

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF APRIL 1, 2005

(Published April 9, 2005, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
April 1, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice 4/1/05.

Lilligren moved acceptance of the minutes of the special meeting held March 10, 2005, and the regular and adjourned meetings held March 11, 2005. Seconded.

Adopted upon a voice vote 4/1/05.

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 4/1/05.

### PETITIONS AND COMMUNICATIONS

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270286)

Sale of Property at 5208 44th Av S: Authorize sale of property to The Greater Metropolitan Housing Corporation of the Twin Cities for \$46,000 subject to conditions.

Ivy Tower Redevelopment Project: Authorize acquisition of property at 1101 2nd Av and 1103 ½ 2nd Av by negotiated purchase or "quick take" condemnation.

2005 Single Family Housing Program: Certify the 2005 housing program.

St. Anthony Falls Heritage Board: Authorize funding agreement.

Scrap Metal Processor Building (1221 2nd Av N): Authorize execution of a lease agreement with A. H. Bennett Company.

"It's All About Kids" Program: Authorize execution of contract with Lutheran Social Services to provide funding for 2005 administration of program.

Cecil Newman Apartments (701-29 Emerson Av N): Approve interest rate change for two existing loans and approve unit affordability changes.

GRANTS AND SPECIAL PROJECTS (270287)

2005-2009 Consolidated Plan: Authorize submission of plan to the U.S. Department of Housing and Urban Development (HUD).

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270288)

Van White Memorial Boulevard & Bridge Project: Approve preliminary concept of bridge, recommended roadway/bridge layout and profiles; execution of agreement with Hennepin County Regional Railroad Authority prescribing the terms and conditions of a land exchange.

2005 Hennepin County Transit Oriented Development Grant Applications: Approve the submission of grant applications to Hennepin County and priority ranking of project.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270289)

Metropolitan Council Livable Communities Demonstration Account Grants: Accept grants for Heritage Park Project and Midtown Exchange For-Sale Housing Project.

Hennepin County Environmental Response Fund Grants: Accept grants for 45th & Chicago, Hiawatha Common, Riverview Homes, and Presidents Row Loft.

Revisions to Minneapolis Tax Increment Policy.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270290)

Workforce Investment Act Title I Grant: Execute Grant Agreement with Department of Employment and Economic Development for release of funding under Adult, Youth and Dislocated WIA and Minnesota Youth Program.

Low Income Worker Training Program: Execute contract with Minnesota Job Skills Partnership to accept \$51,737 to provide tuition funding for two new health care careers.

HEALTH AND FAMILY SUPPORT SERVICES (270291)

Weed and Seed Initiative: Designate Commissioner of Health & Family Support to be the authorized contact person for Initiative on behalf of the City; and Authorize receive and execute official correspondence and forms, and to sign financial agreements.

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

HEALTH AND FAMILY SUPPORT SERVICES (270292)

Lead Partners: Issue Request for Proposals to create a four-year eligible provider list for lead outreach, education and training.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COUNCIL MEMBER LILLIGREN (270293)

Metropolitan Council: Proposed 2005 transit fare & service changes.

INTERGOVERNMENTAL RELATIONS (270294)

Alcoholic Beverage Sales (SF 1444; HF 687): Consideration of City position.

Mpls Teachers Retirement Fund Association (SF 1519; HF 1615): Consideration of City position.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

ATTORNEY (270295)

Chapter 249 Properties: Report relating to City's authority to acquire real property using eminent domain powers; Report relating to performance bond legal issues.

EMERGENCY COMMUNICATIONS CENTER (ECC) (270296)

Consolidation of ECC and Hennepin County Dispatch Services: Request to adopt a position and Refer decision to Hennepin County Board for action, if appropriate.

LICENSES AND CONSUMER SERVICES (270297)

Tax Delinquency - Cafe Bicko (4501 France Av S): Request to revoke On-Sale Wine Class E with Strong Beer License until tax clearance certificate is issued.

POLICE DEPARTMENT (270298)

Budgetary Leave: 2005 utilization report for civilian and sworn employees.

Identification of Undercover Officers: Policy relating to identification of plainclothes or undercover officers.

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

INSPECTIONS DEPARTMENT (270299)

Chapter 249 Property at 2210 4th St N: Update on property; with attachment.

LICENSES AND CONSUMER SERVICES (270300)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (270301)

Quick Stop (3601 Penn Av N): Grant Grocery License, subject to conditions.

Alliance Steel Service Company (115 31st Av N): Grant Provisional Recycling Salvage Yard License, subject to conditions.

Michael Buhl (10680 Hampshire Av S, Bloomington): Grant Motor Vehicle Servicing Class B License, subject to conditions.

Phoenix Catering (336 Hoover St NE): Grant Catering License, subject to conditions.

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

FIRE DEPARTMENT (270302)

Incident Management: Establish the National Incident Management System as the standard for incident management in the City of Minneapolis.

Fire Department Surplus Apparatus: Authorize donate two outdated Hovercrafts to the City of Pine Island Fire Department.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (270303)

2005 Minneapolis Stormwater Management Program & Annual Report: Set Public Hearing.

Dutch Elm Disease: Receive & file update on Public Works & Mpls Park & Recreation Board cooperative efforts.

MnDOT Metro District: Receive & file Performance Based Investment Plan.

Snow Emergency Phone Alert Service: Receive & file update.

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

PUBLIC WORKS AND ENGINEERING (270304)

Lake Street Reconstruction: Areaway abandonment.

Street Maintenance Facility & Fire Station No 16: Change order to contract with Commercial Roofing Company.

Critical Traffic and Parking Area: Ordinance establishing critical parking area.

Bryn Mawr Renovation & Ewing Av S Reconstruction: Designation, cost estimate and set public hearings.

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

PUBLIC WORKS AND ENGINEERING (270305)

Cedar Av Traffic Signals: Approve Hennepin County Agreement and installation of 5 traffic signals.

Bids: Resolution accepting: a) OP #6398, bid of Control Assemblies Company for a system control and data acquisition (SCADA) system; b) OP #6406, bid of Rochon Corporation for construction of Fire Station No. 14; and c) OP #6407, bids of Ti-Zack Concrete, Inc. and Standard Sidewalk, Inc. for construction of sidewalks, alleys, driveways, curbs and gutters through December 31, 2005.

2005 Alley Retaining Wall Restoration Program: Designation, cost estimate, and set public hearing.  
Irving Av N Sanitary Sewer Project: Designation, cost estimate, and set Public Hearing.

**WAYS AND MEANS BUDGET:**

BUSINESS INFORMATION SERVICES (270306)

Minneapolis One Call Project & 311 Call Center: Approve support reallocation of \$1.3 million in one-time, 2004 rollover funds for the completion of the Minneapolis One Call project in 2005.

FINANCE DEPARTMENT (270307)

4th Quarter 2004 Financial Status Report.

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

ATTORNEY (270308)

Legal Settlements: a) Shamso Ali; b) Eric Iverson; c) Eugene Powell.

Rice, Michels & Walther: Authorize Master Legal Services Agreement for Ronald Johnson v. City of Minneapolis, et al.

BUSINESS INFORMATION SERVICES (270309)

Unisys Contract: Amendment of contract C-18881 for implementation of Spam reduction services and to accommodate network access services increase in bandwidth for the City network.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270310)

Empowerment Zone Governance Board Education Request for Proposals: Approve \$1 million from federal EZ grant to execute contracts with sub-recipients.

Empowerment Zone Governance Board Safety Request for Proposals: Approve \$425,000 from federal EZ grant to execute contracts with sub-recipients.

EZ Affordable Housing Trust Fund (AHTF) projects: Approve \$1 million in federal Empowerment Zone funds for Little Earth Phase IV, Hiawatha Commons and Midtown Exchange Apartments.

FINANCE DEPARTMENT (270311)

Deloitte & Touche Panel Contract C-17681: Shift contract from CPED to Finance Department and extend contract.

Banking and Custodial Services: Authorize contracts.

Investment Management Agreement: Authorize contract with T. Rose and Associates for inclusion in the panel of investment firms.

Request for Proposal for Insurance Broker: Authorize release of RFP.

Medical Insurance Premium Subsidy: 2005 payment to Mpls Police Relief Association and Mpls Firefighters' Relief Association.

Delegation of Contracting Authority: Resolution delegating authority.

2004 Supplemental Appropriation: Recommendation to increase budgets in appendix A.

Reappropriation of 2004 Remaining Budget to 2005: Amendments.

HUMAN RESOURCES (270312)

Community Planning & Economic Development (CPED) Appointed Positions: Reclassification of Deputy Director, Director of Housing Policy & Development, Director of Economic Policy & Development, and Director of Minneapolis Employment and Training Program.

CPED: Salary Step Placement of Employees into the following Appointed Positions: Deputy Director, Director of Housing Policy & Development, Director of Economic Policy & Development.

LIBRARY, MINNEAPOLIS PUBLIC (270313)

New Central Library Project: Change order No. 4 to contract number C-20481 with PCL Construction Services, Inc.

REGULATORY SERVICES (270314)

Plumbing Inspector, Construction Inspection Services: Hire Larry McDonald at Step 7.

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

PLANNING COMMISSION/DEPARTMENT (270315)

South Lyndale Master Planning Activity: Authorize contract with Hoisington Koegler Group Inc for completion of master plan.

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

INSPECTIONS/BOARD OF ADJUSTMENT (270316)

Appeals:

Nancy Steinke (re John & Kim Massey, 724 E Minnehaha Pkwy): Re Variances for construction of addition;

Chad & Lindsay Laurich (3027 - 46th Ave S): Re Legal nonconforming use rights for two-family dwelling.

MAYOR (270317)

Mpls Planning Commission: Appointments of Walid El-Hindi, Theodore Tucker & David Motzenbecker.

PLANNING COMMISSION/DEPARTMENT (270318)

Waiver Applications:

Shawn Dormanen (3859 N 6th St): Re moratorium on N Mpls construction;

Don Willenbring (re Timeless Homes, 4623 Lyndale Ave N): Re moratorium on N Mpls construction.

Vacations:

Hennepin Avenue United Methodist Church (511 Groveland Ave): Right-of Way to permit parking lot.

**PLANNING COMMISSION:**

ALLIANCE HOUSING INC, Kris Brogan (270319)

Right-of-way easement, 26th Ave S & Minnehaha Ave.

HERITAGE HOUSING, LLC (270320)

Fremont Ave N to the N, Van White Memorial Blvd to the East, 10th Ave N. to the South, Drainage/Utility easements.

SHAMROCK DEVELOPMENT INC (270321)

Alley vacation, 3rd Street North & 1st Ave North.

WILLOW ASSOCIATES, LLC (270322)

Vacations:

3rd Street North betw 12th Ave North & Plymouth Ave North;

A portion of 12th Ave N, West of Washington Ave N & East of the Highway 94 right of way

**MOTIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (270323)

Minnesota Coalition for the Homeless (SN1877; HF 2032): Consider City position.

**FILED:**

CITY CLERK/SPECIAL PERMITS (270324)

Lyndale Ave, 2740 (Karl Bowman, Sign A Rama) free-standing sign.

*The following reports were signed by Mayor Rybak on April 7, 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.*

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**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 5208 44th Av S to The Greater Metropolitan Housing Corporation of the Twin Cities. for \$46,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/1/05.

Resolution 2005R-144, authorizing the sale of 5208 44th Av S, was passed 4/1/05 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-144**  
**By Goodman**

**Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. VH-203**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-203, in the Nokomis neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities, hereinafter known as the Redeveloper, the Parcel VH-203, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

**Legal Description**

Lot 3, Block 5, Sunrise Park.

Being registered land as is evidenced by Certificate of Title No. 1142774.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-203, in the Nokomis neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities, hereinafter known as the Redeveloper, the Parcel VH-203, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit; and

Whereas, the Redeveloper has offered to pay the sum of \$46,000, for Parcel VH-203 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 March 11, 2005, a public hearing on the proposed sale was duly held on March 22, 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 Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$46,000 for Parcel VH-203.

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 4/1/05.

**Comm Dev** - Your Committee, having under consideration the Ivy Tower Redevelopment Project, now recommends that the proper City officers be authorized to proceed with acquisition of the real property located at 1101 2nd Av and 1103 ½ 2nd Av, either by negotiated purchase or by “quick take” condemnation by passage of the accompanying resolution authorizing said condemnation proceedings. It is further recommended that said acquisition be carried out pursuant to the Redevelopment Agreement between Ivy Tower Minneapolis LLC and the City of Minneapolis and in accordance with the Ivy Tower Redevelopment and Tax Increment Financing Plans, as modified and that the City appraisal and appraised value of said property be approved.

Adopted 4/1/05.

Resolution 2005R-145, authorizing condemnation proceedings and acquisition of property at 1101 2nd Av and 1103 ½ 2nd Av for the Ivy Tower Redevelopment Project, was passed 4/1/05 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-145**  
**By Goodman**

**Authorizing condemnation proceedings and acquisition pursuant to Minnesota Statutes, Chapter 117.**

**Ivy Tower Redevelopment Project**

Whereas, the City Council of the City of Minneapolis, being the governing body of the municipality, acting pursuant to the Municipal Housing and Redevelopment Act in the State of Minnesota, Laws 1947, Chapter 487, (now recodified as Minnesota Statutes Sections 469.001 to 469.047) (hereinafter referred to as the “Act”) on the 12<sup>th</sup> day of September, 1947 duly adopted the following resolution; “Whereas, there are in the City of Minneapolis substandard, slum or blighted areas which cannot be redeveloped without governmental assistance; Whereas, adequate housing accommodations are not available to the City for veterans and service men and their families; Whereas, there is a shortage of decent safe and sanitary dwelling accommodations available to persons of low income and their families at rentals they can afford; Now, Therefore Be It Resolved by the City Council of the City of Minneapolis; that it being fully advised in the premises by reason of the foregoing, declares that there is a need for a Housing and Redevelopment Authority to function in said City, in accordance with the provisions of Laws of 1947, Chapter 487”; and

Whereas, pursuant to said resolution, the Housing and Redevelopment authority in and for the City of Minneapolis, later known as the Minneapolis Community Development Agency, (hereinafter referred to as the “Agency”) was duly established; and

Whereas, Minnesota Laws 2003, Chapter 127, Article 12, Sections 31-34, (the “2003 Special Law”), authorized the City to create a City department of community planning and economic development and exercise the powers granted by the Act, among other powers; and

Whereas, the 2003 Special Law further granted the City the powers authorized by Laws 1980, chapter 595, as amended; by Laws 1990, chapter 604, article 7, section 29, as amended by Laws 1991, chapter 291, article 10, section 20; and any other development or redevelopment powers authorized by law; and

Whereas, on August 8, 2003, the City Council of the City of Minneapolis by Ordinance 2003-OR-104 established the Department of Community Planning and Economic Development (hereinafter referred to as "CPED"); and

Whereas, on December 29, 2003, the City Council of the City of Minneapolis duly adopted Resolution 2003 R-625, transferring money, investments, personal property, assets, programs, projects, districts and obligations of the Agency to the City; and

Whereas, by the Assignment and Assumption Agreement dated as of January 1, 2004, the Agency assigned certain assets, rights and obligations to the City, including, but not limited to, redevelopment projects, housing development projects, industrial development districts, city development districts and other types of statutory districts or projects, which were assumed by the City of Minneapolis; and

Whereas, the City, pursuant to and as provided in Minnesota Statutes Section 469.012 has all the powers necessary and convenient to carry out the purposes of the Act; and

Whereas, among the purposes of said Act are: to provide a sufficient supply of adequate, safe, and sanitary dwellings in order to protect the health, safety, morals, and welfare of the citizens of this state; to clear and redevelop blighted areas; to perform those duties according to comprehensive plans; to remedy the shortage of housing for low and moderate income residents and to redevelop blighted areas, in situations in which private enterprise would not act without government participation or subsidies; and in cities of the first class, to provide housing for persons of all incomes, Minn. Stat. § 469.001; and

Whereas, among the purposes of the Act, is: "to promote historic and architectural preservation," pursuant to Minn. Stat. § 469.002, Subd. 14 (5); and

Whereas, for said purposes the City is authorized to develop and carry out redevelopment projects as defined in Minnesota Statutes Section 469.002, Subd. 14, and redevelopment plans as defined in Minnesota Statutes Section 469.002, Subd. 16; and

Whereas, on December 1, 2001, the City Council of the City of Minneapolis by resolution duly adopted the Ivy Tower Redevelopment Plan; and

Whereas, the City Council approved Modification No. 1 to the Ivy Tower Redevelopment Plan dated August 27, 2004 and approved on October 8, 2004; and

Whereas, the City has caused an independent fee appraiser to appraise the property hereinafter described in fee simple; and

Whereas, City staff have reviewed said appraisal and concurred with its conclusions; and

Whereas, said appraisal fairly estimates the fair market value in fee simple of all interests in the parcels hereinafter described.

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

That it is determined:

1. It is necessary to acquire the real property in said project hereinafter described in order for the City to carry out the purposes of the Act, to eliminate and prevent the development or spread of conditions of blight found to exist by the City Council of the City of Minneapolis in its resolution of September 12, 1947, above referred to, and found to exist by the City.

2. The acquisition of the following described property is necessary to carry out the objectives of the Ivy Tower Redevelopment Project as described in the Ivy Tower Redevelopment Plan, to eliminate blight, incompatible uses and blighting influences by renovating and preserving deteriorating historic structures and to provide housing and affordable housing in accordance with the City's Affordable Housing Policy, in order to provide decent, safe and sanitary dwellings for persons of low and moderate income and in order to provide housing for persons of all incomes.

3. The acquisition of the following described property by exercise of the power of eminent domain in the manner provided by Minnesota Statutes Chapter 117 is deemed to be necessary and is hereby authorized.

4. The City deems it necessary to proceed without delay under Minnesota Statutes Section 117.042 to pay to the owner or into Court, a sum of money to secure compensation to the owners of the properties described in this resolution, which amount shall be equal to petitioner's approved appraisal of value as determined by City staff.

5. The City, based on an independent appraisal and review of that appraisal by City staff hereby approves the following appraised value for the properties to be acquired:

\$1,265,000.00

The property to be acquired hereunder is described as follows:

**Parcel L.S.T. Lot 11**

1103½ Second Avenue South

Minneapolis, MN

The Northeasterly 115 feet of Lot 11, Block 19, Snyder & Co.'s 1<sup>st</sup> Addition to Minneapolis Hennepin County, Minnesota.

Being registered land as is evidenced by Certificates of Title Nos. 769471, 769472, 769473 and 1018372.

**Parcel L.S.T. Lot 12**

1101 Second Avenue South

Minneapolis, MN

The front or Northeasterly 115 feet of Lot 12, Block 19, Snyder & Co.'s 1<sup>st</sup> Addition to Minneapolis, Hennepin County, Minnesota.

Abstract Property

Adopted 4/1/05.

**Comm Dev** - Your Committee, having under consideration the 2005 Single Family Housing Program and having held a properly noticed public hearing, now recommends passage of the accompanying resolution certifying the 2005 housing program approved by the City Council in January 2005.

Adopted 4/1/05.

Resolution 2005R-146, approving a single family housing finance program to be financed by the issuance of single family mortgage revenue bonds and/or mortgage credit certificates, was passed 4/1/05 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-146**

**By Goodman**

**Approving a single family housing finance program to be financed by the issuance of single family mortgage revenue bonds and/or mortgage credit certificates.**

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Housing Act"), the City of Minneapolis, Minnesota (the "City") is authorized to carry out programs for the financing of single family housing for persons of low and moderate income; and

Whereas, the Minneapolis/Saint Paul Housing Finance Board (the "Board"), a joint powers board organized under a Joint Powers Agreement (the "Joint Powers Agreement") originally dated as of December 1, 1984, and as subsequently amended, by and between the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "Authority") and the City and accepted by the City of Saint Paul, Minnesota ("Saint Paul"), and under the laws of the State of Minnesota, proposes to undertake a single family housing finance program relating to the Minneapolis and the Saint Paul entitlement allocations available in 2005 and certain recycling refunding bonds (the "Program"), to be financed by the issuance of one or more series of mortgage revenue obligations, mortgage revenue refunding obligations and/or mortgage credit certificates ("MCCs") pursuant to Minnesota Statutes, Sections 469.001 to 469.047, Chapters 462A, 462C and 474A and Section 471.59 (collectively, the "Act"); and

Whereas, pursuant to the Act, the Board is authorized to issue bonds from time to time and to use the proceeds of its bonds to make or purchase mortgage loans or to purchase participations in mortgage loans from lending institutions and to issue MCCs in order to finance the construction and rehabilitation,

and to facilitate the purchase and sale, of single family housing for eligible persons or families under the Act and to issue bonds to refund previously issued bonds; and

Whereas, the Program will provide below market interest rate mortgage loan financing or income tax credits primarily to persons of low or moderate income purchasing single family homes to be used as their principal places of residence and located within the geographic limits of the City or Saint Paul; and

Whereas, the Act requires adoption of the Program after a public hearing held thereon following publication of notice in a newspaper of general circulation in the City and Saint Paul at least fifteen days in advance of the hearing; and

Whereas, the Community Development Committee of the City Council on March 22, 2005 conducted a public hearing on the Program after publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council at or before the time of publication of notice of the public hearing on such Program, and the Metropolitan Council was afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the Program provides for the issuance of single family mortgage revenue bonds or revenue refunding bonds in one or more series pursuant to the Act (the "Bonds") to make or purchase or cause to be made or purchased mortgage loans, or to purchase securities the proceeds of which would be used to purchase mortgage loans, and the issuance of MCCs to finance the acquisition, primarily by low and moderate income persons and families, of single family housing located within the geographic boundaries of the City or Saint Paul; and

Whereas, it is proposed that the Program be approved and the Board be authorized to issue Bonds and MCCs pursuant to the Program and the Joint Powers Agreement; and

Whereas, the Program and the issuance of Bonds and/or MCCs by the Board are in the best interests of the City;

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

The Program is hereby approved in its entirety in substantially the form on file with the City. The officers of the City and the Board are authorized to take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws and regulations.

Be It Further Resolved that the issuance of the Bonds and/or MCCs to finance the Program is hereby finally approved subject to agreement by the Board and the purchasers of the Bonds, if any, and by the Board as issuer of the MCCs, as to the exact terms of the Bonds and the MCCs.

Be It Further Resolved that the Bonds may be issued in one or more series at the time or times and pursuant to terms determined by the Board, and be structured so as to take advantage of whatever means are available and are permitted by law to enhance the security for, or marketability of, the Bonds, provided that any such financing structure must be approved by the Board. The MCCs may be issued at the time or times and pursuant to terms determined by the Board. All such determinations by the Board must comply with the applicable provisions of the Act and the Internal Revenue Code, of 1986, as amended, and regulations promulgated thereunder.

Be It Further Resolved that the Board is authorized to take all actions which may be necessary or desirable in connection with the issuance of the Bonds and the MCCs, and no further approval or consent of the City shall be required prior to the issuance of the Bonds or the MCCs by the Board, or prior to the taking of any action by the Board to undertake and implement the Program.

Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City and other than the revenues derived from the Program or otherwise granted to the City for such purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment against any property of the City. The Bonds shall recite in substance that the principal and interest thereon are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

Be It Further Resolved that any one or more series of Bonds (to the extent authorized by law) or the MCCs may be issued by the City in lieu of issuance by the Board, at the discretion of the City.  
Adopted 4/1/05.

**Comm Dev** - Your Committee, recommends that the proper City officers be authorized to submit the 2005-2009 Consolidated Plan (the City's application for 2005 Community Development Block Grant, Home Investment Partnerships, Emergency Shelter Grant, Housing Opportunities for Persons with AIDS and American Dream Downpayment Initiative funding) to the U. S. Department of Housing and Urban Development on April 15, 2005, with a public hearing to hear comments on the Plan scheduled before the Committee on April 5, 2005.  
Adopted 4/1/05.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to enter into a five-year funding agreement with the St. Anthony Falls Heritage Board (with the Minnesota Historical Society acting as its fiscal agent) to provide funding of up to \$31,000 per year, with each year's funding conditioned upon the same conditions that have guided past activities (the City continues to be represented on the Heritage Board; the City has approved the requisite amount of funds for the Heritage Board in its annual budget appropriation; and at least two other funding partners continue to participate at the same amount contributed by the MCDA/City).  
Adopted 4/1/05.

**Comm Dev** - Your Committee, having under consideration the Cecil Newman Apartments at 701-29 Emerson Av N and a request for modification to loans to the project, now recommends approval to change the interest rate for the two existing loans (in the principal amount of \$604,000 and \$90,000) from 1% to the Applicable Federal Rate (AFR) and approve the unit affordability to be 20% at 50% MMI and 80% at 60% MMI if the Project Based Section 8 contract is terminated.  
Adopted 4/1/05.  
Approved by Mayor Rybak 4/4/05.  
(Published 4/6/05)

**Comm Dev** - Your Committee, having under consideration the City-owned Scrap Metal Processors property that was purchased in 2004 for the construction of Van White Memorial Boulevard and having been informed of a request to lease a portion of the property, now recommends that the proper City officers be authorized to execute a lease agreement with A.H. Bennett Company for the property at 1221 2nd Av N, according to the terms set forth in Petn No 270286.  
Adopted 4/1/05.

**Comm Dev** - Your Committee, having under consideration the "It's All About the Kids" Program and a request to allocate 2005 funding and having received a report outlining program activities, now recommends that the proper City officers be authorized to enter into a contract with Lutheran Social Services in an amount not to exceed \$200,000 for 2005 for the administration of the "It's All About the Kids" Program, with a direction that funding for said program should not be included in the Community Planning and Economic Development (CPED) budget for 2006 and beyond.  
Adopted 4/1/05.

The **COMMUNITY DEVELOPMENT** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following reports:

**Comm Dev & T&PW** - Your Committee, having under consideration the Van White Memorial Boulevard and Bridge Project and having received and reviewed the *Engineering Report for Bridge and Embankment Construction: Bassett Creek Valley Segment of Van White Memorial Boulevard*, dated January 28, 2005, prepared by Toltz, King, Duvall, Anderson and Associates, Inc. (TKDA) as design consultant for the project (Petn No 270288), now recommends:

- a) Approval of the recommended preliminary concept of a twin-bridge post-tensioned concrete box girder option, used in conjunction with surcharged regular-weight fill embankment drained by wick drains;
- b) Approval of the recommended roadway/bridge layout and vertical profiles;
- c) That the proper City officers be authorized to execute and enter into an agreement with Hennepin County Regional Rail Authority (HCRRA) that prescribes the terms and conditions of a land exchange of the HCRRA corridor currently along the southern edge of the City's Linden Yard property for a corridor along the northern edge of Linden Yard, to provide the desired grade separation and the required vertical bridge clearances for a future light rail transit (LRT) corridor and to permit an optimal realignment of the Cedar Lake Trail.

Adopted 4/1/05.

**Comm Dev & T&PW** - Your Committee, having under consideration the submission of applications for 2005 Hennepin County Transit Oriented Development (TOD) Grant Applications for projects located in the City of Minneapolis, now recommends:

- a) Passage of the accompanying multi-jurisdictional program resolution for the submission of said TOD grant applications to Hennepin County;
- b) Approval of the City of Minneapolis priority rankings for said proposals (as set forth in Petn No 270288) with direction to the proper City staff to submit said rankings to the Hennepin County Department of Housing, Transit and Community Works.

Adopted 4/1/05.

Resolution 2005R-147, approving the submission of 2005 Hennepin County Transit Oriented Development Grant Applications for projects located in the City of Minneapolis, was passed 4/1/05 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-147**  
**By Goodman and Colvin Roy**

**Authorizing submission of 2005 Hennepin County Transit Oriented Development Grant Applications for projects located in the City of Minneapolis.**

Whereas, the Hennepin County Transit Oriented Development Grant Program was established as a multi-jurisdictional reinvestment program under the authority of Minnesota Statutes 383B.79, Subdivision 1; and

Whereas, fourteen grant applications were submitted to Hennepin County for projects located within the City of Minneapolis for consideration in the 2005 Hennepin County TOD Program grant solicitation;

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

That in accordance with Minnesota Statutes § 383B.77, subd. 3., the City supports transit oriented development loan/grant applications as follows:

- a) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Central Community Housing Trust for the Ripley Gardens site;
- b) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Hennepin County for the Lowry/Lyndale Redevelopment Plan;
- c) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Hope Community Inc. for the Franklin Portland Gateway site.
- d) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by the Minneapolis Department of Community Planning and Economic Development for the Minneapolis Neighborhood LRT Station Pedestrian Improvement Program;
- e) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by the Minneapolis Department of Community Planning and Economic Development for the West Broadway and Penn Avenue North BRT Development Site Acquisition;

- f) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by the Minneapolis Department of Community Planning and Economic Development for the West Broadway "Town Center" Design and Implementation;
  - g) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Sherman Associates for the Chicago Lofts at Midtown Exchange site;
  - h) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by TOLD Development Company for the Dinkytown Condominiums site;
  - i) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Corson's Corner LLP for the Corson's Corner site;
  - j) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Community Housing Development Corporation for the Sarah's Place site;
  - k) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Little Earth of the United Tribes Housing Corporation for the Little Earth Phase IV Rehabilitation Project site;
  - l) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by the Minneapolis American Indian Center for the Minneapolis American Indian Center Capital Project site;
  - m) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Powderhorn Residents Group, Inc. for the Village in Phillips, Phase II site;
  - n) Submitted to the Hennepin County Housing and Redevelopment Authority on March 1, 2005 by Project for Pride in Living for the Midtown Exchange Condos on the Greenway site.
- Adopted 4/1/05.

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

**Comm Dev & W&M/Budget** - Your Committee, having been informed of the award of Metropolitan Council Livable Communities Demonstration Account (LCDA) grants, now recommends:

- a) Acceptance of LCDA Grants of \$450,000 for the Heritage Park Project and \$750,000 for the Midtown Exchange For-Sale Housing Project;
- b) Passage of the accompanying resolution increasing the 2005 appropriation and revenue for the Community Planning & Economic Development (CPED) Agency by \$1,200,000 to represent the receipt of said grant funds; and
- c) That the proper City officers be authorized to execute grant and sub-recipient agreements for the Heritage Park and Midtown Exchange For-Sale Housing projects.

Adopted 4/1/05.

**RESOLUTION 2005R-148**  
**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 and revenue for the Community Planning and Economic Development Agency in the State Grants & Loans Fund (SMN0-890-8952) by \$1,200,000 and increasing the revenue source (SMN0-890-8952) by \$1,200,000.

Adopted 4/1/05.

**Comm Dev & W&M/Budget** - Your Committee, having been informed of the award of Hennepin County Environmental Response Fund grants, now recommends:

- a) Acceptance of the following grants:
  - 45th and Chicago, \$102,661 (A042164)
  - Hiawatha Commons, \$42,780 (A042166)
  - Riverview Homes, \$190,387 (A042163)
  - Presidents Row Lofts, \$85,000 (A042164);

b) Passage of the accompanying resolution increasing the 2005 appropriation and revenue for the Community Planning & Economic Development (CPED) Agency by \$420,828 to represent the receipt of said grant funds; and

c) That the proper City officers be authorized to execute grant, sub-recipient, and/or disbursement agreements for the grants.

Adopted 4/1/05.

**RESOLUTION 2005R-149**  
**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 and revenue for the Community Planning and Economic Development Agency in the State Grants & Loans Fund (SMN0-890-8490) by \$420,828 and increasing the revenue source ((SMN0-890-8490) by \$420,828.

Adopted 4/1/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a revised Minneapolis Tax Increment Policy, dated February 15, 2005 (as included in Petn No 270289), now recommends:

**Comm Dev** - Approval of the staff recommended policy with Section III (E) (2) amended to read as follows:

E. Alternatives, such as "pay as you go" financing and reimbursing front-end public redevelopment costs with tax increment revenues, are preferable to bond financing and are to be considered and used when appropriate. The City will not issue general obligation tax increment bonds except ~~under one of the following conditions: 1) substantially when~~ all net bond proceeds are used to directly pay public costs or refinance debt that was previously issued to pay for such costs, and the taxable development that will generate the tax increment used to pay all or a portion of the debt service on the bonds is either fully constructed and assessed by the City Assessor or is underway and subject to the terms and conditions of a development agreement with the City; ~~or 2) if a substantial portion of the net bond proceeds are used to pay private costs, then a developer or other entity must provide the City with a debt service guaranty or similar for of security for the outstanding life of the bonds. All such guaranties are subject to the review and approval of the City Finance Officer.~~

**W&M/Budget** - Approval of the staff recommended policy.

Goodman moved that the report be amended to approve the Community Development Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded. Adopted by unanimous consent.

The report, as amended, was adopted 4/1/05. Yeas, 10; Nays, 3 as follows:

Yeas - Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Schiff, Ostrow.

Nays - Johnson Lee, Johnson, Zimmermann.

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

**H&HS** - Your Committee recommends that the proper City Officers be authorized to execute the Workforce Investment Act (WIA) Title I Grant Agreement with the Minnesota Department of Employment and Economic Development during the period April 1, 2005 through March 31, 2008. Said agreement provides for the release of funding under Adult, Youth and Dislocated WIA, and the Minnesota Youth Program.

Adopted 4/1/05.

**H&HS** - Your Committee, having under consideration the Low Income Worker Training Program, now recommends that the proper City Officers be authorized to execute a contract with the Minnesota Job Skills Partnership to accept \$51,737 to provide tuition funding for two new health care careers --

community liaison positions in a clinic or hospital setting, offered by the Community Health Care Worker Program; and Instrument Tech and Case Cart Tech positions, offered by the Central Services Technician Program.

Adopted 4/1/05.

**H&HS** - Your Committee, having under consideration the Weed and Seed Initiative, now recommends the following:

a. that the Commissioner of Health & Family Support, Gretchen Musicant, be designated as the authorized contact person for the Weed and Seed Initiative on behalf of the City of Minneapolis.

b. that the Commissioner of Health & Family Support be authorized to receive and execute official correspondence, State certification forms, debarment forms, Equal Employment Opportunity (EEO) forms, interfund transfers, and to sign financial agreements or modifications of the Weed and Seed Initiative.

c. that said designation be effective as of March 2005 until such time as the Weed and Seed Initiative has completed strategy implementation.

Adopted 4/1/05.

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

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals to create a four-year eligible provider list for lead outreach, education and testing.

Adopted 4/1/05.

Approved by Mayor Rybak 4/4/05.

(Published 4/6/05)

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

**IGR** - Your Committee, having under consideration Senate File No. 1444/House File No. 687, bills relating to alcoholic beverages and retail alcohol beverage licensees in the State of Minnesota; providing minimum administrative penalties for sales to underage persons; and proposing coding for new law in Minnesota Statutes, Chapter 340A, now recommends that the Council oppose the portions of SF No. 1444/HF No. 687 that affect the City of Minneapolis, including the requirement to conduct two youth access to alcohol compliance checks per year, the administrative fine structure and mandatory revocation provisions.

Adopted 4/1/05. Yeas, 11; Nays, 2 as follows:

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

Nays – Zerby, Niziolek.

**IGR** - Your Committee, having under consideration Senate File No. 1519/House File No. 1615, bills relating to retirement; consolidating the Minneapolis Teachers Retirement Fund Association (MTRFA) coordinated program with the Teachers Retirement Association; authorizing the issuance of revenue bonds; appropriating money; and amending Minnesota statutes, now recommends that the Council oppose the portions of SF No. 1519/HR No. 1615 or any legislation that would impose additional financial burdens on the City of Minneapolis related to MTRFA.

Adopted 4/1/05.

**IGR** – Your Committee, having under consideration the Metropolitan Council's proposed 2005 transit fair and service changes, now recommends passage of the accompanying resolution calling upon the Metropolitan Council to reconsider their plan to cut transit service and increase transit rates.

Benson moved to substitute a new resolution for the above-described resolution. Seconded.

Adopted upon a voice vote.

Schiff moved to amend the first "Whereas" paragraph in the resolution by deleting the language, "has proposed" and inserting in lieu thereof, "is considering." Seconded.

Adopted upon a voice vote.

Colvin Roy moved to amend the second and third "Resolved" paragraphs to begin by stating, "Be It Further Resolved that the City of Minneapolis urges Governor Pawlenty and the State Legislature to . . . .", in lieu of the original language which read, "Be It Further Resolved that Governor Pawlenty and the State Legislature. . . .". Seconded.

Adopted upon a voice vote.

Lilligren moved to amend the first "Resolved" paragraph by deleting the language, "Minneapolis City Council" and inserting in lieu thereof, "City of Minneapolis." Seconded.

Adopted upon a voice vote.

The report, with the substituted resolution as amended, was adopted 4/1/05.

Resolution 2005R-150, calling upon the Metropolitan Council to reconsider their plan to cut transit service and increase transit rates, was passed 4/1/05 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-150**  
**By Benson, Lilligren, Zerby**

**Calling upon the Metropolitan Council to reconsider their plan to cut transit service and increase transit rates.**

Whereas, the Metropolitan Council is considering cutting transit service and increasing rates for transit users; and

Whereas, a strong transit system is important to the vitality of the City of Minneapolis; and

Whereas, each weekday 64,000 workers rely on public transportation to downtown Minneapolis, which is 40 percent of the 160,000-person workforce; and

Whereas, the businesses community recognizes that they cannot attract the best and brightest workers to a city where motorists spend more time in traffic than they do with their families; and

Whereas, 70 percent of weekday bus routes – 106 of 153 routes – would be affected by the proposed 10 percent reduction in transit service; and

Whereas, Metro Transit estimates that these cuts would result in a 3.7 percent ridership loss that would save \$15.9 million in annual service costs, forcing people who choose transit to drive again, congesting our roads and polluting our air; and

Whereas, seniors and other persons who depend on transit will lose their connection to lifeline services and will negatively impact their ability to live independently causing increased costs to other programs;

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

That the City of Minneapolis calls upon the Metropolitan Council to reconsider their plan to cut transit service and increase transit rates.

Be It Further Resolved that the City of Minneapolis urges Governor Pawlenty and the State Legislature to approve a transportation funding program this year that includes adequate funding for transit to mitigate any need for service cuts or fare increases.

Be It Further Resolved that the City of Minneapolis urges Governor Pawlenty and the State Legislature to approve a transportation funding program that provides a stable secure funding source for expanding and operating our region's transit system with at least eight new transitways and doubled bus system by 2020.

Be It Further Resolved that the Intergovernmental Relations Department is directed to transmit copies of this resolution to the Metropolitan Council and Governor Tim Pawlenty.

Be It Further Resolved that this resolution be added to the 2005 Legislative Agenda.

Adopted 4/1/05.

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

**PS&RS** - Your Committee, having under consideration the application of Niki Mu Inc, dba Victors 1959 Cafe, 3756 Grand Av S, for an On-Sale Wine Class E with Strong Beer License (new business) to expire July 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/1/05.

Declining to vote - Benson.

Approved by Mayor Rybak 4/4/05.

(Published 4/6/05)

**PS&RS** – Your Committee, having under consideration the application of Fire Barn Events Centre LLC, dba Fire Barn Events Centre, 222 1st Av NE, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Nat Joseph Catering Inc), to expire April 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/1/05.

Declining to vote - Benson.

Approved by Mayor Rybak 4/4/05.

(Published 4/6/05)

**PS&RS** – Your Committee, having under consideration the application of Patricia S Schoen dba Packrats Paradise & Design, 3860 Thomas Av N, for an Antique Dealer Class B License (new business), to expire July 1, 2005, now recommends that said license be granted, subject to completion of the bond requirement, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/1/05.

Declining to vote - Benson.

**PS&RS** – Your Committee recommends passage of the accompanying Resolution granting the application of Quick Stop, 3601 Penn Av N, for a Grocery License, subject to conditions.

Adopted 4/1/05.

Resolution 2005R-151, granting the application of Quick Stop, 3601 Penn Av N, for a Grocery License, subject to conditions, was passed 4/1/05 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-151**

**By Niziolek**

**Granting the application of Quick Stop, 3601 Penn Av N, for a Grocery License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by KBHN Inc, dba Quick Stop, 3601 Penn Av N, for a Grocery License (new proprietor), to expire April 1, 2006, subject to the following conditions:

- a. the licensee agrees not to install any pay phones either inside or outside the store.
- b. the licensee shall comply with the Surveillance Camera Ordinance, Section 259.250 of the Minneapolis Code of Ordinances.
- c. the licensee shall post "No Trespassing" signs. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
- d. the licensee shall address security concerns to include loitering, drug activity, trespassing and management of the trespassing program.
- e. the licensee agrees not to sell items which are commonly used by drug users and drug dealers.

These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy, small zip lock bags, also known as jewelry bags, dice, single use tobacco products.

f. the licensee agrees not to sell rolling papers without tobacco, and supply matches to non-tobacco customers.

g. the licensee shall keep all lights adequate and functioning properly.

h. the licensee shall keep all windows free of signs and other items that block the view in and out.

i. the licensee will ensure that a minimum of two staff are working from 1:00 p.m. until closing to reduce negative behaviors.

j. the licensee shall clean the property of litter and trash daily, including the area within 100 feet of the property line.

Adopted 4/1/05.

**PS&RS** – Your Committee recommends passage of the accompanying Resolution granting the application of Alliance Steel Service Company, 115 31st Av N, for a Provisional Recycling/Salvage Yard License, subject to conditions.

Adopted 4/1/05.

Resolution 2005R-152, granting the application of Alliance Steel Service Company, 115 31st Av N, for a Provisional Recycling/Salvage Yard License, subject to conditions, was passed 4/1/05 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-152**

**By Niziolek**

**Granting the application of Alliance Steel Service Company, 115 31st Av N, for a Provisional Recycling/Salvage Yard License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Jazme LLC, dba Alliance Steel, 115 31st Av N, for a Provisional Recycling/Salvage Yard License (new proprietor), to expire July 1, 2005, subject to the following conditions:

a. the licensee agrees to sweep adjacent streets at a frequency of every other day or when administrative authority requires. The licensee also agrees to modification of this program if it is not successful in controlling soil removal from the licensed property.

b. the licensee shall furnish the City of Minneapolis with a signed contract from a sweeper company which utilizes self contained collection and water spraying prior to sweeping, or the company must purchase a sweeper with the self contained collection and water spraying capability.

c. the licensee shall comply with the Minnesota Pollution Control Agency (MPCA) Environmental Compliance Agreement entered into by Harold Goldfine of Alliance Steel on January 29, 2002.

d. the licensee must notify the City (Business Licensing and Environmental Management) of any deadline changes granted by the MPCA, or any other agency, and all deadline changes are subject to the approval by the City.

e. the licensee shall comply with sewer utility connection permit conditions due to expire January 1, 2007. If the work is not completed at that time, a time extension can be applied for.

f. the licensee shall implement a landscaping plan, contingent upon approval by the Planning Department.

Adopted 4/1/05.

**PS&RS** – Your Committee recommends passage of the accompanying Resolution granting the application of Michael Buhl, 10680 Hampshire Av S, Bloomington, for a Motor Vehicle Servicing, Class B Towing License, subject to conditions.

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

Adopted upon a voice vote 4/1/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting the application of Phoenix Catering, 336 Hoover St NE, for a Catering License, subject to conditions.

Adopted 4/1/05.

Resolution 2005R-153, granting the application of Phoenix Catering, 336 Hoover St NE, for a Catering License, subject to conditions, was passed 4/1/05 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-153**

**By Niziolek**

**Granting the application of Phoenix Catering, 336 Hoover St NE, for a Catering License, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Phoenix Catering Inc, dba Phoenix Catering, 336 Hoover St NE, for a Catering License (new business) to expire April 1, 2006, subject to the following conditions:

a. prior to opening the exterior of the walk-in cooler/freezer at the wall floor function, the licensee agrees to have an approved sanitary base covering.

b. prior to opening the cooler/freezer, the licensee agreed that floors will have panel plugs installed.

c. the licensee agrees that the floor finish will be brought into compliance by June 1, 2005, and must be pre-approved by the City of Minneapolis One Stop Plan Review Environmental Health Reviewer, or the business will be closed until the floor problems are corrected.

Adopted 4/1/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class D with Strong Beer License held by Sportsman's Pub, 2124 Como Av SE.

Adopted 4/1/05.

Resolution 2005R-154, approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class D with Strong Beer License held by Sportsman's Pub, 2124 Como Av SE, was passed 4/1/05 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-154**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class D with Strong Beer License held by Sportsman's Pub, 2124 Como Av SE.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on February 9, 2005 with the licensee to discuss possible violations of law relating to the operation of a licensed beverage establishment; and

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

- a. failing to require patrons seated for regular dining to order or be served a meal before being served wine, intoxicating malt liquor, or 3.2% malt liquor;
- b. creating incorrect receipts and bookkeeping methods by not accurately reflecting alcohol purchases.
- c. misrepresenting food to alcohol ratio by reporting alcohol as food purchase for more than a two-year period.
- d. not paying the proper sales tax on the alcohol portion of the bill for more than a two-year period.
- e. not completing building orders in a timely manner.
- f. not submitting plans for the fire suppression function to the Minneapolis Fire Department;

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

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

- a. effective immediately, the licensee shall accurately enter all purchases into the cash register, and will indicate whether they are food or alcohol, and proper sales tax will be calculated for purchases and be shown on the bill.
- b. by March 25, 2005, the licensee will submit an amended Sales Tax return to the Minnesota Department of Revenue which accurately reflects the true alcohol sales for the past two years. A copy of the return will also be given to the Licenses Division.
- c. the licensee will withdraw his On-Sale Wine with Strong Beer License, and agree to a downgrade of the license to a 3.2% Beer License, effective February 18, 2005, and shall remain in full compliance with Section 363.42 of the Minneapolis Code of Ordinances. As of April 1, 2005, only 3.2% beer will be sold.
- d. the licensee will not pursue an upgrade of either the 3.2% Beer License or the class of entertainment at this location for a period of three years from the signing of the TAC Agreement.
- e. the licensee shall pay a civil penalty in the amount of \$6,000, of which \$3,000 shall be stayed for a period of one year, provided that the above conditions are met. The remaining amount of \$3,000 shall be due on March 11, 2005.

Adopted 4/1/05.

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

Adopted 4/1/05.

Declining to vote - Benson.

Resolution 2005R-155, granting Liquor, Wine and Beer Licenses, was passed 4/1/05 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-155**

**By Niziolek**

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

Resolved by The City Council of The City of Minneapolis:

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

**Off-Sale Liquor, to expire January 1, 2006**

Surdyk's Liquor Inc, dba Surdyk's Liquor, 303 E Hennepin Av;

**Off-Sale Liquor, to expire April 1, 2006**

R H M Inc, dba Gopher Liquor Store, 335 Monroe St NE;

M G M Wine & Spirits Inc, dba M G M Liquor Warehouse;

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

France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006**

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

Escape Entertainment Inc, dba Escape, 600 Hennepin Av #170;

T H S Hotel Operations Inc, dba Crown Plaza Northstar Hotel, 618 2nd Av S;

Twin City Catering Inc, dba Picnics Plus/Affairs to Remember, 2117 W River Rd #100;

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

McCallum Group Inc, dba Three Sons Signature Cuisine, 219 Main St SE (change in ownership from Mintahoe Inc);

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

Yendor Corp, dba Augies, 424 Hennepin Av;

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

Fine Line Music Ventures Inc, dba Fine Line Music Cafe, 318 1st Av N;

Dakota Cooks LLC, dba Dakota, 1010 Nicollet Mall;

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

Manzanillo Ventures Inc, dba Spring Street Bar & Grill, 355 Monroe St NE;

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE;

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

D'Amico Cucina Inc, dba D'Amico Cucina, 100 6th St N;

Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av #G-109;

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

Babalu LLC, dba Babalu, 800 Washington Av N #102;

Solera Restaurant Holdings LLC, dba Solera, 900 Hennepin Av;

Minneapolis Aerie #34 FOE, dba Minneapolis Aerie #34, FOE, 2507 E 25th St;

**On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2006**

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

8th Street Garage Inc, dba 8th Street Grill & Tavern, 800 Marquette Av;

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

Rudolphs Bar B Que Inc, dba Rudolph's Bar B Que, 1933 Lyndale Av S (internal transfer of shares);

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2005**

Westbank Productions Co LLC< dba 400 Bar, 400 Cedar Av S;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire February 27, 2005**

Historic State Theatre, dba Historic State Theatre, 805 Hennepin Av (temporary expansion of premises, February 27, 2005, 4:00 p.m. to 11:00 p.m.);

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2005**

News Room Inc, dba News Room, 990 Nicollet Mall;

J P Samuelson LLC, dba J P an American Bistro, 2937 Lyndale Av S;

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

Take One Enterprises Inc, dba Big Ten Restaurant & Bar, 606 Washington Av SE;

NE Palace Inc, dba NE Palace, 2500 4th St NE;

Win-Vee Inc, dba Country Bar & Grill, 3006 Lyndale Av S;

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

Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St NE;

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

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

Haze 2 Group, dba Grumpy's Bar, 2200 4th St NE;

Schooner Inc, dba Schooner, 2901 27th Av S, first floor;

**Temporary On-Sale Liquor**

Minnesota Fringe, dba Fringe Festival, 528 Hennepin Av (April 4, 2005, 6:30 p.m. to 10:30 p.m. at Suburban World, 3050 Hennepin Av);

Naral Pro-Choice Minnesota, 201 E Hennepin Av (April 11, 2005, 6:00 p.m. to 8:00 p.m. at 205 E Hennepin Av);

**Liquor Catering Services, to expire August 1, 2006**

Prom Catering, dba Prom Catering, 484 Inwood Av, Oakdale;

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

Marysburg Books LLC, dba Marysburg Books Coffee, 304 Washington Av N;

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

Los Mestizos Inc, dba El Meson, 3450 Lyndale Av S;

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

AllM Restaurant Inc, dba The Art Institutes International Minnesota, 15 W 9th St;

D'Amico & Sons LLC, dba D'Amico & Sons, 555 Nicollet Mall;

Reyes & Fele LLC, dba Carne Asada Fresh Mexican Grill, 809 E Lake St;

Lucky Dragon Riverside Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Av;

Espresso Monkeys Inc, dba Acadia Cafe, 1931 Nicollet Av;

C & H Inc, dba U Garden Restaurant, 2725 University Av SE;

Pizza Joints Inc, dba Galactic Pizza, 2917 Lyndale Av S;

Nguyen-Vu Family Corp Inc, dba Saigon Uptown Restaurant, 3035 Lyndale Av S;

American Groovo LLC, dba Bakery on Grand, 3804 Grand Av S;

Kamprud Enterprises Inc, dba Pizza Pie & I, 4205 E 34th St;

Turtle Bread Company, dba Restaurant Levain-Pizza Biga, 4762 Chicago Av;

Molly's Inc, dba Broders Southside Pasta Bar, 5000 Penn Av S;

Pomodoro Inc, dba Prima Pasta Salads Panini, 5325 Lyndale Av S;

Food Forward Inc, dba Cave Vin, 5555 Xerxes Av S;

Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av S;

**Temporary On-Sale Wine**

Greater Minneapolis Crisis Nursery, dba Greater Minneapolis Crisis Nursery, 5400 Glenwood Av,  
Golden Valley (March 11, 2005, 7:30 p.m. to 12:30 a.m. at 222 1st Av N);

**Off-Sale Beer (Provisional), to expire April 1, 2006**

P V Investments & Management Inc, dba Nokomis Market, 3319 E 54th St;

**Off-Sale Beer, to expire April 1, 2006**

Wazwaz Ghasan, dba Sunshine Foods, 3300 4th Av S;

Speedway Super America LLC, dba Super America #4384, 5 E Franklin Av;

Diamond Lake Inc, dba Sullivan's Super Valu, 30 W Lake St;

Speedway Super America LLC, dba Super America #4388, 101 W Grant St;

S-Mart Inc, dba S-Mart Grocery, 324 W 33rd St;

Laurel B Enterprises Inc, dba House of Hanson, 433 14th Av SE;

JPR Inc, dba Eighth St Market, 630 8th St SE;

Eddie Bakri, dba Twins Stop N Go, 641 Broadway St NE;

Liu Qing & Zhou Fuliang, dba Kyle's Market, 826 W 36th St;

Stephen & Robert Williams, dba Bobby & Steve's Autoworld II, 1221 Washington Av S;

Holiday Stationstores Inc, dba Holiday Stationstore #335, 1301 Industrial Blvd;

Speedway Super America LLC, dba Super America #4185, 1816 37th Av NE;

Obeid Inc, dba Wally's Foods, 1840 Penn Av N;

Dave & Ron's Inc, dba Stop-N-Go, 1847 Johnson St NE;

Awaijane Assad E, dba B-Line Market, 1901 Fillmore St NE;

Samarani Inc, dba Rogers Market, 2007 Glenwood Av;

Holiday Stationstores Inc, dba Holiday Stationstore #2, 2124 E Franklin Av;

Speedway Super America LLC, dba Super America #4034, 2200 Lyndale Av S;

W & F Inc, dba Wafana Food Market, 2326 Lyndale Av N;

Elnada Corp, dba Skyline Food Market, 2400 10th Av S;

Hark's Co Inc, dba Hark's Food Market, 2401 Nicollet Av;

Speedway Super America LLC, dba Super America #4602, 2430 Marshall St NE;

Speedway Super America LLC, dba Super America #4024, 2501 Hennepin Av;

Momin Mehboob H, dba Lyndale Country Boy, 2551 Lyndale Av S;

Speedway Super America LLC, dba Super America #4392, 2618 Lowry Av N;

Dokken's Inc, dba Dokken's Superette, 2809 E 42nd St;

Q T Superette Inc, dba Flag Foods, 2820 E 42nd St;  
Easyway Food Inc, dba Easyway Foods, 2820 Johnson St NE;  
Jerry's Enterprises Inc, dba Cub Foods-Lake Street, 2850 26th Av S;  
Totem Foods Inc, dba Totem Foods, 2951 Central Av NE;  
Mousa Ahmed, dba Fatina Foods, 3246 Nicollet Av;  
Speedway Super America LLC, dba Super America #4173, 3357 University Av SE;  
Speedway Super America LLC, dba Super America #4382, 3744 Chicago Av;  
MSMW Corp, dba Venus Grocery & Deli, 3751 Portland Av;  
Speedway Super America LLC, dba Super America #4172, 3806 W Lake St;  
Reidy Company, dba Reidy's Country Boy, 3904 42nd Av S;  
Speedway Super America LLC, dba Super America #4396, 4000 Lyndale Av S;  
Speedway Super America LLC, dba Super America #4135, 4001 Lyndale Av S;  
Speedway Super America LLC, dba Super America #4021, 4320 E Lake St;  
Hark's Co Inc, dba Pump & Munch, 4401 Nicollet Av;  
Taylor-Wood Inc, dba Nokomis Food Pride, 5025 34th Av S;  
Speedway Super America LLC, dba Super America #4165, 5101 34th Av S;  
Holiday Stationstores Inc, dba Holiday Stationstore #25, 5444 Nicollet Av;  
Arpinar Orhan, dba Xerxes Market, 5555 Xerxes Av S;  
Diamond Lake 1994 LLC, dba Cub Foods, 5937 Nicollet Av;  
Speedway Super America LLC, dba Super America #4166, 6000 Portland Av;

**On-Sale Beer Class D, to expire April 1, 2006**

Johnnie Entertainment LLC, dba Sportsman's Pub & Grill, 2124 Como Av SE (downgrade from On-Sale Wine Class D with Strong Beer);

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

Lotus of Campus Inc, dba Lotus Restaurant, 313 Oak St SE;  
Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1138 Hennepin Av;  
Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1414 W Lake St;  
Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 2500 Riverside Av;  
Kinhdo Plus Corporation, dba Kinhdo Restaurant, 2755 Hennepin Av;  
Pizza on the Parkway Inc, dba Carbone's Pizza on the Parkway, 4724 Cedar Av S;

**Temporary On-Sale Beer**

Church of the Annunciation, dba St. Pat's Dinner, 501 W 54th St (March 12, 2005, 6:00 p.m. to 11:00 p.m.).

Adopted 4/1/05.

Declining to vote - Benson.

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

Adopted 4/1/05.

Resolution 2005R-156, granting applications for Business Licenses, was passed 4/1/05 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-156**

**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 April 1, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270300):

Amusement Devices; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Grocery; Ice Producer - Dealer/Wholesale; Food Manufacturer; Food Market Distributor; Food Market Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Soft Drink; Sidewalk Cafe; Vending Machine; Gasfitter Class A; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Lodging House; Lodging House with Boarding; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Repair Garage; Pet Shop; Plumber; Refrigeration Systems Installer; Rental Halls; Residential Specialty Contractor; Antique Dealer Class B; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle Nontransferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 4/1/05.

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

Adopted 4/1/05.

Resolution 2005R-157, granting applications for Gambling Licenses, was passed 4/1/05 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-157**  
**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 Lawful Exempt**

Academy of Holy Angels, dba Academy of Holy Angels, 6600 Nicollet Av, Richfield (Raffle April 9, 2005 at Hyatt Regency Minneapolis, 1300 Nicollet Mall);

North Memorial Community Foundation, dba North Memorial Community Foundation, 3300 Oakdale Av N, Robbinsdale (Raffle April 16, 2005 at Minneapolis Hilton & Towers, 1001 Marquette Av);

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 7801 E Bush Lk Rd, #130 (Raffle April 29, 2005 at Mill City Museum, 704 S 2nd St);

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (Raffle July 8 & 9, 2005);

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Bingo, Raffle Paddlewheel & Pulltabs June 5, 2005).

Adopted 4/1/05.

**PS&RS** - Your Committee, to whom was referred back on December 23, 2004 a report relating to the property located at 2210 4th St N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 7, Block 1, Nickel's and Smith's Addition to Minneapolis (PID #15-029-24-23-0033), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Further, that said demolition be stayed, subject to the property owner being ordered to comply with the following conditions:

a. that \$125,000 in cash or negotiable instrument be deposited with the Director of Inspections no later than March 31, 2005, and that said funds be deposited with the City Treasurer to be held without interest.

b. that if the rehabilitation project is completed within 90 days, including the issuance of a Certificate of Code Compliance, the escrowed funds shall be returned. In the event that the owner does not obtain a Certificate of Code Compliance and complete the rehabilitation in all respects, the deposited funds shall be forfeited to the City, to be used as the City sees fit, in its sole discretion, to resolve the issue.

c. that said escrowed funds shall not be used as a substitute for the \$2,000 Code Compliance bond requirements; or that the requirement be waived.

Adopted 4/1/05.

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

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution establishing the National Incident Management System (NIMS) as the standard for incident management in the City of Minneapolis.

Adopted 4/1/05.

Resolution 2005R-158, establishing the National Incident Management System (NIMS) as the standard for incident management in the City of Minneapolis, was passed 4/1/05 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-158**  
**By Niziolek and Johnson**

**Establishing the National Incident Management System (NIMS) as the standard for incident management in the City of Minneapolis.**

Whereas, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

Whereas, the collective input and guidance from all federal, state, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

Whereas, it is necessary and desirable that all federal, state, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

Whereas, to facilitate the most efficient and effective incident management, it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform planning, training, and exercising standards, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

Whereas, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City of Minneapolis' ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

Whereas, public safety and response agencies at all levels of government must comply with the initial implementation of NIMS by October 2005 in order to remain in compliance with the directives and remain eligible to participate in grant funding opportunities and training programs; and

Whereas, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the City of Minneapolis, including current emergency management protocols and training programs; and

Whereas, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

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

That it hereby establishes the National Incident Management System (NIMS) as the standard for incident management throughout the City of Minneapolis and in conjunction and cooperation with its local, regional, state, federal and tribal neighbors and partners.

Be It Further Resolved that this Resolution shall remain in effect until such time as it may be amended, altered, or otherwise repealed.

Adopted 4/1/05.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers of the Fire Department be authorized to donate the following outdated surplus equipment to the City of Pine Island Fire Department:

- a. 1989 Hoverguard, Unit No. 72740;
- b. 1989 Hoverguard, Unit No. 72750.

Adopted 4/1/05.

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

**T&PW** – Your Committee recommends passage of the accompanying Resolution ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the paving, streetscape and street lighting projects in the Lake Street E (5th Av S to Hiawatha Av S) area, subject to the City and County entering into agreement to jointly resolve all conflicting areaways.

Adopted 4/1/05.

Resolution 2005R-159, ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction, streetscape, and street lighting projects in the Lake St E (5th Av S to Hiawatha Av S) area, was passed 4/1/05 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-159**

**By Colvin Roy**

**Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that are in conflict with the street reconstruction, streetscape and street lighting projects in the Lake St E (5th Av S to Hiawatha Av S) area.**

Whereas, the City of Minneapolis has scheduled the reconstruction and streetscape and street lighting improvements starting in 2005 in the Lake St E (5th Av S to Hiawatha Av S) area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction and streetscape installation; and

Whereas, a public hearing was held on February 15, 2005, and continued to March 22, 2005, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

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

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along Lake St E (both sides) from 5th Av S to Hiawatha Av S and Chicago Av S (both sides) from Lake St E, south approximately 212 feet, subject to the City and County entering into agreement to jointly resolve all conflicting areaways.

Adopted 4/1/05.

**T&PW** - Your Committee, having under consideration the re-roofing of the Street Maintenance Facility and Fire Station No. 16, now recommends that the proper City officers be directed to execute Change Order No. 1 to Contract C-21113 increasing the contract with Commercial Roofing Company in the amount of \$3,166, for a revised contract total of \$266,431, to allow for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted 4/1/05.

**T&PW** - Your Committee, having under consideration a request from residents of the 3500 block of 45th St E, the 4600 block of 35th and 36th Avenues S, and the 3400, 3500, and 3600 blocks of Crosby Place for the establishment of a "Type B" Critical Traffic and Parking Area, as set forth in Petn No 270304, the City Clerk having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, establishing Critical Parking Area No. 27, No Parking, Except by Permit, from 10 am to Noon, and 7 pm to 9 pm, Daily.

Adopted 4/1/05.

Ordinance 2005-Or-019, amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, was passed 4/1/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2005-Or-019**  
**By Colvin Roy**  
**1st & 2nd Readings: 4/1/05**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*.**

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

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding thereto the following Loading Zones:

No. 3518 - Both sides of 45th Street East between 35th Avenue South up to and including the cul-de-sac (Critical Parking Area #27) (No Parking Daily from 10 am to Noon and 7 pm to 9 pm, Except by Permit);

No. 3519 - The Westerly sides of 35th and 36th Avenues South between 46th Street East and Crosby Place (Critical Parking Area #27) (No Parking Daily from 10 am to Noon and 7 pm to 9 pm, Except by Permit); and

No. 3520 - The Northerly side of Crosby Place between 34th Avenue South easterly to but not including the cul-de-sac (Critical Parking Area #27) (No Parking Daily from 10 am to Noon and 7 pm to 9 pm, Except by Permit).

Adopted 4/1/05.

**T&PW** – Your Committee recommends passage of the accompanying Resolution designating the locations and streets to be improved in the Bryn Mawr Street Renovation Project, Special Improvement of Existing Street No. 2989 and the Ewing Av S Street Reconstruction Project, Special Improvement of Existing Street No. 2909.

Adopted 4/1/05.

Resolution 2005R-160, designating the improvement of certain existing streets in the Bryn Mawr Street Renovation Project and the Ewing Avenue South Street Reconstruction Project, was passed 4/1/05 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-160  
By Colvin Roy**

**Bryn Mawr Street Renovation Project  
Special Improvement of Existing Street No 2989  
and  
Ewing Avenue South Street Reconstruction Project  
Special Improvement of Existing Street No 2909**

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

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by mill and overlay of street surface with plant mix asphalt and selected curb and gutter and other paving related improvements as needed:

**Bryn Mawr Street Renovation (2989):**

Cedar Lake Rd from Brownie Road to the I-394 south frontage road;  
Lake View Av from Cedar Lake Rd S to Xerxes Av;  
Brownie Rd from Cedar Lake Rd to Lake View Av;  
Edlin Place from Lake View Rd to its terminus in a cul-de-sac;  
Xerxes Av from the I-394 south frontage road to Cedar View Dr;  
Washburn Av from Cedar Lake Rd to Cedar View Dr;  
Cedar View Circle from Cedar View Drive to its terminus in a cul-de-sac;  
Vincent Av from Cedar Lake Rd to Cedar View Dr;  
Thomas Av and Antoinette Av from Vincent Av to their terminus in a cul-de-sac;  
Drew Av from Cedar Lake Rd to the W City limits;  
Franklin Av from Ewing Av to Cedar Lake Parkway;  
21st St W from Drew Av to Cedar Lake Parkway;  
22nd St W from Ewing Av to Cedar Lake Parkway;  
Cedar Shore Dr from Drew Av to the W City limits;  
24th St W from the W City limits to Cedar Shore Dr;  
Basswood Rd from the W City limits to Cedar Lake Parkway;  
Cedar Lane from Basswood Rd to 25th St W; and  
25th St W from the W City limits to Cedar Shore Dr.

**Ewing Avenue S Street Reconstruction (2909):**

Ewing Av S from Cedar Lake Rd to the W City limits.

Adopted 4/1/05.

**T&PW** – Your Committee, having received a cost estimate of \$1,587,000 for street renovation improvements and a list of benefited properties for certain locations in the Bryn Mawr Street Renovation Project, Special Improvement of Existing Street No. 2989, and having received a cost estimate of \$902,000 for street reconstruction improvements and a list of benefited properties for certain locations in the Ewing Av S Street Reconstruction Project, Special Improvement of Existing Street No. 2909, as designated by Resolution 2005R-160, passed April 1, 2005, now recommends that the City Engineer be directed to prepare proposed Street Renovation and Street Reconstruction Special Improvement Assessments against the list of benefited properties by applying the 2005 Uniform Assessment Rates as per Resolution 2005R-017, passed January 14, 2005.

Your Committee further recommends that a public hearing be held on May 3, 2005, to consider approving the construction of the above designated renovation and reconstruction locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 4/1/05.

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

**T&PW & W&M/Budget** – Your Committee, having under consideration the installation of overhead traffic signals on Cedar Av S at the intersections of East 32nd, 34th, 35th, 36th, and 38th Streets, now recommends passage of the accompanying Resolution increasing the appropriation and revenue source in the PW-Transportation Capital Agency by \$50,000, to be reimbursed by County State Aid and Municipal State Aid Funds.

Your Committee further recommends that the proper City officers execute Agreement No. PW 28-20-04 with Hennepin County in the amount of \$76,021.15 for the installation of said overhead signals.

Adopted 4/1/05.

**RESOLUTION 2005R-161**  
**By Colvin Roy and Johnson**

**Amending The 2005 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-TR007) by \$50,000 and increasing the revenue sources (4100-943-9440-Source 3220) by \$25,000, to be reimbursed by County State Aid Funds, and (4100-943-9440-Source 3215) by \$25,000, to be reimbursed by Municipal State Aid Funds.

Adopted 4/1/05.

**T&PW & W&M/Budget** – Your Committee, recommends passage of the accompanying Resolution designating the improvement of the alley retaining walls located behind 5333 and 5337 Girard Av S.

Adopted 4/1/05.

Resolution 2005R-162, designating the improvement of the 2005 Alley Restoration Program (Alley Retaining Wall Replacement at 5333 Girard Av S and 5337 Girard Av S), was passed 4/1/05 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-162  
By Colvin Roy and Johnson**

**2005 Alley Retaining Wall Restoration Program  
Special Improvement of Existing Alleys No. FS05#2**

**Designating the improvement of the 2005 Alley Restoration Program (Alley Retaining Wall Replacement at 5333 Girard Av S and 5337 Girard Av S).**

Resolved by The City Council of The City of Minneapolis:

That the following existing alley retaining walls within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by reconstructing these walls with concrete modular block and including other related improvements and work as needed:

1. 5333 Girard Avenue South, described as Lot 9, Block 2, "Clarke's Harriet Park Addition 2nd Division to Minneapolis", PID No. 16-028-24-43-0079; and
2. 5337 Girard Avenue South, described as Lot 10, Block 2, "Clarke's Harriet Park Addition 2nd Division to Minneapolis", PID No. 16-028-24-43-0080.

Adopted 4/1/05.

**T&PW & W&M/Budget** - Your Committee, having received a cost estimate of \$13,500 for alley retaining wall reconstruction and a list of benefited properties for the 2005 Alley Retaining Wall Restoration Program, Special Improvement of Existing Alley No. FS05#2, as designated by Resolution 2005R-162, passed April 1, 2005, now recommends that a public hearing be held on May 17, 2005 to consider approving the construction of the above designated alley retaining wall restoration project.

Adopted 4/1/05.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution designating the street(s) to be improved in the Irving Av N Sanitary Sewer Project No. 4376.

Adopted 4/1/05.

Resolution 2005R-163, designating the sanitary sewer work in the Irving Av N Sanitary Sewer Project No. 4376, was passed 4/1/05 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-163  
By Colvin Roy and Johnson**

**Irving Avenue North Sanitary Sewer  
Project No. 4376**

**Designating the sanitary sewer work at the location described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing street within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 9, Sections 4 and 5, and Chapter 10, Sections 6 and 9 of the Minneapolis City Charter, by installing a public sanitary sewer together with all the necessary appurtenances and work related thereto:

Irving Avenue North from approximately the centerline of 2nd Avenue North to approx 84 feet south of Cedar Lake Rd (as more particularly described and shown in the plans on file in the Office of the City Engineer).

Adopted 4/1/05.

**T&PW & W&M/Budget** – Your Committee having received a cost estimate of \$105,442 for sanitary sewer construction improvements and a list of benefited properties for the Irving Av N Sanitary Sewer Project No. 4376, as designated by Resolution 2005R-163, passed April 1, 2005, now recommends that the City Engineer be directed to prepare a proposed Sanitary Sewer Construction Assessment against the list of benefited properties.

Your Committee further recommends receiving the Petition from CPED (owner of the benefited property at 246 Irving Av N).

Your Committee further recommends that a public hearing be held on May 17, 2005 to consider the amount proposed to be assessed to the benefited properties and the amount to be funded by the City.

Adopted 4/1/05.

**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 (Petn No 270305).

Adopted 4/1/05.

Resolution 2005R-165, granting approval for the bids of a) Control Assemblies Company for the installation of a system control and data acquisition (SCADA) system at the Fridley Softening Plant; b) Rochon Corporation for the construction of Fire Station No. 14; and c) Ti-Zack Concrete, Inc. and Standard Sidewalk for the construction of sidewalks, alleys, driveways, curbs, and gutters as needed through December 31, 2005, was passed 4/1/05 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-164**  
**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. (Petn. No. 270305)

a) OP #6398, Accept low bid of Control Assemblies Company in the amount of \$1,981,963 to furnish and deliver all labor, materials, and equipment for the installation of a system control and data acquisition (SCADA) system at the Fridley Softening Plant;

b) OP #6406, Accept low responsive bid of Rochon Corporation in the amount of \$3,100,000 to furnish and deliver all labor, materials, equipment, and incidentals necessary to complete the construction of Fire Station No. 14; and

c) OP #6407, Accept low bids, as indicated below, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the construction of sidewalks, alleys, driveways, curbs, and gutters as needed through December 31, 2005:

- Ti-Zack Concrete, Inc, in the amount of \$761,085; and
- Standard Sidewalk, Inc, in the amount of \$1,296,315.

Adopted 4/1/05.

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

**W&M/Budget** - Your Committee recommends that the Department of Operations and Regulatory Services be authorized to hire Mr. Larry McDonald to the position of Plumbing Inspector, Construction Inspection Services, at the top salary step (Step 7).

Adopted 4/1/05.

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

Adopted 4/1/05.

Resolution 2005R-165 authorizing settlement of the legal claims of Shams Ali, Eric Iverson and Eugene Powell, was passed 4/1/05 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-165**  
**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) Shams Ali, by payment of \$5,000 to Mr. Ali and his attorney David N. O. Johnson;
- b) Eric Iverson, by payment of \$2,500 to Mr. Iverson and his attorneys, Goins & Wood, P. C.; and
- c) Eugene Powell, by payment of \$10,000 to Mr. Powell and his attorney James Daniels.

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

Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a Master Legal Services Agreement with Rice, Michels and Walther in an amount not to exceed \$300,000, to provide counsel in the matter of *Roland L. Johnson v. City of Minneapolis and Officer Cory Fitch and Officer Kristopher Kramer*.

Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to transfer the Community Planning & Economic Development (CPED) financial consulting services contract (Panel Contract C-17681) with Deloitte & Touche to the City Finance Department and that it be managed in accordance with the financial services master contract process. It is further recommended that said contract be extended until such time as the new master contract with Deloitte & Touche is in place.

Adopted 4/1/05.

**W&M/Budget** - Your Committee, having under consideration the results of a Request for Proposals (RFP) process seeking banking, trust/custodial and credit card payment processing services for the City and having received the recommendation of a staff committee that reviewed the RFP results, now recommends:

- a) Treasury Services: That the City continues to retain the services of Wells Fargo Bank;
- b) Trust and Custody Services: That the proper City staff be directed to negotiate with U.S. Bank to achieve economic terms for custodial services that area as favorable as the other respondents to the RFP and within applicable Minnesota law;
- c) Credit Card Payment Processing Services: That the Finance Department contract with both Link2Gov and Wells Fargo Bank simultaneously; specifically, Link2Gov for the payment processing

services and Wells Fargo for settlement processing.

Your Committee further recommends that the proper City officers be authorized to enter into contracts for said services.

Adopted 4/1/05.

Declining to vote - Zerby.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with T. Rose and Associates for inclusion in the panel of investment firms under contract with the City for investment of fixed income operating funds.

Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking an insurance broker to provide services as of June 24, 2005.

Adopted 4/1/05.

**W&M/Budget** - Your Committee approval of the payment of a 2005 medical insurance premium subsidy to the Minneapolis Police Relief Association (MPRA) in the amount of \$62,500 and to the Minneapolis Firefighters' Relief Association (MFRA) in the amount of \$37,500, payable from the Self-Insurance Fund (6900-129-1297).

Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution delegating authority to various department heads or designees to enter into various form or program contracts (as identified in Petn No 270311) as called for in the recently approved Charter Amendment regarding simplification of the contract signature process.

Adopted 4/1/05.

Resolution 2005R-166, delegating authority to various department heads or designees to enter into various form or program contracts, was passed 4/1/05 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-166**

**By Johnson**

**Delegating authority to make and execute form contracts.**

Resolved by The City Council of The City of Minneapolis:

Pursuant to City Charter, Chapter 4, Section 25, the City Council hereby delegates authority to the respective department heads or designees identified in the attached Exhibit A to make and execute contracts consistent with the program guidelines and/or other parameters set forth in Exhibit A using forms approved by the City Attorney's Office.

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

Pursuant to City Charter chapter 4, section 25, the City Council hereby delegates authority to the respective department heads or designees identified in the attached Exhibit A to make and execute contracts consistent with the program guidelines and/or other parameters set forth in Exhibit A using forms approved by the City Attorney's Office.

EXHIBIT A

Title	Usage	Required City signatures	Maximum Dollar Amount	Maximum Term
Standard Agreement (non-grant form)	Professional (personal) services non-grant funded (See Contract Management web site)	Department Head*	\$50,000 plus reasonable expenses	Five years
Standard Agreement (grant form)	Professional (personal) services grant funded (See Contract Management web site)	Department Head*	\$50,000	Five years
Standard Agreement (Hennepin County grant form)	Grant Form adaptations as required by Hennepin County (See Contract Management web site)	Department Head*	\$50,000	Five years
Travel for Community Representatives	Travel by a community member pursuant to a grant requirement	Department Head*	\$10,000	One year
Short-Term Lease (City as Landlord)	Lease of City real estate to others (See Real Estate web site)	CPED Director or Director of Property Services & Equipment*	Revenue	One year
Short-Term Lease (City as Tenant)	Lease of Non-City real estate by City (See Real Estate web site)	Director of Property Services & Equipment*	\$50,000	One year
Business Association Assistance	CDBG funded assistance to various business associations (See Program Guidelines)	CPED Director*	\$10,000 per year	Five years
Right of Entry (City as Grantor)	Allow non-City use of City property for City benefit (i.e., architects) (See Real Estate web site)	CPED Director or Director of Property Services & Equipment*	\$0	30 days

Right of Entry (City as Grantee)	Allow City use of non-City property for City benefit (i.e., testing) (See Real Estate web site)	CPED Director or Director of Property Services & Equipment*	\$0	30 days
Non-profit Developer Assistance	Assist non-profit housing developers to offset pre-development costs (see Program Guidelines)	CPED Director*	\$30,000 per project	One year
Property Acquisition Assistance MOU	Assist developers with acquisition on fee-for-service basis	CPED Director*	Revenue	Five years
Facilities Use Permit	Allow use of City real estate (See Real Estate web site)	CPED Director or Director of Property Services & Equipment*	Revenue	One week
Copyright Use agreement	Use of riverfront logo and/or illustrated map	CPED Director*	Revenue	Fixed term
Home/How Administration	Non-profit construction management	CPED Director*	\$50,000	Five years

\*Or designees (See Contract Management web site)

Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract (C-18881) by \$189,856 to accommodate the implementation of Spam reduction services for the City's electronic mail environment and by \$151,872 to accommodate a network access services increase in bandwidth for the City network, with the cost of increases to be paid from the Business Information Services (BIS) operating budget (6400-880-8883).

Adopted 4/1/05.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 4 increasing Contract #C-20481 with PCL Construction Services, Inc. by \$344,382, for a new contract total of \$18,769,488.

Adopted 4/1/05.

Approved by Mayor Rybak 4/4/05.

(Published 4/6/05)

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Governance Board approving allocation of EZ education funding for the following proposals:

American Indian Center	\$150,000
Broadway High School – Teen Parent Program	\$125,000
City of Lakes AmeriCorps	\$ 50,000
Harvest Preparatory Charter School	\$100,000
Hospitality House Youth Directions	\$150,000
La Oportunidad, Inc.	\$ 70,000
North High School – Construction Program	\$ 75,000
Phyllis Wheatley Community Center	\$100,000
Project for Pride in Living	\$ 55,000
Sabathani Community Center	\$125,000
<b>Total</b>	<b>\$1,000,000</b>

Your Committee further recommends that the proper City officers be authorized to execute contracts with said funding sub-recipients setting forth the terms and conditions of the agreement.  
Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Governance Board approving allocation of EZ safety funding for the following proposals:

American Indian Neighborhood Development Corporation – Franklin Avenue Safety Center	\$75,000
Folwell Neighborhood Association Curfew and Truancy Intervention	\$75,000
Little Earth of United Tribes Housing Corporation Little Earth Community Safety Program	\$100,000
MAD DADS MAD DADS/Center for Fathering	\$100,000
Powderhorn Park Neighborhood Association Midtown Crime & Safety Initiative	\$75,000
<b>Total</b>	<b>\$425,000</b>

Your Committee further recommends that the proper City officers be authorized to execute contracts with said funding sub-recipients setting forth the terms and conditions of the agreement.  
Adopted 4/1/05.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Empowerment Zone (EZ) Governance Board approving allocation of EZ Affordable Housing Trust Funds for the following projects:

Little Earth Phase IV (Little Earth of United Tribes Housing Corp)	\$222,333
Hiawatha Commons (Alliance Housing)	\$277,667
Midtown Exchange Apartments (Sherman Associates, Inc)	\$500,000.

Your Committee further recommends that the proper City officers be authorized to execute a contract with the respective housing developers of said projects setting forth the terms and conditions of the agreement.  
Adopted 4/1/05.

**W&M/Budget** - Your Committee, having under consideration the recommendation of the Director of the Human Resources Department for the classification of four director positions within the Community Planning and Economic Development (CPED) Department, now recommends concurrence with the approval of the Executive Committee for classification of the following positions:

- a) Deputy Director, CPED, at Grade 17 (793 points);
- b) Director, Housing Policy and Development, at Grade 16 (720 points);
- c) Director, Economic Policy and Development, at Grade 16 (753 points); and
- d) Director, Minneapolis Employment & Training Program, at Grade 12 (563 points).

Your Committee further recommends passage of the accompanying amendment to the Salary Ordinance approving the salary rates for said positions.

Adopted 4/1/05.

Zerby moved to reconsider the vote on the above report. Seconded.

Goodman moved to call the question on Zerby's motion. Seconded.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby.

Zerby's motion lost. Yeas, 3; Nays, 10 as follows:

Yeas - Zerby, Lilligren, Johnson Lee.

Nays - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Ordinances 2005-Or-020 through 2005-Or-023, establishing the salary for four director positions within the Community Planning and Economic Development Department, were passed 4/1/05 by the City Council. A complete copy of each ordinance is available for public inspection in the office of the City Clerk.

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

**ORDINANCE 2005-Or-020**  
**By Johnson**  
**1st & 2nd Readings: 4/1/05**

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

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

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

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

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Deputy Director, CPED	A	\$109,094	\$114,836	\$118,281	\$120,577

Adopted 4/1/05.

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

**ORDINANCE 2005-Or-021  
By Johnson  
1st & 2nd Readings: 4/1/05**

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

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

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

**Appointed Officials (CAP)  
Effective December 26, 2004**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Housing Policy and Development	A	\$98,885	\$104,090	\$107,212	\$109,294

Adopted 4/1/05.

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

**ORDINANCE 2005-Or-022  
By Johnson  
1st & 2nd Readings: 4/1/05**

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

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

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

**Appointed Officials (CAP)  
Effective December 26, 2004**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Economic Policy and Development	A	\$103,500	\$108,948	\$112,216	\$114,395

Adopted 4/1/05.

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

**ORDINANCE 2005-Or-023**  
**By Johnson**  
**1st & 2nd Readings: 4/1/05**

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

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

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

**Appointed Officials (CAP)**  
**Effective December 26, 2004**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Director, Minneapolis Employment & Training Program	A	\$78,328	\$82,451	\$84,924	\$86,573

Adopted 4/1/05.

**W&M/Budget** - Your Committee, having under consideration a request from the Director of the Community Planning and Economic Development (CPED) Department for salary step placement for three director positions within CPED and having been informed that the Executive Committee forwarded the matter without recommendation, now recommends approval of the following:

- a) Placement of Mr. Chuck Lutz at Step D (\$120,577 per year - limited to \$114,288 per year due to the restrictions imposed by the Governor's Salary Cap) of the newly established salary schedule for Deputy Director, CPED;
- b) Placement of Ms. Elizabeth Ryan at Step B (\$104,090 per year) of the newly established salary schedule for Director, Housing Policy and Development;
- c) Placement of Mr. Michael Christenson at Step B (\$108,948 per year) of the newly established salary schedule for Director, Economic Policy and Development.

Zerby moved to reconsider the vote in the previous report. Seconded.

Chair Ostrow declared Zerby's motion to be out of order.

Zerby moved to table. Seconded.

Lost upon a voice vote.

The report was adopted 4/1/05. Yeas, 8; Nays, 3 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays - Zerby, Johnson Lee, Zimmermann.

Declining to vote - Lilligren, Schiff.

**W&M/Budget** - Your Committee, having reviewed the 2004 Budget Report, now recommends passage of the accompanying Resolution amending the 2004 General Appropriation Resolution to reflect the recommendation of the Finance Officer to provide supplemental departmental appropriations to accommodate spending commitments.

Adopted 4/1/05.

Resolution 2005R-167, amending the 2004 General Appropriation Resolution to provide for supplemental departmental appropriations, was passed 4/1/05 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-167  
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 as follows:

**Appendix A  
2004 Year End Supplemental Appropriations**

<b>Fund</b>	<b>Agency</b>	<b>Agency</b>	<b>Appropriation</b>	<b>Revenue</b>	<b>Description</b>
		<b>GENERAL FUND</b>			
0100	260		\$ (25,000)		Transfer from City Clerk to Elections
0100	260		\$ (627)		Decrease adv./publications
0100	260		\$ 15,000		Increase printing/copying due to elections
0100	264		\$ 24,979		Transfer from City Clerk to Elections
0100	650		\$ 150,000		Training Budget per Local #363 Contract
0100	842		\$ 50,000	\$ 50,000	MTN Payment/Time Warner
		<b>Total General Fund</b>	<b>\$ 214,352</b>	<b>\$ -</b>	
		<b>POLICE SPECIAL REVENUE</b>			
2100	400		\$ 500,462	\$ 500,462	NRP 4th Qtr.-Security Services
		<b>Total Permanent Improvement</b>	<b>\$ 500,462</b>	<b>\$ 500,462</b>	
		<b>PERMANENT IMPROVEMENT</b>			
4100	937		\$ 650,000	\$ 650,000	Reimbursable Work for Others PW Traffic and Parking Services
4100	943		\$ 125,000		reimbursable
		<b>Total Permanent Improvement</b>	<b>\$ 775,000</b>	<b>\$ 650,000</b>	
		<b>EQUIPMENT FUND</b>			
6100	675		\$	\$ 160,000	To adjust for accounting change to capital assets
6100	927		\$ 160,000		Increase due to acct chnge for new vehicle prep
		<b>Total Equipment</b>	<b>\$ 160,000</b>	<b>\$ 160,000</b>	

<b>PROPERTY SERVICES FUND</b>						
6200	680	\$	200,000	\$	200,000	Increase in Work for Others
6200	680	\$	300,000	\$	300,000	Increase in Utility Charges
6200	680	\$	500,000	\$	500,000	Technical Adj. for Approp. Shortfall
	<b>Total Property Services</b>	<b>\$</b>	<b>1,000,000</b>	<b>\$</b>	<b>1,000,000</b>	
<b>INFORMATION TECHNOLOGY</b>						
6400	260	\$	11,000			Copy Center-add'l copiers/CEP Copier
6400	880	\$	2,344,887	\$	2,800,134	PMD & EIS Projects-Revenue based approp increases
6400	880	\$	40,000	\$	40,000	CPED Transfer-Jeff Miller
6400	880	\$	281,519	\$	281,519	CPED Telecom & Utility PBS & Unisys
	<b>Total Information Technology</b>	<b>\$</b>	<b>2,677,406</b>	<b>\$</b>	<b>3,121,653</b>	
<b>Self Insurance</b>						
6900	129	\$	300,000	\$	300,000	Additional costs for VEBA expenses offset by Payroll deductions.
6900	150	\$	995,000			Civil Claim 03-3518 - Settlement pay outs
6900	150	\$	300,000			Civil Claim 03-3518 - Settlement pay outs
6900	150	\$	527,420			YE Increases needed to meet settlement liabilities
	<b>Total Self Insurance</b>	<b>\$</b>	<b>2,122,420</b>	<b>\$</b>	<b>-</b>	
<b>PARKING FUND</b>						
7500	685	\$	8,584,313			Appropriation increase for TAD Ramp revenue transfer to MnDot
	<b>Total Parking Fund</b>	<b>\$</b>	<b>8,584,313</b>			
	<b>Total All Funds</b>	<b>\$</b>	<b>16,033,953</b>	<b>\$</b>	<b>5,432,115</b>	

Expense Net Revenue \$ 10,601,838

Adopted 4/1/05.

**W&M/Budget** - Your Committee, having reviewed the 2004 Budget Report, now recommends passage of the Resolution amending the 2005 General Appropriation Resolution to increase the budgets in the funds and agencies recommended by the Finance Officer in order to provide for reappropriation of 2004 remaining budget to 2005.

Your Committee further recommends that the Finance Officer be authorized to execute any 2005 appropriation changes necessary to carry out the intent of said reappropriations.

Johnson moved to approve the report with the addition of the following directions to the Finance Department staff regarding the preliminary year end financial results:

1. Determine a reasonable allocation to the enterprise funds of the \$1.3 million in start-up costs (one-time) for one-call. Finance staff are authorized to make the necessary budget adjustments, reducing the general fund allocation and adding an allocation for the enterprise funds, so the total project allocation remains at \$1.3 million.

2. Determine the interest earned over the next year on the \$10 million dollars (one-time) in fund balance which will be used to reduce pension debt in 2006 and beyond.

3. Allocate the general fund resources identified under (1) and (2) to the public works department for eligible one-time expenses. Finance staff are authorized to make the necessary budget adjustments to accomplish this allocation.

4. Information on the final extent of these changes outlined in (1), (2), and (3) will be included in the Mid-year financial report. Seconded.

Zerby moved that the motion be divided so as to consider separately that portion relating to the staff directions. Seconded.

Adopted. Yeas, 7; Nays, 6 as follows:

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

Nays - Niziolek, Benson, Goodman, Samuels, Johnson, Colvin Roy.

The Johnson motion relating to the staff directions was adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Samuels, Johnson, Colvin Roy, Schiff, Ostrow.

Nays - Zerby, Lilligren, Johnson Lee, Lane, Zimmermann.

Niziolek moved to amend the report, as amended, to require that the reappropriation of \$400,000 of 2004 funds to the Minneapolis Police Department (MPD) in 2005 will be dependent on the MPD receiving approval from the City Council on expenditures. Seconded.

Adopted upon a voice vote.

Zerby moved to approve a resolution reappropriating an additional \$800,000 to the Department of Health & Family Support. Seconded.

Goodman moved to call the question on Zerby's motion. Seconded.

Adopted upon a voice vote.

Zerby's motion lost. Yeas, 5; Nays, 8 as follows:

Yeas - Zerby, Lilligren, Johnson Lee, Samuels, Zimmermann.

Nays - Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Schiff, Ostrow.

Zerby moved to approve a resolution affirming that the City Council will work with the Mayor to eliminate projected cuts to the Department of Health and Family Support in 2006. Seconded.

Chair Ostrow ruled Zerby's motion out of order.

Zerby appealed the ruling of the Chair. Seconded.

Lost upon a voice vote.

The report, as amended, was adopted 4/1/05.

Resolution 2005R-168, approving the reappropriation of 2004 remaining budget to 2005, was passed 4/1/05 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-168**

**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 to reflect the following reappropriation of 2004 funds:

<i>Department/Purpose</i>	<b>General Fund</b>	<i>Recommended</i>
<b>Public Safety</b>		
Police - debt reduction / operating increase <sup>1</sup>		10,000,000
Police - initial request		0
Police - revised request		400,000
Fire <sup>2</sup>		600,000
<b>Total Public Safety</b>		<b>\$11,000,000</b>
<b>Enterprise Projects</b>		
Mpls. One-Call initial investment		1,300,000
Mpls. One-Stop initial investment		700,000
<b>Total Enterprise Project</b>		<b>\$2,000,000</b>

**Other Departments**

City Coordinator <sup>2</sup>	600,000
Public Works <sup>2</sup>	600,000
City Council	177,000
Mayor	48,000
Health	28,000
<b>Total Other Departments</b>	<b>\$1,453,000</b>

**Total Recommended Re-appropriation - General Fund** **\$14,453,000**

**StormWater Fund**

Public Works	\$125,000
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**Total Recommended Re-appropriation - Citywide** **\$14,578,000**

<sup>1</sup> Using \$10 million in one-time funds to avoid bonding for a portion of pension debt produces an annual savings of \$1 million in the General Fund, which will be available for appropriation starting in 2006.

<sup>2</sup> Requests from Fire, Public Works and City Coordinator departments were all reduced to the same amount, assuming additional savings can be found within their 2005 budgets.

Adopted 4/1/05.

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

**W&M/Budget & Z&P** – Your Committee recommends that the proper City officers be authorized to execute a contract with Hoisington Koeigler Group Inc, in an amount not to exceed \$75,000, for the completion of a master plan for the South Lyndale project area.

Adopted 4/1/05.

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

**Z&P** - Your Committee, having under consideration the application of Shawn Dormanen 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 construction of a new single-family home at 3859 – 6<sup>th</sup> St N, now recommends that said waiver be granted, subject to the provision of additional windows that would equal 15 percent on each floor of all facades of the building, and that the findings prepared by the Planning Department staff be adopted.

Adopted 4/1/05.

**Z&P** - Your Committee, having under consideration the application of Don Willenbring, dba Timeless Homes, 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 construction of a new triplex at 4623 Lyndale Ave N, now recommends that said waiver be granted, subject to the provision of additional windows that would equal 20 percent of each floor of the front façade and 15 percent of each floor on each of the other sides of the building as shown on the revised drawings, and that the findings prepared by the Planning Department staff be adopted.

Johnson moved that the report be postponed. Seconded.

Adopted upon a voice vote 4/1/05.

**Z&P** – Your Committee recommends confirmation of the following Mayoral appointments to the Minneapolis Planning Commission, for terms of office to expire January 31, 2007:

- a) Walid El-Hindi, 4121 Upton Ave S, Minneapolis 55410 (replacing Greta Johnson); and
- b) Theodore Tucker, 319 – 5<sup>th</sup> St SE, Minneapolis 55414 (replacing Monique MacKenzie).
- c) David Motzenbecker, 2533 – 1<sup>st</sup> Ave S, #202, Minneapolis 55404 (Mayor’s representative, replacing Michael Hohmann).

Niziolek moved to divide the report so as to consider separately that portion relating to item “a.”  
Seconded.

Adopted upon a voice vote.

Nizolek moved adoption of the balance of the report. Seconded.

Adopted 4/1/05.

**Z&P** – Your Committee recommends confirmation of the following Mayoral appointment to the Minneapolis Planning Commission, for terms of office to expire January 31, 2007:

- a) Walid El-Hindi, 4121 Upton Ave S, Minneapolis 55410 (replacing Greta Johnson).

Adopted 4/1/05. Yeas, 12; Nays, 1 as follows:

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

Nays – Niziolek.

**Z&P** - Your Committee, having under consideration the appeal filed by Nancy Steinke from the decision of the Board of Adjustment which approved the application of John and Kim Massey, 724 E Minnehaha Pkwy, for a) a variance to reduce the required front yard setback along Minnehaha Pkwy from the setback established by the adjacent residential structure to 88 feet; b) a variance to reduce the required front yard setback along Columbus Ave from the setback established by the adjacent residential structure from 19 feet to 14 feet; c) a variance to reduce the required east interior side yard setback from 6 feet to 4 feet; and d) a variance to reduce the required north interior side yard setback from 6 feet to 1 foot, all to allow for the construction of an addition that includes a porch to an existing single family dwelling, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld relating to variances for “a, b and d;” and that the appeal relating to variance “c” be granted, in part, to approve a variance to reduce the required east interior side yard setback from 6 feet to 4 feet for the dwelling, but the attached garage is required to meet the 6 foot side yard setback.

Benson moved to amend the report by deleting the language, “granted, in part, to approve a variance to reduce the required east interior side yard setback from 6 feet to 4 feet for the dwelling, but the attached garage is required to meet the 6 foot side yard setback,” and inserting in lieu thereof, “denied, and the variance be approved subject to the following conditions: a) That the Planning Division review and approve the final site, landscape, and elevation plans that measure to an architectural or engineering scale; b) That the east wall of the attached garage includes at least one window equal to five percent of the garage wall area; c) That the remaining side yard between the garage and property line be landscaped with perennial flowering plants, and shrubs.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/1/05.

**Z&P** - Your Committee, having under consideration the appeal filed by Chad and Lindsay Laurich from the decision of the Board of Adjustment which denied a request to establish legal nonconforming rights for a two-family dwelling at 3027 – 46<sup>th</sup> Ave S, in the R1A District, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings of fact prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 4/1/05.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Hennepin Avenue United Methodist Church (#1453) to vacate part of the right-of-way on Summit Ave in the vicinity of 511 Groveland Ave to permit legal utilization of the reconfigured parking area, subject to retention of easement rights by the Minnesota Department of Transportation, 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 right-of-way.

Adopted 4/1/05.

Resolution 2005R-169, vacating part of Summit Avenue in the vicinity of 511 Groveland Ave, was passed 4/1/05 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-169**  
**By Schiff**

**Vacating part of Summit Avenue in the vicinity of 511 Groveland Avenue (#1453).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the public right-of-way beginning at a point on the southwest line of Lot 5, Aud. Subd. No. 256, distant 41 feet northwesterly of the most southerly corner thereof; thence run northwesterly to a point on the southwesterly extension of the northwesterly line of Lot 6, said Aud. Subd. No. 256, distant 15 feet southwesterly of the southwest corner thereof; thence run northwesterly to a point on the northerly line of Summit Avenue in the City of Minneapolis, distant 79.67 feet easterly of its intersection with the east line of Lyndale Avenue, City of Minneapolis, and said line there terminating is hereby vacated except that such vacation shall not affect the existing authority of the Minnesota Department of Transportation, their successors and assigns, to enter upon that portion of the aforescribed utilities which is described in regard to each of said corporations as follows, to wit:

A storm tunnel and sewer easement in favor of the Minnesota Department of Transportation: A permanent easement over the entire area to be vacated; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public alley 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 4/1/05.

**MOTIONS**

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of April 2005 be approved and ordered paid subject to audit by the Finance Officer. Seconded.  
Adopted 4/1/05.

Ostrow introduced the subject matter of an ordinance amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Indoor Smoking*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 234.30 *Responsibilities of Proprietors*, to allow matchbooks to be provided for ceremonial or promotional purposes).

Goodman introduced the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, which was given its first reading and referred to the Zoning and Planning Committee (adding a new Chapter 579 to provide for a moratorium on new construction and expansion of all development projects and uses not permitted as of right in the Loring Hill area generally bounded by Interstate 94 on the South, LaSalle Avenue on the East, Hennepin/Lyndale Avenues on the West, and 15th Street on the North, and establishing a waiver process).

Niziolek introduced the subject matter of an ordinance amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Signs and Billboards*, which was given its first reading and referred to the Public Safety and Regulatory Services Committee (eliminating the annual sign registration fee requirement, special council permit issuance in relation to signs, council approval of sign hanger and billboard erector licenses, consolidating the number of sign hanger licenses, and eliminating redundancies and contradictions between ordinances).

Niziolek introduced the subject matter of an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to the *Building Code: Permit Fees*, which was given its first reading and referred to the Public Safety and Regulatory Services Committee (eliminating the annual sign registration fee requirement).

Niziolek introduced the subject matter of an ordinance amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, which was given its first reading and referred to the Public Safety and Regulatory Services Committee (eliminating the billposting and sign painting licenses and allowing the sign hangers and billboard erectors licenses to be administered by the Department of Regulatory Services).

Goodman moved to discharge the Intergovernmental Relations Committee from further consideration of a City position concerning Senate File No. 1877/House File No. 2032, bills relating to public safety; making it a crime to loiter with intent to participate in prostitution; appropriating money for pilot projects to reduce homelessness; repealing the vagrancy crime; and amending Minnesota Statutes. Seconded. Adopted 4/1/05.

Goodman moved that the Council support Senate File No. 1877/House File No. 2032, bills relating to public safety; making it a crime to loiter with intent to participate in prostitution; appropriating money for pilot projects to reduce homelessness; repealing the vagrancy crime; and amending Minnesota Statutes. Seconded. Adopted 4/1/05.

## RESOLUTIONS

Resolution 2005R-170, honoring Reverend William W. Smith, III for his many years of invaluable service to our community and for his visionary leadership in state, regional, and national civil rights initiatives, was passed 4/1/05 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-170

By Johnson Lee

**Honoring Reverend William W. Smith, III for his many years of invaluable service to our community and for his visionary leadership in state, regional, and national civil rights initiatives.**

Whereas, Reverend William W. Smith, III began his community service in Minneapolis at the Phyllis Wheatley House in 1958, and has since provided notable service and exceptional leadership in the areas of human and civil rights, community development, affordable housing, educational services, community organizing, family support, and youth development; and

Whereas, Reverend Smith has also served as an international representative for the American Federation of State, County, and Municipal Employees Union (AFSCME) in Louisiana, Texas, and Oklahoma and as a staff member of the National Urban League's Southern Regional Office in Atlanta, Georgia; and

Whereas, Reverend Smith founded the Black Unity & Futurism Youth Organization, and continues to be a strong advocate and supporter of youth causes and is currently chairman of the Faith-Based Community Associated Life-Links (C.A.L.L.) and the President of the Minneapolis Interdenominational Ministerial Alliance, while also serving as an executive board member of the Minneapolis Urban League; and

Whereas, Reverend Smith has achieved the notable distinctions of being the first African American chairman of the Minneapolis Human Rights Commission and the Minnesota Committee to the U.S. Commission on Civil Rights; and

Whereas, Reverend Smith continues his many years of dedicated service to our community as a community leader and activist in civil rights, anti-poverty, and organized labor movements;

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

That the Minneapolis City Council wishes to convey our deep appreciation and recognition for Reverend William W. Smith, III's many years of invaluable service to our community and for his visionary leadership in state, regional, and national civil rights initiatives.

Adopted 4/1/05.

Resolution 2005R-171, honoring the PEACE GAMES, was passed 4/1/05 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-171**

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

**Honoring the PEACE GAMES.**

Whereas, the PEACE GAMES will promote understanding, collaboration and peace within our community; and

Whereas, the PEACE GAMES will be modeled after the modern Olympic Games with a major focus on developing peaceful and progressive communities; and

Whereas, the PEACE GAMES long range purpose is to eliminate street violence in the city of Minneapolis; and

Whereas, the PEACE GAMES will provide healthy, high quality athletic, artistic, intellectual and social development for our youth in Minneapolis, working alongside the Minneapolis Park and Recreation, School Board, Police, area businesses, community organizations, and adult and youth volunteers;

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

That it honor the PEACE GAMES as an annual, summer highlight in the City of Minneapolis.

Adopted 4/1/05. Yeas, 12; Nays, 1 as follows:

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

Nays – Johnson Lee.

Resolution 2005R-172, affirming that the City Council will work with the Mayor to eliminate projected cuts to the Department of Health and Family Support in 2006, was passed on 4/1/05 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-172**  
**By Zerby**

**Affirming that the City Council will work with the Mayor to eliminate projected cuts to the Department of Health and Family Support in 2006.**

Whereas, The Department of Health and Family Support is instrumental in helping the City achieve the City Goal to "Promote public, community and private partnerships to address disparities and to support strong healthy families and communities"; and

Whereas, the City's Five-Year Financial Direction will reduce the General Fund support for the Department of Health and Family Support to \$2,835,473 in 2006; and

Whereas, a revised Department Five-Year Financial Direction that was accepted by the City Council would require \$818,579 more in General Fund support than is currently included in the Five Year Plan; and

Whereas, no increase in City support for the Department in 2006 over the Five-Year Financial Direction will most likely mean eliminating the Senior Ombudsman's Office, transferring two administrative positions to grant funding (leaving only 2 FTEs on the General Fund) and an additional \$500,000 in cuts to community safety net contracts such as Minnesota Visiting Nurse Agency, Neighborhood Health Care Network and Way to Grow; and

Whereas, additional cuts in CDBG funds which currently support community programs and to a lesser extent Department staff (3.9 FTEs) have been proposed by the Federal Government; and

Whereas, in 2004 General Fund support for the Department of Health and Family Support already represented only 28% of their total budget; and

Whereas, a minimal infrastructure is needed to accomplish grant writing, contract management and general administrative oversight of the Department; and

Whereas, it is in the City's interest to maintain some flexibility and capacity within the Department that is not rigidly committed to outside grantors; and

Whereas, the City is well served by the Department's ability to build and sustain community relationships, to respond to urgent emerging needs, and to provide oversight of programs and services to assure efficiencies and coordination in community systems serving City residents; and

Whereas, other government funding is flat or expected to be cut including Federal funds for Emergency Preparedness and state Local Public Health funding;

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

That the City Council work with the Mayor's office to eliminate the projected cuts to the Department of Health and Family Support in 2006.

Adopted 4/1/05. Yeas, 7; Nays, 6 as follows:

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

Nays – Benson, Goodman, Lane, Johnson, Colvin Roy, Ostrow.

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

Adopted upon a voice vote.

Room 315 City Hall  
Minneapolis, Minnesota  
April 1, 2005 - 12:34 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Zerby, Lilligren, Niziolek, Benson, Lane, Samuels (In at 12:37 p.m.), Johnson, Colvin Roy, Zimmermann (In at 12:35 p.m.), Schiff, Ostrow.

Absent - Johnson Lee, Goodman.

Also present - Jay Heffern, City Attorney; Jim Moore, Assistant City Attorney; Inspector Don Harris, Police Department; Peter Wagenius, Mayor's Office; Merry Keefe, City Clerk; Peggy Menshek, City Clerk's Office.

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

At 12:35 p.m., Lilligren moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.

Moore summarized the Farahan lawsuit from 12:35 p.m. to 12:52 p.m.

At 12:54 p.m., Niziolek moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

Schiff moved that the City Attorney be authorized to settle the case of *Farahan vs. City of Minneapolis, et al*, Hennepin County District Court File No.: 04-5623, in the amount of \$90,000, with the provision that the City Attorney's Office conduct training in the use of mace during the Police Department's 2006 training schedule. Seconded.

Adopted 4/1/05.

Absent - Johnson Lee, Goodman.

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

Lilligren moved to adjourn. Seconded.  
Adopted by a voice vote.

Merry Keefe,  
City Clerk.

Unofficial Posting: 4/05/2005  
Official Posting: 4/11/2005  
Correction: 5/17/2005