

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 8, 2002

(Published November 16, 2002,
in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 8, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Biernat.

Lilligren moved acceptance of the minutes of the regular meeting held October 25, 2002. 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:

COORDINATOR (268331)

Focus Minneapolis Status Report: Receive and File.

CITY OF LAKES COMMUNITY LAND TRUST (268332)

City of Lakes Community Land Trust: Mission and Purpose, and supporting documents.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268333)

Heritage Park, Phase II Project: Issuance of tax exempt multifamily entitlement housing revenue bonds.

Guthrie Theater Riverfront Project: Hold public hearing in Committee of the Whole meeting, November 21, 2002.

Second Mortgage Program: Terms for affordable multifamily ownership housing units.

Federal Low Income Housing Tax Credits: 2003 allocation.

Tax Forfeited Parcels: Classification of parcels as non-conservation.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268334)

Zip-Sort, Inc: Issuance of tax-exempt and taxable MCDA Limited Tax Supported Development Revenue Bonds through the Common Bond Fund.

Minneapolis Housing Revenue Bonds and Tax Credit Program: Appropriation to cover increased workload.

Lowry Avenue Corridor Project: Appropriation for blight analysis of properties.

Chapter 595 Levy: Approve 2002 funding cycle process for allocation of levy funds for affordable housing and job creation.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (268334.1)

Lynnhurst Neighborhood Revitalization Program: Use Minneapolis Schools' Second 7.5% funds for improvements to Burroughs School playground and park.

HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES:

CIVIL RIGHTS (268335)

Civilian Review Authority Redesign: Redesign plan to integrate CRA function into Department of Civil Rights; with attachments.

POLICE DEPARTMENT (268336)

Initiatives of Police Department: Report by Chief Olson on initiatives of Department.

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

HEALTH AND FAMILY SUPPORT SERVICES (268337)

Skyway Senior Center: Authority to solicit funds via monthly newsletter, the Chatter.

Home Visiting Services: Auth contract with Hennepin County to receive up to \$700,000 in Local Collaborative Time Study funds.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (268338)

State of the 2nd Precinct.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (268339)

Chapter 249 Property: Raze 625 Newton Av N.

2002 Inspection Levies: Approve levies and Direct Hennepin County Taxation Department to place assessments against certain properties for Levy 1060 - Concrete Demonstration Program; Levy 1080 - Rubbish Removal; Levy 1081 - Weed Removal; Levy 1084 - Tree Removal; Levy 1085 - Shrub & Brush Removal; Levy 1086 - Inoperable Vehicle Towing; Levy 1092 - Emergency Demolition and Nuisance Demolition; Levy 1096 - Vacant Building Registration; Levy 1098 -Police Action - Securing Buildings; Levy 1099 - Securing Abandoned Buildings.

LICENSES AND CONSUMER SERVICES (268339.1)

Gas N Snack (2606 Penn Av N): Grant Provisional Grocery, Food Manufacturer, Gasoline Filling Station and Tobacco Licenses, subject to conditions.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):

INSPECTIONS DEPARTMENT/PUBLIC WORKS AND ENGINEER (268340)

Address Assignments and Street Naming within City: Authorize staff to work with City Attorney to write new ordinance language governing address assignment and street naming.

REGULATORY SERVICES (268341)

Pollution Control: Ordinances amending Title 3 relating to Air Pollution and Environmental Protection by amending Chapter 48 relating to Minneapolis Watershed Management Authority and Chapter 50 relating to Minneapolis Waste Control and Waste Discharge Rules, updating fees, clarifying registration standards and equipment maintenance requirements.

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

FIRE DEPARTMENT (268342)

Donation of Bus: Accept donation of bus from Metropolitan Council to be used by Fire Department to transport firefighter cadets during training and as resource for services for period fire suppression personnel during extended emergency incidents.

Emergency Medical Service Training for Fire Suppression Personnel: Renew and Amend Agreement with Hennepin County Medical Center to provide training services for July 1, 2002 to June 30, 2003.

POLICE DEPARTMENT (268343)

Forensic Interview Services for Children and Vulnerable Adult Victims: Issue Request for Proposals for interview services.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (268344)

2002 Governor's Award: Excellence in Waste and Pollution Prevention.

New Bus Ordinance: Concept language.

Traffic Zones, Restrictions and Controls: Quarterly submittal indicating changes that have been administered by staff.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268345)

Tier II Sewer Plan: Submit to Metropolitan Council.

Police Department 15 Year Comprehensive Space and Facilities Programming Study: Extend agreement to February 28, 2003 with Carter Goble Associates, Inc.

Animal Shelter: Purchase agreement with Kirschbaum-Krupp Metal Company, for acquisition of property at 212 17th Av N.

Light Rail Transit: Traction Power Substation Screening Conceptual Architectural Design for Substation 14.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:

PUBLIC WORKS AND ENGINEERING (268346)

2003 Uniform Assessment Rates: Mixed use property/assessment calculations.

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

PUBLIC WORKS AND ENGINEERING (268347)

Nicollet Mall Improvement, Maintenance and Operation Budget, Payable 2003: Adopt assessments and assessment roll.

Public Safety Initiative Program: Reallocating funds from 800 MHz Project to Third Police Precinct project.

Bids: OP #5515, increase contract with Electronic Design Company, for parking ramp security; and OP #5942, low bid of Thomas and Sons Construction, Inc, for Harrison Street NE Storm Drain Project.

2003 Uniform Assessment Rates: Establish rates for street construction and renovation.

WAYS AND MEANS BUDGET:

CONVENTION CENTER (268348)

Convention Center Expansion Project: Change Management Actions.

FINANCE DEPARTMENT (268349)

Travel Expense Report: Third Quarter 2002.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268350)

Legal Settlements: Claims of Angela M. Marbles and Michael Forcia.

CENTRAL LIBRARY PROJECT (268351)

Change Order for Interim Library Project: Increase contract with Metro Communication Services.
Testing and Inspection Services: Contract with Braun Intertec Corporation.

CONVENTION CENTER (268352)

Convention Center Expansion Project Construction Change Orders: Increase contracts with Shaw-Lundquist Associates, Inc., Minuti-Ogle, Inc., St. Paul Linoleum and Carpet and Marcy Construction.

COORDINATOR (268353)

Empowerment Zone Funds: Direct that future and current loan revenue remain within the program.

Empowerment Zone Funds for Little Earth of United Tribes: Allocate funds to the Minneapolis Community Development Agency Multi-Family Rental and Cooperative Housing Program to be used for Little Earth physical improvement project.

Empowerment Zone Funds for Siyeza: Authorize loan for working capital and business management planning services.

Empowerment Zone Funds for Franklin Bakery: Authorize loan to construct building at 1004-1020 E Franklin Av.

FINANCE DEPARTMENT (268354)

Pension Bonds: Approve terms and conditions for the issuance of General Obligation Pension Bonds for the Minneapolis Employees Retirement Fund and Minneapolis Police Relief Association.

Designation of City Depositories.

Assessments for Delinquent Utility Billing Charges (Water, Sewer and Solid Waste): Assessment rolls.

Engineering 2000 Program: Appropriation amendments to allow completion of program and to reconcile the Strategic Information Systems Plan.

HUMAN RESOURCES (268355)

Business Application Analyst I: Classify new position and reclassify employee Jay Trevino to position.

POLICE DEPARTMENT (268356)

Salary Step Authorization: Authorize the Police Chief to appoint Lucy Gerold as Deputy Police Chief at Step "D" of the salary scale.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (268357)

Appeals:

Jewish Community Relations Council (re Lander Group, 4610 E Lake St): Appeal filed from decision re mitigation plan requiring commemoration of River Lake Gospel Tabernacle building.

PLANNING COMMISSION/DEPARTMENT (268358)

Appeals:

Paul Smith (re Mpls Institute of Arts, 2400-3rd Ave S): Appeal from decision approving conditional use permit & site plan review for museum expansion, w/Attachments.

Waiver Applications:

Brian Carlson (2400 Penn Ave N): Waiver from W Broadway moratorium.

Glenn Toby (1808 W Broadway Ave): Waiver from W Broadway moratorium.

Vacations:

James Moeller (1300 & 1350 New Brighton Blvd).

Metropolitan Council's Blueprint 2030: City comments/statistics.

PLANNING COMMISSION:

MARTIN, JENNIE L (268359)

Permission to vacate right-of-way of 58th Street north of 5801 Clinton Avenue.

MOTIONS (See Rep):

CITY CLERK (268359.1)

2003 City Council Committee Schedule and Members: Amended Committee dates and meeting times.

FILED:

CITY CLERK/SPECIAL PERMITS (268360)

Broadway W, 1300 (Topline Advertising) sign;
Cedar Av S, 309 (Midwest Mountaineering) tents;
Cedar Av S, 3541 (Metro Sign) sign;
Fremont Av N, 4053 (Terry Semo) sign;
Girard Av N, 2410 (Sign A Rama) sign;
Lake St E, 2150 (Chris Leaf) sign;
Newton Av N, 4320 (Patrick Henry High School) hay rides;
River Pkwy W, 1101 (Let'sGetGraphic) sign.
MINNEAPOLIS PUBLIC LIBRARY (268361)

New Central Library Project: Ltr from the Board of Trustees with recommendations approved by the Board relating to the schematic design. (See W&M/Budget Report of 10/25/2002)

**REPORTS OF
STANDING COMMITTEES**

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

Comm Dev - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution giving preliminary approval to issue up to \$11,500,000 in tax-exempt multifamily entitlement housing revenue bonds for the Heritage Park, Phase II Project at Aldrich and 7th Avenues North (a multifamily rental housing development for the benefit of Sumner Field Phase II, LP).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2002R-408, giving preliminary approval to issue up to \$11,500,000 in tax-exempt multifamily entitlement revenue bonds for the Heritage Park, Phase II Project, was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2002R-408
By Goodman**

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C for the purpose of financing a housing program consisting of the construction of a multifamily rental housing development for the benefit of Sumner Field Phase II, L.P.

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

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or

obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of Sumner Field Phase II, L.P., a Missouri limited partnership (the "Developer"), has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of up to \$11,500,000 of its tax-exempt multifamily housing revenue bonds (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the construction by the Developer of a 113-unit multifamily rental housing development to be located at the intersection of Aldrich Avenue North and Seventh Avenue North in the City (the "Project"); and

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

Whereas, the Council has been advised by U.S. Bancorp Piper Jaffray Inc., representing the Developer, that on the basis of information available to them, the Project is economically feasible and the Bonds could be successfully issued and sold; and

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

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

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

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

Be It Further Resolved that the issuance of the Bonds (in one or more series) pursuant to the Program in a principal amount not to exceed \$11,500,000 is preliminarily approved.

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

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

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends approval to set a public hearing for November 21, 2002 at 9:00 a.m. in the Committee of the Whole meeting to be held in Room 317 City Hall to consider the following:

a) the proposed land sale to the Guthrie Theater Foundation of an approximately 25,000 square foot "air rights" parcel located at Second Street and Ninth Avenue South, at a cost of \$11 per square foot; and

b) approval of the proposed negotiated method of sale.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Interim

Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation, and the conveyance thereof.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to submit an application to the Commissioner of Revenue and Hennepin County for purchase and conveyance of said property.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2002R-409, approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation, and the conveyance thereof, was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2002R-409
By Goodman**

Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation, and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

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

That the parcels listed below, which have not already been designated as non-conservation land, be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the Minneapolis Community Development Agency (MCDA).

Tax Forfeited Properties to be Acquired by the MCDA

PID Number	Address	Forfeit Date	Legal Description
03-028-24-44-0109	3641 – 5 th Ave. S.	5/23/02	LOT 009, BLOCK 001 "ELISABETH BROWN'S ADDITION TO MINNEAPOLIS"
09-029-24-42-0094	2931 Girard Ave. N.	5/23/02	LOT 13, BLOCK 8 VINTON PARK ADDITION TO MINNEAPOLIS
11-029-24-44-0032	1919 Monroe St. N.E.	5/23/02	LOT 12, BLOCK 30 "EAST SIDE ADDITION TO MINNEAPOLIS"
16-029-24-13-0089	2020 Fremont Ave. N.	5/23/02	NORTH 8 FEET OF LOT 12 AND SOUTH 38 FEET OF LOT 13, BLOCK 34 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS

NOVEMBER 8, 2002

17-029-24-11-0188	2319 Penn Ave. N.	5/23/02	LOT 6, BLOCK 1 "WYANT & KIICHLI'S ADDITION TO MINNEAPOLIS"
17-029-24-11-0230	2320 Sheridan Ave. N.	5/23/02	SOUTH 19.82 FEET OF LOT 1 AND NORTH 17.18 FEET OF LOT 2, BLOCK 8 "SUBDIVISION OF LOTS IN FERRANTS 1 ST ADDITION TO MINNEAPOLIS"
17-029-24-41-0062	2427 Golden Valley Rd.	6/20/02	LOT 7, BLOCK 3 EASTLAWN ADDITION TO MINNEAPOLIS
17-029-24-43-0193	1317 Thomas Ave. N.	5/23/02	LOT 10, BLOCK 3 "W H LAUDERDALES ADDITION TO MINNEAPOLIS"
20-029-24-41-0029	537 Queen Ave. N.	5/23/02	EXCLUDING ROAD LOT 4, BLOCK 2 C.G. MORRISON'S ADDITION TO MINNEAPOLIS MINNESOTA
35-029-24-31-0051	2732 – 12 th Ave. S.	5/23/02	LOT 1, BLOCK 1 TWELFTH (12 TH) AVENUE ADDITION TO MINNEAPOLIS
35-029-24-43-0142	2826 14 th Ave. S.	5/23/02	LOT 1 AND NORTH 10 FEET OF LOT 2, BLOCK 1 SHAW'S SUBDIVISION OF MERRIAM AND SHAW'S ADDITION TO MINNEAPOLIS MINNESOTA
35-029-24-44-0051	2927 Bloomington Ave.	5/23/02	LOT 8, BLOCK 4 ALLAN & ANDERSONS ADDITION
09-029-24-33-0081	2722 Newton Ave. N.	12/21/02	LOT 13, BLOCK 2 "SUPPLEMENT TO FOREST HEIGHTS MINNEAPOLIS"

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction.

PID Number	Address
06-028-23-31-0146	3432 – 36 th Ave. S.
11-028-24-32-0094	4217 Park Ave.
16-029-24-14-0037	2207 Lyndale Ave. N. (To be combined with 2203 Lyndale Ave. N.)
35-029-24-12-0111	1510 E. 23 rd St.

Be It Further Resolved that the parcels listed below be designated as non-conservation, and that they be released for private sale to adjacent property owners only.

PID Number	Address
11-029-24-44-0072	1806 Quincy St. N.E.
13-029-24-24-0144	1122 Pierce St. N.E.
15-029-24-23-0096	416 – 21 st Ave. N.
16-029-24-14-0117	912 – 22 nd Ave. N.

Be It Further Resolved that this matter be referred to the MCDA for authorization to submit an application to the Commissioner of Revenue and the County of Hennepin for the purchase and conveyance of said property located in targeted areas, pursuant to the provisions of Minnesota Statutes 282.01, Subdivision 1b.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends that Paul Williams be appointed jointly by the Hennepin County Board and the Minneapolis City Council to serve as Chair of the Hennepin County Shelter Advisory Board, pursuant to Hennepin County Resolution No. 02-10-740, adopted on October 15, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends approval of second mortgage terms for affordable multifamily ownership housing units, in accordance with applicable goals of the City, as more fully set forth in Petn No 268333 on file in the Office of the City Clerk.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA) for approval of said second mortgage terms.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends approval to preliminarily reserve 2003 federal low-income housing tax credits totaling \$925,698 for the following projects, for the amounts indicated, in accordance with the Qualified Allocation Plan passed by Council action of May 6, 2002 (adopting the selection criteria and allocation process):

- a) Lydia House, 1920 LaSalle Avenue, \$411,436;
- b) The Boulevard, 5320 Lyndale Avenue South, \$23,757;
- c) Lindquist Apartments, 1927-1935 West Broadway, \$142,832; and
- d) Near Northside, Olson Highway and Lyndale, \$347,673.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration a request for approval of the 2002 funding cycle process for allocation of payable 2002 Chapter 595 levy funds, as follows:

- a) affordable housing, in the amount of \$2,000,000;
- b) job creation, in the amount of \$2,000,000; and

Further, that appropriate staff of the Minneapolis Community Development Agency (MCDA) be directed to report back next cycle to the Community Development and Ways & Means/Budget Committees with a list of potential projects that meet current selection criteria, giving additional

consideration to projects leveraging private dollars, meeting the City's goal to provide affordable housing at 30-50% of metropolitan median income levels, and providing a larger number of total dwelling units; and

Further, that this action be transmitted to the Board of Commissioners of the MCDA; now recommends:

Comm Dev - Approval.

W&M/Budget - Approval.

Your Committee further recommends that additional consideration also be given to the issue of long-term affordability.

Goodman moved to amend the report to approve the recommendation of the Ways & Means/Budget Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration a proposal to issue revenue bonds on behalf of Zip Sort, Inc, 63 St. Anthony Parkway, to finance building acquisition and equipment, and having held a public hearing on October 28, 2002 thereon, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution giving preliminary approval to the issuance of up to \$1,500,000 in tax-exempt and \$4,500,000 in taxable MCDA limited tax-supported development revenue bonds, Common Bond Fund Series 2002, for Zip Sort, Inc, to be issued through the Minneapolis Common Bond Fund; and further to designate the bonds as being entitled to the security provided by City Ordinance No. 87-Or-084, the Tax Reserve and Pledge Ordinance.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA and that the Common Fund Bonds be designated, if and when issued, as bonds entitled to the security provided by said Tax Reserve and Pledge Ordinance, pursuant to MCDA Resolution No. 87-171M, adopted by the Board of Commissioners of the MCDA on July 16, 1987.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2002R-410, giving preliminary approval and authorizing a project on behalf of Zip Sort, Inc., and authorizing the issuance of \$1,500,000 tax-exempt and \$4,500,000 taxable Minneapolis Community Development Agency revenue bonds, was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-410
By Goodman and Johnson

Giving preliminary approval to and authorizing a project on behalf of Zip Sort, Inc., and authorizing the issuance of revenue bonds or notes of the Minneapolis Community Development Agency therefor, payable primarily from revenues derived pursuant to a revenue agreement.

Whereas, the City Council, by Ordinance No. 81-Or-017, as amended by Ordinance No. 82-Or-076, reorganized and renamed the Housing and Redevelopment Authority in and for the City of Minneapolis as the Minneapolis Community Development Agency (the "Former Agency"), and granted additional powers and duties pursuant to Minnesota Laws of 1980, Chapter 595; and

Whereas, the City Council, by Ordinance No. 86-Or-035, renamed the Former Agency as the Minneapolis Public Housing Authority in and for the City of Minneapolis and created a new public corporation named the Minneapolis Community Development Agency (the "Agency") to which it granted the development powers of the Former Agency and to which it extended the development obligations of the Former Agency; and

Whereas, pursuant to Minnesota Laws of 1980, Chapter 595, Ordinance No. 81-Or-017, as amended, and Ordinance No. 86-Or-035, as amended, of the City Council and Minnesota Statutes, Sections 469.152 through 469.1651 (collectively, the "Act"), the Agency is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue producing enterprise engaged in any business; and

Whereas, by Resolution No. 82-512, adopted by the Former Agency on December 15, 1982, as amended, the Former Agency established a certain common bond fund and provided for the issuance from time to time by the Agency of economic development revenue bonds to be secured thereby ("Common Fund Bonds"); and

Whereas, pursuant to Ordinance No. 86-Or-035, as amended by the Minneapolis City Council on June 27, 1986, the Agency has authority to issue Common Fund Bonds and is the successor to the Former Agency for purposes of Common Fund Bonds; and

Whereas, Zip Sort, Inc., a Minnesota corporation (the "Company"), has proposed to acquire, renovate and equip an approximately 148,000 square foot building to be used for printing and bulk mailing and located at 63 St. Anthony Parkway in the City of Minneapolis (the "Project"); and

Whereas, the Company has proposed that the Agency finance the Project by the issuance of its Common Fund Bonds under the Act, in the approximate amount of \$6,000,000 (the "Bonds"); and

Whereas, the City Council has been advised that in accordance with the Act, a public hearing on the proposal to finance the Project has been conducted by the Community Development Committee of the City Council on behalf of the Agency, preceded by notice thereof as required by the Act, and at such public hearing all parties were given an opportunity to express their views with respect to the proposed undertaking and financing of the Project; and

Whereas, the City Council has been further advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City of Minneapolis at least fourteen (14) days prior to consideration hereof; and

Whereas, the Agency, by resolution adopted or to be adopted on the date hereof, has or will give preliminary approval to the Project in accordance with the Act;

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

That the City Council hereby gives preliminary approval to the Project and the issuance by the Agency of its Bonds, pursuant to the Act for the purpose of financing the Project in the aggregate sum of \$6,000,000 or such other amount approved by the Agency not exceeding such sum by more than ten percent (10%).

Be It Further Resolved that this approval by Ordinance No. 86-Or-035, as amended, of the City Council is hereby given as required.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Minneapolis Housing Revenue Bond and Tax Credit Program and the expanded workload caused by increased housing revenue bond and tax credit applications, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve

passage of the accompanying resolution amending the 2002 MCDA Appropriation Resolution, increasing the appropriation in Fund SHP0 (Housing Program) by \$98,000, with the understanding that funds are available from housing revenue and tax credit fees.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-411
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SHP0 by \$98,000 from the projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Lowry Avenue Corridor Project, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage of the accompanying resolution amending the 2002 MCDA Appropriation Resolution, increasing the appropriation in Fund CPP0 (Preliminary Planning Fund) by \$54,642 to cover blight analysis for said project.

Your Committee further recommends that this action be transmitted to the MCDA Board of Commissioners to establish the 2002 Preliminary Planning budget for the Lowry Avenue Corridor Project (Project #CPP58), in the amount of \$54,642.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-412
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CPP0 by \$54,642 from the projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Minneapolis Schools' "second 7.5%" NRP Funds, in the amount of \$211,500, for playground improvements to the Burroughs School playground and park, now recommends the following:

1) That the use of Minneapolis Schools' "second 7.5%" NRP funds, in the amount of \$211,500, be approved for improvements to the Burroughs School playground and park located in the Lynnhurst neighborhood;

2) Passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$211,500;

3) That the proper City officers be authorized to execute the contracts or agreements required to implement said improvements; and

4) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-413
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CNR0 by \$211,500 from the projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

H&HS & W&M/Budget - Your Committee recommends passage and summary publication of a resolution authorizing the proper City officers to solicit funds to support the Skyway Senior Center.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

Resolution 2002R-414, authorizing utilization of the Skyway Senior Center monthly newsletter, the *Chatter*, as a means of soliciting donations from the public for the purpose of raising funds to support operational costs of the Skyway Senior Center, was passed November 8, 2002 by the City Council and approved November 8, 2002 by the Acting Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-414

By Johnson Lee

Authorizing utilization of the Skyway Senior Center monthly newsletter, the *Chatter*, as a means of soliciting donations from the public for the purpose of raising funds to support operational costs of the Skyway Senior Center.

Whereas, the Skyway Senior Center is an enterprise of the City of Minneapolis, under the supervision of the office of the Senior Ombudsman, an office within the Department of Health and Family Support; and

Whereas, the Skyway Senior Center serves the public's interests by providing a safe and convenient location for senior citizens to gather and receive services; and

Whereas, an Advisory Board for the Skyway Senior Center has been created for the purpose of providing oversight to the Center and developing fundraising strategies for the enterprise; and

Whereas, the Advisory Board has advised City staff that it is a common practice of senior centers to seek funding through direct solicitation of donations from the public; and

Whereas, the Advisory Board has recommended that City staff seek authority to solicit donations; and

Whereas, the Department of Health and Family Support has received direction from the City Council to develop the Skyway Senior Center as a self-supporting and sustainable enterprise;

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

That the proper City officials be authorized to utilize the Skyway Senior Center's monthly mailing, the *Chatter*, to solicit donations from the public for the purpose of raising funds to support operational costs of the Skyway Senior Center.

That the proper City officials set up the proper accounts in Fund/Org 0600-860-8607 to receive these donations.

That the Minneapolis Department of Health & Family Support staff reports annually to the appropriate Council Committee regarding the amount of funds raised and how the funds are being used.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

H&HS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to contract with Hennepin County to receive up to \$700,000 in Local Collaborative Time Study funds for home visiting services for the period of January 1, 2002 through December 31, 2004.

Your Committee further recommends passage of the accompanying resolution increasing the Neighborhood Services Agency appropriation by \$700,000 to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-415

By Johnson Lee and Johnson

Amending The 2002 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 Neighborhood Services Agency in the Grants-Other Fund (0600-860-8623) by \$700,000 and increasing the revenue source (0600-860-8623 - Source 3215) by \$700,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

PS&RS - Your Committee, having under consideration the application of Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire October 1, 2003, and a Sidewalk Cafe License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of B & W Specialty Coffee Co, dba Gigi's Cafe, 824 W 36th St, for a Sidewalk Cafe License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Funhouse Inc, dba Johnny A's 200 Club, 200 W Broadway, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

PS&RS - Your Committee, having under consideration the application of Shabelle Inc, dba Shabelle Grocery, 2327 E Franklin Av, for Grocery, Meat Market and Tobacco Licenses (new business) to expire April 1, 2003, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

PS&RS - Your Committee, having under consideration the application of Campus Club of the University of Minnesota, dba Campus Club of the University of Minnesota, 300 Washington Av SE, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire January 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Manzanillo Ventures Inc, dba Spring Street Bar & Grill, 355 Monroe St, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Nath-Son Inc) to expire January 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

PS&RS - Your Committee, having under consideration the application of Alavena Group Inc, dba El Meson, 3450 Lyndale Av S, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2003 and a Sidewalk Cafe License (new business effective April 1, 2003) to expire April 1, 2003, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Marissa's Inc, dba Taqueria La Fogata, 2734 Nicollet Av, for a Restaurant License (new business) to expire April 1, 2003, now recommends that a provisional license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Amnot Inc, dba Gas N Snack, 2606 Penn Av N, for Grocery, Food Manufacturer, Gasoline Filling Station, and Tobacco Licenses (new proprietor) to expire April 1, 2003, now recommends that Provisional licenses be granted, subject to the following conditions:

a. the licensee shall have the two inside pay phones removed prior to opening and agrees to not install any pay phones either inside or outside the store.

- b. the licensee shall call Officer Judy Perry to schedule a formal security survey, to be completed by September 30, 2002.
- c. the licensee shall comply with the Surveillance Camera Ordinance. All cameras will have recording devices attached to them and Officer Perry will assist with the proper placement.
- d. normal summer business hours (May 1st through September 30th) shall be 6:00 a.m. to 10:00 p.m. Normal winter business hours (October 1st through April 30th) shall be 6:00 a.m. to 9:00 p.m.
- e. the licensee shall post "No Trespassing" signs by September 30, 2002. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
- f. the licensee shall keep all lights properly functioning and will add lights if recommended by Officer Perry.
- g. noise from the business and vehicles or stereos will be kept to a minimum.
- h. the licensee shall clean the property of litter and trash daily including the area within 100 feet of the property lines.
- i. the licensee shall keep all windows free of signs and other items that block the view. Merchandise on shelves will be kept low to ensure proper surveillance of the store interior by clerks.
- j. the licensee shall ensure that a minimum of two staff people are working from 3:00 p.m. until closing every day to ensure proper monitoring of the pumps and to reduce negative behaviors.
- k. the licensee shall contact a private towing company to remove all unauthorized vehicles and shall clearly post tow company signs, to be completed by September 30, 2002.
- l. the licensee shall chain off the lot after hours to prevent vehicles from using the lot. The locked chain will be anchored by poles and will have reflective material.
- m. the licensee agrees to remove all old or faded signs from the exterior and shall keep signs and banners hung straight with all corners fastened.
- n. the licensee shall provide a screened and adequate dumpster with a closeable lid which shall be emptied weekly.
- o. the licensee shall comply with all Environmental Health orders.
- p. the licensee shall comply with all Fire Department requirements and orders.
- q. the licensee shall comply with all Zoning Site Plan requirements.
- r. the licensee shall pay all fees and fines by their due dates.
- s. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

On-Sale Liquor Class A with Sunday Sales, to expire October 25, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St Suite C25 (temporary expansion of premises October 25, 2002, 7:30 p.m. to 9:00 p.m., Hazledine/Brown Wedding);

On-Sale Liquor Class A with Sunday Sales, to expire November 4, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises November 4, 2002, 6:00 p.m. to 10:00 p.m., AIGA);

On-Sale Liquor Class A with Sunday Sales, to expire November 12, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises November 12, 2002, NARI Dinner);

On-Sale Liquor Class A with Sunday Sales, to expire November 23, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St Suite C25 (temporary expansion of premises November 23, 2002, 4:00 p.m. to 1:00 a.m., Bless/Hobbs Wedding);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2003

La Bodega Tapas Bar LLC, dba La Bodega Tapas Bar, 3005 Lyndale Av S (new shareholder/partner);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2003

True Thai Restaurant Ltd, dba True Thai Restaurant, 2627 E Franklin Av (new business);

Temporary On-Sale Beer

Burning House Group, dba Burning House Group, 2304 University Av NE Suite 310 (October 22, 2002, 6:30 p.m. to 11:00 p.m. at Music Box Theatre, 1407 Nicollet Av).

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 8, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268339.1):

Amusement Devices; Bed & Breakfast Facility; Bowling Alley; Car Wash; Check Cashing; Christmas Tree; Place of Entertainment; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Hospital; Hotel/Motel; Lodging House; Motor Vehicle Dealer Auctioneer; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Motor Vehicle Used Parts Dealer; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Peddler - Special Religious; Pet Shop - Mobile; Plumber; Refrigeration Systems Installer; Secondhand Goods Class B; Antique Dealer Class B; Exhibition Operator Class C; Sign Hanger; Taxicab Neighborhood Rideshare; Taxicab Vehicle; Theater Zone I; Theater Zone II; Tobacco Dealer; Valet Parking; and Wrecker of Buildings Class B.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

Gambling Lawful Exempt

Church of St. Anne, dba Church of St. Anne, 2627 Queen Av N (Bingo & Raffle November 10, 2002 at St. Anne's Hall, 2620 Russell Av N);

AIDS Care Partners, dba AIDS Care Partners, 4457 3rd Av S (Bingo & Raffle November 23, 2002 at Incarnation Church, 38th and Pleasant);

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 1, 2002);

Goldbrick Club, dba Goldbrick Club, 1811 University Av NE (Raffle December 8, 2002 at Minneapolis Police Federation Hall, 1811 University Av NE);

Minnesota Visiting Nurse Agency, dba Minnesota Visiting Nurse Agency, 2021 E Hennepin Av Suite 230 (Raffle November 23, 2002 at Minneapolis Marriott City Center, 30 S 7th St).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the 2002 Levy lists for the Minneapolis Inspections Division, now recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 268339):

Levy 1060 - Concrete Demonstration Program - \$122,944.61
Levy 1080 - Rubbish Removal - \$195,352.75
Levy 1081 - Weed Removal - \$127,152.71
Levy 1084 - Tree Removal - \$64,846.16
Levy 1085 - Shrub & Brush Removal - \$51,201.33
Levy 1086 - Inoperable Vehicle Towing - \$53,100
Levy 1092 - Emergency Demolition and Nuisance Demolition - \$333,398.35
Levy 1096 - Vacant Building Registration - \$20,000
Levy 1098 - Police Action Securing Buildings - \$65,915
Levy 1099 - Securing Abandoned Buildings - \$22,145.17

Your Committee further recommends passage and summary publication of the accompanying Resolutions:

- a. Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties that have had concrete improvements which may include any or all of driveways, sidewalks, steps or walkways (Levy 1060);
- b. Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances (Levies 1080, 1081, 1084, 1085 and 1086);
- c. Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings in accordance with Chapter 87 of the Minneapolis Code of Ordinances and to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1092);
- d. Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1096);
- e. Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances (Levy 1098);
- f. Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances (Levy 1099).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolutions 2002R-416 through 2002R-421 directing Hennepin County Taxation Department to place assessments against certain properties, were passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

Your Committee further recommends summary publication of the following above-described Resolutions:

- a. Resolution 2002R-416 directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties that have had concrete improvements which may include any or all of driveways, sidewalks, steps or walkways (Levy 1060);
- b. Resolution 2002R-417 directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances (Levies 1080, 1081, 1084, 1085 and 1086);
- c. Resolution 2002R-418 directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous

buildings in accordance with Chapter 87 of the Minneapolis Code of Ordinances and to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1092);

d. Resolution 2002R-419 directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances (Levy 1096);

e. Resolution 2002R-420 directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances (Levy 1098);

f. Resolution 2002R-421 directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances (Levy 1099).

Said resolutions were passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-416

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties that have had concrete improvements which may include any or all of driveways, sidewalks, steps or walkways.

Whereas, the Minneapolis City Council authorized assessments against properties provided with concrete improvements in the concrete demonstration program will be collected for a period not to exceed 5 years in Council Resolution 2001R-186; and

Whereas, the Director of Inspections has been granted authority to implement agreements related to the Council Resolution 2001R-186;

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

That the costs incurred by the City of Minneapolis in providing funds to the NRP for concrete improvements are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1060 (Concrete Demonstration Program), be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed in accordance with Council Resolution 2001R-186.

Be It Further Resolved that Levy Number 1060 be paid in five (5) equal annual installments with interest thereon at five percent (5%) per annum, as set forth in Petn No 268339 on file at the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-417

By Biernat

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

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

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

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

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

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

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 268339 on file at the office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-418

By Biernat

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of razing dangerous buildings in accordance with Chapter 87 of the Minneapolis Code of Ordinances, and to defray the cost of razing buildings determined to constitute a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 87 of the Minneapolis Code of Ordinances to abate the hazardous conditions by razing dangerous buildings after determination by the Director of Inspections and Chief of the Fire Department that a dangerous condition exists; and

Whereas, the City Charter of the City of Minneapolis provides that the costs incurred in the razing of dangerous buildings shall be levied and collected as a special assessment against the properties as provided for in Chapter 227 of the Minneapolis Code of Ordinances; and

Whereas, the City Council of the City of Minneapolis did determine that certain buildings constituted a nuisance condition in accordance with Chapter 249 of the Minneapolis Code of Ordinances and the Director of Inspections was empowered to abate the nuisance by having the buildings razed; and

Whereas, Chapter 249 provides that cost of such razing shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances;

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

That the costs incurred in razing dangerous buildings and buildings determined to constitute a nuisance condition are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that the items contained in part of Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under the authorization of the Inspections Division to raze dangerous buildings on properties and buildings determined to constitute a nuisance condition, payable in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 268339 on file at the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-419
By Biernat

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

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

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

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

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

Be it Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 268339 on file at the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-420
By Biernat

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

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

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

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

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

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

Be it Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be

directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 268339 on file at the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-421

By Biernat

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

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

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

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

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

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

Be it Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 268339 on file at the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the property located at 625 Newton Av N which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to raze said property legally known as Lot 8, Block 18, Oak Park Addition to Minneapolis (PID #21-029-24-23-0050), in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following reports:

PS&RS & T&PW - Your Committee, to whom was referred ordinances amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection* by amending Chapter 48 relating to *Minneapolis Watershed Management Authority* and Chapter 50 relating to *Minneapolis Waste Control and Waste Discharge Rules*, updating fees, clarifying registration standards and equipment maintenance requirements, and having held a public hearing thereon, now recommends that said ordinances be given their second reading for amendment and passage with summary publication.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

Ordinances 2002-Or-169 and 2002-Or-170, amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection*, by amending Chapter 48 relating to *Minneapolis Watershed Management Authority* and Chapter 50 relating to *Minneapolis Waste Control and Waste Discharge Rules*, updating fees, clarifying registration standards and equipment maintenance requirements, were passed November 8, 2002, by the City Council and approved November 14, 2002 by the Mayor. Complete copies of these ordinances are available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-169
By Biernat
Intro & 1st Reading: 10/11/2002
Ref to: PS&RS
2nd Reading: 11/8/2002

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

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

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

48.10. Definitions. (a) The words used in this chapter shall have the meanings given in Minnesota Statutes and Minnesota Rules, except where the context clearly shows otherwise. Wherever the word "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules as incorporated into this chapter by section 48.20, it shall be held to mean the City of Minneapolis. Wherever the word "director" is used in Minnesota Rules, as incorporated into this chapter by section 48.20, it shall be held to mean the director of operations and regulatory services or the director's authorized agent. State definitions shall include, but shall not be limited to the following:

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

Aboveground storage tank system means any one or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is used to contain or dispense regulated substances, and that is not an underground storage tank. An aboveground tank includes rail cars, and trucks.

Boring means a hole or excavation that is not used to extract water and includes exploratory borings, environmental bore holes, vertical heat exchangers, and elevator shafts.

Contaminated soil means any soil contaminated with petroleum, hazardous waste, or one or more pollutants in concentrations that exceed natural background levels as determined through an environmental assessment and laboratory analysis.

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

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

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

Facility means all buildings, equipment, structure, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). It shall include manmade structures as well as all natural structures in which chemicals are purposefully placed

or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

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

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

Hazardous material means:

(1) a substance listed in Code of Federal Regulations, title 40, part 302, including petroleum under subpart 36, item C, but not including:

a. a hazardous waste listed or identified under Code of Federal Regulations, title 40, part 261;

b. petroleum under subpart 36, item A, B, or D; or

c. a substance that is not liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or

(2) any mixture of substances identified in item (1) and petroleum, unless the amount of the substance identified in item a) is de minimus.

Substances identified in items (1) and (2) which also meet the definition of petroleum are considered hazardous materials.

Hazardous waste means any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may

(1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

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

Industrial wast means any solid, liquid, or other wastes, resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource, which requires special handling or processing prior to disposal.

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

Monitoring well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed to extract groundwater for physical, chemical, or biological testing. This includes a groundwater quality sampling well.

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

Out of service well is any well, excluding monitoring and recovery/remedial wells, that is no longer being used to extract groundwater and shall include, but shall not be limited to: domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; or irrigation wells.

Pollutant means any "sewage," "industrial waste," or "other wastes," as defined in this chapter, discharged into a disposal system or to waters of the state. "pollutant" defined in section 502(6) of the Clean Water Act. Pollutants may include, but are not limited to the following:

- (1) Residential, commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge).
- (2) Metals such as cadmium, lead, zinc, silver, nickel, chromium, copper and non-metals such as phosphorous and arsenic.
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state.

Pollution of water, water pollution, pollute the water means:

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

Regulated substance means a hazardous material or petroleum hazardous waste.

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

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

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

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

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

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

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

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

Spill means the accidental or intentional spilling, leaking, pumping, pouring, emitting, or dumping into or on any land or water of hazardous wastes or materials which, when spilled, become hazardous wastes.

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

Tank is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel, and plastic, that provides structural support. Tank includes bladders, rail cars, and trucks.

Temporary monitoring well is a monitoring well which is constructed and sealed within a 48-hour time frame.

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

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

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

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

Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, or acquisition of groundwater. This includes monitoring wells, drive point wells, and dewatering wells. "Well" does not include:

- (1) an excavation by backhoe, or otherwise for temporary dewatering of groundwater for nonpotable use during construction, if the depth of the excavation is twenty-five (25) feet or less;
- (2) an excavation made to obtain or prospect for oil, natural gas, minerals, or products of mining or quarrying;
- (3) an excavation to insert media to repressure oil or natural gas bearing formations or to store petroleum, natural gas, or other products;
- (4) an excavation for nonpotable use for wildfire suppression activities; or five (5) borings.

Wellhead refers to a man-made physical structure or device at the land surface from or through which groundwater flows or is pumped from subsurface water-bearing formations.

Wellhead protection device is a man-made device attached to a wellhead that is intended to protect and preserve the quality of groundwater by preventing the entry of hazardous contaminants from the land surface.

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

Section 2. That Section 48.20 (a) of the above-entitled ordinance be amended to read as follows:

48.20. State rules. (a) Minnesota Rules (~~4997~~ 2001), Chapters ~~4715, 4725, 7035, 7037, 7041, 7042, 7044, 7045, 7048, 7050, 7056, 7060, 7080, 7100, 7105, 7150,~~ and 7151, and subsequent updates, are made part of this chapter as if fully set forth herein.

Section 3. That Section 48.70 of the above-entitled ordinance be amended to read as follows:

48.70. Powers and duties of the Minneapolis Watershed Management Authority. Under direction of the city council, the authority shall interpret, execute, and enforce the provisions of this chapter. Powers and duties of the authority shall include, but shall not be limited to the following:

(a 1) The authority shall observe or monitor the quality of the water, land and air resources within the city, identify areas of concern in regard to environmental pollution, and take the necessary and proper corrective steps, as provided in this Code, to protect, preserve or improve the quality of the water, land or air resources;

(b 2) The authority shall assist, support, cooperate, or coordinate with state and federal agencies to protect, preserve, or improve the health and safety of the citizenry, and the quality of the water, land or air resources within the city;

(c 3) The authority shall work, along with other government agencies, to provide that all laws, regulations, and standards for water pollution, land pollution, and air pollution are fully enforced to protect, preserve, or improve the health and safety of the citizenry, and the quality of the water, land or air resources within the city;

(d 4) The authority shall initiate, coordinate, and engage in pollution abatement activities, as authorized by this Code, to protect the environment, and public health and safety from significant, immediate, or long-term threats of environmental pollution;

(e 5) The authority shall conduct investigations of complaints, and suspected violations of environmental pollution, and retain copies of complaints, suspected violations or violations on file for a reasonable amount of time, and initiate appropriate corrective actions against such complaints, or violations to protect, preserve, or improve the quality of the water, land or air resources within the city;

(f 6) The authority shall, as provided by law, inspect property, structures, and facilities within the city, and collect samples of any waste discharge, spill, leak, water, soil, air, or other media at such property, structure, or facility to assure conformity to federal, state, and local laws, regulations, and standards;

(g 7) The authority shall review, approve or issue plans, applications, permits, notices, certificates, or fee statements, as provided by this Code, and retain copies of plans, applications, permits, notices, certificates, fee statements, receipts, or other records on file for a reasonable amount of time.

(h 8) The authority may offer information, technical assistance, and educational opportunities to those interested in preventing or reducing environmental pollution;

(i 9) The authority may organize, coordinate, and facilitate projects, programs, or other efforts that are designed to protect, preserve, or improve the quality of the water, land or air resources within the city;

(j 10) The authority shall inspect plans for the installation, storage, or removal of aboveground storage tanks, and issue or suspend permits or registrations for aboveground storage tanks, as provided by this Code.

(11) The authority shall administer the Minneapolis Delegated Well Program including: processing well applications, issuing permits, conducting field inspections, collecting fees, and code enforcement pursuant to any City Delegation Agreement with the state.

(12) The authority shall coordinate the city's relationships with watershed management organizations regarding regulatory policy and environmental protection.

Section 4. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.115 to read as follows:

48.115. Lawful removal of contamination sources. If the city or authorized personnel determine that the risk posed by a violation or suspected violation of this chapter presents a substantial and imminent threat to the environment or public health and safety which requires swift corrective actions, and the city or authorized personnel determines that the urgency or necessity of the situation makes it not reasonably possible to obtain either consent or an appropriate court order, the city or authorized personnel shall have the right to remove the source of the threat, including but not limited to impounding motor vehicles and removing tanks or other hazardous containers.

Section 5. That Section 48.120 of the above-entitled ordinance be amended to read as follows:

48.120 48.190. Investigation of environmental contamination. (a) To determine or confirm the constitution, quantity, or concentration of waste being discharged, spilled or leaked into the air, water, land, other media, or disposal systems of the city, and the cause and extent of any environmental contamination, the authority may require persons who own, manage, control, or have direct involvement in the operation of a device, event, practice, or site wherein a discharge, leak or spill of pollutants has occurred to furnish any and/or all sampling reports, records, data files, or other information related to the spilled, leaked or discharged material or processes, including maintenance records for all equipment involved in all discharge activities, spills or leaks, and to conduct an investigation into the cause or extent of any environmental contamination. The authority shall specify exact reporting requirements and due dates in compliance directives or orders. Persons shall have a thirty-day period to submit complete, accurate, legible, and organized reports to the authority. Any failure to do so is a violation of this chapter.

(b) Sites that are determined to have contaminated soil or groundwater, or in the Authority's opinion, it is determined that there is a high probability that such conditions exist, must be secured from tampering and trespass, if such acts would pose a risk to the individual or community. The person with control of the site must ensure that the remediation site and all its equipment and structures will remain physically secure from intruders to prevent exposure to harmful contaminants, accidental releases of toxic substances, or unauthorized acts of third persons.

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.120 to read as follows:

48.120. Aboveground storage tanks for regulated substances. (a) No person(s) shall install, abandon, or remove any aboveground storage tank of two hundred and fifty (250) gallons (or pounds for propane) or more in size without first filing a tank installation, abandonment or removal application, paying the authority all permit fee(s) required by section 48.310, and obtaining the proper tank permit from the authority.

(b) Persons that store regulated substance(s) aboveground shall provide reasonable protection against spills or leaks of such regulated substance(s) from entering into the municipal storm water system, sanitary sewers, or waters of the state, through the use of best management practices to the extent they are technologically achievable to prevent and reduce such pollution.

(c) Flammable liquids. Outside aboveground storage of a flammable liquid(s) in excess of five hundred (500) gallons shall not be allowed within three hundred (300) feet of a residential structure.

(d) Liquid propane. Propane tanks used or stored at a single location for less than six (6) months shall be exempt from permitting requirements.

(e) Authority shall have the right to inspect all tank locations before, during, and after installation, removal, and abandonment. Applicant shall notify the authority not less than forty-eight (48) hours prior to installing, removing, or abandoning a tank to arrange a site inspection.

(f) Upon aboveground storage tank removal or abandonment, all associated fill, vent, and product lines must be removed, regardless of tank size or use. Exceptions to this requirement are tanks that are being replaced within thirty (30) days.

Section 7. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.125 to read as follows:

48.125. Registration of regulated substance storage. (a) No person(s) shall allow or maintain any storage of regulated substances in excess of two hundred fifty (250) gallons without first having registered such storage with the authority and paying the annual registration fee(s) required by section 48.310. All storage taking place at residential buildings or properties with three (3) or less dwelling units are exempt from registration fees.

(b) Liquid propane tanks used or stored at a single location for less than six (6) months shall be exempt from registration fees.

Section 8. That Section 48.130 of the above-entitled ordinance be and is hereby repealed.

~~**48.130 Aboveground storage of regulated substances.** (a) Annual registration. No person shall allow or maintain any aboveground storage tank of two hundred fifty (250) gallons or more in size, or allow or maintain any aboveground storage of regulated substance of two hundred fifty (250) gallons or more in total quantity, without first having registered such tank or storage with the authority and having paid the required registration fees. The applicant shall pay to the authority an annual registration fee of forty dollars (\$40.00) for each aboveground storage tank of two hundred fifty (250) gallons or more in size. Excluding aboveground storage tanks of two hundred fifty (250) gallons or more in size and the contents of such tanks, persons that store regulated substance(s) in quantities of two hundred fifty (250) gallons or more, regardless of the number of storage containers, shall pay to the authority an annual registration fee of forty dollars (\$40.00). Registrations shall be filed annually by October first. If registration is not postmarked or received on or before October first of each year, the owner shall pay double the fees herein provided for such registration. All aboveground storage tanks located on residentially zoned property are exempt from annual registration.~~

~~(b) Flammable liquids. Outside aboveground storage of a flammable liquid(s) in excess of five hundred (500) gallons shall not be allowed within three hundred (300) feet of a residential structure.~~

~~(c) Permits required for tank installation or tank removal. No person shall install or remove any aboveground storage tank of two hundred and fifty (250) gallons or more in size without first having filed a tank installation application or tank removal application, and having obtained a tank installation permit or tank removal permit from the authority. Applicants shall pay a one hundred dollar (\$100.00) processing fee to the Authority for each aboveground storage tank of two hundred fifty (250) gallons or more in size that is to be installed or removed. This processing fee does not include the fee for annual registration of aboveground storage tanks, as required in paragraph (a) of this section. All aboveground storage tanks located on residentially zoned property that are five hundred (500) gallons or less in size are exempt from tank installation or tank removal permitting requirements.~~

Section 9. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.130 to read as follows:

48.130. Underground storage tanks for regulated substances. (a) At least thirty (30) days before beginning installation of any underground storage tank regulated by the state, owners and operators must notify the authority of their intent to install the underground storage tank system and pay a filing fee required by section 48.310. Notification can be a copy of the state form, or the city supplied

form. Notification must include type of tank system to be installed, method of cathodic protection, and release detection.

(b) At least ten (10) days before beginning either removal, abandonment, or switching the stored material to or from a regulated substance, owners and operators of an underground tank must notify the authority of their intent to remove, abandon or change-in-service, and pay a filing fee required by section 48.310.

(c) Upon underground storage tank removal or abandonment, all associated fill, vent, and product lines must be removed, regardless of tank size or use. Exceptions to this requirement are tanks that are being replaced within thirty (30) days.

(d) Authority shall have the right to inspect all tank locations before, during, and after installation, removal, or abandonment. Applicant shall notify the authority not less than forty-eight (48) hours prior to installing, removing, or abandoning any underground storage tank to arrange a site inspection.

Section 10. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.140 to read as follows:

48.140. Soil sampling required for storage tank closure. When any regulated substance storage tank in excess of one thousand one hundred (1,100) gallons is removed or abandoned in place, soil samples shall be taken at time of removal/abandonment as described below. Tanks that have external release detection, and have been operated according to the requirements of Minnesota Rules Part 7150.0330 shall be exempt. Within forty-five (45) days a report shall be submitted to the authority documenting the presence or absence of any contaminant release.

(1) For tanks less than ten thousand (10,000) gallons in size, at least one (1) soil sample shall be taken under the center of the tank, one (1) to two (2) feet below the floor of the tank excavation.

(2) For tanks greater than ten thousand (10,000) gallons in size at least two (2) soil samples shall be taken near the base of the tank, one (1) below the fill pipe and the other on the opposite end.

(3) In addition to the sampling required in (1) and (2), a soil sample shall be taken five (5) feet below each dispenser island, where the dispenser island is not located over the tank basin.

(4) Compliance with this section shall not imply absence of contamination at tank site.

Section 11. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.145 to read as follows:

48.145. Fuel oil tanks less than one thousand one hundred (1,100) gallons. (a) At least fifteen (15) days before beginning installation, removal or abandonment, of a fuel oil tank less than one thousand one hundred (1,100) gallons, the owner and operators must submit a permit application to the authority, pay a filing fee required by section 48.310, and receive a permit.

(b) Fuel oil tanks less than one thousand one hundred (1,100) gallons may only be abandoned when removal of the tank would undermine the structure. In these circumstances, the permit application must be submitted along with a letter from a licensed engineer stating that the tank cannot be safely removed.

(c) Upon underground storage tank removal or abandonment, all associated fill, vent, and product lines must be removed, regardless of tank size or use. Exceptions to this requirement are tanks that are being replaced within thirty (30) days.

(d) Authority shall have the right to inspect all tank locations before, during, and after installation, removal, or abandonment. Applicant shall notify the authority not less than forty-eight (48) hours prior to installing, removing, or abandoning any underground storage tank to arrange a site inspection.

(e) At least one soil sample must be taken, with the abandonment or removal of any fuel oil tank greater than two hundred fifty (250) gallons. A summary report must be submitted to the authority within forty-five (45) days.

Section 12. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.150 to read as follows:

48.150. Underground storage tanks not in service. (a) Underground tanks which contain regulated substances and are not in active service for more than ninety (90) days shall be treated as "temporarily out of service" by taking the following steps:

(1) Notify the authority of intent to so render the tank.

(2) Secure the fill line cap and discharge line against tampering and product leakage.

(3) Assure that the vent line is open.

(4) Continue the operation and maintenance of corrosion protection.

(5) Continue operation of release detection method, unless the tank is purged.

(b) An underground tank left in "temporarily out of service" condition in excess of twelve (12) months, shall pay an annual registration fee as established in section 48.310.

Section 13. That Section 48.140 of the above-entitled ordinance be amended to read as follows:

48.140 48.230. Registration of contaminated sites. (a) Any person(s) in control of any contaminated site within the City of Minneapolis shall register that site annually with the authority.

(b) A contaminated site for the purpose of this section is any parcel of land where soils and/or groundwater have been contaminated by various substances and which has been reported to the Minnesota Pollution Control Agency (MPCA) or the United States Environmental Protection Agency (U.S. EPA) as a contaminated site. These sites shall include but shall not be limited to those sites which have been administratively listed pursuant to Minnesota Statutes Chapter 115C, the Petroleum Tank Release Cleanup Act; Minnesota Statutes Chapter 115B, the Minnesota Environmental Response and Liability Act; those sites administratively listed pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (42 U.S.C., Section 9601 et. seq.), those sites participating in the MPCA administered Voluntary Investigation and Cleanup Program, those sites administratively listed as a result of soil or groundwater contamination with the Minnesota Department of Agriculture, and those sites which are administratively placed on the federal superfund list known as CERCLIS.

(c) Except where specifically noted in this section, any person(s) in control of any contaminated site shall pay ~~a fee for each site registered~~ the annual fee(s) for each site registered as required by section 48.310. ~~Registration fees are not required for those sites enrolled in the MPCA administered Voluntary Investigation and Cleanup Program provided the participating party was not the source of contamination at any time and continues to make progress toward cleaning the site, and for those sites that have been a contaminated site within the meaning of this section for less than one (1) year. The fee for a site listed on the CERCLIS shall be one thousand dollars (\$1,000.00) per year. The fee for a site listed pursuant to Chapter 115C, the Petroleum Tank Release Cleanup Act, shall be three hundred dollars (\$300.00) per year. Registration fees are not required for those sites participating in the MPCA administered Voluntary Investigation and Cleanup Program, and for those sites that have been a contaminated site within the meaning of this section for less than one year. In all other cases, the registration fee shall be five hundred dollars (\$500.00) per year. Applicants shall file registrations annually by October first. If registration is not postmarked or received by the authority on or before October first of each year, the applicant shall pay double the fees herein provided for such registration.~~

(d) Annual registration is not required for sites where remediation has been certified complete by the MPCA or U.S. EPA. It shall be the responsibility of all person(s) in control of such sites to provide the authority with documentation stating that MPCA or U.S. EPA has determined the site closed and sufficiently remediated so that no further cleanup actions are required. If a closed file is reopened by the MPCA or U.S. EPA the site shall again be registered.

~~(e) Each day of failure to register shall constitute a separate violation of this Code.~~

~~(f) Government units are exempt from annual registration fees.~~

Section 14. That Section 48.150 of the above-entitled ordinance be and is hereby repealed.

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

Section 15. That Section 48.160 of the above-entitled ordinance be and is hereby repealed.

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

Section 16. That Section 48.170 of the above-entitled ordinance be amended to read as follows:

48.170 48.160. Annual chemical inventory registration. (a) Any owner or operator of land, buildings, or structures where a daily inventory of chemicals is maintained exceeding minimum thresholds as identified in section ~~48.180~~ 48.170 shall obtain an Annual Chemical Inventory Registration for their facility.

(b) The fees for an Annual Chemical Inventory Registration shall be as established in section ~~48.150~~ 48.310 of this chapter.

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

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

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

- (1) Identification of local site contact responsible for the Annual Chemical Inventory Registration at the facility site.
- (2) Identification of a twenty-four-hour contact responsible for the Annual Chemical Inventory Registration at the facility site.
- (3) Identification of all chemicals identified in ~~48.180~~ 48.170.
- (4) Listing of storage quantities and capacity of storage of all chemicals identified in ~~48.180~~ 48.170.
- (5) Identification of site sanitary sewer systems and the drainage path of this system to Metropolitan Council Interceptor.
- (6) Site map identifying storage areas, buildings, site access, local streets and site surface water drainage system and the drainage path to the nearest outfall to waters of the State.
- (7) Such other information relating to chemical storage on the site and the identification of the persons involved as the Director of Operations and Regulatory Services or their designee may, from time to time, prescribe on a written application form.

Section 17. That Section 48.180 of the above-entitled ordinance be amended to read as follows:

~~48.180~~ 48.170. Minimum thresholds for annual chemical inventory registration. An annual chemical inventory registration pursuant to this chapter shall be obtained when any of the following amounts are met or exceeded or the specified condition is met:

- (1) Any chemical for which a Material Safety Data Sheet (MSDS) is required by the United States Occupational Safety and Health Administration (OSHA) and which is stored in amounts equal to or greater than ten thousand (10,000) pounds. The amount of a chemical stored means the total amount of the chemical present at any one (1) time at a facility regardless of location, number of containers, or method of storage.
- (2) Any chemical identified as an extremely hazardous substance as listed in the table in this chapter and stored in quantities greater than the threshold quantity as defined in the table in this chapter. The amount of an extremely hazardous substance stored means the total amount of an extremely hazardous substance present at any one (1) time at a facility at concentrations greater than one (1) percent by weight, regardless of location, number of containers, or method of storage. The amount of an extremely hazardous substance, when part of a mixture or solution, shall be determined by multiplying its weight percent (when greater than one (1) percent) by the mass, in pounds, in the vessel to yield the actual quantity of the extremely hazardous substance.

Section 18. That Section 48.190, with the inclusion of the *List of Extremely Hazardous Substances and Their Threshold Quantities*, be renumbered as Section 48.180 to read as follows:

~~48.190~~ 48.180. Extremely hazardous substances. For the purposes of this chapter the following are extremely hazardous substances and have the threshold quantity as listed.

Section 19. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.200 to read as follows:

48.200. Authority to order abatement activities. (a) The authority may order the abatement of environmental pollution when the authority determines that such pollution poses a significant and immediate threat to the environment, and/or public health and safety. Abatement may include, but is not limited to: immediate action to stop or contain the spill or discharge, sampling and testing; implementing technical controls or processes; or proper cleanup and disposal of all contaminated material.

(b) Facility operations or discharges may be interrupted when these are determined by the authority to be contributing sources of the pollution.

(c) Responsible parties and other individuals in a position to render assistance are required to take whatever actions are necessary under the circumstances as they exist to stop and contain any spill or discharge in the best way possible so as not to be detrimental to the environment.

(d) In cases where the responsible party or property owner fails to perform appropriate abatement measures or if the site conditions present a substantial and imminent threat to the environment, public health and safety and swift corrective action is deemed necessary by the city or authorized personnel, the city or authorized personnel may perform necessary abatement, with all costs billed back to the responsible party pursuant to section 48.210.

Section 20. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.210 to read as follows:

48.210. Billing of costs. Any costs of abatement and cleanup associated with emergency response actions taken by the city, including, but not limited to: sampling, analyses, abatement, emergency actions, legal expenses, cost of materials and equipment, and labor costs, shall be borne by the owner of the property at which the incident occurred, or by the owner of the device causing the incident. If such person fails to pay, costs will be assessed per section 48.220.

Section 21. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.220 to read as follows:

48.220. Assessing of costs. If all costs, as set out in section 48.210 are not paid by the responsible person(s) in accordance with the due date posted, such facts shall be reported to the city council. All costs, including an administrative fee, incurred by the city under section 48.210 shall be assessed, levied and collected as a special assessment payable in one sum or by up to ten (10) equal annual installments as the council may provide against the premises from which it was removed, in the manner provided for in this section. When the city takes a response action under this chapter, the authority shall mail to the property owner a notice of intent to assess the costs of said action. Such notice shall state the amount and basis for the costs and the time, date and place of a hearing before a hearing officer appointed by the council to determine the validity and amount of the proposed assessment. The notice may require, as a prerequisite to an owner's challenge of an assessment, that the owner file written objections to the assessment no later than ten (10) days before the hearing. The notice shall state that the owner may appeal the assessment to the district court within thirty (30) days after the adoption of the assessment by the council at an annual meeting. The notice shall also inform the owner of the provisions of Minnesota Statutes, Sections 435.193 to 435.195 and of the existence of any deferment procedure.

Section 22. That Section 48.140 of the above-entitled ordinance be amended to read as follows:

48.140 48.230. Registration of contaminated sites. (a) Any person(s) in control of any contaminated site within the City of Minneapolis shall register that site annually with the authority.

(b) A contaminated site for the purpose of this section is any parcel of land where soils and/or groundwater have been contaminated by various substances and which has been reported to the Minnesota Pollution Control Agency (MPCA) or the United States Environmental Protection Agency (U.S. EPA) as a contaminated site. These sites shall include but shall not be limited to those sites which have been administratively listed pursuant to Minnesota Statutes Chapter 115C, the Petroleum Tank Release Cleanup Act; Minnesota Statutes Chapter 115B, the Minnesota Environmental Response and Liability Act; those sites administratively listed pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (42 U.S.C., Section 9601 et. seq.), those sites participating in the MPCA administered Voluntary Investigation and Cleanup Program, those sites administratively listed as a result of soil or groundwater contamination with the Minnesota Department of Agriculture, and those sites which are administratively placed on the federal superfund list known as CERCLIS.

(c) Except where specifically noted in this section, any person(s) in control of any contaminated site shall pay a fee for each site registered. ~~The fee for a site listed on the CERCLIS shall be one thousand dollars (\$1,000.00) per year. The fee for a site listed pursuant to Chapter 115C, the Petroleum Tank Release Cleanup Act, shall be three hundred dollars (\$300.00) per year. Registration fees are not required for those sites participating in the MPCA administered Voluntary Investigation and Cleanup Program, and for those sites that have been a contaminated site within the meaning of this section for less than one year. In all other cases, the registration fee shall be five hundred dollars (\$500.00) per year. Applicants shall file registrations annually by October first. If registration is not postmarked or received~~

~~by the authority on or before October first of each year, the applicant shall pay double the fees herein provided for such registration. the annual fee(s) for each site registered as required by section 48.310. Registration fees are not required for those sites enrolled in the MPCA administered Voluntary Investigation and Cleanup Program provided the participating party was not the source of contamination at any time and continues to make progress toward cleaning the site, and for those sites that have been a contaminated site within the meaning of this section for less than one (1) year.~~

(d) Annual registration is not required for sites where remediation has been certified complete by the MPCA or U.S. EPA. It shall be the responsibility of all person(s) in control of such sites to provide the Authority with documentation stating that MPCA or U.S. EPA has determined the site closed and sufficiently remediated so that no further cleanup actions are required. If a closed file is reopened by the MPCA or U.S. EPA the site shall again be registered.

~~(e) Each day of failure to register shall constitute a separate violation of this Code.~~

~~(f) Government units are exempt from annual registration fees.~~

Section 23. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.240 to read as follows:

48.240. On-site remediation. ~~(a) No person shall conduct or perform any on-site remediation of any soil, concrete, asphalt, rock, brick, cement, dirt, compost, water, or air without having obtained an on-site remediation permit from the authority. On-site remediation may include, but is not limited to: crushing, as defined by city ordinance section 389.90, grinding, pulverizing, grading, outdoor storage, thermal evaporation treatment, closed chamber burning, microbial treatments, thinspreading, soil venting, soil capping, soil burning, or substance recovery systems.~~

~~To apply for an on-site remediation permit from the authority, person(s) shall pay the authority all permit fee(s) required by 48.310, and submit a plan that details the proposed action for the on-site remediation. For sites considered contaminated by the Minnesota Pollution Control Agency, or sites suspected of being contaminated, a copy of the state-approved remediation plan must be submitted. If the remediation system will be discharging to the sanitary sewer a copy of the Metropolitan Council discharge permit must be provided. In addition, any information deemed necessary by the authority must be provided. For those sites participating in the Minnesota Pollution Control Agency administered Voluntary Investigation and Cleanup Program, the fee is not required, if the participating party did not cause any of the contamination.~~

~~The authority shall review the plan and may require the applicant to perform modifications to the on-site treatment remediation system to assure conformity to city ordinance, in so far as such modifications are not in conflict with state or federal requirements. On-site remediation permits shall be issued by the authority pursuant to a review of the following information, as appropriate to the site, contained in the plan:~~

- ~~(1) The objectives of the remediation.~~
- ~~(2) Descriptions of the contaminated site, including topographic and geologic characteristics, the presence of utilities and structures on the site, and relative location of human populations at risk.~~
- ~~(3) The types, amounts, and extent of the contamination and its potential for mobility from the site.~~
- ~~(4) Descriptions of how the remediation will be implemented, its compatibility with the contaminants including the potential to generate hazardous secondary chemical species such as flammable or explosive vapors, and estimates of contaminant amounts that will be emitted to the air, discharged to the waters of the state, or excavated, treated on-site and/or transported off-site for treatment and/or disposal.~~
- ~~(5) The measures being implemented that will protect the exposed treatment area or contaminated storage areas from weather conditions that may cause hazardous substances to migrate or be released.~~
- ~~(6) Designs for run-off collection systems.~~
- ~~(7) The adequacy of the emergency response plan to address accidental discharges, leaks, or spills of extracted toxins or other toxic materials to the environment.~~
- ~~(8) Capacity limitations for all equipment, machinery, storage vessels, or any other materials involved in the remediation operations to prevent injury to workers and accidental releases of toxins to the environment.~~

- (9) Time requirements for the remediation to be completed.
- (10) Projected public concerns and how they will be addressed.
- (11) Actions taken to ensure that the remediation site and all its equipment and structures will remain physically secure from intruders to prevent exposure to harmful contaminants, accidental releases of toxic substances, or unauthorized acts of third persons.
- (12) Names and contact information for all persons conducting the remediation activities, including contact information for an individual or company available to respond on a twenty-four (24) hour basis.

(b) Emergency contact information shall be posted on site in an area clearly visible from the public right of way. The sign should be outside of any locked buildings or other structures. The listed contact shall be an individual or company available to respond on a twenty-four (24) hour basis.

(c) Issuance of an on-site treatment permit does not eliminate the need for additional permits required by this Code or other governmental agencies. These additional permits may include, but are not limited to: fire, electrical, erosion control, work, demolition, new construction, well installation, and discharge permits.

(d) The city or authorized personnel may inspect remediation sites prior to, during, and at the close of all remediation activities. If at any time over the course of the remediation the city or authorized personnel identifies problems with the remediation activities including, but not limited to, potential environmental impacts or public health and safety concerns, the city shall have the power to require additional permits and/or remediation at the site. Notification of city required changes shall be submitted in writing to the person(s) indicated as responsible for remediation activities on the permit application.

(e) If upon inspection by city authorized personnel, remediation activities are found to pose an immediate and substantial threat to the environment and/or public health and safety, the authority shall have the power to immediately suspend operations until the Minnesota Pollution Control Agency can be consulted and the threat has been addressed.

(f) Applicant(s) must pay to the authority the annual registration fee(s) required by section 48.310.

(g) Any alterations or additions required by the city shall not conflict or detrimentally effect the operation of any remediation activity required by the Minnesota Pollution Control Agency or the United States Environmental Protection Agency.

Section 24. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.250 to read as follows:

48.250. Use of unregulated soil. (a) No person shall bring in to the city or use any soil or fill in the city unless it is clean granular fill with an average diameter of one (1) inch or less.

(b) When approved by the state and with prior approval by the authority, contaminated soil may be placed back into an excavation on the same site, provided it is consistent with development on the site.

Section 25. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.260 to read as follows:

48.260. Wells (a) Where not previously defined, terminology used in this section shall have the meanings given in Minnesota Statutes, Section 1031.05 and Minnesota Rules, Chapter 4725.

(b) No person shall construct, modify or reconstruct any well without first having filed a well construction application and receiving written approval from a licensed well inspector for the City of Minneapolis. Interim verbal approval may be given, provided the permit has been processed, and is received by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval. For each type of well to be constructed, modified or reconstructed including, but not limited to: monitoring wells; recovery/remediation wells; domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; noncommunity public supply well, or irrigation wells, the applicant shall pay the permit fee(s) required by section 48.310 to the authority. This fee is in addition to the state core function fee as established in Minnesota Statutes, Section 1031.208, Subd. 1a.

(c) Any person that owns a monitoring well, a recovery well/remedial well, or an out of service well within the city shall register each well with the authority and pay the authority the annual registration fee(s) required by section 48.310.

(d) No person shall seal any well without first filing a well sealing application, receiving written approval from a licensed well inspector for the City of Minneapolis and paying the authority all permit

fee(s) required by section 48.310 for all wells including, but not limited to monitoring wells; recovery/remediation wells; domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; noncommunity public supply well, or irrigation wells. Temporary monitoring wells are exempt from the fee(s). The fee is in addition to the state core function fee as established in Minnesota Statutes, Section 1031.208, Subd. 1a. Interim verbal approval may be given, provided the permit has been processed, and is received by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval.

(e) Persons constructing temporary monitoring well(s) shall provide notification to the authority by filing a well sealing application with the authority.

(f) No person shall damage, tamper, or take any action that compromises the functionality or integrity of a wellhead protection device. Any earthwork, construction, demolition, or other activity conducted within a wellhead protection area that has the potential to damage wellhead protection devices or disturb wellhead protection areas and thereby open a portal of entry and cause contamination or create a risk of contamination shall constitute a violation of this chapter.

(g) A request for a variance from specific requirements of the standards contained in Minnesota Rules, Chapter 4725 must be reviewed by the State Commissioner of Health pursuant to Minnesota Rules, Chapter 4717.7000. If the request for variance is approved by the Commissioner of Health, the city shall allow construction, reconstruction or sealing of the well pursuant to the conditions of the Commissioner's approval.

(h) For wells for which no owner information can be located by the authority, the owner of the property on which the well is located shall become responsible for the well. Such responsibility shall include, but not be limited to, registration and proper sealing.

Section 26. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.270 to read as follows:

48.270. Oil/water separators. (a) No person(s) shall maintain an oil/water separating device without notifying the authority and paying the annual registration fee(s) as required by section 48.310.

(b) Each oil/water separator shall be cleaned by applicant(s) once a year or as required to maintain the integrity of the system, or as required by the authority. Records of this and other maintenance activities performed on the separator shall be kept on site for not less than three (3) years. These records shall be made available to the authority upon written or verbal request.

Section 27. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.280 to read as follows:

48.280. Industrial waste generator. (a) No person(s) shall generate industrial waste on-site without notifying the authority and paying the annual registration fee(s) required by section 48.310.

(b) All industrial waste shall be properly removed and transported by a state licensed hauler. Documentation of proper disposal of all industrial waste must be maintained on site for not less than three (3) years.

(c) All handling and storage of industrial waste must be conducted in accordance with State Rules, Chapter 7045.

Section 28. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.290 to read as follows:

48.290. Motor vehicles. (a) All vehicles operated or parked in the city shall not cause significant pollution to soil or water resources.

(b) The city or other authorized personnel may impound, with seventy-two (72) hours notice, those vehicles that are found to be leaking hazardous materials or waste. If the vehicle in question is parked in a public right of way or poses an imminent and substantial threat to the environment or public health, the city or other authorized personnel may immediately impound the vehicle. Vehicles may be redeemed as provided in section 478.1046 of this Code.

Section 29. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.300 to read as follows:

48.300. Contaminated material storage. (a) Any and all manufactured materials that have been in contact with pollutants, including but not limited to lubricating oils, cutting fluids, and marking dyes, must be stored inside a building or structure in such a manner as to prevent deposition of pollutants to the land and discharge to the storm drains.

(b) No person(s) shall stockpile contaminated soil in excess of five (5) cubic yards without submitting an application and receiving a permit from the authority. The soil must be placed on an impervious surface and covered with plastic and shall not be stored for more than ninety (90) days. Stockpiling is to be considered a temporary condition and at time of application plans must be submitted for final treatment or disposal of contaminated soil. Failure to obtain a permit or maintain the condition of the stockpile is a violation of this chapter.

Section 30. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 48.310 to read as follows:

48.310. Fees. (a) For the equipment specified below applicant(s) shall pay the specified permitting fee upon application and an annual fee each year the equipment/condition exists.

<u>Equipment/Condition</u>	<u>Permit/Filing Fee</u>	<u>Annual Fee</u>
<u>Aboveground Storage Tank</u>		
<u>Install/Remove (48.120)</u>	<u>\$100.00</u>	
<u>Abandonment (48.120)</u>	<u>\$250.00</u>	
<u>Storage of Regulated Substances (48.125)</u>		<u>\$40.00 per 250 gallon increment/ or tank</u>
<u>Underground Storage Tank</u>		
<u>Out of Service (48.150)</u>		<u>\$500.00</u>
<u>Install/Remove (48.130 and 48.145)</u>	<u>\$100.00</u>	
<u>Abandon in Place (48.130 and 48.145)</u>	<u>\$250.00</u>	
<u>Annual Chemical Inventory Registration (48.160)</u>		<u>\$500.00</u>
<u>Contaminated Site (48.230)</u>		
<u>Open Leak Site</u>		<u>\$300.00</u>
<u>CERCLIS/MERLA Site</u>		<u>\$1,000.00</u>
<u>On-site Remediation System, except wells (48.240)</u>	<u>\$500.00</u>	<u>\$500.00</u>
<u>Wells (48.260)</u>		<u>\$100.00</u>
<u>Construction, modification, reconstruction, sealing</u>	<u>\$100.00</u>	
<u>Water Supply well maintenance</u>		<u>\$125.00</u>
<u>Monitoring and recovery well maintenance</u>		<u>\$125.00</u>
<u>Oil/Water Separator (48.270)</u>		<u>\$40.00</u>
<u>Industrial Waste Generator (48.280)</u>		<u>\$40.00</u>

(b) If registration is not postmarked or received on or before the expiration of the current registration, the applicant must pay double the specified fee and any applicable court costs.

(c) Failure to obtain the appropriate permit prior to beginning work will result in a double permit fee.

(d) Each day of failure to register shall constitute a separate violation of this Code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

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

ORDINANCE 2002-Or-170
By Biernat
Intro & 1st Reading: 10/11/2002
Ref to: PS&RS
2nd Reading: 11/8/2002

Amending Title 3, Chapter 50 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules.

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

Section 1. That Section 50.10 of the above-entitled ordinance be amended to read as follows:

50.10. Adopted. Metropolitan Council Environmental Services waste discharge rules for the metropolitan disposal system, ~~Minnesota Rules, Parts 5900.1600 through 5900.7500, authorized under Minnesota Statutes, Chapter 473,~~ (hereinafter referred to as waste discharge rules) are incorporated in this title as fully as if set forth herein and shall be in force and effect as the Minneapolis Waste Control and Waste Discharge Rules.

Section 2. That Section 50.20 of the above-entitled ordinance be amended to read as follows:

50.20. Regulations on file. Three (3) copies of such waste discharge rules marked "official copy" shall be filed in the office of the city clerk and office of the director of ~~the~~ operations and regulatory services for the City of Minneapolis, and remain on file in such offices for use and examination by the public. The clerk shall furnish copies of said waste discharge rules at cost to any person upon request.

Section 3. That Section 50.30 of the above-entitled ordinance be amended to read as follows:

50.30. Definitions. ~~All terms and definitions shall be as defined by the waste discharge rules, except wherever the word "commission" is used in the waste discharge rules, it shall be held to mean the City of Minneapolis. Wherever the words "chief administrator" are used in the waste discharge rules, it shall be held to mean the director of inspections of the director's authorized agent.~~

(1) Industrial waste shall mean any solid, liquid or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated groundwater disposed into public sewers is industrial waste.

(2) Domestic waste shall mean any waste generated from sanitary facilities, including, but not limited to, sinks and toilets.

(3) All terms and definitions shall be as defined by the waste discharge rules, except wherever the word " council board" is used in the waste discharge rules, it shall be held to mean the City of Minneapolis. Wherever the words "regional administrator" are used in the waste discharge rules, it shall be held to mean the director of operations and regulatory services or the director's authorized agent.

Section 4. That Section 50.40 of the above-entitled ordinance be amended to read as follows:

50.40. City of Minneapolis w/Waste discharge registration. Notwithstanding the permit requirements of the Metropolitan Council Environmental Services waste discharge rules, it shall be unlawful for any nondwelling discharger to discharge domestic waste into the Minneapolis sewer system ~~unless the nondwelling discharger has registered without first registering~~ with the City of Minneapolis. No registration shall be issued unless the annual fee ~~of thirty-five dollars (\$35.00) has been received by the director of inspections established in 50.70 has been paid.~~ Each registration shall be filed on or before September first of each calendar year. ~~In the event such registration is not filed on or before October first of each year, the fee shall be doubled.~~

Section 5. That Section 50.50 of the above-entitled ordinance be and is hereby repealed.

~~**50.50. City of Minneapolis annual industrial waste generation registration.** Any person who generates industrial waste as defined in the waste discharge rules for the metropolitan disposal system promulgated by the metropolitan waste control commission, within the boundaries of the City of Minneapolis shall file an annual industrial waste generation registration. No registration shall be issued unless the annual fee of thirty-five dollars (\$35.00) has been received by the director of inspections. Each registration shall be filed on or before September first of each calendar year. In the event such registration is not filed on or before October first of each year, the fee shall be doubled.~~

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 50.50 to read as follows:

50.50. Annual industrial waste discharge registration. No person shall discharge industrial waste into the sanitary sewer, within the boundaries of the City of Minneapolis without first filing an industrial waste discharge registration. No registration shall be issued unless the annual fee established by section 50.70 has been paid.

Section 7. That Section 50.60 of the above-entitled ordinance be and is hereby repealed.

~~**50.60. Prosecutions.** Prosecutions under this chapter shall be in the name of the State of Minnesota.~~

Section 8. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 50.60 to read as follows:

50.60. Annual direct storm drain discharge registration. No person or facility shall discharge directly into a storm drain, any water used in a process, including cooling water, without first filing a direct storm drain discharge registration. No registration shall be issued unless the annual fee established in section 50.70 has been paid.

Section 9. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 50.70 to read as follows:

50.70. Fees. (a) The fees for the annual registration required by sections 50.40 and 50.50 of this chapter shall be:

- (1) Fifty dollars (\$50.00) for each unit discharging domestic waste into the sewer system;
- (2) Fifty dollars (\$50.00) for each unit discharging industrial waste into the sanitary sewer; and
- (3) Fifty dollars (\$50.00) for each unit discharging directly into the storm drain.

(b) If registration is not postmarked or received on or before the expiration of the current registration, the applicant must pay double the specified fee and any applicable court costs.

(c) Each day of failure to register shall constitute a separate violation of this Code.

Section 10. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 50.80 to read as follows:

50.80. Posting of registration; failure to have registration. (a) Proof of registration for wastewater discharge must be posted in public view within the registered unit within ten (10) days after receipt of the proof of registration. For the purposes of this paragraph "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such an area does not exist, then in the area that is readily accessible to members of the public using the building.

(b) If it is not possible to post proof of registration for fear of vandalism, a sign must be posted within ten (10) days after receipt of the proof of registration that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered.

(c) Failure to possess a proof of registration as provided in this chapter is a separate violation of this Code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & T&PW - Your Committee recommends that the proper City staff be authorized to work with the City Attorney's Office to write new ordinance language governing address assignment and street naming within the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept the donation of a bus from the Metropolitan Council to be used by the Fire Department to transport firefighter cadets during their training period, as well as a resource for current fire suppression personnel during extended emergency situations.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to renew Agreement No 017571 with the Hennepin County Medical Center (HCMC) to continue Emergency Medical Service Training for Fire Department Suppression personnel for a one-year period beginning July 1, 2002 and expiring June 30, 2003. Further, that the proper City Officers be authorized to execute Amendment #1 to said agreement to increase the cost of services provided by HCMC to an amount not to exceed \$72,192, payable from the Fire Department Agency (010-280-2816).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers of the Police Department be authorized to issue a Request for Proposals for forensic interview services for children and vulnerable adults who are victims of crime.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

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

T&PW - Your Committee recommends that the proper City officers be authorized to submit the Minneapolis Tier II Plan to the Metropolitan Council in accordance with the terms of the agreement titled Memorandum of Understanding Relating to Combined Sewer Overflow Elimination Efforts (MOU) signed in May 2000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Agreement #01-17296 with Carter Goble Associates, Inc., which expired on May 20, 2002, to extend the Agreement to February 28, 2003, for the Minneapolis Police Department 15 Year Comprehensive Space and Facilities Programming Study.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the property acquisition for the Minneapolis Animal Shelter, now recommends that the proper City officers be authorized to enter into a purchase agreement with Kirschbaum-Krupp Metal Company for the property located at 212 17th Avenue North for the negotiated price of \$275,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the Hiawatha Corridor Light Rail Transit Project, now recommends that the proposed architectural screening plans for Traction Power Substation (TPSS) 14, as indicated in the Released for Construction plans dated September 23, 2002 on file with the City Engineer, be sent forward without recommendation.

Colvin Roy moved to amend the report by deleting "forwarded without recommendation" and inserting in lieu thereof "approved". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 10; Nays 2 as follows:

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

Nays - Goodman, Johnson Lee.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Mall improvement, maintenance and operation assessments for payable 2003 and all written and oral objections and statements regarding the assessments, and having held a public hearing on October 31, 2002 in accordance with the provisions of Minnesota Statutes, Section 430.102, now recommends that the proposed assessments in the amount of \$1,117,825 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 268347) be adopted and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Third Police Precinct Expansion Project, now recommends amending the approved 2002 Public Safety Initiative Five Year

Capital Program by reallocating \$2,500,000 programmed in Year 2003 for Project PS101 (800 MHz Project) to Project PSI02 (Third Police Precinct Expansion Project).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration a report passed December 28, 2001 awarding a contract under OP #5515 with Electronic Design Company, for parking ramp security equipment, now recommends that said report be amended by increasing Contract No. C-16153 in the amount of \$350,000 for a new estimated expenditure of \$1,322,356.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #5942 (Petn No 268347) submitted by Thomas and Sons Construction, Inc., in the amount of \$412,214.60, to complete the Harrison Street NE Storm Drain Project, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said service and/or project, contingent on approval by the Civil Rights Department.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the accompanying Resolution establishing uniform assessment rates for street construction and street renovation improvements for the 2003 calendar year.

Schiff moved that the report be referred back to the Transportation & Public Works Committee for one cycle. Seconded.

Lost upon a voice vote.

Johnson moved that Finance and City Assessor staff come to Transportation & Public Works Committee for a time certain to be determined by the Chair to discuss the polices and possible changes in the future. Seconded.

Report was adopted.

Yeas, 10; Nays 2, as follows:

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

Nays - Schiff, Johnson Lee.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2002R-422, establishing uniform assessment rates for street construction and street renovation improvements for the 2003 calendar year, was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-422
By Colvin Roy and Johnson

Establishing uniform assessment rates for street construction and street renovation improvements for the 2003 calendar year.

Whereas, the City Council adopted a policy on October 31, 1980 establishing yearly uniform assessment rates for similar improvements at various locations; and

Whereas, the City Council adopted assessment policies on May 22, 1998 and June 12, 1998 relating to residential and non-residential properties and relating to Local and Other streets; and

Whereas, the City Engineer has submitted the recommended 2003 Uniform Assessment Rates, all as contained in Petn No 268347 on file in the Office of the City Clerk;

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

That the following rates are hereby established as the 2003 uniform assessment rates and are to be applied in determining the assessments for the benefited parcels for certain types of work to be constructed in the 2003 calendar year:

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

- \$1.10/sq ft – Local – Non-Residential;
- \$1.10/sq ft – Other – Non-Residential;
- \$0.44/sq ft – Local – Residential;
- \$0.35/sq ft – Other – Residential.

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

- \$0.55/sq ft – Local – Non-Residential;
- \$0.55/sq ft – Other – Non-Residential;
- \$0.22/sq ft – Local – Residential;
- \$0.18/sq ft – Other - Residential.

Adopted. Yeas, 10; Nays 2, as follow:

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

Nays - Schiff, Johnson Lee.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the legal claim of Angela M. Marbles be settled by payment of \$15,422.50 to Ms. Marbles and her attorney, Stephen C. Fiebiger, payable from the Self Insurance Fund (690-150-1500).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate said settlement and release of the lawsuit.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the lawsuit filed by Michael Forcia (Federal District Court File No. 01-1129) be settled by payment in the amount of \$125,000 and reasonable attorney's fees in an amount to be determined by the court. The settlement is payable to Michael Forcia and his attorney, Larry Leventhal from the Self Insurance Fund (690-150-1500).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate said settlement and release of claims.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Empowerment Zone (EZ) Program that provides federal funds to projects on a loan and grant basis and having been informed that loan payments are now being received, now recommends concurrence with the recommendation of the EZ Governance Board that the program be authorized to keep current and future funding that is paid back to the program to be reinvested in the EZ Program. Formal approval by the City Council of allocations will continue to be required.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Little Earth of United Tribes Housing Corporation plan for physical improvements at the Little Earth community and having been informed of the Empowerment Zone (EZ) Governance Board recommendation to allocate \$500,000 for the project through the Minneapolis Community Development Agency (MCDA) Multi-Family Rental and Cooperative Housing through a request for proposals process, now recommends passage of the accompanying resolutions:

a) Providing for the transfer of \$500,000 of EZ funds to the MCDA; and

b) Increasing the MCDA appropriation to reflect the transfer of funds.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-423

By Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

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

a) Decreasing the appropriation for the City Coordinator Agency in the Grants - Federal Fund (0300-840-8460) by \$500,000;

b) Increasing the appropriation for the Interfund Transfer Agency in the Grants - Federal Fund (0300-127-FEZT-9001) by \$200,000 for the MCDA Multi-Family Rental and Cooperative Housing Program RFP.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-424

By Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FEZ by \$500,000 and increasing the MCDA revenue budget in Fund FEZ (3210-08 Federal Funds - HUD Grants) by \$500,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration previous City Council action requesting the Board of Estimate and Taxation to issue City bonds to finance a portion of the City's pension obligations through December 31, 2003, consistent with the Mayor's 2003 budget recommendation, now recommends passage and summary publication of the accompanying resolutions approving the terms and conditions and authorizing the issuance and sale of General Obligation Pension Bonds for the Minneapolis Employees Retirement Fund (MERF) in the amount of \$25,000,000 and the Minneapolis Police Relief Association in the amount of \$10,600,000.

Adopted. Yeas, 10; Nays, 2 as follows:

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

Nays - Benson, Goodman.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolutions 2002R-425 and 2002R-426, authorizing the issuance and sale of General Obligation Pension Bonds to fund City obligations to the Minneapolis Employees Retirement Fund (\$25,000,000) and Minneapolis Police Relief Association (\$10,600,000) were passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-425

By Johnson

Authorizing the issuance and sale of General Obligation Pension Bonds (Minneapolis Employees Retirement Fund), Series 2002A; 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. The Minneapolis Employees Retirement Fund. The Minneapolis Employees Retirement Fund ("MERF") is a pension fund with members from the City of Minneapolis (the "City") and Minneapolis Special School District #1. MERF was closed to new members in 1978 and currently the City has approximately six hundred active members in MERF. There are two funds established by MERF to

provide for employee retirements (referred to herein as the "Active Fund" and the "Retired Fund"). Every year the City and MERF members make annual contributions into the Active Fund. As a member retires, the present value of such employee's pension is transferred from the Active Fund to the Retired Fund. If the balance of the Active Fund is not sufficient to cover the cost of a retiring member, the City is required to pay the deficiency (plus six percent interest from the date of notification to the date of payment). As a result of retirements occurring at a faster pace than anticipated and at higher costs than originally forecasted by the actuaries for MERF, there is a current deficiency in the Active Fund and there are anticipated to be future deficiencies in the Active Fund for the next four years. To fund these deficiencies the City has determined that it is in the best interest of the City to continue the property tax levy for MERF at the current level and to cover the deficiency that is not paid from the property tax levy with the proceeds of general obligation bonds of the City maturing through 2026. This will spread the cost of this spike in retirement costs over a twenty-four year period. This Council hereby determines that: (i) it is necessary and expedient for the City to finance the current and future unfunded liabilities of MERF 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. MERF 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 MERF, the board of trustees or directors of MERF 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.

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

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

"Series 2002 Bonds" or "Bonds" means the Series 2002A Bonds authorized by this Bond Resolution.

"Series 2002A Bonds" means the General Obligation Pension Bonds (Minneapolis Employees Retirement Fund), Series 2002A.

Section 2. Terms and form of Series 2002A bonds.

2.01. Series 2002 Bond Terms. It is hereby determined to be necessary and expedient to issue the Series 2002A Bonds to finance a portion of the current and future unfunded liability for MERF. The Series 2002A Bonds shall be dated December 19, 2002, or such later date as the Finance Officer may determine, shall be in the aggregate principal amount of not to exceed \$25,000,000, shall be issued in denominations of \$5,000 or any integral multiple thereof and shall be numbered from R-1 upwards in order of issuance or such other order as the Finance Officer may determine. The Bonds shall bear interest at the rates per annum approved by the Finance Officer and the Board of Estimate and Taxation in connection with the sale thereof, payable semiannually on June 1 and December 1 of each year, commencing June 1, 2003, as 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 30-day months. The Bonds shall mature on December 1 in the years and in the principal amounts set forth below:

Year	Amount	Year	Amount
2022	\$ 5,000,000	2025	\$ 5,000,000
2023	5,000,000	2026	5,000,000
2024	5,000,000		

The Finance Officer may adjust the principal amounts of each maturity provided that the aggregate principal amount of the Bonds does not exceed \$25,000,000. With the approval of the Board of Estimate and Taxation in connection with the sale thereof, all or any of the foregoing maturities of the Bonds may be included within one or more term Bonds which are subject to mandatory redemption on December 1 in the years and amounts set forth above. The maturities of the Bonds meet the requirements of Minnesota Statutes, Section 475.54, subdivision 17, and in any event meet the requirements of Minnesota Statutes, Section 475.54, subdivision 1, when combined with other general obligation bonds of the City.

The City may elect on December 1, 2012, and on any day thereafter to prepay Bonds due on or after December 1, 2013. The Finance Officer may amend the optional redemption provisions of the Bonds prior to the solicitation of bids for the Bonds if the Finance Officer determines that such amendments will encourage additional bids for the Bonds or such amendments may reduce the interest rates on the Bonds. Thirty days prior to the redemption date, notice of any such redemption shall be given by mail in accordance with the requirements of Minnesota Statutes, Chapter 475, as amended. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are to be called for redemption, the City will notify DTC (as defined in Section 6 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest to the date of redemption.

2.02. Method of Payment; 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 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 registered addresses. 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. The Finance Officer may determine to provide for payments of principal and interest on the Bonds by whatever means deemed appropriate by the Finance Officer.

2.03. Bond Form. The Bonds shall be in substantially the following form (subject to such changes directed by the Finance Officer to conform to the terms of the Bonds awarded to the purchaser), which may be printed on the face or on the back or partially on the face or back, with the necessary variations as to number, CUSIP Number, denomination, rate of interest and date of maturity, the blanks therein to be properly filled in, to-wit:

(Form of Series 2002A Bond)

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

No. R-__ \$_____

**CITY OF MINNEAPOLIS, MINNESOTA
GENERAL OBLIGATION PENSION BOND
(MINNEAPOLIS EMPLOYEES RETIREMENT FUND)
SERIES 2002**

Interest Rate _____%	Maturity Date December 1, ____	Date of Original Issue December 19, 2002	CUSIP 60374A __ _
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Registered Owner: CEDE & CO.

Principal Amount: _____ DOLLARS

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 Amount at the Interest Rate specified above from Date of Original Issue specified above, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on June 1 and December 1 of each year, commencing June 1, 2003, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-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 Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty days notice to the registered owners at their registered addresses. Interest shall be paid on each June 1 and December 1 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 preceding May 15 and November 15 (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar. The Finance Officer may determine to provide for payments of principal of and interest on the Bonds by whatever means deemed appropriate by the Finance Officer.

This Bond is one of a series of Bonds in the aggregate principal amount of Twenty-five Million Dollars (\$25,000,000), 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 Employees Retirement Fund, 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 the proceeds 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.

The City may elect on December 1, 2012, and on any day thereafter to prepay Bonds due on or after December 1, 2013. Thirty days prior to the redemption date, notice of any such redemption shall be given by mail in accordance with the requirements of Minnesota Statutes, Chapter 475, as amended. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are to be called for redemption, the City will notify The Depository Trust Company ("DTC"), as registered owner of the Bonds, of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest to the date of redemption.

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 of Minneapolis.

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 said City of Minneapolis, acting by and through its City Council, has caused this Bond to be executed with the facsimile signature of its Mayor, countersigned by the facsimile signature of the Finance Officer, and attested with the facsimile signature of the City Clerk, and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

CITY OF MINNEAPOLIS, MINNESOTA

(SEAL)

Attest:

By _____
Mayor

City Clerk

Countersigned:

By _____
Finance Officer

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 Registrar

Dated: _____

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM — as tenants in common

TEN ENT — as tenants by entireties

JT TEN — as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT —

_____ Custodian _____

(Cust)

(Minor)

under Uniform Gifts or Transfers to Minors Act
_____ (State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

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

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STEMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other
identifying number of assignee

2.04. Registration. The Finance Officer of the City will act as the initial bond registrar, transfer agent, and authenticating agent (the "Registrar") with respect to the Bonds and will also act as the initial paying agent (the "Paying Agent") with respect to the Bonds. The Registrar must maintain a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date. When Bonds are surrendered by the registered owner for exchange, the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be retained by the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

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. Each Bond delivered under this Bond 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. 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.

Section 3. Execution and delivery of bonds and other documents

3.01. Method of Sale. Authority to sell the Bonds is hereby delegated to the Board of Estimate and Taxation under Minnesota Statutes, Section 475.60, as amended. The Finance Officer may establish a minimum or maximum purchase price for the Bonds. The Bonds shall bear interest at the rates specified by the successful proposal. In connection with the sale of the Bonds, the Board of Estimate and Taxation may by resolution make such additional covenants or directions as it may deem necessary and expedient, including but not limited to approval of an Official Statement and Continuing Disclosure Certificate. Any unused discount or premium and any unused amounts provided for the payment of issuance costs shall be deposited in the Debt Service Account or, in the discretion of the Finance Officer, applied to the payment of costs of the City related to the issuance of the Bonds and the financing of the current and future unfunded liability of MERF.

3.02. Bonds. The Bonds shall be executed by the respective facsimile signatures of the Mayor, Finance Officer and City Clerk and facsimile of the corporate seal of the City 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, shall accompany each Bond. When said Bonds shall have been duly executed and authenticated by the Registrar in accordance with this Bond Resolution, the same 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 Minnesota Statutes, Chapter 475, as amended.

3.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds to be prepared, 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 substantially in the form summarized in the Official Statement. 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 this certificate as to payment for and delivery of the Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered as to the validity and enforceability of the Bonds under existing laws, regulations, and rulings, as presently enacted or promulgated and as presently construed.

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 MERF 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 (established as part of the City's Debt Service Fund) for payment of principal and interest on the Series 2002 Bonds. The City hereby pledges the proceeds of the ad valorem taxes hereinafter levied to the payment of principal and interest on the Series 2002 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 (subject to a determination of the Finance Officer to apply such money to an alternative authorized use), 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 irrepealable 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.

Adopted. Yeas, 10; Nays, 2 as follows:

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

Nays - Benson, Goodman.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2002R-426

By Johnson

Authorizing the issuance and sale of General Obligation Pension Bonds (Minneapolis Police Relief Association), Series 2002B; 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. Primarily as a result of losses in the investments of MPRA assets, the unfunded liability of the MPRA has more than doubled in the last year, from approximately \$56,000,000 in 2000 to \$115,500,000 in 2001 (the City contribution to the MPRA is based on the most recent completed actuarial valuation which for 2003 is the actuarial valuation for 2001). Mayor Rybak's 2003 budget proposes to finance a portion of the 2003 amortization of this unfunded liability with the proceeds of general obligation bonds of the City maturing through 2014. This will spread the cost of this portion of the unfunded liability over a twelve year period. This Council hereby determines that: (i) it is necessary and expedient for the City to finance 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 2002 Bonds" or "Bonds" means the Series 2002B Bonds, authorized by this Bond Resolution.

"Series 2002B Bonds" means the General Obligation Pension Bonds (Minneapolis Police Relief Association), Series 2002B.

Section 2. Terms and form of series 2002b bonds.

2.01. Series 2002B Bond Terms. It is hereby determined to be necessary and expedient to issue the Series 2002B Bonds to finance a portion of the current and future unfunded liability for MPRA. The Series 2002B Bonds shall be dated December 19, 2002, or such later date as the Finance Officer may determine, shall be in the aggregate principal amount of not to exceed \$10,600,000, shall be issued in denominations of \$5,000 or any integral multiple thereof and shall be numbered from R-1 upwards in order of issuance or such other order as the Finance Officer may determine. The Bonds shall bear interest at the rates per annum approved by the Finance Officer and the Board of Estimate and Taxation in connection with the sale thereof, payable semiannually on June 1 and December 1 of each year, commencing June 1, 2003, as 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 30-day months. The Bonds shall mature on December 1 in the years and in the principal amounts set forth below:

Year	Amount	Year	Amount
2003	\$ 55,000	2009	\$ 1,440,000
2004	760,000	2010	1,085,000
2005	655,000	2011	1,260,000
2006	170,000	2012	1,275,000
2007	400,000	2013	1,305,000
2008	1,310,000	2014	885,000

The Finance Officer may adjust the principal amounts of each maturity provided that the aggregate principal amount of the Bonds does not exceed \$10,600,000. With the approval of the Board of Estimate and Taxation in connection with the sale thereof, all or any of the foregoing maturities of the Bonds may be included within one or more term Bonds which are subject to mandatory redemption on December 1 in the years and amounts set forth above. The maturities of the Bonds meet the requirements of Minnesota Statutes, Section 475.54, subdivision 17, and in any event meet the requirements of Minnesota Statutes, Section 475.54, subdivision 1, when combined with other general obligation bonds of the City.

The City may elect on December 1, 2012, and on any day thereafter to prepay Bonds due on or after December 1, 2013. The Finance Officer may amend the optional redemption provisions of the Bonds prior to the solicitation of bids for the Bonds if the Finance Officer determines that such amendments will encourage additional bids for the Bonds or such amendments may reduce the interest rates on the Bonds. Thirty days prior to the redemption date, notice of any such redemption shall be given by mail in accordance with the requirements of Minnesota Statutes, Chapter 475, as amended. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are to be called for redemption, the City will notify DTC (as defined in Section 6 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest to the date of redemption.

2.02. Method of Payment; 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 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 registered addresses. 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. The Finance Officer may determine to provide for payments of principal and interest on the Bonds by whatever means deemed appropriate by the Finance Officer.

2.03. Bond Form. The Bonds shall be in substantially the following form (subject to such changes directed by the Finance Officer to conform to the terms of the Bonds awarded to the purchaser), which may be printed on the face or on the back or partially on the face or back, with the necessary variations as to number, CUSIP Number, denomination, rate of interest and date of maturity, the blanks therein to be properly filled in, to-wit:

(Form of Series 2002B Bond)

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

No. R-__

\$_____

**CITY OF MINNEAPOLIS, MINNESOTA
GENERAL OBLIGATION PARKING ASSESSMENT BOND
(MINNEAPOLIS POLICE RELIEF ASSOCIATION)
SERIES 2002**

NOVEMBER 8, 2002

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
_____ %	December 1, _____	December 19, 2002	60374A ____

Registered Owner: CEDE & CO.

Principal Amount: _____ DOLLARS

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 Amount at the Interest Rate specified above from the Date of Original Issue specified above, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on June 1 and December 1 of each year, commencing June 1, 20003, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-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 Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty days notice to the registered owners at their registered addresses. Interest shall be paid on each June 1 and December 1 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 preceding May 15 and November 15 (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar. The Finance Officer may determine to provide for payments of principal of and interest on the Bonds by whatever means deemed appropriate by the Finance Officer.

This Bond is one of a series of Bonds in the aggregate principal amount of Ten Million Six Hundred Thousand Dollars (\$10,600,000), 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.

The City may elect on December 1, 2012, and on any day thereafter to prepay Bonds due on or after December 1, 2013. Thirty days prior to the redemption date, notice of any such redemption shall be given by mail in accordance with the requirements of Minnesota Statutes, Chapter 475, as amended. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are to be called for redemption, the City will notify The Depository Trust Company ("DTC"), as registered owner of the Bonds, of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest to the date of redemption.

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 of Minneapolis.

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 said City of Minneapolis, acting by and through its City Council, has caused this Bond to be executed with the facsimile signature of its Mayor, countersigned by the facsimile signature of the Finance Officer, and attested with the facsimile signature of the City Clerk, and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

CITY OF MINNEAPOLIS, MINNESOTA

(SEAL)

Attest:

By _____
Mayor

City Clerk

Countersigned:

By _____
Finance Officer

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 Registrar

Dated: _____

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM — as tenants in common

TEN ENT — as tenants by entireties

JT TEN — as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT —

_____ Custodian _____

(Cust)

(Minor)

under Uniform Gifts or Transfers to Minors Act

(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

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

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STEMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint Account.)

Please insert social security or other identifying number of assignee

2.04. Registration. The Finance Officer of the City will act as the initial bond registrar, transfer agent, and authenticating agent (the "Registrar") with respect to the Bonds and will also act as the initial paying agent (the "Paying Agent") with respect to the Bonds. The Registrar must maintain a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date. When Bonds are surrendered by the registered owner for exchange, the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be retained by the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

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. Each Bond delivered under this Bond 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. 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.

Section 3. Execution and delivery of bonds and other documents

3.01. Method of Sale. Authority to sell the Bonds is hereby delegated to the Board of Estimate and Taxation under Minnesota Statutes, Section 475.60, as amended. The Finance Officer may establish a minimum or maximum purchase price for the Bonds. The Bonds shall bear interest at the rates specified by the successful proposal. In connection with the sale of the Bonds, the Board of Estimate and Taxation may by resolution make such additional covenants or directions as it may deem necessary and expedient, including but not limited to approval of an Official Statement and Continuing Disclosure Certificate. Any unused discount or premium and any unused amounts provided for the payment of issuance costs shall be deposited in the Debt Service Account or, in the discretion of the Finance Officer, applied to the payment of costs of the City related to the issuance of the Bonds and the financing of the current and future unfunded liability of MPRA.

3.02. Bonds. The Bonds shall be executed by the respective facsimile signatures of the Mayor, Finance Officer and City Clerk and facsimile of the corporate seal of the City 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, shall accompany each Bond. When said Bonds shall have been duly executed and authenticated by the Registrar in accordance with this Bond Resolution, the same 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 Minnesota Statutes, Chapter 475, as amended.

3.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds to be prepared, 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 substantially in the form summarized in the Official Statement. 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 this certificate as to payment for and delivery of the Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered as to the validity and enforceability of the Bonds under existing laws, regulations, and rulings, as presently enacted or promulgated and as presently construed.

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 (established as part of the City's Debt Service Fund) for payment of principal and interest on the Series 2002 Bonds. The City hereby pledges the proceeds of the ad valorem taxes hereinafter levied to the payment of principal and interest on the Series 2002 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 irrepealable 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.

Adopted. Yeas, 10; Nays, 2 as follows:

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

Nays - Benson, Goodman.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends approval of the following financial institutions as City of Minneapolis designated depositories for the period of October 1, 2002 to September 30, 2004:

- | | | |
|--|------------------|------------------------------------|
| - Associated Bank | - Bremer Bank | - City County Federal Credit Union |
| - EastBank | - Excel Bank | - Franklin Bank |
| - Highland Bank | - M&I Bank | - Minnesota Bankfirst |
| - Northeast Bank | - Ridgedale Bank | - Twin City Federal Bank |
| - US Bank | - Western Bank | - Wells Fargo Bank |
| - Union Bank & Trust Company | | |
| - Federal Home Loan Bank of Des Moines | | |

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

- a) Change Order #12 to Contract #15023 with Shaw - Lundquist Associates, Inc., increasing said contract by \$22,825, for a new contract total of \$6,959,368;
- b) Change Order #13 to Contract #15235 with Minuti-Ogle Co. Inc., increasing said contract by \$26,356, for a new contract total of \$10,731,850;
- c) Change Order #2 to Contract #15262 with St. Paul Linoleum & Carpet, increasing said contract by \$52,419, for a new contract total of \$1,069,243;
- d) Change Order #13 to Contract #13978 with Marcy Construction Company, increasing said contract by \$288,601, for a new contract total of \$5,528,531.13.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

W&M/Budget - Your Committee recommends that the special tax assessments for delinquent utility charges be approved, as indicated in the assessment roll adopted as part of this action and set forth in Petn No 268354 on file in the office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends approval of the recommendation of the Director of Human Resources to reclassify the new position of Business Application Analyst I and reclassify employee Jay Trevino from his current position of Program Assistant to the new position, effective July 16, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2002-Or-171 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the new position of Business Application Analyst I, was passed November 8, 2002, by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-171
By Johnson
1st & 2nd Readings: 11/8/2002

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 classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

**Minneapolis Professional Employees Association (MPEA)
Effective July 16, 2002.**

Job Code	Title Classifications	FLSA/ OTC	P	6-month rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
	Business Application Analyst I	N3	H	18.303	18.722	19.759	20.802	21.912	23.050	24.271	25.547

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Interim Library Project, now recommends that the proper City officers be authorized to execute Change Order No. 1 to Contract #018228 with Metro Communication Services, Inc., increasing the contract by \$8,770.35, for a new total of \$126,352.87 for additional work on the project.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed November 8, 2002.
Approved November 8, 2002. P. Ostrow, Acting Mayor.
Attest: S. Ristuben, Asst City Clerk.
(Published November 12, 2002)

W&M/Budget - Your Committee recommends concurrence with the recommendation of the New Central Library Implementation Committee that the proper City officers be authorized to execute a contract with Braun Intertec Corporation for testing and inspection services during the construction of the New Central Library in an amount not to exceed \$625,000, payable from the project budget (4400-908-9080).

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed November 8, 2002.
Approved November 8, 2002. P. Ostrow, Acting Mayor.
Attest: S. Ristuben, Asst City Clerk.
(Published November 12, 2002)

W&M/Budget - Your Committee recommends that the Police Chief be authorized to appoint Lucy Gerold as Police Deputy Chief, at Step "D" of the salary schedule, due to her previous service and extensive experience.

Adopted. Yeas, 12; Nays none.
Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the Engineering 2000 Project and having been informed that completion of the project will require approval of a new funding plan for \$2,131,000, now recommends approval of the request of the Information and Technology Services (ITS) Division for appropriation of funds to complete said program and to reconcile the five-year Capital Strategic Information Systems Program (SISP) project that was ended in December 2001, by use of the following funds:

Public Works Fund-Agency		Amount
General - PW Streets & Malls	\$	400,000
Permanent Improvement - PW		
Engineering Design		420,000
Water Revenue - PW Water		400,000
Sewer Rental - PW Sewer Maintenance		600,000
Parking - PW Transportation		50,000
Solid Waste - PW Solid Waste		<u>50,000</u>
ITS Fund-Agency		Amount
Intergovernmental Service - ITS	\$	<u>211,000</u>
Total	\$	2,131,000

Your Committee further recommends passage of the accompanying resolutions appropriating funds for said program.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

RESOLUTION 2002R-427

By Johnson

Amending The 2002 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 SISPP Projects Agency in the Permanent Improvement Projects Fund (4100-972-9725-5070) by \$2,131,000 and increasing the revenue source (4100-972-9725 - Source 3381) by \$1,711,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

RESOLUTION 2002R-428

By Johnson

Amending The 2002 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 following appropriations:

PW - Water Agency in the Water Revenue Fund (7400-690-6905-5070) by \$400,000;

PW - Sewer Maintenance in the Sewer Rental Fund (7300-630-6370-5070) by \$600,000;

PW - Transportation in the Municipal Parking Fund (7500-685-6895-5070) by \$50,000;
PW - Solid Waste in the Solid Waste and Recycling Fund (7700-664-6660-5070) by \$50,000.

Further, that the 2002 Operating Expense budget be decreased as follows:

PW - Engineering Design in the Permanent Improvement Projects Fund (4100-600-6025-5070) by \$420,000.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 8, 2002. P. Ostrow, Acting Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Published November 12, 2002)

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Executive Committee that Siyeza, a frozen and refrigerated food manufacturing company located at 1000 Humboldt Av N, be granted a loan in the amount of \$164,000 to be used for working capital for the company's operation through 2002 and including \$20,000 to be used for management consultant services, payable from the City Coordinator Agency (0300-840-8460). Proper City staff is authorized to hire said consultant to assist in evaluating the business and the loan is approved with the stipulation that a business management plan will be submitted by December 31, 2002.

Your Committee further recommends that the proper City officers be authorized to execute a contract with Siyeza setting forth the terms and conditions of the loan agreement.

Johnson moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Executive Committee authorizing a loan of \$300,000 in federal EZ funds for the American Indian Business Development Corporation (AIBDC) to be used for construction of the Franklin Bakery at 1004-1020 E Franklin Av and that the proper City officers be authorized to execute a contract with AIBDC setting forth the terms and conditions of the loan agreement.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

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

Z&P - Your Committee, having under consideration the appeal of Paul Smith (BZZ-779) from the decision of the Planning Commission approving the applications of the Minneapolis Institute of Arts (MIA), 2400 - 3rd Ave S, for a conditional use permit and site plan review for a planned unit development to allow an addition to the museum's west side, and having conducted a public hearing thereon, now recommends that said appeal be sent forward without recommendation.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote.

Z&P - Your Committee, having under consideration the application of Brian Carlson for a waiver from Interim Ordinance 2001-Or-027, providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along W Broadway Ave from City limits on the west to the intersection of W Broadway and Girard Aves on the east, extending 150 feet on each side of the centerline of W Broadway, and including the area bounded by a 1/4 mile radius around the intersection of W Broadway and Penn Aves (passed 3/2/01, as amended), to allow establishment of a book store

in an existing building at 2400 Penn Ave N, and having conducted a public hearing thereon, now recommends that said waiver be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the application of Glenn Toby for a waiver from Interim Ordinance 2001-Or-027, providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along W Broadway Ave from City limits on the west to the intersection of W Broadway and Girard Aves on the east, extending 150 feet on each side of the centerline of W Broadway, and including the area bounded by a 1/4 mile radius around the intersection of W Broadway and Penn Aves (passed 3/2/01, as amended), to allow a retail store selling beauty supplies at 1808 W Broadway Ave, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department staff be adopted and that said waiver be granted, subject to the following conditions:

a) All outside storage of tires, pallets, garbage, cinder blocks, or any item prohibited by the zoning code shall be removed from the site;

b) The sign on the front of the building be repaired to meet the requirements of the zoning code. All new signage shall require a permit from the zoning office;

c) The damaged sign standard at the northwesterly corner of the site near the sidewalk shall be removed;

d) Landscaping shall be provided in the planter boxes at the front of the site, as per the requirements of the zoning code;

e) If the site is rezoned residential, any future change in use shall be reviewed by the zoning office to determine if a change in nonconforming use permit is required.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the appeal filed by the Jewish Community Relations Council from the decision of the Heritage Preservation Commission (HPC) regarding the mitigation plan that was mandated by the HPC when it approved the demolition permit of the Lander Group for property at 4610 E Lake St on 9/11/01 and reconsidered 10/15/02, requiring a plaque in the new development to commemorate the River-Lake Gospel Tabernacle building, and having conducted a public hearing thereon, now recommends that said appeal be granted and that the mitigation plan be amended by deleting the requirement of an on-site plaque in the new development.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, having under consideration the applications of James Moeller to vacate a) a portion of Arthur St NE (#1394); and b) a portion of New Brighton Blvd (#1395) to remediate the on-site soil pollution over the next two years in preparation for future development, now concurs in the recommendation of the Planning Commission to grant said vacations, subject to retention of easement rights by the City of Minneapolis, Xcel Energy and Qwest, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolutions vacating said street and boulevard.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2002R-429, vacating a part of Arthur St NE in the vicinity of New Brighton Blvd was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-429

By Schiff

Vacating a part of Arthur St NE in the vicinity of New Brighton Blvd.

Resolved by the City Council of the City of Minneapolis:

That part of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 29, Range 24, described as beginning at the intersection of the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 13 and the Westerly right of way line of Old New Brighton Blvd; thence Northeasterly along said right of way line to the Westerly right of way line of Arthur St NE; thence Southerly along the Westerly right of way line of Arthur St. NE to the centerline of Old New Brighton Blvd; thence Southwesterly along said centerline of Old New Brighton Blvd to the South line of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 13; thence Westerly along said South line to the point of beginning is vacated, except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, and Qwest of the Twin Cities, their successors and assigns, to enter upon that portion of the aforescribed right of way proposed to be vacated which is described in regard to each of said corporations as follows, to wit:

As to the City of Minneapolis: The City of Minneapolis will retain a water line easement over, under and across the easterly 28 feet of the proposed vacation area;

As to Xcel Energy: Xcel Energy will retain its easement over the westerly ten feet of the proposed vacation area;

As to Qwest: Qwest has underground telephone facilities in the westerly portion of New Brighton Blvd in the area to be vacated. Qwest will describe an easement should the applicant's construction plans require relocation, and expects the applicant to pay relocation costs; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said portion of the Arthur St NE and New Brighton Blvd right-of-way proposed to be vacated upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2002R-430, vacating a part of New Brighton Blvd in the vicinity of Arthur St NE was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

RESOLUTION 2002R-430

By Schiff

Vacating a part of New Brighton Blvd in the vicinity of Arthur St NE.

Resolved by the City Council of the City of Minneapolis:

That part of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 29, Range 24, described as beginning at the intersection of the Northwestern right of way line of Old New Brighton Blvd and the Westerly right of way line of Arthur St NE; thence Northerly along the Westerly right of way line of Arthur St NE to its intersection with the Southerly right of way line of Interstate Highway No. 35W; thence Easterly along said right of way line to the centerline of Arthur St NE, being the East line of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 13; thence Southerly along centerline of Arthur St NE to the centerline of Old New Brighton Blvd; thence Southwesterly along the centerline of Old New Brighton Blvd to the Westerly right of way line of Arthur St NE; thence northerly along said Westerly right of way line of Arthur St NE to the point of beginning is vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest of the Twin Cities, their successors and assigns, to enter upon that portion of the aforedescribed right of way proposed to be vacated which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: Xcel Energy will retain its easement over the northwesterly ten feet of the proposed vacation area;

As to Qwest: Qwest has underground telephone facilities in the westerly portion of New Brighton Blvd in the area to be vacated. Qwest will describe an easement should the applicant's construction plans require relocation, and expects the applicant to pay relocation costs; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said portion of the Arthur St NE and New Brighton Blvd right-of-way proposed to be vacated upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee forwards without recommendation the request of the Planning Department that the proper City officers be authorized to submit comments to the Metropolitan Council in response to its Blueprint 2030, a comprehensive development guide for the metropolitan area which contains policy statements, goals, standards, programs and maps recommending guides for the orderly and economical development, public and private, of the metropolitan area.

Schiff moved to amend the report by deleting the language, "forwards without recommendation" and inserting in lieu thereof, "recommends approval of". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2002, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Schiff moved to amend the Council action of 10/25/02 relating to granting the petition of Steven Young (BZZ-688) to rezone the property at 3717 W 50th St/5011 Ewing Ave S by adding the TP (Transitional Parking) Overlay District to the existing C2 and R1A Districts to permit an accessory parking lot for the existing shopping center, by correcting the report and legal description in the ordinance to add the TP Overlay District only to that part of the property not located in a C2 commercial district.

Schiff further moved passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2002-Or-172, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3717 W 50th St/5011 Ewing Ave S by adding the TP (Transitional Parking) Overlay District only to that part of the property not located in a C2 commercial district, was passed November 8, 2002 by the City Council and approved November 14, 2002 by the Mayor. A complete copy of the 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 2002-Or-172

By Schiff

1st & 2nd Readings: 11/12/2002

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

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the southern 33 feet of the following parcel of land, pursuant to MS 462.357:

A. That part of the north 60 feet of the west 128 feet of that part of Lot 1, Bull's subdivision of the Northwest Quarter of the Southwest Quarter of Section 17, Township 28, North Range 24, West lying south of West 50th St as opened by the City and East of Ewing Ave S (3717 W 50th St/5011 Ewing Ave S - Plate 35) to add the TP Transitional Parking Overlay District.

B. That Part of Lot 1, Bull's Subdivision of the Northwest Quarter of the Southwest Quarter of Section 17, Township 28 North Range 24 West Described as follows: All of said tract lying East of the East line of Ewing Ave and West of the alley created by deed in Book 1407 of Deeds page 397, except the North 60 feet thereof and except the South 50 feet thereof. Being registered land as evidenced by Certificate of Title No. 820996 (3717 W 50th St/5011 Ewing Ave S - Plate 35) to add the TP Transitional Parking Overlay District. (Note that the City's property information database refers to the property as follows: That part of the North 183 3/10 feet of Lot 1 Lying East of Ewing Ave and South of 50th St).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.
Passed November 8, 2002.
Approved November 14, 2002. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

Lilligren moved to approve an amended 2003 City Council Committee Schedule and Members as shown in Petn No 268359.1 on file in the office of the City Clerk. Seconded.

Adopted upon a voice vote.
Absent - Biernat.
Passed November 8, 2002.

Zerby introduced the subject matter of an Ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending notice provisions for sidewalk cafe permits and renewal of said permits).

Zerby introduced the subject matter of an Ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending public hearing and notice requirements for expansion of outdoor areas for on-sale liquor, wine and beer establishments).

Zerby introduced the subject matter of Ordinances amending various provisions of Title 14 of the Minneapolis Code of Ordinances relating to *Liquor and Beer*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee (Amending procedures for application, investigation, notice and issuance for on-sale liquor, wine and beer licenses).

Zerby 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 notice requirements for certain zoning applications).

RESOLUTION

Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a Resolution recognizing Police and Media Services staff.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

(Not published. See Resolution 2002R-431 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-431

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

Recognizing Police and Media Services staff.

Whereas, a primary goal of the City of Minneapolis is to have a well trained workforce, and whereas the effective training of our Minneapolis Police Department is a top priority; and

Whereas, the City encourages collaboration between City departments to cost effectively work together to meet City goals; and

Whereas, the City of Minneapolis ITS Division of Telecommunications and Media Services and the Minneapolis Police Department worked collaboratively to produce a cost effective training video called *Active Shooter* to instruct officers in proper procedures to be used in life threatening situations; and

Whereas, the National Association of Telecommunications Officers and Advisors (NATOA) recognized that video with a First Place National Award in the Training Video Category;

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

That the City Council recognizes the efforts of the Minneapolis Police Department and the ITS Division of Telecommunications and Media Services and commends staff for going beyond the basic job requirements to produce nationally recognized work of excellence.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

UNFINISHED BUSINESS

Tariq Restaurant (137 E Franklin Av): Revoke Restaurant License for failure to complete site plan review process. (Postponed 6/7/2002, PS&RS)

Auto Mart (501 W Lake St): Revoke Site Plan Review Permit SP-215 and Motor Vehicle Dealer - Used Car (Additional Lot) License for failure to complete site plan review process. (Postponed 7/12/2002, PS&RS)

Benz Auto (4056 Washington Av N): Grant Provisional Motor Vehicle Repair Garage License, subject to conditions. (Postponed 8/23/2002, PS&RS)

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

League of Minnesota Cities: Direct Intergovernmental Relations Department staff to submit priorities for the next legislative session. (Postponed 10/25/2002, IGR)

IGR - Your Committee, having under consideration the League of Minnesota Cities' new 2003 Policy Adoption Process and *Proposed 2003 Cities Policies*, and the request to submit priority "voting ballots" by November 15, 2002 to determine the top five priorities of the LMC during the next legislative session, now recommends that the Intergovernmental Relations Department staff be directed to submit the following priorities to the LMC as the priorities from the City of Minneapolis perspective:

Improving Fiscal Futures:

- a) FF-3: LGA and Market-Value Homestead Credit Cuts
- b) FF-19: Limited Market Value

Improving Local Economies:

- c) LE-6: Housing
- d) LE-26: Adequate Funding for Transportation

Improving Service Delivery:

- e) SD-5: Providing Information to Citizens (Web Publications)

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

Adopted by unanimous consent.

IGR - Your Committee, having under consideration the League of Minnesota Cities' new 2003 Policy Adoption Process and *Proposed 2003 Cities Policies*, and the request to submit priority "voting ballots" by November 15, 2002 to determine the top five priorities of the LMC during the next legislative session,

now recommends that the Intergovernmental Relations Department staff be directed to submit the following priorities to the LMC as the priorities from the City of Minneapolis perspective:

Improving Fiscal Futures:

- a) FF-3: LGA and Market-Value Homestead Credit Cuts and FF-19: Limited Market Value

Improving Local Economies:

- b) LE-6: Housing
- c) LE-26: Adequate Funding for Transportation

Improving Service Delivery:

- d) SD-3: City Costs for Enforcing State and Local Laws
- e) SD-5: Providing Information to Citizens (Web Publications)

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

NEW BUSINESS

Ostrow moved that the meeting be adjourned to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following:

- 1) *Karen Nevils vs. Minneapolis Community Development Agency, et al.*
- 2) *Billy Graham Evangelistic Association vs. City of Minneapolis*
- 3) *Metal-Matic, Inc. vs. City of Minneapolis*
- 4) *Maurice Wilburn vs. City of Minneapolis, et al.*
- 5) *Dwyane K. Hickman vs. City of Minneapolis, et al.* and
- 6) *Kick's Liquor Store, Inc., d/b/a/ Broadway Liquor Outlet vs. City of Minneapolis*

Room 315 City Hall

Minneapolis, Minnesota

November 8, 2002 - 11:50 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Benson, Goodman, Lane, Johnson, Colvin Roy (In at 12:04 p.m.), Zimmermann, Zerby (In at 11:53 a.m.), Lilligren, Johnson Lee, Niziolek, President Ostrow.

Absent - Biernat, Schiff.

Jay Heffern, City Attorney, stated that this meeting may, upon a proper motion, be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits:

- 1) *Karen Nevils vs. Minneapolis Community Development Agency, et al.*
- 2) *Billy Graham Evangelistic Association vs. City of Minneapolis*
- 3) *Metal-Matic, Inc. vs. City of Minneapolis*
- 4) *Maurice Wilburn vs. City of Minneapolis, et al.*
- 5) *Dwyane K. Hickman vs. City of Minneapolis, et al.* and
- 6) *Kick's Liquor Store, Inc., d/b/a/ Broadway Liquor Outlet vs. City of Minneapolis*

Lane moved that the City's attorneys be authorized to take all actions necessary to settle the litigation captioned *Karen Nevils vs. the Minneapolis Community Development Agency, et al.* Seconded.

Adopted. Yeas, 10; Nays none.

Absent - Biernat, Schiff, Zerby.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Lane moved to approve the action taken by the City Attorney's office to file a petition by the Minnesota Supreme Court of the decision by the Court of Appeals in *Billy Graham Evangelistic Association vs. City of Minneapolis*, Case No. C1-01-2127. Seconded.

Adopted. Yeas, 9; Nays none.

Absent - Biernat, Colvin Roy, Schiff, Zerby.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Lilligren moved that the meeting be closed for the purpose of consideration of the lawsuits pursuant to the City Attorney's statement. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:53 a.m.

Jim Moore, Assistant City Attorney, summarized the *Maurice Wilburn vs. City of Minneapolis* and *Dwyane K. Hickman vs. City of Minneapolis, et al.* lawsuit from 11:55 a.m. to 12:20 p.m.

Also present: Jay Heffern, City Attorney; William Dunning, Assistant City Attorneys; Lucy Gerold, Deputy Police Chief; Heidi Hamilton and John Wertjes, Public Works (In at 11:57 a.m., Out at 12:11 p.m.); Steve Ristuben, Assistant City Clerk; and Jan Hrcir, City Clerk's office.

William Dunning, Assistant City Attorney, summarized the *Kick's Liquor Store, Inc., d/b/a Broadway Liquor Outlet vs. City of Minneapolis* lawsuit from 12:21 to 12:35 p.m.

Also present: Jay Heffern, Jim Moore, Heidi Hamilton, John Wertjes and Jan Hrcir.

Jim Moore, Assistant City Attorney, summarized the *Metal-Matic, Inc. vs. City of Minneapolis* lawsuit from 12:36 to 12:47 p.m.

Also present: Jay Heffern and Jan Hrcir.

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

Johnson Lee moved that the meeting be opened at 12:47 p.m. Seconded.

Adopted upon a voice vote.

Lane moved that the City Attorney be authorized to settle the case of *Hickman vs. City of Minneapolis, et al.*, United States District Court File No. 01 CV 2172 ADM/SRN, in the amount of \$37,750 payable from Fund/Org 690-150-1500-4000, and to execute all documents necessary to finalize this settlement. Seconded.

Adopted. Yeas, 8; Nays none.

Declining to Vote - Colvin Roy, Zimmermann, Niziolek.

Absent - Biernat, Schiff.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Lane moved to approve removal of the barriers upon McNair Avenue North near Penn Avenue North and Broadway Avenue North. Seconded.

Adopted. Yeas, 8; Nays, 1 as follows:

Yeas - Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Ostrow.

Nays - Johnson Lee.

Declining to Vote - Benson.

Absent - Biernat, Niziolek, Schiff.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Lane moved to approve payment of \$63,058 plus per diem interest of \$3.18 from September 30, 2002, to the date of payment from Fund/Org 690-150-1500-6850. Payment is authorized in satisfaction of the judgment for attorneys fees in the case of *Kick's Liquor Store, Inc., d/b/a Broadway Liquor Outlet vs. City of Minneapolis*. Payment is to be made to Kick's Liquor Store, Inc., and Daniel N. Rosen.

Seconded.

Adopted. Yeas, 9; Nays none.

Declining to Vote - Benson.

Absent - Biernat, Schiff, Niziolek.

Passed November 8, 2002.

Approved November 14, 2002. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

By unanimous consent, the meeting was adjourned.

Steven J. Ristuben,
Assistant City Clerk.

Created: 11/08/02;
Modified: 11/15/02;
Corrected: 12/10/02