

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JANUARY 28, 2005

(Published February 5, 2005, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
January 28, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Absent - Johnson.

Lilligren moved adoption of the agenda.

Zerby moved to amend the agenda to add under Motions an ordinance introduction regarding Antiques and Collectibles Uses in the C1 Zoning District. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted.

Lilligren moved acceptance of the minutes of the regular meeting held January 14, 2005. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270151)

Community Planning and Economic Development (CPED) Inventory: Quarterly report of under-sized parcels.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270152)

Sale of Property at 1109 E 28th St: Authorize sale to Prima Land.

Paige Hall Housing Project: Revision to rent restrictions on Affordable Housing Trust Funds.

Preliminary Planning Fund: 2005 fund allocations.

Lot Reduction Program: Extend terms of grant relating to the development of ten lots in the Jordan Neighborhood.

Affordable Housing Trust Fund: Approve allocation of second round 2004 funds.

Stairstep Initiative (818 W Broadway): Resubordination of Deferred Purchase Price Mortgage.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270153)  
Heritage Park: Finance update.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270154)  
Greenheck Real Estate Holdings, LLC (Innovent): Issuance of \$9,000,000 in Limited Tax Supported Development Revenue Bonds through the Common Bond fund for acquisition of industrial property at 2801 Pacific St N.

Transit Oriented Development Funds for St. Anthony Mills Apartments Project:: Authorize execution of contract to receive additional funds from Hennepin County.

Ballet of the Dolls/Ritz Theater: Approval of development concept, terms and determination of project feasibility and authorize execution of redevelopment contract and approve deferred loan from the Commercial Corridors Levy Fund.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270155)  
Corcoran Neighborhood Phase II Action Plan.  
Field, Regina, Northrop Phase II Action Plan.

**HEALTH AND HUMAN SERVICES:**

CIVILIAN POLICE REVIEW AUTHORITY (270156)  
Administrative Rules: Request by CRA to amend rules; with attachment.

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

CIVIL RIGHTS (270157)  
Civil Rights Ordinance: Return to Author Ordinance amending Title 7, Chapter 141 of Code relating to Civil Rights: Administration and Enforcement, amending Section 141.50(d) relating to probable cause.

HEALTH AND FAMILY SUPPORT SERVICES (270158)  
2004 Phillips Weed & Seed: Amend contract with State of Minnesota, Office of Justice Programs, to extend performance period through June 30, 2005 to complete 2004 activities.

**INTERGOVERNMENTAL RELATIONS:**

GRANTS AND SPECIAL PROJECTS (270159)  
2004 Annual Report.  
INTERGOVERNMENTAL RELATIONS (270160)  
Public Safety Funding: Sales tax update; Neighborhood Revitalization Program update.  
REGULATORY SERVICES (270161)  
American Iron (2800 Pacific St): Comments of the City of Mpls re permit request #86-6226 to MN Department of Natural Resources.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

PUBLIC WORKS AND ENGINEERING (270162)  
Central Transit Corridor Improvements.

**INTERGOVERNMENTAL RELATIONS and TRANSPORTATION & PUBLIC WORKS (See Rep):**

INTERGOVERNMENTAL RELATIONS (270163)  
Transportation Finance Policy Criteria.

PUBLIC WORKS AND ENGINEERING (270164)  
Red Rock Corridor Transitway Improvements.

**INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET:**

FINANCE DEPARTMENT (270165)  
Public Safety Funding: Evaluation of Alternative Revenue Sources.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

INSPECTIONS DEPARTMENT (270166)  
Administrative Citation Program and Reinspection Fee Program: 2004 Report of activity for Housing Inspection Services.  
POLICE DEPARTMENT (270167)  
2004 Youth Access to Alcohol Compliance Report.

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

LICENSES AND CONSUMER SERVICES (270168)  
Merwin Liquors (700 W Broadway): Grant Off-Sale Liquor License, subject to conditions.  
CC Club (2600 Lyndale Av S): Grant On-Sale Liquor Class E with Sunday Sales License (expansion of premises), subject to conditions.  
Minneapolis Eagle (515 Washington Av S): Amend Business Plan to permit Adult Entertainment, subject to conditions.  
Licenses: Applications.

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

POLICE DEPARTMENT (270169)  
Public Housing Authority Police Services: Execute contract with Public Housing Authority to provide services of one sergeant and six patrol officers to residents of public housing communities during calendar year 2005.  
Mobile Data Computers in Squad Cars: Execute assignment of agreement from Aether Systems Inc to BIO-key International Incorp to transfer obligations of agreement.  
Central Weed & Seed: Accept federal grant award of \$107,500 and execute grant agreement with Pillsbury United Communities to fund overtime costs or other police services to fulfill goals of Steering Committee and 2005 work plan; and Approve appropriation.  
Police Health Club Memberships: Issue Request for Proposals for primary facility for four-year period; and Execute contract extension with Northwest Athletic Club to continue providing membership services through May 1, 2005.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (270170)  
Public Works Peer Review Final Report: Receive & file report.  
Opportunity for Household Hazardous Waste Collection Facility in Minneapolis: Receive & file report.  
Lake Street Project Sequencing (Dupont Av S to W River Pkwy): Receive & file report.  
XCEL ENERGY/NSP (270171)  
Overhead Temp Service: Install from East side of Marshall St NE to 35' pole on customer property at 1428 Marshall St NE for a period of one year or less.

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

PUBLIC WORKS AND ENGINEERING (270172)

Hennepin County Electronic Proprietary Geographic Digitized Database (EPDB): Extend agreement one-year.

3rd Precinct Expansion Project: Change Order No. 3.

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

PUBLIC WORKS AND ENGINEERING (270173)

Bids: Resolution accepting: a) OP #6339, bid of Thatcher Company of Montana for powdered activated carbon; and b) OP #6367, bid of Interstate Truck, Inc. for a Freightliner M45 Step Van.

2005 Sewer & Stormwater Rates: Resolution establishing rates.

**WAYS AND MEANS BUDGET:**

HUMAN RESOURCES (270174)

2004 All Employee Survey Results.

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

ATTORNEY (270175)

Legal Settlements: Daniel Stark; Willie Cash; Tango Cooks; Corey Stone; Chuba Nsude.

BUSINESS INFORMATION SERVICES (270176)

SAS Institute, Inc: Authorize contract for software, implementation services & training.

CITY CLERK (270177)

Business Plan.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270178)

Mpls Empowerment Zone Governance Board Appointments: Jeff Wahburn, Osman Sahardeed, Theresa Carr, Xang Vang.

FINANCE DEPARTMENT (270179)

Early Redemption of 1994-1998 Variable Rate Bonds: Authorize.

PURCHASING (270180)

Bids: OP #6370 - Mpls Covention Center elevator & escalator maintenance.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270181)

Request for Proposals: Midtown Greenway Land Use Plan; City of Mpls Industrial Land Use & Employment Policy Plan.

**ZONING AND PLANNING:**

HEARING & SERVICE DOGS OF MINNESOTA (270182)

Appeal: Copa Cabana Nightclub, Inc (2532-38 - 25th Ave S): Correspondence. (See report of 12/23/04).

MORRISON, JIM (270183)

Appeal: Master Civil & Construction Engineering, Inc (4556 E 46th St): Correspondence. (See Report of 11/19/04).

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

INSPECTIONS/BOARD OF ADJUSTMENT (270184)

Appeals: Shane Walgamuth (3815 Washburn Ave S): Re Variance for cantilevers; Jesus Panora (2547 Harriet Ave S): Re Variance for open porch to be enclosed.

PLANNING COMMISSION/DEPARTMENT (270185)

Appeal: Ron Mason (re Bruce Singer, 39, 45, 49 & 57 Groveland Terrace & 1613 Dupton Ave S):  
Re Land use applications for three duplexes.

Waiver Applications: Oscar Morales (2201 Lyndale Ave N): Re two-family home; Shawn Luther  
(2327 Walton Place): Re single-family home.

Vacation Application: Diane Marie Dietzler LeBlanc (Vicinity 115 W 29th St): Re Alley.

**FILED:**

MINNESOTA DEPARTMENT OF TRANSPORTATION (270186)

Commissioner's Order: Revocation and Designation of Municipal State Aid Streets, per Resolution  
2004R-126 dated 4/2/04.

*The following reports were signed by Mayor Rybak on January 31, 2005, 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  
the sale of the property at 1109 E 28th St to Prima Land, Inc. for \$23,000, with the land sale closing to  
occur on or before 30 days from the date of approval and that the closing condition may be waived or  
amended with the approval of the Community Planning and Economic Development Department  
Director.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-045 authorizing the sale of 1109 E 28th St, was passed 1/28/05 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 2005R-045  
By Goodman**

**Authorizing sale of land Model City Urban Renewal Plan Disposition Parcel No.  
MC 250-24**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase  
and develop Disposition Parcel MC 250-24, in the Phillips neighborhood, from Prima Land, Inc.,  
hereinafter known as the Redeveloper, the Parcel MC 250-24, being the following described land situated  
in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**LEGAL DESCRIPTION**

The East 42 feet of Lots 30, 31 and 32, Block 1, Avery's Chicago Avenue Addition to Minneapolis.  
Being registered land as is evidenced by Certificate of Title No. 843568.

Whereas, the Redeveloper has offered to pay the sum of \$23,000, for Parcel MC 250-24 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 7, 2005, a public hearing on the proposed sale was duly held on January 18, 2005, 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 Model City Urban Renewal Plan, as amended, is hereby estimated to be the sum of \$23,000 for Parcel MC 250-24

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 1/28/05.

Absent – Johnson.

**Comm Dev** - Your Committee, having under consideration the Paige Hall Housing Project at 727 5th Av S and a request from Central Community Housing Trust for a revision to the rent restrictions related to previously approved funding through the Affordable Housing Trust Fund, now recommends approval of said revisions keeping units in the project affordable but 35 units at 30% of the Metropolitan Median Income (MMI) and 34 units at 50% of the MMI.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev** - Your Committee, having under consideration the Preliminary Planning Fund that provides funds for initial planning for proposed projects prior to their adoption and having received a proposed allocation plan for the fund, now recommends approval of said allocations (as set forth in Petn No 270152) in the total amount of \$2,171,781.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev** - Your Committee, having under consideration the Lot Reduction Program (LRP) in the Jordan Neighborhood and a request from the exclusive developers, Project for Pride in Living and Twin Cities Habitat for Humanity, Inc. for extension of a grant related to 10 vacant lots, now recommends that said request be approved and an extension granted on the LRP Forgivable Note for a period of six months to allow additional time for sale of developed properties.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution approving the allocation of Affordable Housing Trust Funds (AHTF) for the second round of 2004 AHTF funding.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-046 approving the allocation of Affordable Housing Trust Funds (AHTF), was passed 1/28/05 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 2005R-046**

**By Goodman**

**Approving the allocation of Affordable Housing Trust Funds (AHTF) for the second round of 2004 AHTF Money.**

Resolved by The City Council of The City of Minneapolis:

That approval is granted for allocation of up to \$7,027,297 of AHTF monies for the following proposals and up to \$170,000 from the Non-Profit Development Assistance fund as follows:

- a) Up to \$300,000 from the AHTF for 2100 Bloomington to Volunteers of America;
- b) Up to \$433,746 from the AHTF "Seed Money" Program and up to \$20,000 from the Non-Profit Assistance fund for Anpa Waste Apartments at 3146 Cedar Av S by Plymouth Church Neighborhood Foundation;
- c) Up to \$236,192 from the AHTF and \$30,000 from the Non-Profit Assistance fund for Broadway Workforce Housing at 2601 West Broadway by Alliance Housing Incorporated;
- d) Up to \$600,000 from the AHTF and \$30,000 from the Non-Profit Assistance fund for Camden Apartments at 4643-51 Lyndale Av N by Project for Pride in Living;
- e) Up to \$400,000 from the AHTF for Central Av Lofts at 2338 Central Av N.E. by Sherman Associates, Inc.;
- f) Up to \$362,359 from the AHTF and \$30,000 from the Non-Profit Assistance fund for Echo Flats at 2612-16 3rd Av S, 319 W. 25th St, and 2800 Pleasant Av South by Community Housing Development Corporation;
- g) Up to \$900,000 from the AHTF and \$30,000 from the Non-Profit Assistance fund for Franklin Gateway – The Wellstone at 1931 Portland Av S by Hope Community, Inc. and Central Community Housing Trust;
- h) Up to \$500,000 from the AHTF and \$30,000 from the Non-Profit Assistance Fund for Little Earth Phase IV at 2501 Cedar Av S by Little Earth United Tribes Housing Corporation;
- i) Up to \$2,250,000 from the AHTF for Midtown Exchange at 2929 Chicago Av S by Sherman Associates, Inc.;
- j) Up to \$945,000 from the AHTF for Ripley Gardens at 300 Queen Av N by Central Community Housing Trust; and
- k) Up to \$100,000 from the AHTF for Structured Independent Living for Homeless Veterans at 4226 Portland, 4308-29th Av S, 4632 - 1st Av S, 5521 – 32nd Av S, and 5612 – 46th Av S by Minnesota Assistance Council for Veterans.

Be It Further Resolved that the proper City officers be authorized to execute necessary documents relative to said AHTF and Non-Profit Development Assistance Funds.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev** - Your Committee, having under consideration a report outlining the status of a mortgage to Stairstep, Inc. and a request to allow for restructuring of debt through re-subordination of a mortgage, now recommends approval for the re-subordination of the Deferred Purchase Price mortgage to Stairstep, Inc. dated June 30, 2000, to allow for Stairstep to secure new primary financing.

Adopted 1/28/05.

Absent – Johnson.

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 giving preliminary approval to the issuance of up to \$9,000,000 in Limited Tax Supported Development Revenue Bonds, Common Bond Fund Series 2005, for Greenheck Real Estate Holdings (LLC) (Innovent) for acquisition of the industrial property at 2801 Pacific St N, to be issued through the Common Bond Fund and designating the bonds as bonds entitled to the security provided by Ordinance No. 87-Or-084, Tax Reserve and Pledge Ordinance.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-047, giving preliminary approval to the issuance of up to \$9,000,000 in Revenue Bonds through the Common Bond Fund for Greenheck Real Estate Holdings, LLC (Innovent) for acquisition of the industrial property at 2801 Pacific St N, was passed 1/28/05 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 2005R-047**  
**By Goodman and Johnson**

**Giving preliminary approval to a project on behalf of Greenheck Real Estate Holdings, LLC, and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.**

Whereas, under Sections 469.152 through 469.1651 of the Minnesota Statutes, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise engaged in any business; and

Whereas, the City has assumed the obligations of the Minneapolis Community Development Agency (the "Agency") with respect to a certain common bond fund and intends to continue to issue revenue bonds to be secured thereby (the "Common Fund Bonds"); and

Whereas, the City has authority to issue Common Fund Bonds and is the successor to the Common Fund Bonds issued by the Agency; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the central City area and the need for more intensive development and use of land within the

City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and encourages land development, thereby increasing the tax base of the City and overlapping taxing districts; and

Whereas, Greenheck Real Estate Holdings, LLC, or an affiliate thereof (the "Company"), has proposed to acquire, renovate and equip a manufacturing facility located at 2801 Pacific Street in the City (hereinafter, the "Project"), to be leased to Greenheck Fan Corporation, a Wisconsin corporation, and used in the operation of its commercial printing business; and

Whereas, the Company has proposed that the City issue one or more series of its Common Fund Bonds (the "Bonds"), for the purpose of financing the Project, including certain incidental expenses thereto, in a principal amount of up to \$9,000,000, and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Company pursuant to a revenue agreement wherein the Company will be obligated to acquire, renovate and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payments of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of the Project would be significantly impaired, such that the Project would not be undertaken but for the availability of industrial development bond financing under the Act; and

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

Whereas, it is proposed that the Bonds would be further secured by Chapter 424 of the City Code of Ordinances; and

Whereas, the proposed Project consists of real and/or personal properties to be used in a revenue-producing enterprise engaged in business, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City, by increasing the tax base of the City and overlapping taxing jurisdictions, by providing additional or retaining existing employment opportunities for residents of the City and surrounding area or by stimulating the development and redevelopment of marginal lands within the City; and

Whereas, except as may be authorized by Chapter 424 of the City Code of Ordinances, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

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

A. That it is hereby found and determined that the Project would not be undertaken but for the availability of industrial development bond financing under the Act.

B. That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act in an approximate aggregate principal amount of \$9,000,000, to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Department of Employment and Economic Development of the State of Minnesota (the "Department") under the Act, and to the agreement of the City, the Company and the purchaser or purchasers of the Bonds on the detailed terms and conditions on which the Project will be expanded and equipped and the Bonds will be issued, sold and secured.

C. That in accordance with Sections 469.152 through 469.1651, Minnesota Statutes, staff of the City is hereby authorized and directed to submit the proposal for undertaking the Project to the Department requesting approval of the Project. The Finance Officer, the City Attorney and other officers, employees and agents of the City are hereby authorized to provide the Department such preliminary information as may be required for this purpose. The City Attorney is also authorized, in cooperation Gray, Plant, Mooty, Mooty & Bennett, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project in order that, when and if the Project is approved by the Department,

it may be carried forward expeditiously.

D. That the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

E. That the City shall not adopt a resolution authorizing the issuance of the Bonds until all persons and entities, including the Company, involved in the operations or ownership of the Project have complied with all requirements of and had their respective affirmative action plans and equal opportunity requirements approved by the affirmative action office of the City.

F. That if and when the Bonds are issued by the City such Bonds shall be designated by the City Council of the City as bonds entitled to the security provided by Chapter 424 of the City Code of Ordinances and that the Bonds hereby requested to be designated shall not exceed \$9,000,000.

G. This Resolution shall constitute the official intent of the City to reimburse expenditures by the Company with respect to the Project, within the meaning of Section 1.150-2 of the Treasury Regulations.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the award of additional Transit Oriented Development (TOD) funds for the St. Anthony Mills Apartments Project, now recommends passage of the accompanying resolutions:

a) Approving staff execution of contract documents for increased TOD grant funds from the Hennepin County Housing and Redevelopment Authority; and

b) Increasing the Community Planning and Economic Development (CPED) Department appropriation and revenue estimate to reflect the receipt of additional grant funds in the amount of \$50,000.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-048, approving staff execution of contract documents to receive Transit Oriented Development grant funds from the Hennepin County Housing and Redevelopment Authority for the St. Anthony Mills Apartments Project, was passed 1/28/05 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 2005R-048**  
**By Goodman and Johnson**

**Requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to St. Anthony Mills Apartments under the Minnesota Housing and Redevelopment Authorities Act.**

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development ("CPED") that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$250,000, to the City of Minneapolis for security, lighting and site improvements at Brighton Development Corporation's St. Anthony Mills Apartment Complex on the corner of Chicago Avenue and Second Street South, Minneapolis, Minnesota (the "St. Anthony Mills Project"); and

Whereas, the City of Minneapolis is referred to as the "City;" and

Whereas, the St. Anthony Mills Project is referred to as the "Project;" and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, Subd 2, the County HRA cannot exercise its powers within the boundaries of the City of Minneapolis (the "City") unless CPED requests

the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance to the City for the Project; and

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

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, section 469.005, the City Council hereby declares there is a need for the County HRA to exercise certain powers within the City and hereby approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the City, which have requested, or may hereafter request, financial assistance in the combined amount up to \$250,000 from the County HRA for the Project.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist the City nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Project.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the City for the Project and the City shall retain all other powers and jurisdiction over matters relating to the City and the Project.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Project to be undertaken by the City in the City, and neither the City Council nor CPED make any representation as to whether the City have the ability to repay any financing obligations incurred under the Project.

Be It Further Resolved that the City Council accepts the financial assistance proposed to be provided by the County HRA with respect to the St. Anthony Mills Project (the "City Project.")

Be It Further Resolved that appropriate staff of the City are to execute and deliver to the County HRA the contract documents relating the City Project.

Adopted 1/28/05.

Absent – Johnson.

**RESOLUTION 2005R-049**  
**By Goodman and Johnson**

**Amending The 2005 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 State and Local Grants Fund (SMN0-890-8490) by \$50,000 and increasing the revenue source (SMN0-890-8490) by \$50,000.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Corcoran Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan (as included in Petn No 270155) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$410,440;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$375,207.50, to the NRP fund for implementation of the Corcoran Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 1/28/05.

Absent – Johnson.

**RESOLUTION 2005R-050**  
**By Goodman and Johnson**

**Amending The 2005 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 NRP Program Fund (CNR0-890-3550) by \$375,207.50.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Field, Regina, Northrop Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

1) Approval of said action plan (as included in Petn No 270155) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$1,093,966;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$989,824, to the NRP fund for implementation of the Field, Regina, Northrop Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 1/28/05.

Absent – Johnson.

**RESOLUTION 2005R-051**  
**By Goodman and Johnson**

**Amending The 2005 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 NRP Program Fund (CNR0-890-3550) by \$989,824.

Adopted 1/28/05.

Absent – Johnson.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Ballet of the Dolls Ritz Theater Proposal, now recommends:

a) Approval of the development concept, terms and determination of project feasibility (as outlined in Petn No 270154) and that the proper City officers be authorized to execute a redevelopment agreement in conformance with said terms;

b) Approval of a deferred loan of \$100,000 from the Commercial Corridors Levy Fund (as outlined in Petn No 270154), allocation of said funds and that the proper City officers be authorized to prepare and execute the necessary loan documents; and

c) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Agency appropriation by \$100,000.

Adopted 1/28/05.

Absent – Johnson.

**RESOLUTION 2005R-052**  
**By Goodman and Johnson**

**Amending The 2005 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 Community Development Levy Fund (SCD0-890-8933) by \$100,000.

Adopted 1/2/8/05.

Absent – Johnson.

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

**H&HS** - Your Committee, having under consideration the 2004 Phillips Weed and Seed Program, now recommends that the proper City Officers be authorized to execute an amendment to Contract #C20598 with the State of Minnesota, Office of Justice Programs, to extend the performance period through June 30, 2005 in order to complete the federal 2004 Weed and Seed activities.

Adopted 1/28/05.

Absent - Johnson.

**H&HS** - Your Committee, to whom was referred an ordinance amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, amending Section 141.50(d) relating to *probable cause*, deleting language that required the Director of Civil Rights to consult with the City Attorney's Office after investigating a complaint and making a determination as to whether there is probable cause to believe that the allegations of discrimination are founded, now recommends that said ordinance be returned to author.

Adopted 1/28/05.

Absent - Johnson.

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

**IGR** – Your Committee recommends passage of the accompanying resolution supporting the Central Corridor Transitway Improvements, which corridor is an 11-mile transportation corridor from Downtown Minneapolis to Downtown St. Paul.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-053, supporting the Central Corridor Transitway Improvements, was passed 1/28/05 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 2005R-053**  
**By Zerby, Benson**

**Supporting the Central Corridor Transitway Improvements.**

Whereas, the Central Corridor is an 11-mile transportation corridor from Downtown Minneapolis to Downtown St. Paul; and

Whereas, this corridor has regional, statewide, and national significance as a transportation route

for automobile, truck, and rail travel; and

Whereas, congestion rates in the Twin Cities region are amongst the fastest growing in the country; and

Whereas, congestion negatively impacts commerce, economic development and public safety; and

Whereas, this corridor will serve the highest population and employment nodes in the State of Minnesota including Downtown Minneapolis, Downtown St. Paul, the University of Minnesota, and the University Avenue Corridor; and

Whereas, Ramsey, and Hennepin Counties along with Corridor municipalities have formed the Central Corridor Coordinating Committee to address the transportation needs in the corridor; and

Whereas, the Central Corridor is outlined as a Tier 1 priority corridor in the Metropolitan Council Transportation Policy Plan; and

Whereas, the Central Corridor Coordinating Committee is working with Metro Transit and the Minnesota Department of Transportation to implement both a 'transit and highways' solution for the Corridor; and

Whereas, this work involves completing an Alternatives Analysis/Draft Environmental Impact Statement, Preliminary Engineering, Final Environment Impact Statement, Final Design and Construction of a transitway option for the corridor;

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

That the Central Corridor be authorized as Federal Transit Administration New Start through construction during reauthorization of TEA-21.

Adopted 1/28/05.

Absent – Johnson.

The **INTERGOVERNMENTAL RELATIONS** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following reports:

**IGR & T&PW** – Your Committee recommends passage of the accompanying resolution supporting the Red Rock Corridor Transitway Improvements, which corridor is a 30-mile transportation corridor from Hastings to Minneapolis being roughly parallel to Trunk Highway 61, Interstate 94, and the Burlington Northern Santa Fe and Canadian Pacific rail lines, traversing the Counties of Dakota, Washington, Ramsey, and Hennepin.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-054, supporting the Red Rock Corridor Transitway Improvements, was passed 1/28/05 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 2005R-054**

**By Colvin Roy, Benson**

**Supporting the Red Rock Corridor Transitway Improvements.**

Whereas, the Red Rock Corridor is a 30-mile transportation corridor from Hastings to Minneapolis being roughly parallel to Trunk Highway 61 (TH 61), Interstate 94 (I-94) and the Burlington Northern Santa Fe (BNSF) and Canadian Pacific (CP) rail lines, traversing the Counties of Dakota, Washington, Ramsey, and Hennepin; and

Whereas, this corridor has regional, statewide, and national significance as a transportation route for automobile, truck, and rail travel; and

Whereas, TH 61 is a principal arterial, part of the National Highway System, and a National Scenic Roadway. I-94 is a principal arterial and part of the Interstate Highway System. The BNSF and CP rail lines are the main routes for freight heading from Chicago to Seattle/Vancouver, Amtrak's Empire

Builder, and the proposed Midwest Regional Rail System; and

Whereas, this corridor is the primary route for Southeast Metro and Southeast Minnesota residents to access downtown St. Paul and Minneapolis along with the I-494 business strip in Bloomington, the University of Minnesota, and the Minneapolis/St. Paul International Airport; and

Whereas, Washington, Dakota, Ramsey, and Hennepin Counties along with Corridor municipalities formed the Red Rock Corridor Commission to address the transportation needs in the corridor; and

Whereas, a 'highways only' solution will not provide for the future travel needs of the corridor and that a 'transit and highways' solution is needed to meet these needs; and

Whereas, The Red Rock Corridor Commission completed a Commuter Rail Feasibility Study in 2001 and recommended continued study of commuter rail in the Corridor; and

Whereas, The Red Rock Corridor Commission in partnership with the Minnesota Department of Transportation will continue to work towards implementing a 'transit and highways' solution for the Corridor; and

Whereas, this work involves completing an Alternatives Analysis/Draft Environmental Impact Statement, Preliminary Engineering, Final Environment Impact Statement, Final Design and Construction of a transitway option for the corridor to complement the Wakota Bridge Project;

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

That the Red Rock Corridor Transitway be authorized as Federal Transit Administration New Start through construction during reauthorization of TEA-21.

Adopted 1/28/05.

Absent – Johnson.

**IGR & T&PW** – Your Committee recommends adoption of criteria to be used to evaluate legislative transportation finance proposals, as follows:

**Predictable.** Revenue should be at a level that can be annually anticipated so that the proper planning and programming can take place. The revenue source should be directed for transportation purposes.

**Time Sensitive.** Revenue sources approved by the legislature must be implemented within the 2005 calendar year and not be subject to voter approvals. Increases in existing revenue sources may be phased –in over several years but the initial phase should occur during 2005.

**General Fund Impact.** Revenue source(s) for transportation (highways and transit) should not have an adverse impact on the state's general fund. If general funds will be used for transportation the general fund must be made whole.

**Geographic Balance.** Methods to distribute transportation revenue must consider regional distribution and regional needs.

**Transit and Highways.** Revenue must be available for multi-modal transit and highways. Revenue should be used for capital projects as well as operating and maintenance.

Adopted 1/28/05.

Absent – Johnson.

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

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Merwin Liquors, 700 W Broadway, for an Off-Sale Liquor License, subject to conditions.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

Approved by Mayor Rybak 1/31/05.

(Published 2/1/05)

Resolution 2005R-055, granting the application of Merwin Liquors, 700 W Broadway, for an Off-Sale Liquor License, subject to conditions, was passed 1/28/05 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 2005R-055**  
**By Niziolek**

**Granting the application of Merwin Liquors, 700 W Broadway, for an Off-Sale Liquor License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by U B Liquors LLC, dba Merwin Liquors, 700 W Broadway, for an Off-Sale Liquor License (change in ownership from Skelly Liquor Store Inc) to expire January 1, 2006, subject to the following conditions:

a. the licensee will not allow any customer to pay for a purchase with more than \$2.50 in change/coins.

b. the licensee will not sell beer in singles unless the container holds more than 16 ounces.

c. the licensee will not sell wine or distilled spirits in quantities of 100 milliliters or less.

d. the licensee will clean the property of litter and trash daily, including the area within 100 feet of the property lines.

e. all windows will be free of signs and other items that block the view in and out of the business.

Merchandise on shelves will be kept low to ensure proper surveillance of the store interior by clerks.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

Approved by Mayor Rybak 1/31/05.

**PS&RS** - Your Committee, having under consideration the On-Sale Liquor Class A with Sunday Sales License held by the Screaming Triangle, LLC, dba Minneapolis Eagle, 515 Washington Av S, and having received a request by the licensee to permit Adult Entertainment under said License, now recommends passage of the accompanying Resolution amending the Business Plan of the Minneapolis Eagle, 515 Washington Av S, to permit Adult Entertainment, subject to conditions.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2005R-056, amending the Business Plan of the Minneapolis Eagle, 515 Washington Av S, to permit Adult Entertainment, subject to conditions, was passed 1/28/05 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 2005R-056**  
**By Niziolek**

**Amending the Business Plan of the Minneapolis Eagle, 515 Washington Av S, to permit Adult Entertainment, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it approves amending the Business Plan of Screaming Triangle, LLC, dba Minneapolis Eagle, 515 Washington Av S, relating to the On-Sale Liquor Class A with Sunday Sales License, to permit Adult Entertainment as defined in the Minneapolis Zoning Code Appendix, Section 3, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude

dancing, exposed genitals, genitals covered with non-opaque substance, revealing or inappropriate employee attire, lap or couch dancing, mud wrestling or wrestling in any other substance, employee wrestling with customers or with other employees or individuals, sexual contact (whether clothed or unclothed) or sexually suggestive touching, and other similar types of activities.

b. the licensee agrees to abide by all the provisions of all applicable ordinances and laws governing the licensee's business, including those ordinances and laws enacted subsequent to the licensee's submission or approval of its application for an On-Sale Liquor Class A with Sunday Sales License, which shall include any ordinance pertaining to adult entertainment on the licensed premises. In the event of a conflict between the provisions of said ordinance and the License Addendum Agreement (Petn No 270168), the ordinance shall control.

c. violation of the terms of the License conditions shall provide a basis for suspension, revocation or denial of renewal of the City's consent for the licensee to operate the Class A Liquor License. Sanctions may also include administrative fines.

d. all parties hereto agree that the License Addendum Agreement is specifically enforceable and that in any litigation involving said Agreement, no defense will be raised as to its enforceability.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

**PS&RS** - Your Committee, to whom was referred back on December 23, 2004 a report relating to the application of T M M S Inc, dba C C Club, 2600 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises) to expire October 1, 2005, now recommends passage of the accompanying Resolution granting said license, subject to conditions.

Niziolek moved to amend the Resolution, Subsection "h", by deleting the language "at the time of renewal of the On-Sale Liquor License held by C C Club (10/1/05)" and inserting in lieu thereof "that during July 2005". Seconded.

Adopted upon a voice vote.

The report, with amended Resolution, was adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2005R-057, granting the application of C C Club, 2600 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises), subject to conditions, was passed 1/28/05 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 2005R-057**

**By Niziolek**

**Granting the application of C C Club, 2600 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises), subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by T M M S Inc, dba C C Club, 2600 Lyndale Av S, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises) to expire October 1, 2005, subject to the following conditions:

a. that a canopy tree be installed and maintained in the proposed landscape area adjacent to W 26th St of sufficient size and height (at maturity) to provide a buffer for sound.

b. that any and all lighting installed in connection with the deck expansion is hooded and projects downward, thereby reducing glare and minimizing disturbance to adjacent uses.

c. that no outdoor music shall be played in or projected into the outdoor deck area.

d. that, with the exception of handicapped individuals and in emergency situations, patrons will not enter or exit the outdoor deck area through the deck entrance on W 26th St, and that signs to this effect shall be posted near both the handicap entrances on the deck and at W 26th St.

e. the licensee agrees to meet with the neighborhood approximately one month after the deck has opened to discuss any issues.

f. the licensee will ensure that all trash and recycling pickup occurs after 7:00 a.m.

g. the outdoor deck area will close no later than the hour required by the Board of Adjustment in accordance with a setback variance approval (if applicable), which as of the date of the License Addendum Agreement is 11:00 p.m. Sunday through Thursday, and Midnight Friday and Saturday. All patrons must immediately leave the deck at the hour of closing and all seating removed or stacked off to the side or corner of the deck.

h. that during July 2005, the operation of the outdoor deck area will be reviewed by the Licenses & Consumer Services Division, and the licensee acknowledges that any failure to take immediate corrective action to minimize disturbances and noise stemming from the operation of the deck area may be grounds to reduce the hours beyond those stated herein.

i. that seating for all new customers to the outdoor deck area shall cease no later than 10:30 p.m. Sunday through Thursday, and 11:30 p.m. Friday and Saturday.

j. that after the hour of closing, no greater than 20 persons will be allowed to occupy the outdoor deck area for the purposes of smoking. The licensee is responsible for posting a minimum of one employee at or on the deck area during the time that smoking is allowed after regular operating hours of the deck area and for ensuring that patrons do not create disturbances for the surrounding area and are not seated while smoking. All smoking on the outdoor deck area shall cease no later than 1:30 a.m. daily.

k. that an acceptable security plan for the outdoor deck area be concurrently submitted with the License Addendum Agreement and approved by the Licenses Division.

l. that in conjunction with the approval of the sidewalk cafe license application, the licensee agrees to plant at least one disease-resistant tree on Lyndale Avenue and agrees to remove and improve the bituminous area immediately in front of the C C Club.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

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

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2005R-058, granting Liquor, Wine and Beer Licenses, was passed 1/28/05 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 2005R-058**

**By Niziolek**

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

Resolved by The City Council of The City of Minneapolis:

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

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

Grandma's of Minneapolis Inc, dba Grandma's Saloon & Deli, 1810 Washington Av S (new

manager);

**On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2005**

Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av #C101  
(new manager);

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

Caspian Bistro Inc, dba Caspian Bistro, 2418 University Av SE (new business);

**Temporary On-Sale Liquor**

Minnesota Public Radio, dba Minnesota Public Radio, 45 E 77th St (February 25, 2005, 4:00 p.m. to 9:00 p.m.; February 26, 2005, 11:00 a.m. to 7:00 p.m.; and February 27, 2005, 11:00 a.m. to 5:00 p.m. at Convention Center; Licensed Facilitator: Kelber Catering);

**Off-Sale Beer, to expire April 1, 2005**

William Rahn, dba Oak Grove Grocery, 218 Oak Grove St.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

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

Niziolek moved to amend the Licenses Petition on Page 39, #359, to postpone the application of Great Regal Management LLC, dba Suburban World Theater, 3022 Hennepin Av, for a Place of Entertainment License, to expire April 1, 2005. Seconded.

Adopted upon a voice vote.

The report was adopted 1/28/05.

Absent - Johnson.

Resolution 2005R-059, granting applications for Business Licenses, was passed 1/28/05 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 2005R-059**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 28, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270168):

Car Wash; Check Cashing; Christmas Tree; Dancing School; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Seasonal Short Term Food; Fuel Dealer; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Steam & Hot Water Systems Installer; Swimming Pool - Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Valet Parking; and Wrecker of Buildings Class B.

Adopted 1/28/05.

Absent - Johnson.

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

Adopted 1/28/05.

Absent - Johnson.

Resolution 2005R-060, granting applications for Gambling Licenses, was passed 1/28/05 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 2005R-060**  
**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

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

**Gambling Class B**

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Johnny A's 200 Sports Bar, 200 Broadway);

**Gambling Lawful Exempt**

AIDS Care Partners, dba AIDS Care Partners, 4457 3rd Av S (Bingo & Raffle February 19, 2005 at Incarnation Church, 3800 Pleasant Av S).

Adopted 1/28/05.

Absent - Johnson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by The Quest Nightclub, 100 5th St N.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

Resolution 2005R-061, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by The Quest Nightclub, 100 5th St N, was passed 1/28/05 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 2005R-061**  
**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by The Quest Nightclub, 100 5th St N.**

Whereas, City staff held a Technical Advisory Committee hearing on December 13, 2004 with the licensee to discuss issues related to the operation of Heaven & Earth Inc, dba The Quest Nightclub located at 100 5th St N; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that identified incidents of violence at The Quest involving serious bodily injury, and the expenditure of a substantial proportion of police resources that may be in violation of the business license management responsibilities set forth in the Minneapolis Code of Ordinances;

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

That the On-Sale Liquor Class A with Sunday Sales License held by The Quest be suspended for ten days, and that five days be stayed for a period of six months, subject to the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report

by reference:

a. that two of the five days of the executed license suspension be served on days of the licensee's choosing, but no later than March 31, 2005.

b. that the remaining three days of the executed license suspension be served on three contiguous days, from a Thursday through and including a Saturday; the licensee and the City have agreed that the suspension shall be served from December 23 through December 25, 2004.

c. that the licensee shall pay a fine of \$15,000 within 60 days of the effective date of the TAC Agreement.

d. that for a period of six months from the effective date of the TAC Agreement, The Quest will not exceed a 1,000-person occupancy after Midnight on any business day without the express written authorization of the Minneapolis Police Licensing Division. The Quest shall at all times maintain an accurate occupancy count and immediately share such figures upon the request of any official or officer of the City of Minneapolis.

e. that The Quest continue with its purchase and implementation of equipment utilizing electronic age-band identification of patrons, including the maintenance of and strict adherence to a list of patrons banned from the establishment for any reason whatsoever, including acts of violence, fighting, over-intoxication or disorderly conduct. The Quest shall grant access to the list of banned patrons to the City of Minneapolis upon request.

f. that The Quest purchase and implement use of AlcoBlow® or equivalent technology to assist in the screening of patrons under the age of 21 for prior alcohol consumption. Any patron under the age of 21 with any detectable presence of alcohol in their system shall be refused entry into the establishment.

g. that for a period of six months from the effective date of the TAC Agreement, The Quest shall provide, upon reasonable notice, a senior manager or owner to be present at any and all meetings as requested by any official of the City of Minneapolis to discuss the operation of the licensed premises — whether such meetings occur on a periodic basis or are called in response to individual concerns. At least one representative of The Quest shall attend each regularly scheduled meeting of the Minneapolis Downtown Entertainment and Bar District.

h. that The Quest continue to be operated in compliance with all licensing and liquor code requirements.

i. that The Quest continue to be operated in compliance with all other Federal, State and local laws and ordinances.

j. the TAC Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of the TAC Agreement, or of any Federal, State or local laws, ordinances or regulations. It is the intention of all parties, to the extent practical and to the extent the licensee complies with the TAC Agreement and its legally imposed management responsibilities, that any issues dealing with the operation of the licensee be first dealt with in an informal, cooperative manner prior to further adverse license action.

Adopted 1/28/05.

Declining to Vote - Benson.

Absent - Johnson.

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 execute a contract with the Minneapolis Public Housing Authority, in an amount not to exceed \$660,000, to provide police services to the residents of public housing communities. Said contract shall be for the period January 1 through December 31, 2005 to provide the services of one sergeant and six patrol officers.

Adopted 1/28/05.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute the assignment of Agreement #16235 from Aether Systems, Inc. to BIO-key International Incorp to transfer the obligations of said agreement to continue providing the software that enables the Police Department to use the mobile data computers in squad cars.

Adopted 1/28/05.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a federal grant award of \$107,500 and execute a grant agreement with Pillsbury United Communities to fund overtime costs or other police services as deemed necessary to fulfill the goals of the Central Weed and Seed Steering Committee and 2005 work plan. Further, passage of the accompanying Resolution appropriating \$107,500 to the Police Department.

Adopted 1/28/05.

Absent - Johnson.

**RESOLUTION 2005R-062**  
**By Niziolek and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$107,500 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$107,500.

Adopted 1/28/05.

Absent - Johnson.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the provision of health club memberships for Police Department employees, now recommends that the proper City Officers be authorized to issue a Request for Proposals seeking a new primary facility for health club memberships for a four-year period. Further, to execute a contract extension with Northwest Athletic Club to continue providing health club membership services through May 1, 2005.

Adopted 1/28/05.

Absent - Johnson.

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

**T&PW** - Your Committee, having under consideration a Data Sharing Agreement with Hennepin County, as set forth in Petition No. 270172, allowing the City of Minneapolis to use the County's Electronic Proprietary Geographic Digitized Database (EPDB), now recommends that the proper City officers be authorized to extend the agreement for one year at no cost to the City.

Adopted 1/28/05.

Absent - Johnson.

**T&PW** - Your Committee, having under consideration the Minneapolis Police Department Third Precinct Expansion project, now recommends that the proper City officers be authorized to execute Change Order No. 3 to Contract C-19837 with Stahl Construction Company in the amount of \$72,048, for a revised contract amount of \$5,070,659, to allow for construction contingencies provided as part of the original project budget.

Adopted 1/28/05.

Absent - Johnson.

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

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petrn 270173).

Adopted 1/28/05.

Absent - Johnson.

Resolution 2005R-063 granting approval for the bid for powdered activated carbon and the bid for a Freightliner M45 Step Van, was passed 1/28/05 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 2005R-063**  
**By Colvin Roy and Johnson**

**Granting approval of the bids for projects and/or services for the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petrn No 270173)

a) OP #6339, Accept low responsive bid of Thatcher Company of Montana in the amount of \$360,000, to furnish and deliver powdered activated carbon; and

b) OP #6367, Accept bid of Interstate Truck, Inc. in the amount of \$51,769 to furnish and deliver one Freightliner M45 Step Van.

Adopted 1/28/05.

Absent - Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the 2005 Sewer and Stormwater Rates, now recommends passage of the accompanying Resolution establishing the Equivalent Stormwater Unit (ESU) Rate of \$8.72 and decreasing the Sewer Rate to \$2.00 per unit, effective March 2005.

Your Committee further recommends approval of the runoff coefficient for each land use category pursuant to Title 19, Chapter 510, of the Minneapolis Code of Ordinances (Stormwater Utility Fee).

Adopted 1/28/05.

Absent - Johnson.

Resolution 2005R-064 designating the utility rates for sewer rental and stormwater service effective with water meters read on and after March 1, 2005, was passed 1/28/05 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 2005R-064**  
**By Colvin Roy and Johnson**

**Designating the utility rates for sewer rental and stormwater service effective with water meters read on and after March 1, 2005.**

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Resolved by The City Council of The City of Minneapolis:  
**Sewer Rental Rate**

Effective with utility billings for water meters read on and after March 1, 2005, the meter rates for sewer are hereby fixed and shall be collected as follows:

The sewer rental rates shall be applied to utility billings for water meters read from and after March 1, 2005. The sewer rental rates will be charged to properties within and outside the City of Minneapolis that are served directly by the City of Minneapolis sewer system and that are all served either directly or indirectly by the sewage disposal system constructed, maintained and operated by the Metropolitan Council Environmental Services under and pursuant to Minnesota Statutes Sections 473.517, 473.519 and 473.521, Sub. 2, are hereby set as follows:

- a) The sewer rental rate applicable inside the City of Minneapolis is two dollars and zero cents (\$2.00) per one hundred (100) cubic feet. The minimum sewer rental rate shall be two dollars (\$2.00) per month.
- b) The sewer rental rate applicable outside the City of Minneapolis for all sewage flow generated is two dollars and zero cents (\$2.00) per one hundred (100) cubic feet. The minimum sewer rental rate shall be six dollars (\$6.00) per month. Sewer rental only service shall be thirteen dollars (\$13.00) per month.
- c) The sewer rental charge for residential property not exceeding three (3) residential units shall be based on the volume of water used during the winter season which is defined as a four (4) month period between November 1 and March 31.
- d) The sewer rental charge for residential property exceeding three (3) residential units and all other commercial and industrial property shall be based on measured sewage volume or the total water volume used during the billing period as is appropriate.

**Stormwater Rate**

The stormwater rate, subject to the provisions in Chapter 510, of the Minneapolis Code of Ordinances, is established and a stormwater charge is imposed on each and every Single-Family Residential Developed Property, Other Residential Developed Property, Non-Residential Developed Property, and Vacant Property, other than Exempt Property, and the owner and non-owner users. In the event the owner and non-owner user of a particular Developed Property are not the same, the liability for the owner and non-owner user for the stormwater charge attributable to the Developed Property shall be joint and several liability.

The stormwater charge will be applied against properties on and after March 1, 2005, and the Equivalent Stormwater Unit (ESU) rate is eight dollars and seventy-two cents (\$8.72). The ESU measurement is 1,530 square feet of impervious area.

For stormwater charges imposed on Single-Family Residential Developed Properties, the properties are categorized into one of three tiers based on the estimated amount of impervious area as follows:

- Single-Family Residential Developed Property/High – greater than one thousand five hundred and seventy-eight (1,578) square feet of estimated impervious area.
- Single-Family Residential Developed Property/Medium – equal to or greater than one thousand four hundred eighty-five (1,485) square feet and less than or equal to one thousand five hundred seventy-eight (1,578) square feet of estimated impervious area.
- Single-Family Residential Developed Property/Low – less than one thousand four hundred eighty-five (1,485) square feet of estimated impervious area.

The ESU and stormwater charge for each of these tiers shall be as follows:

| <b>Tier</b> | <b>ESU</b> | <b>Stormwater Charge</b> |
|-------------|------------|--------------------------|
| High —      | 1.25       | \$ 10.90                 |
| Medium —    | 1.00       | \$ 8.72                  |
| Low —       | 0.75       | \$ 6.54                  |

Stormwater Charges for all other properties will be based on the following calculation:

$$(\text{Gross Lot Size in sq. ft.} \times \text{Runoff Coefficient}) / 1,530 \text{ sq ft} = \# \text{ of ESU}$$

$$\# \text{ ESU} \times \$8.72 = \text{Monthly fee}$$

The runoff coefficient assumed for each land use category is shown in the table below.

| <b>Table 1</b>            |                            |
|---------------------------|----------------------------|
| <b>LANDUSE</b>            | <b>Coefficient Applied</b> |
| Bar- Rest.- Entertainment | .75                        |
| Car Sales Lot             | .95                        |
| Cemetery w/Monuments      | .20                        |
| Central Business District | 1.00                       |
| Common Area               | .20                        |
| Garage or Misc. Res.      | .55                        |
| Group Residence           | .75                        |
| Ind. Warehouse- Factory   | .90                        |
| Industrial Railway        | .85                        |
| Institution- Sch.- Church | .90                        |
| Misc. Commercial          | .90                        |
| Mixed Comm.- Res- Apt     | .75                        |
| Multi-Family Apartment    | .75                        |
| Multi-Family Residential  | .75                        |
| Office                    | .91                        |
| Parks & Playgrounds       | .20                        |
| Public Accommodations     | .91                        |
| Retail                    | .91                        |
| Single Family Attached    | .75                        |
| Sport or Rec. Facility    | .20                        |
| Utility                   | .90                        |
| Vacant Land Use           | .20                        |
| Vehicle Related Use       | .90                        |

Adopted 1/28/05.  
Absent - Johnson.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:  
**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 1/28/05.  
Absent - Johnson.

Resolution 2005R-065 authorizing settlement of the legal claims of Daniel Stark, Willie Cash, Tango Cooks, Corey Stone and Chuba Nsude, was passed 1/28/05 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 2005R-065**  
**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

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

- a) Daniel Stark, by payment of \$21,500.00 to Mr. Stark and his attorney Paige Donnelly;
- b) Willie Cash, by payment of \$25,000 to Mr. Cash and his attorney Paul Eng, and authorize the payment of costs and reasonable attorneys' fees in an amount to be determined by the court or negotiated between the parties; and
- c) Tango Cooks, by payment of \$1,000 to her attorney Al Goins;
- d) Corey Stone, by payment of \$3,000 to Mr. Stone and his attorney Albert T. Goins, Sr.;
- e) Chuba Nsude, by payment of \$8,000 to Mr. Nsude and his attorney Bobby Sea.

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to finalized said settlements.

Adopted 1/28/05.

Absent - Johnson.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Finance Officer that authorization be granted to call for the early redemption of all of the remaining variable rate bonds issued but outstanding from the 1994-1998 Variable Rate bond series.

Adopted 1/28/05.

Absent - Johnson.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with SAS Institute, Inc. to provide and support the SAS Activity Based Management application, implementation and related training in an amount not to exceed \$50,000.

Your Committee further recommends passage of the accompanying resolution increasing the Business Information Services Department appropriation by \$50,000 to reflect the transfer of funds from the Finance Department to fund the contract.

Adopted 1/28/05.

Absent - Johnson.

**RESOLUTION 2005R-066**  
**By Johnson**

**Amending The 2005 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 Information and Technology Services Agency in the Intergovernmental Services Fund (6400-880-8870) by \$50,000 and increasing the revenue source (6400-880-8870 - Source 3455) by \$50,000.

Adopted 1/28/05.

Absent - Johnson.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving appointments to the Minneapolis Empowerment Zone (EZ) Governance Board.

Adopted 1/28/05.

Absent - Johnson.

Resolution 2005R-067 approving the appointment of Jeff Washburn, Osman Sahardeed, Theresa Carr and Xang Vang, was passed 1/28/05 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 2005R-067**  
**By Johnson**

**Approving appointments to the Minneapolis Empowerment Zone (EZ) Governance Board.**

Resolved by The City Council of The City of Minneapolis:

That the City Council concurs with the recommendation of the EZ Executive Committee in appointment of the following individuals to the EZ Governance Board for terms to expire on September 20, 2007:

**EZ Resident Representatives**

Jeff Washburn, Ward 9;  
Osman Sahardeed, Ward 6;

**EZ Business Representatives**

Theresa Carr, Executive Director of the American Indian Neighborhood Development Corporation;  
Xang Vang, Board Member and former Executive Director of the Hmong American Mutual Assistance Association.

Adopted 1/28/05.  
Absent - Johnson.

**W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #6370 from Kone, Inc. for an estimated annual expenditure of \$210,000 to provide all labor, materials, equipment and incidentals necessary to provide elevator and escalator maintenance at the Minneapolis Convention Center; and that the proper City officers be authorized to execute a contract for said services.

Adopted 1/28/05.  
Absent - Johnson.

**W&M/Budget** - Your Committee recommends approval of the City Clerk Department Business Plan (as included in Petn No 270177).

Adopted 1/28/05.  
Absent - Johnson.

**W&M/Budget** - Your Committee, having under consideration the results of the 2004 All Employee Survey and having been informed that a correction is required to a survey response sheet, now recommends that the City Council acknowledges that an error, of which Council had no knowledge or part in, occurred in the Fire Department's 2004 Employee Survey Report. Specifically, item number 52 on the Employee Results Summary (page 36) should read "My department management will take the response to this survey seriously" (note that this was the question to which participants actually responded), and hereby reaffirms IAFF Local 82 as the exclusive representative for sworn firefighters, excluding appointed and confidential personnel.

Adopted 1/28/05.  
Absent - Johnson.

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

**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 preparation of a land use study for the Midtown Greenway corridor, contingent upon approval by the Permanent Review Committee.

Adopted 1/28/05.

Absent - Johnson.

**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 preparation of an industrial land use and employment policy plan for the City of Minneapolis, contingent upon approval by the Permanent Review Committee.

Adopted 1/28/05.

Absent - Johnson.

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 which denied variance applications to a) reduce the required north interior side yard setback from 6 feet to 3 feet; and b) reduce the required south interior side yard setback from 6 feet to 4 feet to allow for two cantilevers on a new single family dwelling at 3815 Washburn Ave S, now recommends that said appeal be denied, in accordance with the findings prepared by the City Attorney's Office on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 1/28/05. Yeas, 11; Nays, 1 as follows:

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

Nays – Zimmermann.

Absent – Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by Jesus Panora from the decision of the Board of Adjustment which denied an application for variance to reduce the required front yard setback along Harriet Ave S from 20 feet to 6 feet to allow for an existing open porch to be enclosed at 2547 Harriet Ave S, now recommends that said appeal be denied, and that the findings prepared by the Department of Planning & Economic Development staff be adopted.

Adopted 1/28/05.

Absent – Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by Ron Mason from the decision of the Planning Commission which granted applications of Bruce Singer that would allow for construction of three separate duplexes at 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Ave S, now recommends that said appeal be denied, and that the following land use applications be granted:

(Units 1 and 2) - a) preliminary plat; b) variance to increase the height of the two-family home from 2.5 (35 feet) stories to 3 (35 feet) stories; c) variance to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 22 feet to allow for a two-family dwelling; d) variance to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 0 feet to allow two stairways that rise more than four feet above the adjoining natural grade;

(Units 3 and 4): e) variance to increase the height of the two-family home from 2.5 (35 feet) stories to 3 (35 feet) stories; f) variance to reduce the front yard setback along Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 30 feet to allow for a two-family dwelling; g) variance to reduce the front yard setback along

Groveland Terrace from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 0 feet to allow two stairways that rise more than four feet above the adjoining natural grade.

Your Committee further recommends that the findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 1/28/05.

Absent – Johnson.

**Z&P** - Your Committee, having under consideration the application of Oscar Morales for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by W Broadway Ave and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department, to permit applications for the construction of a new two-family home at 2201 Lyndale Ave N, now recommends that said waiver be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted 1/28/05.

Absent – Johnson.

**Z&P** - Your Committee, having under consideration the application of Shawn Luther for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by W Broadway Ave and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department, to permit applications for the construction of a new single-family home at 2327 Walton Place, now recommends that said waiver be granted, subject to the following conditions, and that the findings prepared by the Planning Department staff be adopted:

a) Provision of a window on the northerly side of the first floor for the dinette; provision of a window or windows on the southerly side of the first floor for the great room; provision of a window on the northerly side of the second floor for the northerly bedroom; provision of a window on the southerly side of the second floor the southerly bedroom; provision of a window on the southerly side of the second floor for the owner's suite. These windows shall be in addition to the existing windows shown on the elevations and shall be similar in size and design;

b) Provision of skirting under the porch; and

c) The house shall be narrowed by approximately one foot to meet the required five-foot side yard requirement on the northerly side of the site while still providing the required 10 feet for a drive aisle on the southerly side of the site. The house is required to be at least 22 feet wide.

Adopted 1/28/05.

Absent – Johnson.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Diane Marie Dietzler LeBlanc (#1446) to vacate the northerly 90 feet of the alley between 29<sup>th</sup> St and the Midtown Greenway (vicinity adjacent to 115 W 29<sup>th</sup> St), to permit a private driveway and/or additional private yard and green space, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley.

Adopted 1/28/05.

Absent – Johnson.

Resolution 2005R-068, vacating the Northerly 90 feet of the alley as dedicated in Block 5, Lindley & Lingenfelter's Addition to Minneapolis (vicinity 115 W 29<sup>th</sup> St), was passed 1/28/05 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 2005R-068**

**By Schiff**

**Vacating the Northerly 90 feet of the Alley as dedicated in Block 5, Lindley & Lingenfelter's Addition to Minneapolis (#1446).**

Resolved by The City Council of The City of Minneapolis:

That part of the public alley lying adjacent to Lots 1, 2, 15 and 16, Block 5, Lindley & Lingenfelter's Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement right and authority of Qwest and Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of the said corporation(s) as follows, to wit:

As to Qwest: Qwest has existing aerial facilities which provide services to various addresses within the limits of vacation notice 1446 and opposes the vacation unless easement is provided and/or the petitioner compensates Qwest for the relocation of the facilities that are in conflict with the vacation;

As to Xcel: Xcel Energy has no objection to said vacation, provided an easement be reserved for in favor of NSP/Xcel Energy to be described as: The north 10.00 feet of the alley as dedicated in Block 5, Lindley & Lingenfelter's Addition to Minneapolis, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota, which part is the subject of the referenced vacation;

As to the Minneapolis Fire Department, the vacation will not have an impact on existing structures as it relates to fire code, but any variation of the proposed vacation will require additional review for approval;

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 part of the public alley lying adjacent to Lots 1, 2, 15 and 16, Block 5, Lindley & Lingenfelter's Addition to Minneapolis 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 1/28/05.

Absent – Johnson.

**MOTIONS**

Zerby introduced the subject matter of an Ordinance amending Title 20, Chapter 548, Table 548-1, of the Minneapolis Code of Ordinances relating to *Zoning Code: Principal Uses in the Commercial Districts*, which was given its first reading and referred to the Zoning and Planning Committee (allowing antiques and collectibles stores as a permitted use in the C1 zoning district).

**RESOLUTION**

Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a Resolution recognizing the contributions of John R. Hotvet to the City of Minneapolis during his career with the Department of Public Works.

Adopted 1/28/05.

Absent - Johnson.

(Not published. See Resolution 2005R-069 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2005R-069**

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

**Recognizing the contributions of John R. Hotvet to the City of Minneapolis during his career with the Department of Public Works.**

Whereas, John has devoted 30 years working as an engineer for the Minneapolis Department of Public Works; and

Whereas, John has served the Department of Public Works in many capacities, including Transportation Engineer, Bridge Engineer, NRP Liaison to the City Engineer, and most recently, Traffic Operations Engineer; and

Whereas, John has attended countless meetings with neighborhoods and organizations throughout the community to resolve issues regarding signage, lighting and traffic calming to improve the quality of life for our citizens; and

Whereas, John has consistently served the Minneapolis community in a positive, professional and courteous manner; and

Whereas, John's knowledge, experience, and professionalism have earned him the respect and friendship of his colleagues; and

Whereas, John is an avid collector of model trains and railroad setups and while spending his vacations chasing trains around the United States has gained knowledge that has been extremely useful in his work with LRT and other train operations issues for the City of Minneapolis; and

Whereas, John's love of transportation is clearly evident by his recent purchase of a full-size historic Greyhound sightseeing cruising bus with vintage upholstery which he plans to renovate for travel, family vacations and to keep in touch with transportation issues; and

Whereas, John's conduct as a Professional Engineer has been exemplary and serves as an example to all of how to provide outstanding service to the community;

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

That John R. Hotvet be recognized and commended for his many years of service and leadership he has provided to the City of Minneapolis.

Adopted 1/28/05.

Absent - Johnson.

**UNFINISHED BUSINESS**

Y'All Come Back Saloon (800 Hennepin Av): Grant On-Sale Liquor Class A with Sunday Sales License. (Postponed 12/23/04)

Niziolek moved that the report continue to be postponed. Seconded.

Adopted by unanimous consent.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Merry Keefe,  
City Clerk.

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Corrections: 02/09/2005; 2/8/2006