

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

AUGUST 9, 2002

(Published August 17, 2002,
in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
August 9, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

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

Goodman moved acceptance of the minutes of the regular meeting held July 26, 2002. Seconded. Adopted upon a voice vote.

Goodman 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.

Mayor R.T. Rybak delivered his 2003 Budget Address that is on file in the office of the City Clerk. (Petn No 268134)

Schiff moved to receive and file the Mayor's Budget Address and to refer the subject matter to the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268111)

Mount Olivet Home and Mount Olivet Day Services (5517 and 5601 Lyndale Avenue S): Issuance of health care facilities revenue bonds for improvements and debt refinancing.

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

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268112)

West River Commons: Approve Redevelopment Plan and Tax Increment Finance Plan.

Rehab Support Program: Funding appropriation for program.

Metropolitan Council Tax Base Revitalization Account Grant: Accept grant for Hollywood Theatre.

MN Department of Trade & Economic Development and Metropolitan Council Livable Communities Tax Base Revitalization Account Grants: Accept for Skyway Event Services Project, Parcel C/Depot East, St. Barnabas, Parcel D/Park Avenue Lofts West, and Bottineau Lofts.

GRANTS AND SPECIAL PROJECTS (268113)

Metropolitan Council Livable Communities Demonstration Account Development Grant Applications:
Approve priority ranking.

ELECTIONS (See Rep):

ELECTIONS DEPARTMENT (268114)

2002 Elections: Approving election judges and authorize use of Absentee Ballot Board.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (268115)

Grants & Special Projects Office Overview Information.

Homeland Security Funding: Items to be considered for grant requests.

LEAGUE OF MINNESOTA CITIES (268116)

Fireworks Information Packet.

INTERGOVERNMENTAL RELATIONS (See Rep):

CHARTER COMMISSION (268117)

Charter Amendment: Ordinance amending Chapter 19, Section 4 re Civil Service, to include the director & librarians of the public library as part of the "unclassified service," w/Attachment.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (268118)

CCP/SAFE Update: Review of Police Department implementation of Public Strategies Group Report.

Task Forces: Update on Police Department involvement in Task Forces.

International Association of Chiefs of Police Convention: Update on convention.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (268119)

Xamar Weyne Cafe (4743 Nicollet Av S): Grant Restaurant License, subject to conditions.

Licenses: Applications.

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

LICENSES AND CONSUMER SERVICES (268120)

2003 Business License Fees: Adjust license fees upward by 2% to reflect inflationary increases as reflected in Implicit Price Deflator for government costs for 2001 and the Consumer Price Index; with comments from community.

POLICE DEPARTMENT (268121)

Crime Reporting System: Accept National Incident-Based Reporting System Program Grant of \$250,000 and Minnesota Bureau of Criminal Apprehension to upgrade Police Department's system for compliance with new national system; and Approve appropriation.

Driving While Intoxicated Grant: Accept grant award of \$20,000 and execute grant agreement with Minnesota Department of Public Safety, State Patrol Division, to reduce alcohol related crashes in Minneapolis; and Approve appropriation.

COPS Methamphetamine Initiative Grant: Approve transferring \$15,159.10 from Health & Family Support to Police Department to finalize grant accounting.

State and Local Drug Enforcement Task Force: Execute Task Force Agreement with Drug Enforcement Administration to detail one experienced officer to participate in Task Force and to receive compensation pursuant to terms of agreement.

Safe and Sober Grant: Accept grant award of \$50,000 and execute grant agreement with Minnesota Department of Public Safety, Office of Traffic Safety, to pay overtime to Traffic Unit officers to increase enforcement targeting impaired drivers, juvenile and young adult violators, speed violations to reduce accidents and increase driver safety; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

CHARLES DONLY ET AL. (268122)

Walker Art Center Parking Facility: See report July 12, 2002, comments.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268123)

Sale of City-Owned Property at 1530 Franklin Avenue East: Authorize sale to Minneapolis American Indian Center Inc.

Equipment Information System: Change order to Contract with Control Software Inc., Ltd.

Heritage Park (Near Northside) Development: Install traffic signs.

Heritage Park Project, Phase 1: Change order increasing Wick Drain contract with Max Steininger, Inc.

Minneapolis Police Department Downtown Command: Change Orders increasing contract with Diversified Contracting Specialists Inc.

Bassett Creek Tunnel/MCES Interceptor Realignment: Change Orders increasing contract with Lametti & Sons, Inc.

Minneapolis Street Lighting Policy: Staff recommendations.

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

PUBLIC WORKS AND ENGINEERING (268124)

2002 Alley Renovation Program: Designate project, adopt cost estimate, list of benefited properties, maps, and establish project approval hearing.

Alley Retaining Walls, 1500 Block 22nd Av N (Irving & Illion Aves): Designate project, adopt cost estimate, list of benefited properties and establish project approval hearing.

Midtown Greenway Trail Phase 1: Authorize amendment to City Contract to consolidate the previous City Council action into one contract amendment.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (268125)

Special Compensation Fund: Authorize release of six-month assessment payment to Minnesota Department of Labor and Industry.

WAYS AND MEANS BUDGET (See Rep):

CONVENTION CENTER (268126)

Convention Center Expansion Project: Accept earthwork under contract with Veit & Company and approve final project payment.

Convention Center Expansion Project: Approve change orders for construction contracts with Kellington Construction, Swanson & Youngdale, Gage Brothers Concrete Products, Havens Steel Company, Harris Mechanical, Minuti-Ogle and Burns Security.

COORDINATOR (268127)

New Central Library Project: Issuance of request for proposals for independent testing laboratory services and surveyor services.

New Central Library Project - Planetarium: Consider City commitment of one-half the cost of adding the planetarium to the design.

FINANCE DEPARTMENT (268128)

Utility Bill Insert: Authorize insertion of information from the Park Board regarding water quality.

Mayor and City Council Office Transition Costs: Plan to finance costs for staff transition and direction to develop policy on funding future costs.

HEALTH AND FAMILY SUPPORT SERVICES (268129)

Vocational Services: Increase master contract with Jewish Vocational Services.

OPERATIONS & REGULATORY SERVICES (268130)

Extraordinary Salary Offer: Authorize hiring of James Weaver to the position of Elevator Inspector at salary step seven.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (268131)
Mpls Housing Policy: Proposed amendments to the Mpls Plan.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (268132)

Appeals:

Allison Little, et al (re Bobby & Steve's Autoworld, 5801 Nicollet Ave S): Appeal filed from decision approving three conditional use permits & site plan review for convenience store w/gas pumps, car wash, minor auto repair, w/Attachments.

Kathy Barclay, for All God's Children Metropolitan Community Church (3101-03 Oakland Ave): Appeal filed from decision denying variance for parking lot.

Vacations:

Church of New Life Christian Ministries (3536 Nicollet Ave S): Boulevard reserve for parking lot.

Douglas Muirhead & Faye Knowles (1017 Thomas Ave S): Portion of Antionette Ave for new detached garage.

Zoning Administrator Duties (Zoning Code Text Amendment): Ordinances amending Title 20, Chapters 520 & 525, to transfer position, duties & authority of Zoning Administrator from Director of Inspections to Planning Director.

COMMITTEE OF THE WHOLE:

REGULATORY SERVICES (268132.1)

Executive Summary and Regulatory Services Recommendations on the McKinsey Report (See Z&P Report of 8/9/2002 relating to Zoning Administrator duties)

MOTIONS (See Rep):

FINANCE DEPARTMENT (268133)

Second Quarter of 2002 Workers' Compensation Expenses

FILED:

CITY CLERK/SPECIAL PERMITS (268135)

34th Av S, 4950 (Danielle Jensen) sidewalk sale;

44th St E, 2701 (Lake Hiawatha Council) pony rides;

Central Av, 2516 (NE Community Development Corp) tent;

Delaware St, 2508 (Sign Solutions Inc) sign;

Marquette Av S, 625 (Lawrence Sign) sign;

Marquette Av S, 1001 (Bash Bingham) wedding procession with horse;

Nicollet Av S, 4325 (Crosstown Sign Inc) sign;

Washington Av between Portland & 10th Av parking lots (MN Vikings) tailgating.

EXCEL ENERGY (268136)

Xcel Energy/NSP: Installation of various poles, wires, and street lighting.

MAYOR (268134)

Mayor Rybak's 2003 Budget Address

**REPORTS OF
STANDING COMMITTEES**

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

Comm Dev - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution authorizing and providing for the issuance and sale of health care facilities revenue bonds, and granting preliminary and final approval to the issuance of up to \$7,500,000 in health care facilities tax-exempt revenue bonds, at an interest rate not to exceed 7.0%, for City of Minneapolis Series 2002 for Mount Olivet Home and Mount Olivet Day Services.

Your Committee further recommends granting a waiver of the City's health care facilities revenue bond policy, which requires:

a) acquisition of at least a minimum rating from an established rating agency (which is not recommended since current refunding will reduce interest costs and the facility has historically demonstrated strong financial performance); and

b) a feasibility study (which was not conducted since there would be no increase in total residents).

Your Committee further recommends approval to continue suspension of the payment in lieu of taxes (PILOT) Agreement with Mount Olivet Home and Mount Olivet Day Services since they are enrolled in the Alternative Payment Demonstration Project, passed by the State Legislature in 1995.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 9, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 13, 2002)

Resolution 2002R-276, authorizing issuance and sale of health care facilities bonds for the Mount Olivet Home and Mount Olivet Day Services, was passed August 9, 2002 by the City Council and approved August 9, 2002 by the Mayor. 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 2002R-276
By Goodman and Benson

Authorizing and providing for the issuance and sale of health care facilities revenue bonds, pursuant to Minnesota Statutes, Sections 469.152 to 469.1651, as amended, at the request of Mount Olivet Home and Mount Olivet Day Services, and approving the forms of required documents in connection therewith.

Resolved by The City Council of The City of Minneapolis, Minnesota (the "City" or the "Issuer"), as follows:

1. **Authority.** Pursuant to Minnesota Statutes, Sections 469.152 to 469.1651, as amended (the "Act"), the Issuer is authorized to issue revenue bonds or notes and sell such bonds or notes at public or private sale as may be determined by this body to be most advantageous; and to loan the proceeds of its revenue bonds or notes for the purpose of financing or refinancing permitted costs of authorized projects, all as further provided in the Act, or to refund bonds or notes issued under the Act. Such revenue bonds or notes may be secured by a pledge of the revenues to be derived by the Issuer from a loan agreement with the borrower, and by such other security devices as may be deemed advantageous. Under the provisions of the Act, any bonds or notes so issued by the Issuer shall be special, limited obligations of the Issuer, and shall not constitute an indebtedness of the Issuer, within the meaning of any state constitutional provision or statutory limitation, nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

2. **The Bonds and the Project.** Mount Olivet Home and Mount Olivet Day Services, each a Minnesota nonprofit corporation (together referred to as the "Borrower") have proposed to undertake a project consisting of the acquisition and construction of improvements and the refinancing of outstanding indebtedness with respect to existing nursing home and day services facilities located at 5517 Lyndale Avenue South, 5601 Lyndale Avenue South, and 5522 Garfield Avenue South in the City of Minneapolis, together with the acquisition and installation of equipment and furnishings (herein referred to as the "Project"), and has further proposed that the Issuer issue and sell its Health Care Facilities Revenue Bonds, in one or more series, in an aggregate principal amount of not to exceed \$7,500,000, substantially in such forms and subject to the terms and conditions as are set forth in the Indenture referred to below (the "Bonds"), pursuant to the Act, and loan the proceeds thereof to the Borrower to finance the Project.

3. **Public Hearing.** Following not less than 14 nor more than 30 days' published notice in the official newspaper and a newspaper of general circulation in the City, the Community Development Committee of the City Council conducted a public hearing with respect to the Project and the issuance of the Bonds. All persons present had an opportunity to express their views with respect to the Project and the issuance of the Bonds. Based on the information presented, the Issuer hereby finds and determines that the undertaking of the Project and the issuance of the Bonds are in the public interest and will promote the purposes of the Act.

4. **Application to Department of Trade and Economic Development; Approval of Project.** The Project is hereby approved by the Issuer, subject only to the approval thereof by the Commissioner of Trade and Economic Development of the State of Minnesota, as required by the Act. The Mayor, the City Clerk and other officers of the Issuer are authorized to take such action as may be required to obtain the approval of the Commissioner of the Department of Trade and Economic Development of the Project, as required by the Act. All costs of the Issuer relating to the issuance of the revenue bonds, whether or not successfully issued, shall be paid or reimbursed by the Borrower.

5. **Documents Presented.** Forms of the following documents relating to the Bonds and the Project have been submitted to the Issuer and are now on file in the offices of the Issuer:

- a. Loan Agreement (the "Loan Agreement") between the Issuer and the Borrower; and
- b. Trust Indenture (the "Indenture") of even date with the Loan Agreement, between the Issuer and U.S. Bank National Association, as trustee (the "Trustee"); and
- c. Combination Mortgage, Security Agreement and Fixture Financing Statement and Assignment of Leases and Rents (the "Mortgage") of even date with the Loan Agreement, from the Borrower to the Trustee; and
- d. Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") of even date with the Loan Agreement, between the Borrower and the Trustee;
- e. Bond Purchase Agreement (the "Bond Purchase Agreement"), by and between Miller Johnson Steichen Kinnard, Inc. (the "Underwriter"), the Borrower and the Issuer; and
- f. Preliminary Official Statement and form of final Official Statement, the form of the Preliminary Official Statement, together with the insertion of the final underwriting details of the Bonds, including the interest rates thereon, and any other changes deemed necessary or desirable, intended to constitute the form of the final Official Statement, and including all Appendices thereto (together the "Official Statement"), describing the offering of the Bonds, and certain terms and provisions of the foregoing documents.

6. **Findings.**

It is hereby found, determined and declared that:

- a. The Project will further the purposes contemplated and described in Section 469.152 of the Act and, based upon information supplied by the Borrower, would result in the encouragement and development of economically sound industry and commerce through governmental action for the purpose of preventing the emergence of blighted and marginal lands and areas of chronic unemployment, and would enhance the provision of health care services and facilities to members of the community.
- b. There is no litigation pending or, to the knowledge of the Issuer, without investigation or inquiry, threatened against the Issuer relating to the Project or to the Bonds, or to the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, or the Mortgage (collectively referred to as the "Bond Documents") or questioning the organization, powers or authority of the Issuer to issue the Bonds or execute such agreements.
- c. To the knowledge of the Issuer, without investigation or inquiry, the execution and delivery of and the performance of the Issuer's obligations under the Bonds and the Bond Documents do not and will not violate any order of any court or any agency of government of which the Issuer is aware or in any proceeding to which the Issuer is a party, or any indenture, agreement or other instrument to which the Issuer is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.
- d. The Loan Agreement provides for payments by the Borrower to the Issuer, of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due.

e. Under the provisions of the Act and as provided in the Loan Agreement, the Bonds are not and shall not be payable from or charged upon any funds other than amounts payable pursuant to the Loan Agreement and related documents; the Issuer is not subject to any liability thereon; no owner of the Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Bonds or the interest thereon, nor to enforce payment thereof against any property of the Issuer; neither the Bonds nor any document executed or approved in connection with the issuance thereof shall constitute a pecuniary liability, general or moral obligation, charge, lien or encumbrance, legal or equitable, upon any property of the Issuer; and the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the Issuer.

7. Approval and Execution of Documents. The forms of Loan Agreement, Indenture, Bond Purchase Agreement, Continuing Disclosure Agreement, and Mortgage, referred to in paragraph 5, are approved. The Loan Agreement, Indenture, and Bond Purchase Agreement shall be executed in the name and on behalf of the Issuer by the officers identified in paragraph 11, in substantially the forms on file, but with all such changes therein as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

8. Approval, Execution and Delivery of the Bonds. The officers of the Issuer are hereby authorized and directed to execute and issue the Bonds, and the Bonds shall be issued in such series and shall be substantially in such forms, mature, bear interest, and be payable according to such terms and shall otherwise contain such terms and provisions as are set forth in the Indenture, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the aggregate principal amount of each series of the Bonds, the interest rates thereon, the amount and dates of the principal payments required to be made with respect thereto, and the rights of optional and mandatory redemption with respect thereto shall all be set forth in the Indenture as executed and shall all be subject to the final approval of the officers of the Issuer who execute and deliver the Indenture in accordance with the provisions of this resolution, such approval to be conclusively evidenced by the execution thereof; provided further, however, that, in no event shall the aggregate principal amount of the Bonds exceed \$7,500,000, shall the final maturity of the Bonds be in excess of 30 years from the date of issuance thereof, or shall the net interest cost with respect to the Bonds exceed 7.00% per annum. The Bonds shall recite that they are issued pursuant to the Act and such recital shall, to the fullest extent permitted by law, conclusively establish the legality and validity thereof.

The Bonds shall be sold to the Underwriter in accordance with and upon the terms and conditions set forth in the Bond Purchase Agreement. The proposal of the Underwriter to purchase the Bonds as provided in the Bond Purchase Agreement at the purchase price set forth therein is hereby accepted.

9. Certificates, etc. The officers of the Issuer are authorized to prepare and furnish to Dorsey & Whitney LLP, Minneapolis, Minnesota, as Bond Counsel to the Underwriter, and to the Underwriter, certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements of fact contained therein.

10. Official Statement. The Issuer hereby consents to the circulation by the Underwriter of the Official Statement in offering the Bonds for sale; provided, however, that the Issuer has not participated in the preparation of the Official Statement or independently verified the information in the Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

11. Nature of Issuer's Obligation. All covenants, stipulations, obligations, representations, and agreements of the Issuer contained in this Resolution or contained in the aforementioned documents shall be deemed to be the covenants, stipulations, obligations, representations, and agreements of the Issuer to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, representations, and agreements shall be binding upon the Issuer. Except as otherwise provided in this Resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed upon the Issuer by the provisions of this Resolution or of the aforementioned documents shall be exercised or performed by such officers or agents as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained

or contained in the documents referred to above shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any City Council Member, officer, agent, or employee of the Issuer in that person's individual capacity, and neither any member of the City Council nor any officer or employee executing the Bonds or such documents shall be liable personally on the Bonds or be subject to any representation, personal liability or accountability by reason of the issuance thereof. No provision, representation, covenant or agreement contained in the Bonds, this Resolution or in any other document related to the Bonds, and no obligation therein or herein imposed upon the Issuer or the breach thereof, shall constitute or give rise to a general or moral obligation, or indebtedness or pecuniary liability of the Issuer or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in the Bonds or in any other document related to the Bonds, the Issuer has not obligated to pay or remit any funds or revenues, except for revenues derived from the Loan Agreement that are pledged to the payment of the Bonds.

12. **Authorized Officers.** The Bonds and the documents referred to herein are authorized to be executed on behalf of the Issuer by its Mayor, Finance Director and City Clerk; provided, however, that in the event that any of those officers shall be unavailable or for any reason be unable to execute the Bonds or any other document to be entered into by the Issuer in connection therewith, any other officer of the Issuer, acting alone or with one or more other officers, is hereby directed and authorized to do so on behalf of the Issuer.

13. **Governmental Program Bonds.** The Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the Issuer adopted January 29, 1988, and as amended by Resolution 97R-402 of the Issuer adopted December 12, 1997.

Definitions and Interpretation. Terms not otherwise defined in this Resolution but defined in the Loan Agreement or the Indenture shall have the same meanings in this Resolution and shall be interpreted herein as provided therein. Notices may be given as provided in the Loan Agreement. In case any provision of this Resolution is for any reason illegal or invalid or inoperable, such illegality or invalidity or inoperability shall not affect the remaining provisions of this Resolution, which shall be construed or enforced as if such illegal or invalid or inoperable provision were not contained herein.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 9, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution adopting the West River Commons Redevelopment Plan and the West River Commons Tax Increment Finance Plan.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to adopt the plans.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-277, adopting the West River Commons Redevelopment Plan and Tax Increment Finance Plan, was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002R-277
By Goodman and Johnson

Adopting the West River Commons Redevelopment Plan and the West River Commons Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement redevelopment projects and tax increment financing ("TIF") districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 to 469.068, 469.109 to 469.134, 469.152 to 469.165, and 469.174 through 469.179 as amended, except Sections 469.033, Subdivision 6, and 469.060.

1.2. It has been proposed that the Agency prepare the West River Commons Redevelopment Plan and the West River Commons TIF Plan (the "Plans") to provide the legal authority for the creation of a new redevelopment project, and a new TIF district, which Plans reflect the establishment of objectives for the redevelopment of the project, designation of project boundaries, designation of property that may be acquired, identification of land uses, and a budget for public redevelopment costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.3. The Agency has prepared, and this Council has examined the proposed Plans that describe more precisely the activities to be undertaken, the public costs, the designation of the project area, objectives for the redevelopment of the project area, including land uses for the redevelopment of the project area, property acquisition, a budget for expenditures, and the facts supporting the Plans. The Council has reviewed the legal authorization to establish a new TIF district for this project, and the authorization for public redevelopment activities and expenditures necessary to assist this project. Anticipated public redevelopment activities include property acquisition, pollution cleanup, site preparation, demolition, parking, affordable housing costs, administration and other related activities, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.4. The Agency and the City have 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 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.

1.5. The West River Commons TIF District is being established within and under the authority of the West River Commons Redevelopment Project.

Section 2. Findings for the Adoption of the Plans.

2.1. The Council hereby 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 Area and TIF District by private enterprise as the proposed redevelopment will eliminate inconsistent uses and blighted and vacant parcels, result in the provision of needed rental units, including 12 affordable units, provide needed parking, cleans up contaminated land that has a history of contamination from petroleum products, home ownership opportunities, revitalizes E. Lake Street, and enhances the city's tax base.

2.2. 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. 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.

2.3. The Council further finds, determines and declares that the proposed redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the use of tax increment financing is deemed necessary because financial assistance is required to redevelop property that contains a former gas station alongside an obsolete assembly hall. Revenue generated from the project is not sufficient to fully amortize the cost of acquisition, demolition and contamination cleanup. A petroleum release was identified during the removal of the underground storage tanks and reported to the MPCA in 1999. Petroleum impacts to the soil and ground water were identified. The site is currently undergoing a remedial investigation to determine the extent of the contamination. TIF financing is needed due to the extraordinary costs of redevelopment. The acquisition cost of the land exceeds its value to the project, the market and neighborhood is requiring underground parking, a cost not supported by the income stream of the project, and the project includes the costly cleanup of contaminated soil due to the petroleum tank leak.

Further, the TIF Act requires that a potential TIF district must also pass a new market value test in order to make a finding that development could not occur without tax increment assistance. The calculations necessary to pass this test are contained on page 10 of the TIF plan. As shown there, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this TIF plan results in a series of calculations and figures that clearly pass the market value test, as 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 TIF district permitted by the Plans. Therefore, it is the opinion of the City of Minneapolis that the proposed redevelopment project to be financed, in part, by this TIF District would not occur solely through private investment within the foreseeable future.

2.4. The Council further finds, determines and declares that the property to be included in the Project Area and TIF District meets the statutory definition of a redevelopment Project Area as defined in the Minnesota Statutes, Section 469.002, Subdivision 11 and Subdivision 14; and redevelopment TIF District as defined in the Minnesota Statutes, Section 469.174, Subdivision 10 (a) (1). Exterior and interior surveys were conducted in the fall of 2001. The blighted property consists of an abandoned gas station with an environmental hazard, and an obsolete temple assembly hall. An areawide assessment for eligibility for purposes of redevelopment indicated that the properties were vacant and underutilized buildings and are by definition a blighting influence on the adjacent community. Site characteristics indicated significant blighting influences caused by the volume of traffic congestion on E. Lake Street, inconsistent land forms—both geographically and platted (lots are platted 25 feet wide), and because of the unusual and difficult characteristics of the site, which may have prevented normal development of the land in the past, and the need for a good design to provide a transition into the redevelopment plans for the area.

It was found with reasonable certainty deficiencies exist in the buildings that are below standards of the Uniform Building Code applicable to new buildings and that the buildings at the location are marginal, and structurally substandard because the costs of repairs to comply with standards of the building code exceed 15% of the properties' replacement value.

Further, the existing commercial spaces appeared vacant, are hazardous, and are obsolete for their present or continued use, and are functionally obsolete, lacking certain life safety factors, elements of the Americans with Disabilities Act, and contain obsolete mechanical and electrical systems essential for continued occupancy. The commercial buildings lack energy conservation standards essential for continued occupancy in order to be in compliance with the Uniform Building Code of Ordinances (see State Energy Code 2000, and Bulletin 80-1 Property Code). The two buildings were found detrimental to the safety, health, morals, or welfare of the community by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excess land coverage, deleterious land use that include all present uses. The commercial building lacks a heating unit.

The vacant property was open to the elements with broken windows and interior areas contained damage caused by vandalism or disuse, graffiti covered walls, roof damage caused by ice damming and worn roofing materials, collapsed building components due to leaking roof, damaged siding and trim with shrinkage of masonry frame exhibiting cracks in the masonry components, dangerous and hazardous

conditions (due to suspected gas leak), peeling paint, 'punk' wooden door and window frames, and difficult access to property. These obsolete features of the buildings are unavoidable due to its character and cannot be concealed, or retrofitted to an alternative or adaptive reuse. Environmental Surveys were conducted on the two properties by PEER Environmental & Engineering Resources, Inc. The environmental consultant completed the environmental assessment and will work with Minnesota Pollution Control Agency (MPCA) to develop a final MPCA approved remediation plan.

2.5. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and Sections 469.174 through 469.179, as amended.

2.6. The Council further finds, determines and declares that the municipality elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3 (a), and that it is the intent of the City and Agency that any fiscal disparity contribution required of the City for development occurring within this District be taken from outside this District.

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.

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

3.1 Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

3.2. Based upon the findings set forth in Section 2 hereof, the West River Commons Redevelopment Project is hereby created and established.

3.3. Based upon the findings set forth in Section 2 hereof, the West River Commons TIF District is hereby created and established.

Section 4. Implementation of the Plans.

4.1. The officers and staff of the City and the Agency, and the City's and the Agency'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 plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of grant funds from the Minnesota Housing Finance Agency for the Rehab Support Program to provide funds for home repairs and improvements, in the amount of \$250,000, and further recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage of the accompanying resolution, amending the 2002 MCDA Appropriation Resolution, increasing the appropriation in Fund SMN0 (State and Other Grants) by \$250,000.

Your Committee further recommends transmittal of this action to the Board of Commissioners of the MCDA to transfer funds and approve a program change that would reduce the maximum loan allowable from \$12,000 to \$10,000 since funding for said program has been cut over previous years.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-278
By Goodman and Johnson**

Amending The 2002 Minneapolis Community Development Agency 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 Fund SMN0 by \$250,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-04, State and Other Grants) by \$250,000.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve the following recommendations:

a) Acceptance of a Tax Base Revitalization Account (TBRA) Grant, in the amount of \$160,000, from the Metropolitan Council for removal of asbestos and hazardous materials at the Hollywood Theatre;

b) Passage of the accompanying Resolution, amending the 2002 MCDA Appropriation Resolution, increasing the appropriation and revenue budget in Fund SMN0 by \$160,000; and

c) Transmittal of this action to the Board of Commissioners of the MCDA to execute the grant agreement(s), implement the Hollywood Theatre Phase 1 Stabilization Plan, redirect Community Economic Development Fund (CEDF) resources (increasing the amount from \$141,000 to \$249,000), waive the MCDA Procurement Policy, and award remediation and roof replacement bids to the lowest, responsible bidder.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-279
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency 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 Fund SMN0 by \$160,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-04 State and Other Grant Funds) by \$160,000.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the following contamination grants from the Minnesota Department of Trade and Economic Development (DTED), for the projects and the amounts indicated:

a) Skyway Event Services Project, in the amount of \$985,000; and

b) Parcel C/Depot East, in the amount of \$939,566.

Your Committee further recommends acceptance of the following Tax Base Revitalization Account (TBRA) Grants from the Metropolitan Council for pollution remediation, for the projects and the amounts indicated:

c) Skyway Event Services Project, in the amount of \$130,000;

d) Parcel C/Depot East, in the amount of \$162,858;

e) St. Barnabas, in the amount of \$135,000;

f) Parcel D/Park Avenue Lofts West, \$285,000; and

g) Bottineau Lofts, \$70,000.

Your Committee further recommends passage of the accompanying resolution, amending the 2002 MCDA Appropriation Resolution, increasing the appropriation in Fund SMN0 (State and Other Grants) by \$2,707,424 (the total of above grants).

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to execute grant and sub-recipient agreements.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-280
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency 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 Fund SMN0 by \$2,707,424 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-04, Minnesota State Grants) by \$1,924,566 and (3215-13, Other Minnesota Grantor Agencies) by \$782,858.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the proposed priority ranking of grant applications submitted to the Metropolitan Council for Livable Communities Demonstration Account 2002 Development Grants, now recommends approval of said priority ranking for the following projects, for the amounts indicated:

- 1) Heritage Park Project, \$1,500,000;
- 2) Little Earth of United Tribes Housing Corporation, Phase III, \$585,000;
- 3) Village in Phillips, \$1,000,000;
- 4) Franklin-Portland Gateway, Phase II (Jourdain), \$1,500,000;
- 5) Grain Belt Housing Project, \$1,000,000;
- 6) Phillips Park Initiative, Phase II, \$500,000;
- 7) East Phillips Commons, Phase II, \$718,000;
- 8) Hiawatha Court, \$600,000;
- 9) Penn-Lowry Volunteers of America (VOA) Senior Housing, \$500,000;
- 10) Project for Pride in Living (PPL) Collaborative Square, \$919,000;
- 11) Minnehaha Family Housing Project, \$100,000;
- 12) Southeast Minneapolis Industrial (SEMI) Bridal Veil, \$1,000,000;
- 13) Carriage House Affordable Housing Project, \$500,000;
- 14) Lake and Nicollet Commons, \$1,000,000;
- 15) Homewood Townhomes, \$200,000;
- 16) Cedar/Lake Revival, Phase I, \$300,000; and
- 17) Colin Powell Youth Leadership Center, \$1,200,000.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **ELECTIONS** Committee submitted the following report:

Elections - Your Committee recommends approval of the appointment of Election Judges for elections in Year 2002 as set forth in Petn No. 268114 on file in the office of the City Clerk, in accordance with Chapter 2, Section 6, of the Charter of the City of Minneapolis.

Your Committee further recommends authorization to establish an Absentee Ballot Board pursuant to Minnesota Statutes, Section 203B.13.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

IGR - Your Committee, having under consideration an ordinance amending Chapter 19, Section 4 of the Minneapolis City Charter relating to Civil Service, to include the director and librarians of the public library as part of the "unclassified service," and having conducted a public hearing thereon, now concurs in the recommendation of the Minneapolis Charter Commission that the accompanying ordinance be passed by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes Section 410.12, Subd 7.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-072

By Benson

Intro & 1st Reading: 7/12/2002

Ref to: IGR

2nd Reading: 8/9/2002

Amending Chapter 19, Section 4 of the Minneapolis City Charter relating to Civil Service, to include the director and librarians of the public library as part of the "unclassified service." (Charter Amendment #153)

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

Section 1. That Chapter 19, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Powers of Commission To Extend Only To Classified Service. The powers of the commission shall extend only to the classified service which shall embrace the entire service of the City except the following officers, and employees, which shall be known as the "unclassified service", namely: Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer; the chief health officer; the Chief of police; the City assessor; superintendents, principals, supervisors of teachers and teachers in the public schools; the city attorney; the attorney of the park board; the ~~librarian and assistants~~ director and librarians of the public library; the superintendent of parks; a landscape architect; a chief of park police; and the Mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this Chapter.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

PS&RS - Your Committee, to whom was referred an Ordinance amending Title 13, Article VII, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses — Sidewalk Cafes*, providing for an exemption from the prohibition against permanent installation of tables, chairs, furnishings or other equipment for sidewalk cafes for establishments located in the Central Commercial District, now recommends that said Ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-073 amending Title 13, Article VII, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses — Sidewalk Cafes*, amending Section 265.290 to provide for an exemption from the prohibition against permanent installation of tables, chairs, furnishings or other equipment for sidewalk cafes for establishments located in the Central Commercial District, was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002-Or-073
By Goodman and Schiff

Intro & 1st Reading: 6/7/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 13, Article VII, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses-- Sidewalk Cafes.

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

Section 1. That Section 265.290 of the above-entitled ordinance be amended to read as follows:

265.290. Restrictions. (a) Each permit issued pursuant to this article shall specify the area in which such cafe may be operated; provided that no sale or service shall be permitted in any portion of the street designated for vehicular travel.

(b) ~~Nor shall such permit authorize~~ Issuance of a permit shall not be construed as authorizing any permanent installation to be placed on or in the public way, or permit the placing or leaving on the sidewalk of any tables, chairs, furnishings or other equipment during any periods of time such sidewalk cafe is not open and being operated.

(c) No such permit shall authorize the placing or leaving on the sidewalk of any tables, chairs, furnishings or other equipment during any periods of time such sidewalk cafe is not open and being operated, except that this subsection shall not apply to any establishment located in the Central Commercial District as defined in section 360.10 of this Code.

(~~e~~ d) No such permit shall authorize a sidewalk cafe at any location where the same is prohibited by state law, or this Code of Ordinances, except as herein provided.

(~~d~~ e) Except as specifically provided herein, the ownership, operation and maintenance of a sidewalk cafe shall be subject to all applicable laws, ordinances and regulations.

(~~e~~ f) No sidewalk cafe permit shall be issued to any establishment holding an "on sale" liquor, wine, or beer license located within two hundred (200) feet of a residentially zoned district, the measurement to be made from the nearest portion of the sidewalk cafe to the nearest boundary of the residentially zoned district, except that this subsection shall not apply to any such establishment whose gross sales

revenue during the preceding fiscal year from the sale of food and beverages not containing alcohol was in an amount of not less than seventy (70) percent of the total gross revenue from the sale of food and beverages.

Adopted. Yeas, 13; Nays none.
Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of 101 BLU LLC, dba 101 BLU, 3001 Hennepin Av, for an On-Sale Liquor Class D with Sunday Sales License (new business) to expire July 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances and review by the Police Licenses Division.

Adopted. Yeas, 12; Nays none.
Declining to Vote - Benson.
Passed August 9, 2002.
Approved August 9, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published August 13, 2002)

PS&RS - Your Committee, having under consideration the application of Nokomis Bowling Company, dba Nokomis Lanes, 4040 Bloomington Av, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances and review by the Police Licenses Division.

Adopted. Yeas, 12; Nays none.
Declining to Vote - Benson.
Passed August 9, 2002.
Approved August 9, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published August 13, 2002)

PS&RS - Your Committee, having under consideration the application of Holiday Stationstore #332, dba Holiday Stationstore #332, 4601 Hiawatha Av, for a Grocery License (new proprietor) to expire April 1, 2003 and a Gasoline Filling Station License (new proprietor) to expire September 1, 2002, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.
Passed August 9, 2002.
Approved August 9, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published August 13, 2002)

PS&RS - Your Committee, having under consideration the application of Bolay International Inc, dba Xamar Weyne Cafe, 4743 Nicollet Av, for a Restaurant License to expire April 1, 2003, now recommends that said license be granted, subject to the following conditions:

- a. the licensee agrees to remove all litter and debris from the parking lot and within 100 feet of the property each morning and evening.
- b. the licensee agrees to keep the dumpster area clean and to ensure an adequate number of weekly garbage pickups to keep the dumpster from overflowing.
- c. the licensee agrees to take all measures necessary to prevent loitering by customers on the property and in the parking lot.
- d. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.
Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire July 1, 2003

Philmik Inc, dba Hennepin Lake Liquors, 1200 W Lake St;
Falyce A Sentyrz, dba Sentyrz Liquors & Supermarket, 1612 2nd St NE, 1st floor;
Kick's Liquor Store Inc, dba Broadway Liquor Outlet, 2201 W Broadway;

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2003

Hey City Theater Company, dba Hey City Theater, 824 Hennepin Av;
Pepito's Mexican Foods Inc, dba Pepito's, 4820 Chicago Av;

On-Sale Liquor Class A with Sunday Sales, to expire June 26, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, June 26, 2002, 5:00 p.m. to 9:00 p.m., Wing Ding);

On-Sale Liquor Class A with Sunday Sales, to expire August 2, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 2, 2002, 4:45 p.m. to 8:00 p.m., IMS);

On-Sale Liquor Class A with Sunday Sales, to expire August 4, 2002

Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av (temporary expansion of premises with entertainment, August 2, 3 & 4, 2002, Uptown Art Fair);

On-Sale Liquor Class A with Sunday Sales, to expire August 13, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, August 13, 2002, 5:30 p.m. to 10:00 p.m., NARI);

On-Sale Liquor Class B with Sunday Sales, to expire July 21, 2002

Haze 3 Corp, dba Grumpys Bar, 1107 Washington Av S (temporary expansion of premises, July 21, 2002, Noon to 6:00 p.m.);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2003

Bartum's Inc, dba Lone Tree Bar & Grill, 528 Hennepin Av (regular expansion of premises);

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2003

Zuhrah Shrine Temple, 2540 Park Av;

On-Sale Liquor Class B with Sunday Sales, to expire August 3, 2002

Minneapolis Aerie #34, 2507 E 25th St (temporary expansion of premises with entertainment, August 3, 2002, 2:00 p.m. to 7:00 p.m.);

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2003

Kilimanjaro Cafe Inc, dba Kilimanjaro Cafe, 324 Cedar Av;

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2003

Hubert's Inc, dba Huberts Bar & Grill, 601 Chicago Av;

On-Sale Liquor Class C-2 with Sunday Sales, to expire August 14, 2002

Historic Theatre Group Ltd, dba Historic State Theatre, 805 Hennepin Av (temporary expansion of premises, August 14, 2002, 4:00 p.m. to 11:00 p.m., PGA Distinguished Service Award & Reception);

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2003

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

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2003

Joe's Garage Inc, dba Joe's Garage Restaurant, 1610 Harmon Pl;

Apple American Ltd Partnership of Minnesota, dba Applebee's Neighborhood Grill & Bar, 3200 W Lake St;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2003

City Billiards Inc, dba City Billiards & Cafe, 25 4th St N;
Bob McNamara 44 Inc, dba Mac's Sports Bar/Grill, 301 Central Av SE;
S I B Inc, dba 331 Club, 331 13th Av NE;
Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St;

Campiello Inc, dba Campiello, 1320 W Lake St;
N A D LLC, dba Leaning Tower of Pizza, 2501 University Av SE;
Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av;

On-Sale Liquor Class E with Sunday Sales, to expire July 20, 2002

Haze 2 Corp, dba Grumpys Northeast, 2200 4th St NE (temporary expansion of premises with outdoor entertainment, July 20, 2002, 1:00 p.m. to 9:00 p.m.);

Temporary On-Sale Liquor

Alchemy Theater, dba Alchemy Theater, 3917 3rd Av S (July 15, 2002, 6:00 p.m. to 10:00 p.m. at 1414 Marshall Av NE; Licensed Facilitator: Mintahoe Inc);

Neighborhood Involvement Program Inc, dba Neighborhood Involvement Program, 2431 Hennepin Av (August 1, 2002, 5:30 p.m. to 9:00 p.m. at Calhoun Square);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2003

B L B Inc, dba Bryant Lake Bowl, 810 W Lake St;

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2003

Chiapas Enterprises Inc, dba Pancho Villa Restaurant, 2539 Nicollet Av;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2003

SID Minneapolis LLC, dba Sidneys Restaurant, 2120 Hennepin Av (change in ownership from Sidney's Inc);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2003

Taqueria Don Blas Inc, dba Taco Blass, 3722 Chicago Av;

Temporary On-Sale Wine

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St Suite 260 (with entertainment, July 19, 2002, 6:00 p.m. to 10:30 p.m., for 25th Annual Aquatennial Block Party on Hennepin Av from Washington to 7th St; Licensed Facilitator: Kierans Pub);

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson, Biernat.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting 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 August 9, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268119):

Building Contractor Class B; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Concrete Masonry Contractor Class B; Laundry; Drywall Contractor; All Night Special Food; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Drive In Food; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class B; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Plasterer; Plumber; Secondhand Goods Class B; Antique Mall Operator Class B; Exhibition Operator Class B; Solid Waste Hauler; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Transient Merchant; Tree Servicing; and Wrecker of Buildings Class B.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Neighborhood Involvement Program, dba Neighborhood Involvement Program, 2431 Hennepin Av (Raffle August 1, 2, 3 & 4, 2002 at Calhoun Square, 3001 Hennepin Av);

Ruffed Grouse Society, dba Ruffed Grouse Society, 11125 Tanglewood Ln N, Champlin (Raffle August 27, 2002 at Radisson Hotel Metrodome, 615 Washington Av S);

St. Joseph Hien, dba St. Joseph Hien, 1800 Dupont Av N (Bingo and Raffle August 30 & 31, 2002 and September 1, 2002);

Church of the Ascension, dba Church of the Ascension, 1723 Bryant Av N (Bingo, Raffle and Pulltabs September 14, 2002);

Dakota Communities Inc, dba Dakota Communities Inc, 680 O'Neill Dr, Eagan (Raffle September 20, 2002 at The Depot, 225 3rd Av S);

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle and Paddlewheel October 6, 2002);

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Bingo, Raffle and Pulltabs October 13, 2002).

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #04880 held by Omar A. Hussein, 2324 Pleasant Av S, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for failure to comply with the Minneapolis Ordinance by driving taxi after his Minnesota driver's license was suspended and failure to file trip sheets, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$500 to the City of Minneapolis, to be paid in two installments of \$250.

b. that the licensee be ordered out of service for thirty days.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration Taxicab Driver's License #03776 held by Andrew L. Dahl, 4054 24th Av S, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for failure to comply with the Minneapolis Ordinance by swearing and hitting another licensed taxicab driver's cab with his fist, and having stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine of \$100 to the City of Minneapolis.

b. that the licensee be ordered out of service for two days.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

PS&RS & W&M/Budget - Your Committee, having under consideration proposed business license fee adjustments for 2003, now recommends the following:

a. that business licensing fees for 2003 be adjusted upward by 2% to reflect the inflationary increases accumulated for the previous year for which complete data is available, as reflected in the Implicit Price Deflator for government costs for 2001 and the Consumer Price Index;

b. that the accompanying Ordinance adding Appendix J to the Minneapolis Code of Ordinances, adopting the license fee schedule, be given its second reading for amendment and passage with summary publication;

c. that the accompanying Ordinances be given their second reading for amendment and passage with summary publication:

1. amending Title 13, Chapter 267 of the Code relating to *Licenses and Business Regulations: Amusements*;

2. amending Title 13, Chapter 281 of the Code relating to *Licenses and Business Regulations: Tobacco Dealers*;

3. amending Title 14, Chapter 360 of the Code relating to *Liquor and Beer: In General*;

4. amending Title 14, Chapter 362 of the Code relating to *Liquor and Beer: Liquor Licenses*;

5. amending Title 14, Chapter 363 of the Code relating to *Liquor and Beer: Wine Licenses*;

6. amending Title 14, Chapter 366 of the Code relating to *Liquor and Beer: Beer Licenses*;

7. amending Title 14, Chapter 372 of Code relating to *Liquor and Beer: Bottle Clubs*.

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-074 adding Appendix J to the Minneapolis Code of Ordinances relating to *License Fees*, to adopt the license fee schedule, was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002-Or-074

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Adding Appendix J to the Minneapolis Code of Ordinances relating to License Fees.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Appendix J to read as follows:

APPENDIX J
LICENSE FEES SCHEDULE

License	Ordinance	Fee	2% + Fee
Alcoholic Beverages			
Beverage Alcohol License			
Investigation Fee:	362.50(c)		
	363.50(c)		
	366.110	\$500	
Liquor -- On Sale			
Class A	362.50(a)	\$8,446	\$8,615
Class B	362.50(a)	\$7,104	\$7,246
Class C-1	362.50(a)	\$6,664	\$6,797
Class C-2	362.50(a)	\$6,104	\$6,226
Class D	362.50(a)	\$5,430	\$5,539
Class E	362.50(a)	\$5,093	\$5,195
Sunday Sales *	362.50(a)	\$200	\$200
Investigation Fee - On and Off Sale	*360.50(c)	\$500	\$500
Temp. On Sale Liquor			
<10,000 people/day	362.35(d)	\$171	\$174
Director Granted	362.35(d)	\$255	\$260
>10,000 people/day	362.35(d)	\$284	\$289
Director Granted	362.35(d)	\$425	\$434
Temporary Entertainment	362.35(e)	\$67	\$68
Retained, Sunday Sale Denial	362.60(b)	\$39	\$39
Temporary Expansion	362.50(a)	\$129	\$132
Director Granted Temporary			
Expansion	362.36(a)(5)	\$194	\$198
Temporary Outdoor Entertainment	360.100(b)(5)	\$180	\$184
Director Granted Temporary			
Outdoor Entertainment	362.36(a)(5)	\$270	\$275
Temporary Entertainment			
w/o Expansion	360.100(b)(5)	\$129	\$132
Reapplication	362.90(b)	\$77	\$79
Liquor--Off Sale *	362.50	\$1,000	\$1,000
Food, Ice (Additional cost			
to Off-Sale Liquor)	362.50	\$202	\$206
Beer -- On Sale			
Class A	366.60	\$4,291	\$4,377
Class B	366.60	\$2,951	\$3,010
Class C-1	366.60	\$2,589	\$2,641
Class C-2	366.60	\$1,941	\$1,980
Class D	366.60	\$1,268	\$1,293
Class E	366.60	\$939	\$958
Nonprofit Temporary	366.40(a)	\$65	\$66
Each Additional Day	366.40(a)	\$33	\$34
Temporary Expansion	366.60	\$129	\$132
Director Granted Temporary			
Expansion	366.40(e)	\$194	\$198
Beer -- Off Sale	366.60	\$168	\$171

AUGUST 9, 2002

Wine -- On Sale			
Class A *	363.50(a)	\$2,000	\$2,000
Class B *	363.50(a)	\$2,000	\$2,000
Class C-1 *	363.50(a)	\$2,000	\$2,000
Class C-2 *	363.50(a)	\$2,000	\$2,000
Class D	363.50(a)	\$1,618	\$1,651
Class E	363.50(a)	\$1,294	\$1,320
Temporary License/Nonprofit	363.41(d)	\$129	\$132
Temporary Expansion	363.50(a)	\$129	\$132
Special Expansion	363.41(d)	\$194	\$198
Wine On Sale with Beer (price of beer only)			
Add - Strong Beer	363.25(e)		
Class A		\$648	\$661
Class B		\$648	\$661
Class C-1		\$648	\$661
Class C-2		\$648	\$661
Class D		\$648	\$661
Class E		\$648	\$661
Add - 3.2% Beer	363.26(e)		
Class A		\$323	\$329
Class B		\$323	\$329
Class C-1		\$323	\$329
Class C-2		\$323	\$329
Class D		\$323	\$329
Class E		\$323	\$329
Temporary On Sale Wine			
<10,000 people/ day	363.41(d)	\$171	\$174
Director Granted	363.41(d)	\$255	\$260
>10,000 people /day	363.41(d)	\$284	\$290
Director Granted	363.41(d)	\$425	\$434
Temporary Entertainment	363.41(e)	\$67	\$68
Bottle Club			
On-Sale Liquor	372.70	\$324	\$330
On-Sale Beer	372.70	\$939	\$958
Amusement Devices	267.600	\$87	\$89
Each Machine *	267.600	\$15	\$15
Replacement Decal	267.650	\$2	\$2
Amusement, Place of			
Class A	267.860	\$832	\$849
Class B	267.860	\$77	\$79
Class C	267.860	\$416	\$424
Antique Dealer			
Class A	321.260(1)	\$243	\$248
Class B	321.260(2)	\$243	\$248
Antique Mall Dealer			
Class A	321.260(5)	\$243	\$248
Additional location	321.260(7)	\$16	\$17
Class B	321.260(6)	\$65	\$66
Additional location	321.260(7)	\$16	\$17
Antique Mall Operator			
Class A	321.260(3)	\$351	\$358
Class B	321.260(4)	\$351	\$358
Asphalt, Shingle & Roofing Mfg.	269.30	\$1,020	\$1,040

AUGUST 9, 2002

Bed & Breakfast Facility	297A.30	\$124	\$126
Investigation Fee	297A.30	\$62	\$63
Billboard Erector	277.2520	\$141	\$144
Bowling Alley			
1st Alley	267.420	\$113	\$115
Each Add'l	267.420	\$29	\$29
Bowling, Billiards, All Nt.	360.80	\$77	\$79
Building Wrecker			
Class A&B	277.2280	\$191	\$195
Lowest Prorate Amt.	277.2280	\$99	\$101
Bulk Gas and Oil Storage	287.50	\$485	\$495
Carnival			
0-9 Attractions, First Day	267.500(b)(1)	\$113	\$115
Each Add'l	267.500(b)(1)	\$36	\$36
10-19 Attractions, First Day	267.500(b)(2)	\$184	\$188
Each Add'l	267.500(b)(2)	\$36	\$36
20 or more Attractions, First Day	267.500(b)(3)	\$367	\$374
Each Add'l	267.500(b)(3)	\$36	\$36
Car Wash	265.250	\$204	\$208
Children's Rides			
Each Per Week	267.70	\$13	\$13
Christmas Trees Dealer	279.40	\$99	\$101
Circus			
To 14 Days	267.50	\$424	\$433
Each Add'l Day	267.50	\$70	\$71
Courtesy Bench			
New	283.40	\$42	\$42
Renew	283.40	\$21	\$22
Transfer	283.240	\$20	\$20
Dance Hall	267.1340	\$367	\$374
Dancing School	285.40	\$42	\$42
Dry Cleaner/Laundry			
Flammable	301.50	\$357	\$364
Non-flammable/Laundry	301.50	\$255	\$260
Pickup Station	301.50	\$107	\$109
Coin-operated	301.150	\$255	\$260
Add'l after 1st coin machine	301.150	\$27	\$28
Entertainment, Place of	267.1140		
Within B4			
Up to 2500	267.1140(1)	\$536	\$547
2501-5000	267.1140(2)	\$765	\$780
5000 - 10,000	267.1140(3)	\$1,148	\$1,171
more than 10,000	267.1140(4)	\$1,683	\$1,717
Outside of Downtown B4			
1 to 2500	267.1140(5)	\$357	\$364
2501-5000	267.1140(6)	\$510	\$520
5001 - 10,000	267.1140(7)	\$765	\$780
more than 10,000	267.1140(8)	\$1,122	\$1,144
Exhibition Exhibitor One loc.	321.470(e)(1)	\$49	\$50
Exhibition Operator			
Class A	321.470(a)	\$810	\$826
Class B	321.470(b)	\$540	\$551
Class C	321.470(c)	\$270	\$275

AUGUST 9, 2002

Fire Extinguisher Sales/Serv.			
Class A	289.60	\$310	\$316
Class B	289.60	\$220	\$224
Flower Cart Vendor	331.90(b)	\$141	\$144
Location Transfer, Midseason	331.90(b)	\$98	\$100
Food			
All Night Special	360.70(a)	\$77	\$79
Confectionery			
1000 sq. ft. or less	188.250	\$97	\$99
1001 to 3000	188.250	\$153	\$156
3001 to 5000	188.250	\$204	\$208
5001 to 7000	188.250	\$255	\$260
7001 to 9000	188.250	\$306	\$312
9001 to 11,000	188.250	\$357	\$364
11,001 to 13,000	188.250	\$408	\$416
13,001 to 15,000	188.250	\$459	\$468
15,001 sq. ft. and over	188.250	\$510	\$520
Drive-in ***	188.250	\$333	\$340
Drive-in (Restricted) ***	188.250	\$70	\$71
Farm Produce (Nonprofit)	265.390	\$42	\$42
Food Distributor or Manufacturer			
1000 sq. ft. or less	188.250	\$255	\$260
1001 to 3000	188.250	\$306	\$312
3001 to 5000	188.250	\$357	\$364
5001 to 7000	188.250	\$408	\$416
7001 to 9000	188.250	\$459	\$468
9001 to 11,000	188.250	\$510	\$520
11,001 to 13,000	188.250	\$561	\$572
13,001 to 15,000	188.250	\$612	\$624
15,001 sq. ft. and over	188.250	\$663	\$676
Food Distributor - Out of Town	188.290	\$50	\$51
Food Shelf	188.250	\$1	\$1
Grocery			
500 sq. ft. or less, restricted	188.250	\$332	\$339
500-1000, restricted	188.250	\$464	\$473
1000 sq. ft. or less	188.250	\$464	\$473
1001-5000	188.250	\$906	\$924
5001-7500	188.250	\$973	\$992
7501-10,000	188.250	\$1,038	\$1,059
10,001-15,000	188.250	\$1,163	\$1,186
15,001 plus	188.250	\$1,230	\$1,255
Grocery & Milk Delivery Vehicle	200.70(h)	\$93	\$95
Groceria/Portable Store	295.100	\$438	\$447
Indoor Food Cart	188.520(j)	\$356	\$364
Kiosk Food Cart Vendor	188.250	\$356	\$364
Meat Market			
1000 sq. ft. or less	188.250	\$255	\$260
1001 to 3000	188.250	\$306	\$312
3001 to 5000	188.250	\$357	\$364
5001 to 7000	188.250	\$408	\$416
7001 to 9000	188.250	\$459	\$468
9001 to 11,000	188.250	\$510	\$520
11,001 to 13,000	188.250	\$561	\$572
13,001 to 15,000	188.250	\$612	\$624
15,001 sq. ft. and over	188.250	\$663	\$676

AUGUST 9, 2002

Mobil Food Vendor	188.250	\$93	\$95
Prepackaged Perishable	188.250	\$160	\$164
Outdoor Entertainment, Temp.	360.100(b)(5)	\$124	\$126
Restaurant, Café, Dining Rooms, Boarding Houses, Caterers			
1000 sq. ft. or less	188.250	\$306	\$312
1001 to 3000	188.250	\$408	\$416
3001 to 5000	188.250	\$510	\$520
5001 to 7000	188.250	\$612	\$624
7001 to 9000	188.250	\$714	\$728
9001 to 11,000	188.250	\$816	\$832
11,001 to 13,000	188.250	\$918	\$936
13,001 to 15,000	188.250	\$1,020	\$1,040
15,001 sq. ft. and over	188.250	\$1,224	\$1,248
Short Term Permit	188.170	\$70	\$71
Short Term Food Establishment	188.170	\$185	\$189
Sidewalk Café			
30 seats or less	265.330(a)	\$282	\$288
31 seats or more	265.330(a)	\$408	\$416
Sidewalk Food Cart Vendor	188.250	\$721	\$735
Location Transfer, Midseason	188.250	\$113	\$115
Soft Drinks			
1000 sq. ft. or less	188.250	\$97	\$99
1001 to 3000	188.250	\$153	\$156
3001 to 5000	188.250	\$204	\$208
5001 to 7000	188.250	\$255	\$260
7001 to 9000	188.250	\$306	\$312
9001 to 11,000	188.250	\$357	\$364
11,001 to 13,000	188.250	\$408	\$416
13,001 to 15,000	188.250	\$459	\$468
15,001 sq. ft. and over	188.250	\$510	\$520
Soft Drink Manufacturing	198.30	\$149	\$151
Vending Machine (Food) *	188.250	\$15	\$15
Nut Vending Machine *	188.250	\$5	\$5
Wholesale Sausage Manufacturer			
1-1000 sq. ft.	190.120	\$149	\$151
1001-5000	190.120	\$438	\$447
5001 plus	190.120	\$1,174	\$1,197
Fuel Dealer	291.50	\$141	\$144
Gambling (Charitable Only, per day)	268.60(a)	\$62	\$63
Game of Skill	267.40	\$99	\$101
Gasoline Filling Station			
4 Or less	287.50	\$230	\$235
5 to 8	287.50	\$357	\$364
9 or more	287.50	\$485	\$495
Going Out of Business	293.70	\$106	\$108
Plus for each \$1000 of Inventory	293.70	\$10	\$10
First Renewal Maximum			
Add'l 30 days	293.80	\$211	\$216
Second Renewal, per day	293.80	\$70	\$71
Fire, Actual Disaster	293.20	\$113	\$115
Each Add'l Day	293.20	\$29	\$29
City Acquired Property	293.70	\$99	\$101
Horse & Carriage	303.30	\$149	\$151
Maximum Cleanup Fee		\$617	\$629
Temporary Route	303.110	\$12	\$12

AUGUST 9, 2002

Hospital	296.50	\$877	\$894
Hotel/Motel			
1-20	297.50(b)	\$312	\$318
21-75	297.50(b)	\$520	\$530
76-200	297.50(b)	\$585	\$597
201 plus	297.50(b)	\$911	\$929
Ice Peddler			
Per Vehicle	299.30	\$93	\$95
Ice Producer, Dealer, Wholesaler	299.30	\$220	\$224
Juke Box	267.960	\$42	\$43
Liquid Waste Hauler	225.420	\$193	\$197
Lodging House			
1-5 sleeping rooms	298.50	\$173	\$176
6-10	298.50	\$260	\$265
11-25	298.50	\$348	\$355
26 plus	298.50	\$521	\$531
Lodging with Boarding House			
1-5 sleeping rooms	298.50	\$348	\$355
6-10	298.50	\$435	\$444
11-25	298.50	\$521	\$531
26 plus	298.50	\$695	\$709
Milk Delivery Vehicle	200.70(g)	\$93	\$95
Each Addl. Vehicle	200.70(g)	\$36	\$37
Milk Distributor	200.50(a)	\$254	\$259
Motor Scooter Leasing	311.40	\$96	\$98
Motor Vehicle Dealer			
New and Used	313.40	\$290	\$296
Auctioneer	313.40	\$149	\$152
Cycles, Scooters and Motor-bike	313.40	\$149	\$152
Used Only	313.40	\$312	\$318
Broker	313.40	\$330	\$337
Wholesaler	313.40	\$178	\$182
Additional Places of Business	313.40	\$153	\$156
Motor Vehicle Immobilization Service	320.30	\$297	\$303
Motor Vehicle Lubricant Dealer	315.30	\$141	\$144
Motor Vehicle Repair Garage	317.40	\$345	\$352
with Accessory	317.40	\$120	\$122
Motor Vehicle Servicing-Driver			
New	349.130	\$36	\$36
Renewal	349.130	\$21	\$22
Duplicate ID or ID Picture	349.130	\$8	\$8
Motor Vehicle Servicing-Vehicles			
Class A			
1-5 Vehicles	349.150	\$734	\$749
6-15 Vehicles	349.150	\$1,110	\$1,132
Each Add'l Vehicle	349.150	\$21	\$22
Class B	349.250	\$113	\$115
Each Add'l Vehicle		\$21	\$22
Class C	349.250	\$77	\$79
Each Add'l Vehicle		\$21	\$22
Class D	349.250	\$50	\$51
Each Add'l Vehicle		\$21	\$22
Motor Vehicle Used Parts Dealer	348.30	\$510	\$520
Each Add'l Lot	348.30	\$47	\$48

AUGUST 9, 2002

Parking Lot			
Commercial Class A			
1-50 Spaces	319.60	\$282	\$288
51-100	319.60	\$416	\$424
101-200	319.60	\$694	\$708
201 plus	319.60	\$1,108	\$1,130
Commercial Class B			
1-50 Spaces	319.60	\$77	\$79
51-100	319.60	\$149	\$151
101-200	319.60	\$220	\$224
201 +	319.60	\$438	\$447
Pawn Broker			
Class A	324.50	\$2,700	\$2,754
Peddler (Foot)	323.20	\$149	\$151
Peddler (Junk)	323.30	\$70	\$71
Pedicab (Each)	305.30	\$77	\$79
Pet Shop Regular	68.20	\$120	\$122
Mobile	68.20	\$149	\$152
Pool, Billiards			
1st Table	267.1230	\$221	\$226
Each Add'l	267.1230	\$29	\$29
Precious Metal Dealer	322.50	\$367	\$374
Recycling/Salvage	350.40	\$756	\$771
Additional Yard	350.40	\$270	\$275
Rental Hall, New	266.30	\$1,000	\$1,020
Annual Renewal	266.30	\$600	\$612
Temp. Hall	266.70	\$200	\$204
Resin Manufacturer	272.50	\$2,040	\$2,081
Secondhand Dealer			
Class A	321.50	\$243	\$248
Class B	321.50	\$243	\$248
Shooting Gallery	267.1680	\$99	\$101
Sidewalk Flower Cart Vendor	331.40	\$141	\$144
Midseason Transfer	331.90	\$106	\$108
Skating Rink Ice, Roller	267.30	\$255	\$260
Solicitor			
Company	333.60	\$149	\$151
Individual	333.60	\$149	\$151
Solid Waste Hauler			
Each Add'l Vehicle	225.320	\$77	\$79
New Decal or Vehicle to Vehicle Transfer	225.320	\$13	\$13
Street Photographer			
Per Camera		\$211	\$216
Suntanning Facility	232.20(b)	\$116	\$118
Swimming Pool, Public			
Add'l Pool, Same Location	231.480	\$77	\$79
Whirlpool Only	231.480	\$77	\$79
Tattooing Establishment			
Sponsor Temporary	339.100(b)	\$162	\$165
Tattooist/Piercing	339.120(6)	\$81	\$83
Temporary			
Temporary	339.100(a)	\$162	\$165
Temporary	339.120(5)	\$81	\$83

Theater

Zone 1			
1-400 Capacity	267.1850	\$149	\$151
401-600	267.1850	\$191	\$195
601-1000	267.1850	\$240	\$245
1001-1500	267.1850	\$283	\$288
1501-2000	267.1850	\$283	\$288
2001 +	267.1850	\$283	\$288
Zone 2			
1-400 Capacity	267.1850	\$191	\$195
401-600	267.1850	\$240	\$245
601-1000	267.1850	\$283	\$288
1001-1500	267.1850	\$383	\$390
1501-2000	267.1850	\$473	\$482
2001 +	267.1850	\$473	\$482
Zone 3			
1-400 Capacity	267.1850	\$473	\$482
401-600	267.1850	\$565	\$577
601-1000	267.1850	\$757	\$772
1001-1500	267.1850	\$941	\$960
1501-2000	267.1850	\$1,124	\$1,146
2001 +	267.1850	\$1,881	\$1,918
Tobacco Dealer	281.30	\$250	\$255
Transient Merchant	343.50	\$204	\$208
Each Add'l Loc.	343.50	\$77	\$79
Tree Servicing	347.70	\$77	\$79
Each Add'l Vehicle	347.70	\$26	\$27
Valet Parking			
One authorized zone	307.40	\$510	\$520
each additional zone	307.40	\$102	\$104
zone operated by employees of existing licensed business	307.40	\$102	\$104
Bill Posting, Sign Painting Combined	277.2680	\$141	\$144
Heating, Ventilation and Air Conditioning Installer	278.240	\$216	\$220
Oil Burner Installer	278.240	\$216	\$220
Plumber	278.240	\$216	\$220
Refrigeration Installer	278.240	\$216	\$220
Residential Specialty Contractor	277.2990	\$150	\$153
Sign Hanger	277.2520	\$141	\$144
Steam and Hot Water Installer	278.240	\$216	\$220
License Renewals 10% Late Fee	267.660		
Liquor License Penalty 20% for late renewal Liquor	362.80		
Penalty for late installment 20% Liquor	362.90		
Penalty for late renewal 20% Wine	363.80		
Penalty for late installment 20% Wine	363.90		
Payment and Receipt Beer License	366.70	\$95	\$97
Penalty for late renewal 20% Beer	366.90		

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinances 2002-Or-075, 2002-Or-076, 2002-Or-077, 2002-Or-078, 2002-Or-079, 2002-Or-080 and 2002-Or-081 amending Titles 13 and 14 of the Minneapolis Code of Ordinances amends various Sections adopting license fees established in Appendix J of the Code, as follows:

- a. Title 13, Chapter 267 of the Code relating to Licenses and Business Regulations: Amusements;
- b. Title 13, Chapter 281 of the Code relating to Licenses and Business Regulations: Tobacco Dealers;
- c. Title 14, Chapter 360 of the Code relating to Liquor and Beer: In General;
- d. Title 14, Chapter 362 of the Code relating to Liquor and Beer: Liquor Licenses;
- e. Title 14, Chapter 363 of the Code relating to Liquor and Beer: Wine Licenses;
- f. Title 14, Chapter 366 of the Code relating to Liquor and Beer: Beer Licenses;
- g. Title 14, Chapter 372 of the Code relating to Liquor and Beer: Bottle Clubs.

These ordinances were passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. A complete copy is available for public inspection in the office of the City Clerk.

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

ORDINANCE 2002-Or-075

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

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

Section 1. That Section 267.30 of the above-entitled ordinance be amended to read as follows:

267.30. Skating rinks. The annual license fee for a skating rink, ice or roller, shall be ~~two hundred fifty dollars (\$250.00)~~ as established in Appendix J, License Fee Schedule. Such license shall expire October first of each year.

Section 2. That Section 267.40 of the above-entitled ordinance be amended to read as follows:

267.40. Amusement places for games of skill. The annual license fee for amusement places for games of skill that are not coin-operated shall be ~~ninety-one dollars (\$91.00)~~ as established in Appendix J, License Fee Schedule. This applies to places where balls or missiles of any kind are thrown or shot at any type of target, but does not apply to places otherwise licensed under this chapter. Such license shall expire November first of each year.

Section 3. That Section 267.50 of the above-entitled ordinance be amended to read as follows:

267.50. Circuses. The license fee for a circus shall be ~~three hundred ninety-three dollars (\$393.00)~~ as established in Appendix J, License Fee Schedule for up to fourteen (14) consecutive days. ~~The fee for each additional day shall be sixty-five dollars (\$65.00)~~

Section 4. That Section 267.70 of the above-entitled ordinance be amended to read as follows:

267.70. Children's rides. The license fee for children's rides, not otherwise licensed, ~~and shall be twelve dollars (\$12.00) per week.~~ and shall be as established in Appendix J, License Fee Schedule. ~~The license fee for any animal which is used to give rides to children or is used to power a vehicle which is used to give rides to children shall be eleven dollars (\$11.00) per week~~

Section 5. That Section 267.150 of the above-entitled ordinance be amended to read as follows:

267.150. License fee. The annual fee for a license under this article shall be ~~one hundred eighty dollars (\$180.00)~~ as established in Appendix J, License Fee Schedule.

Section 6. That Section 267.420 of the above-entitled ordinance be amended to read as follows:

267.420. License fee. The annual license fee for a bowling alley shall be ~~one hundred five dollars (\$105.00) for the first alley, and twenty-six dollars (\$26.00) for each additional alley~~ as established in Appendix J, License Fee Schedule.

Section 7. That Section 267.500 of the above-entitled ordinance be amended to read as follows:

267.500. License expiration; fee. (a) Every such license shall specify the period of time for which the license is issued and the license shall expire at the end of the period stated therein. No license shall be issued for a period to exceed five (5) days.

(b) The license fee ~~shall be:~~ for carnivals shall be as established in Appendix J, License Fee Schedule.

(1) ~~For not more than nine (9) attractions, one hundred five dollars (\$105.00) for the first day and thirty-three dollars (\$33.00) for each additional day;~~

(2) ~~For ten (10) up to and including nineteen (19) attractions, one hundred seventy-one dollars (\$171.00) for the first day and thirty-three dollars (\$33.00) for each additional day;~~

(3) ~~For more than twenty (20) attractions, three hundred forty dollars (\$340.00) for the first day and thirty-three dollars (\$33.00) for each additional day.~~

Section 8. That Section 267.600 of the above-entitled ordinance be amended to read as follows:

267.600. License fees. The annual operator's license fee shall be ~~eighty-five dollars (\$85.00), plus a fee of fifteen dollars (\$15.00) for each machine operated~~ as established in Appendix J, License Fee Schedule.

Section 9. That Section 267.650 of the above-entitled ordinance be amended to read as follows:

267.650. Replacement of lost decals. If a decal required by section 267.620 is lost or removed from the machine, the operator may obtain a replacement of the decal upon filing with the department of licenses and consumer services an affidavit setting forth the facts, and upon the payment of ~~two dollars (\$2.00)~~ the fee as established in Appendix J, License Fee Schedule.

Section 10. That Section 267.660 of the above-entitled ordinance be amended to read as follows:

267.660. License renewals. Any licensee desiring a renewal of license shall make application therefor not less than thirty (30) days prior to the expiration of the license then in force. If the application is not made within the time specified, the applicant shall be required to pay an additional fee ~~in the sum of ten (10) per cent of the license fee required by this article~~ as established in Appendix J, License Fee Schedule.

Section 11. That Section 267.860 of the above-entitled ordinance be amended to read as follows:

267.860. License fee. The annual license fee for a Class A₁ ~~license to operate such a place shall be eight hundred thirty-two dollars (\$832.00). The annual fee for a Class B₁ or license shall be seventy-two dollars (\$72.00). The annual fee for a Class C license shall be four hundred sixteen dollars (\$416.00)~~ as established in Appendix J, License Fee Schedule.

Section 12. That Section 267.960 of the above-entitled ordinance be amended to read as follows:

267.960. License issuance; fee. The director of licenses and consumer services shall issue a license, when authorized by the city council, for the operation of such devices to any person of good moral character, upon payment of an annual license fee ~~of thirty-nine dollars (\$39.00) for each device~~ as established in Appendix J, License Fee Schedule. Only one license fee shall be required for each establishment desiring to maintain and operate one or more telephonic musical boxes.

Section 13. That Section 267.1140 of the above-entitled ordinance be amended to read as follows:

267.1140. License fee. The license fee for one year shall be as follows:

(1) For premises consisting of two thousand five hundred (2,500) gross square feet or less of area and located within the downtown (B4) zoning district, ~~five hundred twenty-five dollars (\$525.00)~~ as established in Appendix J, License Fee Schedule.

(2) For premises consisting of more than two thousand five hundred (2,500) gross square feet of area but not more than five thousand (5,000) gross square feet of area and located within the downtown (B4) zoning district, ~~seven hundred and fifty dollars (\$750.00)~~ as established in Appendix J, License Fee Schedule.

(3) For premises consisting of more than five thousand (5,000) gross square feet of area but not more than ten thousand (10,000) gross square feet of area and located within the downtown (B4) zoning district, ~~one thousand one hundred twenty-five dollars (\$1,125.00)~~ as established in Appendix J, License Fee Schedule.

(4) For premises consisting of more than ten thousand (10,000) gross square feet of area and located within the downtown (B4) zoning district, ~~one thousand six hundred and fifty dollars (\$1,650.00)~~ as established in Appendix J, License Fee Schedule.

(5) For premises consisting of two thousand five hundred (2,500) gross square feet or less of area and located outside of the downtown (B4) zoning district, ~~three hundred and fifty dollars (\$350.00)~~ as established in Appendix J, License Fee Schedule.

(6) For premises consisting of more than two thousand five hundred (2,500) gross square feet of area but not more than five thousand (5,000) gross square feet and located outside of the downtown (B4) zoning district, ~~five hundred dollars (\$500.00)~~ as established in Appendix J, License Fee Schedule.

(7) For premises consisting of more than five thousand (5,000) gross square feet of area but not more than ten thousand (10,000) gross square feet of area and located outside of the downtown (B4) zoning district, ~~seven hundred fifty dollars (\$750.00)~~ as established in Appendix J, License Fee Schedule.

(8) For premises consisting of more than ten thousand (10,000) gross square feet of area and located outside of the downtown (B4) zoning district, ~~one thousand one hundred dollars (\$1,100.00)~~ as established in Appendix J, License Fee Schedule.

In addition to the fee specified above, an additional ~~sixty-five dollar (\$65.00)~~ fee as established in Appendix J, Licensee Fee Schedule shall be paid by an applicant:

- a. Upon initial application for the license specified in this section; and
- b. Upon application for the license specified in this section after failing to renew the license within one year of the expiration date of the previously held license. The ~~sixty-five dollar (\$65.00)~~-fee shall not be refunded whether or not the permit sought is granted.

Section 14. That Section 267.1230 of the above-entitled ordinance be amended to read as follows:

267.1230. License fee. The annual license fee shall be ~~two hundred five dollars (\$205.00) for the first table and twenty-six dollars (\$26.00) for each additional table~~ as established in Appendix J, License Fee Schedule.

Section 15. That Section 267.1340 of the above-entitled ordinance be amended to read as follows:

267.1340. License fee. The annual license fee shall be ~~three hundred forty dollars (\$340.00) for each public dancing place~~ as established in Appendix J, License Fee Schedule.

Section 16. That Section 267.1680 of the above-entitled ordinance be amended to read as follows:

267.1680. License fee. The annual fee for a license under this article is ~~ninety-one dollars (\$91.00)~~ shall be as established in Appendix J, License Fee Schedule.

Section 17. That Section 267.1850 of the above-entitled ordinance be amended to read as follows:

267.1850. License fee. The annual fee for licenses under this article shall be ~~as shown in the following table:~~ established in Appendix J, License Fee Schedule.

TABLE INSET:

Size of Theater	Zone 1	Zone 2	Zone 3
Up to 400 seats	\$138.00	\$177.00	\$ 438.00
401 to 600 seats	177.00	222.00	524.00
601 to 1,000 seats	222.00	262.00	701.00
1,001 to 1,500 seats	262.00	354.00	871.00
1,501 to 2,000 seats	262.00	438.00	1,041.00
Over 2,000 seats	262.00	438.00	1,741.00

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 2002-Or-076

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.

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

Section 1. That Section 281.30 of the above-entitled ordinance be amended to read as follows:

281.30. License fee. The annual license fee shall be ~~two hundred fifty dollars (\$250.00)~~ as established in Appendix J, License Fee Schedule.

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 2002-Or-077

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

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

Section 1. That Section 360.70 (a) of the above-entitled ordinance be amended to read as follows:

360.70. Special late hours food license. (a) Any person operating under an on-sale liquor, wine or beer license who desires to remain open for the service of food later than the hours provided in section 364.100 and section 368.70 may apply to the city council for a special late hours food license. Application shall be made on a form provided by the division of licenses and consumer services, containing such information as the division deems necessary to verify that the conditions of this section have been met and to make a recommendation regarding the application. The annual fee for a special late hours food license shall be ~~seventy-five dollars (\$75.00)~~ as established in Appendix J, License Fee Schedule.

Section 2. That Section 360.80 of the above-entitled ordinance be amended to read as follows:

360.80. Special all-night bowling, pool or billiards permit. (a) Any person operating under an "on sale" license for the sale of beer or liquor who desires to remain open twenty-four (24) hours each day for the operation of the game of bowling, pool and billiards, may apply to the city council for a special bowling, pool and billiards permit in the manner provided for the making of application for a regular bowling, pool and billiards license. The annual license fee for such special bowling, pool and billiards permit shall be ~~seventy-five dollars (\$75.00)~~ as established in Appendix J, License Fee Schedule, which shall be in addition to the fee for a regular bowling, pool and billiards license. The city council may grant

or deny any such application and, if granted, the permit may be revoked for cause by the city council after due notice to the licensee and a hearing, and shall be revoked for any of the causes requiring revocation of licenses for the "on sale" of beer or liquor. No special bowling, pool and billiards permit shall be issued to anyone who is not the owner of a regular bowling, pool and billiards license. All persons holding special bowling, pool and billiards permits may keep their places of business open continuously twenty-four (24) hours each day for twelve (12) months in a year for the purpose of permitting the public to play the game of bowling, pool and billiards upon the premises covered by the special bowling, pool and billiards permit.

(b) No special all-night bowling, pool and billiards permit is necessary for any place or premises upon which the game of bowling, pool and billiards is played where no beer or liquor is sold at any time.

Section 3. That Section 360.100 (b) (5) of the above-entitled ordinance be amended to read as follows:

360.100. Regulation of outdoor areas in on-sale liquor, wine, and beer establishments. The following regulations shall apply to all outdoor areas in on-sale liquor, wine, and beer establishments, including establishments holding sidewalk cafe permits:

(b) Entertainment:

(5) The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events.

Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The fee for a temporary entertainment permit shall be ~~one hundred fourteen dollars (\$114.00)~~ as established in Appendix J, License Fee Schedule.

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 2002-Or-078

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

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

Section 1. That Section 362.35 (d) and (e) of the above-entitled ordinance be amended to read as follows:

362.35. Temporary on-sale liquor license.

(d) The fee for a temporary liquor license shall be ~~one hundred fifty-eight dollars (\$158.00) (two hundred thirty-six dollars (\$236.00) director granted) per day for events with a projected attendance of less than ten thousand (10,000) persons and two hundred sixty-three dollars (\$263.00) (three hundred ninety-four dollars (\$394.00) director granted) per day for events with a projected attendance of more than ten thousand (10,000) persons, additionally events with a projected attendance of more than ten thousand (10,000) persons shall pay an investigation fee of five hundred dollars (\$500.00) for the first application for a temporary liquor license.~~ as established in Appendix J, License Fee Schedule.

(e) Entertainment. A temporary on-sale liquor licensee may present entertainment as set forth in section 362.30(b) through (f) for an additional fee of ~~sixty-two dollars (\$62.00) per day~~ as established in Appendix J, License Fee Schedule.

Section 2. That Section 362.36 (a) (5) of the above-entitled ordinance be amended to read as follows:

362.36. Temporary expansion of premises license. (a) On-sale liquor establishments may obtain a temporary expansion of premises license for premises directly adjacent and contiguous to a permanently licensed premises.

(5) The city council may authorize an establishment to conduct entertainment in the expanded area not otherwise allowed under its permanent license. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The application for a temporary entertainment license shall indicate in detail the type of entertainment to be provided. The fee for a temporary entertainment license shall be ~~one hundred eighty dollars (\$180.00)~~ as established in Appendix J, License Fee Schedule.

Section 3. That Section 362.50 of the above-entitled ordinance be amended to read as follows:

362.50. License fees established. (a) The annual fees for the licenses required by this chapter shall be as follows: established in Appendix J, License Fee Schedule.

For a Class A "on sale" liquor license	\$7,820.00
For a Class B "on sale" liquor license	6,578.00
For a Class C-1 "on sale" liquor license	6,171.00
For a Class C-2 "on sale" liquor license	\$5,652.00
For a Class D "on sale" liquor license	5,028.00
For a Class E "on sale" liquor license	4,717.00
For a special license permitting the sale of intoxicating liquors on Sunday	200.00
For an "off sale" liquor license	1,000.00
Plus an additional fee for the sale of food and ice	178.00
Temporary expansion of premises	120.00

(b) The annual license fee for any "on sale" liquor license may be paid in advance in two (2) equal installments, one sixty (60) days prior to the expiration of the license year and the other on or before six (6) months prior to the expiration of the license.

(c) All "on sale" and "off sale" applicants shall pay a nonrefundable investigative filing fee ~~in the sum of five hundred dollars (\$500.00) if the investigation is conducted within the state. If the investigation is required outside the state the applicant shall pay a nonrefundable investigative filing fee of the greater of five hundred dollars (\$500.00) or the actual cost of the investigation, not to exceed ten thousand dollars (\$10,000.00)~~ as established in Appendix J, License Fee Schedule. No fee shall be paid when the following changes are filed with the department of licenses and consumer services:

- (1) When a partner sells or transfers any share of the partnership to other members of the partnership;
- (2) When a shareholder sells all or part of his or her shares of stock to persons who are already shareholders, officers, directors, or managers of the corporation and who are already listed as such on the current application;
- (3) Any corporate reorganization where the new officers, directors, managers and shareholders are already named on the original application;
- (4) When a business wishes to eliminate Sunday sales or wishes to downgrade the class of license it holds;
- (5) When a personal representative of the estate of a deceased licensee files a certified copy of his or her appointment; or
- (6) When the licensed premises have been diminished.

Section 4. That Section 362.60 of the above-entitled ordinance be amended to read as follows:

362.60. Payment and receipt for fee; refunds. (a) The applicant shall, on or before filing of an application, pay to the department of licenses and consumer services the fees required by under section 362.50, as established in Appendix J, License Fee Schedule, and the department shall give to such applicant a receipt in duplicate, a copy of which receipt shall be filed with such application.

(b) If any application for a new "on sale" or "off sale" license or for a renewal of an "on sale" or "off sale" license is denied or withdrawn, the fee paid under section 362.50(a) shall be refunded. If any

application for a special license permitting the sale of intoxicating liquor on Sunday is denied or withdrawn, the sum of ~~thirty-six dollars (\$36.00)~~ established in Appendix J, License Fee Schedule shall be retained, and any sum over ~~thirty-six dollars (\$36.00)~~ the amount specified in Appendix J may be refunded.

Section 5. That Section 362.80 of the above-entitled ordinance be amended to read as follows:

362.80. Penalty for late renewal. In the event any application is granted which has not been filed on or before sixty (60) days prior to the expiration of the license year, before the license can be issued the applicant shall pay an additional fee ~~in the amount of twenty (20) per cent of the installment due~~ as established in Appendix J, License Fee Schedule, in addition to the regular license fee.

Section 6. That Section 362.90 (b) of the above-entitled ordinance be amended to read as follows:

362.90. Penalty for late installment.

(b) Provided, further, that if any former licensee, whose license has been canceled pursuant to the provisions of this section, makes an application for another license after such cancellation, such applicant shall, in addition to the payment of the required license fee, pay an additional amount ~~in the sum of seventy-one dollars (\$71.00)~~ as established in Appendix J, License Fee Schedule, to cover the necessary costs incurred by the city.

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 2002-Or-079

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.

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

Section 1. That Section 363.25 (a) and (e) of the above-entitled ordinance be amended to read as follows:

363.25. On-sale intoxicating malt liquor licenses for holders of wine licenses. (a) A holder of an on-sale wine license may apply for an on-sale intoxicating malt liquor (strong beer) license in the same class as the on-sale wine license. The on-sale intoxicating malt liquor license shall be coterminous with the on-sale wine license, and shall be deemed revoked, suspended, expired, or cancelled upon the revocation, suspension, expiration, or cancellation of the on-sale wine license.

(e) The annual fee for an on-sale intoxicating malt liquor license, when issued to the holder of an on-sale wine license, shall be ~~six hundred dollars (\$600.00)~~ as established in Appendix J, License Fee Schedule, due and payable at the same time as the on-sale wine license fee.

Section 2. That Section 363.26 (a) and (e) of the above-entitled ordinance be amended to read as follows:

363.26. On-sale nonintoxicating malt liquor licenses for holders of wine licenses. (a) A holder of an on-sale wine license may apply for an on-sale nonintoxicating malt liquor (3.2 beer) license in the same class as the on-sale wine license. The on-sale nonintoxicating malt liquor license shall be coterminous with the on-sale wine license, and shall be deemed revoked, suspended, expired, or cancelled upon the revocation, suspension, expiration, or cancellation of the on-sale wine license.

(e) The annual fee for an on-sale nonintoxicating malt liquor license, when issued to the holder of an on-sale wine license, shall be ~~two hundred ninety-nine dollars (\$299.00)~~ as established in Appendix J, License Fee Schedule due and payable at the same time as the on-sale wine license fee.

Section 3. That Section 363.41 (d) and (e) of the above-entitled ordinance be amended to read as follows:

363.41. Temporary on-sale wine license.

(d) The fee for a temporary wine license shall be ~~one hundred fifty-eight dollars (\$158.00) (two hundred thirty-six dollars (\$236.00) director granted) per day for events with a projected attendance of less than ten thousand (10,000) persons and two hundred sixty-three dollars (\$263.00) (three hundred ninety-four dollars (\$394.00) director granted) per day for events with a projected attendance of more than ten thousand (10,000) persons, additionally events with a projected attendance of more than ten thousand (10,000) persons shall pay an investigation fee of five hundred dollars (\$500.00) for the first application for a temporary wine license~~ as established in Appendix J, License Fee Schedule.

(e) Entertainment. A temporary on-sale wine licensee may present entertainment as set forth in section 362.30(b) through (f) for an additional fee of ~~sixty-two dollars (\$62.00) per day~~ as established in Appendix J, License Fee Schedule.

Section 4. That Section 363.50 of the above-entitled ordinance be amended to read as follows:

363.50. License fees established. (a) The annual fees for the licenses as required by this chapter shall be as follows: established in Appendix J, License Fee Schedule.

For a Class A "on sale" wine license	\$2,000.00
For a Class B "on sale" wine license	2,000.00
For a Class C-1 "on sale" wine license	2,000.00
For a Class C-2 "on sale" wine license	2,000.00
For a Class D "on sale" wine license	1,498.00
For a Class E "on sale" wine license	1,198.00
Temporary expansion of premises	120.00

(b) The annual fee for any type of wine license must be paid sixty (60) days prior to April first of each year.

(c) All "on sale" applicants shall pay a nonrefundable investigative filing fee ~~in the sum of five hundred dollars (\$500.00)~~ as established in Appendix J, License Fee Schedule; except that no fee shall be paid when the following changes are filed with the department of licenses and consumer services:

(1) When a partner sells or transfers his or her share of the partnership to other members of the partnership;

(2) When a shareholder sells all or part of his or her shares of stock to persons who are already shareholders, officers, directors, or managers of the corporation and who are already listed as such on the current application;

(3) Any corporate reorganization where the new officers, directors, managers and shareholders are already named on the original application;

(4) When a business wishes to eliminate Sunday sales or wishes to downgrade the class of license it holds;

(5) When a personal representative of the estate of a deceased licensee files a certified copy of his or her appointment; or

(6) When the licensed premises have been diminished.

Section 5. That Section 363.80 of the above-entitled ordinance be amended to read as follows:

363.80. Penalty for late renewal. In the event any application is granted which has not been filed on or before sixty (60) days prior to the expiration of the license year, before the license can be issued the applicant shall pay an additional fee in the amount of ~~twenty (20) per cent of the installment due~~ as established in Appendix J, License Fee Schedule, in addition to the regular license fee.

Section 6. That Section 363.90 (b) of the above-entitled ordinance be amended to read as follows:

363.90. Penalty for late installment.

(b) Provided, further, that if any former licensee, whose license has been canceled pursuant to the provisions of this section, makes an application for another license after such cancellation, such applicant shall, in addition to the payment of the required license fee, pay an additional amount ~~in the sum of fifty dollars (\$50.00)~~ as established in Appendix J, License Fee Schedule to cover the necessary costs incurred by the city.

Section 7. That Section 363.310 of the above-entitled ordinance be and is hereby repealed.

~~**363.310. Transfer of licenses.** (a) Licenses shall be transferable only upon application by the transferee and consent of the city council. The application shall contain all of the information required for an original application.~~

~~(b) In the application for transfer of "on sale" wine licenses, there shall be a statement of whether or not any agent or broker or any person other than the former licensee has received, or will receive, any commission, fee, or any thing of value, directly or indirectly, in connection with the application or the sale of the assets of the business, and if so, the application shall state the names and addresses of the individuals or businesses who have received or will receive the payment. Such application for transfer of license shall be signed and made by both the licensee and the proposed transferee thereof. Any misstatement or misrepresentation made in such application as to the actual amount or kind of such consideration, money or property paid, given or exchanged for the license shall operate forthwith to revoke, cancel and annul the license proposed to be transferred. Transferee shall have the qualifications of any original applicant hereunder. Such application for transfer shall be accompanied by a written assignment of all rights of the original licensee in and to the license. Upon the granting of such transfer the original licensee shall not be entitled to a refund of any portion of the license fee paid by him, and the transferee shall thereafter pay the balance due on the license (if the same has not been paid in full) as the installments become due.~~

~~(c) No license shall be transferred unless there has been submitted on support of the application an affidavit of the original licensee-transferor that the following acts, verifiable by the director of licenses and consumer services, have been performed:~~

~~(1) That transferor-original licensee has posted notice in a conspicuous place or places on the licensed premises notifying all employees of the time, place and date of hearing on the application for the transfer of the license;~~

~~(2) That said notice was so posted continuously for a period of at least fourteen (14) days prior to the date of said hearing;~~

~~(3) That he or she has paid all wages due and owing to all employees or that a valid agreement adequately described therein has been reached with regard to payment of such wages;~~

~~(4) That he or she has made payment to all employees in satisfaction and in lieu of vacation or holiday time earned by all employees or that a valid agreement adequately described therein has been reached with regard to such vacation or holiday time earned;~~

~~(5) That he or she has satisfactorily and completely complied with all obligations pertaining to employer contributions to employee benefit programs, including but not limited to pension plans, hospital, medical, life insurance and profit-sharing programs.~~

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

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

Nays - Goodman.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

ORDINANCE 2002-Or-080

By Biernat

Intro & 1st Reading: 2/1/2002

Ref to: PS&RS

2nd Reading: 8/9/2002

Amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Licenses.

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

Section 1. That Section 366.40 (a) of the above-entitled ordinance be amended to read as follows:

366.40. Temporary "on sale" beer license. (a) A club or charitable, religious or nonprofit organization not included within the term "bona fide" club as defined in section 360.10 may obtain a temporary "on sale" license to sell beer on premises specified in the license, including school buildings and school grounds. The fee for such license shall be ~~sixty dollars (\$60.00) for the first day and thirty dollars (\$30.00) for each additional day~~ as established in Appendix J, License Fee Schedule.

Section 2. That Section 366.60 of the above-entitled ordinance be amended to read as follows:

366.60. License fees established. The annual fees for the license required by this chapter shall be as follows: established in Appendix J, License Fee Schedule.

For a Class A "on sale" beer license	\$3,973.00
For a Class B "on sale" beer license	2,732.00
For a Class C-1 "on sale" beer license	2,397.00
For a Class C-2 "on sale" beer license	1,798.00
For a Class D "on sale" beer license	1,174.00
For a Class E "on sale" beer license	869.00
Temporary expansion of premises	120.00
For an "off sale" beer license	155.00

The fee shall be paid annually in advance and shall be subject to all provisions in this chapter regarding penalties and prorating.

Section 3. That Section 366.70 (b) of the above-entitled ordinance be amended to read as follows:

366.70. Payment and receipt for fee.

(b) Notwithstanding the provisions of any other ordinance, if an application for an "on sale" license ~~or transfer of an "on sale" license~~ is denied by the city council or withdrawn by the applicant, the ~~sum of ninety-five dollars (\$95.00)~~ amount as established in Appendix J, License Fee Schedule, shall be retained from any money deposited by the applicant, to defray the costs of the city in processing and investigating the application and any sum over ~~ninety-five dollars (\$95.00)~~ the amount established in Appendix J may be refunded to the applicant.

Section 4. That Section 366.90 of the above-entitled ordinance be amended to read as follows:

366.90. Penalty for late renewal. In the event any such application is granted which has not been filed on or before thirty (30) days prior to the expiration of the license year, before the license can be issued the applicant shall pay an additional fee in the amount as established in Appendix J, License Fee Schedule, ~~of twenty (20) per cent of the installment due~~ in addition to the regular license fee.

Section 5. That Section 366.110 (a) of the above-entitled ordinance be amended to read as follows:

366.110. Application forms and procedures. (a) Every application for a license to sell beer, including applications for renewal or existing licenses or changes in ownership or expansion of premises, shall be made only upon forms furnished by the department of licenses and consumer services and, when completed by the applicant, shall be filed by the same department and a record of the same made therein. An application for a change in ownership or expansion of an "on sale" premises shall be accompanied by a nonrefundable ~~five-hundred-dollar (\$500.00)~~ investigation fee as established in Appendix J, License

Fee Schedule. A licensee holding an "off sale" beer license shall not be required to make application for an expansion of premises. Notwithstanding the above-stated requirements, a licensee which is a publicly held corporation or a wholly owned subsidiary of a publicly held corporation need not file an application nor pay an investigation fee for changes in shareholders of the publicly held corporations nor changes in officers of either the publicly held corporation or the wholly owned subsidiary. An application and investigation fee must be submitted for changes in shareholders of the wholly owned subsidiary corporation and/or changes in managers. An application and investigation fee must be submitted for a change in manager when the licensee is a nonresident individual.

The application for an "on sale" beer license shall then be referred by the department of licenses and consumer services to the license inspector of the police department, who shall make a record thereof, except that if such application is for renewal of an "on sale" beer license, the applicant, upon having completed the same, shall present such application to the license inspector of the police department, who upon having completed investigation thereof, shall direct the same to the department of licenses and consumer services. The application for a new "off sale" beer license or for the renewal of an "off sale" beer license shall be recorded and investigated by the department of licenses and consumer services. The prescribed form for all applications shall provide lines for the approval or disapproval of the council member of the ward embracing the location of such proposed business. The council member of such ward who has not approved the issuance of any "on sale" license in writing thereon prior to the filing thereof shall be notified by the department of licenses and consumer services of the pendency of such application.

Section 6. That Section 366.210 of the above-entitled ordinance be and is hereby repealed.

366.210. Transfer of license. ~~(a) Any unrevoked "on sale" license may be transferred before its expiration, with the consent of the city council, upon the payment of a fee of one hundred three dollars (\$103.00) for each such transfer.~~

~~(b) The person to whom it is desired to transfer such license shall make an application therefor which application shall contain all the information required from an applicant for an "on sale" license and a statement of whether or not any consideration, money or property has been or agreed to be, or will be paid or given or exchanged by anyone, and by whom and to whom for the purchase or transfer of the license sought to be transferred, and also a statement of the amount of the consideration, money or property given or exchanged, or agreed to be paid or given or exchanged, for such transfer of license. Such application for transfer of license shall be signed and made both by the licensee and the proposed transferee thereof; and any misstatement or misrepresentation made in such application as to the actual amount or kind of such consideration, money or property paid, given or exchanged for any such "on sale" license shall operate forthwith to revoke, cancel and annul the license.~~

~~(c) No license shall be transferred unless there has been submitted in support of the application an affidavit of the original licensee-transferor that the following acts, verifiable by the director of licenses and consumer services, have been performed:~~

~~(1) That transferor-original licensee has posted notice in a conspicuous place or places on the licensed premises notifying all employees of the time, place and date of hearing on the application for the transfer of the license;~~

~~(2) That said notice was so posted continuously for a period of at least fourteen (14) days prior to the date of said hearing;~~

~~(3) That he or she has paid all wages due and owing to all employees or that a valid agreement adequately described therein has been reached with regard to payment of such wages;~~

~~(4) That he or she has made payment to all employees in satisfaction and in lieu of vacation or holiday time earned by all employees or that a valid agreement adequately described therein has been reached with regard to such vacation or holiday time earned;~~

~~(5) That he or she has satisfactorily and completely complied with all of his obligations pertaining to employer contributions to employee benefit programs, including but not limited to pension plans, hospital, medical, life insurance and profit-sharing programs.~~

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

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Lane, Biernat, Johnson, Colvin Roy, Ostrow.
Nays - Goodman.
Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

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

ORDINANCE 2002-Or-081
By Biernat

Intro & 1st Reading: 2/1/2002
Ref to: PS&RS
2nd Reading: 8/9/2002

Amending Title 14, Chapter 372 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Bottle Clubs.

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

Section 1. That Section 372.70 of the above-entitled ordinance be amended to read as follows:

372.70. Issuance of additional bottle club permits prohibited. Effective November 3, 1995, no additional bottle club permits shall be issued. Any person, partnership, firm or corporation holding a bottle club permit as of November 3, 1995, may continue to apply to renew such permit in conjunction with the renewal of their consumption and display permit issued by the liquor control commissioner of the state pursuant to the provisions of Minnesota Statutes, Section 340A.414, by paying a fee to the city ~~in the sum of three hundred dollars (\$300.00)~~ for on-sale liquor and ~~eight hundred sixty-nine dollars (\$869.00)~~ for on-sale beer as established in Appendix J, License Fee Schedule, the payment of such fee to be evidenced by a receipt from the city finance officer. Such receipt shall at all times be displayed in a prominent place in the premises for which the permit is issued by the liquor control commissioner.

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

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Lane, Biernat, Johnson, Colvin Roy, Ostrow.
Nays - Goodman.
Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a National Incident-Based Reporting System (NIBRS) Program Grant in the amount of \$250,000 and execute a grant agreement with the Minnesota Bureau of Criminal Apprehension to upgrade the Police Department's crime reporting system for compliance with the new national NIBRS system.

Your Committee further recommends passage of the accompanying Resolution appropriating \$250,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-281
By Biernat and Johnson**

Amending The 2002 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 (030-400-4182) by \$250,000 and increasing the Revenue Source (030-400-4182 - Source 3210) by \$250,000.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a Driving While Intoxicated Grant in the amount of \$20,000 and execute a grant agreement with the Minnesota Department of Public Safety, State Patrol Division, increasing enforcement of impaired drivers during the evening hours to reduce alcohol-related crashes in Minneapolis.

Your Committee further recommends passage of the accompanying Resolution appropriating \$20,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-282
By Biernat and Johnson**

Amending The 2002 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 (030-400-4182) by \$20,000 and increasing the Revenue Source (030-400-4182 - Source 3210) by \$20,000.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the COPS Methamphetamine Initiative Grant, now recommends passage of the accompanying Resolution transferring \$15,159.10 from the Health & Family Support Agency to the Police Department Agency to reflect the actual spending under the United States Department of Justice, Office of Community Oriented Policing Services, 1998 Methamphetamine Initiative grant award to finalize grant accounting.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-283
By Biernat and Johnson**

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8623) by \$15,159.10 and decreasing the Revenue Source (030-860-8623 - Source 3210) by \$15,159.10;

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C001) by \$15,159.10 and increasing the Revenue Source (030-400-C001 - Source 3210) by \$15,159.10.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a Task Force Agreement with the Drug Enforcement Administration to detail one experienced police officer to the Task Force and to receive compensation pursuant to the terms of said Agreement to enhance the ability of the Minneapolis Police Department to disrupt illicit drug traffic.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a Safe and Sober Grant in the amount of \$50,000 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety, to pay overtime to Traffic Unit officers to increase enforcement targeting impaired drivers, juvenile and young adult violators, speed violations and other enforcement to reduce accidents and increase driver safety.

Your Committee further recommends passage of the accompanying Resolution appropriating \$50,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-284
By Biernat and Johnson**

Amending The 2002 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-DT13) by \$50,000 and increasing the Revenue Source (030-400-DT13 - Source 3210) by \$50,000.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

T&PW – Your Committee recommends passage and summary publication of the accompanying resolution authorizing the following:

1. Sale of City-owned property at 1530 Franklin Avenue East to Minneapolis American Indian Center Inc. at a price of \$1.00;
2. That proper City officers be directed to enter into a purchase agreement with Minneapolis American Indian Center Inc; and
3. That proper City officers be directed to enter into a reasonable agreement of subordination of the Seller's interest in the property to the interests of a holder of a mortgage to the extent that the loan secured thereby was taken out of Program Purposes.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-285, authorizing the sale of the Minneapolis American Indian Center Facility, was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002R-285

By Colvin Roy

Sale of Minneapolis American Indian Center Facility.

Whereas, the City owns the property at 1530 Franklin Avenue East; and

Whereas, the City Engineer has determined that this parcel is not needed for City purposes; and

Whereas, Minneapolis American Indian Center Inc. has offered to enter into a Purchase Agreement with the City, agreeing to pay the City \$1.00 for the property; and

Whereas, Minneapolis American Indian Center Inc. has agreed to continue to provide neighborhood services for at least ten years; and

Whereas, the Planning Commission reviewed the sale on May 30, 2002, as to being in conformance with the Comprehensive Plan and a public hearing, notice of which was published in a newspaper of general circulation in Hennepin County at least ten days in advance of the hearing, was held by the Transportation and Public Works Committee on June 27, 2002, all in accordance with the Minneapolis Code of Ordinances, Section 14.120;

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

That the proper City officers be authorized to execute a Purchase Agreement and related documents for sale of the land legally described as:

Lots 71 thru 75 incl aud Subd No 33 and Lots 1 thru 6 incl and Lots 9, 10, 17, 18 and 19 blk 3 Cornells addn incl adj vac Alleys Except Hwy

all according to the plats thereof of record in Hennepin County, Minnesota.

According to the plats thereof on file or of record in the office of the Register of Deeds in and for said Hennepin County and more fully described in Petn No 268123 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the Equipment Information System, now recommends that the proper City officers be authorized to execute Change Order No 5 to Contract #11070 with Control Software Inc., Ltd., to improve the management of the City's fleet operation, increasing the total contract by \$28,240, for a new total of \$815,896.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 9, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 13, 2002)

T&PW – Your Committee, having under consideration the Heritage Park (Near Northside) Development, and having received a recommendation from the Transportation Engineer regarding installation of signs in Phase 1 of the development, now recommends that the appropriate City staff be directed to proceed with installation of stop signs, traffic zones, and restrictions and street name sign (as outlined in Petition No 268123). It is clarified that street name signs for Unnamed Street B shall be installed after the City Council takes action on that street's official name.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the proper City officers be authorized to execute Change Orders Numbers 1 – 34 and extra work order #1 to Contract # 17192 (Wick Drain Contract) with Max Steininger, Inc., increasing the contract by \$254,270, reducing the contract by \$80,000, (resulting in a net increase of \$174,270).

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the Minneapolis Police Department Downtown Command Project, now recommends that the proper City officers be authorized to execute Change Orders #1 in the amount of \$56,114.23 and #2 in the amount of \$89,710 to Contract No 02-17764 with Diversified Contracting Specialists Inc., increasing the contract by \$145,824.23 for new total of \$1,940,982.23.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the Bassett Creek Tunnel/MCES Interceptor Realignment, now recommends that the proper City officers be authorized to execute Change Orders #1 and #2 to Contract No 17441 with Lametti & Sons, Inc., increasing the contract amount by \$664,030.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the Minneapolis Street Lighting Policy (Petition No 268123), now recommends that the appropriate City staff be direct to:

a) Return to the Transportation & Public Works Committee with a final Minneapolis Street Lighting Policy for consideration on October 17, 2002;

b) Gain neighborhood input on the proposed policy;

c) Cease from developing new petitions until after a Minneapolis Street Lighting Policy is adopted; and

d) Review the Orfield Proposal and return to Transportation & Public Works Committee on October 17, 2002 with recommendation for study of current street lighting system and future alternatives.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

T&PW & W&M/Budget – Your Committee recommends passage and summary publication of the accompanying Resolution designating the improvement of the alleys in the 2002 Alley Resurfacing Program, Special Improvement of Existing Alleys No. FS02#1.

Schiff moved that the resolution be amended by separating out the N-S alley in the block from 33rd St E to 32nd St E between 22nd Av S and 21st Av S. Seconded.

Adopted by unanimous consent.

Schiff moved to postpone Council action on the N-S alley in the block from 33rd St E to 32nd St E between 22nd Av S and 21st Av S. Seconded.

Adopted upon a voice vote.

The report, with an amended resolution, was adopted.

Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-286, designating the improvement of the 2002 Alley Resurfacing Program (25 alleys located throughout the City of Minneapolis), was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002R-286
By Colvin Roy & Johnson**

**Special Improvement Of Existing Alleys No. FS02#1
2002 Alley Resurfacing Program**

Designating the improvement of the 2002 Alley Resurfacing Program (25 alleys located throughout the City of Minneapolis).

Resolved by The City Council of The City of Minneapolis:

That the following existing alleys within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by overlaying with bituminous material and including other related improvements and work as needed:

1. N-S alley in the block from St. Anthony Pkwy to 32nd Av NE between Lincoln St NE and Buchanan St NE.

2. N-S alley in the block from Lowry Av NE to 26th Av NE between Buchanan St NE and Pierce St NE.

3. N-S and E-W alleys in the block from 22nd Av NE to 23rd Av NE between Ulysses St NE and Johnson St NE.

-
4. N-S alley in the block from 22nd Av NE to Lowry Av NE between Benjamin St NE and Cleveland St NE.
 5. N-S alley in the block from 21st St W to Franklin Av W between Sheridan Av S and Thomas Av S
 6. N-S alley in the block from 39th Av N to 40th Av N between Upton Av N and Vincent Av N.
 7. N-S alley in the block from 39th Av N to 40th Av N between Queen Av N and Russell Av N.
 8. E-W alley in the block from 31st Av N to Lowry Av N between Colfax Av N and Dupont Av N.
 9. N-S alley in the block from 46th St E to 45th St E between 42nd Av S and 41st Av S.
 10. N-S alley in the block from 53rd St E to 52nd St E between 44th Av S and 43rd Av S.
 11. N-S alley in the block from 33rd St E to 32nd St E between Minnehaha Av and Snelling Av.
 12. N-S alley in the block from 56th St W to Diamond Lk Rd E between 1st Av S and Nicollet Av.
 13. N-S alley in the block from 55th St W to 54th St W between Lyndale Av S and Aldrich Av S.
 14. N-S alley in the block from 51st St W to 50th St W between Newton Av S and Oliver Av S.
 15. N-S alley in the block from 54th St W to 53rd St W between Oliver Av S and Penn Av S.
 16. N-S alley in the block from 28th Av NE to 29th Av NE between Grand St NE and Randolph St NE.
 17. N-S alley in the block from 31st Av NE to 32nd Av NE between Buchanan St NE and Pierce St NE.
 18. N-S alley in the block from Franklin Av W to 22nd St W between Girard Av S and Humboldt Av S.
 19. N-S-alley in the block from 22nd St W to 24th St W between Girard Av S and Humboldt Av S.
 20. N-S alley in the block from 34th Av N to 35th Av N between Lyndale Av N and Aldrich Av N.
 21. N-S alley in the block from Franklin Av W to 22nd St W between Garfield Av S and Lyndale Av S.
 22. N-S alley in the block from Lake St W to 31st St W between Emerson Av S and Fremont Av S.
 23. N-S and E-W alleys in the block from 22nd Av NE to 23rd Av NE between Hayes St NE and Ulysses St NE.
 24. N-S and E-W alleys in the block from Olson Hwy frontage rd to 5th Av N between Logan Av N and Morgan Av N.
 25. N-S alley in the block from 34th Av N to 35th Av N between Bryant Av N and Colfax Av N.
- Adopted. Yeas, 13; Nays none.
Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having received a cost estimate of \$200,000 for alley resurfacing improvements and a list of benefited properties for the 2002 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS 02#1, as designated by Resolution 2002R-286 passed August 9, 2002, now recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on August 29, 2002, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated alley resurfacing project.

Adopted. Yeas, 13; Nays none.
Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends passage and summary publication of the accompanying Resolution designating the improvement of a portion of the N-S and E-W alleys in the 1500 block of 22nd Avenue N between Irving and Illion Avenues N, Special Improvement of Existing Alley No FS02#2, relating to the retaining wall project.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.
Approved August 12, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 2002R-287, designating the improvement of a portion of the N-S and E-W alleys in the 1500 block 22nd Avenue N between Irving Ave N and Illion Ave N, was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002R-287
By Colvin Roy and Johnson

SPECIAL IMPROVEMENT OF EXISTING ALLEY NO FS02#2

Designating the improvement of a portion of the N-S and E-W alleys in the 1500 block 22nd Avenue N between Irving Ave N and Illion Ave N.

Resolved by The City Council of The City of Minneapolis:

That the following existing alley within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by removing a failed alley retaining wall and replacing it with a modular block wall, and refurbishing the remaining alley retaining walls and related improvements and work as needed.

N-S and E-W alleys in the 1500 block of 22nd Ave N between Irving Ave N and Illion Ave N.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having received a cost estimate of \$30,000 for alley retaining wall replacement and a list of benefited properties for the alley bounded by 22nd Ave N, Irving Ave N, and Illion Ave N., Special Improvement of Existing Alley No FS02#2, as designated by Resolution 2002R-287 passed August 9, 2002, now recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on August 29, 2002, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated alley retaining wall project.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Midtown Greenway Trail Phase 1, now recommends approval of the First Amendment to City Contract C-18203 that consolidates the previous City Council actions into one contract amendment.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends concurrence with the recommendation of the project Implementation Committee that the proper City officers be authorized to issue a request for proposals (RFP) for independent testing laboratory services during construction of the project.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 9, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 13, 2002)

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends concurrence with the recommendation of the project Implementation Committee that the proper City officers be authorized to issue a request for proposals (RFP) for surveyor services during construction of the project.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 9, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 13, 2002)

W&M/Budget - Your Committee, having under consideration the Convention Center Expansion Project and having received a report indicating that work is complete in regard to the contract with Veit & Company for earthwork, now recommends acceptance of the completion of work under Contract #99-13979 and approval of the final payment to the contractor in the amount of \$100,000, payable from the project budget.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #20 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$68,730, for a new contract total of \$19,597,178;

b) Change Order #13 to Contract #15277 with Swanson & Youngdale, Inc. increasing said contract by \$17,100, for a new contract total of \$1,089,246;

c) Change Order #6 to Contract #14492 with Gage Brothers Concrete Products, Inc., decreasing said contract by \$3,790, for a new contract total of \$1,320,090;

d) Change Order #10 to Contract #14277 with Havens Steel Company, decreasing said contract by \$76,167, for a new contract total of \$21,081,163;

e) Change Order #21 to Contract #15236 with Harris Mechanical, increasing said contract by \$77,654, for a new contract total of \$18,358,130;

f) Change Order #11 to Contract #15235 with Minuti-Ogle Co., Inc., increasing said contract by \$4,542, for a new contract total of \$10,608,806;

g) Change Order #1 to Contract #016377 with Burns Security Company, decreasing said contract by \$6,998, for a new contract total of \$146,884;

h) Change Order #2 to Contract #016377 with Burns Security Company, decreasing said contract by \$712.41, for a new contract total of \$146,171.59.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 9, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published August 13, 2002)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to insert into the September 2002 utility billing an insert sponsored by the Minneapolis Park and Recreation Board informing citizens about how leaves and debris left in the street negatively impact the water quality of the City's lakes, rivers and streams and announcing an event on September 29 to support water quality.

Your Committee further directs that no photos be included in the insert.

Zimmermann moved to amend the report to insert the language, "of elected officials," following the word, "photos." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a request from the Department of Operations and Regulatory Services for approval to hire Mr. James W. Weaver at Step 7 rate of pay for the position of Elevator Inspector, Construction Inspection Services, now recommends that said request be approved.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the funding level in Master Contract #17176 with Jewish Vocational Services from \$250,000 to \$750,000 to continue the RETAIN job advancement program for MFIP participants.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a report outlining staff transition costs of the Mayor and City Council Offices including payment of unemployment compensation, now recommends:

a) Approval to use up to \$75,000 from the General Fund Contingency Account to finance costs related to staff transition within the Mayor's Office;

b) That the Finance Department be directed to prepare a report that analyzes costs incurred in 2002 related to staff transition within the City Council Office along with a recommendation on covering said costs;

c) That the Finance Department be further directed to prepare a policy to fund transition costs for the Mayor and City Council for future transition costs for each election cycle.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the New Central Library Project and having been informed that structural capacity improvements would have to be included in the design of the project if a planetarium is included on the facility roof and that said improvements are estimated to cost \$1.8 million of which the Minneapolis Library Board has committed to fund one-half (\$900,000), now recommends that the request that the City commit to fund the remaining \$900,000 required for the improvements be **sent forward without recommendation**.

Lane moved to amend the report to delete the language, "sent forward without recommendation," and to insert in lieu thereof, the word, "approved." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas - 9; Nays, 4 as follows:

Yeas - Zimmermann, Schiff, Niziolek, Benson, Goodman, Lane, Biernat, Colvin Roy, Ostrow.

Nays - Zerby, Lilligren, Johnson Lee, Johnson.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

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

Z&P - Your Committee, having under consideration the appeals filed by Allison Little, et al, from the decision of the Planning Commission approving the applications submitted by Paul Warnert, dba Bobby & Steve's Autoworld, 5801 Nicollet Ave S for a) a conditional use permit to allow a convenience store with gas pumps; b) a conditional use permit to allow a convenience store with minor automobile repair; c) a conditional use permit to allow a convenience store with a car wash; and d) site plan review of convenience store with gas pumps, minor automobile repair and a car wash (BZZ-636), and having conducted a public hearing thereon, now recommends that the appeals be granted, notwithstanding the decision of the Planning Commission.

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

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal filed by Kathy Barclay, for All God's Children Metropolitan Community Church (BZZ-666), from the decision of the Planning Commission denying an application to reduce the required corner side yard setback along 31st St E from 8 feet to 2 feet for a proposed parking lot at 3101-03 Oakland Ave, and having conducted a public hearing thereon, now recommends that said appeal be granted, notwithstanding the decision of the Planning Commission.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Church of New Life Christian Ministries (#1390) to vacate the 20 foot boulevard reserve in the block bounded by 35th & 36th Sts W and Nicollet & Blaisdell Aves to permit expansion of an existing church and daycare facility at 3536 Nicollet Ave S, now concurs in the recommendation of the Planning Commission to grant said vacation, subject to retention of easement rights by Xcel Energy, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said boulevard reserve.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-288, vacating the 20-foot boulevard reserve in the block bounded by 35th St W, 36th St W, Nicollet Ave S and Blaisdell Ave S was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002R-288

By Schiff

Vacating the 20-foot boulevard reserve in the block bounded by 35th Street West, 36th Street West, Nicollet Avenue South and Blaisdell Avenue South.

Resolved by The City Council of The City of Minneapolis:

That all that part of the 20-foot boulevard reserve in the block bounded by 35th Street West, 36th Street West, Nicollet Avenue South and Blaisdell Avenue South and legally described as Block 6, Park Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed 20-foot boulevard reserve which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: the south 10 feet and the east 10 feet of the south 114 feet of the 20-foot boulevard reserve in the block bounded by 35th Street West, 36th Street West, Nicollet Avenue South and Blaisdell Avenue South, and legally described as Block 6, Park Addition to Minneapolis, 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 corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Douglas Muirhead and Fay Knowles (#1389) to vacate a portion of Antoinette Ave to permit a new detached garage at 1017 Thomas Ave S, now concurs in the recommendation of the Planning Commission to grant said vacation, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said avenue.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-289, vacating part of Antoinette Ave to permit a detached garage at 1017 Thomas Ave S was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002R-289

By Schiff

Vacating part of Antoinette Avenue.

Resolved by The City Council of The City of Minneapolis:

That part of Antoinette Avenue as platted in Norwoods Cedar Lake Park Addition to Minneapolis described as follows: Beginning at the most easterly corner of Lot 5, Block 1, in said Norwoods Cedar Lake Park Addition to Minneapolis; thence Southeasterly on a line radial to the centerline of said Antoinette Avenue, 30.00 feet to said centerline; thence Southwesterly on said centerline to its intersection with a line drawn radial to the Northwesterly line of Lot 1, Block 10, Cedar Lake Park Addition to Minneapolis, from a point distant 44.01 feet Northwesterly, measured along said Northwesterly line, from the most Westerly corner of said Lot 1; thence Northwesterly on last said radial line to its intersection with the southeasterly line of said Lot 5; thence Northwesterly along said Southeasterly line to the point of beginning is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, revising the definition and transferring the position, duties and authority of the Zoning Administrator from the Director of Inspections to the Planning Director, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

Amending Chapter 520 relating to *Zoning Code: Introductory Provisions*;

Amending Chapter 525 relating to *Zoning Code: Administration & Enforcement*.

Your Committee further recommends summary publication of the above-described ordinances.

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

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

Nays - Zerby.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-082 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160, "Definitions," transferring the Zoning Administrator function from the Director of Inspections to the Minneapolis City Planning Director was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002-Or-082

By Schiff

Intro & 1st Reading: 6/7/2002

Ref to: Z&P

2nd Reading: 8/9/2002

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

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

Section 1. That the following definition in Section 520.160 of the above-entitled ordinance be amended to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of

this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Zoning administrator. The director of the ~~City of Minneapolis Inspections Department~~ Minneapolis City Planning Department or his or her authorized representative.

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

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

Nays - Zerby.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-083 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration & Enforcement*, transferring the position, duties and authority of the Zoning Administrator from the Director of Inspections to the Planning Director, was passed August 9, 2002 by the City Council and approved August 12, 2002 by the Mayor. 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 2002-Or-083

By Schiff

Intro & 1st Reading: 6/7/2002

Ref to: Z&P

2nd Reading: 8/9/2002

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

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

Section 1. That Section 525.90 of the above-entitled ordinance be amended to read as follows:

525.90. Zoning administrator. (a) *Establishment.* There is hereby established the office of the zoning administrator. The zoning administrator shall be the ~~director of inspections~~ planning director or his or her authorized representative.

(b) *Jurisdiction and authority.* The zoning administrator shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To interpret and administer the provisions of this zoning ordinance and maintain records of such interpretations.

(2) To issue zoning certificates and maintain records thereof.

(3) To maintain permanent and current records of this zoning ordinance, including but not limited to all maps, amendments, conditional use permits, variances, appeals, site plan reviews and expansions or changes of nonconforming use, and applications therefor.

(4) To provide information relative to all matters arising out of the zoning ordinance.

(5) To receive, review, file and forward all complete land use applications to their respective review bodies, as provided in this zoning ordinance.

(6) To review and make recommendations on proposed amendments to this zoning ordinance.

(7) To issue zoning certificates regulating temporary uses, pursuant to Chapter 535, Regulations of General Applicability.

(8) To issue certificates of nonconforming use for structures, pursuant to Chapter 531, Nonconforming Uses and Structures.

(9) To maintain all zoning records which are a part of the administration of the zoning codes adopted in 1924 and 1963.

~~(10) To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.~~

~~(11)(10) To serve as the secretary for the board of adjustment.~~

~~(12)(11) To establish and administer rules and regulations relating to the administration of this zoning ordinance, including application forms.~~

~~(13)(12) To consult with the city engineer to determine compliance with standards for uses within the FP Floodplain Overlay District, as specified in Chapter 551, Overlay Districts, and maintain records thereof, and notify the Minnesota Commissioner of Natural Resources when the giving of any notice is required by this zoning ordinance.~~

~~(14)(13) To perform the administrative review of permitted communication towers, antennas, and base units.~~

~~(15)(14) To perform minor site plan administrative review, as specified in Chapter 530, Site Plan Review.~~

~~(16)(15) To take such other actions as reasonable and necessary for the administration and enforcement of this zoning ordinance.~~

Section 2. That a new Section 525.95 of the above-entitled ordinance be added to read as follows:

525.95. Director of inspections. The director of inspections shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.

(2) To take such other actions as reasonable and necessary for the enforcement of this zoning ordinance.

Section 3. That Section 525.110(b)(2) of the above-entitled ordinance be amended to read as follows:

525.110. Board of adjustment.

(b) *Jurisdiction and authority.* The board of adjustment shall have the following powers and duties in connection with the administration of this zoning ordinance:

(2) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, director of inspections, planning director or other official in the administration or the enforcement of this zoning ordinance.

Section 4. That Section 525.170 of the above-entitled ordinance be amended to read as follows:

525.170. Appeals of decisions of the zoning administrator. All findings and decisions of the zoning administrator, director of inspections, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within twenty (20) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

Section 5. That Section 525.540 of the above-entitled ordinance be amended to read as follows:

525.540. Complaints regarding violations. ~~The zoning administrator~~ director of inspections shall have the authority to investigate any complaint alleging a violation of the zoning ordinance or the conditions of any zoning approval and to take such action as is warranted in accordance with the procedures set forth in this chapter.

Section 6. That Section 525.550 of the above-entitled ordinance be amended to read as follows:

525.550. Procedures upon discovery of violations. (a) *Notice of violation.* The ~~zoning administrator~~ director of inspections shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. The written notice shall advise that the ~~zoning administrator's~~ decision or order may be appealed to the board of adjustment in accordance with the provisions of section 525.170. Additional written notices may be provided at the ~~zoning administrator's~~ discretion of the director of inspections. Where the violation involves work being done contrary to the provisions of this zoning ordinance, the director of inspections may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

(b) *Enforcement without notice.* Whenever the ~~zoning administrator~~ director of inspections finds that an emergency exists in relation to the enforcement of the provision of the zoning ordinance which requires immediate action to protect the health, safety or welfare of occupants of any structure, or the public, the ~~zoning administrator~~ director of inspections may seek immediate enforcement without prior written notice, notwithstanding any other provision of this ordinance.

Section 7. That Section 525.560 of the above-entitled ordinance be amended to read as follows:

525.560. Conditional use permit and site plan review revocation. (a) *In general.* The ~~zoning administrator~~ director of inspections shall have the authority to recommend revocation of a conditional use permit or site plan review approval to the city council when the ~~zoning administrator~~ director of inspections has determined that the terms of such approval have been violated, subject to section 525.550 above.

(b) *Revocation hearing.* The zoning and planning committee of the city council shall hold a public hearing to determine whether there has been a violation of the conditional use permit or site plan review approval and whether the conditional use permit or site plan review approval shall be revoked. Not less than ten (10) days before such public hearing, the ~~zoning administrator~~ director of inspections shall mail notice of the hearing to any person responsible for such violation, the owner(s) of record of the subject property, all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property and the registered neighborhood group(s) for the neighborhood in which the subject property is located. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

Section 8. That Section 525.570(d) of the above-entitled ordinance be amended to read as follows:

525.570. Fees for reinspection of property to determine abatement.

(d) *Waiver.* Upon written request by the applicant, the ~~zoning administrator~~ director of inspections may, for good cause shown and without any notice or hearing, waive a reinspection fee.

Section 9. That Section 525.580(c) of the above-entitled ordinance be amended to read as follows:

525.580. Penalties and remedies for violations.

(c) Each day that any violation continues after notification by the ~~zoning administrator~~ director of inspections that such violation exists shall be considered a separate offense for purpose of the penalties and remedies specified in this section.

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

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

Nays - Zerby.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Zimmermann, Chair of the Claims Committee, moved concurrence in the reports received from the Finance Department (Petn No 268133) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Donna Bachman for a residential block event to be held Friday, August 2, 2002, between the hours of 4:00 p.m. and 10:00 p.m. on 10th Avenue South between 54th and 55th Streets. Seconded.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Carol Henderson for a residential block event to be held Wednesday, August 14, 2002, between the hours of 12:00 noon and 10:00 p.m. on Logan Avenue South between 54th and 55th Streets West. Seconded.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Jennifer Carr for a residential block event to be held Friday, August 9, 2002, between the hours of 4:00 p.m. and 10:00 p.m. on Wentworth Avenue South between 57th and 58th Streets. Seconded.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Johnson moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Margie McDowell for Miracle Mission for a residential block event to be held Saturday, August 17, 2002, between the hours of 11:00 a.m. and 4:00 p.m. on Cowery Avenue between Emerson and Freemont Avenues North. Seconded.

Adopted. Yeas, 13; Nays none.

Passed August 9, 2002.

Approved August 12, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

AUGUST 9, 2002

UNFINISHED BUSINESS

Tariq Restaurant (137 E Franklin Av): Revoke Restaurant License for failure to complete site plan review process. (Postponed 6/7/2002, PS&RS)

Auto Mart (501 W Lake St): Revoke Site Plan Review Permit SP-215 and Motor Vehicle Dealer - Used Car (Additional Lot) License for failure to complete site plan review process. (Postponed 7/12/2002, PS&RS)

Ya Vang (1821 W. Broadway): Deny waiver from W Broadway moratorium to establish a used car dealership. (Postponed 7/26/2002, Z&P)

By unanimous consent, the above three reports continued to be postponed.

Lilligren moved to adjourn. Seconded.
Adopted. Yeas, 13; Nays none.

Adjourned.

Merry Keefe,
City Clerk.

Created: 08/12/2002;
Modified: 08/16/2002;
Corrected: 08/19/02; 9/19/02;
11/5/02