

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JANUARY 27, 2006

(Published February 4, 2006, in *Finance and Commerce*)

Council Chamber

350 South 5<sup>th</sup> Street

Minneapolis, Minnesota

January 27, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 1/27/06.

Lilligren moved acceptance of the minutes of the regular and adjourned meetings held January 13, 2006. Seconded.

Adopted upon a voice vote 1/27/06.

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 1/27/06.

### PETITIONS AND COMMUNICATIONS

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270928)

Land Sales: 2523 Queen Ave N; 1114-30th Ave N.

Cedar Riverside People's Center (425-20th Ave S): Resolution approving issuance of bonds for improvements & equipping of medical clinic & administrative offices.

St. Anne's Senior Housing (vicinity of W Broadway & Queen Ave N): Resolution approving issuance of bonds for mixed-income, mixed use development.

MAYOR (270929)

Director of Community Planning & Economic Development: Reappointment of Lee Sheehy.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270930)

Land Sale: 700 Hennepin Ave.

Northpoint Health & Wellness Center Expansion (1256 Penn Ave N): Authorize lease between City of Mpls & Hennepin County for construction staging; & authorizing temporary right-of-entry.

**HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (270931)

Violence as a Public Health Issue: Materials from discussions during 2005.

**HEALTH, ENERGY AND ENVIRONMENT:**

REGULATORY SERVICES (270932)

Lead Hazard Market Value Reduction: Report.

Citizens Environmental Advisory Committee: Report.

**HEALTH, ENERGY AND ENVIRONMENT (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (270933)

Public Health Advisory Committee: Approve reappointments of Gayle Geber and Carmen Teskey.

Senior Citizen Advisory Committee: Approve reappointments of James Adams, Dolores Cotton, Douglas Davis, Jean Greener, Fay Harrison, Patricia Hastreiter, Marci Holley-Bartlett, Helen Holsesth, Peter Johnson, Dr. Lawrence Kerzner, Joanne Labernik, Herbert Nelson, and Edna Sanders.

MAYOR (270934)

Civilian Police Review Authority: Approve appointments of Sharlee Benson and Tina Oskey.

MAYOR (270935)

Commissioner of Health: Approve reappointment of Gretchen Musicant.

Director of Civil Rights: Approve reappointment of Jayne Khalifa.

REGULATORY SERVICES (270936)

Car Sharing: Execute agreement with HOURCAR for certain Regulatory Services staff to utilize Toyota Prius Hybrid cars.

**HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270937)

Family Support Specialist II - Employment & Training: Authorize hire Teresa Harrold at Step 5 of salary schedule.

Family Support Specialist II - Employment & Training: Authorize hire Xuong Tran at Step 4 of salary schedule.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (270938)

IGR Federal Orientation information of 1/24/06.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (270939)

2006 Legislative Agenda.

**INTERGOVERNMENTAL RELATIONS and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

REGULATORY SERVICES (270940)

State Regulations relating to the Sale of Liquor: Authorize IGR staff to propose State Statute amendment to exempt the Metro State University location at 730 Hennepin from State law that restricts a liquor license within 1500 feet of a State university or college. \*(See IGR Report)

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

MAYOR (270941)

Fire Chief: Approve reappointment of Bonnie Bleskachek.

REGULATORY SERVICES (270942)

Licenses: Applications.

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

POLICE DEPARTMENT (270943)

State Homeland Security Grant: Accept grant award of \$100,000 and execute two-year agreement with State of Minnesota for extra security costs during periods of heightened national security; and Approve appropriation.

GXT Treadmill Test: Accept proposal from Cardiovascular Consultants Ltd and execute four-year contract for cardiopulmonary testing services for police officers.

Police Department Intellectual Property Initiatives: Authorize Finance Officer to periodically adjust the Police Department appropriation by transferring surplus revenues from Police Special Revenue Fund for development and support of new and ongoing initiatives - not to exceed \$489,560.

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

PUBLIC WORKS AND ENGINEERING (270944)

Appointment to Radio Technical Operations Committee: Appoint Jay S. Smith as representative, and Rodney A. Olson as alternate, to serve on Metropolitan Emergency Services Board's Radio Technical Operations Committee.

27th Av S Reconstruction Project #6604 (9th St S to 29th St E): a) Resolution designating location and proposed improvements; b) Receive cost estimate and list of benefited properties; c) Direct City Engineer to prepare proposed assessments; and d) Set a public hearing for February 28, 2006.

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

PUBLIC WORKS AND ENGINEERING (270945)

Authorize contract with HDR Engineering, Inc. for professional engineering consulting services for the construction of a new chemical storage facility at the Fridley Filtration Plant.

Settlement: Approve settlement agreement and payment of \$2,889.90 to EPA Hazardous Substance Superfund.

RFP for Advertising: Authorize issuance of Request for Proposals (RFP) for advertising in city-owned and operated parking ramps and adjoining walkways.

Lane Use Fee Increase: Increase obstruction permit fees for sidewalks and alleys outside the Central Business District to 15 cents per lineal foot.

Bid: Accept OP #6549, low bid of Premier Electric Corporation to provide licensed journeyman electricians.

**WAYS AND MEANS BUDGET:**

FINANCE DEPARTMENT (270946)

2005 Assessment for the Special Compensation Fund - 2nd half: Receive and File.

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

ATTORNEY (270947)

Legal Settlements: a) Cheryl Ann Olmos; and b) Timothy Scott.

ATTORNEY & CPED (270948)

Pantages Theatre/Stimson Building property:

- a) acceptance of settlement with F-Troop, LLC regarding land registration;
- b) execution Easement Agreement between the City and F-Troop, LLC providing for the encroachment of F-Troop, LLC-owned wall located on City-owned property;
- c) city retained counsel to file all necessary settlement and release of claims documents with Hennepin County District Court; and
- d) proper City officers to execute all necessary settlement and release of claims documents to effect a full and complete settlement with F-Troop, LLC in this matter.

BUSINESS INFORMATION SERVICES (BIS) (270949)

Minneapolis Police Department: Issue RFP for Handheld Citation Units with related software and accessories.

Business Intelligence Application: Issue RFP to establish business intelligence standardization to be used enterprise wide.

COORDINATOR (270950)

New Central Library Project - Change Orders: Approve Change Order No. 8 increasing Contract Number C-20345 with Egan companies, Inc. d.b.a. Egan McKay Electrical (\$184,006); Change Order No. 12 increasing Contract Number C-20481 with PCL Construction Services, Inc. (\$364,878); and Change Order No. 3 increasing Contract Number C-20073 with New Mech Companies (\$14,108).

HUMAN RESOURCES (270951)

Blue Cross Blue Shield: Authorize receipt of funds in the amount of \$107,034.27 from Blue Cross Blue Shield of Minnesota for settlement of the class action litigation against cigarette manufacturers; and approve appropriation.

Pay Equity: Direct staff to submit Compliance Report to Minnesota Department of Employee Relations.

MAYOR (270952)

Reappointment of City Attorney: Recommendation to reappoint Jay Heffern.

Reappointment of City Assessor: Recommendation to reappoint Patrick Todd.

POLICE DEPARTMENT (270953)

State Buffer Zone Protection Grant: Acceptance of \$387,024 from the State Buffer Zone Protection Grant to reimburse qualifying expenses incurred by the department for homeland, buffer zone security; Approve appropriation.

Police Department Budget and the Public Works Budget: Transfer \$1,269,862 from the 2006 Police budget to the Public Works budget to reflect current police staffing agreement.

**WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270954)

West Broadway Alive! Land Use Master Plan: Issue RFP for consultant services for development of the property within a block of W Broadway from the Mississippi River to the western City limits and will extend further as appropriate to include property with a ¼ mile radius from the major transit nodes at Penn Ave, Emerson/Fremont Aves and Lyndale Ave.

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

ATTORNEY (270955)

22nd Avenue Station (2121 University Ave NE): Findings of Fact, Conclusions of Law & Recommendations of Administrative Law Judge re amortization of an adult use business.

INSPECTIONS/BOARD OF ADJUSTMENT (270956)

Appeal:

Shane Walgamuth (3815 Washburn Ave S): Re Determination of setback measurements.

PLANNING COMMISSION/DEPARTMENT (270957)

Appeals:

Swervo Development Corp (re 150 Portland Ave S): Re Conditional use permit to increase maximum height;

Hornig Companies, Inc (2910 Irving Ave S & 1609-11 Lagoon Ave S): Re Conditional use permits, variance & site plan for condominium development;

Calhoun Area Residents Action Group (1301, 1311, 1323, 1401 & 1409 W Lake St; 3008 & 3012 Fremont Ave S; 3003, 3027, 3037, 3043 & 3045 Hennepin Ave S): Re Conditional use permits, site plan review for planned commercial development.

Southeast Mpls Industrial Refined Master Plan: Text & map amendments.

South Lyndale Corridor Master Plan.

Rezoning:

Tony Gleekel, on behalf of Principal Life Insurance Company (1301 & 1311 W Lake St).

Vacation:

Tony Gleekel, on behalf of Principal Life Insurance Company (1301, 1311, 1323, 1401 & 1409 W Lake St; 3008 & 3012 Fremont Ave S; 3003, 3027, 3037, 3043 & 3045 Hennepin Ave S): Public alley.

**PLANNING COMMISSION:**

JOHNSON, MICHAEL & GREG JANSMA (270958)

16th Ave SE, Vacation

**FILED:**

CITY CLERK (270959)

Spiros Zorbalas, Rental Dwelling License at 3121 Cedar Ave: Verbatim Transcripts from Public Safety & Regulatory Services Committee Meeting of September 14, 2005; and City Council Meeting of September 23, 2005.

*The following reports were signed by Mayor Rybak on February 2, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

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

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2523 Queen Ave N to St. Anne's Community Development Corporation for \$17,500.

Adopted 1/27/06.

Resolution 2006R-019, authorizing sale of land referred to as St. Anne's Senior Housing Redevelopment Plan Disposition Parcel No. SA-1 (2523 Queen Ave N), was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-019**

**By Goodman**

**Authorizing sale of land referred to as St. Anne's Senior Housing Redevelopment Plan Disposition Parcel No. SA-1 (2523 Queen Avenue North).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel SA-1, in the Jordan neighborhood, from St. Anne's Community Development Corporation (SACDC), hereinafter known as the Redeveloper, the Parcel SA-1, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description or 2523 Queen Avenue North (Parcel SA-1):** Lot 3, Block 2, Wenz Addition to Minneapolis, together with that part of the Easterly one-half vacated alley lying between the Westerly extension of the North and South lines of said Lot 3, accruing thereto by reason of the vacation thereof; and

Whereas, the Redeveloper has offered to pay the sum of \$17,500, for Parcel SA-1 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 6, 2006, a public hearing on the proposed sale was duly held on January 17, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the St. Anne's Senior Housing Redevelopment plan, is hereby estimated to be the sum of \$17,500 for Parcel SA-1.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 1/27/06.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1114 – 30<sup>th</sup> Ave N to Andres De Jesus Corleto Sandoval and Avila Corleto for \$259, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 1/27/06.

Resolution 2006R-020, authorizing sale of land referred to as Hawthorne NRP Disposition Parcel No. HAW 9-14 (1114 - 30th Ave N), was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-020**

**By Goodman**

**Authorizing sale of land referred to as Hawthorne NRP Disposition Parcel No. HAW 9-14 (1114 – 30<sup>th</sup> Avenue North).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase Disposition Parcel HAW 9-14, in the Hawthorne neighborhood, from Andres De Jesus Corleto Sandoval and Avila Corleto, hereinafter known as the Purchaser, the Parcel HAW 9-14, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description of 1114-30th Avenue North (HAW 9-14):** Lot 14, Block 9, Except the West 72.5 feet thereof, Silver Lake Addition to Minneapolis; and

Whereas, the Purchaser has offered to pay the sum of \$259, for Parcel HAW 9-14 to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including sideyard dispositions) that have no relationship to Comprehensive Plan; and

Whereas, the City has determined the offer of \$259 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 6, 2006, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on January 17, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for the HAW 9-14 is hereby estimated to be the sum of \$259.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 1/27/06.

**Comm Dev** - Your Committee recommends concurrence with the Mayor's nomination and approval by the Executive Committee of the reappointment of Lee Sheehy to serve as Director of the Department of Community Planning & Economic Development, for a two-year term to expire January 2, 2008.

Adopted 1/27/06.

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds to finance the cost of improvements and equipping of a medical clinic and administrative office for the Cedar Riverside People's Center at 425 – 20<sup>th</sup> Ave S, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$600,000 Tax-exempt 501(c)(3) Revenue Bonds for said project.

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

Adopted 1/27/06.

Resolution 2006R-021, giving preliminary and final approval to and authorizing the financing of a project on behalf of Cedar Riverside Peoples Center, 425 - 20th Ave S, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-021**  
**By Goodman**

**Giving preliminary and final approval to and authorizing the financing of a project on behalf of Cedar-Riverside Peoples Center (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.**

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$600,000 (the "Bond") to finance the improvement and equipping of the Company's medical clinic and administrative offices located at 425 - 20<sup>th</sup> Avenue South in the City (the "Project"); and

Whereas, the property included in the Project will be owned by the Company, which is a Minnesota nonprofit corporation;

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate expected to not exceed 5.00% per annum, shall have a final maturity date not later than December 1, 2021, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

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

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$600,000 for the purpose of financing the Project.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 1/27/06.

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for St. Anne’s Senior Housing, a new mixed-income, mixed-use development consisting of 59 units of senior rental housing and 2,000 square feet of commercial space at the intersection of W Broadway and Queen Ave N, now recommends passage of the accompanying resolution granting final approval for the issuance of up to \$6,250,000 in Tax-exempt Multifamily Housing Development Bonds for said project. Adopted 1/27/06.

Resolution 2006R-022, relating to the City of Minneapolis, Minnesota Multifamily Housing Revenue Bond (St. Anne’s Senior Housing Project) Series 2006; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-022**  
**By Goodman**

**Relating to the City of Minneapolis, Minnesota Multifamily Housing Revenue Bond (St. Anne’s Senior Housing Project) Series 2006; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C.**

Resolved by the City Council of the City of Minneapolis:

Section 1. Definitions.

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

“Act” means Minnesota Statutes, Chapter 462C, as amended;

“Agreement” means the Loan Agreement to be entered into among the City and the Borrower relating to the Bond;

“Assignment” means the Assignment of Mortgage from the City to the Holder relating to the Bonds;

“Bond” means the Multifamily Housing Revenue Bond (St. Anne’s Senior Housing Project), Series 2006 to be issued by the City pursuant to this resolution in the principal amount of up to \$6,250,000;

“Bond Documents” means the Agreement, the Regulatory Agreement, the Pledge Agreement, the Assignment and the Bond;

“Borrower” means St. Anne’s Community Development Limited Partnership, a Minnesota limited partnership, its successors and assigns;

“Holder” means U.S. Bank National Association, as holder of the Bond, and its successors and assigns;

“Pledge Agreement” means the Pledge Agreement to be entered into among the City and the Holder relating to the Agreement and the Bond;

“Project” means the multifamily housing development to be financed with the proceeds of the Bond, as further defined in the Agreement;

“Regulatory Agreement” means the Regulatory Agreement to be entered into among the City, the Holder and the Borrower relating to the Project;

“Resolution” means this resolution of the City.

Section 2. Findings.

2.01. It is hereby found and declared that:

(a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;

(b) the purpose of the Project is and the effect thereof is to promote the provision of decent, sanitary and safe housing accommodations for low and moderate income persons;

(c) the financing of the Project, the issuance and sale of the Bond, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bond Documents and of all other acts and things required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;

(d) it is desirable that the Bond be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Holder as security for the payment of the principal of, premium, if any, and interest on the Bond;

(e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bond when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Agreement;

(f) under the provisions of the Act, the Bond is not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bond shall ever have the right to compel any exercise of the taxing power of the City to pay the Bond or the interest thereon nor to enforce payment thereof against any property of the City; the Bond, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project;

(g) the execution and delivery of the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage, lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding;

(h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner questioning the right and power of the City to execute and deliver the Bond or otherwise questioning the validity of the Bond or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bond or the right of the City to loan the proceeds of the Bond to the Borrower;

(i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding; and

(j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bond in accordance with the Act.

Section 3. Authorization and Sale.

3.01. Authorization. The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to finance the acquisition, construction and installation of facilities constituting a "multifamily housing development" as defined in the Act, and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.

3.02. Approval of Documents. Pursuant to the foregoing, there have been prepared copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Community Planning and Economic Development Department:

- (a) the Agreement;
- (b) the Pledge Agreement;
- (c) the Bond;
- (d) the Regulatory Agreement;
- (e) the Assignment; and
- (f) the Program for a Multifamily Housing Development.

The forms of the documents listed above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

Section 4. Authorizations.

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City, and the foregoing person and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

Section 5. The Bond.

5.01. Form and Authorized Amount. The Bond shall be issued substantially in the form described above with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bond are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The initial interest rate on the Bond (until the Tender Date as defined in the Bond) shall not exceed an annual rate of 7.00%.

5.02. Execution. The Bond shall be executed on behalf of the City by the persons described in Section 4.01 hereof. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.

5.03. Delivery and Use of Proceeds. Prior to delivery of the Bond, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the holder the Bond together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

Section 6. Limitations of the City's Obligations.

6.01. Notwithstanding anything contained in the Bond Documents, the Bond, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project, and no Holder of the Bond shall ever have the right to compel any exercise of the taxing power of the City to pay the Bond or the interest thereon or to enforce payment thereof against any property of the City other than its interest in the Project. The agreement of the City to perform the covenants and other provisions contained in this Resolution or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

Section 7. City Representative.

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Bond Documents.

Section 8. Governmental Program.

8.01. The Bond is hereby designated as a "Program Bond" and is determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 1/27/06.

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

**Comm Dev & W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing sale of the Stimson Building, 700 Hennepin Ave, specifically that part of Lot 7, except part taken for widening of N 7<sup>th</sup> St, all of Lot 8 and the Northeasterly 42.63 feet of Lot 9, Block 4, Hoag & Belle's Addition to Minneapolis according to the recorded plat thereof and situate in Hennepin County, MN (Tracts B, D, I, M and T of registered land survey), to Stimson Partners, LLC for \$2,800,000.

Your Committee further recommends that the City of Minneapolis provide limited defense and indemnity to the Buyer against any claims that may be brought by F-Troop or Hollywood Theater Company related to this sale.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation by \$2,780,000 to reflect receipt of funds, and increasing the revenue budget.

Adopted 1/27/06.

Resolution 2006R-023, authorizing sale of land known as the Stimson Building, Disposition Parcel No. SB-2 (700 Hennepin Ave), was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-023**

**By Goodman**

**Authorizing sale of land known as the Stimson Building, Disposition Parcel No. SB-2 (700 Hennepin Avenue).**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel SB-2 in the Downtown West Minneapolis neighborhood from Stimson Partners, LLC., hereinafter known as the Redeveloper, with such Parcel SB-2 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description of 700 Hennepin Avenue (part) (Parcel SB-2):** That part of Lots Seven (7), except part taken for widening of North Seventh Street, all of Lot Eight (8) and the Northeasterly Forty-two and Sixty-three Hundredths (42.63) feet of Lot Nine (9), Block Four (4), HOAG & BELL'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, described as follows: Commencing at the most northerly corner of said above described property, thence on an assumed bearing of South 44 degrees 41 minutes 14 seconds East, along the northeasterly line of said above described property, a distance of 116.61 feet to the point of beginning of the land to be described; thence continuing South 44 degrees 41 minutes 14 seconds East, along said northeasterly line a distance of 48.66 feet to the most easterly corner of said above described property; thence South 45 degrees 24 minutes 46 seconds West, along the southeasterly line of said Lot 7, a distance of 0.06 feet; thence North 44 degrees 41 minutes 14 seconds West a distance of 48.66 feet to the point of beginning;

Together with that part of Lots Seven (7), except part taken for widening of North Seventh Street, all of Lot Eight (8) and the Northeasterly Forty-two and Sixty-three Hundredths (42.63) feet of Lot Nine (9), Block Four (4), HOAG & BELL'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, lying below 838.10 feet, 1929 N.G.V.D., described as follows: Commencing at the most northerly corner of said above described property; thence on an assumed bearing of South 44 degrees 41 minutes 14 seconds East, along the northeasterly line of said above described property, a distance of 41.68 feet to the point of beginning of the land to be described; thence continuing South 44 degrees 41 minutes 14 seconds East, along said northeasterly line, a distance of 74.93 feet; thence South 44 degrees 36 minutes 41 seconds East a distance of 48.66 feet, to a point on the southeasterly line of said Lot 7 distant 0.06 feet southwesterly of the most easterly corner of said above described property; thence South 45 degrees 24 minutes 46 seconds West, along said southeasterly line a distance of 57.02 feet; thence North 44 degrees 43 minutes 44 seconds West a distance of 19.01 feet; thence North 45 degrees 51 minutes 52 seconds East a distance of 11.90 feet; thence North 44 degrees 26 minutes 56 seconds West a distance of 10.00 feet; thence North 44 degrees 56 minutes 49 seconds East a distance of 13.72 feet; thence North 44 degrees 46 minutes 17 seconds West a distance of 12.82 feet; thence South 45 degrees 25 minutes 12 seconds West a distance of 3.66 feet; thence North 44 degrees 47 minutes 40 seconds West a distance of 74.15 feet;

thence North 44 degrees 44 minutes 15 seconds East a distance of 0.18 feet; thence North 44 degrees 47 minutes 03 seconds West a distance of 7.58 feet; thence North 45 degrees 23 minutes 50 seconds East a distance of 35.08 feet to the point of beginning;

Together with that part of Lots Seven (7), except part taken for widening of North Seventh Street, all of Lot Eight (8) and the Northeasterly Forty-two and Sixty-three Hundredths (42.63) feet of Lot Nine (9), Block Four (4), HOAG & BELL'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, lying between the elevations of 838.10 feet and 851.50 feet, 1929 N.G.V.D., described as follows: Commencing at the most northerly corner of said above described property; thence on an assumed bearing of South 44 degrees 41 minutes 14 seconds East, along the northeasterly line of said above described property, a distance of 21.90 feet to the point of beginning of the land to be described; thence continuing South 44 degrees 41 minutes 14 seconds East, along said northeasterly line, a distance of 94.71 feet; thence South 44 degrees 36 minutes 41 seconds East a distance of 48.66 feet, to a point on the southeasterly line of said Lot 7 distant 0.06 feet southwesterly of the most easterly corner of said above described property; thence South 45 degrees 24 minutes 46 seconds West, along said southeasterly line a distance of 57.02 feet; thence North 44 degrees 43 minutes 44 seconds West a distance of 19.01 feet; thence North 45 degrees 51 minutes 52 seconds East a distance of 11.90 feet; thence North 44 degrees 26 minutes 56 seconds West a distance of 10.00 feet; thence North 44 degrees 56 minutes 49 seconds East a distance of 13.72 feet; thence North 44 degrees 46 minutes 17 seconds West a distance of 12.82 feet; thence South 45 degrees 25 minutes 12 seconds West a distance of 3.66 feet; thence North 44 degrees 47 minutes 40 seconds West a distance of 74.15 feet; thence North 44 degrees 44 minutes 15 seconds East a distance of 0.18 feet; thence North 44 degrees 47 minutes 03 seconds West a distance of 17.42 feet; thence North 45 degrees 22 minutes 02 seconds East a distance of 19.50; thence North 44 degrees 47 minutes 37 seconds West a distance of 9.81 feet; thence North 45 degrees 00 minutes 02 seconds East a distance of 15.64 feet to the point of beginning;

Together with that part of Lots Seven (7), except part taken for widening of North Seventh Street, all of Lot Eight (8) and the Northeasterly Forty-two and Sixty-three Hundredths (42.63) feet of Lot Nine (9), Block Four (4), HOAG & BELL'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, lying between the elevations of 851.50 feet and 872.00 feet, 1929 N.G.V.D., described as follows: Commencing at the most northerly corner of said Lot 7, except part taken for widening of North Seventh Street; thence on an assumed bearing of South 44 degrees 41 minutes 14 seconds East, along the northeasterly line of said above described property, a distance of 21.90 feet to the point of beginning of the land to be described; thence continuing South 44 degrees 41 minutes 14 seconds East, along said northeasterly line, a distance of 94.71 feet; thence South 44 degrees 36 minutes 41 seconds East a distance of 48.66 feet to a point on the southeasterly line of said Lot 7 distant 0.06 feet southwesterly of the most easterly corner of said above described property; thence South 45 degrees 24 minutes 46 seconds West, along said southeasterly line a distance of 58.44 feet; thence North 44 degrees 31 minutes 49 seconds West a distance of 12.76 feet; thence North 45 degrees 30 minutes 41 seconds East a distance of 12.59 feet; thence North 44 degrees 29 minutes 47 seconds West a distance of 21.81 feet; thence South 45 degrees 13 minutes 45 seconds West a distance of 12.25 feet; thence North 44 degrees 46 minutes 15 seconds West a distance of 8.14 feet; thence North 45 degrees 21 minutes 15 seconds East a distance of 6.04 feet; thence North 44 degrees 35 minutes 42 seconds West a distance of 4.28 feet; thence North 45 degrees 46 minutes 54 seconds East a distance of 7.18 feet; thence North 44 degrees 13 minutes 06 seconds West a distance of 16.09 feet; thence North 45 degrees 46 minutes 54 seconds East a distance of 0.64 feet; thence North 44 degrees 39 minutes 16 seconds West a distance of 76.08 feet; thence North 45 degrees 25 minutes 46 seconds East a distance of 21.36 feet; thence South 44 degrees 21 minutes 24 seconds East a distance of 5.97 feet; thence North 45 degrees 12 minutes 23 seconds East a distance of 7.09 feet; thence North 44 degrees 47 minutes 37 seconds West a distance of 10.15 feet; thence North 45 degrees 00 minutes 02 seconds East a distance of 15.63 feet to the point of beginning;

Together with that part of Lots Seven (7), except part taken for widening of North Seventh Street, all of Lot Eight (8) and the Northeasterly Forty-two and Sixty-three Hundredths (42.63) feet of Lot Nine (9), Block Four (4), HOAG & BELL'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, lying above 872.00 feet, 1929 N.G.V.D., described

as follows: Commencing at the most northerly corner of said above described property; thence on an assumed bearing of South 44 degrees 41 minutes 14 seconds East, along the northeasterly line of said above described property, a distance of 0.06 feet to the point of beginning of the land to be described; thence continuing South 44 degrees 41 minutes 14 seconds East, along said northeasterly line, a distance of 116.55 feet; thence South 44 degrees 36 minutes 41 seconds East a distance of 48.66 feet to a point on the southeasterly line of said Lot 7 distant 0.06 feet southwesterly of the most easterly corner of said above described property; thence South 45 degrees 24 minutes 46 seconds West, along said southeasterly line a distance of 135.84 feet to the most southerly corner of said above described property; thence North 44 degrees 41 minutes 14 seconds West, along the southwesterly line of said above described property, a distance of 42.57 feet; thence North 45 degrees 21 minutes 15 seconds East a distance of 83.86 feet; thence North 44 degrees 35 minutes 42 seconds West a distance of 20.31 feet; thence North 45 degrees 31 minutes 37 seconds East a distance of 7.93 feet; thence North 44 degrees 39 minutes 16 seconds West a distance of 102.24 feet; thence North 45 degrees 23 minutes 07 seconds East a distance of 44.01 feet to the point of beginning; and

Whereas, the Redeveloper has offered to pay the sum of \$2,800,000.00 for Parcel SB-2, and the offer includes a development plan and commitment to improve by rehabilitating the existing structure and this offer is in accordance with the Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on January 6, 2006, a public hearing on the proposed sale was duly held on January 17, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value, for uses in accordance with the Stimson Building plan, as amended, is hereby estimated to be \$2,800,000.00, for Parcel SB-2.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be, and the same is, hereby accepted subject to the executed Sales and Redevelopment Agreement for the sale of the Parcel. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to deliver the Parcel to the Redeveloper; provided however, that this Resolution does not constitute such a conveyance and no such conveyance shall be completed until all requirements of the Redeveloper under the Sales and Redevelopment Agreement are satisfied to the satisfaction of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer, or other appropriate official of the City, is hereby authorized to execute delivery and convey the Parcel to the Redeveloper in accordance with the provisions of the executed Sales and Redevelopment Agreement upon payment to the City of the purchase price and upon satisfaction of all other specified terms and conditions; provided however, that this Resolution does not constitute such a conveyance and no such conveyance shall occur until all required documents, including the deed, are executed and delivered by the Finance Officer or other appropriate official of the City.

Adopted 1/27/06.

**RESOLUTION 2006R-024  
By Goodman and Johnson**

**Amending the 2006 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 Community Planning and Economic Development Agency in the Theaters Fund (STH0-890-8490) by \$2,780,000 and increasing the revenue source (STH0-890-8490) by \$2,780,000.

Adopted 1/27/06.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the request by Hennepin County to use City property at 1256 Plymouth Ave N for construction staging for its expansion of Northpoint Health & Wellness Center at 1313 Penn Ave N, now recommends that the proper City officers be authorized to execute a lease by and between the City of Minneapolis and Hennepin County for 1256 Penn Ave N; and to authorize temporary right-of-entry immediately and until the lease agreement is in place.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development Department appropriation by \$15,600 to reflect receipt of funds.

Adopted 1/27/06.

**RESOLUTION 2006R-025**  
**By Goodman and Johnson**

**Amending the 2006 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 Community Planning and Economic Development Agency in the Preliminary Planning Fund (CPPO-890-4400) by \$15,600 and increasing the revenue source (CPP0-890-4400) by \$15,600.

Adopted 1/27/06.

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

**HE&E** - Your Committee recommends concurrence with the Mayor's nomination and approval by the Executive Committee of the reappointment of Gretchen Musicant to serve as the Commissioner of Health for a two-year term to expire January 2, 2008.

Adopted 1/27/06.

**HE&E** - Your Committee recommends concurrence with the Mayor's nomination and approval by the Executive Committee of the reappointment of Jayne Khalifa to serve as the Director of Civil Rights for a two-year term to expire January 2, 2008.

Adopted 1/27/06.

**HE&E** - Your Committee recommends approval of the following reappointments to the Public Health Advisory Committee, for two-year terms to expire December 31, 2007:

Gayle Geber, representing Hennepin County  
Carmen Teskey, representing Minneapolis Public Schools.

Adopted 1/27/06.

**HE&E** - Your Committee recommends approval of the following reappointments to the Senior Citizen Advisory Committee:

*Two-year terms to expire December 31, 2006*

Joanne Labernik, representing Downtown Action Network  
Herbert Nelson, Member-at-Large

Edna Sanders, Ward 7

*Two-year terms to expire December 31, 2007*

James Adams, Ward 9

Dolores Cotton, representing Metropolitan Interfaith Council on Affordable Housing

Douglas Davis, Ward 1  
Jean Greener, Ward 13  
Fay Harrison, Ward 5  
Patricia Hastreiter, Minneapolis Public Schools  
Marci Holley-Bartlett, Minneapolis Public Housing Authority  
Helen Holseth, Ward 11  
Peter Johnson, Ward 3  
Dr. Lawrence Kerzner, representing Hennepin County Medical Center.  
Adopted 1/27/06.

**HE&E** - Your Committee recommends concurrence with the Mayor to appoint the following persons to serve on the Civilian Police Review Authority, for two-year terms to expire December 31, 2007:

Sharlee R. Benson, Ward 11  
Tina Oskey, Ward 13.  
Adopted 1/27/06.

**HE&E** - Your Committee recommends that the proper City officers be authorized to execute a car sharing agreement with HOURCAR to enable staff of the Environmental Management and Safety Division of Regulatory Services to utilize its fleet of Toyota Prius Hybrid cars. Staff is directed to report back to Committee at the end of the year with a report evaluating the service.

Adopted 1/27/06.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**HE&E & W&M/Budget** – Your Committee recommends that the Department of Community Planning & Economic Development be authorized to hire Teresa Harrold at Step 5 of the salary schedule for Family Support Specialist II - Employment and Training.

Adopted 1/27/06.

**HE&E & W&M/Budget** – Your Committee recommends that the Department of Community Planning & Economic Development be authorized to hire Xuong Tran at Step 4 of the salary schedule for Family Support Specialist II - Employment and Training.

Adopted 1/27/06.

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

**IGR** - Your Committee recommends approval of the City's agenda for the Year 2006 Legislative Session, which describes local government finance, City bonding priorities, public safety, affordable housing, transportation, municipal governance, City livability, environment, and jobs and economic development, as set forth in Petn No 270939.

Gordon moved to amend the third bullet point of the "Transportation-Priority issues for Minneapolis" section of the petition referred to in the report by moving that to be the first bullet point, and by replacing the current language that reads, "Legislation that increases state funding for the Tier 1 Corridor projects as identified by the Metropolitan Council: Central Corridor LRT, 35W BRT, Northwest Busway, Cedar Avenue BRT and Northstar Commuter Rail" with the following language:

"Funding to continue development of the Central Corridor LRT line as well as funding for the other Tier I corridors as identified by the Metropolitan Council." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/27/06.

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

**PS&RS** - Your Committee recommends concurrence with the Mayor's nomination and approval by the Executive Committee of the reappointment of Bonnie Bleskachek to serve as the Fire Chief for a two-year term to expire January 2, 2008.

Adopted 1/27/06.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, establishing a revolving fund for rental property repair by court-appointed administrators, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 1/27/06.

Ordinance 2006-Or-002 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.185 to establish a revolving fund for rental property repair by court-appointed administrators, was adopted 1/27/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2006-Or-002**  
**By Ostrow**  
**Intro & 1st Reading: 12/23/05**  
**Ref to: PS&RS**  
**2nd Reading: 1/27/06**

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

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

Section 1. That Section 244.185 of the above-entitled ordinance be amended to read as follows:

**244.185. Revolving fund for rental property emergency repair.** ~~The city attorney department of inspections shall maintain a revolving fund to be known as the housing maintenance code revolving repair fund for tenant remedies actions (hereinafter referred to as "the fund"). The fund may be drawn upon by administrators appointed by a court pursuant to Minnesota Statute Section 504B.425(d) and in the manner prescribed by Minnesota Statute Section 504B.445, Subd. 4(5). Any rental housing repairs effectuated through the use of the fund must serve to alleviate a condition or combination of conditions deemed to constitute an emergency, as that term is defined in Section 244.40 of the Minneapolis Code of Ordinances. Monies to perform such emergency repairs, including approved administrative expenses and fees, shall come from the fund. All costs and fees incurred by the court-appointed administrator, including appropriate interest, shall be recovered from the property owner. If the city attorney director of inspections determines it is appropriate, disbursements from the fund may be recovered through the special property tax assessment process. The assessment, interest, and any penalties shall be collected in the same manner as are special assessments made for other purposes under state statute or municipal charter. Repairs made pursuant to this section must comply with applicable state law and the Minneapolis Code of Ordinances in such a manner as to achieve minimum compliance with the housing maintenance code. Disbursements from the fund shall not be subject to the provisions and requirements of the procurement process of the city. This section shall only apply to tenant remedies actions involving the City of Minneapolis as a party. and shall be made on a case by case basis at the discretion of the director of inspections.~~

Adopted 1/27/06.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.280 relating to *Redemption fee* to allow the Director of Solid Waste & Recycling to determine an administrative fee on an annual basis, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 1/27/06.

Ordinance 2006-Or-003 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.280 relating to *Redemption fee* to allow the Director of Solid Waste & Recycling to determine an administrative fee on an annual basis, was adopted 1/27/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2006-Or-003**  
**By Schiff**  
**Intro & 1st Reading: 12/23/05**  
**Ref to: PS&RS**  
**2nd Reading: 1/27/06**

**Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.**

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

Section 1. That Section 259.280 of the above entitled ordinance be amended to read as follows:

**259.280. Redemption fee.** An owner who redeems an impounded cart shall pay to the city an administrative fee of ~~one hundred fifty dollars (\$150)~~ per cart to cover the costs expended by the city for retrieving the cart, notifying the owner and storing the cart. The amount of the administrative fee will be determined by the director of Solid Waste and Recycling annually. The fee imposed by this section shall be in addition to any other fee or penalty that is imposed.

Adopted 1/27/06.

**PS&RS** - Your Committee, having under consideration the application of RWB Minneapolis LLC, dba NBA City, 600 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Aramark) to expire January 1, 2007, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 1/27/06.

Approved by Mayor Rybak 1/30/06.

(Published 1/31/06)

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

Adopted 1/27/06.

Resolution 2006R-026, granting applications for Liquor, Wine and Beer Licenses, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-026**

**By Samuels**

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

Resolved by The City Council of The City of Minneapolis:

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

**Off-Sale Liquor, to expire January 1, 2007**

Sam's Washington Avenue Wine Shop LLC, dba Sam's Washington Avenue Wine Shop, 218 Washington Av N

PLR Holding Corporation, dba Jug Liquor Store, 226 W Broadway

U B Liquors LLC, dba Merwin Liquors, 700 W Broadway

Loring Park Assoc Ltd Partners, dba Hyatt Regency Minneapolis/Regency Catering, 1300 Nicollet Mall

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2007**

701 Ventures Inc, dba First Avenue, 29 7th St N, two floors

RCI Entertainment (Minnesota) Inc, dba Rick's Cabaret, 300 S 3rd St

Degrees of Entertainment Inc, dba Fahrenheit Nightclub, 322 1st Av N

Gay Nineties Inc, dba Gay Nineties, 400 Hennepin Av, 1st & 2nd floors

Secure Entertainment LLC, dba Lounge (The), 411 2nd Av N

422 Hennepin Inc, dba Brass Rail on Hennepin, 422 Hennepin Av

SHP DT Hevflow Inc, dba Doubletree Minneapolis, 1101 LaSalle Av

Loring Park Assoc Ltd Partners, dba Hyatt Regency Hotel, 1300 Nicollet Mall

Grandma's of Minneapolis Inc, dba Grandma's Saloon & Grill, 1810 Washington Av S

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2007**

Rooftop Inc, dba Marshall Fields 12th Flood, 700 Nicollet Mall, 12th floor

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2007**

Screaming Triangle LLC, dba Minneapolis Eagle, 711 Hennepin Av

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2007**

Lymar Inc, dba Lyon's Pub, 16 S 6th St, ground floor

Murray's Inc, dba Murray's, 24 S 6th St, 1st floor

Harveys Operations LLC, dba Harveys, 106 3rd St N

Fleming Clarence G, dba Terminal Bar, 409 E Hennepin Av

JWM Investments Inc, dba Mayslack's, 1428 4th St NE

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2006**

Restaurant Entertainment Group Inc, dba Rosen's/The District, 430 1st Av N #101

**On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2007**

Keegan Pubs Inc, dba Keegans Pub, 16 University Av NE

HRS Enterprises Inc, dba Red Sea Bar & Restaurant, 320 Cedar Av S

Jaeger Corporation, dba Clubhouse, 923 Washington Av N

**On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2007**

Lame Duck LLC, dba Rachel's, 222 E Hennepin Av (change in ownership)

Concept Eatery LLC, dba 112 Eatery, 112 3rd St N

331 Club Inc, dba 331 Club, 331 13th Av NE

Historic Pantages Theatre, dba Historic Pantages Theatre, 710 Hennepin Av

Historic State Theatre, dba Historic State Theatre, 805 Hennepin Av

Historic Theatre Group Ltd, dba Hennepin Stages, 824 Hennepin Av

Historic Theatre Group Ltd, dba Historic Orpheum Theatre, 910 Hennepin Av

3 Muses Inc, dba Emma's, 2817 Lyndale Av S

**On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2006**

Black Forest Inn Inc, dba Black Forest Inn, 1 E 26th St

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2006**

Nora's Calhoun Inc, dba Tryg's, 3118 W Lake St

**On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2006**

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

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007**

Back Bar LLC, dba Eli's, 1225 Hennepin Av

Blue Plate Restaurant Co, dba Longfellow Grill, 2990 W River Pkwy

3675 Minnehaha Inc, dba Rail Station Bar & Grill, 3675 Minnehaha Av

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006**

Fuji Two Inc, dba Fuji Ya Restaurant, 600 W Lake St

**On-Sale Wine Class B with Strong Beer, to expire April 1, 2006**

G & A Partners LLC, dba El Pantano Restaurant, 417 E Lake St

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2006**

Pennisula Malaysian Cuisine, dba Pennisula Malaysian Cuisine, 2608 Nicollet Av (new business)

Rooftop Inc A Minnesota Corporation, dba Marshall Fields 700 Express, 700 Nicollet Mall

Manny's Tortas LLC, dba Manny's Tortas, 2700 E Lake St.

Adopted 1/27/06.

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

Adopted 1/27/06.

Resolution 2006R-027, granting applications for Business Licenses, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-027**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 27, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270942):

Amusement Devices; Place of Amusement Class B-2; Place of Amusement Class C; Courtesy Bench; Dry Cleaner - Flammable; Dry Cleaner - Non-flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Caterers; Grocery; Restaurant; Food Manufacturer; Bulk Gas & Oil Storage; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Lodging House; Hospital; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Towing Class B; Plumber; Pawnbroker Class A; Residential Specialty Contractor; Sign Hanger; Secondhand Goods Class B; Antique Dealer Class B; Taxicab Vehicle; Theater Zone I; Theater Zone II; Tobacco Dealer; Combined Trades; Transient Merchant; and Wrecker of Buildings Class B.

Adopted 1/27/06.

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

Adopted 1/27/06.

Resolution 2006R-028, granting applications for Gambling Licenses, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-028**  
**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Class B**

De LaSalle High School, dba De LaSalle High School, One De LaSalle Drive  
(Site: Champps, 100 N 6th St)

De LaSalle High School, dba De LaSalle High School, One De LaSalle Drive  
(Site: Broadway Pizza, 2025 W River Rd)

**Gambling Lawful Exempt**

Pope John Paul II Catholic Church, dba Pope John Paul II Catholic Church,  
1630 4th St NE (Bingo, raffle, paddlewheel, pulltabs and Tipboards February 4, 2006)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Pulltabs February 28, 2006)

Down Syndrome Association of Minnesota, dba Down Syndrome Association of Minnesota, 668  
Transfer Rd (Raffle June 11, 2006 at Columbia Park, 800 Columbia Blvd).

Adopted 1/27/06.

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

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$100,000 and execute a two-year grant agreement with the State of Minnesota to provide for reimbursement of expenses incurred by the Police Department for extra security details at public facilities, including the Water Treatment Facility and City Hall, during periods of heightened national security. Further, passage of the accompanying Resolution appropriating \$100,000 to the Police Department.

Adopted 1/27/06.

**RESOLUTION 2006R-029**  
**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B131) by \$100,000 and increasing the Revenue Source (030-400-B131 - Source 3210) by \$100,000.

Adopted 1/27/06.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept the proposal from Cardiovascular Consultants, Ltd, and execute a four-year contract for the period February 1, 2006 through December 31, 2010 to provide cardiopulmonary testing services (GXT treadmill test) for police officers.

Adopted 1/27/06.

**PS&RS & W&M/Budget** - Your Committee recommends that the Finance Officer be authorized to periodically increase the appropriation for the Police Department Agency in the Police Special Revenue Fund (210-400-C208) by transferring available surplus revenues from prior Police Department Intellectual Property Initiatives, in a total amount not to exceed \$489,560, for development and support of new and ongoing Intellectual Property Initiatives .

Adopted 1/27/06.

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

**T&PW** - Your Committee, having under consideration the newly-formed Radio Technical Operations Committee (TOC) to assist and make technical recommendations to the Metropolitan Emergency Services Board (MESB), now recommends approval of the appointment of Jay S. Smith, Supervisor Electronics, as representative, and Rodney A. Olson, Foreman Electronics, as alternate, to serve on the Radio Technical Operations Committee for a term beginning January 1, 2006 and expiring December 31, 2006.

Adopted 1/27/06.

**T&PW** - Your Committee recommends passage of the accompanying resolution designating the locations and streets to be improved in the 27th Av S Street Reconstruction Project, Special Improvement of Existing Street No. 6604.

Adopted 1/27/06.

Resolution 2006R-030, designating the improvement of 27th Av S from 9th St S to 29th St E and 29th St E from 26th Av S to 27th Av S, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-030**

**By Colvin Roy**

**27th AV S STREET RECONSTRUCTION PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6604**

**Designating the improvement of certain existing streets at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter, all on a stabilized base and including other paving related improvements as needed:

27th Avenue S from 9th Street S to 29th Street E; and

29th St E from 26th Avenue S to 27th Avenue S.

Adopted 1/27/06.

**T&PW** - Your Committee, having received a cost estimate of \$7,930,000 for street reconstruction improvements and a list of benefited properties for certain locations in the 27th Av S Street Reconstruction Project, Special Improvement of Existing Street No. 6604, as designated by Resolution 2006R-030 passed January 27, 2006, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2006 Uniform Assessment Rates as per Resolution 2005R-691, passed December 23, 2005.

Your Committee further recommends that a public hearing be held by the Transportation and Public Works Committee on February 28, 2006 to consider approving the construction of the above-designated reconstruction locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 1/27/06.

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

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of a new chlorine storage and feed system facility for the Fridley Filtration Plant, now recommends that the proper City officers be authorized to execute a contract with HDR Engineering, Inc., for a fee not to exceed \$700,000, for professional engineering consulting services to perform engineering, architectural, design, construction documents, construction administration services, and start-up of the new facility. Funds are available within the existing project budget.

Adopted 1/27/06.

Approved by Mayor Rybak 1/30/06.

Published 1/31/06.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute any documents necessary to enter into a settlement agreement, and to make payment of \$2,889.90 to the EPA Hazardous Substance Superfund, pursuant to a "de minimus settlement" for the City's liability in the disposal of mercury at the Mercury Refining Superfund Site located in Albany County, New York.

Adopted 1/27/06.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for advertising in City-owned and operated parking ramps and adjoining walkways. (Petn. No. 270945)

Adopted 1/27/06.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the obstruction permit fee for sidewalks and alleys outside the Central Business District from 10 cents to 15 cents per lineal foot.

Adopted 1/27/06.

Resolution 2006R-031, increasing the obstruction fees for sidewalks and alleys outside the Central Business District from 10 cents to 15 cents per lineal foot, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-031**  
**By Colvin Roy and Ostrow**

**Increasing the obstruction fees for sidewalks and alleys outside the Central Business District.**

Resolved by The City Council of The City of Minneapolis:

That the City Council action of June 8, 2001 establishing the fee schedule for right-of-way obstruction permits, as referenced in Petn. No. 266994 and in compliance with the provisions of Chapters 429 and 430 of the Minneapolis Code of Ordinances, be amended to change the fee for the obstruction of sidewalks and alleys outside the Central Business District (CBD) from \$0.10 to \$0.15 per lineal foot, as follows:

**2005 fees for sidewalks & alleys in the Central Business District and arterial/residential.**

**Sidewalk:**

10 cents per lineal foot for arterial

25 cents per lineal foot for the CBD (no change)

Sidewalk charges are from intersection to intersection, no matter the footage closed.

**Alley:**

10 cents per lineal foot for arterial/residential

25 cents per lineal foot for the CBD (no change)

**2006 fee increase for sidewalks & alleys in residential areas (outside of the Central Business District).**

**Sidewalk:**

15 cents per lineal foot for arterial

25 cents per lineal foot for the CBD (no change)

**Alley:**

15 cents per lineal foot for arterial/residential

25 cents per lineal foot for the CBD (no change).

Adopted 1/27/06.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No. 6549 from Premier Electric Corporation, for an estimated annual expenditure of \$90,000, to provide licensed journeyman electricians.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 270945)

Adopted 1/27/06.

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

**W&M/Budget** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the reappointment of Jay Heffern to serve as City Attorney for a two-year term to expire January 2, 2008 and, having held a public hearing thereon, now recommends that said reappointment be **sent forward without recommendation**.

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

Adopted by unanimous consent.

The report, as amended, was adopted 1/27/06. Yeas, 12; Nays, 1 as follows:

Yeas - Hodges, Samuels, Gordon, Hofstede, Ostrow, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Johnson.

Nays - Schiff.

**W&M/Budget** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the reappointment of Patrick Todd to serve as City Assessor for a two-year term to expire January 2, 2008 and, having held a public hearing thereon, now recommends approval of said appointment.

Adopted 1/27/06.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 1/27/06.

Resolution 2006R-032, authorizing settlement of the legal claims of Cheryl Ann Olmos and Timothy Scott, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-032**

**By Ostrow**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) Cheryl Ann Olmos, by payment of \$25,000 to Ms. Cheryl Ann Olmos and her attorney, Dean M. Salita; and

b) Timothy Scott, by payment of \$5,000 to Mr. Timothy Scott.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 1/27/06.

**W&M/Budget** - Your Committee, having under consideration the Pantages Theatre/Stimson Building property relating to land registration, now recommends the following:

a) Acceptance of the settlement with F-Troop, LLC in the matter of Land Registration, original application of Minneapolis Community Development Agency, to register the title to certain land in the City of Minneapolis, co-application by the City of Minneapolis v. F-Troop, LLC, et al, Hennepin County Court File No. 20786: including the stipulated withdrawal, and dismissal with prejudice, by F-Troop, LLC of all objections and claims of damages, the mutual release of any and all claims by F-Troop, LLC and the City, each against the other;

b) Authorization of an Easement Agreement between the City and F-Troop, LLC, subject to such dismissal with prejudice by F-Troop, LLC, providing for the encroachment of F-Troop, LLC-owned wall located on City-owned property (along the northwesterly property line of the Pantages Theatre/Stimson Building);

c) Authorizing City retained counsel to file all necessary settlement and release of claims documents with Hennepin County District Court; and

d) Authorizing proper City officers be authorized to execute all necessary settlement and release of claims documents to effect a full and complete settlement with F-Troop, LLC in this matter.

Adopted 1/27/06.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for Handheld Citation Units to be used by Minneapolis Police Department officers walking, driving motorcycles, and riding horses along with related software and accessories.

Adopted 1/27/06.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for Business Intelligence Standardization application to be used enterprise wide.

Adopted 1/27/06.

Approved by Mayor Rybak 1/30/06.

Published 1/31/06

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 1/27/06.

Approved by Mayor Rybak 1/30/06.

Published 1/31/06

Resolution 2006R-033, approving construction change orders for contracts related to the New Central Library Project, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-033  
By Ostrow**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 8 increasing Contract Number C-20345 with Egan Companies, Inc.d.b.a. Egan McKay Electrical. by \$184,006;
- b) Change Order No. 12 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$364,878; and
- c) Change Order No. 3 increasing Contract Number C-20073 with New Mech Companies by \$14,108.

Adopted 1/27/06.

Approved by Mayor Rybak 1/30/06.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept funds in the amount of \$107,034.27 from Blue Cross Blue Shield of Minnesota for settlement of the Tow Distributing class action litigation.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the Human Resources Agency by \$107,034.27 to reflect receipt of said funds.

Adopted 1/27/06.

**RESOLUTION 2006R-034  
By Ostrow**

**Amending The 2006 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 Human Resources Agency in the Grants - Other Fund (0600-815-8156) by \$107,034.27, and increasing the revenue source (0600-815-8156 - Source 3455) by \$107,034.27.

Adopted 1/27/06.

**W&M/Budget** - Your Committee, having under consideration the State of Minnesota's Pay Equity Law, now recommends authorizing staff to submit the City's Compliance Report (Petn No. 270951) to the Minnesota Department of Employee Relations, verifying the City's compliance with said law.

Adopted 1/27/06.

(Republished 2/18/06)

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract agreement to accept \$387,024 in State Buffer Zone Protection Grant Funds to reimburse qualifying expenses incurred by the Police Department for homeland, buffer zone security.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation to the Police Department to reflect the receipt of said funds.

Adopted 1/27/06.

**RESOLUTION 2006R-035**

**By Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (0300-400-B131) by \$387,024, and increasing the revenue source (0300-400-B131-Source 3210) by \$387,024.

Adopted 1/27/06.

**W&M/Budget** - Your Committee, having under consideration the 2006 Minneapolis Police Department and Public Works Budgets, now recommends passage of the accompanying Resolution transferring \$1,269,862 from the Police Department to Public Works Department budget to reflect current agreements in Waterworks staffing.

Adopted 1/27/06.

**RESOLUTION 2006R-036**

**By Ostrow**

**Amending The 2006 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 Police Department Agency in the Water Revenue Fund (7400-400-WATR) by \$1,269,862; and

b) increasing the appropriation for the Public Works - Water Treatment & Distribution Agency in the Water Revenue Fund (7400-690-6942) by \$1,269,862.

Adopted 1/27/06.

**W&M/Budget** - Your Committee recommends appointing Council Member Ostrow to act as the hearing officer for the public hearings relating to the Time Warner Franchise Violations on behalf of the City of Minneapolis Council.

Adopted 1/27/06.

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

**W&M/Budget & Z&P** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for consultant services for development of the West Broadway Alive! Land Use Plan (set forth in Petn No. 270954), for the property within a block of W Broadway from the Mississippi River to the western City limits and will extend further as appropriate to include property with a ¼ mile radius from the major transit nodes at Penn Ave, Emerson/Fremont Aves and Lyndale Ave, within a budget not to exceed \$130,000, contingent upon approval by the Permanent Review Committee.

Adopted 1/27/06.

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

**Z&P** - Your Committee, having under consideration the appeal filed by Shane Walgamuth from the decision of the Board of Adjustment upholding the Zoning Administrator's decision regarding the determination that setbacks are measured from the building wall and not the foundation, for new construction at 3815 Washburn Ave S, now recommends that said appeal be denied, and that the findings prepared by the Department of Planning & Economic Development staff be adopted.

Your Committee further recommends that the Department of Community Planning & Economic Development staff be authorized to waive the fee associated with the appellant's application for a variance.

Adopted 1/27/06.

**Z&P** - Your Committee, having under consideration the appeal filed by Swervo Development Corporation from the decision of the Planning Commission conditioning the approval of a conditional use permit for an increase in the maximum permitted height of the building at 150 Portland Ave S (Whitney Hotel project) to 8 stories and 77 feet, subject to the link between new construction and the existing building being no more than 70 feet in height, now recommends that said appeal be granted, and the conditional use permit be approved without said condition.

Adopted 1/27/06.

**Z&P** - Your Committee, having under consideration the appeal filed by Bekah Padilla, for Hornig Companies, Inc, from the decision of the Planning Commission relating to land use applications for a proposed 34-unit condominium residence at 2910 Irving Ave S and 1609-11 Lagoon Ave S (Lagoon-Irving Condominiums), approving a conditional use permit to increase the height of a building in the Shoreland Overlay District to 5-story, 64' in lieu of the requested 6-story, 74'; denying a variance to allow an increase in the maximum permitted lot coverage from 70 to 72 percent; denying a variance to allow a reduction in the drive aisle width from 22' to 13' for 2 at-grade parking stalls located on the alley; and condition three of the site plan approval stating, "The upper two stories shall include setbacks (as if the fourth floor of the original site plan were not there)," now recommends:

- a) Granting the appeal relating to the conditional use permit, in part, by approving a 6-story, 72' development;
- b) Denying the appeal relating to maximum permitted lot coverage;
- c) Granting the appeal relating to reduction in drive aisle width; and
- d) Granting the appeal relating to condition three of the site plan approval, by removing said condition.

Schiff moved to amend recommendation "a" of the report by deleting the figure "72," and inserting in lieu thereof, "69." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/27/06.

**Z&P** - Your Committee, having under consideration the appeal filed by the Calhoun Area Residents Action Group (CARAG) from the decision of the Planning Commission approving applications of Tony Gleekel, on behalf of Principal Life Insurance Company, for a) conditional use permit for a planned commercial development including a total of approximately 245,673 square feet of commercial and office space and 108 dwelling units; b) conditional use permit for 108 dwelling units; c) conditional use permit for a parking ramp expansion; and d) site plan review for the Calhoun Square Redevelopment at 1301, 1311, 1323, 1401 and 1409 W Lake St; 3008 and 3012 Fremont Ave S; 3003, 3027, 3037, 3043 and 3045 Hennepin Ave, now recommends that said appeal be sent forward without recommendation.

Schiff moved to amend the report by deleting the language, "sent forward without recommendation," and inserting in lieu thereof, "denied." Seconded.

Schiff moved to divide the report so as to consider recommendations "a-c" separately. Seconded.

Adopted upon a voice vote.

Schiff moved approval of recommendations "a-c." Seconded.

Adopted.

Schiff moved to amend recommendation "d" by amending one condition of the approved site plan which reads, "The building shall be set back an additional foot from Lake St between Girard and Fremont to allow additional pedestrian movement" and inserting in lieu thereof, "All floors of the proposed new construction shall be set back an additional two feet from Lake St from the plan presented to the City Planning Commission to allow additional pedestrian movement and minimize shadowing." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/27/06.

**Z&P** – Your Committee, having under consideration the recommendation of the Planning Commission which granted the petition of Tony Gleekel, on behalf of Principal Life Insurance Company (BZZ-2558) to rezone the properties at 1301 and 1311 W Lake St from C2 to the C3A District to permit a planned commercial development including approximately 245,76 square feet of commercial and office space and 108 dwelling units (Calhoun Square Redevelopment, 1301, 1311, 1323, 1401 and 1409 W Lake St; 3008 and 3012 Fremont Ave S; 3003, 3027, 3037, 3043 and 3045 Hennepin Ave), now recommends that said petition be forwarded without recommendation.

Schiff moved to amend the report by deleting the language, “forwarded without recommendation” and inserting in lieu thereof, “granted, and that the related findings prepared by the Department of Community Planning & Economic Development be adopted. Further, that the accompanying ordinance amending the Zoning Code be passed.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/27/06.

Ordinance 2006-Or-004 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 1301 and 1311 W Lake St to the C3A District, was adopted 1/27/06 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2006-Or-004**  
**By Schiff**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 1/27/06**

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

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land to the C3A District (Plate 24), pursuant to MS 462.357:

A. The East 93-55/100 feet of Lots 1 and 2, Block 12, Calhoun Park, Hennepin County, Minnesota (1301 W Lake St).

B. The West 35 feet of Lots 1 and 2, Block 12, Calhoun Park, Hennepin County, Minnesota (1311 W Lake St).

Adopted 1/27/06.

**Z&P** - Your Committee, having under consideration the recommendation of the Planning Commission which granted the application of Tony Gleekel, on behalf of Principal Life Insurance Company (#1469) to vacate part of the public alley for the Calhoun Square Redevelopment Project at 1301, 1311, 1323, 1401 and 1409 W Lake St; 3008 and 3012 Fremont Ave S; 3003, 3027, 3037, 3043 and 3045 Hennepin Ave, now recommends that said application be forwarded without recommendation.

Schiff moved to amend the report by deleting the language, “forwarded without recommendation” and inserting in lieu thereof, “granted, subject to retention of easement rights, and that the related findings prepared by the Department of Community Planning & Economic Development be adopted. Further, that the accompanying resolution vacating said alley be passed.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 1/27/06.

Resolution 2006R-037, vacating part of the public alley as dedicated in Block 12, Calhoun Park Addition for the Calhoun Square redevelopment project at 1301, 1311, 1323, 1401 and 1409 W Lake St; 3008 and 3012 Fremont Ave S; 3003, 3027, 3037, 3043 and 3045 Hennepin Ave, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-037**

**By Schiff**

**Vacating part of the public alley as dedicated in Block 12, Calhoun Park Addition (#1469).**

Resolved by The City Council of The City of Minneapolis:

All that part of the Alley dedicated in Block 12, Calhoun Park Addition to Minneapolis, Hennepin County, Minnesota, lying north of a line extended westerly to the east line of Lot 9, said Block 12, that is 26.00 feet north of and parallel to the south line of Lot 4, said Block 12. is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy or Qwest, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over the entire area to be vacated;

Qwest, subject to an easement over the entire area to be vacated;

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 easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 1/27/06.

**Z&P** – Your Committee, having under consideration proposed amendments to incorporate the Southeast Minneapolis Industrial (SEMI) Refined Master Plan policy document and land use maps into *The Minneapolis Plan* for the SEMI area, as set forth in Petn No 270957, now recommends concurrence with the recommendation of the Planning Commission that the findings prepared by the Department of Planning & Economic Development staff be adopted, and that text amendments to Chapter 2 The Market in the City; Chapter 3 Marketplaces: Growth Centers; Chapter 9 City Form; and adding a Chapter 12 that will include summaries of all plans that have been amended into the comprehensive plan be approved, as well as adding SEMI guidance to Map 9.7 Land Use Policy Northeast and Southeast Sector and Map 9.10 Land Use Policy.

Adopted 1/27/06.

**Z&P** – Your Committee, having under consideration the South Lyndale Corridor Master Plan, a proposed policy framework for the future of the corridor for the area including Lyndale Ave between Minnehaha Creek and State Highway 62 as well as Trunk Highway 121, now recommends:

a) Concurrence in the recommendation of the Planning Commission that the findings prepared by the Department of Planning & Economic Development staff be adopted, and that said Plan be adopted as a small area plan and as an articulation of and amendment to the comprehensive plan's policies, subject to review and approval by the Metropolitan Council, and subject to the following changes to *The Minneapolis Plan*:

\*Add 58<sup>th</sup> St. and Lyndale Ave. So. to Table 4.3, *Neighborhood Commercial Nodes*;

\*Change the classification of the *Lyndale Gateway* from a *Tier 3 Potential Growth Center* to a *Tier 3 Growth Center* in Tables 3.1 and 3.2;

\*Delete the *Lyndale Gateway* from Table 3.3, *Potential Growth Centers*.

b) That the Department of Community Planning & Economic Development (CPED) Planning Division staff be directed to complete the necessary procedural requirements for comprehensive plan amendments, including submitting summary information and analysis related to impact on regional systems and consistency with regional policies.

c) That CPED Planning Division staff be directed to report back to the Planning Commission and/or City Council in the event of any issues arising from Metropolitan Council review that would require plan modifications or otherwise prevent the comprehensive plan amendment from taking effect.

d) That CPED Planning Division and the Department of Public Works be directed to move forward with planning and design of TH 121/Lyndale realignment.  
Adopted 1/27/06.

**Z&P** – Your Committee recommends adoption of the Administrative Law Judge’s Findings of Fact, Conclusions of Law and Recommendation in the matter of *22<sup>nd</sup> Avenue Station, 2121 University Ave NE, Minneapolis MN 55418; OAH Docket No. 12-6010-16747-3*, denying 22<sup>nd</sup> Avenue Station, Inc’s and Glen Peterson’s application for an extension of the amortization period for an adult use business, as set forth Petn No 270955.  
Adopted 1/27/06.

## RESOLUTIONS

Resolution 2006R-038, honoring Myron Rademacher for his years of service and dedication to the City of Minneapolis, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

### RESOLUTION 2006R-038

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges.**

**Honoring Myron Rademacher for his dedicated service to the residents of the City of Minneapolis.**

Whereas, Myron Rademacher celebrates 35 successful years with the City of Minneapolis and is retiring from his position as Director HRIS Administration for Human Resources that he has held since 1997; and

Whereas, Myron began his career with the City of Minneapolis Public Schools and then in 1981 joined the Finance Department in the position of Accounting Manager; and

Whereas, Myron served in the Human Resources Department from 2002 to present, where he managed a large team and partnered with departments, vendors, labor unions as well as independent boards and agencies to deliver exceptional benefits administration and payroll services; and

Whereas, Myron will be remembered for his business acumen and customer focus that has earned him many recognitions of outstanding performance for consistently providing excellent service to the City; and

Whereas, Myron always exemplifies the highest degree of integrity, professionalism and expert knowledge. Under Myron’s leadership, the City earned congratulations from the Internal Revenue Service (IRS) for accuracy in filing information and the designation of an “IRS Quality Supplier”; and

Whereas, Myron approaches each challenge with a ‘can do’ attitude and tackles each responsibility with a sense of urgency. Many letters of appreciation show, as in Mr. Melvin Wendorf’s words, that “your thoughtfulness in working these things into your heavy schedule is very seldom acknowledged. You set an excellent example of the type of employee any organization would be proud to have”; and

Whereas, Myron will be remembered for his ability to design, execute and lead the smoothest implementations of HRIS in Human Resources’ history; and

Whereas, Myron is the recipient of a Minneapolis Excelebrate award; and

Whereas, Myron will be remembered for not only his work, but also his laughter and love of family, friends and baseball;

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

That the City Council recognizes Myron Rademacher’s excellent contributions to the City of Minneapolis and wishes him well in all of his new ventures.

Adopted 1/27/06.

Resolution 2006R-039, honoring Betty Stanifer for her years of service and dedication to the City of Minneapolis, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-039**

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges.**

**Honoring Betty Stanifer for her dedicated service to the residents of the City of Minneapolis.**

Whereas, Betty Stanifer celebrates 31 successful years with the City of Minneapolis and is retiring from her position as Human Resources Senior Consultant she has held since 2002; and

Whereas, Betty began her career with the City of Minneapolis Public Schools and then in 1977 joined the City of Minneapolis as a Clerk Typist II; and

Whereas, Betty served in the Human Resources Department from 1979 to present, where she managed the Classifications Office, serving the entirety of the City departments and employees, maintaining the integrity of the city's classification system, assisting departments in resolving classification issues, partnering with the various labor unions and the independent boards and agencies; and

Whereas, Betty will be remembered for her comprehensive knowledge and her desire to assist departments within the professional parameters of classification evaluation that has allowed the City to successfully adhere to the requirements of Minnesota Statutes related to pay equity; and

Whereas, Betty always exemplifies the highest degree of integrity, professionalism and expert knowledge with staff to perform well, even under significant internal pressures; Betty is thoughtful, courageous and strong; and

Whereas, Betty approaches each challenge with a 'no nonsense', 'can do' attitude and tackles each responsibility with a sense of integrity, dedication, and service; Betty considers the problems that departments may be having as her problems to solve; and

Whereas, Betty will be remembered for her ability to create solutions to complex personnel classification problems while retaining the integrity needed to demonstrate a comprehensive objective classification system; and

Whereas, Betty will be remembered for not only her work, but also her charitable giving to underprivileged children and her sometimes gruff exterior;

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

That the City Council recognizes Betty Stanifer's excellent contributions to the City of Minneapolis and wishes her well in all of her new ventures.

Adopted 1/27/06.

Resolution 2006R-040, honoring Pillsbury House Theatre's Chicago Avenue Project, was adopted 1/27/06 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

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

**RESOLUTION 2006R-040**

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges.**

**Honoring Pillsbury House Theatre's Chicago Avenue Project**

Whereas, Pillsbury House Theatre's Chicago Avenue Project was founded in 1996; and  
Whereas, The Chicago Avenue Project brings together youth from low income families with volunteer adult artists to create compelling, original productions; and

Whereas, In the 10 year history of the Chicago Avenue Project, approximately 240 professional artists have helped produce 140 plays, including T. Mychael Rambo, Kris Nelson and James A. Williams to name a few; and

Whereas, Each year, the program attracts 80 young people aged 8-14 who live in inner-city neighborhoods throughout Minneapolis; and

Whereas, This Minneapolis program run on a tight budget, still manages to create affirming plays and present them to audiences of school children and the public; and

Whereas, More than 250 nominations were received by the 2005 Coming Up Taller Program which recognizes the best of after-school and summer programs that engage youth in music, theatre, dance, photography, history and all types of enriching activities that helps youth realize their full potential; and

Whereas, The Chicago Avenue Project has garnered national recognition as one of the 17 outstanding youth arts and humanities programs to receive the 2005 Coming Up Taller Award; and

Whereas, Pillsbury House Theatre's Chicago Avenue Project received a national award and \$10,000 in recognition of its achievements at a ceremony in Washington, D.C. that was presented by First Lady Laura Bush and screen and stage star Debbie Allen;

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

Honors Pillsbury House Theatre's Chicago Avenue Project.

Adopted 1/27/06.

**UNFINISHED BUSINESS**

**PS&RS** - Your Committee, having under consideration the property located at 515 E 24th St which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 14, Auditor's Subdivision No 213 (PID #34-029-24-14-0013), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 1/27/06.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Rene Saice v. City of Minneapolis, et al.* lawsuit. Seconded.

Adopted upon a voice vote 1/27/06.

Room 315 City Hall

Minneapolis, Minnesota

January 27, 2006 - 11:00 a.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present – Hodges, Gordon, Hofstede, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Johnson.

Absent - Samuels, Ostrow.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Rene Saice v. City of Minneapolis, et al.* lawsuit.

At 11:02 a.m., Lilligren moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.

Present – Hodges, Samuels (In at 11:03 a.m.), Gordon, Hofstede, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson (Out at 11:19a.m.), Goodman, Johnson.

Absent - Ostrow.

Also present - Jay Heffern, City Attorney; James Moore, Assistant City Attorney; Frank Reed, City Attorney's Office; Lisa Needham, City Attorney's Office; Don Harris, Deputy Police Chief (In at 11:04 a.m.); Peter Wagenius, Mayor's Office; Anne Roth, City Clerk's Office; Jackie Hanson, City Clerk's Office; and Merry Keefe, City Clerk.

Moore summarized the *Rene Saice v. City of Minneapolis et al.* lawsuit from 11:04 a.m. to 11:32 a.m.

At 11:32 a.m., Colvin Roy moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Lilligren moved that the City Attorney be authorized to settle the case of Rena Clemence Saice v. City of Minneapolis, et al., United States District Court File No. 04-2715 DSD/SRN in the amount of \$36,000.00 payable from Fund/Org 6900 150 1500 4000 and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 1/27/06.

Absent - Ostrow, Benson.

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

Lilligren moved to adjourn. Seconded.  
Adopted by unanimous consent 1/27/06.  
Absent - Ostrow, Benson.

Merry Keefe,  
City Clerk.

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