to be prepared (collectively, the "Official Statement"), and the use thereof by the purchasers is approved.

3.04. Certificates. If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the purchasers at the closing: (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Mayor, City Clerk and Finance Officer shall also execute and deliver to the purchasers 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, together with an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Code and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

Section 4. Application of Proceeds.

4.01. Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (a) any accrued interest and premium shall be deposited in the Debt Service Account (established pursuant to Section 5.01 hereof), (b) an amount sufficient to pay the portion of the costs of the current and future unfunded liability of MFDRA to be financed with the Bonds shall be set aside for such purpose, and (c) an amount equal to the expenses of the transaction shall be applied to the payment thereof, and after retaining overhead expenses, the City shall apply the balance to any lawful purpose.

Section 5. Covenants of The City.

5.01. Debt Service Account. There is hereby established a separate Debt Service Account for payment of principal of, premium, if any, and interest on the Bonds. The City hereby pledges the proceeds of the ad valorem taxes hereinafter levied to the payment of principal of, premium, if any, and interest on the Bonds. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Account to pay the same, the Finance Officer shall pay such principal or interest from the general fund of the City, and such fund will be reimbursed for those advances out of the proceeds of the taxes levied by this Bond Resolution, when collected. There is appropriated to the Debt Service Account (i) capitalized interest financed from Bond proceeds, if any, (ii) any amount over the minimum purchase price of the Bonds, if any, paid by the purchaser of the Bonds, and (iii) the accrued interest, if any, paid by the purchaser of the Bonds upon closing and delivery of the Bonds.

5.02. Tax Levy. For the purpose of paying the principal of and interest on the Bonds, there is hereby authorized to be levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City, to be spread upon the tax rolls and collected with and as part of other general taxes of the City. The tax will be credited to the Debt Service Account above provided and, upon the award of the Bonds and the determination of the interest rates on the Bonds and the application of the proceeds of the Bonds, the Finance Officer shall determine, and the Board shall approve, the amounts, the levy years, and the collection years of such tax levy sufficient to pay the principal of and interest on the Bonds consistent with the other provisions of this Bond Resolution.

5.03. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City of Minneapolis are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. The collections of the foregoing taxes pledged to the Bonds under Section 5.01 shall be determined to produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent the sum of the estimated collections of the foregoing taxes in the following year, together with available amounts on deposit in the Debt Service Account and other dedicated funds, are insufficient to pay principal of and interest on the Bonds in such subsequent year and at least five percent (5.0%) in excess thereof.

Section 6. Book-Entry System; Limited Obligation of City.

6.01. Form of Bonds. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

6.02. DTC and Cede & Co. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository ("Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this Bond Resolution. Upon delivery by DTC to the Finance Officer of the City of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co.," will refer to such new nominee of DTC.

6.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which shall govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

6.04. Transfers Outside Book-Entry System. In the event the City determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Bond Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this Bond Resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

6.05. Payments to Cede & Co. Notwithstanding any other provision of this Bond Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively, in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 7. Miscellaneous.

7.01. Registration. The Finance Officer is hereby authorized and directed to certify a copy of this Bond Resolution and to 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, as amended, and to obtain a certificate as to registration of the Bonds.

7.02. Certification. The City Clerk, the Finance Officer and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

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Adopted 10/22/04. Yeas, 11; Nays, 2 as follows:

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

Nays – Goodman, Benson

**W&M/Budget** - Your Committee, having under consideration the 2003 Parkway Paving Program and having been informed by the Minneapolis Park and Recreation Board that an adjustment to funding and bonding is required based on the actual amount of work performed, now recommends passage of the accompanying resolutions:

a) Amending the 2004 Capital Improvement Appropriation Resolution by increasing the appropriation for the Parkway Paving Program by \$110,000 due to additional amounts levied as assessments; and

b) Amending the 2003 Special Assessment Bonding Request by increasing authorization for the 2003 Parkway Paving Program by \$110,000, for a revised total of \$160,000.

Adopted 10/22/04.

Resolutions 2004R-494 and 2004R-495 amending the Capital Improvement Appropriation Resolution and 2003 Special Assessment Bonding Resolution to reflect increased assessment bonding for the 2003 Parkway Paving Program, were passed 10/22/04 by the City Council. A complete copy of each 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 2004R-494**

**By Johnson**

**Amending The 2004 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Streets and Malls Agency in the Permanent Improvement Projects Fund (4100-937-9372-03PKY) by \$110,000 for the 2003 Parkway Paving Program.

Adopted 10/22/04.

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

**RESOLUTION 2004R-495**

**By Johnson**

**Amending Resolution No. 2002R-478 entitled "Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$3,872,000 for certain purposes other than the purchase of public utilities" passed December 16, 2002.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the authorization for the 2003 Parkway Paving Program by \$110,000 for a revised total of \$160,000.

Adopted 10/22/04.

**W&M/Budget** - Your Committee, having under consideration the Disease Tree Removal Program and having been informed by the Minneapolis Park and Recreation Board that an adjustment to bonding for the program is required based on the actual amount of work performed, now recommends passage of the accompanying resolution amending the Special Assessment Bonding Request by increasing authorization for the Diseased Tree Removal Program from \$500,000 to \$800,000.

Adopted 10/22/04.

Resolution 2004R-496 amending the Special Assessment Bonding Resolution to reflect increased assessment bonding for the Minneapolis Park and Recreation Board Diseased Tree Removal Program, was passed 10/22/04 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 2004R-496**

**By Johnson**

**Amending Resolution No. 2003R-613 entitled "Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$500,000 for certain purposes other than the purchase of public utilities" passed December 15, 2003.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing the authorization for the Diseased Tree Removal Program from \$500,000 to \$800,000.

Adopted 10/22/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$10 from the Central City Neighborhoods Partnership (CCNP) Restorative Justice Program, donated for the purpose of addressing the need for more public restrooms.

Your Committee further recommends that any similar donations received in the future be accepted without formal City Council action and that they be deposited into the City Clerk Agency (0100-240-2414).

Adopted 10/22/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to place an insert in the November utility bills that provides information on the 2004-2005 snow season.

Adopted 10/22/04.

**W&M/Budget** – Your Committee recommends concurrence with the Executive Committee in approving the reclassification of the position of Superintendent, Equipment Services Division from Grade 13 (610 points) to Director, Equipment Services Division, Grade 14 (653 points) with an annual salary of \$88,323 - \$97,621, effective August 26, 2004; and passage of the accompanying amendment to the Salary Ordinance establishing the salary rates for the reclassified position.

Adopted 10/22/04.

Ordinance 2004-Or-127, approving the salary for the reclassified position of Director, Equipment Services Division, was passed 10/22/04 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 2004-Or-127**  
**By Johnson**  
**1st & 2nd Readings: 10/22/04**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

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

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**  
**Effective: August 26, 2004**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Equipment Services Division	A	\$88,323	\$92,972	\$95,761	\$97,621

Adopted 10/22/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking consultant services for implementation of the Minneapolis One Stop - General Services project.

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

Adopted upon a voice vote.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Finance Officer that the City execute a contract with each of the following firms to provide financial services to the City for a three-year period and in an amount not to exceed \$225,000 per agreement:

- CSL (Conventions Sports & Leisure)
- Deloitte Consulting LLP
- Ehlers & Associates Inc
- GFOA (Government Finance Officers Association, Research and Consulting Center)
- Hess, Roise and Company
- Krass Monroe, P.A.
- Landscape Research LLC
- Larson, Allen, Weishair & Co., LLP
- Mead Hunt
- HD Minor LLC
- Northland Securities Inc.
- Public Financial Management
- RBC Dain Rauscher
- Real Estate Strategies LLC
- Rogers and Company
- Springsted Incorporated

URS  
Virchow Krause & Company  
Wells Fargo Brokerage Services  
Michael S. Wilson, CPA.

Adopted 10/22/04.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Gary Knox from the decision of the Board of Adjustment which denied his application for a) variance to increase the maximum height of a fence from 4' to 7'-6" in the interior side yard where the adjacent house is closer than 5' to the property line; and b) variance to increase the height of a fence from 6' to 7'-6" in the interior side yard for 4624 Upton Ave S, now recommends that said appeal be granted in part to approve a modified variance to increase the maximum height of a fence for one column at the rear of the adjacent dwelling from 4' to 6' in the interior side yard where the adjacent house is closer than 5' to the property line. The variance to increase the height of a fence from 6' to 7'-6" in the interior side yard is no longer applicable.

Adopted 10/22/04.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Urban Ventures Leadership Foundation (BZZ-393) to rezone the property at 2921-23, 2925 and 2927 Clinton Ave S from R2B to the I1 District to permit a community center with accessory uses, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

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

Adopted 10/22/04.

Declining to vote – Lilligren.

Ordinance 2004-Or-128 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2921-23, 2925 and 2927 Clinton Ave S to the I1 District, was passed 10/22/04 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 2004-Or-128**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 10/22/04**

**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 districts for the following parcels of land to the I1 District (Plate 25), pursuant to MS 462.357:

A. That part of Lot 7, Block 4, Duensings Addition to Minneapolis (2921-23 Clinton Ave S).

B. That part of the North 32 feet of Lot 2, Block 1, F.A. Parker's Addition to Minneapolis (2925 Clinton Ave S).

C. That part of the North 16 feet of Lot 11 and the South 16 feet of Lot 12, Block 1, F.A. Parker's Addition to Minneapolis (2927 Clinton Ave S).

Adopted 10/22/04.

Declining to vote – Lilligren.

Schiff moved to discharge the Zoning & Planning Committee from further consideration of the appeal filed by August and Patricia Foss from decision of the Board of Adjustment which denied their application for variances for a detached accessory structure at 636 – 22<sup>nd</sup> Ave NE. Seconded.

Adopted upon a voice vote.

Schiff moved to deny the appeal filed by August and Patricia Foss from the decision of the Board of Adjustment which denied an application for a) variance to increase the maximum permitted floor area for detached accessory structures from 1,000 square feet to 1,560 square feet; and b) variance to increase the maximum permitted height of a detached accessory structure from 12' to 16' where the proposed roof pitch of the detached accessory structure does not match the roof pitch of the principal dwelling, to allow for the construction of a 832 square foot detached accessory structure at 636 – 22<sup>nd</sup> Ave NE, and that the findings prepared by the Department of Planning & Economic Development staff be adopted. Seconded.

Adopted 10/22/04.

### MOTIONS

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

Adopted 10/22/04.

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement, which was given its first reading and referred to the Zoning & Planning Committee (Amending application procedures and appeals).

Johnson Lee introduced the subject matter of an Ordinance amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to Civil Rights: Administration and Enforcement, which was given its first reading and referred to the Health & Human Services Committee (Amending Section 141.50(d) relating to probable cause).

Schiff moved to adopt the Findings of Fact prepared by the City Attorney's Office in support of the action of the City Council on October 8, 2004 to deny the application of Daniel Carlson for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units in certain areas of north Minneapolis, for property at 2800 Newton Ave N. Seconded.

Adopted 10/22/04.

Johnson Lee introduced the subject matter of an Ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs - Fares and Charges, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Adding a 50 cent charge to the flag drop for a period of one year).

### RESOLUTION

All Council Members offered a Resolution in recognition of Allan Bernard's year of service to the City of Minneapolis.

Adopted 10/22/04.

(Not published. See Resolution 2004R-497 on file in the Office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-497**

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

**In recognition of Allan Bernard's years of service to the City of Minneapolis.**

Whereas, Allan Bernard has worked for the City of Minneapolis for 11 years; and

Whereas, in his years of service to the City of Minneapolis, he has served as a Council Member Aide to both Council Member Lisa McDonald and Council Member Paul Zerby; and

Whereas, Allan has been instrumental in the daily operation of the wards in which he has served and has ardently served the constituency of each ward; and

Whereas, Allan has shared unselfishly his knowledge and expertise with his colleagues as well as other; and

Whereas, Allan will be leaving on October 29, 2004 to pursue a political career as a Council Member; and

Whereas, Allan's long and faithful service with the Council has exemplified his outstanding performance in government service and brought great credit upon the City of Minneapolis;

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

That the members of the City Council recognize the long service rendered to the City of Minneapolis by Allan Bernard in the Council Aide positions and appreciate his untiring devotion, utmost efficiency, dependability, and tremendous contributions.

Be it Further Resolved that we express our gratitude and thanks to Allan and wish him all the happiness and success he so justly deserves.

Adopted 10/22/04.

**UNFINISHED BUSINESS**

Spincycle Coin Laundry (2937 Dupont Av S): Sent forward without recommendation application for Laundry License. (Postponed 2/13/04, PS&RS)

By unanimous consent the above item continued to be postponed.

**Comm Dev** - Your Committee, having under consideration funding in the amount of \$1,000,000 approved in the 2004 budget to create affordable homeownership opportunities and having referred back from the Council on July 2, 2004 proposed guidelines for a Workforce Ownership Housing Development Program that includes an amendment to the allocation of funds to allocate \$500,000 for buyers at or below 50% of the median income and \$500,000 for buyers at or below 60% of median income, and having received a revised staff recommendation for allocation of \$500,000 for buyers at or below 50% of the median income and \$500,000 for buyers at or below 80% of the median income, now recommends that the matter be sent forward without recommendation.

Johnson moved to amend the report to approve the revised staff recommendation for allocation of \$500,000 for buyers at or below 50% of the median income and \$500,000 for buyers at or below 80% of the median income. Seconded.

Schiff moved to substitute that the report be amended to approve the allocation of \$500,000 for buyers at or below 50% of the median income and \$500,000 for buyers at or below 60% of median income. Seconded.

The motion to substitute was adopted by unanimous consent.

Schiff's motion was adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Goodman, Lane, Zimmermann, Schiff, Zerby, Johnson Lee, Niziolek, Benson.

Nays - Samuels, Johnson, Colvin Roy, Lilligren, Ostrow.

The report, as amended, was adopted 10/22/04.

Parking for Minnesota State Fair and Use of Office Space at State Fairgrounds: Approve execution of lease agreement with the Minnesota State Fair for parking and office use. (Postponed 10/8/04, W&M)  
By unanimous consent the above item continued to be postponed.

**NEW BUSINESS**

Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the matter regarding the Claim of Willie Cash. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

October 22, 2004 - 12:12 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Goodman (Out at 12:20), Lane, Samuels, Johnson, Colvin Roy (In at 12:17), Zimmermann, Schiff, Zerby (Out at 12:32), Lilligren (In at 12:19), Johnson Lee (Out at 12:32), Niziolek, Benson, Ostrow.

Also present - Peter Ginder, Acting Deputy City Attorney; Tim Skarda, Assistant City Attorney; Inspector Don Harris, Police Department; Steven Ristuben, Assistant City Clerk; Jan Hrcir and Julie Bartell, City Clerk's Office.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the matter regarding the Claim of Willie Cash.

At 12:13 p.m. Zerby moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Skarda summarized the matter regarding the Claim of Willie Cash from 12:13 p.m. to 12:45 p.m.

Lilligren moved that the meeting be opened. 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.

By unanimous consent, the meeting was adjourned.

Steven J. Ristuben,  
Assistant City Clerk.

Unofficial Posting: 10/26/2004

Official Posting: 10/29/2004

Corrections: 12/06/2004;

12/07/2004