

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF JUNE 17, 2005

(Published June 25, 2005, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

June 17, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting held May 27, 2005 and the adjourned session of May 27, 2005. Seconded.

Adopted upon a voice vote.

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

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270449)

Parcel E "Liner" Development: Revised development concept.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270450)

Sale of Property at 2119 14th Av S: To American Indian Community Development Corporation for the Pokegama Housing Project.

Sale of Property at 2006 25th Av N: To Renewed Dwellings, Inc.

Sale of Property at 2921 16th Av S: To Mohammed K. Thabet or to The Greater Metropolitan Housing Corporation of the Twin Cities.

Sale of Property at 1411 Logan Av N: To Affordable Custom Builders.

2005 Housing Program: Amendment to the 2005 Single Family Housing Finance Program to allow for additional bonding.

Urban Village Project: Revised agreement with Midtown Community Works to identify Smith Parker, PLLP as grantee.

Tax Forfeited Land: Authorize acquisition of the property at 1415 18th Av NE from Hennepin County and authorizing filing of an application for title for properties.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET

(See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270451)

Chicago Av Plaza: Authorize contract with the Guthrie Theater Foundation for the completion of Phase IIA, amendment to the Soil Correction Escrow Agreement with the Guthrie Theater, and easement agreement with the Guthrie Theater Foundation to accept the supplemental access easement.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

HEALTH AND FAMILY SUPPORT SERVICES (270454)

Weed & Seed: Report on Phillips and Central Communities.

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270452)

Neighborhood Revitalization Program (NRP) Funds for the Bryant Neighborhood: Use of Hennepin County's "Second 7.5%" NRP funds to support the Center for Child Abuse Prevention and Treatment.

NRP Administrative Budget: Approve increase to 2005 budget to satisfy remaining 2004 budget obligations. (See W&M report only)

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270453)

Ripley Gardens Apartments/Marshall Stacey Townhomes: Adopt the Penn & Glenwood Redevelopment Plan and the Ripley Gardens Apartments/Marshall Stacey Townhomes Tax Increment Financing Plan; authorize issuance of a Pay-As-You-Go Tax Increment Financing Note in the amount of \$800,000; approve proposed redevelopment contract terms, authorize execution of a redevelopment contract with M. Ripley Limited Partnership.

Minneapolis Housing Replacement District Tax Increment Reimbursement: Increase the CPED Housing Replacement District appropriation as reimbursement to the City's Vacant and Boarded Housing Program budget.

McKnight Foundation Grant Award: Accept and execute a grant agreement to receive funds for consulting services for the Riverfront Revitalization Process.

2005 Metropolitan Council Livable Communities Demonstration Account (LCDA): Authorize submission and priority ranking of grant applications.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (270455)

Disadvantaged Business Enterprise (DBE) Plan: Approve DBE Plan for implementation on Nicollet Hotel Block Project; and allow Staff to make minor changes to the plan in order to maintain compliance with federal regulations; Execute DBE Plan for submission to Federal Transit Administration for approval; and Execute agreement to allow City to become a member of the Minnesota Uniform Certification Program.

HEALTH AND FAMILY SUPPORT SERVICES (270456)

Minneapolis Advisory Committee on People with Disabilities: Approve appointments of Michael Foster and Rozanne Severance.

Senior Citizen Advisory Committee: Approve appointments of Fadumo Dubet and Marilyn Holm.

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

HEALTH AND FAMILY SUPPORT SERVICES (270457)

Twin Cities Healthy Start Program: Approve four-year Eligible Providers list; and Authorize develop contracts for services with agencies on said list; and Accept four-year grant award of \$925,000 from United States Department of Health and Human Services; and Authorize hire 1.0 FTE grant funded position.

Home Visiting Services for Pregnant and Parenting Teenagers: Execute contract with Hennepin County to receive \$620,000 for the Alliance Home Visiting Project; and Approve appropriation.

INSPECTIONS DEPARTMENT (270458)

NACCHO Grant Activities: Issue Request for Proposals for program analyst to complete deliverables for the Minneapolis portion of the Linking Advanced Practice Centers grant project, subject to review and approval by the Permanent Review Committee.

INTERGOVERNMENTAL RELATIONS:

CHARTER COMMISSION (270459)

Mpls City Charter Reform: Correspondence received from public hearings on ideas for reform.

INTERGOVERNMENTAL RELATIONS (270460)

Federal/State/Local Update: MnDot 2005 Twin Cities Metro District Construction projects for Potential 7/1/05 Shutdown.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (270461)

New Ballpark: House File 2480; Stadium Tax Fact sheet; MN Urban ballpark powerpoint presentation.

PUBLIC SAFETY AND REGULATORY SERVICES:

FIRE DEPARTMENT (270462)

Fire Department Accreditation Report.

INSPECTIONS DEPARTMENT (270463)

Housing Services Reorganization Update.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (270464)

Chapter 249 Property at 1939 W Broadway: Authorize demolition.

LICENSES AND CONSUMER SERVICES (270465)

Cupcake (3338 University Av SE): Application for Sidewalk Café License.

Wafanas ((2326 Lyndale Av N): Grant Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions.

Licenses: Applications.

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

PUBLIC WORKS AND ENGINEERING (270466)

Sidewalk Cafe Standards: Delay new standards; and Authorize staff to form a Task Force.

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

FIRE DEPARTMENT (270467)

Donation to Fire Department: Accept donation of a boat and trailer from Crystal-Pierz Marine, along with Crestliner Boats and Shorelander Trailers, estimated value of \$8,800; and Authorize place Crystal-Pierz Marine stickers on sides of boat.

2005 Homeland Security Grant to Fire Department: Accept \$1,100,000 from Minnesota Department of Public Safety to enhance the structural collapse regional response team program by pursuing further training to expand the regional team; and to pursue a business continuity plan; and Approve appropriation.

POLICE DEPARTMENT (270468)

Spanish Language Training for Police Department Staff: Accept partial reimbursement from St. Mary's College for course registration on an on-going basis; and Authorize deposit reimbursements into Police Department Training budget.

Bomb Disposal Unit: Amend Joint Powers Agreement with Minnesota Department of Public Safety to decrease amount by \$10,000 for services during fiscal year 2004-05; and Approve appropriation decrease.

Police Security Details: Accept Homeland Security grant award of \$87,600 and execute grant agreement with Minnesota Department of Public Safety to fund overtime and equipment for security details at critical City infrastructure and increased security at public events; and Approve appropriation.

Crime Prevention Details in Uptown Neighborhood: Accept up to \$10,000 and execute contract with Uptown Association to support police officers working details on Friday and Saturday nights in Uptown during the summer; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (270469)

Citywide and School Pedestrian Safety Programs: Receive & file report.

Minneapolis Aquatennial: Receive & file report on plans for increasing fundraising and decreasing reliance on City funds.

XCEL ENERGY/NSP (270470)

Utility Pole: Install one (1) 45'3 pole in the alley for temporary service for 328 Hennepin Av; Design #122178.

Utility Pole: Install one (1) 45'3 pole at 45 University Av SE; Design #122178.

Utility Pole: Install one (1) 45'4 pole 8' west of existing pole in the alley on Fremont Av N between 18th Av N and Broadway Av W; Design # 128170.

Utility Pole: Install one (1) 45'4 pole on 30th Av SE for 2901 4th St SE; Design #128902.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:

PUBLIC WORKS AND ENGINEERING (270472)

Railroad Quiet Zone: Receive & File Report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270471)

Land Exchange: Exchange of land between the City of Minneapolis and the Spiritual Assembly of the Baha'i.

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

PUBLIC WORKS AND ENGINEERING (270473)

Fremont Av N Street Renovation Projects 2229 & 2230: Order the work to proceed and adopt the special assessments, and request the Board of Estimate and Taxation to issue and sell assessment bonds.

Bryant Square Park: Authorize installation of three low-level lights to be reimbursed by Calhoun Area Residents Action Group (CARAG); and approve appropriation.

Speed Humps: Approve installation of a pair of speed humps along 18th Av S between 45th & 46th Street; and approve appropriation.

Speed Humps: Approve installation of a pair of speed humps along (a) Clinton Av S between 33rd & 34th St E; and (b) 34th St E between 3rd & 4th Av S; and approve appropriation.

Principal Professional Engineer: Authorize Step 5 of pay scale to Mr. Donald Sobania.

Project Excellence Team Parking System & Fund Review: Implement recommendations for Parking System and Fund efficiency and effectiveness.

Bids: Accept a) OP #6440, low bid of Underground Piercing, Inc. to furnish underground horizontal and compaction drilling; and b) OP #6441, low bid of AAA Striping Service Company to furnish preformed polymer pavement marketing tape.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270474)

Lawsuit Settlements: Claims of Irene Griffin, Ete'u Eli'jah Spencer, and Emilie Week.

Reimbursement of Legal Fees: Payment to Frederic Bruno & Associates on behalf of Officer Mark Beaupre; Payment to Rice, Michels & Walther, L.L.P. on behalf of Officers Babekuhl, Porras, Killebrew, Mosey, Beaupre, Altonen, Blad and Daly.

Council on Crime and Justice: Amend Contract #017534 to extend the period of performance to September 30, 2005.

Orpheum, State and Pantages Theatres: Recommend not waiving conflict of interest re Hinshaw & Culbertson's representation involving titles for the Stimson Building and Pantages Theatre.

BUSINESS INFORMATION SERVICES (270475)

Unisys Contract: Amendment of Contract C-18881 to accommodate the upgrading of the Utility Billing server environment at the Columbia Heights Filtration Facility.

System Integrator V, Electronic Content Management System Application Support Analyst: Approve hire of Allan Hoof (Step 7).

Minneapolis Emergency Communication Center Computer-Aided Design (CAD) system: Authorize negotiations with Intergraph Corporation and TriTech Software Systems.

COMMUNICATIONS (270476)

Utility Bill Insert: July 2005 "Dutch Elm Disease" Utility Bill Insert on behalf of the Minneapolis Tree Advisory Commission.

CORDINATOR (270477)

New Central Library Project: Change Order No. 2 to Contract Number C-20567 with E. R. Berwald Roofing Company, Inc.

FINANCE DEPARTMENT (270478)

Contract Extension: Authorize extension of Contract #C99-14637 with Crawford & Company to continue in the provision of Liability Claims Administration services to September 1, 2005.

HUMAN RESOURCES (270479)

Civil Service Commission: Approve reappointment of Ellen McVeigh (term ending 2/28/07), E. Maurice Nakumbe (term ending 2/28/06), and Christine Siewert (term ending 2/28/06).

Delta Dental: Authorize execution of a three-year contract with Delta Dental as the selected provider of dental insurance for City employees for 2006, 2007 and 2008.

MAYOR (270480)

City Assessor: Concur with Mayor's nomination and Executive Committee approval to appoint Patrick Todd to position, for term to expire January 2, 2006.

REGULATORY SERVICES (270481)

Problem Properties in the Housing Inspections Division Manager Position: Approve hire of Thomas Deegan (Step 7).

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (270482)

Appeals:

Robert Roscoe, for Donald Ross & Robert Lilligren (2900-3rd Ave S): Re variances for garage.

PLANNING COMMISSION/DEPARTMENT (270483)

Rezoning:

Chun Keath & Guenkeng Trann Ung (U Garden Restaurant, 2725 University Ave SE);

Dan & Heidi Niziolek (3401 Irving Ave S);

Phoenix Lofts Inc (221 Main St SE & 224 - 2nd St SE);

Velocity Investments (Le Parisien, LLC, 2301-09 Lyndale Ave S).

Vacations:

Paloma Partners, LLC (area of Ulysses St NE north from Winter St).

Zoning Board of Adjustment: Appointments of Matt Perry & Mathew Ditzler.

Appeal:

Robert MacIntyre (re Bassett Creek Woods Townhomes, 908-920 Washburn Ave N): Re Conditional use permit, variances & site plan review for townhome project.

MOTIONS (See Rep):

POLICE DEPARTMENT (270484)

Red Light Camera Project: Execute agreement with State of Minnesota to share driver's license data with City's vendor, Redflex Traffic Systems.

UNFINISHED BUSINESS (See Rep):

MAYOR (270485)

Mayoral Veto: Letter explaining veto action relating to Salsa A La Salsa Mexican Grill (1420 Nicollet Av) regarding application for a sidewalk café license (see report dated 5/27/05).

MAYOR (270486)

Salsa A La Salsa Mexican Grill (1420 Nicollet Ave): Letter to override veto of 5/27/05 for sidewalk café expansion license. (Also See Report of 5/27/05)

FILED:

CITY CLERK/SPECIAL PERMITS (270487)

Central Ave & Lowry Ave NE (NE Mpls Chamber of Commerce) banner.

Nicollet Ave, 1300 (Marilyn Fischbein-Byers) horse carriage for a wedding.

MINNESOTA STATE OFFICES-State Auditor (270488)

Ltr & Management and Compliance Report for the for the Library Board for the yr ended 12-31-2004.

PUBLIC WORKS AND ENGINEERING (270489)

Appeal filed 6/10/05 regarding Bryn Mawr Street Renovation Project No.

2989 (see Petn No 270400 dated 5/13/05).

The following reports were signed by Mayor Rybak on June 22, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

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

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2119 14th Av S to the American Indian Community Development Corporation for \$1,800 for development of the Pokegama Housing Project.

Your Committee further recommends that the proper City officers be authorized to execute the documents necessary to effectuate said sale.

Adopted 6/17/05.

Resolutions 2005R-338, authorizing the sale of 2119 14th Av S, was adopted 6/17/05 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-338

By Goodman

**Authorizing sale of land
Disposition Parcel No. TF-433**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel TF-433, in the Phillips neighborhood, from American Indian Community Development Corporation (AICDC), hereinafter known as the Purchaser, the Parcel TF-433, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

That part of the South ½ of Lot 6, Block 7, Eliot's Addition to Minneapolis, lying North of the South 40 feet of said lot.

Being registered land as is evidenced by Certificate of Title No. 1142732.

Whereas, the Purchaser has offered to pay the sum of \$1,800, for Parcel TF-433, to the City for the land; and

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

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

Whereas, the City has determined the offer of \$1,800 to purchase the Parcel to be reasonable; and

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

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

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 20, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on June 7, 2005, 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; and

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

That the re-use value for the TF-433 is hereby estimated to be the sum of \$1,800.

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

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

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

Adopted 6/17/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2006 25th Av N to Renewed Dwellings, Inc. for \$19,200, 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 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 6/17/05.

Approved by Mayor Rybak 6/20/05.

(Published 6/21/05)

Resolution 2005R-339, authorizing the sale of 2006 25th Av N, was adopted 6/17/05 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-339

By Goodman

**Authorizing sale of land
Vacant Housing Recycling Program
Disposition Parcel No. JOR 73-28**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel JOR 73-28, in the Jordan neighborhood, from Renewed Dwellings, Inc., hereinafter known as the Redeveloper, the Parcel JOR 73-28, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 25, Block 5, Forest Heights an Addition to the City of Minneapolis.

Registered land as is evidenced as Certificate of Title No. 850655.

Whereas, the Redeveloper has offered to pay the sum of \$19,200, for Parcel JOR 73-28 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 May 20, 2005, a public hearing on the proposed sale was duly held on June 7, 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 \$19,200 for Parcel JOR 73-28.

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 6/17/05.

Approved by Mayor Rybak 6/20/05.

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 2921 16th Av S to Mohammad K. Thabet for \$21,000 or, if that sale fails to close, to The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC) for \$21,000, 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 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 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson.

Resolutions 2005R-340 and 2005R-341, authorizing the sale of 2921 16th Av S, were adopted 6/17/05 by the City Council. A complete copy of each 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-340

By Goodman

**Authorizing sale of land
Model City Urban Renewal Project
Disposition Parcel No. TF-151**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-151, in the Phillips neighborhood, from Mohammad K. Thabet, hereinafter known as the Redeveloper, the Parcel TF-151, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 9, Block 3, Allan & Anderson's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$21,000, for Parcel TF-151 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 May 20, 2005, a public hearing on the proposed sale was duly held on June 7, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Model City Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$21,000 for Parcel TF-151.

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 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson.

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

RESOLUTION 2005R-341

By Goodman

**Authorizing sale of land
Model City Urban Renewal Project
Disposition Parcel No. TF-151**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-151, in the Phillips neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC), hereinafter known as the Redeveloper, the Parcel TF-151, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION

Lot 9, Block 3, Allan & Anderson's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$21,000, for Parcel TF-151 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 May 20, 2005, a public hearing on the proposed sale was duly held on June 7, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

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

That the re-use value for uses in accordance with the Model City Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$21,000 for Parcel TF-151.

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 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Johnson.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 1411 Logan Av N to Affordable Custom Builders, LLC fo \$22,500, 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 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 6/17/05.

Approved by Mayor Rybak 6/20/05.

(Published 6/21/05)

Resolution 2005R-342 authorizing the sale of the property at 1411 Logan Av N, was adopted 6/17/05 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-342

By Goodman

**Authorizing sale of land
Willard Homewood Urban Renewal Plan
Disposition Parcel No. WH 79-10**

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel WH 79-10, in the Willard-Homewood neighborhood, from Affordable Custom Builders, LLC., hereinafter known as the Redeveloper, the Parcel WH 79-10, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 6, Block 4, Rosedale Park.

Whereas, the Redeveloper has offered to pay the sum of \$22,500, for Parcel WH 79-10 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 May 20, 2005, a public hearing on the proposed sale was duly held on June 7, 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 Willard Homewood Urban Renewal plan, as amended, is hereby estimated to be the sum of \$22,500 for Parcel WH 79-10.

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 6/17/05.

Approved by Mayor Rybak 6/20/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution approving an amended and restated 2005 Single Family Housing Finance Program to be financed by the issuance of Single Family Mortgage Revenue Bonds, amending the program to provide for additional bonding authority.

Adopted 6/17/05.

Resolution 2005R-343 approving an amended 2005 Single Family Housing Finance Program, was adopted 6/17/05 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-343

By Goodman

Approving an amended and restated single family housing finance program to be financed by the issuance of single family mortgage revenue bonds.

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 an amended and restated single family housing finance program relating to the Minneapolis and the Saint Paul entitlement allocations available in 2005 and certain recycling refunding bonds (the "Amended Program"), to be financed by the issuance of one or more series of mortgage revenue obligations and mortgage revenue refunding obligations pursuant to Minnesota Statutes, Sections 469.001 to 469.047, Chapters 462A, 462C and 474A and Section 471.59 (together with applicable predecessor provisions of state law, 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 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 Amended 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 Amended 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 June 7, 2005 conducted a public hearing on the Amended Program after publication of notice as required by the Act; and

Whereas, the Amended Program was submitted to the Metropolitan Council at or before the time of publication of notice of the public hearing on such Amended 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 Amended 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 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 Amended Program be approved and the Board be authorized to issue Bonds pursuant to the Amended Program and the Joint Powers Agreement; and

Whereas, the Amended Program and the issuance of Bonds 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:

That the Amended 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 Amended Program in accordance with the Act and any other applicable laws and regulations.

Be It Further Resolved that the issuance of the Bonds to finance the Amended Program is hereby finally approved subject to agreement by the Board and the purchasers of the Bonds, if any.

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. 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 no further approval or consent of the City shall be required prior to the issuance of the Bonds by the Board, or prior to the taking of any action by the Board to undertake and implement the Amended 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 Amended Program other than as specified and authorized by separate actions of the City and other than the revenues derived from the Amended 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) may be issued by the City in lieu of issuance by the Board, at the discretion of the City.

Adopted 6/17/05.

Comm Dev - Your Committee, having under consideration the previously authorized grant agreement with Midtown Community Works (MCW) to receive a development coordination fee for the Urban Village Project, now recommends that said agreement be revised to identify Smith Parker, PLLP as the grantee (since MCW is not an entity that can legally accept the grant).

Adopted 6/17/05.

Comm Dev - Your Committee, having under consideration the conveyance of certain tax forfeited land and a request for authorization to register the title for properties, now recommends passage of the accompanying resolution:

- a) Authorizing the acquisition of the property at 1415 18th Av NE from Hennepin County; and
- b) Authorizing the proper City officers to file an application for title registration for certain tax forfeited properties.

Adopted 6/17/05.

Resolution 2005R-344 authorizing the acquisition of the property at 1415 18th Av NE from Hennepin County and filing of an application for title registration for certain tax forfeited properties, was adopted 6/17/05 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-344
By Goodman

Approving the purchase of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, and the conveyance thereof and authorizing the City to file an application for title registration on all tax forfeit properties signed by the Mayor and the City Clerk.

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

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

That the parcel located at 1415 18th Av NE be purchased by and conveyed to the City of Minneapolis pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1b.

Be It Further Resolved That the City is authorized to file an application for title registration on all tax forfeited properties signed by the Mayor and the City Clerk, pursuant to Minnesota Statutes, Chapter 508.03(6), including, but not limited to, the following parcels:

537 Queen Av N	1919 Monroe St NE
706 Newton Av N	2542 17th Av S
2209 21st Av S	2401 Golden Valley Rd
1415 Oliver Av N	2642 Emerson Av N
1317 Thomas Av N	1029 22nd Av N
2320 Sheridan Av N	2615 Thomas Av N
2826 14th Av S	2109 Aldrich Av N
3641 5th Av S	3504 Longfellow Av S

Adopted 6/17/05.

The **COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration construction of the Chicago Avenue Plaza (Chicago Av between 2nd St S and W River Parkway) connecting the Guthrie Theater, Mill City Museum and Mill Ruins Park, now recommends that the proper City officers be authorized to:

a) Enter into a contract (or an amendment to the existing Design/Build Construction Contract) not to exceed \$50,000 with the Guthrie Theater Foundation for the completion of Phase IIA (i.e., the portion of the Chicago Avenue Plaza that straddles the property line with the Guthrie Theater);

b) Execute an amendment to the Soil Correction Escrow Agreement between the City and the Guthrie Theater to cover any extraordinary environmental and geotechnical costs associated with Phase IIA.

c) Enter into an easement agreement with the Guthrie Theater Foundation to accept the supplemental access easement (described in Petn No 270451);

d) Enter into such other rights-of-entries, encroachment permits and agreements as are needed to implement the plaza.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning & Economic Development appropriation by \$42,198.

Adopted 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Colvin Roy.

RESOLUTION 2005R-345
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the West Side Milling District Fund (BWM-890-8933) by \$462,169.

Adopted 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Colvin Roy.

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

Comm Dev & W&M/Budget - Your Committee, having under consideration the proposal of Central Community Housing Trust to redevelop the site in which the former Ripley Maternity Hospital is located (300 Queen Av N), now recommends:

- a) Passage of the accompanying resolution adopting the Penn & Glenwood Redevelopment Plan and the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Financing Plan;
- b) Passage of the accompanying resolution authorizing the issuance of a "Pay-As-You-Go" Tax Increment Financing Note to M. Ripley Limited Partnership in a principal amount not to exceed \$800,000;
- c) Approval of the proposed redevelopment contract business terms as set forth in Petn No 270453;
- d) Authorization for the proper City officers to execute a redevelopment contract with M. Ripley Limited Partnership, with Central Community Housing Trust of Minneapolis as general partner, based on the terms contained in Petn No 270453, as well as all other necessary documents related to said actions.

Adopted 6/17/05.

Resolutions 2005R-346 and 2005R-347, adopting the Penn & Glenwood Redevelopment Plan and the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Financing Plan and authorizing the issuance of a "Pay-As-You-Go" Tax Increment Financing Note to M. Ripley Limited Partnership for the Ripley Gardens Apartments Project, were adopted 6/17/05 by the City Council. A complete copy of each 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-346
By Goodman and Johnson

**Adopting the Penn & Glenwood Redevelopment Plan, and the Ripley Gardens Apartments/
Marshall Stacey Town Homes Tax Increment Finance (TIF) Plan.**

Resolved by The City Council of The City Of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed new Penn & Glenwood Redevelopment Plan, and Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance (TIF) Plan ("collectively, the Plans"). The Plans establish a new Redevelopment Project, designate property to be included within the boundaries of the proposed project area (the "Project Area"), establish objectives for redevelopment, identify a budget for expenditures, reflect project activities and costs, and establish a redevelopment TIF District, all pursuant to and in accordance with the Project Laws.

1.3. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.4. The Ripley Gardens Apartments/Marshall Stacey Town Homes TIF District is being established within and under the authority of the Penn & Glenwood Project Area. The site is located within the existing Harrison Urban Renewal Area; however, the Harrison Urban Renewal Plan is not being modified. With the approval of the Penn & Glenwood Redevelopment Plan, the development site will be located within two project areas. The provisions and requirements of the Penn & Glenwood Redevelopment Plan with respect to the development site supersede those of the Harrison Urban Renewal Plan.

1.5. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans so as to establish a new Redevelopment Project Area and TIF District, which Plans reflect project activities and costs in the Project Area and TIF District.

Section 2. Findings for the Adoption of the Plans

2.1. The Council hereby finds, determines and declares that the TIF District is a redevelopment district pursuant to Minnesota Statutes, Section 469.174, Subdivision 10. The proposed TIF District is located within the Penn & Glenwood Redevelopment Project Area, in accordance with the provisions of Minnesota Statutes Sections 469.001 through 469.047.

2.2. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City of Minneapolis that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan on page 19. As illustrated, the public redevelopment activity, expenditures, and market values associated with

the redevelopment that is proposed in the TIF plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City of Minneapolis that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.3. The Council further finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the project by private enterprise, as the proposed redevelopment removes blight and blighting influences, and will create needed housing for persons of all incomes, including very low, low, and low to moderate income residents, as the project complies with the City Affordable Housing Policy which requires that 20% of the units be affordable units. Private redevelopment of the property included in the Project Area and TIF District could not occur without public participation and financial assistance because rents and prices of the for-sale units, as well as the high costs of contamination cleanup and historic renovation are not sufficient to amortize the entire cost of this development. The rental and homeownership housing prices in the Harrison neighborhood would not support the costs of a market rate private development of the site. In order to avoid prolonged vacancy and deterioration of the site, public investment will be essential. The proposed project meets a need for provision of affordable rental housing, the provision of homeownership opportunities, and eliminates the blighting influences of deteriorated and substandard structures and environmental contamination. The financial structure of this project proposes major contributions from all state and local housing funders, and TIF financing is an important key to the development of this site. For both the rental and ownership components of the project, there are 43% affordable units; therefore, this project complies with the City Affordable Housing Policy.

2.4. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. The project reflects a number of key Minneapolis Plan policies related to fulfillment of affordable housing needs, and comprehensive plan policies related to community corridors. The project encompasses property that was listed on the National Register of Historic Places in 1980 and designated as a landmark by the City of Minneapolis in 1986. Any redevelopment activity on this site must respect the historic character of the site. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.5. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.6. The Council further finds, determines and declares that the property to be included in the Project Area and TIF District meets the criteria of the Project Laws. The property consists of one parcel containing three separate structures. The structures were found to have numerous defects or deficiencies, as well as environmental concerns including asbestos and lead-containing materials. Fuel oil tanks and associated remote fill and distribution pipelines were removed in August 2002. Contaminated soils and groundwater were identified during a Phase II Environmental Site Assessment. In 2003, the MPCA Petroleum Remediation Program office issued a Site File Closure. The structures are in poor condition and do not meet Uniform Building, Energy and Minneapolis Housing Maintenance Codes and Ordinances. All free standing buildings are found structurally substandard due to a combination of building code defects that are of sufficient total significance to justify substantial renovation or clearance, and the buildings qualify as eligible under the statutory criteria and formula for inclusion in a redevelopment TIF district. The property shows signs of deficiencies in other categories such as lack of essential utilities, fire protection, contains asbestos and lead containing materials, and does not meet basic energy conservation code requirements. The buildings were found to be detrimental to the safety, health, morals or welfare of the community by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or lack of ventilation. The estimated cost to bring these structures into compliance with the building codes exceeds 15% of the cost of constructing a new structure on the site with the same square footage and type. Documentation supporting these findings is on file in the office of the Development Finance Division, Crown Roller Mill, 1055th Avenue South, Minneapolis, Minnesota and will be retained and made available until the district has been terminated.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

2.8. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are consistent with the undertaking of a redevelopment Project Area and redevelopment TIF district, all pursuant to and in accordance with the Project Laws.

Section 3. Approval of the Plans; Creation of Project Area and TIF District

3.1. Based upon the findings set forth in Section 2, the Plans reflecting the creation of a Redevelopment Project Area and Redevelopment TIF District presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

4.1. The officers and staff of the City and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 6/17/05.

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

RESOLUTION 2005R-347
By Goodman and Johnson

Authorizing the issuance of a tax increment limited revenue note in a principal amount not exceeding \$800,000 in connection with the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Financing District.

Whereas, the City Council, exercising powers granted by Minnesota Laws 2003, Chapter 127, Article 12, Sections 31-34, adopted Chapter 415, Minneapolis Code of Ordinances, establishing the Department of Community Planning and Economic Development ("CPED"); and

Whereas, CPED and the Department of Finance have prepared the Penn and Glenwood Redevelopment Plan, dated March 3, 2005 (the "Redevelopment Plan") and the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance Plan, dated March 3, 2005 (the "TIF Plan"); and

Whereas, pursuant to Resolution No. 2005R-346 adopted by the City Council of the City of Minneapolis (the "City") on June 7, 2005, the City established the Penn and Glenwood Redevelopment Project (the "Redevelopment Project") and the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Financing District (the "TIF District"); and

Whereas, the Redevelopment Project is established pursuant to the authority granted to the City by Minnesota Statutes, Sections 469.001 through 469.047 and the TIF District is established pursuant to the authority granted to the City in Minnesota Statutes, Section 469.174 through Section 469.179, as amended; and

Whereas, pursuant to Resolution No. 2005R-346, the City Council of the City approved the Redevelopment Plan and the TIF Plan; and

Whereas, in order to provide for the redevelopment of real property located in the Redevelopment Project and the TIF District, the City proposes to enter into a redevelopment contract (the "CCHT Redevelopment Contract") with Central Community Housing Trust of Minneapolis ("CCHT") which will address CCHT's proposal to develop housing and certain improvements on the real property located in the Redevelopment Project and the TIF District; and

Whereas, pursuant to Minnesota Statutes, Section 469.174 through Section 469.179, as amended (the "TIF Act"), the City is authorized to issue its bonds or notes for the purpose of financing public redevelopment costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on said bonds, notes or obligations;

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

That the City Council hereby authorizes the issuance of a tax increment revenue note to be designated as the "Limited Revenue Taxable Tax Increment Note (Ripley Gardens Apartments/Marshall Stacey Town Homes), Series 2005" (the "Note") in the principal amount not to exceed \$800,000.

Be It Further Resolved that the form of Note attached hereto is hereby approved and shall be executed by the CPED Director or Deputy Director and countersigned by the Finance Officer in substantially the form attached and with such changes thereto not inconsistent with law.

Be It Further Resolved that the Note may be issued on such date at an interest rate of six percent (6%) per annum simple interest and upon such other terms and conditions determined by the Finance Officer and the identity of the creditor may be designated by another name as determined to be appropriate by the Finance Officer.

Be It Further Resolved that the issuance of the Note to the creditor named in the Note is effective without any additional action of the City Council and shall be undertaken by the Finance Officer in the amount indicated in the Note and at a rate or rates of interest and upon such other terms and conditions deemed reasonable by the Finance Officer.

Be It Further Resolved that there shall be prepared, executed and delivered in conjunction with the issuance of the Note, in the discretion of the Finance Officer, the following documents: (i) the Note; (ii) an "Assessment Agreement" as that term is defined in Minnesota Statutes, Section 469.177, subd. 8, (the "Assessment Agreement"), to be executed by the City and CCHT; and (iii) such other instruments or documents deemed necessary or appropriate by the Finance Officer with respect to the issuance of or security for the Note.

Be It Further Resolved that the issuance and delivery of the Note by the City shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Note in accordance with the authority granted in this Resolution.

Be It Further Resolved that no provision, covenant or agreement contained in the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues that are to be applied to the payment of the Note, as provided therein and in the CCHT Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment thereon against any property of the City. The Note shall not constitute a payment thereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that the Note, when executed and delivered shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of the resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution, the Note, or the CCHT Redevelopment Contract, expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation other than the City and CCHT any right, remedy or claim, legal or equitable, under any law by reason of this resolution or any provision hereof, or of the Note and the CCHT Redevelopment Contract and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and CCHT.

Be It Further Resolved that in case any one or more of the provisions of this resolution, the Note, or the CCHT Redevelopment Contract shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this resolution, the Note, or the CCHT Redevelopment Contract.

Be It Further Resolved that this resolution shall be in full force and effect from and after its passage.
Adopted 6/17/05.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Minneapolis Housing Replacement District Tax Increment Reimbursement Plan that identifies tax increment revenue that can be transferred as reimbursement to the City's Vacant and Boarded Housing Program budget to continue the blighted properties redevelopment process, now recommends passage of the accompanying resolution increasing the appropriation to the CPED Housing Replacement District by \$462,169.

Adopted 6/17/05.

**RESOLUTION 2005R-348
By Goodman and Johnson**

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Housing Replacement District Fund (CWS0-890-8953) by \$462,169.

Adopted 6/17/05.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement between the City and the McKnight Foundation accepting a \$60,000 grant to be used for consulting services for the Riverfront Revitalization Process.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$60,000 to reflect the receipt of said grant funds.

Adopted 6/17/05.

Approved by Mayor Rybak 6/20/05.

(Published 6/21/05)

**RESOLUTION 2005R-349
By Goodman and Johnson**

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State Grants Fund (SMN0-890-8933) by \$60,000.

Adopted 6/17/05.

Approved by Mayor Rybak 6/20/05.

(Published 6/21/05)

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the request of Bryant Neighborhood and Hennepin County to use up to \$8,000 of Hennepin County's "Second 7.5%" NRP funds, now recommends:

a) Approval of the use of up to \$8,000 of said funds to support the Center for Child Abuse Prevention and Treatment from June 1 to December 31, 2005 for programs offered in the Bryant Neighborhood;

b) Passage of the accompanying resolution increasing the appropriation in the NRP Program Fund;
and

c) That the proper City officers be authorized to execute any contracts or agreements needed to implement said updates.

Adopted 6/17/05.

RESOLUTION 2005R-350
By Goodman and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the CPED Agency in the NRP Program Fund (CNR0) by \$8,000.
Adopted 6/17/05.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing submission and priority ranking of grant applications to the Metropolitan Council Livable Communities Demonstration Account (LCDA) and authorizing the proper City officers to execute agreements to implement the grant program.
Adopted 6/17/05.

Resolution 2005R-351, authorizing submission and priority ranking of grant applications to the Metropolitan Council Livable Communities Demonstration Account (LCDA) and authorizing the proper City officers to execute agreements to implement the grant program, was adopted 6/17/05 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-351
By Goodman and Johnson

Authorizing application for Metropolitan Council, Livable Communities Demonstration Account Funds and establishing the rank and priority among sub-applicants for receipt of grant funds awarded to the City.

Whereas, pursuant to Minnesota Statutes, Section 473.251 (Laws 1995, Chapter 255, Article 1, Section 2) the State of Minnesota Legislature adopted the Metropolitan Livable Communities Act and authorized the Metropolitan Council to create the "metropolitan livable communities fund"; and

Whereas, pursuant to Minnesota Statutes, Section 473.251(2) and 473.253, the Metropolitan Council established and funded the "Livable Communities Demonstration Account" (LCDA) grant program; and

Whereas, the City of Minneapolis (the "City") is a participant in the Livable Communities Act's Housing Incentives Program for 2005 as determined by the Metropolitan Council, and is therefore eligible to apply for LCDA grant program funds; and

Whereas, the City has identified proposed projects within the City that meet the LCDA's purposes and criteria and are consistent with and promote the purposes of the Metropolitan Livable Communities Act and the policies of the Metropolitan Council contained in its adopted "Metropolitan Development Guide"; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate oversight of each project and LCDA grant administration; and

Whereas, if the Metropolitan Council awards LCDA grant funds to the City, the City will enter into an LCDA Grant Agreement with the Metropolitan Council; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the LCDA Grant Agreement; and

Whereas, the City agrees to act as the grantee and the legal sponsor for the projects contained in the LCDA grant applications submitted on June 30, 2005; and

Whereas, the City acknowledges that LCDA grants are intended to fund projects or project components that can serve as models, examples or prototypes for development or redevelopment projects elsewhere in the Twin Cities Metropolitan Area, and therefore represents that the proposed projects or key components of the proposed projects can be replicated in other Twin Cities Metropolitan Area communities; and

Whereas, only a limited amount of grant funding is available through the LCDA during each funding cycle and the Metropolitan Council has determined it is appropriate to allocate those scarce grant funds only to eligible projects that would not occur "but for" the availability of LCDA grant funding; and

Whereas, the City may submit grant applications for up to five projects during each funding cycle but, using the City's own internal ranking processes, must rank its projects by priority so the Metropolitan Council may consider those priority rankings as it reviews LCDA grant applications and makes grant awards:

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

That it is in the best interests of the City's planning and development goals and priorities for the proposed projects to occur at this particular time.

Be It Further Resolved that the projects for which this Livable Communities Demonstration Account grant application is being submitted:

(a) will not occur solely through private or other public investment within the reasonably foreseeable future; and

(b) will not occur within two years after the grant award unless Livable Communities Demonstration Account funding is made available for these projects at this time.

Be It Further Resolved that as part of this grant application, the City ranks the individual project funding applications, according to the City's own internal priorities, in the following order:

Priority Ranking	Project Name	Grant Amt Required
(1)	Heritage Park	\$1,000,000
(2)	Midtown Exchange Greenway Condos	\$600,000
(3)	Ripley Gardens	\$675,000
(4)	Midtown Exchange 1928 Bldg. Housing	\$750,000
(5)	Higher Density Corridor Acquisition Program	\$500,000

Be It Further Resolved that the City authorizes its Department of Community Planning and Economic Development to submit on behalf of the City applications for Metropolitan Council Livable Communities Demonstration Account grant funds for the project components identified in the applications, and to execute such agreements as may be necessary to implement the projects on behalf of the City.

Adopted 6/17/05.

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

H&HS - Your Committee recommends concurrence with the Mayor and City Council to appoint the following persons to the Minneapolis Advisory Committee on People with Disabilities:

a. Michael Foster, 4209 Chicago Av S (Ward 8), to fill the unexpired term of Marjorie (Gigi) Pilhofer, to expire December 31, 2005.

b. Rozanne Severance, 2121 S 9th St (Ward 2), to fill the unexpired term of Leslye Orr, to expire December 31, 2005.

Adopted 6/17/05.

H&HS - Your Committee recommends concurrence with the Mayor and City Council to appoint the following persons to the Senior Citizen Advisory Committee:

a. Fadumo Dubet, 1415 E 22nd St (Ward 6), for a two-year term to expire December 31, 2006.

b. Marilyn Holm, 2210 E 40th St (Ward 12), to fill the unexpired term of Elizabeth Bingaman to expire December 31, 2006.

Adopted 6/17/05.

H&HS - Your Committee, having accepted a Nicollet Mall Grant from the Federal Transit Administration which included a "North Terminal" for the Downtown Circulator, now recommends that the proper City Officers be authorized to:

a. adopt a Disadvantaged Business Enterprise (DBE) Program Plan for implementation on the Nicollet Hotel Block Project; and that City staff be allowed to make minor changes to the plan in order to maintain compliance with federal regulations.

b. execute a DBE plan for submission to the Federal Transit Administration for approval, as required by Section 49 of the Federal Code of Regulations.

c. execute an agreement to allow the City of Minneapolis to become a member of the Minnesota Uniform Certification Program as required by the Federal Department of Transportation regulations.

Adopted 6/17/05.

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

H&HS & W&M/Budget - Your Committee, having under consideration the Twin Cities Healthy Start Program, now recommends:

a. approval of a four-year Eligible Providers list, to be comprised of the following agencies:

University of Minnesota/Community University Health Care Center

University of Minnesota/Baby's Space

Hennepin County/North Point Health and Wellness Center

Hennepin County/Family Medical Center

American Indian Family Center

American Indian Family Center, as fiscal agent for Eastside Family Center

Minnesota Visiting Nurse Agency

Open Cities Health Center

Southside Community Health Services

Way to Grow

Indian Health Board of Minneapolis

Division of Indian Work/Greater Minneapolis Council of Churches

Face to Face Health & Counseling Service

Westside Community Health Center/Health Start

Catholic Charities/Seaton Services

Cedar Riverside People's Center.

b. that the proper City Officers be authorized to develop contracts for services with any of the agencies on the Eligible Providers list, based on federal grant requirements, for the period June 2005 through May 2009.

Adopted 6/17/05.

H&HS & W&M/Budget - Your Committee, having under consideration the Twin Cities Healthy Start Program, now recommends that the proper City Officers be authorized to accept a four-year grant award of \$925,000 from the United States Department of Health and Human Services; and that the Department of Health & Family Support be authorized to hire a 1.0 Full-Time Equivalent (FTE) grant funded position to provide training and technical support to contract agencies on a new data collection system, community outreach and administrative support.

Adopted 6/17/05.

H&HS & W&M/Budget - Your Committee, having under consideration the provision of home visiting services for low income, pregnant and parenting teenagers, now recommends that the proper City Officers be authorized to execute a contract with Hennepin County to receive an estimated \$620,000 of revenue for the Alliance Home Visiting Project to provide services in collaboration with the Minnesota Visiting Nurse Agency and Chicanos Latinos Unidos en Servicio (CLUES). Further, passage of the accompanying Resolution appropriating \$620,000 to Health & Family Support.

Adopted 6/17/05.

RESOLUTION 2005R-352
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8623) by \$620,000 and increasing the Revenue Source (060-860-8623 - Source 3220) by \$620,000.

Adopted 6/17/05.

H&HS & W&M/Budget - Your Committee, having under consideration grant activities related to the National Association of County and City Health Officials (NACCHO) grant entitled *Linking Advanced Practice Centers* funded through the United States Centers for Disease Control, now recommends that the proper City Officers be authorized to issue a Request for Proposals for a program analyst to complete deliverables for the Minneapolis portion of the grant project, subject to review and approval by the Permanent Review Committee.

Adopted 6/17/05.

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

IGR – Your Committee, having under consideration the matter of a new ballpark, now recommends passage of the accompanying resolutions -

- a) Approving implementation principles for a new ballpark;
- b) Supporting a Community Benefits Agreement as part of a new ballpark development; and
- c) Supporting legislation providing a process for community ownership of the Minnesota Twins.

By unanimous consent, the report was divided so as to consider separately the three resolutions.

Johnson moved to amend resolution “a” by changing the bullet point which reads “Community benefit provisions consistent with the accompanying resolution,” to read as follows: “Community benefit provisions consistent with an adopted City Council resolution.” Seconded.

Adopted upon a voice vote.

Zerby moved to substitute a new resolution entitled, “Opposing the use of public money for a baseball stadium” for resolution “a.” Seconded.

Lost upon a voice vote.

The report, with amended resolution “a,” was adopted 6/17/05.

Yeas, 10; Nays, 3 as follows:

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

Nays – Schiff, Zerby, Johnson Lee.

Resolution 2005R-353, approving implementation principles for a new ballpark, was adopted 6/17/05 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-353
By Ostrow, Johnson, Lane and Niziolek

Approving implementation principles for a new ballpark.

Whereas, the City of Minneapolis has an interest in ongoing discussions and decisions about professional sports facilities and has been the home of the Minnesota Twins for over 20 years; and

Whereas, on December 29, 2003, the City Council adopted a resolution adopting a policy on a new ballpark that, among other matters, identified the Minneapolis Warehouse District Ballpark site as the best possible location for a new ballpark because of its proximity to existing public infrastructure (including the TAD and other public Ramps, Hiawatha LRT, and North Star Commuter Rail), its ability to contribute to and support transit and transportation corridors and ridership, and its proximity to the center of the metropolitan fan base; and

Whereas, the City of Minneapolis recognizes the need to maximize public infrastructure investments, address potential neighborhood impacts productively, promote transit capacity, and promote good urban and pedestrian form as a ballpark and related infrastructure are designed and constructed which were incorporated into a proposal to the Governor's Stadium Screening Committee in January of 2004; and

Whereas, the City of Minneapolis recognizes the need to work cooperatively and collaboratively with Hennepin County, other public agencies and other ballpark stakeholders on all matters related to a new ballpark in order to protect and promote the City's interests;

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

That the Legislature must complete the Biennial Budget and fully fund other essential legislative priorities, including transit, housing, public safety, education, and the environment, before making final decisions involving a new ballpark.

Be It Further Resolved that the City of Minneapolis opposes the Hennepin County legislation for a new ballpark unless the following principles are honored in the legislation:

- No negative impact on the City's general fund or the City's capacity to deliver basic services.
- No imposition of costs upon the City for infrastructure improvements and reimbursement of the City for impacts on City services related to the design, construction and operation of a new ballpark.
- No preemption of the City's charter provision adopted by the voters of Minneapolis limiting City funding for a sports facility.
- Preservation of the City's authority for local taxes of general applicability including the city's entertainment tax.
- Payment of fair market value for any City owned land conveyed for the ballpark.
- Funding for libraries and youth activities within Hennepin County as originally provided in the Hennepin County resolution of support for the proposal.
- Recognition of the City's zoning and land use review authority through the establishment of an implementation committee similar to those created for the central library and the convention center.
- Supports the planning for and building of an intermodal station on and around the ballpark site that will enhance transit connections between light rail, commuter rail, busses, bicyclists, pedestrians and potential high speed rail and that will be consistent with the City's comprehensive plan.
- Provide for community ownership as a right of first refusal in the event of any future sale of the team.
- Community benefit provisions consistent with an adopted City Council resolution.

Be It Further Resolved that the City of Minneapolis direct its staff to work closely with Hennepin County, other public agencies and other ballpark stakeholders on all matters related to a new ballpark as it is being planned, designed and constructed.

Adopted 6/17/05. Yeas, 10; Nays, 3 as follows:

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

Nays – Schiff, Zerby, Johnson Lee.

IGR – Your Committee, having under consideration the matter of a new ballpark, now recommends passage of the accompanying resolution -

b) Supporting a Community Benefits Agreement as part of a new ballpark development.

Johnson moved that resolution “b” be referred back to the Intergovernmental Relations Committee, with a direction to staff to work on further refinements to the language contained therein. Seconded.

Zerby moved to amend resolution “b” by deleting the second “Resolved” paragraph, and inserting in lieu thereof the following language: “Be It Further Resolved that if the county is authorized by legislation to finance a ballpark project, the county may not sell any bonds or impose any tax so authorized by this act to finance the ballpark project, and may not make any grant for ballpark costs, until such time as a Community Benefits Agreement meeting all the requirements of the conditions outlined above have been negotiated and executed.” Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

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

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

Johnson’s motion was adopted 6/17/05. Yeas, 9; Nays, 4 as follows:

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

Nays – Zimmermann, Zerby, Lilligren, Johnson Lee.

IGR – Your Committee, having under consideration the matter of a new ballpark, now recommends passage of the accompanying resolution -

c) Supporting legislation providing a process for community ownership of the Minnesota Twins.

Adopted 6/17/05. Yeas, 10; Nays, 3 as follows:

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

Nays – Johnson, Colvin Roy, Ostrow.

Resolution 2005R-354, supporting legislation providing a process for community ownership of the Minnesota Twins, was adopted 6/17/05 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-354

By Zerby

Supporting legislation providing a process for community ownership of the Minnesota Twins.

Whereas, The Green Bay Packers have been an excellent example of a successful community owned professional sports franchise; and

Whereas, a professional baseball franchise is an important asset to the State of Minnesota and ensuring that a franchise remains in Minnesota is an important public purpose; and

Whereas, providing broad-based local ownership of a major league baseball franchise develops trust among fans, taxpayers, and the team, and helps ensure this important asset will remain in the state; and

Whereas, providing community ownership of a professional baseball franchise ensures that the financial benefits of any increased value of the franchise will accrue to those members of the community who own the franchise; and

Whereas, enacting legislation providing for community ownership indicates to major league baseball continuing support for professional baseball in Minnesota;

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

That the City of Minneapolis supports legislation such as House File 1368 and Senate File 900, providing a process for community ownership of the Minnesota Twins.

Adopted 6/17/05. Yeas, 10; Nays, 3 as follows:

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

Nays – Johnson, Colvin Roy, Ostrow.

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

PS&RS - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to *Traffic Code: Violation Procedure*, allowing service by U.S. Mail; allowing a police officer to authorize service; removing the requirements that a) the driver's license be included on the citation, b) that the citation be issued in quadruplicate, and c) that a copy of the citation be delivered to the Chief of Police and the City Finance Officer; and an ordinance amending Chapter 474 relating to *Traffic Code: Vehicle Operation*, allowing 21 days to issue the citation, now recommends that said ordinances be given their second reading for amendment and passage.

Adopted 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Zimmermann.

Ordinance 2005-Or-048 amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to *Traffic Code: Violation Procedure*, amending Section 468.10 allowing service by U.S. Mail; Section 468.20 allowing a police officer to authorize service and removing the requirement that the driver's license be included on the citation; Section 468.30 removing the requirement that the citation be issued in quadruplicate; and Section 468.60 removing the requirement that a copy of the citation be delivered to the Chief of Police and the City Finance Officer, was adopted 6/17/05 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-048
By Ostrow
Intro & 1st Reading: 5/27/05
Ref to: PS&RS
2nd Reading: 6/17/05

Amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to the Traffic Code: Violation Procedure.

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

Section 1. That Section 468.10 of the above-entitled ordinance be amended to read as follows:

468.10 Traffic tag defined. The term "traffic tag" means a written or printed notice of a violation of a traffic law or municipal ordinance, charter provision, rule or regulation served upon the person so charged in person, by U.S. Mail, or affixed conspicuously to a motor vehicle operated, parked or standing in violation thereof, which requires appearance before the traffic violations bureau within a specified time.

Section 2. That Section 468.20 of the above-entitled ordinance be amended to read as follows:

468.20. Authority to issue traffic tags in lieu of arrest. In lieu of taking a person into custody for a violation of the provisions of the traffic code, a police officer or any other person duly authorized by ordinance may serve or authorize to be served a written notice upon such person to appear before the traffic violations bureau of the district court at a time and place fixed in said notice. The notice shall contain the name and address of the person charged with such violation, ~~his driver's license number,~~ the license number of the vehicle involved and the offense charged.

Section 3. That Section 468.30 of the above-entitled ordinance be amended to read as follows:

468.30. Form of tags. Such notice shall ~~be made out on a quadruplicate form, and shall~~ indicate in addition to the information called for in section 468.20 the time, date and nature of the violation, and in the case of a motor vehicle, the motor vehicle license number.

Section 4. That Section 468.60 of the above-entitled ordinance be amended to read as follows:

468.60. Disposition of tags. The police officer or any other person duly authorized by ordinance serving the written notice provided for in this chapter shall deliver one copy of the ~~such~~ notice to the person charged with a violation or affix the ~~said~~ copy in a prominent place on or within the vehicle; and one copy of such notice to the chief of police; one copy to the traffic violations bureau of the district court ~~and one copy to the city finance officer.~~ The ~~quadruplicate~~ notice form referred to shall be identified by a separate serial number for each notice ~~and shall be furnished to the chief of police by the city finance officer.~~ The city finance officer shall audit all accounts, records, files and papers of the chief of police and the clerk of district court at stated periods, relating to said notices, cash statements and disposition of cases of violation of the provisions of the traffic code. The city finance officer shall furnish to the city council monthly reports of the number of violations, warrants, appeals, cancellations and receipts.

Adopted 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Zimmermann.

Ordinance 2005-Or-049 amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to *Traffic Code: Vehicle Operation*, amending Section 474.650 to allow 21 days to issue a citation, was adopted 6/17/05 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-049
By Ostrow
Intro & 1st Reading: 5/27/05
Ref to: PS&RS
2nd Reading: 6/17/05

Amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to the Traffic Code: Vehicle Operation.

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

That Section 474.650 of the above-entitled ordinance be amended to read as follows:

474.650. Citation. When a violation, as set forth by section 474.640, is detected by an automated traffic law enforcement system, the agency shall, within ~~fourteen (14)~~ twenty-one (21) days of the violation, mail to the owner a citation, which shall include:

- (1) The name and address of the registered owner of the vehicle.
- (2) The registration number of the motor vehicle involved in the violation.
- (3) The violation charged.
- (4) The location where the violation occurred.
- (5) The date and time of the violation.
- (6) A copy of the recorded images.
- (7) The fine amount and the date by which the fine should be paid.
- (8) A signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of a traffic control device.
- (9) Information advising the person alleged to be liable under the ordinance:
 - a. Of the manner, time, and place in which liability as alleged in the citation may be contested in the district court; and
 - b. Warning that failure to pay the penalty or to contest liability in a timely manner may result in a suspension of the owner's driving privileges.

Adopted 6/17/05. Yeas, 12; Nays, 1 as follows:

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

Nays - Zimmermann.

PS&RS - Your Committee, having under consideration the application of Level 2 Entertainment LLC, dba Liquid, 424 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2004, now recommends that said license be granted, subject to Police Licenses completing its review of the liquor application, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/17/05.

PS&RS - Your Committee, having under consideration the application of Cupcake Incorporated, dba Cupcake, 3338 University Av SE, for a Sidewalk Cafe License (new business) 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 6/17/05.

Approved by Mayor Rybak 6/20/05.

(Published 6/21/05)

PS&RS - Your Committee, having under consideration the application of Phoenix Catering Inc, dba Phoenix Catering, 336 Hoover St NE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/17/05.

PS&RS - Your Committee, to whom was referred back on May 27, 2005 the application of Karma Entertainment LLC, dba Karma, 315 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License, to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/17/05.

PS&RS - Your Committee, having under consideration the application of Old Arizona Studio Inc, dba Old Arizona, 2821 Nicollet Av, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2006, now recommends that said license be granted, subject to the public hearing being held in the neighborhood, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/17/05.

PS&RS - Your Committee, to whom was referred back on April 29, 2005 license applications submitted by BLB Inc, dba Bryant Lake Bowl, 810 W Lake St, for an On-Sale Wine Class A with Strong Beer License (sidewalk cafe expansion) to expire April 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

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

Adopted upon a voice vote.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Wafana's Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions.

Adopted 6/17/05.

Resolution 2005R-355, granting the application of Wafana's Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions, was adopted 6/17/05 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-355
By Niziolek

Granting the application of Wafana's Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by W & F Inc, dba Wafana's Food Market, 2326 Lyndale Av N, for Grocery, Food Manufacturing and Tobacco Licenses to expire April 1, 2006, subject to the following conditions:

- a. "No Trespassing" signs will be posted. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
- b. the licensee agrees to hire a security person from 2:00 p.m. until closing to assist in gaining control of the exterior. The starting time for the security person will be re-evaluated on September 1, 2005.
- c. the licensee will ensure that a minimum of two staff, in addition to the security person, are working to ensure monitoring of the exterior and to reduce negative behaviors.
- d. the licensee agrees to actively address security concerns to include loitering, drug activity, trespassing and management of the trespassing program. The licensee agrees to cooperate fully in the prosecution of criminal activity.
- e. effective June 1, 2005, the licensee agrees not to sell single cigars sometimes referred to as blunts. This requirement will be in effect until December 1, 2005 at which time it will be re-evaluated.
- f. 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 to include rolling papers. The licensee agrees to not supply matches to non-tobacco customers.
- g. the licensee agrees to chain off the lot after hours to prevent vehicles from using the lot.
- h. the licensee agrees to keep all lights adequate and functioning properly.
- i. all windows will be kept free of signs and other items that block the view in and out. The licensee has also agreed to aggressively pursue grant money for the purpose of installing additional windows to increase visibility into and out of the facility.
- j. the licensee shall comply with the Surveillance Camera Ordinance.

- k. the licensee agrees to not install pay phones either inside or outside the store.
 - l. the licensee agrees to clean the property of litter and trash daily, including the area within 100 feet of the property line.
- Adopted 6/17/05.

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

Adopted 6/17/05.

Resolution 2005R-356, granting applications for Liquor, Wine and Beer Licenses, was adopted 6/17/05 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-356
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, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class A with Sunday Sales, to expire June 26, 2005

AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av (temporary expansion of premises with outdoor entertainment, June 26, 2005, 5:00 p.m. to 10:00 p.m.);

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

Columbia Park Business Center Corp, dba Minneapolis Grand Hotel, 615 2nd Av S;

On-Sale Liquor Class B with Sunday Sales, to expire May 29, 2005

JWM Investments Inc, dba Mayslacks, 1428 4th St NE (temporary expansion of premises with outdoor entertainment, May 21, 27, 28 & 29, 2005, 3:00 p.m. to 11:00 p.m.);

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

Margarita Bella Inc, dba Margarita Bella, 1032 3rd Av NE (new shareholder/partner);

On-Sale Liquor Class B with Sunday Sales, to expire June 18, 2005

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of premises with outdoor entertainment, June 10, 11, 17 & 18, 2005, 6:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class B with Sunday Sales, to expire August 13, 2005

Minneapolis Aerie #34 FOE, dba Minneapolis Aerie #34 FOE, 2507 E 25th St (temporary expansion of premises, August 13, 2005, 2:00 p.m. to 7:00 p.m. in parking lot);

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

La Bodega Tapas Bar LLC, dba La Bodega Tapas Bar, 3005 Lyndale Av S);

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

Azia Inc, dba Azia, 2550 Nicollet Av (temporary expansion of premises, May 20 to June 10, 2005, 11:00 a.m. to 2:00 a.m.);

On-Sale Liquor Class E with Sunday Sales, to expire May 21, 2005

Haze II Corp, dba Grumpys, 2200 4th St NE (temporary expansion of premises with entertainment, May 21, 2005, Noon to 8:00 p.m.);

Temporary On-Sale Liquor

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 1, 2 & 3, 2005, 5:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 6, 7, 8 & 9, 2005, 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 10, 2005, 5:00 p.m. to 10:00 p.m.; and June 11, 2005, Noon to 10:30 p.m.);

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 13, 14 & 15, 2005, 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 16 & 17, 2005, 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 20, 21 & 22, 2005, 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Alive After 5, 81 S 9th St (June 23, 24 & 25, 2005, Noon to 8:00 p.m. at Peavey Plaza);

Temporary On-Sale Wine

Twin Cities Habitat for Humanity Inc, dba Twin Cities Habitat for Humanity, 3001 4th St SE (May 24, 2005, 5:00 p.m. to 8:30 p.m.);

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

Eric Hatting & Jon Blood, dba Sea Salt, 4801 Minnehaha Av (new business);

Temporary On-Sale Beer

Church of St. Anthony of Padua, dba Fundraiser, 804 2nd St NE (August 7, 2005, Noon to 7:00 p.m.).
Adopted 6/17/05.

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

Adopted 6/17/05.

Resolution 2005R-357, granting applications for Business Licenses, was adopted 6/17/05 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-357

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 June 17, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270465):

Dance Hall; Dancing School; Dry Cleaning & Laundry Pickup Station; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Farm Produce Permit Nonprofit; Grocery; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Towing Class C; Oil Burner Installer; Peddler - Foot; Peddler - Special Religious; Pet Shop; Plumber; Residential Specialty Contractor; Secondhand Goods Class B; Sign Hanger; Solicitor - Company; Solicitor - Individual; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Tree Servicing; Valet Parking.

Adopted 6/17/05.

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

Adopted 6/17/05.

Resolution 2005R-358, granting applications for Gambling Licenses, was adopted 6/17/05 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-358
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 applicable codes and ordinances:

Gambling Class C

VFW Post 246 Ballentine dba VFW Post 246 Ballentine, 2916 Lyndale Av S (Site: VFW Post 246, 2916 Lyndale Av S);

Gambling Lawful Exempt

Church of St. Anthony Padua, dba Church of St. Anthony Padua, 804 2nd St NE (Bingo, Raffle, Paddlewheel, Pulltabs & Tipboards August 7, 2005);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, Raffle, Paddlewheel, Pulltabs & Tipboards September 17 & 18, 2005);

Hope for the City, dba Hope for the City, 7807 Creekridge Circle, Edina (Raffle September 30, 2005 at Convention Center, 1301 2nd Av S);

Courage Center, dba Courage Center, 3915 Golden Valley Rd (Raffle September 30, 2005 at Metrodome);

Partnership Resources Inc, dba Partnership Resources Inc, 4200 Park Glen Rd, St. Louis Park (Raffle November 20, 2005 at Sebastian Joe's, 1007 W Franklin Av).

Adopted 6/17/05.

PS&RS - Your Committee, having under consideration the property located at 1939 W Broadway 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 8, Block 23, Forest Heights Addition to Minneapolis (PID #16-029-24-23-0097), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 6/17/05.

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

PS&RS & T&PW - Your Committee, having received a report from the Department of Public Works proposing new Sidewalk Cafe standards, now recommends that the Sidewalk Cafe standards be delayed, and that City staff be authorized to form a Task Force to include representatives of the City Council, Transportation & Public Works Department, Department of Regulatory Services, the Minneapolis Advisory Committee on People with Disabilities, and industry and licensee representatives.

Adopted 6/17/05.

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

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept partial reimbursement from St. Mary's College for course registration for Spanish language classes attended by Police Department staff on an ongoing basis. Further, the proper City Officers be authorized to deposit said reimbursements into the Police Department Training Agency (010-400-B111-6040-01).

Adopted 6/17/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the provision of bomb disposal services to other jurisdictions within the State as needed, now recommends that the proper City Officers be authorized execute an amendment to the Joint Powers Agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, to decrease the amount by \$10,000 during fiscal year 2004-2005, for a new contract amount of \$28,000, to reflect funding not needed by the Police Department, permitting the State to use the funding elsewhere. Further, passage of the accompanying Resolution decreasing the Police Department Agency by \$10,000.

Adopted 6/17/05.

RESOLUTION 2005R-359
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C005) by \$10,000 and decreasing the Revenue Source (060-400-C005 - Source 3215) by \$10,000.

Adopted 6/17/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$87,600 and execute a grant agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, to fund overtime and equipment for critical City infrastructure protection, and increased security at public events. Further, passage of the accompanying Resolution appropriating \$87,600 to the Police Department.

Adopted 6/17/05.

RESOLUTION 2005R-360
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT09) by \$87,600 and increasing the Revenue Source (030-400-DT09 - Source 3210) by \$87,600.

Adopted 6/17/05.

PS&RS & W&M/Budget - Your Committee that the proper City Officers be authorized to accept the donation of a boat and trailer, valued at \$8,800, from Crystal-Pierz Marine, along with Crestliner Boats and Shorelander Trailers, for use by the Fire Department; and that Crystal-Pierz Marine stickers be placed on the sides of the boat in recognition of said donation.

Adopted 6/17/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a 2005 Homeland Security grant award of \$1,100,000 from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, to provide funds to enhance the structural collapse regional response team program by pursuing further training to expand the regional team, and for the City of Minneapolis to pursue a business continuity plan. Further, passage of the accompanying Resolution appropriating \$1,100,000 to the Fire Department.

Adopted 6/17/05.

**RESOLUTION 2005R-361
By Niziolek and Johnson**

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2800) by \$1,100,000 and increasing the Revenue Source (030-280-2800 - Source 3210) by \$1,100,000.

Adopted 6/17/05.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept up to \$10,000 and execute a contract with the Uptown Association to support police officers working specific crime prevention details on Friday and Saturday nights in the Uptown Neighborhood for several weeks during the summer, with the Police Department to pay the fringe benefits for hours worked on said assignments. Further, passage of the accompanying Resolution appropriating \$10,000 to the Police Department.

Adopted 6/17/05.

**RESOLUTION 2005R-362
By Niziolek and Johnson**

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P500) by \$10,000 and increasing the Revenue Source (060-400-P500 - Source 3720) by \$10,000.

Adopted 6/17/05.

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

T&PW - Your Committee recommends that the proper City officers be authorized to execute the necessary documents for the exchange of land between the City of Minneapolis and the Spiritual Assembly of the Baha'i, to wit:

Conveyance to the City from the Assembly:

The west 20 feet of the East 40 feet of Lots 7 and 8, Block 1, Irving A Dunsmoors Addition to Minneapolis.

Conveyance to the Assembly from the City:

That part of vacated 37th Street East, lying between the East line of Columbus Avenue and the West line of Chicago Avenue, and described as:

The East 145.54 feet of the North 16.58 feet of the South one-half of vacated 37th Street East.

Subject to a Storm Drain Easement, as reserved by the City of Minneapolis in City Council Resolution 2005R-143.

Adopted 6/17/05.

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

T&PW & W&M/Budget - Your Committee, having under consideration the Fremont Av N Street Renovation Projects, Special Improvement of Existing Street No. 2229 (Plymouth Av to W Broadway), and Special Improvement of Existing Street No. 2230 (W Broadway to Lowry Av N), now recommends passage of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments;
 - b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$143,600 for Project No. 2229; and
 - c) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$224,200 for Project No. 2230.
- Adopted 6/17/05.

Resolution 2005R-363, ordering the work to proceed and adopting the special assessments for the Fremont Av N Street Renovation Projects, was adopted 6/17/05 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-363
By Colvin Roy and Johnson

Fremont Av N Street Renovation Projects
Special Improvement of Existing Streets No. 2229 and 2230

Ordering the work to proceed and adopting the special assessments for the Fremont Av N Street Renovation Projects.

Whereas, a public hearing was held on June 7, 2005, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-239, passed April 29, 2005 to consider the proposed special assessments as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

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

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-239, passed April 29, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$143,593.01 for the Fremont Av N Street Renovation Project No 2229, and in the total amount of \$224,190.07 for the Fremont Av N Street Renovation Project No 2230, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Fremont Av N Street Renovation Projects, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2006 real estate tax statements.

Adopted 6/17/05.

Resolution 2005R-364, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$143,600 for the purpose of paying the assessed cost of street improvements in the Fremont Av N Street Renovation Project No. 2229, was adopted 6/17/05 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-364
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$143,600 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Fremont Av N Street Renovation Project, Special Improvement of Existing Street No. 2229, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/17/05.

Resolution 2005R-365, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$224,200 for the purpose of paying the assessed cost of street improvements in the Fremont Av N Street Renovation Project No. 2230, was adopted 6/17/05 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-365
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$224,200 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Fremont Av N Street Renovation Project, Special Improvement of Existing Street No. 2230, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/17/05.

T&PW & W&M/Budget - Your Committee recommends approval of the funding of the installation of three (3) low-level ornamental lights in Bryant Square Park, subject to reimbursement by the Calhoun Area Residents Action Group (CARAG) Neighborhood Revitalization Program (NRP).

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue in the PW-Transportation-Capital Agency by \$19,800.

Adopted 6/17/05.

RESOLUTION 2005R-366
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 the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9432) by \$19,800, and increasing the revenue source (4100-943-9432-3845) by \$19,800.

Adopted 6/17/05.

T&PW & W&M/Budget - Your Committee recommends approval of the installation of a pair of speed humps along 18th Av S between 45th and 46th St E.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue in the PW-Transportation-Capital Agency by \$4,500, to be reimbursed by individual contributions.

Adopted 6/17/05.

RESOLUTION 2005R-367
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 the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$4,500 and increasing the revenue source (4100-943-9440-3720) by \$4,500.

Adopted 6/17/05.

T&PW & W&M/Budget - Your Committee recommends approval of the installation of a pair of speed humps along:

- a) Clinton Av S between 33rd and 34th St E; and
- b) 34th St E between 3rd and 4th Av S.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue in the PW-Transportation-Capital Agency by \$9,000, to be reimbursed by NRP funds.

Adopted 6/17/05.

RESOLUTION 2005R-368
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 the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$9,000 and increasing the revenue source (4100-943-9440-3845) by \$9,000.

Adopted 6/17/05.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to grant Step Five on the Engineer III position pay scale to Mr. Donald Sobania as a Principal Professional Engineer.

Adopted 6/17/05.

T&PW & W&M/Budget - Your Committee, having under consideration the Project Excellence Team's Parking System and Fund Review, as set forth in Petn No. 270473, now recommends that the proper City officers implement the following four recommendations of the Project Excellence Team:

- a) Make the most of current assets;
- b) Improve the quality of performance information used to manage parking assets;
- c) More closely align the Parking Fund with the Parking System; and
- d) Improve the decision-making process when considering adding additional capacity.

Adopted 6/17/05.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, in accordance with City specifications (Petrn. No. 270473).

Adopted 6/17/05.

Resolution 2005R-369, granting approval of the bids for underground horizontal and compaction drilling and the installation of longitudinal preformed polymer pavement marking tape, was adopted 6/17/05 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-369
By Colvin Roy and Johnson

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

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petrn. No. 270473)

a) OP #6440, Accept low bid of Underground Piercing, Inc. for an estimated annual expenditure of \$150,000, to furnish and deliver all labor, equipment, supervision, materials, tools, and incidentals necessary for underground horizontal and compaction drilling at various locations, as needed through the period ending December 31, 2006; and

b) OP #6441, Accept low bid of AAA Striping Service Company for an estimated annual expenditure of \$265,000 to furnish, deliver, and install longitudinal preformed polymer pavement marking tape, as needed through December 31, 2005.

Adopted 6/17/05.

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

W&M/Budget - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee the appointment of Patrick Todd to serve as City Assessor for a term to expire on January 2, 2006, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted 6/17/05.

W&M/Budget - Your Committee, having received the recommendation of the Executive Committee for the reappointment of Ellen McVeigh (3/1/04 - 2/28/07), the reappointment of E. Maurice Nakumbe (3/1/03 - 2/28/06), and the reappointment of Christine Siewert (3/1/03 - 2/28/06) to serve on the Minneapolis Civil Service Commission for three year terms, now recommends approval of said reappointments.

Adopted 6/17/05.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney for the reimbursement of legal fees as follows:

a) Payment of \$9,728.76 to Rice, Michels & Walther, L.L.P. for legal services provided to Officers Todd Babekuhl, Francisco Porras, Michael Killebrew, Steven Mosey, Mark Beaupre, Rick Altonen, Carl Blad and Patrick Daly; and

b) Payment of \$2,914.15 to Frederic Bruno and Associates for services provided to Officer Mark Beaupre.

Adopted 6/17/05.

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

Adopted 6/17/05.

Resolution 2005R-370, authorizing settlement of the legal claims of Irene Griffin, Ete'u Eli'jah Spencer, and Emilie Week, was adopted 6/17/05 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-370

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) Irene Griffin, by payment of \$1,500 to Ms. Irene Griffin and her attorney, John Dunlap;

b) Ete'u Eli'jah Spencer, by payment of \$80,000 to Mr. Ete'u Eli'jah Spencer and his attorney, Daniel C. Guerrero; and

c) Emilie Week, by payment of \$4,500 to Ms. Emilie Week and Hauer, Fargione, Love, Landy & McEllistrem, PA.

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

Adopted 6/17/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the contract with the Council on Crime and Justice (Contract #017534) extending the period of performance to September 30, 2005 to complete lease negotiations.

Adopted 6/17/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract (C-18881) to accommodate the upgrade of the Columbia Heights Filtration Facility Utility Billing server environment from 2005 through 2009 in the amount of \$61,339.45.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Business Information Services Agency by \$61,339.45 for the cost of said upgrades, to be funded through the Water Revenue Budget.

Adopted 6/17/05.

RESOLUTION 2005R-371

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870) by \$61,339.45 and by increasing the revenue source (6400-880-8870 - Source 3455) by \$61,339.45.

Adopted 6/17/05.

W&M/Budget - Your Committee recommends approval of a Dutch elm disease utility billing insert in the July 2005 billing on behalf of the Minneapolis Tree Advisory Commission.

Adopted 6/17/05.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 2 increasing Contract #C-20567 with E. R. Berwald Roofing Company by \$186,945, for a new contract total of \$3,240,395.

Adopted 6/17/05.

Approved by Mayor Rybak 6/20/05.

(Published 6/21/05)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend Contract # C99-14637 with Crawford & Company, to continue in the provision of Liability Claims Administration services to September 1, 2005 at the same administrative fee arrangement, total sum not to exceed \$68,000.

Adopted 6/17/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a three-year contract with Delta Dental as the selected provider of dental insurance for 2006, 2007, and 2008 and direct that said contract be executed consistent with Minnesota Statutes, Section 471.6161, Subd. 3.

Adopted 6/17/05.

W&M/Budget - Your Committee recommends that the Chief Information Officer be authorized to hire Mr. Allan Hoof to the position of System Integrator V, Electronic Content Management System Application Support Analyst (Step 7).

Adopted 6/17/05.

W&M/Budget - Your Committee recommends that the Department of Operations and Regulatory Services be authorized to hire Mr. Thomas Deegan to the position of Manager, Problem Properties in the Housing Inspections Division, at the top salary step (Step 7).

Adopted 6/17/05.

W&M/Budget - Your Committee recommends not waiving conflict of interest regarding Hinshaw & Culbertson's representation of F-Troop, L.L.C. in the dispute involving an Application for Land Registration for the purpose of creating separate Torrens titles for the Stimson Building and Pantages Theatre.

Adopted 6/17/05. Yeas, 11; Nays, 2 as follows:

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

Nays - Goodman, Benson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate with Intergraph Corporation and TriTech Software Systems for the Minneapolis Emergency Communication Center Computer-Aided Design (CAD) system.

Adopted 6/17/05.

W&M/Budget - Your Committee, having under consideration the recommendation of the Neighborhood Revitalization Program (NRP) Policy Board for rollover of 2004 funds to 2005 to allow for the payment of outstanding 2004 budget obligations, now recommends:

a) Approval of the rollover of \$110,943.12 from the approved 2004 NRP Administrative Budget to the approved 2005 NRP Administrative Budget; and

b) Passage of the accompanying resolution increasing the 2005 appropriation for the NRP to reflect the rollover of said funds; and

c) That the proper City officers be authorized to execute any contracts or agreements needed to implement said action.

Adopted 6/17/05.

RESOLUTION 2005R-372

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Department Agency (CNR) in the NRP Program Fund (CNR0-890-3550) by \$110,943.12.

Adopted 6/17/05.

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

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Chun Keath and Guenkeng Trann Ung (BZZ-2290) to rezone the property at 2725 University Ave SE from OR2 to the C3A District to permit expansion of the existing U Garden Restaurant, notwithstanding staff recommendation, and adopting the related findings of the City Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/17/05.

Ordinance 2005-Or-050, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2725 University Ave SE to the C3A District, was adopted 6/17/05 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-050

By Schiff

1st & 2nd Readings: 6/17/05

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

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

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

A. That part of Lot 20, Auditor's Subdivision No. 21 and Lot 1, Auditor's Subdivision No. 258 described at a point in the southeasterly line of 4th Street Southeast, distant 185.5 feet northwesterly from the northeast corner of Lot 11, Block 2, Cooks Rearrangement of Auditor's Subdivision No. 21; thence southwesterly to a point in the northeasterly line of University Avenue, a distance of 197 feet northwesterly from the southeasterly corner of Lot 22; Auditor's Subdivision No. 21; thence northwesterly along said northeasterly line of University Avenue, a distance of 120 feet; thence northeasterly to a point in the southeasterly line of 4th Street Southeast distant 120 feet northwesterly from the point of beginning; thence southeasterly to the point of beginning (2725 University Ave SE – Plate 22) to the C3A District.

Adopted 6/17/05.

Z&P - Your Committee, having under consideration the appeal filed by Robert MacIntyre from the decision of the Planning Commission which approved applications of Akinyele Akinsanya, for Brakins Homes, for a) conditional use permit; b) 23 percent lot area variance; c) front yard variance; and d) site plan review, for a seven-unit townhome development (Bassett Creek Woods Townhomes) at 908-920 Washburn Ave N, now recommends that said appeal be denied and the applications granted, and that the findings prepared by the Department of Planning & Economic Development staff be adopted.

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

Yeas - Goodman, Zimmermann, Schiff, Lilligren, Niziolek, Benson.

Nays – Lane, Samuels, Johnson, Colvin Roy, Zerby, Johnson Lee, Ostrow.

Samuels moved to amend the report by deleting the language, "appeal be denied and the applications granted, and that the findings prepared by the Department of Planning & Economic Development staff be adopted" and inserting in lieu thereof, "appeal be granted and the applications denied, and that staff be directed to draft findings supporting the decision." Seconded.

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

Yeas – Lane, Samuels, Johnson, Colvin Roy, Zerby, Ostrow.

Nays – Goodman, Zimmermann, Schiff, Lilligren, Johnson Lee, Niziolek, Benson.

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote 6/17/05.

Z&P - Your Committee, having under consideration the appeal filed by Robert Roscoe, on behalf of Donald Ross and Robert Lilligren, from the decision of the Board of Adjustment which denied applications for variances a) to increase the maximum size of a detached garage from 676 square feet to 726 square feet; and b) to reduce a corner side yard side yard setback from 8' to 1.5', both to allow for a detached garage to be moved onto the property at 2900 – 3rd Ave S, now recommends that said appeal be granted and the variances approved, subject to the condition of vertical landscaping being planted in the area between the garage and sidewalk, to be approved by City staff.

Adopted 6/17/05. Yeas, 10; Nays, 2 as follows:

Yeas – Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Niziolek, Benson.

Nays – Lane, Ostrow.

Declining to vote – Lilligren.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in granting the application of Paloma Partners, LLC (#1457) to vacate the right-of-way in the area of Ulysses St NE north from Winter St for a surface parking lot, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said right-of-way.

Adopted 6/17/05.

Resolution 2005R-373, vacating the right-of-way in the area of Ulysses St NE north from Winter St, was adopted 6/17/05 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-373

By Schiff

Vacating part of Ulysses Street Northeast (#1457).

Resolved by The City Council of The City of Minneapolis:

That part of Ulysses Street NE to wit; Over that certain piece or parcel of land sixty-six (66) feet in width, the same being thirty-three (33) feet in width on each side of the east boundary line of Lots 4, 5, 6, in Auditors Subdivision No. 115, Hennepin County, Minnesota, and extending from the north line of Winter Street NE to a line parallel with and distant 661.9 feet north of the north line of said Winter Street according to the plat of said Auditors Subdivision No. 115, on file and of record in said Hennepin County Recorders office, is hereby vacated except that such vacation shall not affect the existing authority of the Xcel Energy or the City of Minneapolis, 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:

As to Xcel Energy: The south 10.00 feet of that part of Ulysses Street Northeast to be vacated;

As to the City of Minneapolis: Subject to a sanitary sewer easement over that certain parcel of land 30 feet in width, and consisting of the East 20 feet of Lots 4, 5, and 6, and the West 10 feet of Lot 3, Auditor's Subdivision NO. 115, Hennepin County, Minnesota, and extending from the North line of Winter Street NE to a line parallel with and distant 661.9 feet North of the North line of said Winter Street NW, according to the plat of said Auditor's Subdivision No. 115, on file and of record at the Hennepin County (MN) Recorders office;

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 6/17/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Dan and Heidi Niziolek (BZZ-2300) to rezone the property at 3401 Irving Ave S from R1A to the R2B District for a two-family home, notwithstanding staff recommendation, and adopting the related findings prepared by the City Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/17/05. Yeas, 11; Nays, 1 as follows:

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

Nays – Lane.

Declining to vote – Niziolek.

Ordinance 2005-Or-051, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3401 Irving Ave S to the R2B District, was adopted 6/17/05 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-051
By Schiff
1st & 2nd Readings: 6/17/05

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

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

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

A. Lots 13 and 14, Block 54, Calhoun Park (3401 Irving Ave S - Plate 24) to the R2B District.

Adopted 6/17/05. Yeas, 11; Nays, 1 as follows:

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

Nays – Lane.

Declining to vote – Niziolek.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Phoenix Lofts Inc (BZZ-2324) to rezone the properties at 221 Main St SE and 224 – 2nd St SE from I1 to the C3A District and removing the Industrial Living Overlay District, to permit a mixed-use building with 90 dwelling units and 5,500 square feet of first floor retail, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/17/05.

Ordinance 2005-Or-052, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 221 Main St SE and 224 – 2nd St SE to the C3A District and removing the Industrial Living Overlay District, was adopted 6/17/05 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-052
By Schiff
1st & 2nd Readings: 6/17/05

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

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

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

A. All of Lot One, the Northeasterly or front half of Lot Two, and the Southeasterly two-thirds of the rear or Southwesterly half of Lot Two, the Southeasterly two-thirds of Lot Nine and all of Lot Ten, all in Block Forty-nine, Saint Anthony Falls, Hennepin County, Minnesota; Tract J, Registered Land survey No. 1535, files of the Registrar of Titles, Hennepin County Minnesota as identified on the respective plan(s) of said additions(s) on file in the Office of the Register of Deeds in and for Hennepin County, Minnesota (221 Main St SE and 224 – 2nd St SE - Plate 14) to the C3A District and removing the Industrial Living Overlay District.

Adopted 6/17/05.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Velocity Investments, dba Le Parisien, LLC (BZZ-2273) to rezone the properties at 2301-09 Lyndale Ave S from C1 to the C2 District to permit a mixed-use building designed as a shopping center with ground floor and second story commercial uses, green rooftop garden space and 13 dwelling units with enclosed parking, notwithstanding staff recommendation, and adopting the related findings prepared by the City Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Schiff moved that the report be postponed for two cycles. Seconded.

Adopted 6/17/05.

Z&P – Your Committee recommends approval of the following appointments to the Zoning Board of Adjustment, for terms to expire 12/31/08:

a) Matt Perry, 4205 Colfax Ave S, Minneapolis 55409 (replacing Barry Morgan); and

b) Matthew Ditzler, 2750 Vincent Ave N, Minneapolis 55411.

Adopted 6/17/05.

MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of July, 2005, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 6/17/05.

Absent - Johnson Lee.

Niziolek moved to amend Resolution 2005R-313 to rescind the erroneous granting of an On-Sale Liquor Class B with Sunday Sales License to Baku Entertainment & Restaurants LLC, dba Town Talk Diner, 2707 E Lake St, due to the license application having been amended to reflect a different “doing business as” and address. Seconded.

Adopted 6/17/05.

Absent - Johnson Lee.

RESOLUTION 2005R-374

By Niziolek

Amending Resolution 2005R-313 entitled “granting Liquor, Wine and Beer Licenses”, passed May 27, 2005.

Resolved by The City Council of The City of Minneapolis:

That the following portion of the above-entitled Resolution be and is hereby rescinded:

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

Baku Entertainment & Restaurants LLC, dba Town Talk Diner, 2707 E Lake St (new business).

Adopted 6/17/05.

Absent - Johnson Lee.

Niziolek moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the Data Access Agreement with the State of Minnesota for the Red Light Camera Project. Seconded.

Adopted 6/17/05. Yeas, 11; Nays, 1 as follows:

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

Nays - Zimmermann.

Absent - Johnson Lee.

Niziolek moved that the proper City Officers be authorized to execute a Data Access Agreement with the State of Minnesota to allow the transfer of data from the State to the Minneapolis Police Department's vendor for the Red Light Camera Project, Redflex Traffic Systems, to facilitate the lookup of license plate numbers and owner registration. Seconded.

Adopted 6/17/05. Yeas, 11; Nays, 1 as follows:

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

Nays - Zimmermann.

Absent - Johnson Lee.

Benson moved that the Community Development Committee be discharged from further consideration of approval of an appropriation increase of \$100,943.12 to the 2005 Neighborhood Revitalization Program (NRP) Administrative Budget to satisfy remaining 2004 budget obligations. Seconded.

Adopted 6/17/05.

Absent - Johnson Lee.

Benson introduced the subject matter of an ordinance amending Chapter 17 of the Minneapolis City Charter relating to the Library Board, with a recommendation to adopt by a unanimous vote of the City Council, which was given its first reading and referred to the Intergovernmental Relations Committee (adding a Section 17 pertaining to the authority of the Library Board to establish positions in the unclassified service).

Zimmermann introduced the subject matter of an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts, which was given its first reading and referred to the Zoning & Planning Committee (Establishing a minimum floor area ratio of 1.0 for new development in the Pedestrian Oriented Overlay District).

Zimmermann introduced the subject matter of an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts, which was given its first reading and referred to the Zoning & Planning Committee (Mapping Franklin Avenue between Lyndale Avenue and 11th Avenue South for the PO Pedestrian Oriented Overlay District).

Zimmermann introduced the subject matter of an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts, which was given its first reading and referred to the Zoning & Planning Committee (Mapping Nicollet Avenue between 19th Street West and the Midtown Greenway for the PO Pedestrian Oriented Overlay District).

Zerby introduced the subject matter of an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses & Business Regulations: Open Air Motor Vehicle Parking Lots, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held on Wednesday, June 22, 2005 (amending the signage requirements for parking lots that utilize towing & vehicle immobilization services).

Niziolek introduced the subject matter of an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to Licenses Fees Schedule, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (2004 inflationary increases for license fees).

RESOLUTIONS

Resolution 2005R-375, honoring American Indian Neighborhood Development Corporation's 30th Anniversary, was adopted 6/17/05 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-375

By Schiff and Lilligren

Honoring American Indian Neighborhood Development Corporation's 30th Anniversary.

Whereas, 2005 marks the 30th year that American Indian Neighborhood Development Corporation has served the Phillips neighborhood in the City of Minneapolis; and

Whereas, the American Indian Neighborhood Development Corporation began under the leadership of a small group of optimistic young American Indian women with a desire to make the Phillips neighborhood a better place for all community members to live, work and do business; and

Whereas, the traditional Native values of generosity and community spirit are reflected in the works of the American Indian Neighborhood Development Corporation; and

Whereas, the American Indian Neighborhood Development Corporation, currently one of only five community-based, non-profit commercial real estate developers in the United States, has grown to national prominence with a striking, innovative model for community revitalization – one whose collaborative, systemic approach to economic development can help transform depressed areas across the nation; and

Whereas, the American Indian Neighborhood Development Corporation is poised to effect further change in Minneapolis neighborhoods by means of strategic real estate development leading to community renaissance benefiting citizens, businesses, employees, neighbors and families and we wish to honor their hard work on behalf of the people of the City of Minneapolis;

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

That Friday, June 24th, 2005, be proclaimed as American Indian Neighborhood Development Corporation Day in the City of Minneapolis.

Adopted 6/17/05.

Resolution 2005R-376, expressing appreciation for Bob Marotto, Manager, Animal Care and Control, for his service to the City of Minneapolis, was adopted 6/17/05 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-376

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

Expressing appreciation for Bob Marotto, Manager, Animal Care and Control, for his service to the City of Minneapolis.

Whereas, Bob Marotto has worked vigorously for Minneapolis Animal Care and Control for 11 years; and

Whereas, Bob Marotto began his career at the City as an Animal Control Officer from 1994-1998, promoted to Animal Control Supervisor from 1998–1999, and from 1999–2005 served as Manager of the Animal Care and Control program; and

Whereas, Bob is transforming from a Gopher to a Tar Heel (or Blue Devil?); and

Whereas, Bob has managed a staff of 21 employees and a state of the art, multi-million dollar facility (and another not-so state of the art facility); and

Whereas, Bob has ensured the safety of the community through over 2,000 dangerous dog declarations and responding to close to 3,000 animal bites; and

Whereas, Bob has adopted or placed over 7,000 animals thereby saving them from harm; and

Whereas Bob has provided steadfast leadership locally, state wide, and nationally in the area of animal care and legislation; and

Whereas, Bob has a reputation of excellent service to residents, elected officials, city departments, neighborhood groups and the community in general; and

Whereas, Bob has helped lead and train animal control officers around the State through his affiliation with the National Animal Control Association, on which he has served proudly as a board member; and

Whereas, Bob has kept the community safe as he has diligently enforced laws and made declarations on animals who have shown a propensity to attack; and

Whereas, Bob has served as an advocate on behalf of the rights of animals and living beings for which he has been charged with caring for; and

Whereas, Bob has never put a cat and dog in the same cage; and

Whereas the people and animals of the City of Minneapolis have benefited greatly from Bob's contributions and we owe Bob, and his family, a large debt of gratitude; and

Whereas, Bob Marotto will be missed by his friends, colleagues, and loose and abandoned animals throughout the City;

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

That the City of Minneapolis offers its sincere appreciation to Bob Marotto for his commitment to the City of Minneapolis.

Adopted 6/17/05.

UNFINISHED BUSINESS

CONSIDERATION OF MAYOR'S VETO

The Council had before it Mayor Rybak's veto of the report of the Public Safety & Regulatory Services Committee, passed by the Council 5/27/05 relating to the Sidewalk Cafe License for Salsa A La Salsa Mexican Grille, 1420 Nicollet Ave, and stating his objections thereto.

The question before the Council being, "Shall the veto of the Mayor be sustained?," there were:

Yeas, none; Nays, 12.

Absent – Johnson Lee.

The vote on the question being more than the two-thirds majority required by the Charter to pass the motion over the objections of the Mayor, said veto was overridden.

CITY OF MINNEAPOLIS CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF MINNEAPOLIS)

I, Merry Keefe, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that the foregoing report was passed by the City Council of said City at the regular meeting of May 27, 2005, and was returned by Mayor Rybak with his veto, stating his objections thereto, at a regular meeting held June 17, 2005.

I do further certify that, at the regular meeting of the City Council held June 17, 2005, said action was passed, notwithstanding the objections of the Mayor, by a vote of two-thirds of all the members of the City Council; the vote being:

Yeas, 12; Nays none.

Absent – Johnson Lee.

(Total number of Council Members in the City Council: 13)

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the Charter of said City, said action has become and is valid, and I hereby certify that said action has the same force and effect as if approved by said Mayor.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Minneapolis, Minnesota, this 17th day of June, 2005.

Merry Keefe,
City Clerk.

Ostrow moved to adjourn to Room 315 City Hall to consider the case of Otis Lee Walker v. City of Minneapolis, et al., United States District Court File No. 04-2997 JRT/FLN. Seconded.
Adopted upon a voice vote.

Room 315 City Hall
Minneapolis, Minnesota
June 17, 2005 – 11:59 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present – Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Zerby, Ostrow.

Absent – Samuels, Schiff, Lilligren, Johnson Lee, Niziolek, Benson.

Jay Heffern, City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the case of Otis Lee Walker v. City of Minneapolis, et al., United States District Court File No. 04-2997 JRT/FLN.

At 12:01 p.m., Zimmermann moved that the meeting be closed. Seconded.
Adopted upon a voice vote.

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

Absent – Schiff, Johnson Lee.

Also present – Jay Heffern, City Attorney; Jim Moore and Charles Brown, Assistant City Attorneys; Don Harris, Deputy Police Chief; Peter Wagenius, Mayor's office; Merry Keefe, City Clerk; and Irene Kasper, City Clerk's office.

Moore summarized the Otis Lee Walker v. City of Minneapolis lawsuit from 12:02 p.m. to 12:19 p.m.

At 12:19 p.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

Lilligren moved that the City Attorney be authorized to settle the case of Otis Lee Walker v. City of Minneapolis, et al., United States District Court File No. 04-2997 JRT/FLN in the amount of \$150,000, payable from Fund/Org 6900 150 1500 4000, and that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 6/17/05.

Absent – Schiff, Johnson Lee.

JUNE 17, 2005

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

Lilligren moved to adjourn. Seconded.
Adopted by unanimous consent.

Merry Keefe,
City Clerk.

Unofficial Posting: 6/21/2005
Official Posting: 6/24/2005
Corrections: 7/18/2005; 7/26/2005