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11/22/95
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2/9/96

AN ORDINANCE of the CITY OF MINNEAPOLIS

Minn, McDonald, Dziedzic, Campbell, Biernat, Rainville, Cherryhomes, Niland,
Scott, Herron, Thurber, Mead and Schulstad presents the following ordinance:

Amending Title 16, Chapter 422 of the Minneapolis Code of Ordinances relating to Planning and Development: Minneapolis Community Development Agency.

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

Section 1. That Section 422.30 of the above-entitled ordinance be amended to read as follows:

422.30. Definitions and general provisions. (1) Unless the context clearly indicates otherwise, the following terms for the purpose of this chapter shall have the meanings respectively ascribed to them.

(a) *Agency* means Minneapolis Community Development Agency.

(b) *Authority* means Minneapolis Public Housing Authority.

(c) *City* means City of Minneapolis.

~~(d) *Coordinator* means Minneapolis city coordinator.~~

~~(e)~~ *d) Program* means the A STATEMENT OF GOALS, A set of rules, regulations and STRATEGIES TO MEET THE IDENTIFIED goals, and A DESCRIPTION OF THE PROPOSED FINANCING OR money set aside to attain said goals, through which development activities relating to occupancy or use of property or employment in connection therewith on various properties in various locations in the city are accomplished.

~~(f)~~ *e) Project* means a project as defined in Minnesota Statute 362A.01; DEVELOPMENT OR REDEVELOPMENT ACTIVITY OR UNDERTAKING, INCLUDING an industrial development district as defined DESCRIBED in MINNESOTA STATUTES, Section 469.058, subdivision 1; a HOUSING, HOUSING DEVELOPMENT OR redevelopment project as defined in Section 469.002, subdivision 12; a development district as defined in Section 469.1265, SUBDIVISION 9, or any special law; or a project as defined in Section 469.153, subdivision 2.

~~(g)~~ *f) Project plan* means a statement of the objectives of the city for its actions within the area included within the project which provides an outline for the development or redevelopment of the area and which identifies at least: OTHERWISE MEETS THE REQUIREMENTS OF STATE STATUTES PERTAINING TO PROJECT PLANS, INCLUDING MINNESOTA STATUTES, SECTIONS 469.002, SUBDIVISION 16; SECTION 469.0171; SECTION 469.055, SUBDIVISION 10; AND SECTION 469.125, SUBDIVISION 3, AS SUCH STATUTES MAY BE AMENDED, IN ADDITION, A PROJECT PLAN MUST INCLUDE:

~~(i) The plan's relationship to the city's comprehensive plan;~~

- ~~(ii) The general land uses and general standards of development and redevelopment;~~
- ~~(iii) The public facilities to be constructed;~~
- ~~(iv) The open space to be created;~~
- ~~(v) The environmental controls to be applied;~~
- ~~(vi) The proposed reuse of real property;~~
- ~~(vii) The proposed operation of the project after the capital improvements, if any, within the project area have been completed;~~
- (viii i) The affirmative action and women and minority EMERGING SMALL business enterprise plans for the project;
- (ix ii) The job development plan for the project; and
- (x iii) The relocation assessment and plan for the project.

(h g) *Financing plan* means a statement which identifies the city's financial objectives for a project and which contains at least: OTHERWISE MEETS THE REQUIREMENTS IN MINNESOTA STATUTES, SECTION 469.175, SUBDIVISION 1, AS AMENDED FROM TIME TO TIME.

- ~~(i) A statement of the city's objectives for improvement of the project area;~~
- ~~(ii) A list of the property to be acquired, if any;~~
- ~~(iii) The cost of the project including administrative expenses, relocation costs, interest costs and all other expenses;~~
- ~~(iv) The amount and type of bonded or other indebtedness to be incurred and the projected impact on the city's net debt policy;~~
- ~~(v) The sources of revenue to finance or otherwise pay public costs;~~
- ~~(vi) If a tax increment project, the most recent assessed value of taxable real property within the project, the estimated cap^t assessed value of the project at completion, and an estimate of impact of tax incl. on financing on taxing jurisdictions in which the project is located in whole or in part; and~~
- ~~(vii) The duration of the project.~~

(2) Unless otherwise specifically provided herein, all actions of the city council AND THE BOARD OF COMMISSIONERS pursuant to this chapter are actions within the provisions of Minneapolis City Charter Chapter 3, Section 1.

Section 2. That Section 422.90 of the above-entitled ordinance be amended to read as follows:

422.90. Loan DEVELOPMENT FINANCE committee and COMMON PROJECT management committee. (1) A loan DEVELOPMENT FINANCE committee consisting of no more

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than thirteen (13) members AND NO LESS THAN ELEVEN (11) MEMBERS shall be appointed by the executive director to EVALUATE THE FINANCIAL ASPECTS OF PROPOSED PROJECTS AND PROGRAMS AND TO advise the commission BOARD OF COMMISSIONERS, city council, mayor and executive director.

(2) The loan DEVELOPMENT FINANCE committee membership shall consist of no more than three (3) representatives from agency staff, a representative of the city finance department and at least five SEVEN (5 7) members from the private sector who have substantial development and/or finance experience. The chair of the loan DEVELOPMENT FINANCE committee shall be the director of the revitalization resources division. A MEMBER OF THE COMMITTEE ELECTED BY THE COMMITTEE.

(3) The loan DEVELOPMENT FINANCE committee shall review and comment on SPECIFIC project OR PROGRAM expenditure\$ with funds from the common project system after adopting financial policies and guidelines. Their comments shall be forwarded to the commissioners, city council, mayor and executive director. The loan committee's review and recommendations shall only pertain to the specific financial structuring of a specific project or program OF CERTAIN PUBLIC FUNDS. THE BOARD OF COMMISSIONERS SHALL BY RESOLUTION ESTABLISH FINANCIAL POLICIES AND PROCEDURES GOVERNING ACTIVITIES OF THE DEVELOPMENT FINANCE COMMITTEE.

(4) The common project management committee shall consist of the executive director, THE deputy executive director, the directors of the three (3) agency-operating HOUSING AND ECONOMIC DEVELOPMENT divisions OF THE AGENCY, director of planning, budget and evaluation within the agency, the city planning director, the city finance director, the executive secretary of the board of estimate and taxation, THE CITY ASSESSOR AND the executive director of the neighborhood revitalization program and the city council staff person to the community development committee. The executive director of the agency shall act as chair. The purpose of the COMMON PROJECT management committee will be to recommend to the BOARD OF commissioners, the city council and THE mayor overall strategies for the common project system, including, but not limited to, investment strategies, general programmatic recommendations, AND recommendations on managing the cash flow, and will not review specific project or specific program financial structurings.

(5) The loan DEVELOPMENT FINANCE committee and the COMMON PROJECT management committee will be staffed by the revitalization resources division of the agency PERSONS DESIGNATED BY THE EXECUTIVE DIRECTOR.

Section 3. That Section 422.100 of the above-entitled ordinance be amended to read as follows:

422.100. Establishment and review of programs and projects. (1) All AGENCY programs or projects of the reorganized agency and all programs and projects transferred to the agency ESTABLISHED BEFORE THE DATE OF ADOPTION OF THIS AMENDMENT shall operate under their existing guidelines, criteria, rules, regulations, PROJECT PLANS or urban renewal FINANCE plans.

(2) The city council shall establish guidelines and criteria for all proposed projects and programs before the project or program is implemented by the agency. A program or project shall be considered "proposed" at the point at which some form of public assistance is formally requested. The administrative process to establish said guidelines and criteria shall be as follows:

(a) All proposed projects or programs whether offered by a developer, city or agency staff, the agency board of commissioners, another public body, a council member, the mayor, through the capital budget process, or by any other person or entity, shall be submitted to the agency.

(b) Upon receipt thereof, the agency shall assign a project manager to the proposal and shall refer the matter by letter to the community development committee of the city council. The letter should include the following information about the proposed project or program:

- (i) For proposed projects, the letter should identify the location, the nature of the redevelopment activities, the identity of the developer, and the nature of the public assistance requested, to the extent that these things are known. Any additional relevant information may be contained in the letter, and copies of relevant correspondence or other material may be attached.
- (ii) For proposed programs, the letter should identify the purpose and objectives of the program, the means by which the objectives are to be met, the nature of the public assistance to be provided, and the parties to be served by the program. Any additional relevant information may be contained in the letter, and copies of relevant material may be attached.
- (iii) The letter should identify the agency project manager, who will serve as the contact person on the project or program.

The letter shall be addressed to the chair of the community development committee of the city council, with copies to members of the city council, the mayor, the city coordinator, the agency advisory committee, the proposed developer (if applicable), owners of property affected, the council member of the affected ward (if applicable), and any affected community groups.

- (c) The community development committee, at its meeting next following referral of the project or program, shall review and refer the matter to the city council. The agency project manager will attend, and the proposed developer (if applicable) should attend, the committee meeting.
- (d) The city council may direct the preparation of guidelines and criteria, return the proposed project or program to the committee or to the agency with instructions, or terminate the project or program. Such city council actions are intended to be actions within Minneapolis City Charter, Chapter 3, Section 1.
- (e) When the city council directs the preparation of guidelines and criteria, the agency director shall convene the staff for the purpose of drafting the guidelines and criteria. The staff convened will include the agency project manager, a representative from the city planning department, and a representative from affected neighborhood(s) as delineated by the citizen participation plan. Others shall include, when appropriate, representatives or staff from the city attorney's office, the public works department, the committee on urban environment, the heritage preservation commission, the mayor's office, the library board, the park and recreation board, the board of education, and other appropriate staff from the agency and the city coordinator's office. The agency director will designate a lead staff person who will be responsible for assembling the draft guidelines and criteria. In preparing the draft guidelines and criteria, the staff shall follow a standard format approved by the city council. The draft guidelines shall include a financial analysis of the proposed project or program by the city finance office and the Minneapolis Community Development Agency.
- (f) In the process of drafting the guidelines and criteria, the staff will consult with the proposed developer (if applicable) regarding the nature of the proposed project or program. Staff will also consult with affected community groups regarding any concerns that should be addressed in the guidelines and criteria.

- (g) ~~The staff will normally complete the draft guidelines and criteria within two (2) to eight (8) weeks of the date of the city council action directing their preparation. If the draft guidelines and criteria are not completed and transmitted to the community development committee within two (2) committee meetings after the city council action directing their preparation, the agency director will report the reasons for delay in a letter to the chair of the community development committee with copies to members of the city council, the agency advisory committee, the proposed developer (if applicable), and any affected community groups. The city coordinator will continue to report in like manner on the status of the drafting process at every other meeting of the community development committee following the initial report until such time as the draft guidelines and criteria are complete. The city council at any time may provide further direction to the agency director regarding the preparation of the draft guidelines and criteria.~~
- (h) ~~When the draft guidelines and criteria are complete, the agency director shall refer them to the community development committee. The committee shall set a date for a public hearing on the draft guidelines and criteria and direct the publication of notices in accordance with applicable ordinance and laws.~~
- (i) ~~Simultaneously with this referral to the committee, the agency director shall refer the draft guidelines and criteria to the mayor, the agency advisory committee, the city planning commission, the ways and means/budget committee, the council member of the affected ward (if applicable), the proposed developer (if applicable) and any affected community groups. This referral will ask for comments on the draft guidelines and criteria and state that such comments should be submitted to the clerk of the community development committee within twenty-one (21) days.~~
- (j) ~~The mayor, the ways and means/budget committee and the developer (if applicable) shall submit, and any affected community groups may submit, written comments on the draft guidelines and criteria to the clerk of the community development committee within twenty-one (21) days of the agency director's referral. The committee clerk will forward copies of all written comments to the community development committee, the mayor, the city planning commission, the council member of the affected ward (if applicable), the proposed developer (if applicable), and any affected community groups.~~
- (k) ~~The agency director shall reconvene the staff to review the comments received. Based on these comments, the agency director may recommend amendments to the draft guidelines and criteria. Any recommended amendments shall be referred to the community development and ways and means/budget committees, the agency, the agency advisory committee, the planning commission, the mayor, the council member of the affected ward (if applicable), the proposed developer (if applicable), and any affected community groups.~~
- (l) ~~The agency advisory committee shall consider the recommendations made to the community development committee prior to the public hearing before the community development committee so that recommendations may be submitted at the public hearing.~~
- (m) ~~The community development committee shall hold the public hearing and recommend action to the city council. The city council approves, amends, rejects or otherwise acts on the guidelines and criteria. Such city council action is intended to be an action within Minneapolis City Charter Chapter 3, Section 1.~~

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- (n) After signature by the mayor, or override in the case of a mayoral veto, copies of the final city council action, including any approved guidelines and criteria, shall be distributed to the agency board of commissioners, the city planning commission, the mayor, the proposed developer (if applicable), and any affected community groups. When guidelines and criteria are adopted, the agency shall proceed with the project or program in accordance therewith.

(3) The city council shall approve the project plan and finance plan for each project before it is implemented by the agency. The administrative procedure for approval of a project plan and/or finance plan shall be as follows:

- (a) The agency project manager in consultation with city finance staff, will prepare the proposed plan and supporting documentation. In the process of preparing the proposed plan, the agency project manager shall consult with the proposed developer (if applicable) and any affected community groups.
- (b) When the proposed plan is complete, the agency's director shall refer the proposed plan and supporting documentation to members of the city council, the mayor, the city planning commission, the agency advisory committee, the council member of the affected ward, the proposed developer (if applicable), any affected community groups and other public bodies or private parties who are required by law or ordinance to receive the proposed plan. These may include Hennepin County, the board of education, the heritage preservation commission, and the capital long-range improvements committee. This referral will ask for written comments on the proposed plan and state that such comments must be submitted to the agency project manager within thirty (30) days. The referral to the city planning commission will specifically request a written opinion on the plan in accordance with Minnesota Statutes Section 469.027.
- (c) All the parties to whom the proposed plan is referred shall submit any written comments they are required or may desire to make to the agency project manager within thirty (30) days of the agency director's referral.
- (d) The agency and city staff will review all the comments. Based on these comments, the agency may amend the proposed plan and supporting documentation.
- (e) The agency's director will submit the plan and any supporting documentation to the city council using a cover letter addressed to the president of the city council and the chair of the community development committee and ways and means committee.
- (f) Upon receiving the plan, the community development committee shall set a date for a public hearing on the plan and direct the publication of notices in accordance with applicable ordinances and laws. At least one notice of the public hearing shall appear in a newspaper of general circulation not less than ten (10) days nor more than thirty (30) days prior to the public hearing.
- (g) The agency advisory committee shall consider the recommendations made to the community development committee prior to the public hearing before the community development committee so that recommendations may be submitted at the public hearing.
- (h) The community development committee shall hold the public hearing, consider the plan and any supporting documentation and recommended action to the city council and the ways and means committee. The ways and means/budget committee shall consider the budgetary consequences of the plan and can recommend action to the city council. The city council and agency commissioners approve, amend, reject or otherwise act on the plan in sequence as required by any relevant state statute. Such

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city council and agency actions are intended to be an action within Minneapolis City Charter, Chapter 3, Section 1.

- ~~(i) After signature by the mayor, or override in the case of a mayoral veto, the plan shall be distributed to the agency board of commissioners, the mayor, the city planning commission, the developer (if applicable), any affected community groups and any public bodies or private parties who are required by law or ordinance to receive the plan. The agency shall proceed to develop the project in accordance with the plan.~~

(2) THE AGENCY AND THE CITY SHALL WORK IN COOPERATION WITH ONE ANOTHER TO ESTABLISH NEW PROGRAMS AND PROJECTS AS FOLLOWS:

- (a) THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS MUST APPROVE THE PROJECT PLAN AND FINANCE PLAN FOR EACH PROJECT BEFORE IT IS IMPLEMENTED BY THE AGENCY. THE ADMINISTRATIVE PROCEDURE FOR PREPARATION AND APPROVAL OF A PROJECT PLAN OR FINANCE PLAN MUST BE APPROVED BY JOINT RESOLUTION OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS. THE ADMINISTRATIVE PROCEDURE MUST BE IN ACCORDANCE WITH RELEVANT STATE STATUTES PERTAINING TO THE ADOPTION OF PROJECT PLANS AND FINANCE PLANS, AND MUST INCLUDE (i) AGENCY STAFF PREPARATION OF A DRAFT PROJECT OR FINANCE PLAN, (ii) TRANSMITTAL OF THE DRAFT PLANS TO INTERESTED PARTIES FOR A THIRTY (30) DAY REVIEW AND COMMENT PERIOD, (iii) A PUBLIC HEARING CONDUCTED BY THE CITY COUNCIL, (iv) FINAL APPROVAL BY THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS, AND (v) IMPLEMENTATION OF THE PROJECT BY THE AGENCY.
- (b) THE BOARD OF COMMISSIONERS MUST ESTABLISH GUIDELINES FOR EACH PROGRAM BEFORE IT IS IMPLEMENTED BY THE AGENCY. THE ADMINISTRATIVE PROCEDURE TO ESTABLISH THE PROGRAM GUIDELINES MUST BE APPROVED BY RESOLUTION OF THE BOARD OF COMMISSIONERS. THE ADMINISTRATIVE PROCEDURE MUST INCLUDE (i) PREPARATION OF DRAFT PROGRAM GUIDELINES BY AGENCY STAFF, WITH PLANNING, FINANCE AND OTHER CITY STAFF PARTICIPATION AS NEEDED, (ii) TRANSMITTAL OF THE DRAFT PROGRAM GUIDELINES TO INTERESTED PARTIES FOR A FORTY-FIVE (45) DAY REVIEW AND COMMENT PERIOD, (iii) PLANNING COMMISSION REVIEW FOR CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN, (iv) FINAL APPROVAL BY THE BOARD OF COMMISSIONERS, AND (v) IMPLEMENTATION OF THE PROGRAM BY THE AGENCY.
- (c) THE CITY COUNCIL MAY ADOPT DEVELOPMENT OBJECTIVES FOR PROJECT AREAS AND OTHER GEOGRAPHIC AREAS IDENTIFIED BY THE CITY PLANNING DEPARTMENT AND AGENCY AS HAVING SIGNIFICANT DEVELOPMENT ISSUES OR OPPORTUNITIES. THE ADMINISTRATIVE PROCEDURE TO ESTABLISH THE DEVELOPMENT OBJECTIVES MUST BE APPROVED BY RESOLUTION OF THE CITY COUNCIL. THE ADMINISTRATIVE PROCEDURE MUST INCLUDE (i) PREPARATION OF DRAFT DEVELOPMENT OBJECTIVES JOINTLY BY AGENCY AND CITY PLANNING DEPARTMENT STAFF, WITH FINANCE AND OTHER CITY STAFF PARTICIPATION AS NEEDED, (ii) TRANSMITTAL OF THE DRAFT DEVELOPMENT OBJECTIVES TO INTERESTED PARTIES FOR A FORTY-FIVE (45) DAY REVIEW AND COMMENT PERIOD, (iii) PLANNING COMMISSION REVIEW, AND (iv) FINAL APPROVAL BY THE CITY COUNCIL.

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(d) THE EXECUTIVE DIRECTOR, WITH THE CONCURRENCE OF THE CITY PLANNING DIRECTOR, MAY FORM AN INTERDISCIPLINARY TEAM CONSISTING OF REPRESENTATIVES OF THE AGENCY AND REPRESENTATIVES OF THE PLANNING, FINANCE AND OTHER CITY DEPARTMENTS, AS APPROPRIATE, TO REVIEW SPECIFIC DEVELOPMENT PROPOSALS FOR CONSISTENCY WITH THE APPROVED DEVELOPMENT OBJECTIVES, PROJECT PLANS AND FINANCE PLANS. THE ADMINISTRATIVE PROCEDURE FOR CREATION AND OPERATION OF SUCH INTERDISCIPLINARY TEAMS MUST BE APPROVED BY RESOLUTION OF THE CITY COUNCIL. THE ADMINISTRATIVE PROCEDURE MAY INCLUDE (i) CRITERIA FOR DETERMINING WHICH PROPOSALS ARE SUBJECT TO REVIEW, (ii) COMPOSITION OF THE INTERDISCIPLINARY TEAM, AND (iii) TRANSMITTAL OF THE INTERDISCIPLINARY TEAM'S RECOMMENDATIONS TO THE DEVELOPMENT FINANCE COMMITTEE, THE BOARD OF COMMISSIONERS, THE PLANNING COMMISSION AND THE CITY COUNCIL, AS APPROPRIATE, BEFORE ANY FINAL ACTIONS ARE TAKEN WITH RESPECT TO THE DEVELOPMENT PROPOSAL.

(4) The city council shall have the power at any time to review and amend any guidelines, criteria, rules, regulations, project plans, finance plans or urban renewal plans.

(a) Amendments to approved guidelines and criteria shall be adopted using the following administrative procedure:

(i) When the agency staff, the mayor, a council member, the developer (if applicable) or any affected community group believes a proposed or completed action appears to conflict or conflicts with the approved guidelines and criteria for a project or program, or that an amendment should be made to the approved guidelines and criteria, the party shall submit a written request for review and/or amendment of the guidelines to the agency's director. The director shall refer the request by letter to the community development committee. The letter request shall include the agency director's recommendation for processing the issue either by processing an amendment to the guidelines and criteria, modification of the plan or program and the development proposal simultaneously with statutory requirements; or sequential to statutory requirements; or by another process determined to be applicable to the nature of the issue. The community development committee shall by motion determine the process to be followed for the specific issue. The agency staff shall proceed with processing pursuant to the community development committee. Copies of the letter and motion will be sent to the members of the city council, the mayor, the city coordinator, the city planning commission, the agency advisory committee, the council member of the ward (if applicable), the developer (if applicable) and any affected community groups.

(ii) The community development committee shall conduct a public hearing at which interested parties shall be given the opportunity to testify regarding the need for amending the guidelines and criteria. The community development committee may recommend any appropriate action to the city council, provided the recommended action contains no budgetary consequences.

If the recommended action contains budgetary consequences, the community development committee shall refer the recommended action to the ways and means/budget committee and the city council. The ways and means/budget committee may also recommend any appropriate action to the city council.

The city council and agency commissioners approve, amend, reject or otherwise act on the plan in sequence as required by any relevant state statute. Such council and agency actions are intended to be actions within Minneapolis City Charter, Chapter 3, Section 1.

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~~(iii) After signature by the mayor, or override in the case of a veto, copies of the final council action shall be distributed to the agency board of commissioners, the mayor, the city planning commission, the developer (if applicable) and any affected community groups. The agency shall proceed with the project or program in accordance therewith.~~

~~(b) Modifications to project or finance plans shall be approved pursuant to statute after the discussion, public hearings and findings required by statute. Any change in the finance plan must be referred to the ways and means/budget committee as referenced in section 420.100(3)(h).~~

~~(c) All public hearings required by this subdivision (4) shall, to the extent possible, be held concurrently with any public hearing required by statute to be held by the city council as a part of the statutory process for modifying a project or program.~~

(3) THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS, AS APPROPRIATE, MAY AT ANY TIME REVIEW AND AMEND ANY DEVELOPMENT OBJECTIVES, PROJECT OR FINANCE PLANS, PROGRAM GUIDELINES OR ADMINISTRATIVE PROCEDURES.

(a) MODIFICATIONS TO PROJECT PLANS OR FINANCE PLANS MUST BE ADOPTED IN ACCORDANCE WITH ADMINISTRATIVE PROCEDURES APPROVED BY JOINT RESOLUTION OF THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS AND ONLY AFTER THE DISCUSSION, PUBLIC HEARING AND FINDINGS REQUIRED BY STATE STATUTE.

(b) AMENDMENTS TO PROGRAM GUIDELINES MUST BE ADOPTED IN ACCORDANCE WITH ADMINISTRATIVE PROCEDURES APPROVED BY RESOLUTION OF THE BOARD OF COMMISSIONERS.

(c) AMENDMENTS TO DEVELOPMENT OBJECTIVES MUST BE ADOPTED IN ACCORDANCE WITH ADMINISTRATIVE PROCEDURES APPROVED BY RESOLUTION OF THE CITY COUNCIL.

(5 4) The following matters of agency business need not be referred to the city council, including but not limited to informational reports; all land acquisitions, condemnations, valuation and disposition; mortgage administration; policies; neighborhood group contracts; authorization of litigation; and allocation of program funds.

(5) AGENCY AND CITY PLANNING DEPARTMENT STAFF SHALL JOINTLY PREPARE AND DELIVER AN ANNUAL REPORT TO THE CITY COUNCIL AND THE BOARD OF COMMISSIONERS EVALUATING THE EFFECTIVENESS OF AGENCY PROJECTS AND PROGRAMS. THE ANNUAL REPORT SHALL BE PREPARED WITHIN THE CONTEXT OF AN ANNUAL SEQUENCE OF PLANNING AND POLICY-MAKING ACTIVITIES TO INCLUDE THE STATE OF THE CITY REPORT, THE MAYOR'S STATE OF THE CITY ADDRESS, REVISIONS TO THE COMPREHENSIVE PLAN, REVISIONS TO THE AGENCY'S STRATEGIC PLAN, AND PREPARATION AND APPROVAL OF THE ANNUAL CITY BUDGET.

~~(6) The city coordinator's finance department shall regularly monitor the progress of all programs and projects of the agency at least every six (6) months. The division shall prepare a report on the status of objectives within the agency and shall submit this report to the city council and the mayor.~~

Section 4. That Section 422.110 of the above-entitled ordinance be amended to read as follows:

422.110. Powers and duties. (1) The agency may exercise any and all of the powers provided in Minnesota Laws 1980, Chapter 595, as amended, Minnesota Statutes, Sections 469.001 to 469.068, 469.109 to 469.134, 469.152 to 469.165 and 469.174 to 469.179, except Sections 469.033, subdivision 6, AND 469.060; Minnesota Laws 1974, Chapter 285, except Section 4; Minnesota Laws 1985, Chapter 188, except Section 2, subdivision 3; and Minnesota Laws 1977, Chapter 138, except the provisions of Section 3 which authorizes the issuance of general obligation bonds; and as the above statutes and laws may be amended.

All powers granted to the city council by Minnesota Laws 1980, Chapter 595, as amended, are retained by the city council, and the city council may exercise any powers which the agency is authorized by this chapter to exercise. All powers granted by Minnesota Statutes Chapter 462C and Sections 469.152 to 469.165 may be exercised by the city council. Provided, however, the agency may issue bonds pursuant to supplemental resolutions to the agency's basic resolution and indenture, Resolution No. 82-512, as amended, for the general agency reserve fund system.

(2) The agency shall also have the following powers:

- (a) To own and lease real and personal property necessary for its operation;
- (b) To provide administration for all development, redevelopment and housing development projects and programs in the City of Minneapolis, and receive development proposals, develop information and make recommendations to the city council and mayor in regard thereto;
- (c) To recommend policy changes to the Minneapolis City Council;
- (d) To conduct public hearings as required by law;
- (e) To acquire, lease or sell land or property;
- (f) To exercise the right of eminent domain;
- (g) To conduct demolition and relocation activities as necessary;
- (h) To contract for services in regard to projects and programs following normal city process APPROVED AGENCY POLICIES;
- (i) To maintain communications with all appropriate city departments and neighborhood organizations;
- (j) To employ all necessary staff subject to the limitations of the budget determined by the city council;
- (k) To provide staff to support and implement citizen participation AND THE NEIGHBORHOOD REVITALIZATION PROGRAM;
- (l) To sell bonds and pledge the full faith and credit of the agency;
- (m) To apply for any available grants following normal city process.

(3) THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR THE PERFORMANCE OF ALL ADMINISTRATIVE DUTIES RELATING TO THE POWERS HEREIN GRANTED, AND

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SHALL PERFORM ALL ADDITIONAL DUTIES AS MAY BE PROPERLY DELEGATED BY ACTION OF THE BOARD OF COMMISSIONERS TO THE EXECUTIVE DIRECTOR, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- (a) TO IMPLEMENT PROJECTS CONSISTENT WITH PROJECT AND FINANCE PLANS APPROVED BY THE BOARD OF COMMISSIONERS AND THE CITY COUNCIL.
- (b) TO IMPLEMENT PROGRAMS CONSISTENT WITH BUDGETS AND PROGRAM GUIDELINES APPROVED BY THE BOARD OF COMMISSIONERS.
- (c) TO ESTABLISH FAIR MARKET VALUES, MAKE OFFERS AND ACQUIRE REAL PROPERTIES CONSISTENT WITH APPROVED PROJECTS AND PROGRAMS.
- (d) TO SETTLE CONDEMNATION CASES WITHIN APPROVED PROJECT OR PROGRAM BUDGETS.
- (e) TO RESTRUCTURE OR WRITE OFF DELINQUENT AGENCY LOANS CONSISTENT WITH APPROVED AGENCY BUDGETS.
- (f) TO APPROVE CITIZEN PARTICIPATION AND NONPROFIT ADMINISTRATIVE CONTRACTS CONSISTENT WITH BUDGETS APPROVED BY THE CITY COUNCIL.
- (g) TO ESTABLISH PROFESSIONAL SERVICES PANELS FOR APPRAISERS, ATTORNEYS, ARCHITECTS AND ENGINEERS, FINANCIAL AND MARKET ANALYSTS, SURVEYORS, ENVIRONMENTAL CONSULTANTS AND SIMILAR PROFESSIONAL SERVICES CONSISTENT WITH CITY AFFIRMATIVE ACTION AND EMERGING SMALL BUSINESS GOALS.
- (h) TO DETERMINE THE TOTAL NUMBER OF FULL TIME EQUIVALENT AGENCY POSITIONS WITHIN PERSONNEL BUDGETS APPROVED BY THE CITY COUNCIL.

THE EXECUTIVE DIRECTOR SHALL PREPARE AND SUBMIT QUARTERLY REPORTS TO THE BOARD OF COMMISSIONERS CONCERNING THE STATUS OF AGENCY PROJECTS, PROGRAMS AND BUDGETS.

Section 5. That Section 422.120 of the above-entitled ordinance be amended to read as follows:

422.120. Limitations. The powers granted to the agency by this chapter shall be limited as follows:

(1) The agency shall not issue any general obligation bonds for which the full faith and credit of the City of Minneapolis or the tax base of the city is pledged, unless approved by city council.

(2) The allocation of funds for the agency shall be in accordance with the budget process for the city departments as provided in the Minneapolis City Charter and as implemented by the city council and mayor.

~~(3) The agency shall not hire more employees than authorized by the annual Minneapolis city budget.~~

(34) The agency shall not levy any tax upon any real or personal property unless approved by the city council.

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(45) The agency shall be subject to and shall comply with the affirmative action, women and minority EMERGING SMALL business enterprise, and contract compliance ordinances, resolutions, rules, regulations and guidelines of the city.

(56) The agency is not granted hereby and shall not exercise any powers relating to public housing contained in Minnesota Statute Sections 469.001 through 469.047, or any other powers relating to public housing.

Section 6. That Section 422.140 of the above-entitled ordinance be amended to read as follows:

422.140. Legal counsel. The city attorney shall be legal counsel for the agency, SUBJECT TO ADMINISTRATIVE PROCEDURES APPROVED BY THE CITY COUNCIL. ~~The agency may, after review and discussion with the city attorney, retain its own legal counsel and/or utilize the services of the city attorney's office.~~

Section 7. That Section 422.180 of the above-entitled ordinance be amended to read as follows:

422.180. Contractor's surety bonds. ~~Whenever a contract is to be executed for the procurement of supplies, services, materials or equipment and the~~ UNLESS A contractor is required by this Code of Ordinances or any other law to furnish to the city AGENCY a PAYMENT, PERFORMANCE OR OTHER surety bond ~~conditioned upon the performance of the contract,~~ the finance officer EXECUTIVE DIRECTOR may waive the bond if a bond is not reasonable or necessary for the protection of the Minneapolis Community Development Agency or may set the principal amount of the bond at an amount less than the full contract price if such amount is sufficient for the protection of the city AGENCY. In reducing or waiving the bond the finance officer EXECUTIVE DIRECTOR shall consider the following criteria, if applicable:

- (a) The financial capability of the contractor to perform the contract;
- (b) The amount of damages that would likely be incurred by the city AGENCY if the contractor were unable to perform the contract;
- (c) If the contract is for services, then, in addition to the other listed criteria, the frequency and amount of payments to be made to the contractor by the city AGENCY and the city's AGENCY'S potential liability for the wages and payment of the contractor's laborers and suppliers;
- (d) The potential for liens to be placed upon the city's AGENCY'S property, including property supplied to the city AGENCY under the contract;
- (e) The potential for product failures during the period of any warranty included in the contract;
- (f) The cost of the surety bond and the estimated extent to which it could result in an increase in the cost of the contract.

For contracts awarded on the basis of competitive bidding, any reduction or waiver of the surety bond shall be determined prior to the advertisement of the request for bids and stated in the advertisement. Alternatively, bids may be requested with the bond reduced or waived as alternative bid items. No bond required from a developer or a contractor on a development project or any works of construction may be waived or reduced.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic	X						Thurber	X					
Campbell	X						McDonald	X					
Blamat	X						Mead	X					
Rainville	X						Schulstad	X					
Niland	X						Minn	X					
Scott	X						President	X					
Herron	X						Cherryhomes	X					

PASSED FEB 9 1996
DATE

APPROVED - NOT APPROVED - VETOED

FEB 15 1996
DATE

Gardner Chung
PRESIDENT OF COUNCIL

Alan Bayler Beeton
MAYOR

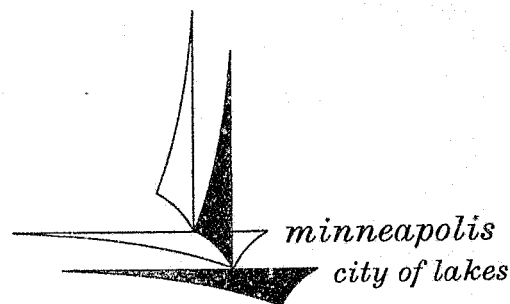
ATTEST

mommykase
CITY CLERK

OFFICE OF THE MAYOR
350 South Fifth Street - Room 331
Minneapolis Minnesota 55415-1393

(612) 673-2100
Fax (612) 673-2305

SHARON SAYLES BELTON
MAYOR February 15, 1996



Merry Keefe
City Clerk
Room 304
City Hall
Minneapolis, MN 55415

Dear Ms. Keefe:

It has come to my attention that a technical error was included in the action of the City Council amending the Minneapolis Code of Ordinances relating to the Minneapolis Community Development Agency (MCDA).

In section 422.140, the language approved by the Community Development Committee stated "the city attorney shall be legal counsel for the agency, subject to administrative procedures approved by the City Council." This is not the language which is included in this council action.

I understand that this technical change is agreeable to both the MCDA and the City Attorney, and I am signing this action with the intent that section 422.140 be administratively changed to the amended language.

Thank you.


Sincerely,

Sharon Sayles Belton
Mayor

*Ordinance amended.
Sharon Sayles Belton
Jan 1996*

FILED
CITY CLERK
FEB 16 1996
MINNEAPOLIS, MN

TDD (612) 673-2157
AFFIRMATIVE ACTION EMPLOYER

SSB:jai



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